
Friday
February 24, 1995

Federal Register

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- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
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 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: March 23 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

DALLAS, TX

WHEN: March 30 at 9:00 am
WHERE: Conference Room 7A23 Earle Cabell Federal Building and Courthouse 1100 Commerce Street Dallas, TX 75242
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Electronic Bulletin Board

Free **Electronic Bulletin Board** service for Public Law
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documents on public inspection is available on 202–275–
1538 or 275–0920.

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Federal Register

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Friday, February 24, 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

Grain Inspection, Packers and Stockyards Administration

7 CFR Chapter VIII

7 CFR Chapter I, Part 68

9 CFR Chapter II

Use of Direct Final Rulemaking

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Policy statement.

SUMMARY: The Grain Inspection, Packers and Stockyards Administration (GIPSA) is implementing a new rulemaking procedure to expedite making noncontroversial changes to regulations. Rules that the agency judges to be noncontroversial and unlikely to result in adverse comments will be published as "direct final" rules. {"Adverse comments" are comments that suggest that a rule should not be adopted or suggest that a change should be made to the rule.} Such direct final rules will advise the public that no adverse comments are anticipated, and that unless written adverse comments or written notice of intent to submit adverse comments are received within 30 days, the revision made by the rule will be effective 60 days from the date the direct final rule is published in the **Federal Register**. This new policy should expedite the promulgation of routine or otherwise noncontroversial rules by reducing the time that would be required to develop, review, clear, and publish separate proposed and final rules.

ADDRESSES: If you wish to submit comments on this notice, please send them to George Wollam, USDA, GIPSA, room 0623-S, P.O. Box 96454, Washington, DC 20090-6454. Comments received may be inspected at

USDA, room 0623, South Building, 14 and Independence Ave SW, Washington, DC between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT:

George Wollam, address same as above, (202) 720-0292.

SUPPLEMENTARY INFORMATION: GIPSA is committed to improving the efficiency of its regulatory processes to fulfill agency missions in a manner that imposes the least necessary burden. In pursuit of this goal, GIPSA plans to employ the rulemaking technique known as "direct final rulemaking" to promulgate some of its rules.

The Direct Final Rule Process

Rules that the agency judges to be noncontroversial and unlikely to result in adverse comments will be published as direct final rules. Such direct final rules advise the public that no adverse comments are anticipated, and that unless written adverse comments or written notice of intent to submit adverse comments are received within 30 days, the revision made by the rule will be effective 60 days from the date the direct final rule is published in the **Federal Register**.

By "adverse comment" we mean comments that suggest that the rule should not be adopted or that suggest that a change should be made to the rule. A comment expressing support for the rule as published would obviously not be considered adverse. Neither would a comment suggesting that requirements in the rule should, or should not, be employed by GIPSA in other programs or situations outside the scope of the direct final rule.

In accordance with the rulemaking provisions of the Administrative Procedures Act (5 U.S.C. 553), this procedure gives the public general notice of GIPSA's intent to adopt a rule and gives interested persons an opportunity to participate in the rulemaking through submission of comments. The major feature of direct final rulemaking is that if GIPSA receives no written adverse comments within 30 days of the publication of a direct final rule, nor any written notice of intent to submit adverse comments, the rule will become effective without the need to publish a separate rule.

If GIPSA receives written adverse comments or written notice of intent to

submit adverse comments within 30 days of the publication of a direct final rule, a notice of withdrawal of the direct final rule will be published in the **Federal Register** and a proposed rule will be published establishing a comment period for the rule making action. Following the close of the comment period, the comments will be considered, and a final rule addressing the comments will be published.

As discussed above, if GIPSA receives no written adverse comments within 30 days of the publication of a direct final rule, nor any written notice of intent to submit adverse comments, the direct final rule will become effective 60 days following publication. However, GIPSA will publish a notice in the **Federal Register** indicating that no adverse comments were received on the direct final rule, and confirming that it is effective on the date indicated in the direct rule.

Determining When To Use Direct Final Rulemaking

Not all GIPSA rules are good candidates for direct final rulemaking. Many GIPSA rules address complex marketing and regulatory situations where the trade and public may have a variety of opinions to offer on the need for the rule, or possible alternative methods for achieving the purpose of the rule. In these cases, GIPSA plans to continue to publish a proposed rule and establish a comment period to allow submission of comments, followed by a final rule addressing the comments.

GIPSA plans to use direct final rulemaking on a case-by-case basis when we do not anticipate adverse comments. The decision to use direct final rulemaking for a rule would be based upon our experience with similar rules. If similar rules were published in the past as proposals that did not elicit adverse comments, we would consider publishing such rules in the future as direct final rules.

Dated: February 15, 1995.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95-4496 Filed 2-23-95; 8:45 am]

BILLING CODE 3410-EN-M

Food Safety and Inspection Service**9 CFR Parts 317 and 381**

[Docket No. 94-029F-C]

Nutrition Labeling of Meat and Poultry Products; Codification; Correction

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule; correction.

SUMMARY: The Food Safety and Inspection Service (FSIS) is correcting an amendment to its final nutrition labeling regulations. The amendment was published in the **Federal Register** on January 3, 1995 (60 FR 174).

EFFECTIVE DATE: February 24, 1995.

FOR FURTHER INFORMATION CONTACT: Charles R. Edwards, Director, Product Assessment Division, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC, (202) 254-2565.

SUPPLEMENTARY INFORMATION:**Need for Correction**

On January 3, 1995, FSIS published in the **Federal Register** (60 FR 174) an amendment to its final nutrition labeling regulations. The amendment provided codified language for provisions that previously cross-referenced those requirements that FSIS adopted, which were contained in the Food and Drug Administration's (FDA) final nutrition labeling regulations. In the January 3, 1995, publication, FSIS inadvertently omitted a provision in the poultry products inspection regulations that relates to the modified nutrition label format. Paragraph (g)(4) of 9 CFR 381.409 (which was paragraph (f)(4) in the nutrition labeling final rule (58 FR 632)) was omitted when revising 9 CFR 381.409. Therefore, FSIS is adding paragraph (g)(4) to § 381.409 of the poultry products inspection regulations.

List of Subjects 39 CFR Part 381

Food labeling, Poultry and poultry products.

Accordingly, the codification of the final rule on nutrition labeling of meat and poultry products, published January 3, 1995, (60 FR 174), is corrected as follows:

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

1. The authority citation for part 381 continues to read as follows:

Authority: 7 U.S.C. 138f; 7 U.S.C. 450; 21 U.S.C. 451-470; 7 CFR 2.17, 2.55.

2. Section 381.409 is corrected by adding paragraph (g)(4) to read as follows:

§ 381.409 Nutrition label content.

* * * * *

(g) * * *
(4) Presenting the required information on any other label panel.

* * * * *

Done at Washington, DC, on February 14, 1995.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 95-4521 Filed 2-23-95; 8:45 am]

BILLING CODE 3410-DM-P

9 CFR Parts 318 and 381

[Docket No. 90-010F]

Incorporation by Reference; Updating of Text; Correction

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule; correction.

SUMMARY: The Food Safety and Inspection Service is amending the meat and poultry products inspection regulations to correct references to the "Official Methods of Analysis of the Association of Official Analytical Chemists" book of methods.

EFFECTIVE DATE: February 24, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Paula M. Cohen, Director, Regulations Development, Policy, Evaluation and Planning Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250-3700, (202) 720-7164.

SUPPLEMENTARY INFORMATION: Title 1 of the Code of Federal Regulations (1 CFR part 51) requires that an Agency seeking approval of a change to a publication that is approved for incorporation by reference in the Code of Federal Regulations publish notice of the change in the **Federal Register** and amend the Code of Federal Regulations. The Agency must also ensure that a copy of the amendment or revision is on file at the Office of the Federal Register and notify the Director of the Federal Register in writing that the change is being made.

On June 30, 1994, at 59 FR 33641, the Food Safety and Inspection Service published a final rule updating references to the "Official Methods of Analysis of the Association of Official Analytical Chemists" (AOAC) book of methods in various sections of the Federal meat and poultry products inspection regulations. 9 CFR 318.19(b) contains two footnote reference errors.

These errors are corrected by removing footnote 1 from the first sentence of section 318.19(b) and renumbering footnote 2 of section 318.19(b) as footnote 1. In addition, there is also an incorrect footnote number in section 318.21(b)(3)(viii). Footnote five to section 318.21(b)(3)(viii) now reads as footnote 4. Finally, footnote 4 of 9 CFR 381.153(b)(3)(viii) was inadvertently omitted from the final regulations. It is now included as part of the text of section 381.153(b)(3)(viii).

The "Official Methods of Analysis of the Association of Official Analytical Chemists" (AOAC) book of methods has been previously approved for incorporation by reference. Because this amendment merely corrects errors in footnote references, it is found upon good cause that public participation in this rulemaking procedure is unnecessary and good cause is found for making the amendment effective less than 30 days after publication in the **Federal Register** (5 U.S.C. 553).

List of Subjects**9 CFR Part 318**

Accredited laboratory program, Cured pork products, Incorporation by reference, Meat inspection.

9 CFR Part 381

Accredited laboratory program, Incorporation by reference, Poultry products inspection.

For reasons set out in the preamble, 9 CFR parts 318 and 381 are amended as set forth below.

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

1. The authority citation for part 318 continues to read as follows:

Authority: 7 U.S.C. 450, 1901-1906; 21 U.S.C. 601-695; 7 CFR 2.17, 2.55.

2. Section 318.19(b) is amended by removing footnote 1 from the first sentence, republishing the second and third sentences, and redesignating footnote 2 as footnote 1 to read as follows:

§ 318.19 Compliance procedure for cured pork products.

* * * * *

(b) *Normal Compliance Procedures.*
* * * Analyses shall be conducted in accordance with the "Official Methods of Analysis of the Association of Official Analytical Chemists" §§ 950.46, and 928.08 (Chapter 39).¹ The "Official

¹ A copy of the "Official Methods of Analysis of the Association of Official Analytical Chemists," 15th edition, 1990, is on file with the Director,

Methods of Analysis of the Association of Official Analytical Chemists," 15th edition, 1990, is incorporated by reference with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.* * *

* * * * *

3. Section 318.21(b)(3)(viii) is republished and footnote number 5 is redesignated as footnote 4 to read as follows:

§ 318.21 Accreditation of chemistry laboratories.

* * * * *

(b) * * *

(3) * * *

(viii) Use official AOAC methods⁴ on official and check samples. The "Official Methods of Analysis of the Association of Official Analytical Chemists," 15th edition, 1990, is incorporated by reference with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

* * * * *

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

4. The authority citation for part 381 continues to read as follows:

Authority: 7 U.S.C. 450; 21 U.S.C. 451–470; 7 CFR 2.17, 2.55.

5. Section 381.153(b)(3)(viii) is amended by revising footnote 4 and republishing paragraph (b)(3)(viii) to read as follows:

§ 381.153 Accreditation of chemistry laboratories.

* * * * *

(b) * * *

(3) * * *

(viii) Use official AOAC methods⁴ on official and check samples. The "Official Methods of Analysis of the Association of Official Analytical Chemists," 15th edition, 1990, is incorporated by reference with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

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Office of the Federal Register, and may be purchased from the Association of Official Analytical Chemists, Inc., 2200 Wilson Boulevard, Suite 400, Arlington, Virginia 22201.

⁴ A copy of the "Official Methods of Analysis of the Association of Official Analytical Chemists," 15th edition, 1990, is on file with the Director, Office of the Federal Register, and may be purchased from the Association of Official Analytical Chemists, Inc., 2200 Wilson Boulevard, Suite 400, Arlington, Virginia 22201.

Done at Washington, DC, on February 14, 1995.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 95–4522 Filed 2–23–95; 8:45 am]

BILLING CODE 3410–DM–P

9 CFR Part 327

[Docket No. 94–010F]

Imported Product: Withdrawal of Czechoslovakia; Addition of the Czech Republic to the List of Eligible Countries

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations (9 CFR 327.2) to affirm that the newly formed country of the Czech Republic continues to be eligible to have its meat products imported into the United States. The regulations are also amended to delete Czechoslovakia from the list of countries eligible to have their meat products imported into the United States.

Based on mutual agreement, Czechoslovakia peacefully divided into the Czech Republic and the Slovak Republic on January 1, 1993. The meat inspection program recognized by the United States as meeting the requirements of the Federal meat inspection regulations and eligible to have its meat products imported into the United States is a program of the Czech Republic.

DATES: This rule will be effective on April 25, 1995 unless we receive written adverse comments or written notice of intent to submit adverse comments on or before March 27, 1995.

ADDRESSES: Adverse comments or notice of intent to submit adverse comments should be sent in triplicate to Regulations Development, Policy, Evaluation and Planning Staff, Attention: Diane Moore, FSIS Docket Clerk, Food Safety and Inspection Service, Room 3171, South Agriculture Building, U. S. Department of Agriculture, Washington, DC 20250. Comments should refer to Docket No. 94–010F. All comments will be available for public inspection from 8:30 a.m. to 1 p.m. and 2 p.m. to 4:30 p.m., Monday through Friday, in Room 3171, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Dr. John C. Prucha, Deputy Administrator, International Programs, Food Safety and Inspection Service, USDA, Washington, DC 20250 (202) 720-2644.

SUPPLEMENTARY INFORMATION:

Background

In 1972, Czechoslovakia completed the eligibility process for importation of meat products into the United States. The country maintained its eligibility until it split into two separate republics on January 1, 1993: the Czech Republic and the Slovak Republic.

In October 1993, inspection officials of the Czech Republic notified FSIS that the new country continues to maintain a meat inspection system under the same laws and regulations as existed when it was a part of Czechoslovakia. These laws and regulations were previously determined by FSIS to be "at least equal to" the meat inspection standards applied to products produced in the United States. Further, FSIS recently determined that the Czech Republic employs qualified and competent inspectors to ensure that the standards are effectively enforced for products prepared for importation into the United States.

The part of Czechoslovakia which became the Slovak Republic has never had any certified meat inspection plants nor had any meat or meat products imported into the United States. Due to this history and absence of other pertinent information, FSIS is uncertain if the Slovak Republic's meat inspection system is "at least equal to" that of the United States. Therefore, the Slovak Republic will be required to request and receive approval from FSIS before it will be deemed eligible to have its meat and meat products imported into the United States.

Effective Date

We are publishing this rule without a prior proposal because we view this action as noncontroversial and anticipate no adverse public comment. This rule will be effective, as published in this document, April 25, 1995 unless we receive written adverse comments or written notice of intent to submit adverse comments by March 27, 1995. Adverse comments are comments that suggest the rule should not be adopted or that suggest the rule should be changed.

If we receive written adverse comments or written notice of intent to submit adverse comments, we will publish a notice in the **Federal Register**

withdrawing this rule before the effective date and publish a proposed rule for public comment.

As discussed above, if we receive no written adverse comments or written notice of intent to submit adverse comments within 30 days of publication of this direct final rule, this direct final rule will become effective 60 days following its publication.

Executive Order 12866

This rule has been determined not to be significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget.

Executive Order 12778

This direct final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Effects on Small Entities

The Administrator has made a determination that this direct final rule would not have a significant economic impact on a substantial number of small entities, in accordance with the requirements of the Regulatory Flexibility Act (5 U.S.C. 601). This action adds the Czech Republic to the list of countries eligible to have their meat products imported into the United States and removes Czechoslovakia. The current amount of product exported to the United States from the Czech Republic is expected to remain the same as was exported to the United States from the former Czechoslovakia.

List of Subjects in 9 CFR Part 327

Imported products; Meat inspection.

PART 327—IMPORTED PRODUCTS

1. The authority citation for part 327 continues to read as follows:

Authority: 21 U.S.C. 601-695; 7 CFR 2.17, 2.55.

§ 327.2 [Amended]

2. Paragraph (b) of § 327.2 is amended by removing "Czechoslovakia" and adding the "Czech Republic" to the alphabetical list of countries eligible to have their products from cattle, sheep, swine, and goat imported into the United States.

Done at Washington, DC, on February 14, 1995.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 95-4520 Filed 2-23-95; 8:45 am]

BILLING CODE 3410-DM-P

FEDERAL RESERVE SYSTEM

12 CFR Part 265

[Docket No. R-0871]

Rules Regarding Delegation of Authority

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: This rule delegates to the General Counsel of the Board of Governors of the Federal Reserve System (Board) the authority to approve requests for assistance from, and to share information with, foreign banking authorities pursuant to the Federal Deposit Insurance Act (FDI Act). This delegation of authority is intended to aid in the expeditious processing of requests for assistance from foreign banking authorities.

EFFECTIVE DATE: February 17, 1995.

FOR FURTHER INFORMATION CONTACT: Paul A. Vogel, Attorney (202/452-3428), Legal Division, Board of Governors of the Federal Reserve System. For the hearing impaired only, Telecommunications Device for the Deaf (TDD), contact Dorthea Thompson (202/452-3544), Board of Governors of the Federal Reserve System, 20th & C Street, NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION: Section 8(v) of the FDI Act (12 U.S.C. 1818(v)) permits the Board to provide assistance to a foreign banking authority if such authority states that it is conducting an investigation to determine whether any person has violated, is violating, or is about to violate any banking or currency transaction law or regulation administered or enforced by the requesting authority. Section 8(v) of the FDI Act permits the Board, in its discretion, to investigate and to collect and disclose information to a foreign banking authority upon the request of such authority. Any such investigation shall comply with the laws of the United States and the policies and procedures adopted by the Board. In deciding whether to provide assistance to the foreign banking authority, the FDI Act requires the Board to consider (1) whether the requesting authority has agreed to provide reciprocal assistance to the Board and to the other Federal

banking agencies and (2) whether compliance with the request would prejudice the public interest of the United States.

The Board has delegated to its General Counsel the authority to approve requests for assistance from foreign banking authorities pursuant to section 8(v) of the FDI Act. This delegation of authority is consistent with previous Board action with respect to cooperation with foreign supervisors. On January 28, 1993, (58 FR 6348) the Board issued a final rule implementing portions of the Foreign Bank Supervision Enhancement Act of 1991 (FBSEA). The final rule included a provision delegating to the General Counsel the authority to make the determinations necessary to disclose information to foreign bank supervisory authorities pursuant to the FBSEA. Section 206 of the FBSEA (12 U.S.C. 3109) permits the Board to share supervisory information with its foreign counterparts after, among other things, obtaining an agreement to maintain the confidentiality of the information when necessary under applicable law. Because the cooperation authorities under the FDI Act and the FBSEA are overlapping, the Board has delegated to the General Counsel the authority to approve requests for assistance from foreign banking authorities pursuant to section 8(v) of the FDI Act.

The provisions of the Administrative Procedures Act (APA) (5 U.S.C. 553) relating to notice, public participation, and deferred effective date have not been followed in connection with the adoption of this amendment because the change to be effected is procedural in nature and does not constitute a substantive rule subject to the requirements of that section. The APA grants a specific exemption from its requirements relating to notice and public participation in this instance (12 U.S.C. 553(b)(3)(A)), and good cause exists to find that the nature of this amendment makes a notice and public comment procedure unnecessary.

Regulatory Flexibility Act Analysis

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601-612), the Board hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 12 CFR Part 265

Authority delegations (Government agencies), Banks banking, Federal Reserve System.

For the reasons set out in the preamble, the Board is amending 12 CFR Part 265 as set forth below:

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

1. The authority citation for Part 265 continues to read as follows:

Authority: 12 U.S.C. 248 (i) and (k).

2. Section 265.6 is amended by revising paragraph (b)(2) and by adding paragraph (b)(3) to read as follows:

§ 265.6 Functions delegated to General Counsel.

* * * * *

(b) * * *

(2) *Disclosure to foreign authorities.* To make the determinations required for disclosure of information to a foreign bank regulatory or supervisory authority, and to obtain, to the extent necessary, the agreement of such authority to maintain the confidentiality of such information to the extent possible under applicable law.

(3) *Assistance to foreign authorities.* To approve requests for assistance from any foreign bank regulatory or supervisory authority that is conducting an investigation regarding violations of any law or regulation relating to banking matters or currency transactions administered or enforced by such authority, and to make the determinations required for any investigation or collection of information and evidence pertinent to such request. In deciding whether to approve requests for assistance under this paragraph, the General Counsel shall consider:

(i) Whether the requesting authority has agreed to provide reciprocal assistance with respect to banking matters within the jurisdiction of any appropriate Federal banking agency;

(ii) Whether compliance with the request would prejudice the public interest of the United States; and

(iii) Whether the request is consistent with the requirement that the Board conduct any such investigation in compliance with the laws of the United States and the policies and procedures of the Board.

* * * * *

By order of the Board of Governors of the Federal Reserve System, February 17, 1995.

William W. Wiles,

Secretary of the Board.

[FR Doc. 95-4547 Filed 2-23-95; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 93-CE-41-AD; Amendment 39-9136; AD 95-02-18]

Airworthiness Directives; Beech Aircraft Corporation Models 1900, 1900C, and 1900D Airplanes; Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This action makes a correction to Airworthiness Directive (AD) 95-02-18 concerning Beech Aircraft Corporation Models 1900, 1900C, and 1900D airplanes, which was published in the **Federal Register** on February 3, 1995 (60 FR 6652). That publication inadvertently referenced an incorrect repetitive inspection interval for Models 1900 and 1900C airplanes with a part number 129-910032-79 engine truss installed. The inspection interval in sections B and C of the engine truss should be 3,000 hours time-in-service (TIS) instead of 100 hours TIS. This action corrects the AD to reflect this repetitive inspection interval.

EFFECTIVE DATE: March 25, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Steven E. Potter, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4124; facsimile (316) 946-4407.

SUPPLEMENTARY INFORMATION: On January 26, 1995, the Federal Aviation Administration (FAA) issued AD 95-

02-18, Amendment 39-9136 (60 FR 6652, February 3, 1995), which applies to Beech Models 1900, 1900C, and 1900D airplanes. This AD supersedes AD 92-06-09, Amendment 39-8189, with a new AD that requires repetitively inspecting the engine trusses for cracks, repairing or replacing any cracked engine truss, and installing reinforcement doublers on certain airplanes.

The AD inadvertently references an incorrect repetitive inspection interval for Beech Models 1900 and 1900C airplanes with a part number 129-910032-79 engine truss installed. The inspection interval in sections B and C of the engine truss should be 3,000 hours TIS instead of 100 hours TIS. This action corrects the AD to reflect this repetitive inspection interval.

Need for Correction

As published, the final regulations have incorrectly referenced the repetitive inspection interval for Beech Models 1900 and 1900C airplanes with a part number 129-910032-79 engine truss installed. The way the final regulations are currently written will make operators repetitively inspect Sections B and C of the engine truss more often than was intended or proposed in the notice of proposed rulemaking.

Correction of Publication

Accordingly, the publication of February 3, 1995 (60 FR 6652) of Amendment 39-9136; AD 95-02-18, which was the subject of FR Doc. 94-2403, is corrected as follows:

§ 39.13 [Corrected]

On page 6653, in paragraph (b), in the Chart that spreads across all three columns, change the second entry in the Repetitive Inspection column from "Every 100 hours TIS." to "Every 3,000 hours TIS." The chart will now read as follows:

Models	Area specified in figure 1 of Beech SB No. 2255, rev. VI	Initial inspection	Repetitive inspection
1900 and 1900C	A	Upon accumulating 1,400 hours TIS*	Every 100 hours TIS.
1900 and 1900C	B and C	Upon accumulating 3,200 hours TIS*	Every 3,000 hours TIS.
1900D	A	Upon accumulating 3,200 hours TIS*	Every 450 hours TIS.
1900D	B and C	Upon accumulating 3,200 hours TIS*	Every 3,000 hours TIS

*Or within the next 100 hours TIS after the effective date of this AD, whichever occurs later.

Issued in Kansas City, Missouri, on February 15, 1995.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-4371 Filed 2-23-95; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 94-ANE-57; Amendment 39-9150; AD 95-03-14]

Airworthiness Directives; Teledyne Continental Motors IO-346, IO-520, and IO-550 Series Reciprocating Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Teledyne Continental Motors (TCM) IO-346, IO-520, and IO-550 series reciprocating engines, that currently requires initial and repetitive inspections of the engine mount brackets for cracks, and if found cracked, replacement with improved design engine mount brackets. All engine mount brackets require replacement with improved design engine mount brackets at the next engine removal after the effective date of that airworthiness directive (AD). This amendment clarifies the identification procedures to determine which engine mount brackets must be inspected. This amendment is prompted by reports that the engine mount bracket part numbers, which are ink stamped, can be easily obliterated. The actions specified by this AD are intended to prevent engine separation from the aircraft due to cracks in the engine mount brackets.

DATES: Effective March 13, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 13, 1995.

Comments for inclusion in the Rules Docket must be received on or before April 25, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94-ANE-57, 12 New England Executive Park, Burlington, MA 01803-5299.

The service information referenced in this AD may be obtained from Teledyne Continental Motors, P.O. Box 90, Mobile, AL 36601; telephone (334) 438-3411. This information may be

examined at the FAA, New England Region, Office of the Assistant Chief Counsel, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jerry Robinette, Aerospace Engineer, Atlanta Aircraft Certification Office, FAA, Small Airplane Directorate, Campus Building, 1701 Columbia Ave., Suite 2-160, College Park, GA 30337-2748; telephone (404) 305-7371, fax (404) 305-7348.

SUPPLEMENTARY INFORMATION: On April 19, 1994, the Federal Aviation Administration (FAA) issued airworthiness directive (AD) 94-09-07, Amendment 39-8896 (59 FR 23148, May 5, 1994), applicable to certain Teledyne Continental Motors (TCM) IO-346, IO-520, and IO-550 series reciprocating engines, to require initial and repetitive dye penetrant inspections for cracks in certain lower left engine mount brackets, Part Number (P/N) 630695. If the lower left engine mount bracket is found cracked, that AD requires replacing both the lower left and lower right engine mount brackets with improved design engine mount brackets, P/N 653306 and 653305, respectively. If a crack is not detected, the lower left engine mount bracket requires repetitive inspections at intervals not to exceed 500 hours time in service (TIS) until the next engine removal, at which time engine mount brackets, P/N 630694 and 630695, are replaced with improved design engine mount brackets, P/N 653306 and 653305. Installation of these improved design engine mount brackets constitutes terminating action to the inspection requirements of that AD. That action was prompted by reports of cracks in engine mount brackets on engines that have completed at least one overhaul cycle. That condition, if not corrected, could result in engine separation from the aircraft due to cracks in the engine mount brackets.

Since the issuance of that AD, the FAA has received reports of difficulty in identifying the engine mount brackets that must be inspected. The P/N is ink-stamped on the part and is quite easily obliterated. The problem arises when the Casting Number (C/N), which is different from the P/N, is mistaken for the P/N, and the AD is incorrectly believed to not apply.

The FAA has reviewed and approved the technical contents of TCM Mandatory Service Bulletin (MSB) No. MSB94-9, dated October 21, 1994, that provides positive identification of affected engine mount brackets that

require inspection, and replacement, if necessary.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of this same type design, this AD supersedes AD 94-09-07 to clarify the identification procedures to determine which engine mount brackets must be inspected. The actions are required to be accomplished in accordance with the MSB described previously.

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

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94-ANE-57." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-8896 (59 FR 23148, May 5, 1994), and by adding a new airworthiness directive, Amendment 39-9150, to read as follows:

95-03-14 Teledyne Continental Motors:
Amendment 39-9150. Docket 94-ANE-57. Supersedes AD 94-09-07, Amendment 39-8896.

Applicability: Teledyne Continental Motors (TCM) engine models IO-346A, IO-346B, IO-520C, IO-520CB, and IO-550C; rebuilt engine model IO-520C with serial numbers (S/N) 287051-R and lower; rebuilt engine model IO-520CB with S/N 282226-R and lower; rebuilt engine model IO-550C with S/N 271742-R and lower; and all

factory overhauled IO-520C, IO-520CB, and IO-550C engines with a build date prior to August 6, 1992. These engines are installed on but not limited to Beech model A23, A23A, 95-C55, 95-C55A, D55, D55A, E55, E55A, 58, and 58A airplanes.

Compliance: Required as indicated, unless accomplished previously.

To prevent engine separation from the aircraft due to cracks in the engine mount brackets, accomplish the following:

(a) For engines with engine mount brackets that have completed at least one engine overhaul or rebuild cycle, or have accumulated 2,500 or more hours time in service (TIS) on the effective date of this airworthiness directive (AD), inspect the lower left engine mount bracket, Part Number (P/N) 630695 or Casting Number (C/N) 630724, for cracks using the dye penetrant techniques specified in this paragraph and in accordance with TCM Mandatory Service Bulletin (MSB) No. MSB94-9, dated October 21, 1994, within the next 50 hours TIS after the effective date of this AD.

Note 1: TCM MSB No. MSB94-9, dated October 21, 1994, differs from TCM MSB No. M92-13, dated September 4, 1992, which was referenced in AD 94-09-07, only in clarification of part identification by utilizing a cross reference table for P/N and C/N.

Note 2: The P/N is ink stamped on the part and may not be visible. The engine mount bracket can be identified by the C/N which is cast in the engine mount bracket.

(1) Perform the dye penetrant inspection as follows:

Note: Military Specification MIL-I-6866 and American Society of Testing Materials specifications ASTM E1417-93 and E165-9 contain additional information on dye penetrant inspection processes.

(i) **Preparation:** clean and dry all parts in such a manner as to leave the surfaces free from grease, oil, soaps, alkalies, and other substances which would interfere with inspection. Vapor degreasing is generally suitable for this purpose.

(ii) **Penetrant Application Procedure:** after preparation, spray or brush the parts with the penetrant, and allow to stand for not less than 5 minutes. The effectiveness of the penetrant increases if left standing for a longer time, as the penetrant will reach finer discontinuities.

(iii) **Penetrant Cleaning:** clean the parts thoroughly using a medium which will remove penetrant from the surfaces of parts; wash with water when the penetrant is water soluble. When other than water soluble penetrants are used, the penetrant shall be removed with a suitable cleaner. Avoid excessive cleaning which would remove the penetrant from discontinuities.

(iv) **Drying:** dry the parts as thoroughly as possible. Drying of parts may be accomplished by evaporation at room temperature or by placing the parts in a circulating warm air oven or in the air stream of a hot air dryer. Avoid excessive drying time or drying temperatures above 75°C (165°F) to prevent excessive evaporation of the penetrant. If heat is used for drying parts, cool parts to approximately 50°C (120°F) before proceeding to the developing procedure.

(v) **Developing:** apply the developer to the dry parts as lightly and as evenly as possible, using as thin a coating of developer as is possible. A translucent film is adequate. Mix wet developer by agitation immediately prior to applying it. After applying the developer, take care that no penetrant indication is disturbed or obliterated in subsequent handling.

(vi) **Examination:** examine the developed penetrant indications in accordance with the dye penetrant manufacturer's instructions. Examine parts for indications of discontinuities open to the surface.

(vii) **Final cleaning:** clean the parts following the inspection to remove penetrant and developer.

Note 1: Caution: because of differences among penetrants, take care to ensure that the final cleaner, the penetrant, the penetrant remover, and the developer are suitable for use with each other.

Note 2: Caution: all penetrant materials should be kept as free from moisture as possible.

Note 3: Caution: most penetrants, cleaning agents, and developer suspensions are low flash point material; use caution to prevent fires.

(2) If no crack is detected, inspect in accordance with paragraph (a) of this AD at intervals not to exceed 500 hours TIS since the last inspection.

(3) If a crack is detected, prior to further flight replace both the lower left engine mount bracket, P/N 630695 or C/N 630724, and lower right engine mount bracket, P/N 630694 or C/N 630723, with improved design engine mount brackets, P/N 653306 or C/N 653299, and P/N 653305 or C/N 653298, respectively.

(b) For all engines, replace both the lower left engine mount bracket, P/N 630695 or C/N 630724, and lower right engine mount bracket, P/N 630694 or C/N 630723, with improved design engine mount brackets, P/N 653306 or C/N 653299, and P/N 653305 or C/N 653298, respectively, at the next engine removal after the effective date of this AD.

(c) Installation of the improved design engine mount brackets, P/N 653306 or C/N 653299, and P/N 653305 or C/N 653298, constitutes terminating action to the inspection requirements of this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta Aircraft Certification Office. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Atlanta Aircraft Certification Office.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the inspection may be performed.

(f) The inspections and replacement shall be done in accordance with the following service document:

Document No.	Pages	Date
TCM MSB No. MSB94-9. Total pages: 2.	1-2	Oct. 21, 1994.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Teledyne Continental Motors, P.O. Box 90, Mobile, AL 36601; telephone (334) 438-3411. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(g) This amendment becomes effective on March 13, 1995.

Issued in Burlington, Massachusetts, on February 8, 1995.

James C. Jones,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 95-4124 Filed 2-23-95; 8:45 am]

BILLING CODE 4910-13-P

Office of the Secretary

14 CFR Parts 300 and 385

[Docket No. 48582]

RIN 2105-AB89

Rules of Conduct in DOT Proceedings

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Final rule.

SUMMARY: The Department of Transportation is amending its procedural regulations to permit Department staff to communicate informally with applicants and any objectors or other commenters in the investigation stage of docketed air carrier initial certificate application and continuing fitness cases (collectively referred to as "fitness cases") where the issues are limited solely to fitness and/or U.S. citizenship. Such communications may be initiated only by Department career staff for the purpose of clarifying information filed, or by an applicant or other interested party upon grant of a limited waiver of the regulations in order to engage in substantive communication with Department staff. In other respects, the Department's current *ex parte* restrictions will continue to govern substantive communications both before and after a show-cause order or an order instituting a formal proceeding has been issued. The amendment being

promulgated differs from that proposed in the Notice of Proposed Rulemaking (NPRM) in that the latter did not restrict the permitted *ex parte* communications to those initiated by Department staff or by other interested persons only pursuant to a waiver. The amendment will give the Department an added degree of flexibility in seeking information from all interested parties and will decrease the burden on applicants as well as objectors and other commenters. However, it will still provide those parties a fair and complete opportunity to be heard and ensure an adequate record for the proceeding.

EFFECTIVE DATE: The rule shall become effective on March 27, 1995.

FOR FURTHER INFORMATION CONTACT:

Carol A. Woods, Air Carrier Fitness Division, X-56, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-9721.

SUPPLEMENTARY INFORMATION:

Background

On December 30, 1992, the Department issued an NPRM (58 FR 516, January 6, 1993) to amend its procedural regulations (14 CFR Part 300) to permit Department staff to communicate informally with applicants and any objectors or other commenters in docketed cases involving determinations of air carrier fitness and/or U.S. citizenship only, during the initial investigation stages before the issuance of a show-cause order or an order instituting a formal proceeding. After the issuance of either of those orders, the Department's current *ex parte* restrictions would apply.

The amendment was designed to eliminate unnecessary delays and complications in processing initial certificate applications and docketed continuing fitness cases that arise because, under the current rule (14 CFR 300.2), the Department may not discuss informally, either orally or in writing, substantive aspects of the cases with the applicants or objecting parties once a written objection is filed. Instead, the Department's staff routinely goes through the burdensome task of putting all of its questions in writing, filing them in the docket, and serving them on all parties. The applicant must likewise respond in writing through the docket, with copies to all parties. Often responses to staff questions need clarification or spawn further inquiries. Moreover, questions asked of the applicant by the Department's staff may themselves require clarification before a proper response can be made. As a

result, often matters that could be cleared up in minutes by telephone or in a meeting can drag on for days or weeks solely due to the procedures of the on-the-record communications required under the current rules. Overall, the process is often cumbersome and time-consuming.

Carrier applicants are not the only persons who suffer as a result. For example, the Department's staff may not under present *ex parte* rules ask simple questions of an objector in an effort to verify the facts contained in the filing objecting to the application without similar written procedures. The amendment would allow the Department the flexibility to seek clarifications and additional information from interested persons in an informal manner, thereby relieving all parties of the burden of having to file such communications in the docket and serve them on all interested persons. Since the current *ex parte* communication rules would continue to apply after the issuance of a show-cause order or an order instituting formal procedures, the amendment would ensure that all parties would have a fair and complete opportunity to be heard and that an adequate record would be assembled for the proceeding.

Comments on the NPRM were received from American Airlines, Inc. (American), Delta Air Lines, Inc. (Delta), United Air Lines, Inc. (United), and the Regional Airline Association.

Summary of Comments

The Regional Airline Association stated that it supported the Department's proposed amendment to Part 300. American declared that it had no objection to the proposed change if limited to docketed initial fitness proceedings. Delta objected to *ex parte* communications in any "controversial cases involving significant issues of law and/or public policy." United stated that it did not object to a change allowing *ex parte* communications for the purpose of clarifying factual issues in routine fitness cases, such as financial documents, personnel backgrounds, or safety violations, but maintained that *ex parte* communications were not appropriate in any type of fitness proceeding that involved citizenship issues.

Delta declared that the proposed change would allow "secret" communications between the Department and the subjects of fitness reviews in contested, controversial cases where prohibitions on such communications are particularly needed to protect the rights of all parties and the integrity of the Department's

procedures. Delta suggested that the Department add a provision to § 300.2 allowing an applicant or respondent in a docketed case in which an objection has been received to request a limited waiver of § 300.2(a) to permit *ex parte* communications with Department staff prior to the issuance of a show-cause order or an order instituting further procedures. Such a request would be filed in the docket, with a copy to each party, so that interested persons could comment on the appropriateness and scope of the proposed waiver.

American, Delta, and United also provided comments and suggestions concerning the use of *ex parte* communications in undocketed continuing fitness reviews, particularly those involving citizenship issues.¹ Those remarks, however, are beyond the scope of this rulemaking, which is confined to docketed initial and continuing fitness cases.

Discussion

After re-examining the need to ensure full appearance of fairness in our proceedings and the comments received on the NPRM, we now consider that the relaxation proposed in the NPRM was overly broad, going beyond the relief from the restrictions that we were seeking. As a remedy, we have decided to add two limitations to the change we proposed.

First, we will limit the exemption for *ex parte* communications allowed before the issuance of a show-cause order or order instituting a formal

proceeding to those initiated by Department career staff for the purpose of investigating or clarifying information filed by the applicant or other interested person, and responses thereto. Such an exception corresponds to that granted to Department staff in § 300.2(c)(3) in connection with the investigation phase of enforcement proceedings.

Second, we believe that there is merit in Delta's suggestion that if an applicant or other interested person needs to discuss a substantive matter with Department staff involving a docketed proceeding in which an objection has been received, but before the issuance of a show-cause order or an order instituting further procedures, that person should be able to file in the docket and serve on all parties, using the guidelines set forth in Rule 18 (14 CFR 302.18), a request for a waiver from § 300.2(a), setting forth the scope of the proposed waiver and the reasons for the request. Any interested person could then file an answer to the waiver request, commenting on its merits or scope, which comments the Department would consider in ruling on the request. The responsibility for ruling on such waiver requests would be delegated to the Director of the Office of Aviation Analysis, Office of the Assistant Secretary for Aviation and International Affairs.

By thus limiting the instigation of *ex parte* communications, we intend to forestall even the appearance of improper influence on the Department's decision-making process. However, this limitation by no means precludes any interested person from providing unsolicited written comments containing relevant information concerning the initial or continuing fitness or citizenship of an applicant or air carrier at any time, including in response to either an application or to any show-cause order that may be issued, whether or not a public proceeding is in progress. If any such information is provided, it will be placed in any open docket and may be discussed in a show-cause or other order.

Conclusion

After carefully weighing the comments provided in response to the NPRM, and for the reasons discussed above, we have decided to finalize the proposed amendment with the changes described above. We are also amending 14 CFR Part 385 to add a new subparagraph (§ 385.14(p)) stating the authority of the Director of the Office of Aviation Analysis to approve or deny requests for waivers from § 300.2(a) in docketed air carrier initial certificate

application and continuing fitness cases.

Executive Order 12866 (Regulatory Planning and Review)

The Department has analyzed the economic and other effects of this amendment and has determined that they are not "significant" within the meaning of Executive Order 12866. It will not 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. It will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency, and it will not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof. Nor does it raise any novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866. Therefore, a regulatory impact analysis is not required.

DOT Regulatory Policies and Procedures

The amendment is not significant under the Department's Regulatory Policies and Procedures, dated February 26, 1979, because it does not involve important Departmental policies; rather, it is being made solely for the purpose of facilitating communication between Department staff and the air carriers subject to its regulatory oversight. The Department has also determined that the economic effects of the amendment are so minimal that a full regulatory evaluation is not required. As a result of the adoption of this amendment, fitness application costs to carriers and costs to opposing parties should be slightly lower due to the less formal procedures that would replace the current procedures.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, the Department has evaluated the effects of this action on small entities. For purposes of its aviation economic regulations, Departmental policy categorizes air carriers operating small aircraft (60 seats or less or 18,000 pounds maximum payload or less) in strictly domestic service as small entities for purposes of the Regulatory Flexibility Act. Based upon this evaluation, the Department certifies that the amendment would not have a significant economic impact on

¹ The three carriers all asserted that *ex parte* communications were not appropriate in continuing fitness reviews of major carriers where their citizenship was at issue, even if the case was undocketed. Delta recommended that the Department amend Part 302 of its procedural regulations to require the issuance of a public notice by the Department upon receiving continuing fitness information concerning, or a request for a disclaimer of jurisdiction or approval of a proposed transaction involving, the acquisition of potential control over a U.S. carrier by a foreign air carrier (e.g., by acquiring more than 15 percent of a U.S. carrier's voting interest and/or more than 25 percent of its total equity). If, in response to the public notice, any interested person were to file an answer requesting the establishment of a public proceeding to consider issues of fact, law or policy with respect to the proposed transaction, the Department would publish an order instituting the public proceeding.

United urged the Department to establish standards for determining when a continuing fitness proceeding will be docketed and, when not docketed, what *ex parte* rules will apply. United further recommended that the Department establish either a written or an oral public proceeding in any fitness review that involves some type of adjudication, although, in cases not involving citizenship issues, the Department may conduct fact-finding on an *ex parte* basis, but should institute a public proceeding, and issue a reviewable order, if any "substantive issue" relative to a carrier's fitness is discovered.

a substantial number of small entities. As stated above, the Department believes that the amendment would create a slight economic benefit for parties in fitness cases.

Executive Order 12612 (Federalism)

This rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. The Department has determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This rule would not have a substantial direct effect 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.

National Environmental Policy Act

The Department has also analyzed this rule for the purpose of the National Environmental Policy Act. The rule would not have any significant impact on the quality of the human environment.

Paperwork Reduction Act

There are no reporting or recordkeeping requirements associated with this rule.

List of Subjects

14 CFR Part 300

Administrative practice and procedure, Conflict of interests.

14 CFR Part 385

Organization and functions (Government agencies).

For the reasons set out in the Supplementary Information, title 14, chapter II of the Code of Federal Regulations is amended as follows:

PART 300—[AMENDED]

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

Authority: 49 U.S.C. subtitle I and chapters 401, 411, 413, 415, 417, 419, 421, 449, 461, 463, and 465.

2. Section 300.2 is amended by adding new paragraph (c)(10) to read as follows:

§ 300.2 Prohibited communications.

* * * * *

(c) * * *

(10) Information given at the request of a DOT career employee in the course of investigating or clarifying information filed, or pursuant to a waiver granted to an applicant or other interested person, in docketed proceedings involving determinations of fitness and/or U.S.

citizenship only, for that portion of the proceeding that precedes the issuance of a show-cause order or an order instituting a formal proceeding. Motions for such waivers and any answers shall be filed in the applicable docket in accordance with § 302.18 of the Department's Procedural Regulations (14 CFR 302.18) and served upon all parties to the proceeding.

* * * * *

PART 385—[AMENDED]

3. The authority citation for part 385 is revised to read as follows:

Authority: 49 U.S.C. chapters 401, 411, 413, 415, 417, and 419.

4. Section 385.14 is amended by adding new paragraph (p) to read as follows:

§ 385.14 Authority of the Director, Office of Aviation Analysis.

* * * * *

(p) Approve or deny requests for waivers from 14 CFR 300.2(a) in docketed air carrier initial certificate application and continuing fitness proceedings.

* * * * *

Issued in Washington, DC, on February 16, 1995.

Patrick V. Murphy,

Acting Assistant Secretary for Aviation and International Affairs.

[FR Doc. 95-4328 Filed 2-23-95; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 943

[Docket 950207042-5042-01]

RIN 0648-AB49

Flower Garden Banks National Marine Sanctuary Regulations

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Final rule.

SUMMARY: This document adopts as final regulations without change the interim final portion of regulations implementing the designation of the Flower Garden Banks National Marine Sanctuary, published on December 5, 1991 (56 FR 63634).

EFFECTIVE DATE: March 27, 1995.

FOR FURTHER INFORMATION CONTACT:

Edward Lindelof, Gulf and Caribbean Regional Manager, Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 1305 East West Highway, SSMC-4, Silver Spring, MD 20910 (301/713-3137).

SUPPLEMENTARY INFORMATION: Section 101 of P.L. 102-251, signed into law on March 9, 1992, provides that the designation of the Flower Garden Banks National Marine Sanctuary took effect on January 17, 1992. Both final and interim final regulations implementing the designation were published on December 5, 1991 (56 FR 63634); NOAA invited comments on the interim final regulations to be submitted in writing on or before February 3, 1992. NOAA received one comment, which is discussed below under Background. The comment results in no change. Accordingly, the interim final portions of 15 CFR part 943 (§ 943.3(a)(5), (6), (7), (9), (12), (14), and (15), § 943.5 (a)(1), (11) (12) (13), and (e), and § 943.6, published at 56 FR 63634, December 5, 1991) are adopted as final regulations without change.

I. Background

As indicated above, NOAA invited comments on the interim final regulations to be considered if submitted in writing on or before February 3, 1992. The following comment was received by NOAA in response to the interim final regulations prohibiting exploring for, developing or producing oil, gas or minerals within a no-activity zone (15 CFR § 943.5(a)(1)).

(1) *Comment:* The commenter recommends that the prohibition against exploring for, developing or producing oil, gas or minerals within a no-activity zone not apply to geophysical surveys and seismic exploration.

Response: The prohibition against exploring for, developing or producing oil, gas or minerals within a no-activity zone does not apply to geophysical surveys and seismic exploration. However, seismic techniques involving possessing or using explosives, or releasing electrical discharges, are prohibited in the Sanctuary by regulation 15 CFR § 943.5(a)(14).

The use of air guns involved in seismic surveys in the Flower Garden Banks National Marine Sanctuary has been listed for possible regulation, so that if the use of air guns in seismic surveys is later demonstrated to have an adverse impact on Sanctuary resources, additional regulations can be proposed. If such regulations are eventually proposed, the public will have an

opportunity to comment on them at that time.

Because air gun use in seismic operations may cause short-term behavioral changes in marine organisms (especially sharks and rays which school in the Sanctuary), and interfere with recreational diving, NOAA will seek additional information on these effects, and also identify time periods when air gun operations will have the least potential for impacts on Sanctuary resources and recreational divers. Because air gun operations may result in accidental loss of mooring buoys at the Sanctuary site, NOAA has requested that the Minerals Management Service require seismic surveyors to:

- Remove mooring buoys immediately before, and replace immediately after, a seismic survey is run through the Sanctuary;
- Announce the time that the mooring buoys will not be available in a Notice to Mariners.

II. Miscellaneous Rulemaking Requirements

The information in the December 5, 1991, **Federal Register** document addressing miscellaneous rulemaking requirements has not changed. There are no additional collection of information requirements.

Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program.

Dated: February 15, 1995.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management.

PART 943—FLOWER GARDENS BANKS NATIONAL MARINE SANCTUARY

Accordingly, the interim final rule portion of 15 CFR part 943, which was published at 56 FR 63634 on December 5, 1991, is adopted as a final rule without change.

[FR Doc. 95-4534 Filed 2-23-95; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD08-94-019]

RIN 2115-AE46

Annual Marine Events Within the Eighth Coast Guard District

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule establishes permanent special local regulations for the annual marine events within the Eighth Coast Guard District. This, in turn, reduces the number of annual requests for temporary final rules for regattas and marine parades by codifying these marine events in the Code of Federal Regulation. These regulations are needed to provide for the safety of life, limb, and property on the navigable waters during these events.

EFFECTIVE DATE: March 27, 1995.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of Commander, Eighth Coast Guard District (dl), 501 Magazine St., room 1311 (Hale Boggs Federal Building), New Orleans, Louisiana 70130-3396 between 8:00 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-6188.

FOR FURTHER INFORMATION CONTACT: LT C.D. Michel, Eighth Coast Guard District Legal Office, at Hale Boggs Federal Building, 501 Magazine, room 1311, New Orleans, Louisiana 70118. Telephone: (504) 589-6188.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are LCDR T.P. Marian, Project Manager, and LT C.D. Michel, Project Counsel, Eighth Coast Guard District Legal Office.

Regulatory History

On September 7, 1994, the Coast Guard published a notice of proposed rulemaking entitled Annual Marine Events within the Eighth Coast Guard District in the **Federal Register** (59 FR 172). The Coast Guard received 1 (one) letter commenting on this proposal. No public hearing was requested, and none was held.

Background and Purpose

Currently, Coast Guard units responsible for overseeing the safety of marine events prepare temporary rules each year for each event. This rule eliminates the need to prepare annual temporary final rules for those annual marine events that have few or no changes from year to year. This streamlines the marine event process for those regattas and marine events that have very little annual variation and would significantly reduce the Coast Guard's administrative burden for managing these type events.

Table 1 delineates the events, their sponsors, dates, and locations. Each event occurs annually on or about the

date given. The course will be patrolled by patrol vessels. While viewing the event at any point outside the regulated area is not prohibited, spectators will be encouraged to congregate within areas designated by the sponsor. Non-participating vessels will be permitted to transit the area at *NO WAKE SPEED* at the discretion of the Coast Guard Patrol Commander.

Discussion of Comments and Changes

One comment was received from Commanding Officer, U.S. Coast Guard Marine Safety Office Morgan City. This comment referred to Table 1 of the proposed rulemaking and noted that the Louisiana Shrimp and Petroleum Festival also included an evening fireworks display.

The fireworks are launched from a barge stationed in Berwick Bay between the railroad and highway bridges. Commanding Officer, U.S. Coast Guard Marine Safety Office Morgan City requested that this event be amended to reflect the existence of a fireworks display by changing the marine event's title from, "The Blessing of the Fleet" to, "The Blessing of the Fleet and Fireworks Display." Since the fireworks display takes place after sunset Commanding Officer, U.S. Coast Guard Marine Safety Office Morgan City also requested changing the duration of this event from, "8:30 a.m. through 1 p.m." to, "8:30 p.m. through 1 p.m., and 9 p.m. through 10 p.m."

Implementing these requested changes will not have any significant impact upon the public. The notice of proposed rulemaking had included a fireworks display and no comments were received on that event. Furthermore, this specific change does not pertain to the regulations that were specified in the notice to proposed rulemaking but is limited rather to the title and the duration of the marine event.

The change to Table 1 of this rule is limited in nature and provides for one additional hour of oversight by the Coast Guard in the interest of public safety. Therefore, Table 1 will be amended to reflect the information provided by Commanding Officer, U.S. Coast Guard Marine Safety Office Morgan City.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the

regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

This is attributed to the fact that the proposal merely codifies existing marine events and is also reflected by the fact that no public comments were received on this rule. Furthermore, each of the marine events in Table 1 will require that the navigable waterways delineated be closed for only a short period of time.

As demonstrated by past experience, these events have been successfully overseen by the Coast Guard for several years in cooperation with both the organizers of these events and the boating public. The same event regulations will be implemented for each marine event listed in Table 1 and the Coast Guard will continue to ensure that these recurring marine events are safely managed. Once the marine event is terminated the role of the Coast Guard in monitoring the marine event ceases.

No comments were received from the public on this issue. Implementing the change requested in the one comment received will not have any significant impact upon the public. The notice of proposed rulemaking had included a fireworks display and no comments were received on that event. Furthermore, this specific change does not pertain to the regulations that were specified in the notice to proposed rulemaking but is limited rather to the title and the duration of the marine event.

The change to Table 1 of this rule is limited in nature and provides for one additional hour of oversight by the Coast Guard in the interest of public safety.

Small Entities

No comments were received from the public on this issue. None of the marine events listed in Table 1 would exceed three days in duration and most of them are for only several hours of one day. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

This rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been demonstrated that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. No comments were received from the public concerning this issue. Furthermore, the change to Table 1 of this rule will not have any impact in this area.

Environment

This rule has been thoroughly reviewed by the Coast Guard and determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.e.(35) of Coast Guard Commandant Instruction M16475.1B. No comments were received from the public concerning this issue.

Each of these events is a routine marine parade taking place in commercialized areas involving less than 100 participating low-speed craft and less than 200 spectator boats. Fireworks displays are over water and less than 30 minutes in duration. All of these events have been held previously with no adverse environmental impact.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35

2. A new section 100.801 is added to read as follows:

§ 100.801. Annual Marine Events in the Eighth Coast Guard District.

The following regulations apply to the marine events listed in Table 1 of this section. These regulations will be effective annually, for the duration of each event listed in Table 1. Annual notice of the exact dates and times of the effective period of the regulation with respect to each event, the geographical area, and details concerning the nature of the event and the number of participants and type(s) of vessels involved will also be published in local notices to mariners. *Sponsors of events listed in Table 1 of*

this section must submit an application each year in accordance with 33 CFR 100.15.

(a) The Coast Guard will patrol the event area under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on Channel 16 VHF-FM (156.8 MHz) by the call sign "PATCOM."

(b) All persons and vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The "official patrol vessels" consist of any Coast Guard, state or local law enforcement and sponsor provided vessels assigned or approved by the Commander, Eighth Coast Guard District, to patrol the event.

(c) Spectator vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer and will be operated at a no wake speed in a manner which will not endanger participants in the event or any other craft.

(d) No spectator shall anchor, block, loiter, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for entry by or through an official patrol vessel.

(e) The Patrol Commander may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(f) Any spectator vessel may anchor outside the regulated area specified in Table 1 of this section, but may not anchor in, block, or loiter in a navigable channel.

(g) The Patrol Commander may terminate the event or the operation of any vessel at any time it is deemed necessary for the protection of life or property.

(h) The Patrol Commander will terminate enforcement of the special regulations at the conclusion of the event.

Table 1 of § 100.801

The Blessing of the Fleet and Fireworks

Display, Morgan City, Louisiana
Sponsor: Louisiana Shrimp and
Petroleum Festival & Fair
Association, Inc.

Date: First Sunday of September
Duration: 8:30 a.m. through 1 p.m.
and 9 p.m. through 10 p.m.

Location: Berwick Bay from the
junction of the Lower Atchafalaya
River at Morgan City, Louisiana, to

Berwick Locks Buoy 1 (LLNR 18445).
The Contraband Days Fireworks Display, Lake Charles, Louisiana
Sponsor: Contraband Days Festivities, Inc.
Date: First Saturday of May
Duration: 9 p.m. through 12 a.m. (midnight)
Location: A 500 foot radius from the fireworks barge in Lake Charles anchored in approximate position 30°13'54" N, 093°13'42" W.
Neches River Festival, Beaumont, Texas
Sponsor: Neches River Festival, Inc.
Date: Third weekend of April
Duration: First day—8 a.m. through 9:30 p.m.; Second day—8 a.m. through 6 p.m.
Location: The Neches River from Colliers Ferry landing to Lawson's Crossing at the end of Pine Street.
The Blessing of the Shrimp Fleet, Galveston, Texas
Sponsor: Blessing of the Fleet, City of Galveston, Texas
Date: Fourth Saturday of April
Duration: 9:30 a.m. through 5:30 p.m.
Location: The Galveston Ship Channel from the Pelican Island Bridge to Pier 14 at Galveston, Texas.

Dated: January 24, 1995.

Robert C. North,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 95-4411 Filed 2-23-95; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD02-95-001]

RIN 2115-AE47

Drawbridge Operation Regulation; Illinois Waterway

AGENCY: Coast Guard, DOT.

ACTION: Interim rule with request for comments.

SUMMARY: The Coast Guard is establishing operating conditions for the remote operation of the Elgin, Joliet and Eastern Railway (EJ&E) Bridge over the Illinois Waterway at mile 290.1 at Joliet, Illinois. This action is being taken at the request of the Elgin, Joliet and Eastern Railway Company. The change to remote operation will permit more efficient operation of the railway bridge, while continuing to provide for the reasonable needs of navigation.

EFFECTIVE DATES: This interim rule is effective on February 24, 1995. Comments must be received on or before April 25, 1995.

ADDRESSES: Comments may be mailed to Commander (ob), Second Coast Guard

District, 1222 Spruce Street, St. Louis, MO 63103-2832, Attention: Bridge Administrator. Comments may also be delivered to Room 2.107 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. For information concerning comments, the telephone number is (314) 539-3724. The Bridge Branch, Second Coast Guard District, maintains the public docket for this rulemaking. Comments will become part of the public docket and the docket will be available for inspection or copying in room 2.107B at the above address.

FOR FURTHER INFORMATION CONTACT:

Roger K. Wiebusch, Bridge Administrator, Second Coast Guard District, (314) 539-3724.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are David H. Sulouff, Project Officer, Bridge Branch and LT S. Moody, Project Attorney, Second Coast Guard District Legal Office.

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. The Coast Guard is soliciting comments on the operation of the new system until April 25, 1995. The Coast Guard will consider all comments received during the comment period.

Publication History

On September 1, 1994, the Coast Guard published a proposed rule (59 FR 45252) concerning this amendment. The Commander, Second Coast Guard District, also published the proposal as a Public Notice dated September 20, 1994. Interested parties were given until October 31, 1994 to submit comments. The Coast Guard received comments from the Illinois Department of Conservation and the Illinois River Carriers Association, representing approximately 34 river towing companies.

Background and Purpose

The EJ&E Railway has requested permission from the Coast Guard to change the operation of the EJ&E Bridge over the Illinois waterway at mile 290.1 at Joliet, Illinois from having a manned on-site bridge tender to a remote operating system. This regulation change establishes the remote operating system and the required equipment. Under the previous regulation, the drawspan was maintained in the closed

to navigation position and manned by an on site bridge tender, opening on demand for the passage of river traffic. Communication between the bridge tender and vessel operators was conducted via marine radio.

EJ&E has installed remote operating equipment and a control system, including radar, infrared boat detectors, motion detectors and communications equipment. This equipment will facilitate operation of the drawspan from Gary, Indiana. The drawspan can also be operated at the bridge site. Under this regulation, the drawspan will be maintained in the open to navigation position except for the passage of rail traffic or maintenance. The equipment can detect any malfunction in the drawspan operation. In the event of a malfunction the remote operator can ascertain the position of the drawspan at any time. The marine radio system allows communication between the remote operator and marine traffic at the bridge on the VHF marine frequencies authorized by the Federal Communications Commission. The radar system is designed to scan upstream and downstream of the bridge. A radar antenna has been installed on the bridge.

The received radar signal is transmitted by fixed lines to the remote operator. Infrared scanners and motion detectors are located in the channel drawspan to detect vessels under the drawspan. If an obstruction is detected beneath the drawspan during the closing cycle, before the drawspan is seated and locked, the drawspan will automatically stop lowering and shall be raised to the fully open position by the remote operator until the channel is clear. Once lowered and locked in the closed to navigation position, the boat detectors will not raise the drawspan.

During the drawspan closing cycle, the bridge operator shall make a radio broadcast indicating drawspan status. At the appropriate times in the cycle, the bridge operator shall announce that the drawspan will close to navigation, that the drawspan is closed to navigation, or that the drawspan has reopened to navigation.

Discussion of Comments and Changes

In response to the Notice of Proposed Rule Making, two comments were received. Both the Illinois Department of Conservation and the Illinois River Carriers Association (IRCA) expressed no objection, though the IRCA expressed two concerns. The first concern of the IRCA was whether the drawspan will be operated exactly as proposed; and second, whether or not the drawspan could accidentally be

lowered on or in front of a tow. The IRCA also recommended implementation of a trial period monitored by the Coast Guard to ensure safe operation and quick return of the on site bridge tender if needed.

The bridge owner has no objection to the trial period and expects Coast Guard evaluation of the operation. EJ&E has reported the remote operator cannot "accidentally" lower the drawspan. A series of commands from a dispatcher control console must be initiated to lower the drawspan. Radar at the bridge allows the remote operator to view the river and radio broadcast requirements provide communication with river traffic. Interruption of the boat detectors will result in halting of the drawspan lowering sequence. If this occurs, the drawspan will return to the full open to navigation position until the obstruction is clear.

Based on the owner's response to comments on the remote operation of this bridge, the Coast Guard is amending the proposed operating requirements. Paragraphs 8 and 9 were added for additional safety measures. Paragraph 8 adds a requirement that the remote operator broadcast on the marine radio when the span is closed to navigation. Paragraph 9 adds a condition that a malfunction of any portion of the remote operating system will require immediate return of a qualified bridge tender to the bridge for on-site operation until repairs are completed.

Good cause exists for making this rule effective on publication. The old regulation required that the bridge be constantly manned to allow for the opening of the draw on demand. This new rule allows the bridge to be left open unless rail traffic or maintenance requires its closure. Vessel traffic will benefit from this rule by having the bridge maintained in the open to navigation position. For these reasons the Coast Guard has determined that there is no need to delay implementation of this rule.

Regulatory Evaluation

This rule is not a significant regulatory action under 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that

a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

After considering comments received, the Coast Guard finds that any impact on small entities, if any, is not substantial. Therefore, the Coast Guard certifies under 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has reviewed the environmental impact of this rule and concluded that under section 2.B.2 of the NEPA Implementing Procedures, COMDTINST M16475.1B (as revised by 59 FR 38654, July 29, 1994) this proposal is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have significant effect on the human environment. A Categorical Exclusion Determination is available for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

For the reasons set out in the preamble, the Coast Guard is amending Part 117 of title 33, Code of Federal Regulations, as follows:

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. § 499; 49 CFR § 1.46; 33 CFR § 1.05–1(g).

2. In Section 117.395 the existing text is designated as paragraph (a) and paragraph (b) is added to read as follows:

§ 117.395 Illinois Waterway.

(a) * * *

(b) The drawspan of the Elgin, Joliet and Eastern Railway bridge, mile 290.1 at Joliet, Illinois, is operated by remote operator located at the Elgin, Joliet & Eastern offices in Gary, Indiana as follows:

(1) The drawspan is normally maintained in the fully open to navigation position displaying green center span navigation lights to indicate that the drawspan is fully open.

(2) The bridge is equipped with the following:

(i) A radiotelephone link direct to the remote operator;

(ii) A radar antenna on top of the drawspan capable of scanning the river, one mile upstream and one mile downstream;

(iii) Infrared boat detectors under the drawspan, to allow the remote bridge operator to detect vessels under the drawspan.

(iv) Electronic motion detectors under the drawspan to allow the remote bridge operator to detect vessel movement under the drawspan.

(v) A siren for sound signals, and

(vi) Red and green center span navigation lights.

(3) The remote bridge operator shall maintain a 24 hour VHF marine radio channel 16 watch for mariners to establish contact as they approach the bridge to ensure that the drawspan is open or that it remains open until passage of river traffic is complete.

(4) When rail traffic approaches the bridge, and the drawspan is in the open position, the remote bridge operator initiates a one minute warning period before closing the drawspan. During this warning period, the remote operator shall broadcast at least twice, via marine radio, channel 16, that: 'The drawspan of the EJ&E Railroad bridge will be lowered in one minute.' A siren on the bridge sounds for 20 seconds, to warn anyone on or under bridge that the drawspan will be lowered.

(5) If a vessel is approaching the bridge upbound or, departing the Lockport Lock and Dam at mile 291.1, downbound, with intentions of passing through the drawspan, they shall respond to the remote bridge operator's marine radio broadcast, or initiate radio contact, indicating their proximity to the bridge and requesting an opening of the drawspan or that the drawspan remain open until the vessel passes. If any approaching vessel is detected or if a radiotelephone response is received, the remote operator shall not close the drawspan until the vessel or vessels have cleared the bridge.

(6) At the end of the one minute warning period, if no river traffic is approaching or under the drawspan, the remote bridge operator may begin lowering the drawspan. Navigation lights located at the center of the drawspan change from green to red when the drawspan is not in the fully open to navigation position. The drawspan takes approximately 90 seconds to lower.

(7) If the presence of a vessel or other obstruction is discovered approaching or under the drawspan, during the lowering sequence, before the drawspan is fully lowered and locked, the drawspan shall be stopped and raised to the fully open position. When the vessel or obstruction has cleared the drawspan, the remote operator shall confirm that the channel is clear and reinitiate the one minute warning cycle before lowering the drawspan.

(8) If no marine traffic is present the drawspan may be lowered and seated. When the drawspan is lowered and locked in the closed to navigation position, the remote bridge operator broadcasts, at least twice, via marine radio channel 16, that: "The drawspan of the EJ&E Railroad bridge is closed to navigation."

(9) Failure of the radar system, radio telephone system, infrared boat detectors or electronic motion sensors shall prevent lowering the drawspan from the remote location.

(10) When rail traffic has cleared the bridge, the remote bridge operator shall raise the drawspan to the fully open to navigation position. When the drawspan is raised and in the fully open to navigation position, the remote bridge operator broadcast, at least twice, via marine radio channel 16, that: "The drawspan of the EJ&E Railroad bridge is open to navigation." The center drawspan navigation lights change from red to green when the drawspan is fully open to navigation.

Dated: January 23, 1995.

Paul M. Blayney,

*Rear Admiral, U.S. Coast Guard Commander,
Second Coast Guard District.*

[FR Doc. 95-4408 Filed 2-23-95; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

RIN 1018-AB43

Subsistence Management Regulations for Public Lands in Alaska, Subparts C & D; Board Determinations and Subsistence Taking of Fish and Wildlife Regulations; Correcting Amendments

AGENCY: Forest Service, USDA; Fish and Wildlife Service, Interior.

ACTION: Correcting amendments.

SUMMARY: These corrections amend the Subsistence Management Regulations for Public Lands in Alaska, published in the **Federal Register** on May 29, 1992, and June 3, 1994, implementing the subsistence priority for rural residents of Alaska under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980. These corrections will allow rural Alaska residents to continue to harvest fish and wildlife resources on Federal public lands.

EFFECTIVE DATE: Effective July 1, 1994.

FOR FURTHER INFORMATION CONTACT: Richard S. Pospahala, Office of Subsistence Management, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3447. For questions specific to National Forest System lands, contact Norman Howse, Assistant Director, Subsistence, USDA—Forest Service, Alaska Region, P.O. Box 21628, Juneau, Alaska 99802; telephone (907) 586-8890.

SUPPLEMENTARY INFORMATION:

Background

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126) requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands, unless the State of Alaska enacts and implements laws of general applicability which are consistent with ANILCA, and which provide for the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA. The State implemented a program that the

Department of the Interior previously found to be consistent with ANILCA. However, in December 1989, the Alaska Supreme Court ruled in *McDowell v. State of Alaska* that the rural preference in the State subsistence statute violated the Alaska Constitution. The court's ruling in *McDowell* required the State to delete the rural preference from the subsistence statute, and therefore, negated State compliance with ANILCA. The Court stayed the effect of the decision until July 1, 1990.

As a result of the *McDowell* decision, the Department of the Interior and the Department of Agriculture (Departments) assumed, on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. On June 29, 1990, the Temporary Subsistence Management Regulations for Public Lands in Alaska were published in the **Federal Register** (55 FR 27114-27170). Consistent with Subparts A, B, and C of these regulations, a Federal Subsistence Board (Board) was established to administer the Federal Subsistence Management Program. The Board's composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, U.S. National Park Service; the Alaska State Director, U.S. Bureau of Land Management; the Alaska Area Director, U.S. Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies have participated in development of regulations for Subparts A, B, and C, and the annual Subpart D regulations. All Board members have reviewed these corrections and agree with their substance. Because Subparts C and D relate to public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical correcting text will be incorporated into 36 CFR Part 242 and 50 CFR Part 100.

Final Subpart C regulations were published on June 29, 1992, in the **Federal Register** (57 FR 22957-22964) and were amended on May 27, 1994 (59 FR 27462). Proposed Subpart D regulations for the 1994-1995 seasons and bag limits, and methods and means were published on September 2, 1993, in the **Federal Register** (58 FR 46678-46706). A 60-day comment period providing for public review of the proposed Subpart D rule was advertised by mail, radio, and newspaper. Subsequent to that 60-day review period, the Board prepared a booklet describing all proposals for change to

Subpart D. The public then had an additional 60 days in which to comment on the proposals for changes to the regulations. The Federal Subsistence Regional Advisory Councils (Regional Councils) met in regional centers, received public comments, and formulated recommendations to the Board on proposals for their respective regions. The final regulations, published on June 3, 1994, (59 FR 29032-29063) reflect Board review and consideration of Regional Council recommendations and public comments submitted to the Board during their April meeting. Additional Regional Council meetings were held during October 1994, and the Board heard public testimony and deliberated Requests for Reconsideration and Special Action in public forum on November 14, 1994. The sections dealing with shellfish were published on June 1, 1993, (58 FR 31252-31295) and their effective period was revised by an interim rule published on June 27, 1994, (59 FR 32923-32925).

These correcting amendments are a result of deferred proposal from the Board's April meeting, Requests for Reconsideration of some of the Board's decisions in April, some requests for Special Action as a result of resource concerns, and some administrative errors, omissions and typographical mistakes that have been brought to our attention. Below are summaries of each action.

Subpart C

Unit 12—Sheep—A transcription error from State records was made in the Customary and Traditional use eligibility determination for sheep in Unit 12. This document corrects that error.

Unit 18—Caribou—The Board acted on a request for Special Action for a season on caribou north of the Yukon River in Unit 18. Preliminary data indicates that a number of villages have traditionally harvested caribou in that area. Therefore, the Board has made an interim finding of customary and traditional use eligibility determination for the villages of Alakanuk, Andreafsky, Emmonak, Kotlik, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Mary's, St. Michael, Sheldon Point, and Stebbins for caribou in Unit 18 north of the Yukon River. This action was supported by the affected Regional Council.

Subpart D

Units 7 and 15—Black Bear—A typographic error is being corrected identifying the Units in which sealing is

required for the hide and skull of black bears.

Unit 6(D)—Goat—A typographical error identifying a harvest area is being corrected.

Units 6, 11-14, 16, 20 and 25(C)—Lynx—The Board acted on a request from the Alaska Department of Fish and Game (ADF&G) to close the trapping season for lynx in Units 6, 14 and 16, lengthen the season in Units 11 and 13, and shorten the season in Units 12, 20 and 25(C). This follows the Board's previous agreement to follow a harvest tracking strategy where possible. The strategy calls for shortening or closing trapping seasons when lynx numbers are low and lengthening or opening seasons when lynx are abundant. The Regional Councils affected supported this action to protect the viability of the lynx populations in those Units.

Unit 9(C)—Caribou—The Board received a request to close Federal lands to the non-subsistence hunting of caribou in order to ensure the continued viability of the North Alaska Peninsula caribou herd. The population of this herd has declined 20 percent over the last year. On the recommendation of the Regional Council, the Board acted to close the lands for the current regulatory year.

Unit 12—Sheep—The transcription error that was made in the customary and traditional use eligibility determination also incorrectly omitted a season for sheep in this Unit. This document inserts the correct season.

Unit 18—Caribou—Upon receipt of a request for Special Action, the Board, at its November 17, 1994, meeting deliberated the issue of opening Unit 18 north of the Yukon River to caribou hunting. There appears to be an influx of caribou into the area, primarily from the Western Arctic caribou herd which currently numbers about 500,000 animals. The Board opened a season to coincide with the State season. They also indicated that if large numbers of animals move into Unit 18, they will further increase the harvest limit.

Unit 19(A)—Moose—This proposal was a carry-over from the April 1994 Board meeting. One of the two Regional Councils that were affected by this 1994-95 proposal had not reviewed it prior to the April meeting, so the Board delayed action. During the October round of Regional Council meetings, the two Regional Councils reached consensus and the Board passed their compromise version that established a subarea and revised the season structure.

Unit 21(E)—Moose—This proposal was also a carry-over from the April 1994 Board meeting. One of the two

Regional Councils that were affected by this 1994-95 proposal had not reviewed it prior to the April meeting, so the Board delayed action. The proposal would prohibit hunting within one-half mile of the Yukon River during the February season. Although the two involved Regional Councils could not agree, data indicated that harvest by residents of one region was almost nonexistent in the affected area. The Board therefore adopted the recommendation of the region primarily impacted and instituted the one-half mile restriction.

Unit 26(A)—Moose—A typographic error is being corrected, identifying a subarea of Unit 26(A).

Kodiak Area—Shellfish—The Board received a Request for Reconsideration from the Alaska Department of Fish and Game (ADF&G) to institute a minimum shell size on king crabs taken for subsistence uses. A full review of the issue and a concern for the viability of the population led the Board to close Federal waters to the non-subsistence taking of king crab. This action was supported by the Regional Council.

Only the items described above are being changed; but for clarity, the entire table or text section for the pertinent species in each Unit is reproduced. The above actions were supported as indicated by the Regional Councils in the affected areas. Notice of the Board meeting and the subjects to be considered were widely circulated and the public had an opportunity to comment and participate.

The Board finds that additional public notice and comment requirements under the Administrative Procedures Act (APA) for this extension are impracticable, unnecessary, and contrary to the public interest. Therefore, the Board finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive the public notice and comment procedures prior to publication of this rule correction. The Board also finds good cause under 5 U.S.C. 553(d)(3) to make this rule correction effective July 1, 1994, the effective date of the Subsistence Management Regulations for Public Lands in Alaska.

Conformance With Statutory and Regulatory Authorities

National Environmental Policy Act Compliance—A Draft Environmental Impact Statement (DEIS) that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. That document described the major issues associated with Federal subsistence management as identified through

public meetings, written comments and staff analysis and examined the environmental consequences of the four alternatives. Proposed regulations (Subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for an annual regulatory cycle regarding subsistence hunting and fishing regulations (Subpart D). The Final Environmental Impact Statement (FEIS) was published on February 28, 1992.

Based on the public comment received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior's Subsistence Policy Group, it was the decision of the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture-Forest Service, to implement Alternative IV as identified in the DEIS and FEIS (Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992). The DEIS and the selected alternative in the FEIS defined the administrative framework of an annual regulatory cycle for subsistence hunting and fishing regulations. The final rule for Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940-22964) implements the Federal Subsistence Management Program and includes a framework for an annual cycle for subsistence hunting and fishing regulations.

Compliance With Section 810 of ANILCA

The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. A Section 810 analysis was completed as part of the FEIS process. The final Section 810 analysis determination appears in the April 6, 1992, ROD which concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting hunting and fishing regulations, may have some local impacts on subsistence uses, but it does

not appear that the program may significantly restrict subsistence uses.

Paperwork Reduction Act

These rules contain information collection requirements subject to Office of Management and Budget (OMB) approval under 44 U.S.C. 3501-3520. They apply to the use of public lands in Alaska. The information collection requirements described above are approved by the OMB under 44 U.S.C. 3501 and have been assigned clearance number 1018-0075.

Public reporting burden for this form is estimated to average .1382 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments on the burden estimate or any other aspect of this form to: 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 (1018-0075), Washington, DC 20503. Additional information collection requirements may be imposed if Local Advisory Committees subject to the Federal Advisory Committee Act are established under Subpart B. Such requirements will be submitted to OMB for approval prior to their implementation.

Economic Effects

This rule is not subject to OMB review under Executive Order 12866.

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions. The Departments have determined that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This rulemaking will impose no significant costs on small entities; the exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities. The number of small entities affected is unknown; but, the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue preexisting uses

of public lands indicates that they will not be significant.

These regulations do not meet the threshold criteria of "Federalism Effects" as set forth in Executive Order 12612. Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these regulations have no significant takings implication relating to any property rights as outlined by Executive Order 12630.

Drafting Information

These regulations were drafted under the guidance of Richard S. Pospahala, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional guidance was provided by Thomas H. Boyd, Alaska State Office, Bureau of Land Management; Lou Waller, Alaska Regional Office, National Park Service; John Borbridge, Alaska Area Office, Bureau of Indian Affairs; and Norman Howse, USDA-Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National Forests, Public Lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedures, Alaska, Fish, Public Lands, Reporting and recordkeeping requirements, Subsistence, Wildlife.

For the reasons set out in the preamble, Title 36, Part 242, and Title 50, Part 100, of the Code of Federal Regulations, are amended as set forth below.

PART ____ —SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

1. The authority citation for both 36 CFR Part 242 and 50 CFR Part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101-3126; 18 U.S.C. 3551-3586; 43 U.S.C. 1733.

2. Section __.24(a)(1) is amended in the table under "Area," "Species," and "Determination" by removing the entry for "GMU 12" "Sheep" and adding two new entries in its place to read as follows:

§ __.24 Customary and traditional use determinations.

- (a) * * *
- (1) * * *

§ __.24 Customary and traditional use determinations.

(1) * * *

Area		Species	Determination
18		Caribou (Kilbuk caribou herd only)	Residents of Kwethluk.
18	North of the Yukon River	Caribou (except Kilbuk caribou herd)	Residents of Alakanuk, Andreafsky, Emmonak, Kotlik, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Mary's, St. Michael, Sheldon Point, and Stebbins.
18	Remainder	Caribou (except Kilbuk caribou herd)	Residents of Kwethluk.

§ __.25 Subsistence taking of wildlife.

(1) Sealing requirements for bear shall apply to brown bears taken in all Units, except as specified below, and black bears of all color phases taken in Units 1-7, 11-16, and 20.

5. Section __.25(k)(6)(iii)(B) is amended in the table under “Hunting” by revising the entry for Goat to read as follows:

(B) * * *

Harvest limits	Open season
Hunting: * * * * *	* * * * *
Goat: Unit 6(A), (B)—1 goat by State reg- istration permit only Unit 6(C)	Aug. 20–Jan. 31. No open season.

Harvest limits	Open season
Unit 6(D) (subareas RG242, RG243, RG244, RG249, RG266 and RG252 only)—1 goat by Federal registration permit only In each of the Unit 6(D) subareas, goat seasons will be closed when harvest limits for that subarea are reached. Harvest quotas are as follows: RG242—2 goats, RG243—2 goats, RG244—2 goats, RG249—2 goats, RG266—4 goats, RG252—1 goat	Aug. 20—Jan. 31.
Unit 6(D) (subarea RG245)—The taking of goats is prohibited on all public lands	No open season.

* * * * *

Harvest limits	Open season
Trapping: * * * * *	* * * * *
Lynx * * * * *	No open season. * * * * *

7. Section __.25(k)(9)(ii)(E) is amended in the table under “Hunting” by revising the entry for Caribou to read as follows:

(E) * * *

Harvest limits	Open season
Hunting: * * * * *	* * * * *

6. Section __.25(k)(6)(iii)(B) is amended in the table under “Trapping” by revising the entry for Lynx to read as follows:

(B) * * *

Harvest limits	Open season
* * * * *	

Harvest limits	Open season
Caribou: Unit 9(A) and (C)—4 caribou; however, no more than 2 caribou may be taken Aug. 10–Sept. 30 and no more than 1 caribou may be taken Oct. 1–Nov. 30. Public lands in Unit 9(C) are closed for the hunting of caribou except by qualified rural Alaska residents during the seasons identified above	Aug. 10–Mar. 31.
Unit 9(B)—5 caribou; however no more than 2 may be bulls	Aug. 1–Apr. 15.
Unit 9(D)	No open season.
Unit 9(E)—that portion south of Seal Cape on the Pacific side of the Alaska Peninsula divide—4 caribou; only bulls may be taken between July 1 and Aug. 9	July 1–Apr. 30.
Remainder of Unit 9(E)—4 caribou	Aug. 10–Apr. 30.
* * * * *	* * * * *

8. Section ____ .25(k)(11) is amended in the table under “Trapping” by revising the entry for Lynx to read as follows:

* * * * *
(k) * * *
(11) * * *

Harvest limits	Open season
Trapping: * * * * *	* * * * *
Lynx: No limit * * * * *	Dec. 1–Jan. 15. * * * * *

9. Section ____ .25(k)(12) is amended in the table under “Hunting” by adding an entry for Sheep to read as follows:

* * * * *
(k) * * *
(12) * * *

Harvest limits	Open season
Hunting: * * * * *	* * * * *
Sheep: 1 ram with full curl horn or larger * * * * *	Aug. 10–Sept. 20. * * * * *
* * * * *	* * * * *

10. Section ____ .25(k)(12) is amended in the table under “Trapping” by revising the entry for Lynx to read as follows:

* * * * *
(k) * * *
(12) * * *

Harvest limits	Open season
* * * * *	
Trapping: * * * * *	* * * * *
Lynx: No limit * * * * *	Dec. 1–Jan. 15. * * * * *

11. Section ____ .25(k)(13)(iii) is amended in the table under “Trapping” by revising the entry for Lynx to read as follows:

* * * * *
(k) * * *
(13) * * *
(iii) * * *

Harvest limits	Open season
* * * * *	
Trapping: * * * * *	* * * * *
Lynx: No limit * * * * *	Dec. 1–Jan. 15. * * * * *

12. Section ____ .25(k)(14)(iii)(B) is amended in the table under “Trapping” by revising the entry for Lynx to read as follows:

* * * * *
(k) * * *
(14) * * *
(iii) * * *
(B) * * *

Harvest limits	Open season
* * * * *	
Trapping: * * * * *	* * * * *
Lynx * * * * *	No open season. * * * * *

13. Section ____ .25(k)(16) is amended in the table under “Trapping” by revising the entry for Lynx to read as follows:

* * * * *
(k) * * *
(16) * * *
(iii) * * *

Harvest limits	Open season
* * * * *	
Trapping: * * * * *	* * * * *
Lynx * * * * *	No open season. * * * * *

* * * * *

14. Section ____ .25(k)(18)(iii) is amended in the table under “Hunting” by revising the entry for Caribou to read as follows:

* * * * *
(k) * * *
(18) * * *
(iii) * * *

Harvest limits	Open season
Hunting: * * * * *	* * * * *
Caribou: Unit 18—that portion south of the Yukon River—Kilbuck caribou herd; rural Alaska residents domiciled in Tuluksak, Akiak, Akiachak, Kwethluk, Bethel, Oscarville, Napaaskiak, Napakiak, Kasigiuk, Atmauthluak, Nunapitchuk, Tuntutuliak, Eek, Quinhagak, Goodnews Bay, Platinum, Togiak, and Twin Hills, only. A Federal registration permit is required. The number of permits available for these hunts will be determined at a later date. The taking of caribou will be prohibited when a total Unit harvest of 130 bulls has been reached in either or both hunts administered by the Board or ADF&G.	Dec. 15–Jan. 9. Feb. 23–Mar. 15.
Unit 18—that portion north of the Yukon River—1 caribou. Remainder of Unit 18	Feb. 1–Mar. 31. No open season.
* * * * *	* * * * *

* * * * *

15. Section ____ .25(k)(19)(iii) is amended in the table under “Hunting” by revising the entry for Moose to read as follows:

* * * * *
(k) * * *
(19) * * *
(iii) * * *

Harvest limits	Open season
Hunting: * * * * *	* * * * *

Harvest limits	Open season
Moose: Unit 19—Rural Alaska residents of Lime Village only—No individual harvest limit, but a village harvest quota of 40 moose (including those taken under the State Tier II system); either sex. Reporting will be by a community reporting system.	July 1–June 30.
Unit 19(A)—that portion north of the Kuskokwim River upstream from, but not including the Kolmakof River drainage and south of the Kuskokwim River upstream from, but not including the Holokuk River drainage—1 moose; however, antlerless moose may be taken only during the Feb. 1–Feb. 10 season.	Sept. 1–Sept. 20. Nov. 20–Nov. 30. Jan. 1–Jan. 10. Feb. 1–Feb. 10.
Unit 19(A)—remainder—1 bull.	Sept. 1–Sept. 20. Nov. 20–Nov. 30. Jan. 1–Jan. 10. Feb. 1–Feb. 10. Sept. 1–Sept. 30.
Unit 19(B)—1 antlered bull.	Sept. 1–Oct. 10.
Unit 19(C)—1 antlered bull.	Sept. 1–Sept. 30.
Unit 19(D)—that portion of the Upper Kuskokwim Controlled Use Area within the North Fork drainage upstream from the confluence of the South Fork to the mouth of the Swift Fork—1 antlered bull.	Sept. 1–Sept. 30.
Unit 19(D)—remainder of the Upper Kuskokwim Controlled Use Area—1 bull.	Sept. 1–Sept. 30. Dec. 1–Feb. 28.
Remainder of Unit 19(D)—1 antlered bull.	Sept. 1–Sept. 30. Dec. 1–Dec. 15.

* * * * *

16. Section _____.25(k)(20)(iii)(C) is amended in the table under "Trapping" by revising the entry for Lynx to read as follows:

* * * * *

(k) * * *
(20) * * *
(iii) * * *

(C) * * *	
Harvest limits	Open season
* * * * *	
Trapping: * * * * *	* * * * *
Lynx: No limit	Dec. 1–Jan. 15. * * * * *
* * * * *	
17. Section _____.25(k)(21)(iii)(D) is amended in the table under "Hunting" by revising the entry for Moose to read as follows:	
* * * * *	
(k) * * *	
(21) * * *	
(iii) * * *	
(D) * * *	
Harvest limits	Open season
Hunting: * * * * *	* * * * *
Moose: Unit 21(A)—1 antlered bull.	Sept. 5–Sept. 30. Nov. 1–Nov. 30.
Unit 21 (B) and (C)—1 antlerless bull.	Sept. 5–Sept. 25.
Unit 21(D)—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Feb. 1–Feb. 5; moose may not be taken within one-half mile of the Yukon River during the February season.	Sept. 5–Sept. 25. Feb. 1–Feb. 5.
Unit 21(E)—1 moose; however, only antlered bulls may be taken from Sept. 5–Sept. 25; moose may not be taken within one-half mile of the Yukon River during the February season.	Sept. 5–Sept. 25. Feb. 1–Feb. 10.
* * * * *	* * * * *

18. Section _____.25(k)(25)(iii)(b) is amended in the table under "Trapping" by revising the entry for Lynx to read as follows:

* * * * *

(k) * * *
(25) * * *
(iii) * * *

Harvest limits	Open season
* * * * *	
Trapping: * * * * *	* * * * *
Lynx: Unit 25(C)—No limit	Dec. 1–Jan. 15.

Harvest limits	Open season
Remainder of Unit 25—No limit. * * * * *	Nov. 1–Feb. 28. * * * * *

* * * * *

19. Section _____.25(k)(26)(iii)(B) is amended in the table under "Hunting" by revising the entry for Moose to read as follows:

* * * * *

(k) * * *
(26) * * *
(iii) * * *
(B) * * *

Harvest limits	Open season
Hunting: * * * * *	* * * * *
Moose: Unit 26(A)—that portion of the Colville River drainage upstream from and including the Chandler River drainage—1 moose; however, no person may take a cow accompanied by a calf..	Aug. 1–Mar. 31.
Remainder of Unit 26(A)—1 moose; however, no person may take a cow accompanied by a calf..	Aug. 1–Dec. 31.
Unit 26(B)—that portion within two miles of the Dalton Highway.	No open season.
Unit 26(B) Remainder and (C)—1 moose.	Aug. 1–Dec. 31.
* * * * *	* * * * *

* * * * *

20. Section _____.27 is amended by adding a new paragraph (f)(3)(iv)(E) to read as follows:

§ _____.27 Subsistence taking of shellfish.

* * * * *

(f) * * *
(3) * * *
(iv) * * *

(E) the waters of the Pacific Ocean enclosed by the boundaries of Womans Bay, Gibson Cove, and an area defined by a line ½ mile on either side of the mouth of the Karluk River, and extending seaward 3,000 feet, and all waters within 1,500 feet seaward of the shoreline of Afognak Island are closed to the harvest of king crab except by Federally-qualified rural Alaska residents;

* * * * *

Dated: December 19, 1994.

William L. Hensley,

Chair, Federal Subsistence Board.

Dated: December 29, 1994.

Phil Janik,

Regional Forester, USDA-Forest Service.

[FR Doc. 95-4359 Filed 2-23-95; 8:45 am]

BILLING CODE 3410-11-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[SC-27-1-6735a; FRL-5145-8]

Approval and Promulgation of Implementation Plans South Carolina: Title V, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the State Implementation Plan (SIP) submitted by the State of South Carolina through the South Carolina Department of Health and Environmental Control for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM), which will be fully implemented by November 15, 1994. This implementation plan was submitted by the State on January 20, 1993, to satisfy the Federal mandate to ensure that small businesses have access to the technical assistance and regulatory information necessary to comply with the Clean Air Act as amended in 1990 (CAA).

DATES: This final rule is effective April 25, 1995 unless notice is received March 27, 1995 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Ms. Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Copies of the material submitted by the State of South Carolina may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency,

401 M Street, SW., Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

State of South Carolina Department of Health and Environmental Control, Environmental Quality Control, Bureau of Air Quality Control, 2600 Bull Street, Columbia, South Carolina 29201.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is 404/347-3555 x4195.

SUPPLEMENTARY INFORMATION: Implementation of the CAA will require small businesses to comply with specific regulations in order for areas to attain and maintain the National ambient air quality standards (NAAQS) and reduce the emission of air toxics. In anticipation of the impact of these requirements on small businesses, the CAA requires that states adopt a PROGRAM, and submit this PROGRAM as a revision to the federally approved SIP. In addition, the CAA directs the EPA to oversee the small business assistance program and report to Congress on their implementation. The requirements for establishing a PROGRAM are set out in section 507 of title V of the CAA and the EPA guidance document *Guidelines for the Implementation of Section 507 of the 1990 Clean Air Act Amendments*. In order to gain full approval, the state submittal must provide for each of the following PROGRAM elements: (1) The establishment of a Small Business Assistance Program (SBAP) to provide technical and compliance assistance to small businesses; (2) the establishment of a state Small Business Ombudsman to represent the interests of small businesses in the regulatory process; and (3) the creation of a Compliance Advisory Panel (CAP) to determine and report on the overall effectiveness of the SBAP. The plan must also determine the eligibility of small business stationary sources for assistance in the PROGRAM. The plan includes the duties, funding and schedule of implementation for the three PROGRAM components.

Section 507(a) and (e) of the CAA set forth requirements the State must meet to have an approvable PROGRAM. The State of South Carolina has addressed these requirements and established a PROGRAM as described below.

1. Small Business Assistance Program (SBAP)

South Carolina has established a mechanism to implement the following six requirements set forth in section 507 of title V of the CAA:

A. The establishment of adequate mechanisms for developing, collecting and coordinating information concerning compliance methods and technologies for small business stationary sources, and programs to encourage lawful cooperation among such sources and other persons to further comply with the CAA;

B. The establishment of adequate mechanisms for assisting small business stationary sources with pollution prevention and accidental release detection and prevention, including providing information concerning alternative technologies, process changes, products and methods of operation that help reduce air pollution;

C. The development of a compliance and technical assistance program for small business stationary sources which assist small businesses in determining applicable permit requirements under the CAA in a timely and efficient manner;

D. The development of adequate mechanisms to assure that small business stationary sources receive notice of their rights under the CAA in such manner and form as to assure reasonably adequate time for such sources to evaluate compliance methods and any relevant or applicable proposed or final regulation or standards issued under the CAA;

E. The development of adequate mechanisms for informing small business stationary sources of their obligations under the CAA, including mechanisms for referring such sources to qualified auditors, or at the option of the State, for providing audits of the operations of such sources to determine compliance with the CAA; and

F. The development of procedures for consideration of requests from a small business stationary source for modification of: (A) Any work practice or technological method of compliance; or (B) the schedule of milestones for implementing such work practice or method of compliance preceding any applicable compliance date, based on the technological and financial capability of any such small business stationary source.

The State of South Carolina acknowledges the heart of the PROGRAM is the Small Business Assistance Program (SBAP), which resides within the Department of Health and Environmental Control. The SBAP

will provide an information clearinghouse and refer small businesses to State technical experts within the Department who are trained to handle specific questions relevant to achieving compliance with the CAA. In addition, the SBAP will provide for the collection and dissemination of information to small businesses on determining applicable requirements under the CAA, permit issuance, small businesses' rights and obligations, compliance methods, acceptable control technologies, pollution prevention, accidental release prevention and detection, audit programs and procedures, and other matters deemed useful or necessary by the Department. The specific mechanisms for collection and dissemination of information will be developed by the Ombudsman. The SBAP also will consider requests from small business stationary sources for modifications of work practices, technological methods of compliance, or compliance procedures and provide guidance as necessary. The SBAP will utilize, on an as needed basis, the services of other in-state entities with expertise in various aspects related to the PROGRAM.

The dissemination of information to small businesses in South Carolina through the SBAP involves both a proactive and a reactive component. The Ombudsman will actively advertise the SBAP to ensure the regulated communities are aware of their obligations under the CAA. The reactive component takes place after the regulated community recognizes that there is or could be some obligation on their part to comply with the CAA. The Department is committed to supporting the proactive component of the program through newspapers, radio, and TV announcements and advertisements. Public service announcements will be used to the maximum extent possible. Informational packets will be distributed. Other avenues for disseminating information will be utilized through the Secretary of State's office, the South Carolina State Development Board, the Environmental Quality Control Advisory Board, the Federal Small Business Assistance Office, the Chambers of Commerce's Technical Committee, the General Assembly's Joint Liaison on Small Business, other appropriate State offices, public hearings, and by the identification of potentially affected sources by the Department. Reactive components of the SBAP include the installation of a toll-free hot line to facilitate contacting the Department and the designation of the point-of-contact

on the Department's staff to handle inquiries. The Ombudsman will be the primary point-of-contact who will either handle the question or direct the inquirer to the appropriate source within the Department for assistance. Other sources of information include the following: public hearings on rule changes, control technology guidelines, EPA's Control Technology Center, the Emissions Measurement Technical Information Center, the Emergency Planning and Community Right to Know Hotline, EPA Regional Offices, other state's air programs and industry and trade groups.

The SBAP will assist small businesses in determining applicable requirements and will provide information on permit issuance, compliance methods, acceptable control technologies, pollution prevention, accidental release prevention and detection, and audit programs. The SBAP will inform small businesses about their rights under the CAA; assist in the preparation of guidance documents and ensure that technical and compliance information is available to the small business community and the general public; answer regulatory questions raised by small businesses and provide them with clean air compliance information; obtain information and counsel from other appropriate state agencies; and participate and sponsor meetings and conferences on air quality requirements, pollution prevention, and other regulatory issues.

The Department will maintain lists of environmental consulting companies that perform auditing services and will make the lists available upon request. For those sources unable to afford consultants, the Department will conduct a consultation audit to assess the need for control measures and/or a permit to operate.

A small business may petition the Department to modify work practices, compliance methods or implementation schedules in accordance with established procedures as described in the SIP.

2. Ombudsman

Section 507(a)(3) of the CAA requires the designation of a state office to serve as the Ombudsman for small business stationary sources. South Carolina has appointed a Small Business Ombudsman and established the Office of the Ombudsman within the Department of Environmental Quality Control. Through that office, the Ombudsman will have direct access to the Governor, the Commissioner, the Chief of the Air Pollution Program, and other state and Federal agencies. The

Ombudsman will have the necessary autonomy to function independently of the air program.

3. Compliance Advisory Panel

Section 507(e) of the CAA requires the State to establish a CAP that must include two members selected by the Governor who are not owners or representatives of owners of small businesses. Four members will be selected by the state legislature who are owners, or represent owners, of small businesses. The majority and minority leadership in both the house and the senate shall each appoint one member of the panel. One member will be selected by the head of the agency in charge of the Air Pollution Permit Program. South Carolina established a CAP with a membership consistent with the aforementioned CAA requirements. The SBAP will serve as the secretariat to the CAP in the development and dissemination of reports, advisory opinions, and other information.

The duties of the CAP include: providing advisory opinions to the EPA and the Department regarding the effectiveness of the state PROGRAM and the difficulties encountered by small businesses in meeting the mandates of the CAA; reviewing information for small business stationary air pollution sources to assure such information is understandable to the lay person; and to make periodic reports to the Administrator of the Environmental Protection Agency in accordance with the requirements of the Paperwork Reduction Act, the Regulatory Flexibility Act, and the Equal Access to Justice Act.

4. Source Eligibility

South Carolina has incorporated section 507(c)(1) and defined a Small Business Stationary Source as a source that:

- (1) Is owned or operated by a person who employs 100 or fewer individuals;
- (2) Is a small business concern as defined in the Small Business Act;
- (3) Is not a major stationary source; and
- (4) Does not emit 50 tons per year (tpy) of any regulated pollutant and emits less than 75 tpy of all regulated pollutants.

South Carolina has established the following mechanisms as required by section 507: (1) A process for ascertaining the eligibility of a source to receive assistance under the PROGRAM, including an evaluation of a source's eligibility using the criteria in section 507(c)(1) of the CAA; (2) a process for public notice and comment on grants of

eligibility to sources that do not meet the provisions of sections 507(c)(1)(C), (D), and (E) of the CAA, but do not emit more than 100 tpy of all regulated pollutants; and (3) a process for exclusion from the small business stationary source definition, after consultation with the EPA and the Small Business Administration Administrator and after providing notice and opportunity for public comment, of any category or subcategory of sources that the Department determines to have sufficient technical and financial capabilities to meet the requirements of the CAA.

Final Action

In this action, EPA is approving the PROGRAM SIP revision submitted by the State of South Carolina through the Department of Health and Environmental Control. This action is being taken without prior proposal because the changes are noncontroversial and EPA anticipates no significant comments on them. The public should be advised that this action will be effective April 25, 1995. However, if notice is received by March 27, 1995 someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent documents will be published before the effective date. One document will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the CAA, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 25, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the CAA, 42 U.S.C. 7607 (b)(2).)

The OMB has exempted these actions from review under Executive Order 12866.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental

factors and in relation to relevant statutory and regulatory requirements.

By today's action, the EPA is approving a State program created for the purpose of assisting small business stationary sources in complying with existing statutory and regulatory requirements. The program being approved today does not impose any new regulatory burden on small business stationary sources; it is a program under which small business stationary sources may elect to take advantage of assistance provided by the State. Therefore, because the EPA's approval of this program does not impose any new regulatory requirements on small businesses, I certify that it does not have a significant economic impact on any small entities affected.

SIP approvals under 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action.

The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. Environmental Protection Agency*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2) and 7410(k).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations.

Dated: January 12, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401-7671q.

Subpart PP—South Carolina

2. Section 52.2120 is amended by adding paragraph (c)(38) to read as follows:

§ 52.2120 Identification of plan.

* * * * *

(38) The South Carolina Department of Health and Environmental Control has submitted revisions to the South Carolina Air Quality Implementation Plan on November 12, 1993. These revisions address the requirements of section 507 of title V of the Clean Air Act and establish the Small Business Stationary Source Technical and Environmental Program.

(i) Incorporation by reference.

(A) The submittal of the state of South Carolina's Small Business Assistance Program which was adopted on September 9, 1993.

(ii) Additional material. None.

[FR Doc. 95-4629 Filed 2-23-95; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Parts 52 and 81

[FL56-1-6883a; FRL-5148-8]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Florida

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On November 8, 1993, the State of Florida, through the Florida Department of Environmental Protection (FDEP), submitted a maintenance plan and a request to redesignate the Southeast Florida area from moderate nonattainment to attainment for ozone (O₃). The Southeast Florida O₃ nonattainment area consists of Dade, Broward and Palm Beach Counties. Under the Clean Air Act as amended in 1990 (CAA), designations can be revised if sufficient data are available to warrant such revisions and the CAA redesignation requirements are satisfied. In this action, EPA is approving Florida's request because it meets the maintenance plan and redesignation requirements set forth in the CAA, and EPA is also approving the 1990 base year emission inventory for the Southeast Florida area. The approved maintenance plan will become a federally enforceable part of the State Implementation Plan (SIP) for the Southeast Florida area.

DATES: This final rule is effective April 25, 1995, unless adverse or critical comments are received by March 27, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Joey LeVasseur, Regulatory Planning and Development Section, Air Programs Branch, Air,

Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Copies of the material submitted by the State of Florida may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Florida Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400.

FOR FURTHER INFORMATION CONTACT: Joey LeVasseur, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347-3555 ext.4215. Reference file FL56-1-6883.

SUPPLEMENTARY INFORMATION: The Clean Air Act, as amended in 1977 (1977 Act) required areas that were designated nonattainment based on a failure to meet the O₃ national ambient air quality standard (NAAQS) to develop SIPs with sufficient control measures to expeditiously attain and maintain the standard. The Miami-Fort Lauderdale-West Palm Beach area (Southeast Florida), comprised of Dade, Broward, and Palm Beach Counties, was designated under section 107 of the 1977 Act as nonattainment with respect to the O₃ NAAQS on March 3, 1978. (43 FR 8964, 40 CFR 81.310) In accordance with section 110 of the 1977 Act, the State submitted a part D O₃ SIP on April 30, 1979, which was supplemented on August 27, 1979, and January 23, 1980, which EPA conditionally approved on March 18, 1980, and fully approved on May 14, 1981, as meeting the requirements of section 110 and part D of the 1977 Act.

On November 15, 1990, the CAA Amendments of 1990 were enacted (1990 Amendments). (Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q) The nonattainment designation of Southeast Florida was continued by operation of law pursuant to section 107(d)(1)(C)(i) of the 1990 Amendments. Furthermore, it was classified by operation of law as moderate for O₃ according to section 181(a)(1). (See 56 FR 56694 (Nov. 6,

1991) and 57 FR 56762 (Nov. 30, 1992), codified at 40 CFR 81.310).

Southeast Florida more recently has ambient monitoring data that show no violations of the O₃ NAAQS, during the period 1990 through 1993. In addition, there have been no exceedences reported for the 1994 O₃ season.

Therefore, in an effort to comply with the 1990 Amendments and to ensure continued attainment of the NAAQS, Florida submitted an O₃ maintenance SIP for the Southeast Florida area on November 8, 1993, and also requested redesignation of the area to attainment with respect to the O₃ NAAQS.

The 1990 Amendments revised section 107(d)(1)(E) to provide five specific requirements that an area must meet in order to be redesignated from nonattainment to attainment:

1. The area must have attained the applicable NAAQS;
2. The area must meet all relevant requirements under section 110 and part D of the CAA;
3. The area must have a fully approved SIP under section 110(k) of the CAA;
4. The air quality improvement must be permanent and enforceable; and
5. The area must have a fully approved maintenance plan pursuant to section 175A of the CAA.

The Florida redesignation request for the Southeast Florida area meets the five requirements of section 107(d)(3)(E), noted above. The following is a brief description of how the State has fulfilled each of these requirements. Because the maintenance plan is a critical element of the redesignation request, EPA will discuss its evaluation of the maintenance plan under its analysis of the redesignation request.

1. Attainment of the O₃ NAAQS

The Florida request is based on an analysis of quality assured O₃ air quality data which is relevant to the maintenance plan and to the redesignation request. The most recent ambient O₃ data for the calendar years 1990 through 1992 shows an exceedence rate of less than 1.0 per year of the O₃ NAAQS in the Southeast Florida area. (See 40 CFR 50.9 and appendix H). Because the Southeast Florida area has complete quality-assured data showing no violations of the standard over the most recent consecutive three calendar year period, the Southeast Florida area has met the first statutory criterion of attainment of the O₃ NAAQS. In addition, there have been no ambient air exceedences in 1993 or to date in 1994 for O₃. Florida has committed to continue monitoring

in this area in accordance with 40 CFR part 58.

2. Meeting Applicable Requirements of Section 110 and Part D

On May 14, 1981, EPA fully approved Florida's SIP for the Southeast Florida area as meeting the requirements of section 110(a)(2) and part D of the 1977 Act (46 FR 26640). The 1990 Amendments, however, modified section 110(a)(2) and, under part D, revised section 172 and added new requirements for all nonattainment areas. Therefore, for purposes of redesignation, to meet the requirement that the SIP contain all applicable requirements under the CAA, EPA has reviewed the SIP to ensure that it contains all measures that were due under the 1990 Amendments prior to or at the time the State submitted its redesignation request. EPA interprets section 107(d)(3)(E)(v) to mean that for a redesignation request to be approved, the state has met all requirements that applied to the subject area prior to or at the time of the submission of a complete redesignation request. Requirements of the CAA that come due subsequently continue to be applicable at those later dates (see section 175A(c)) and, if the redesignation is disapproved, the state remains obligated to fulfill those requirements.

A. Section 110 Requirements

Although section 110 was amended by the 1990 Amendments, the Southeast Florida SIP meets the requirements of amended section 110(a)(2). A number of the requirements did not change in substance and, therefore, EPA believes that the pre-amendment SIP met these requirements. As to those requirements that were amended, (see 57 FR 27936 and 23939, June 23, 1993), many are duplicative of other requirements of the CAA. EPA has analyzed the SIP and determined that it is consistent with the requirements of amended section 110(a)(2).

B. Part D Requirements

Before Southeast Florida may be redesignated to attainment, it also must have fulfilled the applicable requirements of part D. Under part D, an area's classification indicates the requirements to which it will be subject. Subpart 1 of part D sets forth the basic nonattainment requirements applicable to all nonattainment areas, classified as well as nonclassifiable. Subpart 2 of part D establishes additional requirements for nonattainment areas classified under table 1 of section 181(a). The Southeast Florida area was classified as moderate (See 56 FR 56694, codified at 40 CFR

81.530). Therefore, in order to be redesignated to attainment, the State must meet the applicable requirements of subpart 1 of part D, specifically sections 172(c) and 176, and is subject to requirements of subpart 2 of part D.

B.1. Subpart 1 of Part D—Section 172(c) Plan Provisions

Under section 172(b), the Administrator established that States containing nonattainment areas shall submit a plan or plan revision meeting the applicable requirements of section 172(c) no later than three years after an area is designated as nonattainment, i.e., unless EPA establishes an earlier date. EPA has determined that the section 172(c)(2) reasonable further progress (RFP) requirement (with parallel requirements for a moderate ozone nonattainment area under subpart 2 of part D, due November 15, 1993) was not applicable as the State of Florida submitted this redesignation request on November 8, 1993. Also the section 172(c)(9) contingency measures and additional section 172(c)(1) non-RACT reasonable available control measures (RACTM) beyond what may already be required in the SIP are no longer necessary, since no earlier date was set for these measures and as RFP was not due until November 15, 1993.

The section 172(c)(3) emissions inventory requirement has been met by the submission and approval (in this action) of the 1990 base year inventory required under subpart 2 of part D, section 182(a)(1).

As for the section 172(c)(5) NSR requirement, EPA has determined that areas being redesignated need not comply with the NSR requirement prior to redesignation provided that the area demonstrates maintenance of the standard without part D NSR in effect. Memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994, entitled Part D New Source Review (part D NSR) Requirements for Areas Requesting Redesignation to Attainment. The rationale for this view is described fully in that memorandum, and is based on the Agency's authority to establish *de minimis* exceptions to statutory requirements. See *Alabama Power Co. v. Costle*, 636 F. 2d 323, 360–61 (D.C. Cir. 1979). As discussed below, the State of Florida has demonstrated that the Southeast Florida area will be able to maintain the standard without part D NSR in effect and, therefore, the State need not have a fully-approved part D NSR program prior to approval of the redesignation request for Southeast Florida.

Finally, for purposes of redesignation, the Southeast Florida SIP was reviewed to ensure that all requirements of section 110(a)(2), containing general SIP elements, were satisfied. As noted above, EPA believes the SIP satisfies all of those requirements.

B.2. Subpart 1 of Part D—Section 176 Conformity Plan Provisions

Section 176(c) of the CAA requires States to revise their SIPs to establish criteria and procedures to ensure that Federal actions, before they are taken conform to the air quality planning goals in the applicable State SIP. The requirement to determine conformity applies to transportation plans, programs and projects developed, funded or approved under Title 23 U.S.C. or the Federal Transit Act ("transportation conformity"), as well as to all other Federal actions ("general conformity"). Section 176 further provides that the conformity revisions to be submitted by the States must be consistent with Federal conformity regulations that the CAA required EPA to promulgate. Congress provided for the State revisions to be submitted one year after the date for promulgation of final EPA conformity regulations. When that date passed without such promulgation, EPA's General Preamble for the Implementation of Title I informed States that its conformity regulations would establish a submittal date (see 57 FR 13498, 13557 (April 16, 1992)).

EPA promulgated final transportation conformity regulations on November 24, 1993 (58 FR 62118) and general conformity regulations on November 30, 1993 (58 FR 63214). These conformity rules require that States adopt both transportation and general conformity provisions in the SIP for areas designated nonattainment or subject to a maintenance plan approved under CAA section 175A. Pursuant to 40 CFR 51.396 of the transportation conformity rule and 40 CFR 51.851 of the general conformity rule, the State of Florida is required to submit a SIP revision containing transportation conformity criteria and procedures consistent with those established in the Federal rule by November 25, 1994. Similarly, the State of Florida is required to submit a SIP revision containing general conformity criteria and procedures consistent with those established in the Federal rule by December 1, 1994. Because the deadlines for these submittals did not come due until after the submission of the redesignation request for Southeast Florida, they are not applicable requirements under section 107(d)(3)(E)(v) and, therefore, do not

affect the approval of this redesignation request.

B.3. Subpart 2 of Part D—Section 182(a) and 182(b) Requirements

Southeast Florida is a moderate ozone nonattainment area. Under subpart 2 of part D, such areas must meet the requirements for marginal areas under section 182(a)(1) as well as the requirements for moderate areas contained in section 182(b). As discussed above, for purposes of this redesignation, the Southeast Florida area need only meet those requirements of section 182(a) and (b) that came due prior to or at the time of the submittal of a complete redesignation request (which was November 8, 1993, in this instance). Section 182(b)(1) of the CAA required states to submit a revision to the SIP by November 15, 1993, to provide for volatile organic compound (VOC) emission reductions by November 15, 1996, of at least 15% from baseline emissions accounting for any growth in emissions after the date of enactment of the CAA. The State failed to submit the required revisions and as a result, on January 28, 1994, EPA issued a finding letter notifying Florida of a finding of failure to submit. This finding of failure to submit triggered the: (1) 18-month time clock for mandatory application of sanctions under section 179(a); (2) the Administrator's discretionary authority to impose sanctions under section 110(m); and (3) the 2-year time clock for promulgation of the Federal Implementation Plan (FIP) 15% regulations for this area as required by section 110(c)(1). However, the letter acknowledges the submittal of this redesignation request to attainment and stated that if the redesignation request to attainment is approved then requirements for a 15% plan SIP will be unnecessary for the Southeast Florida area. Therefore, upon approval of this redesignation request, the sanctions and FIP clocks will stop. As the requirement to submit a 15% plan did not come due until November 15, 1993, the 15% plan requirement is not an applicable requirement for purposes of the evaluation of this redesignation request. EPA has analyzed the SIP and determined that Florida has met all applicable 182(a) and (b) requirements for redesignation.

a. Emissions Inventory

Section 182(a)(1) of the CAA required an inventory of all actual emissions from all sources to be submitted by November 15, 1992. As described below, the State has submitted such an

inventory, and EPA is approving that inventory with this action.

b. Reasonably Available Control Technology

To be redesignated, all SIP revisions required by section 182(a)(2)(A) and 182(b)(2) concerning RACT requirements must have been submitted to EPA and fully approved. Florida has met all RACT requirements except for categories that do not have an approved control technique guideline (CTG). Florida's non-CTG RACT rule was submitted on January 8, 1993. This rule is being acted on in a separate document and final action will be taken prior to this redesignation becoming final.

c. Emissions Statements

Section 182(a)(3) of the CAA required a SIP submission by November 15, 1992, to require stationary sources of NO_x and VOCs provide statements of actual emissions. Florida submitted an annual emissions statement SIP revision on November 13, 1992. This revision was approved in the **Federal Register** on August 4, 1994.

d. New Source Review

As explained above, EPA has determined that areas need not comply with the part D NSR requirements of the CAA in order to be redesignated provided that the area is able to demonstrate maintenance without part D NSR in effect. As maintenance has been demonstrated for the Southeast Florida area, EPA is not requiring that the area have a fully-approved part D NSR plan meeting the requirements of sections 182 (a) and (b) prior to redesignation.

e. Motor Vehicle Inspection and Maintenance (I/M)

The Southeast Florida area has an approved I/M program that meets the requirements of the CAA. Furthermore, the area meets the requirements for areas redesignating, i.e., the State has legal authority for I/M and the contingency plan includes enhanced I/M which more than meets the requirement for a contingency measure to be an upgraded I/M program.

f. Stage II

Section 182(b)(3) of the CAA required moderate areas to implement Stage II

gasoline vapor recovery systems unless and until EPA promulgated onboard vapor recovery regulations. On January 24, 1994, EPA promulgated the onboard rule. As section 202(a)(6) of the CAA provides that once the rule is promulgated, moderate areas are no longer required to implement Stage II, the Stage II vapor recovery requirement is no longer an applicable requirement. However, Stage II vapor recovery has been approved and implemented in the Southeast Florida area.

3. Fully Approved SIP Under Section 110(k) of the CAA

Based on the approval of provisions under the pre-amended CAA and EPA's prior approval of SIP revisions under the 1990 Amendments, EPA has determined that the Southeast Florida area has a fully approved SIP under section 110(k), which also meets the applicable requirements of section 110 and part D as discussed above.

4. Improvement in Air Quality Due to Permanent and Enforceable Measures

Under the pre-amended CAA, EPA approved the Florida SIP control strategy for the Southeast Florida nonattainment area, satisfied that the rules and the emission reductions achieved as a result of those rules were enforceable. The control measures to which the emission reductions are attributed are VOC RACT regulations, the Federal Motor Vehicle Control Program (FMVCP), and lower Reid Vapor Pressure (RVP). VOC emissions were reduced by 9% in 1990 due to VOC RACT. The FMVCP reduced VOC emissions from motor vehicles by 54% from 1980 to 1990. The reduction in RVP from 11.5 psi in 1985 to 7.8 psi in 1992 has reduced summertime VOC mobile source emissions by 32%.

In association with its emission inventory discussed below, the State of Florida has demonstrated that actual enforceable emission reductions are responsible for the air quality improvement and that the VOC emissions in the base year are not artificially low due to local economic downturn. EPA finds that the combination of existing EPA-approved state and federal measures contribute to the permanence and enforceability of

reduction in ambient O₃ levels that have allowed the area to attain the NAAQS.

5. Fully Approved Maintenance Plan Under Section 175A

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the State must submit a revised maintenance plan which demonstrates attainment for the ten years following the initial ten-year period. To provide for the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for implementation, adequate to assure prompt correction of any air quality problems. In this document, EPA is approving the State of Florida's maintenance plan for the Southeast Florida area because EPA finds that Florida's submittal meets the requirements of section 175A.

A. Emissions Inventory—Base Year Inventory

On November 16, 1992, the State of Florida submitted comprehensive inventories of VOC, NO_x, and CO emissions from the Southeast Florida area. The inventories include biogenic, area, stationary, and mobile sources using 1990 as the base year for calculations to demonstrate maintenance. The 1990 inventory is considered representative of attainment conditions because the NAAQS was not violated during 1990. EPA is approving the 1990 base year inventory in this action.

The State submittal contains the detailed inventory data and summaries by county and source category. The comprehensive base year emissions inventory was submitted in the NEDS format. Finally, this inventory was prepared in accordance with EPA guidance. It also contains summary tables of the base year and projected maintenance year inventories. EPA's TSD contains more in-depth details regarding the base year inventory for the Southeast Florida area.

VOC EMISSIONS INVENTORY SUMMARY
[Tons per day]

	1990	1994	1997	2000	2005
Stationary Point	29.43	31.57	27.33	24.34	24.26
Stationary Area	295.21	280.90	230.48	232.17	220.50
On-Road Mobile	336.64	206.83	189.86	176.74	170.25

VOC EMISSIONS INVENTORY SUMMARY—Continued

[Tons per day]

	1990	1994	1997	2000	2005
Non-Road Mobile	128.98	134.81	142.87	149.79	158.35
Biogenic	325.33	325.33	325.33	325.33	325.33
Total	1115.59	979.44	915.87	908.37	898.69

NO_x EMISSIONS INVENTORY SUMMARY

[Tons per day]

	1990	1994	1997	2000	2005
Stationary Point	180.34	183.92	150.88	151.66	151.70
Stationary Area	17.10	17.97	18.81	19.38	20.23
On-Road Mobile	254.48	239.70	230.79	220.26	214.34
Non-Road Mobile	93.85	98.47	104.42	109.60	118.85
Total	545.77	540.06	504.90	500.90	505.12

CO EMISSIONS INVENTORY SUMMARY

[Tons per day]

	1990
Stationary Point	26.82
Stationary Area	182.53
On-Road Mobile	2565.60
Non-Road Mobile	837.80
Total	3612.75

*B. Demonstration of Maintenance—
Projected Inventories*

Total VOC and NO_x emissions were projected from 1990 base year out to 2005, with interim years of 1994, 1997, and 2000. These projected inventories were prepared in accordance with EPA guidance. The projections show that VOC and NO_x emissions are not expected to exceed the level of the base year inventory during this time period.

C. Verification of Continued Attainment

Continued attainment of the O₃ NAAQS in the Southeast Florida area depends, in part, on the State's efforts toward tracking indicators of continued attainment during the maintenance period. The State has also committed to submitting periodic inventories of VOC and NO_x emissions every three years. The contingency plan for the Southeast Florida area is triggered by two indicators, a violation of the O₃ NAAQS or a periodic inventory update that shows emissions of VOCs have increased by at least five percent above the 1990 levels.

D. Contingency Plan

The level of VOC emissions in the Southeast Florida area will largely determine its ability to stay in compliance with the O₃ NAAQS in the future. Despite the State's best efforts to demonstrate continued compliance with

the NAAQS, the ambient air pollutant concentrations may exceed or violate the NAAQS. Therefore, Florida has provided contingency measures with a schedule for implementation in the event of a future O₃ air quality problem. In the case of a violation of the O₃ NAAQS, the plan contains a contingency to implement additional control measures such as reinstatement of NSR, less volatile or reformulated gasoline, expansion of control strategies to adjacent counties for VOC and/or NO_x and to new CTG categories, and an enhanced vehicle emissions inspection program. A complete description of these contingency measures and their triggers can be found in the State's submittal. EPA finds that the contingency measures provided in the State submittal meet the requirements of section 175A(d) of the CAA.

*E. Subsequent Maintenance Plan
Revisions*

In accordance with section 175A(b) of the CAA, the State has agreed to submit a revised maintenance SIP eight years after the area is redesignated to attainment. Such revised SIP will provide for maintenance for an additional ten years.

Final Action

In this action, EPA is approving the Southeast Florida area O₃ maintenance plan submitted on November 8, 1993, because it meets the requirements of section 175A. In addition, the Agency is approving the request and redesignating the Southeast Florida nonattainment area to attainment, because the State has demonstrated compliance with the requirements of section 107(d)(3)(E) for redesignation. This action stops the sanctions and federal implementation plan clocks that were triggered for the

Southeast Florida area by the January 28, 1994, findings letter. The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective April 25, 1995 unless, within 30 days of its publication, by March 27, 1995, adverse or critical comments are received. If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective April 25, 1995.

The O₃ SIP is designed to satisfy the requirements of part D of the CAA and to provide for attainment and maintenance of the O₃ NAAQS. This final redesignation should not be interpreted as authorizing the State to delete, alter, or rescind any of the VOC or NO_x emission limitations and restrictions contained in the approved O₃ SIP. Changes to O₃ SIP VOC regulations rendering them less stringent than those contained in the EPA approved plan cannot be made unless a revised plan for attainment and maintenance is submitted to and approved by EPA. Unauthorized relaxations, deletions, and changes could result in both a finding of non-

implementation (section 173(b) of the CAA) and in a SIP deficiency call made pursuant to section 110(a)(2)(H) of the CAA.

Under section 307(b)(1) of the Act, 42 U.S.C. 7607(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 25, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Act, 42 U.S.C. 7607(b)(2).)

The OMB has exempted this action from review under Executive Order 12866.

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

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

number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on small entities. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds.

Union Electric Co. v. U.S. E.P.A., 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410 (a)(2).

List of Subjects

40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: January 24, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

Chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart K—Florida

2. Section 52.520 is amended by adding paragraph (c)(86) to read as follows:

§ 52.520 Identification of plan.

* * * * *

(c) * * *

(86) The maintenance plan for Southeast Florida submitted by the Florida Department of Environmental Protection on November 8, 1993, as part of the Florida SIP.

(i) Incorporation by reference.

(A) Southeast Florida Ozone Ten Year Maintenance Plan including Emissions Inventory Summary and Projections effective on November 8, 1993.

(ii) Other material. None.

* * * * *

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. In § 81.310 the attainment status table for “Florida-Ozone” is revised to read as follows:

§ 81.310 Florida.

* * * * *

FLORIDA—OZONE

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
Tampa-St. Petersburg-Clearwater Area:				
Hillsborough County		Nonattainment		Marginal.
Pinellas County		Nonattainment		Marginal.
Rest of State		Unclassifiable/ Attainment.	.	
Alachua County				
Baker County				
Bay County				
Bradford County				
Brevard County				
Broward County	April 25, 1995.			
Calhoun County				
Charlotte County				
Citrus County				
Clay County				
Collier County				
Columbia County				
Dade County	April 25, 1995.			
De Soto County				
Dixie County				
Duval County	March 6, 1995.			

approval application must be received by the close of business on March 27, 1995.

ADDRESSES: Copies of the Arkansas final approval application are available during the hours between 8 a.m. and 4:30 p.m. at the following addresses for inspection and copying: Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72219, Phone: (501) 562-6533; U.S. EPA Headquarters, Office of Underground Storage Tanks Docket Clerk, Room 2616, 401 M Street SW., Washington, DC 20460, Phone: (202) 260-9720; and US EPA, Region 6 Library, 12th floor, 1445 Ross Avenue, Dallas, Texas 75202, Phone: (214) 665-6424. Written comments should be sent to Ms. Guanita Reiter, Chief, RCRA Programs Branch, Region 6, 1445 Ross Avenue, Dallas, Texas 75202.

FOR FURTHER INFORMATION CONTACT: Arkansas State Program Officer, Underground Storage Tank Program, Mr. John Cernero, US EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Phone: (214) 665-2233.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) enables EPA to approve State underground storage tank programs to operate in the State in lieu of the Federal underground storage tank (UST) program. To qualify for final authorization, a State's program must: (1) Be "no less stringent" than the Federal program; and (2) provide for adequate enforcement (Sections 9004(a) and 9004(b) of RCRA, 42 U.S.C. 6991(c)(b)).

On September 26, 1994, the State of Arkansas submitted an official application for final approval. Prior to its submission, the State of Arkansas provided an opportunity for public notice and comment in the development of its underground storage tank program as required under 40 CFR 281.50(b). The State then adopted by reference the corresponding Federal UST regulations in its Regulation Number 12, which became fully effective on April 22, 1990. However, the definitions of "owner" and "release" in the State's Regulation Number 12 were not adopted verbatim per the Federal regulations. Due to the possibility that the State's definition could be misinterpreted, language was included in the Memorandum of Agreement and in the State Attorney General's Statement, which states that the State will revise the regulation to remove any ambiguities in the two definitions during its next applicable

legislative session and will interpret the definition of "owner" and "release" in the same manner as EPA, until such time that the regulations are amended.

B. Decision

After reviewing the Arkansas application, I conclude that the State's program meets all of the requirements necessary to qualify for final approval. Accordingly, the State of Arkansas is granted final approval to operate its underground storage tank program. The State of Arkansas now has the responsibility for managing underground storage tank facilities within its borders and carrying out all aspects of the UST program. The State of Arkansas also has primary enforcement responsibility, although EPA retains the right to conduct inspections under section 9005 of RCRA 42 U.S.C. 6991d and to take enforcement actions under section 9006 of RCRA 42 U.S.C. 6991e.

The State of Arkansas is not authorized to operate the UST program on Indian lands and this authority will remain with EPA.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. The approval effectively suspends the applicability of certain Federal regulations.

List of Subjects in 40 CFR Part 281

Environmental protection, Administrative practice and procedure, Hazardous materials, State program approval, Underground storage tanks.

Authority: This notice is issued under the authority of Sections 2002(a), 7004(b), and 9004 of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: February 14, 1995.

William Hathaway,

Acting Regional Administrator.

[FR Doc. 95-4596 Filed 2-23-95; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 950214049-5049-01; I.D. 011295B]

RIN 0648-XX10

Taking and Importing of Marine Mammals; Yellowfin Tuna Imports; Spain and Ecuador

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

ACTION: Notice of affirmative findings.

SUMMARY: NMFS announces that the Republic of Spain and the Republic of Ecuador have submitted documentation establishing that they continue to be in compliance with the requirements of the yellowfin tuna importation regulations for nations that have acted to ban purse seine sets on marine mammals in the eastern tropical Pacific Ocean (ETP). Affirmative findings have been issued that will allow yellowfin tuna and tuna products harvested by vessels of Ecuador and Spain to be imported into the United States through December 31, 1995.

DATES: The affirmative findings were effective December 29, 1994, for Spain, and December 30, 1994, for Ecuador, and remain in effect through December 31, 1995, unless revoked.

FOR FURTHER INFORMATION CONTACT: LT Dana Wilkes (310) 980-4019, FAX (310) 980-4047.

SUPPLEMENTARY INFORMATION: NMFS regulations establish provisions for timely consideration and granting of an affirmative finding to a nation that prohibits its vessels from intentionally setting on marine mammals in the course of harvesting yellowfin tuna by purse seine in the ETP (50 CFR 216.24(e)(5)). With an affirmative finding, yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by that nation's purse seine vessels may be imported into the United States.

On December 29, 1994, after consultation with the Department of State, NMFS made an affirmative finding that the Republic of Spain had submitted acceptable documentary evidence that its regulatory program continues to comply with the yellowfin tuna import regulations. As a result of this affirmative finding, yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by Spanish-

flag purse seine vessels may be imported into the United States through December 31, 1995.

The Republic of Ecuador also submitted a request for renewal of an affirmative finding. NMFS reviewed information submitted by the Republic of Ecuador in compliance with 50 CFR 216.24(e)(5)(ix) - (xi). That documentation shows that, from May 24, 1994, until June 3, 1994, the Ecuadorian-flag purse seine vessel *Connie F.* fished for yellowfin tuna in the ETP without an observer on board. As a result, Ecuador automatically entered into a 1-year probationary status, beginning on June 3, 1994, as required under 50 CFR § 216.24(e)(5)(x)(B)(1). On December 30, 1994, after consultation with the Department of State, NMFS made an affirmative finding that the Republic of Ecuador had submitted acceptable documentary evidence that its regulatory program complies with the yellowfin tuna import regulations and that Ecuador may continue to export yellowfin tuna harvested in the ETP by Ecuadorian-flag purse seine vessels to the United States, in a probationary status, through December 31, 1995.

Dated: February 17, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 95-4519 Filed 2-23-95; 8:45 am]

BILLING CODE 3510-22-F

50 CFR Part 642

[Docket No. 940710-4292; I.D. 021795C]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

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 500 lb (227 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 500-lb (227-kg) commercial trip limit is effective February 21, 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)(iv), after 100 percent of the adjusted allocation of Atlantic group Spanish mackerel from the southern zone 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 500 lb (227 kg).

NMFS has determined that 100 percent of the adjusted allocation for Atlantic group Spanish mackerel from the southern zone will be taken by February 20, 1995. Accordingly, the 500-lb (227-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, February 21, 1995.

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, FL, boundary (25°20.4' N. lat.).

Classification

This action is taken under 50 CFR 642.27(a)(2)(iv) and (b) and is exempt from review under E.O. 12866.

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

Dated: February 17, 1995.

Fred Bilik,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95-4499 Filed 2-17-95; 4:42 pm]

BILLING CODE 3510-22-F

Proposed Rules

Federal Register

Vol. 60, No. 37

Friday, February 24, 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

7 CFR Part 6

Dairy Tariff-Rate Import Quota Licensing

AGENCY: Office of the Secretary, USDA.

ACTION: Public hearing.

SUMMARY: The Department of Agriculture will hold a public hearing on March 10, 1995, to permit interested persons to present their views and comments on changes to the Import Regulation on dairy products subject to import licensing.

DATES: The hearing will be held on March 10, 1995, at 9:30 a.m. Interested persons wishing to testify at the hearing must make a written request to testify to the address indicated below by noon on March 8, 1995. Following the hearing, persons may submit written rebuttal statements to the address indicated below by noon March 17, 1995.

ADDRESSES: The hearing will be held in Room 107, Administration Building, the U.S. Department of Agriculture, 14th and Independence Avenue, SW, Washington, D.C.

Address requests to testify to Richard Warsack, Dairy Import Quota Manager, Import Policies and Programs Division, Room 5531-S, Foreign Agricultural Service, U.S. Department of Agriculture, 14th and Independence Avenue, SW, Washington, D.C. 20250 1000. Requests to testify may also be submitted to Mr. Warsack via FAX, (202) 720-6556.

All written material received in response to this notice will be available for public inspection in Room 5531, South Building, 14th and Independence Avenue, SW, Washington, D.C. between 8:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Diana Wanamaker, Group Leader, Import Programs Group, Import Policies and Programs Division, Room 5531-A, Foreign Agricultural Service, U.S. Department of Agriculture, 14th and Independence Avenue, SW, Washington, DC 20250-1000, or telephone (202) 720-2916.

SUPPLEMENTARY INFORMATION: In the request to testify, the following information must be provided: name, address, telephone number, and firm or affiliation of each witness. Testimony at the hearing will be limited to 10 minutes. Written rebuttal statements must be in English and should be strictly limited to demonstrating errors of fact or analysis not pointed out in the hearing, and should be as concise as possible.

Certain cheese and non-cheese dairy products may only be imported into the United States by or for the account of a person or firm to whom an import license has been issued by the Department of Agriculture (the Department) and only in accordance with the terms and conditions of a license issued pursuant to Import Regulation 1, Revision 7 (7 CFR 6.20-6.34) (Import Regulation), and the Harmonized Tariff Schedule of the United States (HTS). On June 2, 1994, an Advanced Notice of Proposed Rulemaking (ANPR) was published in the **Federal Register** that the Department was considering revising the Import Regulation to implement commitments undertaken by the United States under the Uruguay Round of Multilateral Trade Negotiations and to make various changes. The comment period on the ANPR concluded on August 1, 1994. The Department received 44 submissions which provided a wide range of views including methods of allocating licenses for imported dairy products and suggestions on various other changes intended to update and strengthen the Import Regulation. The Department is scheduling a public hearing for the presentation of views and comments by interested persons with respect to the ANPR.

As described in the ANPR, the Import Regulation provided for the issuance of licenses to importers of certain dairy products which were subject to import quotas proclaimed by the President pursuant to section 22 of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 624) (Section 22). The absolute quotas on dairy products pursuant to Section 22 were converted to tariff-rate quotas under the HTS on January 1, 1995 under Presidential Proclamation 6763 of December 23, 1994 which implemented trade agreements resulting from the Uruguay

Round of Multilateral Trade Negotiations. That Proclamation also allocated the in-quota quantity of dairy products subject to tariff-rate quotas among supplying countries. The importation of most dairy products subject to the in-quota tariff rates will be administered by the Department through a licensing system in accordance with the Import Regulation. The Department published an Interim Rule in the **Federal Register** on January 6, 1995, which amended the Import Regulation to make import licensing applicable to the quantities of dairy products subject to in-quota tariff rates as of January 1, 1995 under the HTS including quantities of dairy products that had been subject to quotas under Section 22 and new quantities negotiated in the Uruguay Round for the 1995 quota year. The Interim Rule also established eligibility standards for non-cheese dairy products to ensure that licenses are granted to commercial operations importing, exporting, or manufacturing dairy products, and established a rank-order lottery system for non-cheese dairy products. Butter substitutes and butteroil were made subject to licensing in view of the significant increase in the quantities of these products which may enter at the in-quota tariff rate. The Interim Rule amended the Import Regulation to implement the U.S. Uruguay Round commitments, but did not include fundamental changes in the operation of the administration of the import licensing system set forth in the Import Regulation as envisaged in the ANPR.

At this time, the Department is considering the broader fundamental changes to the Import Regulation as envisaged in the ANPR. The Department will conduct a public hearing to permit interested parties to orally present their views, suggestions, and concerns on changes to the provisions of the Import Regulation including modifications, revisions, and updating with respect to: definitions, eligibility requirements, transfer of eligibility, allocation of annual in-quota tariff-rate quantities, issuance of licenses, issuance of ex-quota permits, sales in-transit, record and inspection, suspension and revocation procedures, and amendments to the Import Regulations implemented in the Interim Rule. Interested persons are encouraged to present testimony on proposed changes as well as any other

comments that they may feel appropriate.

Signed at Washington, D.C., the 16th day of February, 1995.

R.E. Rominger,

Acting Secretary of Agriculture.

[FR Doc. 95-4592 Filed 2-23-95; 8:45 am]

BILLING CODE 3410-10-P

Agricultural Marketing Service

7 CFR Part 28

[CN-95-001]

RIN 0581-AB15

Revision of User Fees for 1995 Crop Cotton Classification Services to Growers

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) is proposing to reduce user fees for cotton producers for 1995 crop cotton classification services under the Cotton Statistics and Estimates Act in accordance with the formula provided in the Uniform Cotton Classing Fees Act of 1987. The 1994 user fee for this classification service was \$1.80 per bale. This proposal would reduce the fee for the 1994 crop to \$1.60 per bale. The proposed reduction in fees is due to increased efficiency in classing operations and is sufficient to recover the costs of providing classification services, including costs for administration, supervision, and development and maintenance of standards.

DATES: Comments must be received by March 27, 1995.

ADDRESSES: Comments and inquiries should be addressed to Lee Cliburn, Cotton Division, AMS, USDA, room 2641-S, P.O. Box 96456, Washington, DC 20090-6456. Comments will be available for public inspection during regular business hours at the above office in Rm. 2641-South Building, 14th & Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lee Cliburn, 202-720-2145.

SUPPLEMENTARY INFORMATION: This rule has been determined to be not significant for purposes of Executive Order 12866, and has not been reviewed by the Office of Management and Budget (OMB).

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

present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

The Administrator, Agricultural Marketing Service (AMS), has considered the economic impact of this proposal on small entities pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be disproportionately burdened. There are about 40,000 cotton growers who voluntarily submit their cotton for the classification service. The majority of the growers are small businesses under the criteria established by the Small Business Administration. The Administrator of AMS has certified that this action will not have a significant economic impact on a substantial number of small entities as defined in the RFA because:

- (1) The fee reduction reflects a decrease in the cost-per-unit currently borne by those entities utilizing the services;
- (2) The cost reduction will not affect competition in the marketplace; and
- (3) The use of classification services is voluntary.

In compliance with OMB regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) of 1980 (44 U.S.C. 3501 *et seq.*), the information collection requirements contained in the provisions to be amended by this proposed rule have been previously approved by OMB and were assigned OMB control number 0581-0009 under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

It is anticipated that the proposed changes, if adopted, would be made effective July 1, 1995, as provided by the Cotton Statistics and Estimates Act.

Fees for Classification Under the Cotton Statistics and Estimates Act of 1927

The user fee charged to cotton producers for High Volume Instrument (HVI) classification services under the Cotton Statistics and Estimates Act (7 U.S.C. 473a) was \$1.80 per bale during the 1994 harvest season as determined by using the formula provided in the Uniform Cotton Classing Fees Act of 1987, as amended by Public Law 102-237. The fees cover salaries, cost of equipment and supplies, and other overhead costs, including costs for administration, supervision, and development and maintenance of cotton standards.

This proposed rule establishes the user fee charged to producers for HVI classification at \$1.60 per bale during the 1995 harvest season.

Public Law 102-237 amended the formula in the Uniform Cotton Classing Fees Act of 1987 for establishing the producer's classification fee so that the producer's fee is based on the prevailing method of classification requested by producers during the previous year. HVI classing was the prevailing method of cotton classification requested by producers in 1994. Therefore, the 1995 producer's user fee for classification service is based on the 1994 base fee for HVI classification.

The fee was calculated by applying the formula specified in the Uniform Cotton Classing Fees Act of 1987, as amended by Public Law 102-237. The 1994 base fee for HVI classification exclusive of adjustments, as provided by the Act, was \$1.96 per bale. A 2.3 percent, or five cents per bale increase due to the implicit price deflator of the gross domestic product added to the \$1.96 would result in a 1995 base fee of \$2.01 per bale. The formula in the Act provides for the use of the percentage change in the implicit price deflator of the gross national product (as indexed for the most recent 12-month period for which statistics are available). However, this has been replaced by the gross domestic product by the Department of Commerce as a more appropriate measure for the short-term monitoring and analysis of the U.S. economy.

The number of bales to be classed by the United States Department of Agriculture from the 1995 crop is estimated at 19,202,000. The 1995 base fee was decreased 15 percent based on the estimated number of bales to be classed (one percent for every 100,000 bales or portion thereof above the base of 12,500,000, limited to a maximum adjustment of 15 percent). This percentage factor amounts to a 30 cents per bale reduction and was subtracted from the 1995 base fee of \$2.01 per bale, resulting in a fee of \$1.71 per bale.

Assuming a fee of \$1.71 per bale, the projected operating reserve would be 30 percent. The Act specifies that the Secretary shall not establish a fee which, when combined with other sources of revenue, will result in a projected operating reserve of more than 25 percent. Accordingly, the fee of \$1.71 must be reduced by 11 cents per bale, to \$1.60 per bale, to provide an ending accumulated operating reserve for the fiscal year of 25 percent of the projected cost of operating the program. This would establish the 1995 season fee at \$1.60 per bale.

Accordingly, § 28.909, paragraph (b) would be revised to reflect the reduction in the HVI classification fees.

As provided for in the Uniform Cotton Classing Fees Act of 1987, as amended, a five cent per bale discount would continue to be applied to voluntary centralized billing and collecting agents as specified in § 28.909 (c).

Growers or their designated agents would continue to incur no additional fees if only one method of receiving classification data was requested. The fee for each additional method of receiving classification data in § 28.910 would remain at five cents per bale, and it would be applicable even if the same method was requested. The other provisions of § 28.910 concerning the fee for an owner receiving classification data from the central database and the fee for new classification memoranda issued for the business convenience of such an owner without reclassification of the cotton would remain the same.

The fee for review classification in § 28.911 would be reduced from \$1.80 per bale to \$1.60 per bale.

The fee for returning samples after classification in § 28.911 would remain at 40 cents per sample.

List of Subjects in 7 CFR Part 28

Administrative practice and procedures, Cotton, Cotton samples, Grades, Market news, Reporting and recordkeeping requirements, Standards, Staples, Testing, Warehouses.

For the reasons set forth in the preamble, 7 CFR Part 28 is proposed to be amended as follows:

PART 28—[AMENDED]

1. The authority citation for Part 28 is revised to read as follows:

Authority: 7 U.S.C. 473a, 7 U.S.C. 473c.

2. Section 28.909, paragraph (b) would be revised to read as follows:

§ 28.909 Costs.

* * * * *

(b) The cost of High Volume Instrument (HVI) cotton classification service to producers is \$1.60 per bale.

* * * * *

3. In Section 28.911, the last sentence of paragraph (a) would be revised to read as follows:

§ 28.911 Review classification.

(a) * * * The fee for review classification is \$1.60 per bale.

* * * * *

Dated: February 21, 1995.

Lon Hatamiya,
Administrator.

[FR Doc. 95-4737 Filed 2-23-95; 8:45 am]

BILLING CODE 3410-02-P

Grain Inspection, Packers and Stockyards Administration

7 CFR Part 68

United States Standards for Beans

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.¹

ACTION: Proposed rule.

SUMMARY: The Federal Grain Inspection Service (FGIS), of the Grain Inspection, Packers and Stockyards Administration (GIPSA), is proposing to revise the United States Standards for Beans at the request of elements within the Bean Industry. Specifically, FGIS is proposing to eliminate the factor “clean-cut weevil-bored beans” from the grade requirement for the class Blackeye beans and change the grade limits for the factors “total defects,” “blistered, wrinkled and/or broken beans,” and “splits” for the class Baby Lima beans. FGIS is proposing to change the standard to facilitate marketing of beans.

DATES: Comments must be received by May 25, 1995.

ADDRESSES: Written comments must be submitted to George Wollam, GIPSA—FGIS, USDA, Room 0623 South Building, P.O. Box 96454, Washington, DC, 20090-6454; FAX (202) 720-4628.

All comments received will be made available for public inspection in Room 0623 USDA South Building, 1400 Independence Avenue SW., Washington, DC, during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: George Wollam, address as above, telephone (202) 720-0292.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The Department is issuing this proposed rule in conformance with Executive Order 12866.

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This proposed rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures

¹ The authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), concerning inspection and standardization activities related to grain and similar commodities and products thereof has been delegated to the Administrator, Grain Inspection, Packers and Stockyards Administration (7 U.S.C. 75a; 7 CFR 68.5).

which must be exhausted prior to any judicial challenge to the provisions of this rule.

Regulatory Flexibility Act Certification

James R. Baker, Administrator, GIPSA, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities because those persons who apply the standards and most users of the inspection service do not meet the requirements of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Further, the standards are applied equally to all entities.

Information Collection and Recordkeeping Requirements

In compliance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the information collection and recordkeeping requirements in Part 68 have been approved previously by OMB and assigned OMB No. 0580-0013.

Review of Standards

On September 22, 1993, FGIS published in the **Federal Register** (58 FR 49248) a request for public comments on several changes to the United States Standards for Beans that had been suggested by the California Bean Shippers Association (CBSA), with the concurrence of the California Dry Bean Advisory Board. Specifically, CBSA recommended that the grading factor “clean-cut weevil-bored beans” be eliminated from the grade requirements for the class Blackeye beans and that “clean-cut weevil-bored beans” be considered as “worm-cut” or “insect damaged” beans. They also recommended that the limits for “total defects,” “blistered, wrinkled, and/or broken beans,” and “splits” in the class Baby Lima beans be changed to coincide with the grade limits for similar factors in other classes of beans.

Interested parties were invited to participate in the rulemaking process by submitting written comments and/or recommendations regarding the official standards. During the 60-day comment period, one written comment was received from a European industry group. This group recommended that Blackeye beans in grades U.S. Nos. 1, 2, and 3 should not contain more than 0.0, 0.1, and 0.2 percent, respectively, of “clean-cut weevil-bored beans and weevilled beans, total.”

“Clean-Cut Weevil-Bored Beans” in Blackeye Beans

The present U.S. standards define “clean-cut weevil-bored beans” as beans

from which weevils have emerged, leaving a clean-cut open cavity free from larvae, webbing, refuse, mold, or stain. "Clean-cut weevil-bored beans" are considered as a separate grading factor in only two classes: Blackeye and Mung beans. According to the U.S. Standards for Beans, Blackeye beans in grades U.S. Nos. 1, 2, and 3 may not contain more than 0.0, 0.2, and 0.5 percent, respectively, of "clean-cut weevil-bored beans." In all other classes, "clean-cut weevil-bored beans" are included with the grading factor "total damage" and/or "total defects."

Blackeye bean growers and shippers feel that including the factor "clean-cut weevil-bored beans" in the Blackeye bean standards should be changed because the grade requirements for Blackeye beans are more stringent than those of similar classes of beans; e.g., Yelloweye and Cranberry beans. Since Blackeye beans are predominately grown in California, these groups believe that the Blackeye bean standards should reflect the marketing concerns of that bean industry.

The Federation Nationale du Legume (FNL), a European industry group, recommended that Blackeye beans in grades U.S. Nos. 1, 2, and 3 should not contain more than 0.0, 0.1, and 0.2 percent, respectively, of "clean-cut weevil-bored beans and weevilled beans, total." FGIS appreciates FNL's concern about the quality of U.S. Blackeye beans. However, regardless of the factors or factor limits specified by the standards for a particular class of beans, buyers and sellers are free to specify different factor requirements in their contracts.

FGIS has no information that would indicate that eliminating "clean-cut weevil-bored beans" as a separate grading factor from the grade requirements for the class Blackeye

beans would have a noticeable effect on the quality or appearance of Blackeye beans, or harm the United States' reputation for producing and marketing high-quality Blackeye beans. Therefore, FGIS is proposing to revise the U.S. Standards for Beans to eliminate the factor "clean-cut weevil-bored beans" as a separate grading factor in the class Blackeye beans and consider "clean-cut weevil-bored" Blackeye beans as "damaged beans," included in the grading factor "total damage."

"Total Defects," "Blistered, Wrinkled, and/or Broken Beans," and "Splits" in Baby Lima Beans

Currently, Baby Lima beans in grades U.S. Nos. 1, 2, and 3 may contain not more than 2.0, 3.0, and 5.0 percent, respectively, of "total defects" and not more than 3.0, 5.0, and 8.0 percent, respectively, of "blistered, wrinkled, and/or broken beans" or "splits." The grade limits for the factors "total defects" (which includes "splits") and "total damaged" for most other classes of beans (e.g., Great Northern, Small White, Kidney, Small Red, Pink, Black Turtle Soup, Blackeye, Cranberry, and Mung beans) is 2.0, 4.0, and 6.0 percent, for grades U.S. Nos. 1, 2, and 3, respectively.

The present limits for "total defects," "blistered, wrinkled, and/or broken beans," and "splits" in the class Baby Lima beans are inconsistent with the standards for other classes of beans. This has caused confusion among some users of the standards. To provide greater uniformity within the U.S. bean standards and to better facilitate the marketing of Baby Lima beans, FGIS is proposing to change the grade limits for these factors in the class Baby Lima beans to 2.0, 4.0, and 6.0 percent, for grades U.S. Nos. 1, 2, and 3, respectively.

Proposed Action

Based on current market needs and other available information, FGIS is proposing to revise:

1. Section 68.134 by eliminating the grading factor "clean-cut Weevil-Bored" and by eliminating footnote 2 which states that "Beans with more than 0.5 percent clean-cut weevil-bored beans are graded U.S. Sample grade." Footnotes that are presently numbered 3 and 4 are proposed to be renumbered 2 and 3, respectively.

2. Section 68.140 by changing the grading limits for the factors "total defects," "blistered, wrinkled, and/or broken beans," and "splits" to 2.0, 4.0, and 6.0 percent for U.S. Nos. 1, 2, and 3, respectively.

Comments including data, views, and suggestions regarding the proposed changes to the U.S. Standards for Blackeye and Baby Lima beans are solicited from interested parties.

List of Subjects in 7 CFR Part 68

Administrative practice and procedures, Agricultural commodities, Beans.

For reasons set forth in the preamble, 7 CFR Part 68 is proposed to be amended as follows:

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND THEIR PRODUCTS

1. The authority citation for Part 68 continues to read as follows:

Authority: Secs. 202–208, 60 Stat. 1087, as amended (7 U.S.C. 1621 *et seq.*).

2. Section 68.134 is revised to read as follows:

§ 68.134 Grades and grade requirements for the class Blackeye Beans.

Grade	General appearance	Percent maximum limits of—				
		Moisture ¹	Total defects (DKT, FM, CCL, & SP)	Total damaged	Foreign material	
					Total	Stones
U.S. No. 1	The special grade off-color may be applied after the removal of total defects.	18.0	4.0	2.0	0.5	0.2
U.S. No. 2		18.0	6.0	4.0	1.0	0.4
U.S. No. 3		18.0	8.0	6.0	1.5	0.6

Grade	Percent maximum limits of—	
	Contrasting classes ²	Classes that blend ³
U.S. No. 1	0.5	5.0
U.S. No. 2	1.0	10.0

Grade	Percent maximum limits of—	
	Con- trasting classes ²	Classes that blend ³
U.S. No. 3	2.0	15.0

¹ Beans with more than 18.0 percent moisture are graded High moisture.

² Beans with more than 2.0 percent contrasting classes are graded Mixed beans.

³ Beans with more than 15.0 percent classes that blend are graded Mixed beans.

U.S. Substandard: U.S. Substandard shall be beans which do not meet the requirements for the grades U.S. No. 1 through U.S. No. 3 or U.S. Sample grade. Beans which are not well screened shall also be U.S. Substandard, except for beans which meet the requirements for U.S. Sample grade.

U.S. Sample grade: U.S. Sample grade shall be beans which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.

3. Section 68.140 is revised to read as follows:

§ 68.140 Grades and grade requirements for the classes Baby Lima and Miscellaneous Lima Beans.

Grade	General appearance	Percent maximum limits of—				
		Mois- ture ¹	Total defects (DKT, FM, CCL, & SP)	Badly dam- aged	Foreign material	
					Total	Stones
U.S. No. 1	The special grade off-color may be applied after the removal of total defects.	18.0	2.0	1.0	0.5	0.2
U.S. No. 2		18.0	4.0	1.5	1.0	0.3
U.S. No. 3		18.0	6.0	2.0	1.5	0.6

Grade	Percent maximum limits of—			
	Con- trasting classes ²	Blis- tered, wrin- kled, and/or broken	Splits	Classes that blend ³
U.S. No. 1	0.5	2.0	2.0	5.0
U.S. No. 2	1.0	4.0	4.0	10.0
U.S. No. 3	2.0	6.0	6.0	15.0

¹ Beans with more than 18.0 percent moisture are graded High moisture.

² Beans with more than 2.0 percent contrasting classes are graded Mixed beans.

³ Beans with more than 15.0 percent classes that blend are graded Mixed beans.

U.S. Substandard: U.S. Substandard shall be beans which do not meet the requirements for the grades U.S. No. 1 through U.S. No. 3 or U.S. Sample grade. Beans which are not well screened shall also be U.S. Substandard, except for beans which meet the requirements for U.S. Sample grade.

U.S. Sample grade: U.S. Sample grade shall be beans which are musty, sour, heating, materially weathered, or weevily; which have any commercially objectionable odor; which contain insect webbing or filth, animal filth, any unknown foreign substance, broken glass, or metal fragments; or which are otherwise of distinctly low quality.

Dated: February 16, 1995.

James R. Baker,

Administrator.

[FR Doc. 95-4495 Filed 2-23-95; 8:45 am]

BILLING CODE 3410-EN-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of the Assistant Secretary for Public and Indian Housing****24 CFR Chapter IX**

[Docket No. N-95-3858; FR-3647-N-01]

RIN 2577-AB44

Vacancy Rule: Notice of Establishment of a Negotiated Rulemaking Advisory Committee and of First Meeting

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of establishment of a negotiated rulemaking committee and of first meeting.

SUMMARY: The Department is announcing the establishment of a Negotiated Rulemaking Advisory Committee under the Federal Advisory Committee Act (FACA). The purpose of the Committee is to discuss and negotiate a proposed rule that would change the current method of determining the payment of operating subsidies to vacant public housing units. The Committee consists of representatives with a definable stake in the outcome of a proposed rule. A charter for the Committee has been approved pursuant to the FACA, Executive Order 12838, and the implementing regulations. This notice also announces the time and place of the first Committee meeting, which will be open to the public.

DATES: The first meeting of the Committee will take place March 7-9, 1995. On March 7, the meeting will start at 10:00 a.m. and run until completion; on March 8, the meeting will start at 9:00 a.m. and run until completion; and on March 9, the meeting will start at 9:00 a.m. and run until approximately 1:00 p.m.

ADDRESSES: The first meeting of the Committee will be held in the Captain's Room of the Channel Inn Hotel; 650 Water Street, SW., Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: John T. Comerford, Director, Financial Management Division, Public and Indian Housing, Room 4212, Department of Housing and Urban Development, 431 Seventh Street SW., Washington, DC 20410-0500; telephone (202) 708-1872, or (202) 708-0850 (TDD). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:**Background**

On January 3, 1995, HUD published a notice of intent to establish a Negotiated Rulemaking Advisory Committee to discuss and negotiate a proposed rule that would change the current method of determining the payment of operating subsidies to vacant public housing units (60 FR 304) ("January 3 notice"). Subsequent to the publication of the January 3 notice, a charter for the Committee was approved pursuant to the FACA, Executive Order 12838, and the implementing regulations at 41 CFR 101-6.1007.

The January 3 notice requested comment concerning the issues it should consider and the proposed membership of the Committee. The Department received two comments on the notice of intent. One commenter was a public housing agency (PHA) from the State of Alaska requesting Committee membership. The other commenter was a national association, the Council of Large Public Housing Authorities (CLPHA), with comments on membership balance and the efficacy of changing the current subsidy payment system in light of HUD's proposal to transform the public housing program. After review of the comments and for the reasons stated in the notice of intent, the Department has determined that established a negotiated rulemaking advisory committee on this subject is necessary and in the public interest.

Facilitators

As stated in the notice of intent, the Federal Mediation and Conciliation Service (FMCS) will provide facilitators for this effort.

Substantive Issues for Negotiation

The convening report identified the following issues to be addressed by the Committee:

- What constitutes an acceptable level of vacancies for housing authorities of various size classifications?
- What criteria should be used for providing less than full subsidy?
- What criteria should be used for providing full subsidy despite less than full occupancy?

CLPHA suggested that HUD delay negotiated rulemaking on these vacancy rule issues until HUD and Congress resolve the broader issues concerning HUD's future role in the area of public housing. While it is true that the Department is seeking to transform public housing and convert operating subsidies to PHAs into rental assistance to residents, that transformation will not

be completed for a period of at least 6 years. The Department believes that changes are needed now to correct inequities and inefficiencies in the current rule and that to maintain the status quo is not good public policy.

Committee Membership

The FMCS conveners consulted and interviewed over 30 officials of various organizations interested and affected by the vacancy rule. Three national Housing Agency (HA) associations—the Council of Large Public Housing Authorities (CLPHA), the National Association of Housing and Redevelopment Officials (NAHRO), and the Public Housing Authority Directors Association (PHADA)—worked together to suggest for committee membership executive directors of HAs that would reflect a balance among HAs in terms of size and number of vacant units. The national associations committed themselves to serving as staff support to the HAs selected for membership.

The members of the Committee are the following:

Housing Agencies

- Housing Authority of the city of Houston, TX.
- Cuyahoga Metropolitan Housing Authority, Cleveland, OH.
- Birmingham, AL Housing Authority.
- New York City, NY Housing Authority.
- Newark, NJ Housing Authority.
- Reno, NV Housing Authority.
- Littleton, CO Housing Authority.
- Housing Authority of the city of South Bend, IN.

Tenant Organizations and Public Interest Groups

- National Tenants Organization, Ft. Pierce, FL.
- Bromley Health Tenant Management Corporation, Jamaica Plains, MA.
- New Jersey Association of Public and Subsidized Housing Residents, Newark, NJ.
- National Housing Law Project, Washington, DC.
- Housing and Development Law Institute, Washington, DC.
- Illinois Association of Housing Authorities.

Federal Government

- U.S. Department of Housing and Urban Development

The Executive Director of the Kodiak Island, AK, Housing Authority asked that she or another qualified Alaska housing representative be a member of the committee, saying that the interests

of remote housing authorities administering Indian housing programs should be represented. However, the Department has recognized the unique and special circumstances of administering public housing programs in Alaska by not applying the performance funding system (PFS) regulations to housing owned by HAs in Alaska, as well as the Virgin Islands, Puerto Rico, and Guam. Operating subsidy payments to these HAs are based upon budgets approved by HUD on a case-by-case basis. Since the purpose of the committee is to develop a proposed rule that would change the current PFS approach to payment of operating subsidies to vacant units, HAs that use a non-PFS approach do not have a direct interest that should be represented on the committee.

CLPHA commented that large housing authorities that are directly experiencing serious vacancy problems should constitute the majority of the committee. The Department notes that housing authorities now have 8 of the 14 committee memberships and that 1 of the public interest groups given membership is an association representing housing authorities in Illinois. Of the eight HA members, six are currently dealing with vacancy problems or have done so in the recent past. Clearly, the collective interests of HAs are well represented, as are the interests of those large authorities with vacancy problems. It should also be emphasized that the committee will try to achieve its goals of developing a new proposed vacancy rule through measures that seek to achieve a consensus among all committee members.

Tentative Schedule

HUD will hold the first meeting of the committee on March 7–9, 1995. On March 7, the meeting will start at 10:00 a.m. and run until completion; on March 8, the meeting will start at 9:00 a.m. and run until completion; and on March 9, the meeting will start at 9:00 a.m. and run until approximately 1:00 p.m. The location of the meeting will be the Captain's Room of the Channel Inn Hotel, 650 Water Street, SW, Washington, D.C. 20024. The purpose of the meeting will be to orient members to the negotiated rulemaking (reg-neg) process, establish a basic set of understandings and ground rules (protocols) regarding the process that will be followed in seeking a consensus, and begin to address the issues. This meeting is open to the public.

Decisions with respect to future meetings will be made at the first

meeting and from time to time thereafter. Notices of future meetings will be published in the **Federal Register** if time permits.

To prevent delays that might postpone timely issuance of a proposed rule, HUD intends to terminate the committee's activities if it does not reach consensus within 5 months of the first meeting. The process may end earlier if the FMCS conveners/facilitators believe that sufficient progress cannot be made or that an impasse has developed that cannot be resolved.

Authority: 42 U.S.C. 1437g, 3535(d).

Dated: February 21, 1995.

Joseph Shuldiner,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 95–4614 Filed 2–21–95; 2:31 pm]

BILLING CODE 4210–33–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 184

[DoD 4145.26–M]

Contractor's Safety for Ammunition and Explosives

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On December 16 1994, 59 FR 64911, the Department of Defense published a proposed rule which codifies its revised explosives safety standards for ammunition and explosives (A&E) work performed under DoD contracts. The proposed rule is necessary to minimize the potential for mishaps that could interrupt DoD operations, delay project completion dates, adversely impact DoD production base or capability, damage or destroy DoD-owned material/equipment, cause injury to DoD personnel, or endanger the general public. Comments were requested by February 14, 1995. The DoD Explosives Safety Board has been requested by several interested contractors to extend the comment period to provide time for a more detailed technical review. In the interest of all concerned parties, including the DoD and its potential A&E contractors, notice is hereby given of an extension of the Comment period from February 14, 1995 through May 15, 1995.

DATES: Comments are requested by May 15, 1995.

ADDRESSES: Send comments to: Chairman, Department of Defense Explosives Safety Board, (DDESB), 2461 Eisenhower Avenue, Alexandria, VA 22331–0600.

FOR FURTHER INFORMATION CONTACT: Ray B. Sawyer, Director, Technical Programs Division, DDESB, telephone (703) 325–8624.

Dated: February 17, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–4494 Filed 2–23–95; 8:45 am]

BILLING CODE 5000–04–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[SC–27–1–6735b; FRL–5145–9]

Approval and Promulgation of Implementation Plans South Carolina: Title V, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of South Carolina for the purpose of establishing a small business assistance program (SBAP). In the final rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: To be considered, comments must be received by March 27, 1995.

ADDRESSES: Written comments should be addressed to: Ms. Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air,

Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Copies of the material submitted by the State of South Carolina may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

State of South Carolina Department of Health and Environmental Control, Environmental Quality Control, Bureau of Air Quality Control, 2600 Bull Street, Columbia, South Carolina 29201.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is 404/347-3555 ext.4215.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: January 12, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95-4630 Filed 2-23-95; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Parts 52 and 81

[FL54-1-6026b; FRL-5148-9]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Florida

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State implementation plan (SIP) revision submitted by the State of Florida for the purpose of redesignating the Southeast Florida ozone nonattainment area to attainment. In the final rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct

final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: To be considered, comments must be received by March 27, 1995.

ADDRESSES: Written comments should be addressed to: Joey LeVasseur, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365.

Copies of the material submitted by the State of Florida may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365.

Air Resources Management Division, Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

FOR FURTHER INFORMATION CONTACT: Joey LeVasseur, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365. The telephone number is 404/347-3555 ext.4215. Reference file FL54-1-6026.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: January 24, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95-4538 Filed 2-23-95; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-17; FCC 95-35]

Protection of Radio Astronomy Operation on TV Channel 37

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend its broadcast station rules to protect radio astronomy activity on TV Channel 37. This action is necessary to ensure the most efficacious use of extremely sensitive, state-of-the-art radio astronomy equipment. The intended effect is to maximally enhance radio astronomy observations without imposing a significant burden on television broadcasters.

DATES: Comments must be filed by March 31, 1995. Reply comments must be filed by April 21, 1995.

ADDRESSES: Federal Communication Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: James E. McNally, Jr. or Gordon W. Godfrey, Mass Media Bureau, Engineering Policy Branch, (202) 418-2190

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making in MM Docket No. 95-17 adopted January 27, 1995, and released on February 21, 1995. The complete text of this Notice of Proposed Rule Making is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street NW., Washington, DC, and may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street NW., Suite 140, Washington, D.C. 20037.

Synopsis of Notice of Proposed Rulemaking

Introduction

1. The Commission proposes a number of actions designed to protect radio astronomy operations on Channel 37 of the UHF television broadcasting band. Specifically, it proposes to amend Parts 73 and 74 of our rules to include the geographical coordinates of thirteen radio astronomy sites where TV Channel 37 frequencies (608-614 megahertz) are used for radio astronomy observations. The sites are at the following locations:

Location	N. latitude	W. longitude
Kitt Peak, AZ	31°57'23"	111°36'45"
Owens Valley, CA.	37°13'54"	118°16'34"
Mauna Kea, HI.	19°48'16"	155°27'29"
North Liberty, IA.	41°46'17"	91°34'27"
Hancock, NH	42°56'01"	71°59'12"
Los Alamos, NM.	35°46'31"	106°14'44"
Pie Town, NM.	34°18'04"	108°07'09"
Socorro, NM	34°03'43"	107°37'04"
Arecibo, PR .	18°20'46"	66°45'11"
Fort Davis, TX.	30°38'06"	103°56'41"
Saint Croix, VI.	17°45'31"	64°35'03"
Brewster, WA.	48°07'52"	119°41'00"
Green Bank, WV.	38°25'59"	79°25'59"

The Commission also proposes a means by which such sites may be protected from interference by television stations operating on Channels 36 and 38. Further proposed is that the one currently authorized TV station which does not provide the proposed protection would be allowed to continue operating with its authorized facilities, but would not be allowed to increase its field strength in the direction of the affected radio astronomy site. Finally, the Commission proposes to delete one vacant TV allotment that is located near one of the radio astronomy sites.

Background

2. The Commission has reserved TV Channel 37 exclusively for radio astronomy service. Footnote US74 in Section 2.106 of the Commission's Rules states in part that "the radio astronomy service shall be protected from extraband radiation only to the extent that such radiation exceeds the levels which would be present if the offending station were operating in compliance with the technical standards or criteria applicable to the service in which it operates." Thus, a radio astronomy site is afforded any limited and uncertain protection by the rules. The Commission's rules do not identify the locations of radio astronomy operations using Channel 37, which prevents TV station applicants from considering these operations as they design their proposed TV facilities. As a result, the Commission could properly but inadvertently authorize TV facilities at locations closer to radio astronomy observation sites than may be desirable.

3. To prevent such actions in the future, the National Academy of Sciences' Committee on Radio

Frequencies (CORF) petitioned the Commission to amend the rules to include the locations of thirteen radio astronomy sites that currently or will make use of Channel 37, to adopt an 87.7 kilometer (54.5 mile) separation requirement applicable to adjacent channel television stations and to delete Channel 38 at Hilo, Hawaii, from the TV Table of Allotments.

Discussion

4. The Commission believes that CORF's proposal merits consideration and wishes to examine whether some additional protection can be afforded to radio astronomy sites without significant adverse impact on broadcast services. The Commission recognizes that the sensitivity of radio astronomy equipment today is undoubtedly much greater than it was in 1963. Also, the identified radio astronomy locations are mostly in rural areas. Comment is sought on whether TV spectrum is scarce in any of these areas, either for the existing TV service or considering the new advanced TV service that the Commission is proposing in MM Docket No. 87-268.

5. The Commission also requests comments on an alternative approach which is functionally equivalent to the one advocated by CORF but which is more flexible than a fixed distance separation requirement and thus less burdensome to broadcasters. The Commission proposes to set a limit on the field strength that a TV station on Channel 36 or 38 could produce at the coordinates of radio astronomy sites designated by CORF. Basing the proposed protection on field strength will permit stations to be located closer to the radio astronomy sites than the fixed distance separation would allow, if the signal radiated toward the radio astronomy site is suppressed by an appropriate amount.

6. A maximum facility UHF-TV station would deliver a field strength of approximately 72 dBu at 87.7 kilometers. However, the Commission believes that CORF may not have intended to imply that a 72 dBu field strength restriction would provide adequate protection. A lower field strength value is more consistent with the power and antenna height at which UHF-TV stations typically operate. Rather than using maximum allowable facilities, a more typical UHF station has an effective radiated power (ERP) between 1 and 5 MW and an antenna height above average terrain (HAAT) in the vicinity of 350 meters (1150 feet). These facilities produce a field strength of 57 to 64 dBu at 87.7 kilometers (km). Thus, the Commission proposes to use

64 dBu as the limit on the field strength that a Channel 36 or 38 TV station is permitted to produce at a radio astronomy site.

7. The Commission proposes to apply the same field strength limit to low power TV stations, TV translators and TV boosters. Since such stations operate with significantly smaller facilities than full service UHF-TV stations, the proposed approach would permit them much greater flexibility in terms of location, while providing the radio astronomy sites a level of protection equal to that provided by the more powerful full service stations. Compliance with the field strength restriction would be determined using the standard prediction methods and the Commission's F(50, 50) propagation curves. Comments should address whether 72 dBu, 64 dBu or some other field strength value provides adequate protection for the Channel 37 radio astronomy operations and whether these values impose a significant burden on TV use of these two channels. Parties that favor a fixed separation distance as proposed by CORF should identify the distance they believe is correct and support their choice.

8. A review of Commission records indicates that only one full service TV station currently operates with facilities that produce a predicted field strength in excess of 64 dBu at any of the identified radio astronomy sites. WJWN-TV, Channel 38, San Sebastian, PR, is licensed at an ERP of 85.1 kW and HAAT of 332 meters (m). At 90 degrees True, which is toward the Arecibo radio astronomy site, the WJWN-TV facilities are 85.1 kW at 232 m. With the distance between sites of 45.1 km, the predicted field strength at the radio astronomy facility is 67 dBu. While no other station currently authorized on Channels 36 or 38 would exceed the proposed field strength of 64 dBu, there are three other full service stations that would be precluded from increasing to the maximum normally permitted facilities by adoption of the proposed protection standard. They are KQCT (TV) on Channel 36 in Davenport, Iowa, WSBK-TV on Channel 38 in Boston, Massachusetts and WDWL (TV) on Channel 36 in Bayamon, Puerto Rico.

9. In light of the preceding discussion, the Commission believes that a general grandfathering provision, covering any existing or proposed facilities, is unnecessary. The WJWN-TV situation discussed above would be considered as a waiver of the proposed rule. WJWN-TV would not be permitted to modify its facilities in such a way as to increase its predicted field strength at the Arecibo radio astronomy site. All other existing

and future stations would be required to comply with the proposed 64 dBu limit when planning future facilities.

10. Comment also is requested on whether applicants for new facilities (or those proposing to modify existing facilities) on Channel 36 or Channel 38 that would be within 87.7 kilometers (55 miles) of a listed radio astronomy site should be required to notify CORF (or some other appropriate radio astronomy representative) concerning their proposed facilities. The proposed rules, coupled with the Commission's application processing procedures, are probably sufficient to ensure protection to radio astronomy facilities. However, comment is sought on whether notification procedures similar to those contained in Section 73.1030 would serve any useful purpose. Moreover, if such notification is considered expedient, comment is sought on the most appropriate entity to notify. While the proposed rules do not contain a notification requirement, the Commission may adopt such a requirement if the comments indicate that a significant benefit may be afforded by such notification.

11. Finally, with respect to the allotment aspects of CORF's petition, the Commission proposes to delete the Channel 38 allotment currently specified for Hilo, Hawaii. This proposal appears to have only a very minimal impact on the TV broadcast service because both channels 20 and 26 would remain available as vacant non-reserved channel allotments in Hilo. Further, the Commission proposes to require that petitions for rulemaking proposing Channel 36 or 38 allotments which would be located within 87.7 kilometers (55 miles) of a radio astronomy site, must demonstrate compliance with the radio astronomy facility protection criteria adopted as a result of this proceeding.

Administrative Matters

Ex Parte Rules—Non-Restricted Proceeding

12. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. See generally 47 C.F.R. §§ 1.1202, 1.1203 and 1.1206(a).

Comment Information

13. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§ 1.415 and 1.419, interested parties may file comments on or before March 31, 1995

and reply comments on or before April 21, 1995. To file formally in this proceeding, you must file an original plus four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. 20554.

Regulatory Flexibility Act

14. As required by § 603 of the Regulatory Flexibility Act, the Commission has prepared the following Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of this Notice of Proposed Rule Making, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981)).

Reason for Action

Footnote US74 to the Table of Frequency Allocations contained in Section 2.106 of the Commission's rules specifies that radio astronomy facilities using the spectrum 608 to 614 MHz (TV Channel 37) are to "be protected from extraband radiation only to the extent that such radiation exceeds the level which would be present if the offending station were operating in compliance with the technical standards or criteria applicable to the service in which it operates." This language is not sufficiently clear to precisely establish the protection that radio astronomy facilities should be afforded. Also, because the locations of radio astronomy facilities were not known to broadcast applicants, the Commission has authorized construction of full service and low power television stations in close proximity to radio astronomy facilities, thereby potentially causing interference.

Objectives

This action is intended to eliminate the possibility of future authorization of facilities in excessive proximity to radio astronomy operations. The Commission proposes to amend its rules to specify the latitude and longitude of thirteen radio astronomy sites and to impose a simple field strength restriction that would apply to stations authorized on adjacent channels (i.e., Channels 36 and 38). This would effectively preclude interference to radio astronomy facilities.

Legal Basis

Authority for the actions proposed in this Notice may be found in Sections 4 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154 and 303.

Reporting, Recordkeeping, and Other Compliance Requirements

None.

Federal Rules which Overlap, Duplicate, or Conflict With the Proposed Rule

None.

Description, Potential Impact and Number of Small Entities Involved

Because radio astronomy installations are located in rural areas, the number of station applications which may be affected by the field strength requirement should be very small, perhaps averaging less than one per year. In such cases, the applicant would need to design the facilities to limit the field strength produced at the radio astronomy site or possibly select another site. But because the protection requirement would be known in advance, there would be no relocation cost. There would be no impact on current broadcast licensees.

Any Significant Alternatives Minimizing the Impact on Small Entities and Consistent With the Stated Objectives

There are none apparent.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95-4556 Filed 2-23-95; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on the Status Review for the Queen Charlotte Goshawk

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Status review; reopening of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) provides notice that the comment period on the status review of the Queen Charlotte goshawk (*Accipiter gentilis laingi*) is reopened. On August 26, 1994, (59 FR 44124) the Service announced that sufficient information was presented in the petition to list the Queen Charlotte goshawk as endangered and opened a comment period until November 25, 1994. On January 4, 1995, (60 FR 425) the Service extended the comment period until February 9, 1995. This notice further extends the comment period until February 28, 1995. All interested parties are invited to submit comments regarding this species' status.

DATES: Written comments and materials must be received by February 28, 1995.

ADDRESSES: Data, information, comments or questions concerning the status of the petitioned species described below should be submitted to the Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services, 3000 Vintage Blvd., Suite 201, Juneau, Alaska 99801. The petition, findings, and supporting data are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: John Lindell, Endangered Species Biologist (see **ADDRESSES** above) (907)/586-7240).

SUPPLEMENTARY INFORMATION:**Background**

On May 9, 1994, the Service received a petition from Mr. Peter Galvin of the Greater Gila Biodiversity Project and nine copetitioners requesting listing of the Queen Charlotte goshawk as endangered under the Endangered Species Act (16 U.S.C. 1533(a)(1)). A notice of positive 90-day finding and request for additional information was published on August 26, 1994, (59 FR 44124) regarding this petition. The Queen Charlotte goshawk occurs from Vancouver Island British Columbia, Canada, northward through insular British Columbia, insular and adjacent

mainland Alaska west of the coastal mountain range, to the northern portion of the Alexander Archipelago, in southeast Alaska. The subspecies may be endangered by past and planned removal and fragmentation of mature forest habitat by clearcut logging.

The initial comment period for the status review originally closed on November 25, 1994. Since that date, parties have expressed interest in submitting substantive comments. In order to accommodate these parties, the Service is extending the comment period until February 28, 1995. Written comments may be submitted to the Service office noted in the Address section.

Author

The primary author of this notice is John Lindell, U.S. Fish and Wildlife Service, Ecological Services Field Office, Juneau, AK 99801.

Authority

The authority of this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: February 16, 1995.

David B. Allen,

Regional Director, Region 7, Fish and Wildlife Service.

[FR Doc. 95-4747 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-55-P

Notices

Federal Register

Vol. 60, No. 37

Friday, February 24, 1995

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

February 17, 1995.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title the information collection; (3) Form number(s), if applicable; (4) Who will be required or asked to report; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, D.C. 20250, (202) 690-2118.

Revision

- Consolidated Farm Service Agency Annual Certification Requirements (Part 12 and 718) Assignment of Payments (Part 1404) and Power of Attorney (Part 720)—Addendum
AD-1026, 1026B, 1026C, 1026U/CCC-502U, 1068, 1069, 1026A

Supplement; ASCS-578, 492, 211, 211-1; CCC-21, 36, 37, 251, 252
Individuals or households; Farms;
7,298,538 responses; 2,946,473 hours
Carol Ernst (202) 720-7634

- Agricultural Marketing Service
Filberts/Hazelnuts Grown in Oregon and Washington; Marketing Order 982
FV-136, FV-137, FV-137A, FV-138, and FV-139
Business or other for-profit; Farms;
1,557 responses; 352 hours
Teresa Hutchinson (503) 326-2724

Extension

- Cooperative State Research, Education, and Extension Service
Grant Application Forms for the Small Business Innovation Research Program
Form CSRS-667 and Form CSRS-668
Business or other for-profit; 480 responses; 1,920 hours
Melanie Mychulis (202) 401-5050

Larry K. Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 95-4602 Filed 2-23-95; 8:45 am]

BILLING CODE 3410-01-M

Food Safety and Inspection Service

[Docket No. 94-032N]

FLD Policy Memoranda; Semi-Annual Listing

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This document lists and makes available to the public memoranda which were issued by the Food Labeling Division (FLD), Regulatory Programs, Food Safety and Inspection Service (FSIS). These memoranda contain significant new applications or interpretations of the Federal Meat Inspection Act, the Poultry Products Inspection Act, the regulations promulgated thereunder, or departmental policy concerning labeling.

FOR FURTHER INFORMATION CONTACT:
Cheryl Wade, Director, Food Labeling

Division, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 254-2590.

SUPPLEMENTARY INFORMATION: Pursuant to section 7 of the Federal Meat Inspection Act (21 U.S.C. 607 *et seq.*) and section 8 of the Poultry Products Inspection Act (21 U.S.C. 457 *et seq.*), and the regulations promulgated thereunder (9 CFR 301.1 *et seq.* and 9 CFR 381.1 *et seq.*), meat and poultry products which do not bear approved labels or other labeling may not be distributed in commerce for use as human food. Accordingly, FSIS conducts a prior approval program for labels or other labeling (specified in 9 CFR 317.4, 317.5, 381.132 and 381.134) to be used on or in conjunction with federally inspected meat and poultry products.

FSIS's prior labeling approval program is conducted by labeling review experts within FLD. A variety of factors, such as continuing technological innovations in food processing and expanded public concern regarding the presence of various substances in foods, has generated a series of increasingly complex issues which FLD must resolve as part of the prior labeling approval process. In interpreting the Acts and regulations to resolve these issues, FLD may modify its policies on labeling or develop new ones.

Significant or novel interpretations or determinations made by FLD are issued as policy memoranda. This notice lists three FLD policy memoranda which were issued during the period of April 1, 1994, through October 1, 1994.

Persons interested in obtaining copies of the FLD policy memoranda or in being included on a list for automatic distribution of future FLD policy memoranda may write to: Printing and Distribution Section, Paperwork Management Branch, Administrative Services Division, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

Memo No.	Title and date	Issue	Reference
016B	Combinations of Ground Beef or Hamburger and Soy Products, August 18, 1994.	Labeling of combinations of ground beef or hamburger and soy products.	(Supersedes Policy Memo 016A); 9 CFR 317.2(j)(1) and 319.15(c).
019B	Negative Ingredient Labeling, August 18, 1994.	Labeling of meat and poultry products bearing negative ingredient statements.	(Supersedes Policy Memo 019A).
114A	Point of Purchase Materials, August 18, 1994.	Use of point of purchase promotional materials for meat and poultry products.	(Supersedes Policy Memo 114).

The FLD policies specified in these memoranda will be uniformly applied to all relevant labeling applications unless modified by future memoranda or more formal Agency actions. Applicants retain all rights of appeal regarding decisions based upon these memoranda.

Done at Washington, DC, on October 19, 1994.

Cheryl Wade,

Director, Food Labeling Division, Regulatory Programs, Food Safety and Inspection Service.

[FR Doc. 95-4603 Filed 2-23-95; 8:45 am]

BILLING CODE 3410-DM-P

Forest Service

Ski Fee System Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice; request for nominations.

SUMMARY: The Forest Service seeks nominations for the Ski Fee System Advisory Committee established by the Secretary of Agriculture. The purpose of the committee is to advise the Secretary on development of a new ski area permit fee system to be administered by the Forest Service on National Forest System lands.

DATES: Nominations must be received in writing by March 27, 1995.

ADDRESSES: Send nominations to the Director, Recreation, Heritage, and Wilderness Resources Staff (4 CEN AUD; 2300), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090 or FAX to (202) 205-1145.

FOR FURTHER INFORMATION CONTACT:

Questions about this committee and nominations should be addressed to Lyle Laverty, Director, Recreation, Heritage, and Wilderness Resources Staff, Forest Service, (202) 205-1706.

SUPPLEMENTARY INFORMATION: The Forest Service is responsible for developing and administering a permit fee system based on fair market value for the use of National Forest System lands by ski areas. The current graduated rate fee system, in effect since 1972, has been the subject of several appeals and litigation. Further, studies by the General Accounting Office and the

Office of Inspector General have concluded this system does not ensure the agency receives a fee from ski areas under special use permits that represents fair market value.

The Secretary of Agriculture has established the Ski Fee System Advisory Committee (the Committee) to provide advice from a diversity of interests on: The development of a new ski area permit fee system based on fair market value; the methodologies selected and employed by the Forest Service in developing this new system; implementation options the agency might consider; and other matters relating to the new ski area permit fee system as deemed necessary by the Secretary (60 FR 9321, February 17, 1995).

The Secretary has directed the Forest Service to request and coordinate nominations for this committee. The Secretary will appoint the members of the Committee. Nominations should be sent to the address listed earlier in this notice. All appointments to the Committee will follow equal opportunity practices consistent with USDA politics. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department and the Forest Service, membership will include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities. To achieve a balance of views, members will represent the ski industry, ski area users, nationally or regionally recognized environmental or resource conservation groups, and employees of State and Federal agencies with jurisdiction over matters related to skiing, public land management, recreational access to public lands, fish and wildlife conservation, or environmental protection. Also, individuals selected for membership will have expertise through their education or practical experience in ski area permit administration, recreation business management, economic sciences, natural management, or similar disciplines.

Dated: February 21, 1995.

David G. Unger,

Associate Chief.

[FR Doc. 95-4560 Filed 2-23-95; 8:45 am]

BILLING CODE 3410-11-M

California Spotted Owl EIS

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: This notice announces that the public is invited to participate in an open house/information exchange regarding the California Spotted Owl Draft Environmental Impact Statement, as it affects the Lake Tahoe Basin Management Unit.

DATE AND TIME: March 21, 1995; 2 p.m. to 7 p.m.

ADDRESSES: The workshop will be held at the El Dorado County Library, 1000 Rufus Allen Boulevard, in South Lake Tahoe, California.

FOR FURTHER INFORMATION CONTACT:

Linda Massey, Public Affairs Officer or Robert McDowell, Planning Staff Officer; USFS-Lake Tahoe Basin Management Unit; 870 Emerald Bay Road, South Lake Tahoe, CA 96150; (916) 573-2600.

SUPPLEMENTARY INFORMATION: The Forest Service has released a Draft Environmental Impact Statement (DEIS) to amend the Pacific Southwest Regional Guide and Sierran Province forest plans with new management direction for the California Spotted Owl. The purpose of this meeting is to exchange information with the public regarding how the DEIS and the preferred alternative will affect the Lake Tahoe Basin.

The workshop will be informally structured and includes no formal presentations. Participants may drop in at their convenience anytime during workshop hours to meet one-on-one with Forest Service representatives who can answer questions and otherwise discuss the DEIS. Informational displays

and copies of the DEIS will be available for viewing.

Robert McDowell,

Planning Staff Officer.

[FR Doc. 95-4563 Filed 2-23-95; 8:45 am]

BILLING CODE 3410-11-M

Notice of the Preparation of the Southern Appalachian Assessment, and the Beginning of the Forest Plan Revision Efforts for the National Forests in Alabama, Chattahoochee-Oconee, Cherokee, and Sumter National Forests

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: This notice is to announce the U.S. Forest Service's participation in the preparation of the Southern Appalachian Assessment (SAA). This Assessment is being prepared by the U.S. Forest Service (the Southern Region of the National Forest System and the Southeastern Forest Experiment Station) in cooperation with the other Federal agencies that are members of SAMAB (Southern Appalachian Man and the Biosphere Cooperative). It will include national forest lands of the George Washington, Jefferson, Nantahala-Pisgah, Cherokee, and Chattahoochee National Forests; and parts of the Sumter and Talladega National Forests. Also involved will be National Park Service lands in the Great Smoky Mountains National Park, Shenandoah National Park, and the Blue Ridge Parkway.

This notice also announces the beginning of the efforts to revise the Land and Resource Management Plans (Forest Plans) for the National Forests in Alabama, the Chattahoochee-Oconee, the Cherokee, and the Sumter National Forests. This is not the "Notice of Intent" (NOI) for the Environmental Impact Statements that will accompany the Revised Forest Plans. Those NOIs will be issued at a later date.

The Southern Appalachian Assessment will support and facilitate ecosystem management decisions to be made in Forest Plan revisions. As the National Forests in the Southern Appalachians are conducting their local efforts to describe their "Analysis of the Management Situation" (AMS), they will also be providing information for the larger scale Southern Appalachian Assessment.

The Assessment will be used to help determine each National Forests' "Need for Change" section of their AMS. This information will then be used to publish the Notices of Intent to prepare the Environmental Impact Statements,

which will begin the NEPA (National Environmental Policy Act) processes associated with each Forest Plan revision.

Public involvement is critical throughout these processes and it will be requested and accepted continually throughout these efforts. Formal public involvement with the Forest Plan revision efforts will also be conducted through "Scoping", following the issuance of the National Forests NOIs.

DATES: The Southern Appalachian Assessment is scheduled to be completed by January 1996.

The National Forests in Alabama, the Chattahoochee-Oconee National Forests, the Cherokee National Forest, and the Sumter National Forest are scheduled to complete the drafts of their Analysis of the Management Situation between October 1995 and January 1996. During this same time period, these Forests are scheduled to issue their Notices of Intent to Prepare an Environmental Impact Statement (NOI) for their Revised Land and Resource Management Plans. A Revised NOI for the Jefferson National Forest will also be issued during this time period.

ADDRESSES: Requests for information, and comments concerning this notice can be sent to:

Director, Planning and Budget, USDA-Forest Service, 1720 Peachtree Rd. NW, Atlanta, Georgia 30367-9102. Co-Team Leader, Southern Appalachian Assessment, USDA-Forest Service, 1720 Peachtree Rd. NW, Atlanta, Georgia 30367-9102.

Forest Supervisor, National Forests in Alabama, 2946 Chestnut, Montgomery, Alabama 36107-3010.

Forest Supervisor, Chattahoochee-Oconee NFs, 508 Oak Street NW, Gainesville, Georgia 30501.

Forest Supervisor, Cherokee NF, 2800 N. Oconee St. NE., P.O. Box 2010, Cleveland, Tennessee 37320-2010.

Forest Supervisor, Francis Marion-Sumter NFs, 4931 Broad River, Columbia, South Carolina 29210-4021.

Forest Supervisor, George Washington NF, P.O. Box 233, Harrison Plaza, Harrisonburg, Virginia 22801.

Forest Supervisor, Jefferson NF, 5162 Valley Pointe Parkway, Roanoke, Virginia 24019-3050.

Forest Supervisor, National Forests in North Carolina, 100 Post and Otis Streets, P.O. Box 2750, Asheville, North Carolina 28802.

FOR FURTHER INFORMATION CONTACT:

For more information concerning this notice contact: Gary Pierson, Director of Planning and Budget, Southern Region. For more information on the Southern

Appalachian Assessment contact: Forrest Carpenter, Co-Team Leader, Southern Region. For more information from the individual National Forests contact: Rick Morgan, Planning Team Leader, National Forests in Alabama; Caren Briscoe, Planning Staff Officer, Chattahoochee-Oconee NF; Red Anderson, Planning Team Leader, Cherokee NF; Dave Plunkett, NEPA Coordinator, George Washington NF; Nancy Ross, Planning Team Leader, Jefferson NF; Larry Hayden, Planning Team Leader, Nantahala-Pisgah NF; Richard Shelfer, Planning Team Leader, Sumter NF.

SUPPLEMENTARY INFORMATION:

1. Preparation of the Southern Appalachian Assessment

The Southern Region of the National Forest System and the Southeastern Forest Experiment Station, in cooperation with the other Federal agencies that are members of the Southern Appalachian Man and the Biosphere Cooperative (SAMAB, i.e., the Environmental Protection Agency, the Forest Service, the Fish and Wildlife Service, the National Park Service, the Tennessee Valley Authority, the Geological Survey, the Department of Energy Oak Ridge National Laboratory, the Economic Development Administration, and the National Biological Survey) have begun conducting a Southern Appalachian Assessment (SAA). The Assessment will include the national forest lands of the George Washington, Jefferson, Nantahala-Pisgah, Cherokee, and Chattahoochee National Forests, and parts of the Sumter and Talladega National Forests. The Assessment will also include National Park Service lands in the Great Smoky Mountains National Park, Shenandoah National Park, and the Blue Ridge Parkway.

The Assessment will facilitate an interagency ecological approach to management in the Southern Appalachian area by collecting and analyzing broad-scale biological, physical, social and economic data to serve as a foundation for more local natural resource management decisions. The Assessment will be organized around four "themes"—(1) Terrestrial (which includes the Health of Forest Ecosystems, and Plant and Animal Resources); (2) Aquatic Resources; (3) Air Quality and (4) the Human Dimension of Ecosystems (which includes Communities and Human Influences; Roadless Areas and Wilderness; Recreation, Wildlife and Fish Supply and Demand; and the

Timber Economy of the Southern Appalachians).

Public comment on the SAA process began with a series of open town hall meetings held in Asheville, NC; Gainesville, GA; and Roanoke, VA in August 1994. In addition, interested members of the public were asked for further written comments to be received by September 15. As the Assessment progresses, continued public involvement will be facilitated through additional meetings and newsletters.

2. Beginning of the Forest Plan Revision Efforts for the National Forests in Alabama, the Chattahoochee-Oconee, the Cherokee, and the Sumter National Forests

This notice announces that the National Forests in Alabama, the Chattahoochee-Oconee National Forests, the Cherokee National Forest, and the Sumter National Forest either have already started or are beginning efforts to revise their Land and Resource Management Plans (LRMP). These Forests are each in the process of preparing their Analysis of the Management Situation (AMS), one of the first steps in the revision process. This step includes updating resource inventories, defining the current situation, estimating supply capabilities and resource demands, and determining the "Need for Change" (36 CFR 219.12(e)(5)).

3. Public Involvement in Developing the "Need for Change" in an AMS

Determining the concerns and expectations of National Forests constituents and getting public input on how well current forest plans are working, or not working, are critical elements of describing the "need to change" a forest plan. An integral part of determining the need for change is public involvement. Each of the National Forests described above either have already, or will soon contact their interested public to solicit their participation in this step of the forest plan revision process.

4. Relationship Between the AMS and a Notice of Intent to Prepare an Environmental Impact Statement

In the past, a "Notice of Intent to Prepare an Environmental Impact Statement" (NOI) was issued at the beginning of the forest planning process, including before the development of the AMS.

This time, we are first defining the current situation and an initial "need for change" in a Draft AMS, and then issuing a NOI prior to developing alternatives. This will allow us to

incorporate a more definable "Proposed Action" and "Purpose and Need" into our NOIs, which will begin the formal NEPA process of preparing the Environmental Impact Statements (EIS) that will accompany the Revised Land and Resource Management Plans.

5. Relationship Between the Southern Appalachian Assessment and the Process for Revising the Southern Appalachian National Forests' LRMPs

The public has expressed concern that the Southern Appalachian Assessment will "delay" revising National Forest Land and Resource Management Plans in the Southern Appalachians. However, the SAA is being conducted concurrently, and in support of, the forest plan revisions.

Many of the information needs for the Forest AMSs and for the SAA are the same. The Assessment will support the revision of the LRMPs by determining how the lands, resources, people and management of the National Forests interrelate within the larger context of the Southern Appalachian area. The SAA, however, will not be a "decision document" and it will not involve the NEPA process. As broad-scale issues are identified and addressed at the sub-regional level in the Assessment, the individual National Forest's role in resolving those broad-scale issues will become a part of the "need for change" at the Forest level.

6. Issuing the Notice of Intent To Prepare an EIS

The National Forests identified above will issue their NOIs when enough information from the SAA is available for them to develop the "Need for Change" section of their Draft AMS. The Draft AMSs are scheduled to be completed between October 1995 and January 1996. Their NOIs are also scheduled to be issued during this same time period.

Each NOI will include a description of a preliminary "Proposed Action" and of some preliminary alternatives. Scoping to receive public comments on the preliminary proposed action and preliminary alternatives will begin following the publication of the NOIs. These public comments will be used to further refine the "Proposed Action" and the preliminary alternatives, to possibly identify additional alternatives, and to finalize the AMS and the "Need for Change."

7. Status of the Jefferson, George Washington, and Nantahala-Pisgah National Forests

The Jefferson National Forest, which is also currently working on its Revised

LRMP, previously issued a Notice of Intent to Prepare an Environmental Impact Statement for its Revised LRMP on June 28, 1993. A Revised NOI for the Forest will be issued between October 1995 and January 1996, to coincide with the NOIs issued for the other National Forests in the Southern Appalachians.

The George Washington National Forest completed its Final Revised Forest Plan on January 21, 1993, and the Nantahala-Pisgah National Forests completed a significant amendment, Amendment 5 to their Land and Resource Management Plan on March 18, 1994. These two forests are not currently involved in the revision process. However, if information from the Southern Appalachian Assessment identifies conditions requiring additions or changes to these plans to ensure consistency between the National Forests in the Southern Appalachians, then amendments to these plans could be considered.

8. The Responsible Official

The Responsible Official for the Revised Land and Resource Management Plans for the National Forests in the Southern Appalachians is Robert C. Joslin, Regional Forester, Southern Region, 1720 Peachtree Road NW, Atlanta, Georgia 30367.

Dated: January 18, 1995.

Lynn C. Neff,

Acting Regional Forester.

[FR Doc. 95-4570 Filed 2-23-95; 8:45 am]

BILLING CODE 3410-11-M

Forest Products Laboratory Wood Utilization Research

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Forest Products Laboratory, Madison, Wisconsin, will host a meeting March 27-30, 1995, to brief industry and the public on Forest Service programs in wood utilization research. The Forest Service will be presenting the status and description of pending research initiatives and programs. Advice and recommendations to the Forest Service will not be solicited or accepted during the meeting; rather, input as a result of reviews may be submitted in writing after the meeting.

DATES: The meeting will be held March 27-30, from 8 a.m. to 5 p.m. (M-Tu); 8 a.m. to 3 p.m. (W); 8 a.m. to 10 a.m. (Th).

ADDRESSES: The meeting will be held at the Forest Products Laboratory, One Gifford Pinchot Drive, Madison, Wisconsin.

Send written comments to Diann L. Campbell, Meeting Coordinator, Forest Products Laboratory, One Gifford Pinchot Drive, Madison, WI 53705-2398.

FOR FURTHER INFORMATION CONTACT:

Diann Campbell, telephone: (608) 231-9244.

SUPPLEMENTARY INFORMATION: The Forest Service conducts major research in the area of wood utilization at its Forest Experiment Stations and in Madison at the Forest Products Laboratory. Current research programs focus on: Wood properties, engineering, and improved design procedures; softwood and hardwood lumber; construction technologies; wood drying, processing, preservation, and finishing; adhesives; composites and panels. Forest Service scientists will provide presentations on research at the forefront of wood manufacturing and utilization technology. Members of the American Forest & Paper Association, Committee on Research and Evaluation (AF&PA-CORE) will chair panel discussions on nine selected topics related to wood utilization.

Dated: February 17, 1995.

Kenneth R. Peterson,

Deputy Director.

[FR Doc. 95-4573 Filed 2-23-95; 8:45 am]

BILLING CODE 3410-11-M

Natural Resources Conservation Service

Changes in Hydric Soils of the United States

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of change.

SUMMARY: Pursuant to 7 CFR 12.30(a)(4), Natural Resources Conservation Service (formerly the Soil Conservation Service), United States Department of Agriculture gives notice of a change in the wording of the criteria used to generate the list of hydric soils of the United States as published in the third edition of Hydric Soils of the United States, Miscellaneous Publication 1491, U.S. Department of Agriculture, Soil Conservation Service, June 1991.

For further information contact: Craig A. Ditzler, Chair, National Technical Committee for Hydric Soils, National Soil Survey Center, NRCS, Room 152, Mail Stop 33, Federal Building, 100 Centennial Mall North, Lincoln, Nebraska 68508-3866, Telephone (402) 437-5353.

SUPPLEMENTARY INFORMATION: The list of hydric soils was created by computer

using criteria that were developed by the National Technical Committee for Hydric Soils. The criteria are selected soil properties that are documented in Soil Taxonomy and were designed primarily to generate a list of hydric soils from the national database of Soil Interpretations Records. Criteria 1, 3, and 4 serve as both database criteria and as indicators for identification of hydric soils. Criterion 2 serves only to retrieve soils from the database.

The wording of criterion 2 has been changed to incorporate recent changes in Soil Taxonomy and delete references to water-table frequency and duration. Until all soils have been reclassified, the computer program will continue to select soils under their former classification. The water-table frequency and duration data are not contained on the Soil Interpretations Records and, therefore, were not selection criteria.

The wording of criterion 2 also has been changed to clarify the way in which water-table data were used to select soils from the Soil Interpretations Records database. Because the water-table depths on the Soil Interpretations Records are entered in 0.5 ft. increments, previous versions of criterion 2 used water tables at less than 0.5, 1.0, and 1.5 ft. in order to extract hydric soils from the database with actual recorded water tables of 0.0, 0.5, and 1.0 ft.

It is important to note that these changes do not cause any soils to be added or deleted from the list.

Criteria for Hydric Soils

1. All Histosols except Folists, or
2. Soils in Aquic suborders, great groups, or subgroups, Albolls suborder, Aquisalsids, Pachic subgroups, or Cumulic subgroups that are:
 - a. somewhat poorly drained with a water table equal to 0.0 foot (ft) from the surface during the growing season, or
 - b. poorly drained or very poorly drained and have either:
 - (1) water table equal to 0.0 ft. during the growing season if textures are coarse sand, sand, or fine sand in all layers within 20 inches (in), or for other soils, or
 - (2) water table at less than or equal to 0.5 ft. from the surface during the growing season if permeability is equal to or greater than 6.0 in/hour (h) in all layers within 20 in, or
 - (3) water table at less than or equal to 1.0 ft. from the surface during the growing season, if permeability is less than 6.0 in/h in any layer within 20 in, or
3. Soils that are frequently ponded for long duration or very long duration during the growing season, or

4. Soils that are frequently flooded for long duration or very long duration during the growing season.

Dated: January 26, 1995.

Richard W. Arnold,

Director, Soils Division.

[FR Doc. 95-4604 Filed 2-23-95; 8:45 am]

BILLING CODE 3410-16-M

Rural Business and Cooperative Development Service

Inviting Applications for Rural Technology Development Grants

AGENCY: Rural Business and Cooperative Development Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Business and Cooperative Development Service (RBCDS) announces the availability of approximately \$1.75 million in competing Rural Technology Development Grant (RTDG) funds for fiscal year (FY) 1995. The intended effect of this notice is to solicit applications for FY 1995, notify applicants of RBCD's objectives for FY 1995, and award grants before May 25, 1995. The purpose of the grant program is to establish and operate centers for rural technology or cooperative development.

DATES: The deadlines for receipt of a preapplication is April 10, 1995. Preapplication received after the date will not be considered for FY 1995 funding.

ADDRESSES: Entities wishing to apply for assistance should contact Rural Economic and Community Development (RECD) State Offices to receive further information and copies of the preapplication package. The program will be operated by RECD at the State level.

FOR FURTHER INFORMATION CONTACT: Jennifer Barton, Loan Specialist, Community Facilities Division, Room 6304, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250-0700, Telephone: (202) 720-1504.

SUPPLEMENTARY INFORMATION: Refer to 7 CFR part 4284-F, published in the **Federal Register** on August 12, 1994 (59 FR 41429) for the information collection requirements of the RTDG program. The RTDG program was previously administered by the former Rural Development Administration. Under the reorganization of the Department of Agriculture, the responsibility for administering this program was transferred to RBCDS. Part 4284-F of title 7 of the Code of Federal

Regulations provides details on what information must be contained in the preapplication package.

The RTDG program is authorized by section 310B(f) through (h) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932). The primary objective of the program is to improve the economic condition of rural areas. The RTDG program will achieve this objective by supporting the creation or enhancement of institutions capable of promoting the development and commercialization of new services, products, processes, and enterprises. RBCDS encourages applications for projects that emphasize the creation of local capacity to promote economic development that is sustainable over the long term through local effort. The economic development should lead to improvements in the quality as well as the quantity of economic activity in the community and should be based on the application of new and existing technologies. Grants may be used to pay up to 75 percent of the cost of the project and administrative costs; the applicant must contribute at least 25 percent.

RTDG grants are competitive and will be awarded to nonprofit institutions and public bodies based on specific selection criteria, as required by legislation and set forth in 7 CFR part 4284-F. Project selection will be given to those projects that contribute the most to the improvement of economic conditions in rural areas.

Preference will be given to those projects that will create industries or agribusinesses where few exist, increase employment where unemployment is high, stem the flow of out migration of people, businesses and industries, and increase the level of per capita income where such income is low. Applicants must provide data to support these criteria. The information submitted should provide an accurate picture of the economic conditions of the rural areas to be served. The Agency will use the information provided to select the best projects for funding. Part 4284 of title 7 to the Code of Federal Regulations contains general information on the selection criteria.

As consistent with the regulatory selection procedures, RBCDS desires to fund projects from FY 1995 funds that promote one or more of the following policies:

1. Projects that assist rural communities and businesses that are experiencing erosion in their economic base. A critical need exists for actions leading to long-term enhancements in the ability of communities and businesses to adjust to changed

conditions in a smooth manner and to achieve, over the long term, improvements in the quality of community life and the competitiveness and profitability of businesses.

The proposed activity should result in economic activity that is sustainable by the community over the long term through local actions (without the need for continued subsidies by governments or nongovernmental organizations). The project should lead to improvements in the quality of economic activity within the community, as evidenced by employment leading to higher wages, improved benefits, greater career potential, and the use of higher levels of skills than currently are typical within the local economy.

2. Projects that assist rural communities that have remained persistently poor. A critical need exists for actions to develop and implement broad strategies to create new sources of economic activity in these communities, and to promote development of human resources within the community, including organizational development, entrepreneurship, and workforce training.

3. Projects that assist rural communities and businesses in areas that have experienced long-term population decline and job deterioration. A critical need exists for the broadened application of new technologies to develop business opportunities in remote rural locations. This can be accomplished, for example, by creating new products or services that are related to the traditional industrial base or that use locally-available natural resources, or by developing new methods of conducting business from remote locations through the applications of telecommunications technology or other business methods.

RBCDS encourages applications for projects that have the following characteristics:

1. The proposed use of funds should have a catalytic impact on the local economy by providing support for a critical element of a larger program of economic development by leveraging major additional investments from other contributors, or by enhancing the quality of the design of the project or the capacity of the community to implement it successfully.

2. The proposed project should use exemplary methods or practices of rural community and economic development that have potential applicability in a wide range of areas.

3. The proposed activity should be consistent with local and areawide strategic plans for community and economic development and be a part of

a broader program of community development activity that involves partnerships with other local organizations and other organizations providing support to the community. It must be jointly assisted by resources from other local, State, Federal or private resources.

4. The proposed activity should be representative of and serve a diverse population of economic and social groups within the community, and the planning and project development should involve active participation by a diverse range of community residents.

1995 Application Submission

Due to the short application period for FY 1995 funds, qualified applicants should begin the preapplication process as soon as possible. Preapplications must include a clear statement of the goal(s) and objective(s) of the project and a plan which describes the proposed project as required by the statute and 7 CFR part 4284-F. Each application received in the State Office will be reviewed for eligibility.

All eligible applications will be referred to the National Office for scoring and selection for award. The State Director or his/her designee will provide comments on each application forwarded to the National Office documenting whether the proposal promotes any of the policies set forth in this issuance. Any other comments helpful to the National Office's review are also welcome. The National Office will provide funds for projects based on the grant selection criteria set forth in 7 CFR part 4284-F and the availability of funds. Grants will be selected for award by May 25, 1995. No grants may be awarded after July 13, 1995 under the authority of 7 CFR part 4284-F. Successful applicants will be notified by the RECD State Office or the RBCDS National Office.

Dated: February 15, 1995.

Dayton J. Watkins,

Acting Administrator, Rural Business and Cooperative Development Service.

[FR Doc. 95-4497 Filed 2-23-95; 8:45 am]

BILLING CODE 3410-32-M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the California Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the California Advisory Committee to the Commission will convene on Friday, March 17, 1995, at 10:00 a.m. and

adjourn at 5:00 p.m. at the Holiday Inn-Marine World, 1000 Fairgrounds Drive, Vallejo, California 94589. The purpose of the meeting is to conduct a public forum to discuss civil rights issues in Vallejo, California.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Michael Carney, 213-580-7900, or Philip Montez, Director of the Western Regional Office, 213-894-3437 (TDD 213-894-0508). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 10, 1995.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.
[FR Doc. 95-4528 Filed 2-23-95; 8:45 am]

BILLING CODE 6335-01-P

Agenda and Notice of Public Meeting of the Tennessee Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Tennessee Advisory Committee to the Commission will convene at 1:00 p.m. and recess at 5:00 p.m., on Wednesday, March 15, 1995, at the Days Inn-Vanderbilt, West End Room, 1800 West End Avenue, in Nashville. The purpose of the session is to discuss civil rights progress and/or problems in the State and review the draft report on racial tensions in Tennessee. The meeting will reconvene on Thursday, March 16, at 10:30 a.m., and adjourn at 5:00 p.m., at Tennessee State University, Williams Campus, 330 Tenth Avenue, North, Room 354, Nashville, Tennessee 37203. The purpose of the meeting on March 16 is to review a planned project on enforcement in Tennessee of Title VI of the Civil Rights Act of 1964, and to hold a roundtable discussion with guests on that topic.

Persons desiring additional information, or planning a presentation to the Committee, should contact Bobby D. Doctor, Director of the Southern Regional Office, 404-730-2476 (TDD 404-730-2481). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working

days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 10, 1995.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.
[FR Doc. 95-4529 Filed 2-23-95; 8:45 am]

BILLING CODE 6335-01-P

Agenda and Notice of Public Meeting of the Washington State Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Washington State Advisory Committee to the Commission will be held on Wednesday, March 8, 1995, from 9:30 a.m. to 12:00 p.m. at the Sixth Avenue Inn, 2000 Sixth Avenue, Seattle, Washington 98121. The purpose of the meeting is to review current civil rights developments in the State and plan future project activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson William Wassmuth, 206-233-9136, or Philip Montez, Director of the Western Regional Office, 213-894-3437 (TDD 213-894-0508). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, February 9, 1995.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.
[FR Doc. 95-4530 Filed 2-23-95; 8:45 am]

BILLING CODE 6335-01-P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting

A meeting of the Regulations and Procedures Technical Advisory Committee will be held March 16, 1995, 9:00 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street and Pennsylvania Avenue, N.W.,

Washington, D.C. The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

Agenda

General Session

1. Opening Remarks by the Chairman.
2. Presentation of Papers or Comments by the Public.
3. Reports from Working Groups.
4. Update on Export Administration.
5. Report on Regulations Reform.
6. Discussion on Automated Export System.
7. Presentation on European Union export control regulations.

Executive Session

8. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. export control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address; Ms. Lee Ann Carpenter, TAC Unit/OAS/EA, Room 3886C, Bureau of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 22, 1994, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC. For further information, call Lee Ann Carpenter at (202) 482-2583.

Dated: February 21, 1995.

Lee Ann Carpenter,

Director, Technical Advisory Committee Unit.

[FR Doc. 95-4618 Filed 2-23-95; 8:45 am]

BILLING CODE 3510-DT-M

Foreign-Trade Zones Board

[Docket 5-95]

Proposed Foreign-Trade Zone— Olympia/South Puget Sound Area, WA (Port of Olympia Customs Port of Entry Area) Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Port of Olympia (a Washington non-profit corporation), requesting authority to establish a general-purpose foreign-trade zone at sites in Thurston, Lewis, Mason and Kitsap Counties, Washington, adjacent to the Port of Olympia Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on February 16, 1995. The applicant is authorized to make the proposal under Title 24, Revised Code of Washington, Section 24.46.020.

The proposed zone would consist of twelve sites (3,254 acres) in a four-county area known as "South Puget Sound": *Site 1* (Port of Olympia—283 acres)—located within the Port of Olympia port terminal facility on the Budd Bay Inlet of Puget Sound, adjacent to Interstate Highway 5, Thurston County; *Site 2* (Olympia Airport—800 acres)—within the Olympia Airport/Industrial Park complex, Thurston County; *Site 3* (Marvin Road Industrial Area—389 acres)—adjacent to Interstate Highway 5 and Washington State Highway 510, City of Lacey (Thurston County); *Site 4* (Yelm Industrial Area—109 acres)—adjacent to Washington State Highways 507 and 510, City of Yelm (Thurston County); *Site 5* (Port of Centralia Industrial Park—165 acres)—within the Port of Centralia, Lewis County; *Site 6* (Chehalis Industrial Area—87 acres)—adjacent to Interstate Highway 5, City of Chehalis (Lewis County); *Site 7* (Port of Chehalis Industrial Park—303 acres) (includes Braun Northwest parcel)—within the Port of Chehalis, adjacent to Interstate Highway 5, Lewis County; *Site 8* (Klein/South Prairie Industrial Park—39 acres)—adjacent to Washington State Highway 12, Lewis County; *Site 9* (Sanderson Field—420 acres)—within the Port of Shelton, adjacent to Highway 101, Mason County; *Site 10* (John's Prairie Industrial Park—130 acres)—

within the Port of Shelton, adjacent to Highway 101, Mason County; *Site 11* (Bremerton Airport South—217 acres)—within the Port of Bremerton complex, Highway 3, Kitsap County; and, *Site 12* (Olympia View Industrial Park—312 acres)—within the Port of Bremerton complex, Highway 3, Kitsap County.

The application contains evidence of the need for zone services in the South Puget Sound region. Several firms have indicated an interest in using zone procedures for warehousing/distribution of such items as toys, bicycles, ambulances, lumber, wood products and electronics. No manufacturing approvals are being sought at this time. Such approvals would be requested from the Board on a case-by-case basis.

In accordance with the Board's regulations (as revised, 56 FR 50790-50808, 10-8-91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

As part of the investigation, the Commerce examiner will hold a public hearing on March 22, 1995, at 9 a.m., at the Worthington Center, St. Martin's College, 5300 Pacific Avenue SE., Lacey, Washington.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is [60 days from date of publication]. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to [75 days from date of publication]).

A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations:

Office of the Port Director, U.S. Customs Service, 915 Washington Street NE., Olympia, Washington 98501-6931

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue NW., Washington, DC 20230.

Dated: February 17, 1995.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 95-4633 Filed 2-23-95; 8:45 am]

BILLING CODE 3510-DS-P

International Trade Administration

[A-580-008]

Color Television Receivers From Korea; Amendment to Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Amendment to Final Results of Antidumping Duty Administrative Review.

SUMMARY: On July 1, 1988, the Department of Commerce (the Department) issued the final results of its administrative review of the antidumping duty order on color television receivers from Korea. After publication of our final results, we received comments from certain parties to the proceeding alleging ministerial errors. We corrected the ministerial errors on September 26, 1988. Because the final results had already been appealed to the Court of International Trade (the Court), on October 13, 1988, the Department was enjoined from publishing the amended results without an order from the Court. *Zenith Elec. Corp. v. United States*, 699 F. Supp. 296 (CIT 1988), *aff'd*, 884 F.2d 556 (Fed. Cir. 1989). On July 8, 1994, the Court vacated the injunction and authorized the Department to liquidate the entries in accordance with the amended final results. Publication of the amended final results of review for Daewoo Electronics Co., Ltd. (Daewoo), is a prerequisite to liquidation of entries for the third administrative review. Attached is the notice of *Amendment to Final Results of Antidumping Duty Administrative Review*, as signed on September 26, 1988.

The review covers one manufacturer/exporter of subject merchandise, Daewoo, and the period April 1, 1985 through March 31, 1986. The final margin is 15.23 percent.

EFFECTIVE DATE: February 24, 1995.

FOR FURTHER INFORMATION CONTACT: Matthew Blaskovich or Zev Primor, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-5831/4114.

This notice is in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended.

Dated: February 13, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

Attachment—Color Television Receivers From Korea; Amendment to Final Results of Antidumping Duty Administrative Review

[A-580-008]

Agency: International Trade Administration/Import Administration Department of Commerce.

Action: Notice of Amendment to Final Results of Antidumping Duty Administrative Review.

Summary: On July 1, 1988, the Department of Commerce published the final results of its administrative review of the antidumping duty order on color television receivers from Korea. The review covered the period April 1, 1985 through March 31, 1986.

After publication of our final results, we received comments from certain parties to the proceeding alleging ministerial errors. We have corrected the ministerial errors and have amended the final results of review for Daewoo.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 1988, the Department of Commerce ("the Department") published in the **Federal Register** (53 FR 24975) the final results of its administrative review of the antidumping duty order on color television receivers from Korea (49 FR 18336, April 30, 1984). After publication of our final results, we received comments from certain parties to the proceeding alleging ministerial errors. We have corrected the ministerial errors and have amended the final results of review for Daewoo.

Section 1333 of the Omnibus Trade and Competitiveness Act of 1988, which amends section 735 of the Tariff Act of 1930, authorizes Commerce to establish procedures for the correction of ministerial errors in final determinations. Congress has defined the term "ministerial error" to specifically include errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like.

Ministerial Errors

We have corrected the following ministerial errors:

Daewoo

1. Misidentification of data base resulting in mismatch of several models in the purchase price (PP) calculation.

2. Transposition of numbers in the figure for the home market credit adjustment for the period April 1985 through October 1985 in the PP calculation.

3. Typographical errors in model designations "DCB-419PW", "TCK-405PRW"; and "TCK-405Q" used to program instructions in the PP calculation.

Goldstar

1. Transportation of numbers in the figure for the packing adjustment for model CM-1900 in the exporter's sales price calculation.

Correction of this ministerial error did not result in a change to the cash deposit rate.

Amended Final Results of the Review

We have amended the final results for appraisement and for cash deposit purposes listed in our final results of review. The amended cash deposit rates are as follows:

Manufacturer/Exporter	Time period	Previous (%) cash deposit	Amended (%) cash deposit
Daewoo Electronics Co.	04/85-03/86	23.30	15.23
New Ship-pers ...	04/85-03/86	23.29	15.23

The Department will amend its instructions to Customs to assess antidumping duties on all appropriate entries, and will instruct Customs to adjust the cash deposit of estimated antidumping duties as noted above.

Dated: September 26, 1988.

Jan W. Mares,

Assistant Secretary for Import Administration.

[FR Doc. 95-4319 Filed 2-23-95; 8:45 am]

BILLING CODE 3510-05-M

[Docket No. 950207043-5043-0]

RIN 0625-ZA03

Market Development Cooperator Program

AGENCY: International Trade Administration (ITA), Commerce.

ACTION: Notice.

SUMMARY: The mission of ITA is to promote U.S. exports and to strengthen the international trade position of the United States. Building partnerships with the private sector enhances ITA's ability to fulfill its mission. To encourage such partnerships, ITA has created the Market Development Cooperator Program (MDCP) to develop, maintain and expand markets for nonagricultural goods and services produced in the United States. The MDCP aims to:

- Challenge the private sector to think strategically about foreign markets;
- Be the catalyst that spurs private sector innovation and investment in export marketing; and
- Increase the number of American companies taking decisive export actions.

The advantage of a joint effort is that it permits the Government to pool expertise and funds with non-Federal

sources so that each maximizes its market development resources. Partnerships of this sort also may provide a sharper focus on long-term export market development than do traditional trade promotion activities and serve as a mechanism for improving Government-industry relations.

While the Department of Commerce sponsors, guides and partially funds the MDCP with a matching requirement by the recipient, the Department of Commerce expects applicants to develop, initiate and carry out market development project activities. As an active partner, ITA will provide assistance identified by the applicant as being essential to the achievement of project goals and objectives. U.S. industry is best able to assess its problems and needs in the foreign marketplace and to recommend innovative solutions and programs that can be the formula to success in international trade.

Examples of activities that might be included in an applicant's project are described below. No one of these activities or any combination of these activities must be included for a proposal to receive favorable consideration. The Department of Commerce encourages applicants to propose activities that (1) Would be most appropriate to market development needs of their industry or industries; and (2) display the imagination and innovation of the applicant working in partnership with the Government to obtain the maximum market development impact.

A public meeting for parties considering applying for funding under the MDCP will be held on March 27, 1995. Attendance at this public meeting is not required of potential applicants. The purpose of the meeting is to provide general information regarding the MDCP procedures, selection process, and proposal preparation to potential applicants unfamiliar with the MDCP. No discussion of specific proposals will occur at this meeting.

DATES: The public meeting will be held March 27, 1995. Completed applications must be received no later than April 21, 1995. Competitive application kits will be available from the Department of Commerce starting February 24, 1995.

ADDRESSES: The public meeting will be held at the Herbert Clark Hoover Building, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC. Contact the information contact for room location.

To obtain an application kit, please send a written request with a self-

addressed mailing label to Mr. Greg O'Connor, Manager, Market Development Cooperator Program, Trade Development/OPCRM, Room 3211, U.S. Department of Commerce, Washington, DC 20230. Application kits may also be picked up in Room 3211, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230. The application kit contains all forms necessary to participate in the MDCP.

Please send completed applications to the Office of Planning, Coordination and Resource Management, Trade Development, Room 3211, 14th & Constitution Avenue, N.W., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Greg O'Connor, Manager, Market Development Cooperator Program, Trade Development, Room 3211, Washington, D.C. 20230, (202) 482-3197.

SUPPLEMENTARY INFORMATION:

Authority

The Omnibus Trade and Competitiveness Act of 1988, Pub. L. No. 100-418, Title II, sec. 2303, 102 Stat. 1342, 15 U.S.C. 4723.

Catalog of Federal Domestic Assistance (CFDA)

No. 11.112, Market Development Cooperator Program.

Program Description

The goal of the MDCP identified in authorizing legislation is to develop, maintain, and expand foreign markets for nonagricultural goods and services produced in the United States. For purposes of this program, "nonagricultural goods and services" means goods and services other than agricultural products as defined in 7 U.S.C. 451. "Produced in the United States" means having substantial inputs of materials and labor originating in the United States, such inputs constituting at least 50 percent of the value of the good or service to be exported. The intended beneficiaries of the program are U.S. producers of nonagricultural goods or services that seek to export such goods or services.

MDCP funds should not be viewed as a replacement for funding from other sources, either public or private. An important aspect of this program is to increase the sum of Federal and non-Federal export market development activities. This result can best be achieved by using program funds to encourage new initiatives. In addition to new initiatives, expansion of the scope of an existing project also may qualify for funding consideration. The

Department of Commerce will consider such projects as entirely new initiatives.

The Department of Commerce encourages applicants to propose activities that would be most appropriate to the market development needs of their industry or industries. The following are examples of activities which applicants might include in an application (no one of these activities or any combination of these activities must be included for an application to receive favorable consideration):

(1) Opening an overseas office or offices to perform a variety of market development services for companies joining a consortium to avail themselves of such services; such an office should not duplicate the programs or services of the U.S. and Foreign Commercial Service (US&FCS) post(s) in the region;

(2) Detailing a private sector individual to a US&FCS post in accordance with 15 U.S.C. 4723(c);

(3) Entering into a contract with a bona fide market research company to conduct detailed, product-specific market research;

(4) Assigning industry specialists to work with Department of Commerce/U.S. Executive Director Procurement Liaison Offices at the Multilateral Development Banks to seek out and develop procurement opportunities;

(5) Underwriting the cost of overseas market research or overseas trade exhibitions and trade missions to promote U.S. exports, or covering the expenses of reverse trade missions and/or foreign buyer group travel to U.S. domestic trade shows;

(6) Overseas product demonstrations;

(7) Export seminars in the United States or market penetration seminars in the market(s) to be developed;

(8) Technical trade servicing that helps overseas buyers to choose the right U.S. good(s) or service(s) and to use the good or service efficiently;

(9) Joint promotions with foreign customers;

(10) Training of foreign nationals to perform after-sales service or to act as distributors;

(11) Working with organizations in the foreign marketplace responsible for setting standards and for product testing to improve market access;

(12) Publishing an export resource guide or an export product directory for the industry or industries in question if no comparable one exists; and

(13) Establishing an electronic business information system to identify trade leads and facilitate matches with foreign partners.

Funding Availability

The total amount of funds available for this program is \$2.5 million for fiscal

year (FY) 95. The Department expects to conclude a minimum of four (4) cooperative agreements with eligible entities for this program. Each cooperative agreement will not exceed a total of \$500,000, regardless of the duration of the award.

Special Program Set-Aside to Encourage Diversity

On July 20, 1994, Secretary of Commerce Ronald H. Brown issued his policy on diversity. As part of this policy, Secretary Brown directed that "diversity * * * be taken into consideration in every aspect of the business of Commerce—in training, seminars, grant work, procurement, technology and trade programs, travel and trade missions, regulatory activities, business liaison and in every program area of the Department."

In the spirit of Secretary Brown's pronouncement, ITA will set aside \$250,000 of the funds available for the MDCP to make awards of at least \$50,000, but less than \$100,000. The opportunity to compete for small awards hopefully will encourage organizations to apply that previously felt themselves either at a competitive disadvantage or unable to match a larger MDCP grant. Many organizations that represent a preponderance of companies from traditionally disadvantaged or under-served groups such as small business, women-owned business, African Americans, Asian Americans, Hispanic Americans, Native Americans, Gay and Lesbian Americans or Physically Challenged Americans may fall into this category. At least one, but not more than five awards, will be made from this program set-aside. Funds not awarded from the program set-aside will be channeled back into the regular MDCP competition.

Eligible organizations that choose to compete for funds in the program set-aside will compete *only* against other organizations selecting the set-aside option. Organizations seeking smaller awards need not meet diversity criteria to compete for set-aside funds. Conversely, organizations seeking smaller awards that meet diversity criteria can choose to compete in the regular MDCP award competition instead of for set-aside funds. Program requirements and evaluation criteria will be the same for applications considered under the set-aside option as they are for the regular MDCP award competition.

Matching Requirements

Applicants will be expected to supply two thirds (2/3) of total project costs, with the Federal portion to be one third

(1/3). The Department of Commerce will support only a portion of the direct costs of each project. Each applicant will support a portion of the direct costs (to be specified in the application). Generally, direct costs are those that are specifically associated with an award, and usually include expenses such as personnel, fringe benefits, travel, equipment, supplies and contractual obligations relating directly to program activity. Allowable costs will be determined on the basis of the applicable cost principles, i.e., OMB Circulars A-21, A-87, and A-122; and 48 CFR Part 31. Applicants will support all indirect costs.

A minimum of one half (1/2) of each applicant's support must be in the form of new cash outlays expressly for the project. The balance of the applicant's support may consist of in-kind contributions (goods and services). In the proposed budget, all in-kind contributions to be used in meeting the applicant's share of costs should be listed in a separate column from cash contributions. A separate budget narrative describing these in-kind contributions should also be included with the proposal. This information should be in sufficient detail for a determination to be made that the requirements of OMB Circular A-110, section 23 (a), and 15 CFR Part 24.24 (a) and (b) are met.

Applicants may charge companies in the industry or other industry organizations reasonable fees to take part in or avail themselves of services provided as part of applicants' projects. Applicants should describe in detail plans to charge fees.

Type of Funding Instrument

Since ITA will be substantially involved in the implementation of each project for which an award is made, the funding instrument for this program will be a cooperative agreement.

Eligibility Criteria

Trade associations, nonprofit industry organizations, state trade departments and their regional associations including centers for international trade development, and private industry firms or groups of firms in cases where no entity described above represents that industry are eligible to apply for cooperative agreements under this program. For the purpose of this program, a "nonprofit industry organization" is defined as any nonprofit organization (such as some chambers of commerce and world trade centers) made up of firms in an industry, or which is established or funded by and which operates on behalf

of an industry. For the purpose of this program, a "trade association" is defined as consisting of member firms in the same industry, or in related industries, or which share common commercial concerns. The purpose of the trade association is to further the commercial interests of its members through the exchange of information, legislative activities, and the like.

Eligible entities may join together to submit an application as a joint venture and to share costs. For example, two trade associations representing different segments of a single industry or related industries may pool their resources and submit one application. Foreign businesses and private groups also may join with eligible U.S. organizations to submit applications and to share the costs of proposed projects. The Department of Commerce will accept applications from eligible entities representing any industry, subsector of an industry or related industries. Each applicant must permit all companies in the industry in question to participate, on equal terms, in all activities that are scheduled as part of a proposed project whether or not the company is a member or constituent of the eligible organization.

Eligible entities desiring to participate in this program must demonstrate the ability to provide a competent, experienced staff and other resources to assure adequate development, supervision and execution of the proposed project activities. Applicants must describe in detail all assistance expected from the Department of Commerce or other Federal Government agencies to implement project activities successfully. Each applicant must provide a description of the membership of the eligible entity, the degree to which the entity represents the industry or industries in question, and the role, if any, foreign membership plays in the affairs of the eligible entity. Applicants should summarize both the recent history of their industry or industries' competitiveness in the international marketplace and the export promotion history of the eligible entity or entities submitting the application.

Project proposals must be compatible with U.S. trade and commercial policy.

Award Period

Funds may be expended over the period of time required to complete the scope of work, but not to exceed three (3) years from the date of the award.

Indirect Costs

The total dollar amount of the indirect costs proposed in an application under

this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 100 percent of the total proposed direct costs dollar amount in the application, whichever is less. Department of Commerce funds can not be used to pay indirect costs.

Application Forms and Kit

Standard Forms 424 (Rev. 4-92), 424A (Rev. 4-92), and 424B (Rev. 4-92) and other Department of Commerce forms, which are required as part of the application, are available from the contact person indicated above. Applicants must submit a signed original and three (3) copies of the application and supporting materials.

Project Funding Priorities

Applications may be targeted for any market in the world. In ITA's view, projects in the following sectors and countries present opportunities to develop, maintain and expand overseas markets and enhance jobs through U.S. exports:

- (a) Sectors: Environmental technologies, transportation technologies, energy technologies, information technologies, health technologies, and financial services; and
- (b) Geographic Markets: Argentina, Brazil, China, Hong Kong, India, Indonesia, Korea (South), Mexico, Poland, Russia and the Newly Independent States of the former Soviet Union, South Africa, Taiwan, and Turkey.

Developing a project plan requires solid background research. Applicants should study, and applications should reflect such study of, the following:

1. The market potential of the good(s) or service(s) to be promoted in a particular market(s),
2. The competition from host-country and third-country suppliers, and
3. The economic situation and prospects that bear upon the ability of a country to import the good(s) or service(s).

Applicants should present in their applications an assessment of industry resources that can be brought to bear on developing a market; the industry's ability to meet potential market demand expeditiously; and the industry's after-sales service capability in a particular foreign market(s).

After describing their completed basic research, applicants should develop marketing plans that set forth the overall objectives of the projects and the specific activities applicants will undertake as part of these projects. Applications should display the

imagination and innovation of the private sector working in partnership with the Government to obtain the maximum market development impact.

Evaluation Criteria

The Department of Commerce is interested in projects that demonstrate the possibility of both significant results during the project period and lasting benefits extending beyond the project period. To that end, consideration for financial assistance under the MDCP will be based upon the following evaluation criteria:

(1) Projected:

(a) Increase in U.S. exports generated (per dollar of cooperator program funds spent) by the proposed expenditure of funds; and

(b) Increase in the U.S. industry's foreign market share. Applicant should provide quantifiable estimates of projected project results, along with detailed explanations, for (1)a and (1)b above.

(2) Projected:

(a) Increase in the number of U.S. companies operating in the market(s) selected (multiplier effect); and/or

(b) Increase in the number of companies currently in the market that are undertaking new export initiatives. Applicant should provide quantifiable estimates of projected project results for either (2)a or (2)b above, or for both where proposed project increases are anticipated.

(3) Export potential of the good(s) and/or service(s) to be promoted.

(4) Size of the cash portion of the applicant's funding for the proposed project and reasonableness of the itemized budget for project activities.

(5) The institutional capacity of the applicant to carry out the work plan and the degree to which a proposal initiates or enhances partnership with the Department of Commerce.

(6) Creativity and innovation displayed by the work plan while at the same time being realistic.

(7) Willingness and ability of the applicant to back up promotional activities with aggressive marketing and after-sales service and probability that the project can be continued on a self-sustained basis after the completion of the award.

(8) Intent and capability of the applicant to enlist the participation of small and medium size American companies in consortia and activities that are to be part of the proposed project.

Evaluation criteria 1-4 are of utmost importance in the selection process and will be worth 70 out of a possible 100 points as follows:

Criterion #1—maximum 20 points
Criterion #2—maximum 20 points
Criterion #3—maximum 15 points
Criterion #4—maximum 15 points

The remaining evaluation criteria will be valued as follows:

Criterion #5—maximum 10 points
Criterion #6—maximum 10 points
Criterion #7—maximum 5 points
Criterion #8—maximum 5 points

Selection Procedures

Each application will receive an independent, objective review by a panel qualified to evaluate the applications submitted under the program. The Review Panel, consisting of at least three people, will review all applications based on the criteria stated above. The Review Panel will identify and rank the top ten proposals in the regular MDCP competition and the top seven proposals submitted under the set-aside option and make recommendations to the Assistant Secretary for Trade Development concerning which of the proposals should receive awards. The Assistant Secretary for Trade Development will make the final selection regarding the funding of applications from the group of ten in the regular competition and the group of seven under the set-aside option identified by the Review Panel.

In making his decision, the Assistant Secretary for Trade Development will consider the following:

1. The evaluations of the individual reviewers of the Senior Officer Panel;
2. The degree to which applications satisfy the MDCP's goals and objectives;
3. The geographic distribution of the proposed awards;
4. The diversity of industry sectors covered by the proposed grant awards;
5. The diversity of project activities represented by the proposed awards;
6. The promotion of equitable access to MDCP funding for traditionally disadvantaged or under-served groups;
7. Avoidance of redundancy and conflicts with the initiatives of other Federal agencies; and
8. The availability of funds.

Performance Measures

On August 3, 1993, the Government Performance and Results Act (GPRA) was enacted into law (Public Law 103-62). Section 4 of the GPRA requires each agency to submit to the Office of Management and Budget (OMB), beginning with FY 99, a strategic plan for program activities. Among other things, each plan is to include "performance indicators to be used in measuring or assessing the relevant outputs, service levels and outcomes of each program activity."

OMB has decided not to wait to begin development of the new performance indicators called for in GPRA. As part of the process of preparing the President's FY 1996 budget, OMB has asked agencies to submit prospective GPRA-type performance indicators they intend to use in future years.

Accordingly, current MDCP participants have been asked to identify new GPRA-type performance indicators as part of their FY 1995 operating plans. These indicators will include not only program inputs and outputs, but also measures that may be applied to determine outcomes (what happens as a direct result of an output being created) or final impacts (the effect of an outcome).

Applicants for this year's MDCP competition should describe in their proposals performance indicators of the type envisioned by GPRA that they intend to use to measure the results of their MDCP projects. Applicants should consult the MDCP application kit for more information, key terms and definitions used in developing performance indicators under GPRA.

Other Requirements

(1) *Federal Policies and Procedures*—Recipients and subrecipients are subject to all Federal laws and Federal and Department of Commerce policies, regulations, and procedures applicable to Federal financial assistance awards.

(2) *Past Performance*—Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

(3) *Preaward Activities*—If applicants 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 or written assurance that they may have received, there is no obligation on the part of the Department of Commerce to cover preaward costs.

(4) *No Obligation for Future Funding*—If an application is selected for funding, the Department of Commerce 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 the Department of Commerce.

(5) *Delinquent Federal Debts*—No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

- i. The delinquent account is paid in full,
- ii. A negotiated repayment schedule is established and at least one payment is received, or

iii. Other arrangements satisfactory to the Department of Commerce are made.

6. *Name Check Review.* 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.

7. *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," and the following explanations are hereby provided:

i. *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;

ii. *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;

iii. *Anti-Lobbying.* Persons (as defined at 15 CFR part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitations 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; and

iv. *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.

8. *Lower Tier Certifications.* Recipients shall require applicants/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 the Department of Commerce. SF-LLL submitted by any tier recipient or subrecipient should be submitted to the Department of Commerce in accordance with the instructions contained in the award document.

9. *False Statements.* A false statement on an application 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.

10. *Intergovernmental Review.* Applications under this program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

11. *Requirement to Buy American-Made Equipment or Products.* Applicants are hereby notified that they will be encouraged, to the greatest extent practicable, 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 103-317, Sections 607 (a) and (b). Adequate justifications will be required for any proposed purchases of equipment or products that are not American-made.

Classification

This notice has been determined to be not significant for purposes of Executive Order 12866. The standard forms reference in this notice are cleared under OMB Control No. 0348-0043, 0348-0044, 0348-0040, and 0348-0046 pursuant to the Paperwork Reduction Act.

Dated: February 21, 1995.

Jerome S. Morse,

Director, Resource Management and Planning Staff, Trade Development.

[FR Doc. 95-4584 Filed 2-23-95; 8:45 am]

BILLING CODE 3510-DR-P

North American Free-Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews; Request for Panel Review

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of first request for panel review.

SUMMARY: On February 15, 1995 Northwest Horticultural Council filed a First Request for Panel Review with the Canadian Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade

Agreement. Panel review was requested of the final antidumping determination made by the Deputy Minister of National Revenue, Customs & Excise respecting Fresh, Whole, Delicious, Red Delicious and Golden Delicious Apples Originating in or Exported from the United States of America. This determination was published in the Canada Gazette on January 21, 1995 (Vol. 129, No. 3, p. 132). The NAFTA Secretariat has assigned Case Number CDA-95-1904-02 to this request.

FOR FURTHER INFORMATION CONTACT:

James R. Holbein, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, D.C. 20230, (202) 482-5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established Rules of Procedure for Article 1904 Binational Panel Reviews ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the Canadian Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on February 15, 1995, requesting panel review of the final antidumping duty determination described above.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is March 17, 1995);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first

Request for Panel Review (the deadline for filing a Notice of Appearance is April 3, 1995); and

(c) The panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and the procedural and substantive defenses raised in the panel review.

Dated: February 21, 1995.

James R. Holbein,

United States Secretary NAFTA Secretariat.

[FR Doc. 95-4619 Filed 2-23-95; 8:45 am]

BILLING CODE 3510-GT-M

National Oceanic and Atmospheric Administration

[I.D. 021695B]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a public meeting via conference call of its Standing and Special Reef Fish Scientific and Statistical Committees (SSC) on Tuesday, March 7, 1995, from 10:00 a.m. - 12:00 noon eastern standard time (EST) / 9:00 a.m. - 11:00 a.m. central standard time (CST).

The purpose of this meeting is to consider recreational landings information and analyses for bag and size limits for red grouper and a report by the Reef Fish Stock Assessment Panel related to a change in the size limit for red grouper and impacts on the stock and recreational allocation. The SSC will assess the validity of these data, analyses and reports and provide its recommendations to the Council. Listening phones will be established at four locations for interested persons to listen to the discussion and participate in the meeting.

ADDRESSES: The listening phone locations will be as follows:

1. Miami, FL; NMFS Southeast Fisheries Science Center, Room 200, 75 Virginia Beach Drive, Miami, FL 33144; telephone: 305-361-5761.

2. Panama City, FL; NMFS Southeast Fisheries Science Center, Panama City Laboratory, 3500 Delwood Beach Road, Panama City, FL 32408; telephone: 904-234-6541.

3. Pascagoula, MS; NMFS Southeast Fisheries Science Center, Pascagoula

Facility, 3209 Frederic Street, Pascagoula, MS 39567; telephone: 601-762-4591.

4. St. Petersburg, FL; NMFS Southeast Regional Office, 9721 Executive Center Drive North, St. Petersburg, FL 33702; telephone: 813-570-5301.

FOR FURTHER INFORMATION CONTACT:

Steven M. Atran, Population Dynamics Statistician, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, Florida 33609; telephone: 813-228-2815.

SUPPLEMENTARY INFORMATION: Requests for sign language interpretation or other auxiliary aids should be directed to Julie Krebs at the above address by February 28, 1995.

Dated: February 17, 1995.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95-4623 Filed 2-23-95; 8:45 am]

BILLING CODE 3510-22-F

[I.D. 020995C]

Endangered Species; Permits

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

ACTION: Issuance of permit 943 (P430A) and permit 648A (P45N)

On October 26, 1994, notice was published (59 FR 53780) that an application had been filed by Thomas F. Savoy and Deborah J. Shake of the Connecticut Department of Environmental Protection (P430A) to take listed shortnose sturgeon (*Acipenser brevirostrum*) in the Connecticut River as authorized by the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217-222).

Notice is hereby given that on February 17, 1995, as authorized by the provisions of the ESA, NMFS issued Permit No. 943 to take shortnose sturgeon for measuring, examining, and tagging, subject to certain conditions set forth therein.

Notice is hereby given that on February 21, 1995, NMFS issued Permit 648A to the U.S. Fish & Wildlife Service to maintain captive listed shortnose sturgeon (*Acipenser brevirostrum*), pursuant to section 10 of the ESA.

Issuance of these permits, as required by the ESA, were based on findings that such permits: (1) Were applied for in good faith; (2) will not operate to the

disadvantage of the listed species which is the subject of these permits; (3) are consistent with the purposes and policies set forth in section 2 of the ESA. These permits were also issued in accordance with and are subject to parts 217-222 of Title 50 CFR, the NMFS regulations governing listed species permits.

The applications, permits, and supporting documentation are available for review by interested persons in the following offices, by appointment:

Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, MD 20910-3226 (301-713-1401); and

Northeast Region, NMFS, NOAA, One Blackburn Drive, Gloucester, MA 01930 (508-281-9250) for Permit 943; or

Southeast Region, NMFS, NOAA, 9721 Executive Center Drive, St. Petersburg, FL 33702-2432 (813-893-3141) for Permit 648A.

Dated: February 21, 1995.

Patricia A. Montanio,

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

[FR Doc. 95-4621 Filed 2-23-95; 8:45 am]

BILLING CODE 3510-22-F

[I.D. 021695A]

Endangered Species; Permits

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

ACTION: Issuance of an extension to permit 777 (P496).

On January 12, 1995, an application was received by NMFS from the Army Corps of Engineers, Waterways Experiment Station, for an extension to Permit 777 which authorizes the take of listed sea turtle species as authorized by the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217-222).

Notice is hereby given that on February 17, 1995, as authorized by the provisions of the ESA, NMFS issued an Extension to Permit Number 777 for the above taking, subject to certain conditions set forth therein.

Issuance of this permit extension, as required by the ESA, was based on a finding that such permit extension: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the listed species which are the subject of the permit; (3) is consistent with the purposes and policies set forth in section 2 of the ESA. This permit extension was also issued in accordance

with and is subject to parts 217-222 of Title 50 CFR, the NMFS regulations governing listed species permits.

The application, permit, and supporting documentation are available for review by interested persons in the following offices, by appointment:

Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, MD 20910-3226 (301-713-1401); and Southeast Region, NMFS, NOAA, 9721 Executive Center Drive, St. Petersburg, FL 33702-2432 (813-893-3141).

Dated: February 17, 1995.

Patricia A. Montanio,

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

[FR Doc. 95-4622 Filed 2-23-95; 8:45 am]

BILLING CODE 3510-22-F

National Telecommunications and Information Administration

[Docket No. 950217053-5053-01]

The Global Information Infrastructure: Agenda for Cooperation

AGENCY: National Telecommunications and Information Administration.

ACTION: Administration policy statement.

SUMMARY: On February 15, 1995, the Administration released an "Agenda for Cooperation" for the Global Information Infrastructure. The Agenda for Cooperation sets forth the Administration's vision for developing a GII that meets the needs of the people around the world. The Global Information Infrastructure: Agenda for Cooperation incorporates and expands upon five principles Vice President Gore presented last year to the first World Telecommunication Development Conference: Encourage private investment; promote competition; provide open access to the network for all information providers and users; create a flexible regulatory environment that can keep pace with rapid technological and market changes; and ensure universal service.

The report addresses the policy issues critical to encouraging the use of the Global Information Infrastructure (GII), including information policy and content issues and measures by governments and industry to demonstrate the benefits of the GII. The report also is intended to serve as the basis for engaging other governments in a consultative, constructive, and cooperative process that will ensure the productive development of the GII.

DATES: Comments may be filed at any time.

ADDRESSES: Comments may be sent to: IITF Secretariat, NTIA, U.S. Department of Commerce, Room 4898, 14th Street and Constitution Avenue NW., Washington, DC. 20230.

Comments may also be sent electronically by Internet e-mail to "nii@ntia.doc.gov". The GII: Agenda for Cooperation will be available over the Internet via ftp, telnet (login = gopher), gopher, or World-Wide Web at the Internet address iitf.doc.gov or dialup via modem (202) 501-1920. It will be located in the Documents and Papers directory. For hard copies, please write or call Openness Program, 1617 HCHB, 14th and Constitution Avenue NW., Washington, DC. 20230, (202) 482-3999 (voice) or (202) 501-6198 (fax).

FOR FURTHER INFORMATION CONTACT: NTIA Office of International Affairs, (202) 482-1304.

Authority: 47 U.S.C. 901 *et seq.*

SUPPLEMENTARY INFORMATION:

The Global Information Infrastructure Agenda for Cooperation

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Preface

Let us build a global community in which the people of neighboring countries view each other not as potential enemies, but as potential partners, as members of the same family in the vast, increasingly interconnected human family.

With these words, Vice President Al Gore introduced the U.S. vision for the Global Information Infrastructure (GII) at the first World Telecommunication Development Conference in March

1994. The Conference, held in Buenos Aires, Argentina, signalled a new undertaking by the International Telecommunication Union (ITU). Vice President Gore called upon every nation to establish an ambitious agenda to build the GII, using the following five principles as the foundation:

- Encouraging private sector investment;
- Promoting competition;
- Providing open access to the network for all information providers and users;
- Creating a flexible regulatory environment that can keep pace with rapid technological and market changes; and
- Ensuring universal service.

Leaders from the world telecommunications community incorporated these five principles into the ITU's "Buenos Aires Declaration on Global Telecommunication Development for the 21st Century."

The purpose of this "GII: Agenda for Cooperation" is to amplify these five principles and to identify the steps the United States, in concert with other nations, can take to make the vision of the GII a reality. We hope that it will also serve as the basis for engaging other governments in a consultative, constructive, and cooperative process that will ensure the development of the GII for the mutual benefit of all countries.

In proposing this initiative, we recognize that market forces and technological advances have already begun to expand existing interconnections among our respective nations:

- Current state-of-the-art fiber optic systems can now transmit the equivalent of 80,000 simultaneous telephone conversations over a single optical fiber and will soon carry 320,000 conversations over a fiber pair;
- Advances in digital compression have vastly improved the performance and capacity of existing networks by allowing more volume, including data and video, to be transmitted;
- Advances in computer technology will soon offer storage capacity so great that an individual using a hand-held device will be able to carry the informational equivalent of a small library and remotely access many times this amount; and
- New digital wireless systems and proposed constellations of telecommunications satellites have the potential to provide telephone and data services to any point on the planet.

A nascent GII already exists. What we seek is a superior GII, one that has higher capacity, is fully interactive,

faster, and more versatile. One that is less expensive to use than existing systems, and more accessible to all the people of the world. But our goal is not merely technological advancement—more bandwidth, faster switching, more powerful processing capability, and greater compression and storage capacity. We view technology not as an end in itself but as the means through which the GII can realize its potential to improve the well-being of all people on this planet.

This “Agenda for Cooperation” sets forth the U.S. Government’s vision for developing a GII that can yield the benefits described above and more. It identifies specific areas where intergovernmental, as well as government-private sector, cooperative efforts are needed. Also identified are proposals for concrete actions that the United States can take, by itself or with other nations, to accelerate the pace of development of the GII. While we believe the private sector will build, own, and operate the GII, governments have the power to take actions that can either accelerate or retard its development. We believe that a concerted and coordinated international effort can achieve the former and avoid the latter, and we invite other countries to join us in this cooperative venture.

I. Introduction

A. Technological Convergence and the New Information Age

As we approach the end of the twentieth century, information is a critical force shaping the world’s economic system. In the next century, the speed with which information is created, its accessibility, and its myriad uses will cause even more fundamental changes in each nation’s economy.

These changes will be the result of technological convergence of the previously distinct telecommunications, information, and mass media industries. Boundaries that once separated the types of networks used to deliver voice, data, and video services are increasingly blurred. In a digital world, these services can be combined and offered over the same transmission system.

Multiple networks composed of different transmission media, such as fiber optic cable, coaxial cable, satellites, radio, and copper wire, will carry a broad range of telecommunications and information services and information technology applications into homes, businesses, schools, and hospitals. These networks will form the basis of evolving national and global information infrastructures, in turn creating a seamless web uniting

the world in the emergent Information Age. The result will be a new information marketplace, providing opportunities and challenges for individuals, industry, and governments.

B. New World Vision Through Communications: The GII as a Product of Technological Convergence and Competition

The Clinton Administration has made the development of an advanced National Information Infrastructure (NII) and the GII top U.S. priorities. A major goal of the NII is to give our citizens access to a broad range of information and information services. Using innovative telecommunications and information technologies, the NII—through a partnership of business, labor, academia, consumers, and all levels of government—will help the United States achieve a broad range of economic and social goals.

Similarly, other governments have come to recognize that the telecommunications, information services, and information technology sectors are not only dynamic growth sectors themselves, but are also engines of development and economic growth throughout the economy. With this realization, governments have sharply focused their public policy debates and initiatives on the capabilities of their underlying information infrastructures. The United States is but one of many countries currently pursuing national initiatives to capture the promise of the “Information Revolution.” Our initiative shares with others an important, common objective: to ensure that the full potential benefit of advances in information and telecommunications technologies are realized for all citizens.

The GII is an outgrowth of that perspective, a vehicle for expanding the scope of these benefits on a global scale. By interconnecting local, national, regional, and global networks, the GII can increase economic growth, create jobs, and improve infrastructures. Taken as a whole, this worldwide “network of networks” will create a global information marketplace, encouraging broad-based social discourse within and among all countries.

The GII will depend upon an ever-expanding range of technology and products, including telephones, fax machines, computers, switches, compact discs, video and audio tape, coaxial cable, wire, satellites, optical fiber transmission lines, microwave networks, televisions, scanners, cameras, and printers—as well as advances in computing, information, and networking technologies not yet envisioned.

But the GII extends beyond hardware and software; it is also a system of applications, activities, and relationships. There is the information itself, whatever its purpose or form, *e.g.*, video programming, scientific or business databases, images, sound recordings, library archives, or other media. There are also standards, interfaces, and transmission codes that facilitate interoperability between networks and ensure the privacy and security of the information carried over them, as well as the security and reliability of the networks themselves. Most importantly, the GII includes the people involved in the creation and use of information, development of applications and services, construction of the facilities, and training necessary to realize the potential of the GII. These individuals are primarily in the private sector, and include vendors, operators, service providers, and users.

The GII will both stimulate and respond to global demand for new information technologies and services.¹ The GII can offer consumers in each country unprecedented access to information from a variety of sources on a global basis. With appropriate changes in regulatory structure, the GII can also help usher in an environment more responsive to user demands by providing companies opportunities to offer any information or telecommunications product or service to any customer, rendering obsolete past regulatory labels or technological niches.

The business community has become the principal force for the pro-competitive restructuring of telecommunications and information markets. Business users, whose commercial activities are becoming increasingly global, require access to advanced services at higher speeds and capabilities, and at lower costs, to manage their global operations effectively. When the national carriers cannot provide the unified international networks and services that companies need to conduct business and research, frustrated users develop their own international “private” networks, often leasing private lines from different national carriers. However, these private networks—even the most sophisticated—still suffer from the high cost of leased lines in most countries and the difficulties inherent in attempting to create global networks

¹ In general throughout this report, references to “information services” are meant to be broad and to include all services, content, and applications to be provided over the networks of the GII. However, for specific statistics cited from other sources, the definitions from those sources apply.

based on a patchwork of services subject to widely varying capabilities and regulation.

The scientific and academic communities also have stringent demands for access to information resources and powerful computing capacity around the world. The international research and academic community was instrumental in developing the Internet, an already global mass of interconnected computer networks. The astonishing growth rate of the Internet network—over ten per cent per month for more than five years—is just one indication of the growing demand for and supply of digital information.

C. Cornerstone of the GII: A Community of Global Interest

The nations of the world are diverse in size, levels of economic development, political, economic and social structures, and language and culture. We believe, however, that despite these differences a broad community of interest exists among countries to better the lives of the citizens of the world—all citizens. Regardless of a country's overall level of technological development, active participation in the evolving GII can provide the tools to improve the quality of life.

For example, the GII can facilitate health care delivery through telemedicine, linking rural physicians to major medical facilities for off-site consultations on difficult diagnoses. If only a computer and a wireless link are available, they can provide a data base search and on-line questioning of a consulting expert. If fiber optic networks are available, telemedicine services can include remote visual examination. Such services are a boon to rural physicians. Similarly, the GII can quicken response time for disaster relief. It can transform education with computer-based multimedia systems that teach with both sight and sound, greatly increasing retention rates and providing children access to greater educational opportunities. It can provide new tools to assist persons with disabilities. The GII can also make factories more efficient, speed the creation of new and better goods and services, cut the cost of business by improving efficiency, develop new jobs and markets, increase trade, and facilitate flows of information across borders.

That is not all. A well-developed GII can enhance democratic principles and limit the spread of totalitarian forms of government. Representative democracy is founded on the premise that the best political processes are those in which

each citizen has the knowledge to make an informed choice and the power to express his or her view. The GII will allow wider and greater citizen participation in decision-making by providing the additional means for individuals to keep informed, as well as to express their opinions. Through the GII, the world's citizens will have the opportunity to share information and cultural values, fostering a greater sense of global community. By encouraging exchanges of ideas, goods, and services among all countries, the GII can contribute to a framework for lasting peace.

Realizing these benefits will not be easy—our vision of the GII presents a challenge that cannot be undertaken by a single country, nor overcome by government fiat. Rather, its success will depend in large measure on innovation and investment by the private sector. As the principal source of expertise and capital, the private sector should, in response to marketplace demands, determine what technologies to pursue, set the pace of development, establish the appropriate standards, and develop new services and applications. For their part, governments can facilitate these activities by creating a legal and regulatory environment that supports efficient investment and innovation, and promotes full and fair competition. Governments can also provide leadership by supporting testbeds for new technologies, fostering the transfer of resulting technologies to the private sector, promoting the assimilation and use of applications and technology through government procurement, and developing applications that support government operations and dissemination of government information.

II. Building a Foundation for the GII—Five Basic Principles

The United States believes that five basic principles—encouraging private investment, promoting competition, providing open access to networks and services for providers and users, creating a flexible regulatory environment to keep pace with technological and market developments, and ensuring universal service—should serve as the foundation for the development of the GII. In our view, this foundation will facilitate information infrastructure development in individual countries and the interconnection of networks on a global basis. It will also accelerate development of useful applications, and increase sharing of information among people around the world. We believe these principles apply equally to the

telecommunications, information technology, and information services industries. In partnership with the private sector and all users, we believe that governments should take action to adopt, apply, and advance these principles at national, regional, and global levels.

A. Encouraging Private Investment

Given the facts that the worldwide market for information technology, products, and services is currently valued at \$853 billion, and that worldwide investment in telecommunications infrastructure alone is expected to exceed \$200 billion by 2004, both developed and developing countries need to find ways to share in this growth and prosperity. Attracting private sector investment is the most effective way for countries to do so—as well as to improve their networks and services, promote technological innovation, and succeed within the competitive global economy. The reasons extend beyond the purely financial: In addition to providing inflows of capital, private investment also stimulates development of new technologies, equipment, services, new sources of information, and managerial skills—all of which help speed infrastructure growth and improvements, increase efficiency in the provision of services, and permit greater responsiveness to consumer needs.

To attract greater investment from both domestic and foreign sources into their telecommunications sectors, nations are adopting a variety of approaches, ranging from revenue sharing initiatives and joint ventures to direct foreign investment, licensing of privately-owned competitors, build-operate-own or -transfer schemes, and privatization of government-owned public telecommunications operators. Countries as diverse as Chile, India, Jamaica, Japan, Malaysia, New Zealand, the United Kingdom, the United States, and Venezuela have encouraged multiple private companies to provide telecommunications services, drawing in private investment to varying degrees and leading to lower service prices and improved communication.

In other countries where privatization is not currently considered a politically viable option, governments have taken steps to attract foreign investment in the form of joint ventures for the provision of new services, such as cellular telephone and Very Small Aperture Terminal (VSAT)-based overlay networks for business users. Some countries have permitted lease and franchise arrangements that include private expansion of part of the

telecommunications infrastructure, often allowing the private equity share in the network operation to build up over time. Although providing fewer benefits than full privatization might, these approaches can also be attractive to private investors, and they provide quantifiable benefits—new lines, upgraded switching capabilities, new services and sources of information, and lower costs to consumers.

The need for capital investment is particularly acute in countries with underdeveloped telecommunications infrastructures, where limited government resources often make private financing a necessary complement. To attract private capital, many countries that seek to improve their information infrastructures, which will improve interconnection to the evolving GII, are taking concrete steps to:

- Create a stable operating environment supported by transparent regulation;
- Establish fair and open bidding practices for all communications and information infrastructure projects;
- Recognize the return on capital that potential investors require;
- Establish sound repatriation policies; and
- Demonstrate a political commitment to private investment through appropriate modifications in the legal framework.

The information services sector, traditionally privately-owned, has experienced tremendous growth due to the largely open investment and competitive market environments in most countries around the world. In the United States, for example, the largely unregulated information services market is projected to have reached \$135.9 billion in revenues in 1994.²

Removing barriers to private investment—and providing incentives for the creation and dissemination of information services through effective protection of intellectual property rights—is the best means of sustaining this worldwide growth.

Recommended Action

From the wide range of available options, governments can develop a strategy best suited to their particular needs. At the same time, they must institute the appropriate regulatory, legislative, and market reforms to create the conditions necessary to attract private investment in their telecommunications, information

technology, and information services markets. To facilitate this process, the United States will join with other governments to:

- Identify and seek to remove barriers to private investment, and develop policies and regulations that improve investment incentives in both growing and mature telecommunications and information markets;
- Ensure that applicable laws, regulations, and other legal rules governing the provision of telecommunications and information services and equipment are reasonable, nondiscriminatory, and publicly available;
- Engage in bilateral, regional, and multilateral discussions to exchange information on the various options that have been successfully pursued to attract private investment, including, but not limited to, privatization, liberalization, and market reforms;
- Work with major international lending institutions, such as the World Bank and the regional development banks, and major private financial institutions to determine the best means of attracting both private and public capital, and establish workshops to train officials in the different liberalization approaches; and
- Encourage international lending institutions to recognize the ways in which funded social projects, such as the delivery of education and health care services, can be advanced through improved information infrastructures.

B. Promoting Competition

Nationally and internationally, the information technology and information services markets have flourished in the past decade. The highly competitive computer equipment, software and networking industries are among the most dynamic in global markets, providing users with steadily increasing computing power and functionality and stimulating further demand for more advanced, integrated capabilities. Similarly, the information services industry has expanded as barriers to cross-border trade and investment have been removed. In many countries there are few or no restraints on the services provided. In other markets there are varying, but fairly light, degrees of regulation. As a result, the world market for information services is expected to grow from \$275 billion in 1993 to \$465 billion in 1998, a growth rate of 11 percent annually.³

One important exception has been a tendency in a few countries to erect

barriers to foreign competition in entertainment programming services. There is no body of evidence that limiting foreign competition has been successful in achieving the desired effect of stimulating local entertainment programming industries. The effects of such measures in retarding the development of private investment in infrastructure also deserves greater attention.

In contrast to the liberal market and regulatory environment for information technology and information services, the pace and scope of liberalization and privatization in the telecommunication sector is varied, ranging from competition in particular market segments to full liberalization. For example, there has been a discernable trend over the past decade toward increased competition in the provision of both value-added services and telecommunications terminal equipment. Some countries have liberalized further, taking steps to open their long distance, local fixed telephony, cellular, communications satellite, cable, and broadcast markets.

Evidence of positive results from such increased competition is mounting: Networks have steadily incorporated innovative technologies, producing greater efficiencies; both residential and business users enjoy lower prices and greater choices in equipment and services; service providers are more responsive to user needs; and lower costs of service have stimulated increased network usage.

However, in the largest and most profitable market segments—basic public voice telephone services and the underlying network infrastructure—both competition and foreign investment have been restricted. Maintaining barriers against potential new entrants in these markets will inhibit infrastructure deployment. Moreover, these barriers will retard the introduction of new information and telecommunications services that require competitive access to underlying networks in order to flourish.

Competition in basic telecommunications services has been growing, however, in a number of key markets around the globe. In countries such as Australia, Canada, Chile, Japan, New Zealand, Sweden, the United Kingdom, and the United States, the introduction of alternative service providers and networks, which often deploy advanced technologies at lower costs, has reduced bottleneck control by the dominant facilities-based providers. These results have spurred other countries to reconsider their policies. The member countries of the European

²International Trade Administration, U.S. Department of Commerce, "U.S. Industrial Outlook 1994", at 25-1, January 1994.

³U.S. Department of Commerce, International Trade Administration, Office of Service Industries, 1994.

Union (EU), for example, have agreed to introduce competition in the provision of basic telecommunications services and infrastructure by 1998. The EU considers these steps to be critical to advancing the goals of their action plan to create a European Information Society.

Increasingly, countries with national monopoly operators have begun to question whether they can compete effectively in the dynamic international telecommunications market. Difficulties in raising capital and in meeting users' demands for low cost, sophisticated network capabilities and services are forcing a reconsideration of the monopoly approach to telecommunications. A recent Organization for Economic Cooperation and Development (OECD) study comparing the relative cost of providing international service among OECD members found that the performance of countries with competitive international markets was superior to the average of all OECD members. Furthermore, the OECD study revealed that the quality of service had improved simultaneously with the implementation of competition.⁴

Competition within the communications satellite market has also burgeoned. The intergovernmental International Telecommunications Satellite (Intelsat) and International Mobile Satellite (Inmarsat) organizations now face competition from several separate satellite systems, including Astra, Columbia, AsiaSat, Orion, and PanAmSat. Due in part to competitive pressures from these separate satellite systems and from alternative technologies, serious consideration is being given to restructuring both Intelsat and Inmarsat. Each of these organizations is engaged in an internal effort to review a range of options for reorganization, from reform of the cooperative model, to corporatization, to full privatization.

As governments liberalize particular market segments, regulators, operators, and new market entrants must grapple with evolving definitions of the boundary between those networks and services reserved to the monopoly operator and those open to competition. During the transition from monopolistic to competitive telecommunications markets, incumbent operators still play a dominant role as network infrastructure providers. Incumbent operators not only control underlying facilities and services that new entrants

often need to deliver their services, but frequently compete directly with these new service providers in particular market segments. In these circumstances, effective competition cannot emerge and flourish unless incumbents are subject to competitive safeguards while they maintain market power over critical bottleneck facilities and services.

Competitive safeguards serve two main purposes. Some are intended to eliminate or reduce barriers to entry for new service providers that are seeking to challenge the incumbent operator. Other safeguards serve to ensure that incumbent firms with market power do not employ anticompetitive means to prevent or hinder the development of truly competitive markets. Market entry opportunities are effective only if the incumbent service provider is required to compete fairly. For this reason, some administrations have required incumbent carriers to permit resale of their networks and services. Resale provides an important source of competition in markets in which telecommunications infrastructure costs are high. Similarly, market entrants that choose to provide facilities-based services in competition with the incumbent service provider typically will need to interconnect their facilities with a dominant service provider's network. In a pro-competitive environment, the terms and condition of interconnection would be reflected in published rates that include nondiscriminatory cost-based access charges and technological "equal access" to bottleneck facilities.

Incumbent carriers may also be required to "unbundle" network facilities and services so that telecommunications and information service providers can order only those elements of the dominant provider's network they need to provide a service. Finally, establishment of a transparent regulatory scheme open to all interested parties, and administered by a regulatory authority independent of the incumbent service provider, helps ensure that rules governing competition are fair and that private investment is given a reasonable degree of security.

While the political challenges posed by attempting to restructure the telecommunications market are significant, the increased opportunities provided by introducing competition far outweigh the potential difficulties of pro-competitive market reform. Further, the interconnection of competitive national information infrastructures can increase the pace of development of the GII. The more competitive an information and telecommunications

market, the more productive will be its interaction with other markets participating in the development of the GII.

Recommended Action

The most effective means of promoting a GII that delivers advanced products and services to all countries is through increased competition at local, national, regional, and global levels. To that end, the United States will join with other governments to:

- Assess, through information exchanges and existing multilateral organizations, the positive experiences of different countries in introducing competition and progressively liberalizing their telecommunications, information technology, and information services markets;
- Work constructively to remove barriers to competition in telecommunications, information technology, and information services markets;
- Include timetables for increased competition in basic telecommunications infrastructure and services in national information infrastructure development plans, and, as an interim step, increase the pace of liberalization through the expansion of resale;
- Encourage new entrants by adopting competitive safeguards to protect against anticompetitive behavior by firms with market power, including measures designed to prevent discrimination and cross-subsidization;
- Implement specific regulations to facilitate competitive entry in the telecommunications sector, including the following essential elements: (1) Interconnection among competing network and service providers; (2) "unbundling" of bottleneck facilities of dominant network providers; (3) transparency of regulations and charges; and (4) nondiscrimination among network facilities operators and between facilities operators and potential users, including resellers;
- Ensure that government-sponsored technical training activities incorporate programs specifically related to the development of pro-competitive markets and regulations (including such issues as competitive safeguards and interconnection);
- Pursue a successful conclusion to the General Agreement on Trade in Services (GATS) discussions on basic telecommunications to obtain the opening of markets for basic telecommunications services through facilities-based competition and the resale of services on existing networks

⁴"The Benefits of Telecommunications Infrastructure Competition," (DSTI/ICCP, TISP(93)/Rev 1), p. 23, February, 1994.

on nondiscriminatory terms and conditions; and

- Consider the full range of options for promoting competition in Intelsat and Inmarsat, including: (1) Pursuing changes designed to increase the operational efficiency of Intelsat and Inmarsat, retaining their fundamental intergovernmental character, but substantially reducing the scope of the current intergovernmental agreements by removing provisions that convey unfair advantage and inhibit efficient functioning; (2) transforming the organizations into private corporations; and (3) transforming the organizations into multiple private service providers that compete with one another, as well as with others.

In selecting among these options, the goal must be to enhance competition and not diminish it.

C. Providing Open Access

Achieving the goal of a global information market will require government action to ensure that all information service providers have access to facilities, networks, and network services on a nondiscriminatory and low cost basis. By ensuring open access to facilities and networks, and thus promoting competition, governments can dramatically increase the availability of information services to all consumers.

Maximizing consumer choice among diverse sources of information should be the primary objective. As the information needs among consumers will vary, both within and among nations, attempts to predict the information resource requirements of citizens should be avoided. Rather, governments should foster market and regulatory climates conducive to the broadest possible access to and distribution of information. As countries accelerate the development of their respective information infrastructures, more and more consumers will seek access to networks and services that cross national and international boundaries. Improving consumer access to diverse sources of information has direct social and economic benefits. The ability to generate, exchange, and use information, technology, and ideas is central to economic growth and development, increased competitiveness in a range of industries, and to the improvement of the quality of life.

An essential technical element of the open access concept is interoperability, i.e., the ability to connect applications, services, and/or network components so that they can be used together to accomplish tasks. As the GII will be based on many different existing and

emerging components at local, national, and global levels, it is imperative that these components be interoperable. The key to interoperability is the development of global standards. We believe such standards should be voluntary and developed through a process that is largely market-driven and that takes into account the views of both the large and well established and the smaller, newer market players.

Three principal international standards organizations involved in the development of information technology and telecommunications standards are the International Organization for Standards (ISO), the International Electrotechnical Commission (IEC), and the International Telecommunication Union (ITU). The ISO and IEC develop information technology standards through the ISO/IEC Joint Technical Committee 1, while the ITU concentrates on telecommunications standards. Further, there has long been coordination and collaboration between the ISO/IEC Joint Technical Committee 1 and the ITU, which has helped minimize the duplication of standards development work and the possibility of conflicting information technology and telecommunication standards.

The vast majority of countries adhere to the processes of developing international standards and the resulting recommendations from all three organizations. In the U.S., and increasingly in other countries, the private sector plays an essential role in these international standards development processes by providing the technical expertise and resources to develop standards at national and international levels.

It may also be constructive to consider encouraging greater collaboration and cooperation both domestically and internationally among the different standards bodies, including less formal organizations. In recent years in the United States, a significant number of new standards consortia, whose principal focus is in the standards implementing arena, have been established outside of the traditional national standards development organizations. These new consortia have often sped up the widespread adoption of internationally generated standards, and their memberships have included small and medium-sized companies.

Given the convergence of technologies and the rapid changes in national and international market structures, the development and acceptance of voluntary, international standards are critical to the development of the GII. The international standards organizations and their memberships

must redouble their efforts to ensure that standards are developed that assist the rapid delivery of information. Moreover, the pace of the work in international bodies must continue to increase to better reflect marketplace needs for technological development, so as not to impede the realization of the GII. In the absence of timely development and implementation of standards on a global basis, the benefits of improved interoperability will be delayed.

Recommended Action

In partnership with the private sector, governments can take action to improve access to facilities and networks, and promote the availability of a wide range of diverse services and information, including strong support for the development of international standards that promote interoperability. To achieve these goals, the United States will join with other governments to:

- Develop appropriate policies that encourage increased access by citizens to diverse sources of information;
- Provide unrestricted and equitable access to networks for providers and consumers of services and content, based on sound commercial practices;
- Hold regular bilateral and multilateral dialogues on ways of increasing the flow of information across borders to facilitate greater access to content by consumers;
- Encourage an open, voluntary standards-setting process that does not denigrate intellectual property rights and which includes the participation of a broad group of interests, including the private sector, consumers, and, as appropriate, government agencies;
- Work through regional and international bodies to increase the pace of consensus-based, voluntary, and transparent standards development and adoption, and to promote the broad dissemination of standards-related information;
- Work together and with national, regional, and international standards bodies to identify priority areas for increased coordination among different private national and international bodies in support of interoperability of networks and services on the GII.

D. Creating a Flexible Regulatory Environment

Policymakers worldwide face a daunting challenge: Creating an appropriate regulatory regime that minimizes regulation and fosters competition through transparent rules and processes and is sufficiently flexible to be responsive to changing technologies and markets. As the pace

of technological innovation quickens, this will become increasingly difficult and yet increasingly necessary.

With the U.S. experience as our guide, we offer the following observations about the characteristics of telecommunications legislation that are necessary to respond to changes in this dynamic sector. The optimal regulatory and legislative frameworks will:

- Identify the goals and objectives of the law, including the promotion of competition;
- Be sufficiently flexible to permit the introduction of new services and technologies without requiring amendments to the legislation;
- Delegate broad powers to a regulatory authority independent of a national operator and charge that independent authority with keeping abreast of technological and market developments;
- Establish a transparent and open process whereby the public and interested parties are informed and can participate in rulemaking and adjudicatory proceedings; and
- Aim towards open market access based on nondiscrimination principles.

We recognize that regulatory reform can take many paths. Some countries have established a regulatory entity responsible for both formulating and implementing telecommunications and mass media policy, as well as overseeing the activities of these sectors. Others have relied on the separation of operational and regulatory functions of the government-owned and/or franchised national operator, with government bodies assuming responsibility for regulatory decisions. Still others rely more heavily on national competition law and policy for oversight.

Regardless of the regulatory model that countries adopt, regulations should clarify the respective rights and obligations of incumbent operators and new entrants. New market entrants need assurances that incumbent operators will not be allowed to use their dominant market positions to hinder the evolution of successful competition. Similarly, public and transparent regulatory processes create stable commercial environments, which are necessary to attract private investment. As such, rules and regulations should clearly indicate:

- The scope of permissible competition, e.g., the particular market segments open to new entrants;
- The means by which new entrants can gain market access, e.g., private investment, licensing requirements, and cross-border services;

- The nondiscriminatory terms and conditions of interconnection to an incumbent operator's network and of supplying information services over the network; and

- The procedures by which new entrants and users can bring complaints and obtain redress from the regulator, e.g., enforcement mechanisms.

Additionally, it is critical that a pro-competitive regulatory regime ensure:

- The establishment of other structural or nonstructural safeguards to protect against the anticompetitive exploitation of market power by the incumbent service provider to the detriment of the new entrants;
- The appropriate balancing of public service obligations among operators/carriers;
- Charging and pricing policies that are based on the costs of providing service; and
- The efficient, effective, and pro-competitive management of scarce resources, especially the radio frequency spectrum.

In light of the increasing demands on the radio spectrum for the introduction of new wireless communications systems and services, the last point merits particular emphasis. Among these new technologies, none better embodies the need for an open regulatory model embracing competition and careful management of the spectrum than the nascent handheld mobile satellite services. If these services are to achieve their global potential, cooperation among national spectrum regulators will be required, as will a willingness to permit multiple market entrants to ensure that new satellite services do not become the exclusive property of a sole provider.

Governments should avoid burdensome regulation that stifles innovation and new service offerings. Governments must guard against the expansion of regulation into market segments that have not traditionally been subject to regulations and that have functioned extremely well on an unregulated basis. The examples of Australia, Canada, and the United States in computer and business information services are illustrative. They are among the leading nations in personal computer penetration rates among consumers. Not coincidentally, they also provide an open, dynamic, and almost totally unregulated market for information technology and services. Equally important, while some government regulation is necessary as a marketplace transitions from a monopoly to a competitive structure, once competition is achieved, continued regulation can be unnecessary or even

counterproductive in promoting efficiency, innovation, and customer responsiveness. In short, governments must be prepared, and must invest their regulatory agencies with the authority, to adjust regulatory structures as the demands of the marketplace and technology require.

Just as national regulatory environments need to be responsive to emerging market and technological developments, so too must the overarching international environment continually adapt to new developments. The successful efforts of governments and industry to improve global interconnectivity and liberalize international telecommunications demonstrate the value of working together in various international fora to promote progressive and flexible national regulations. These efforts must continue.

Recommended Action

Although national regulatory environments necessarily reflect the specific social, economic, and political needs of each individual country, the essentially global nature of the markets for telecommunications, information technologies, and information services require that national regulations be responsive to global developments. The United States will join with other governments to:

- Re-examine and adapt regulations and legislation to accommodate market and technological developments at national and global levels in support of the five GII principles;
- Create, through regulatory and/or legislative reform, a pro-competitive, technology-neutral regulatory environment to maximize consumer choice, to provide fair access to networks, and to stimulate infrastructure development, the introduction of new services, and the wider dissemination of information;
- Exchange views and information on national regulatory and legislative initiatives and seek to identify common challenges and options for developing flexible and transparent regulations in support of the development of the GII;
- Work collectively in regional and international organizations to convene meetings devoted specifically to encouraging the adoption of regulatory policies that will promote the GII; and
- Encourage creation of independent national regulatory authorities for telecommunications separate from the operator that shall promote the interest of consumers and ensure effective and efficient competition. Such authorities should have sufficient powers to carry out their missions and should operate

with transparent decisionmaking processes that are open to all interested parties.

E. Ensuring Universal Service

The goal of providing access and affordable service to all members of society is fundamental to the development of the GII. The definition of universal service, however, necessarily varies from country to country—ranging from the provision of high quality telephone service to every home and business in most industrialized countries to access to a public telephone in many developing countries.

The ability to provide universal service on a national basis depends upon a number of factors, including the level of infrastructure development, the reach and technological capabilities of national networks, and the cost of access to the network and services. Other factors to be considered include the availability and use of advanced methods of network planning and maintenance, and explicit performance and service quality goals.

The definition of universal service is also being expanded by the advent of digital technologies. In many countries, including the United States, policymakers face increasing pressure to expand universal service beyond “plain old telephone service” to include a broader array of new telecommunications and information services. In fact, universal service has always been an evolutionary concept, expanding as the capabilities of the network and the types of service demanded by the great majority of users have increased. For example, in the United States fifty years ago, a party-line was deemed sufficient for universal service purposes; now an individual line for each subscriber is generally viewed as a component of universal service, together with such features as direct dialing for long distance calls and 911 emergency service.

In both developed and less developed countries, wireless technologies can help meet the needs for both basic and more advanced services. For example, by augmenting terrestrial-based facilities with satellite facilities and services, national networks can maximize their potential. The point-to-multipoint and mobile communications capabilities of satellites, which are global in reach, permit the extension of services to even the most remote regions.

Moreover, in helping meet universal service goals, one option for governments to consider is the establishment of community “access points.” For example, institutions such

as schools, libraries, or hospitals could be equipped with basic and advanced information and communications technologies for use by members of the public. Such community access points would facilitate the efficient provision of broader public access to a core set of services.

Although several countries have raised concerns that competition diverts revenues from the public operator and undermines its ability to provide universal service, experience shows that access to the telephone has been improved in the most liberal national markets. In the United Kingdom, for example, many customers are ordering a telephone for the first time largely because increased competition—cable television companies are now offering telephone service—has made it more affordable. In the United States, concerns were raised a decade ago that increased competition in the provision of long distance services, which had traditionally subsidized basic local rates, would threaten universal service. These concerns abated as competition spurred innovation and price reductions, which in turn have expanded universal service. Further, studies by the OECD indicate that telephone penetration has not been eroded in any member country that has introduced infrastructure competition. The OECD concluded, “Universal service has not been impaired by market liberalization; (rather) facilities competition can be applied to complement and enhance universal service.”⁵ Indeed, many now argue that full and open facilities-based competition, by reducing prices, is the most effective way to promote universal service.

As together we strive to expand the worldwide telecommunications infrastructure and build the GII, we must all keep the goal of universal service constantly in mind. With significant decreases in the costs of information transmission and processing, the creation of the Information Society has the potential to improve the quality of life of all citizens. Recognizing that information leads to empowerment, the nations of the world must work together to ensure that as many citizens as possible in all societies have access to the resources of the Information Age.

Recommended Action

Although the provision of universal service varies from country to country, the goal of providing all people with greater access to both basic and

advanced services is a crucial element of the GII. The United States will join with other governments to:

- Consider, at the local and national levels, the benefits afforded by the introduction of competition and private investment in meeting and expanding universal service;
- Exchange information at the bilateral and multilateral level to address the range of available options to meet universal service goals; and
- Consider, at the national and international levels, ways to promote universal access as a means of providing service to currently underserved and geographically remote areas.

III. Encouraging the Use of the GII

While we believe that the adoption, application, and advancement of the five core principles are necessary to create an environment in which the GII can realize its full potential, such actions alone are insufficient to guarantee it. Regardless of the sophistication of the technology or services being offered, users must be assured that they can allow the GII entry into their homes, offices, and lives to access and share information safely and without forfeiting any of their rights. Governments, companies, and public-interest groups, by working together on information policy and content issues, must address these concerns.

An equally important task for governments and private sectors is to demonstrate the potential benefits of the GII to citizens. It is only when people see tangible results of applications that they will begin to appreciate how it can be used to improve their lives. This appreciation is the key to stimulating demand for the services and content of the GII, which in turn will provide the impetus to remove institutional and regulatory barriers to its full utilization.

A. Information Policy and Content Issues

Developing an effective information policy will provide governments with perhaps their greatest challenge. The central objectives of information policy include ensuring that: (1) The privacy of individuals and organizations using the GII is protected; (2) the security and reliability of the networks and the information that passes over them are preserved; and (3) the intellectual property rights of those who create the information, education, and entertainment content are protected. To assure the growth of an information infrastructure accessible and accountable to the citizens of the world, governments must develop and implement these objectives in close

⁵Ibid, p.3.

partnerships with each other and with representatives from business, labor, academia, and the public.

1. Privacy Protection

By bringing news and information to people on a global basis, and thereby allowing them to communicate more freely with each other, communications technologies serve a democratizing function. These same technologies also permit both governments and the private sector to transmit, process, and store vast amounts of information about individuals. While these capabilities are increasingly essential for governments to function effectively and for businesses to operate efficiently, questions continue to grow about an individual's right to privacy and the accompanying responsibilities of holders and transmitters of this information to safeguard this right.

In many nations, the past two decades have seen the primary gatherers and users of personal data shift from government entities to private sector firms. In the 1970's and 1980's, businesses were quick to exploit the explosive growth in low cost, high performance computers, adapting this technology to a wide range of economic, financial, and marketing applications. As electronic commerce spread during the 1980's, there was growing recognition that the electronic transfer of data across national boundaries required an international consensus on individual privacy protection.

In 1980, the OECD developed and adopted a set of voluntary privacy guidelines that were accepted by its 24 member countries. In 1981, the Council of Europe, whose membership consists of the European Union Member States and other European countries, adopted "fair information practices" similar to those of the OECD to regulate the collection, storage, and automated processing of personal data, and transborder data flow. Both the OECD and Council of Europe privacy guidelines, which generally recognize that the free flow of information is critical to transborder economic activity, provide a framework for domestic legislation that has been used by both member and non-member nations. They also recognize diverse means of protecting information privacy, including self-regulation and industry codes of conduct. The North American Free Trade Agreement (NAFTA) and the General Agreement on Trade in Services (GATS) Annex on Telecommunications also contain provisions that recognize national privacy protection regulations.

The United States and other countries around the world are re-examining

existing privacy policies to ensure that they apply comprehensively to the transfer of personal data over global networks. A balanced privacy policy—preserving the individual's right to privacy while maintaining the free flow of information across national borders—is important to the development of global networks and services. Working together, nations should ensure that the transport of personal data adequately takes into account the following agreed-upon international privacy principles:

- Personal data should be collected only for specified, legitimate purposes;
- The dissemination, sharing, and reuse of information should be compatible with the purposes for which it was originally collected;
- Personal data should be accurate, relevant, and up-to-date;
- Individuals should be informed how personal data will be used and should be allowed to examine and correct this information; and
- Transmission of personal data should not be unduly restricted or subject to burdensome authorization procedures.

Recommended Action

In order to foster consumer confidence in the GII and to encourage the growth of interconnected global networks, users must feel that they are afforded adequate privacy protection. To this end, the United States will join with other governments to:

- Identify key privacy issues that need to be addressed in relation to the development of national and global information infrastructures;
- Work with both the public and private sectors to achieve consensus on a set of fair information principles for the collection, transfer, storage, and subsequent use of data over national and global information infrastructures;
- Ensure that privacy protection does not unduly impede the free flow of information across national borders;
- Share information on new privacy protection policy developments and on new technologies and standards for privacy protection; and
- Encourage the use of voluntary guidelines developed by international bodies, such as the OECD, as the best means of ensuring the protection of privacy on an international basis.

2. Security and Reliability

A network as vast and complex as the GII will pose difficult security challenges for all nations. The same modern technology that makes communication faster and easier also makes communications systems vulnerable to ever greater security risks.

These risks are not new—most are well-known among security managers. What is new is that these risks are much more widespread, are potentially much more serious, and affect a population of users who do not have the information or training to deal with them.

The anonymous and impersonal nature of computer crime, for example, makes this problem particularly unsettling, for legal systems depend upon their ability to identify the malfeasors. Yet serious violation of privacy or property rights can be accomplished by destruction or alteration of information by anonymous individuals in remote locations, with not a fingerprint in sight. The technical challenges of protecting the privacy and integrity of information stored in computer systems are even greater than those that apply to information transmitted by telephone. And as was true with the telephone, legal as well as technological solutions are needed.

Security includes the integrity, confidentiality, and reliability of the networks and of the information they carry. If users do not believe that an information infrastructure is a trustworthy, reliable system, they will be reluctant to use it, thereby diminishing its value. To gain maximum benefit from global networks, users must be confident that the messages they receive are authentic, that sensitive information is available only for authorized use, and that unauthorized users cannot access, alter, or destroy information.

In addition to protecting the security of information that is transported over the GII, governments and industry must guarantee the reliability of the network itself. In the event of breakage or service interruption, network operators must work quickly and cooperatively to repair damage and provide backup systems to minimize the duration of any such interruptions. To have a truly global infrastructure, greater emphasis must be placed on resolving reliability concerns, including such issues as network performance, network connections and interoperability, the development of new technology, and regional and demographic differences in reliability.

Recommended Action

To promote the development of a secure and reliable GII, the United States will join with other countries to:

- Work collectively to increase the reliability and security of national and international information infrastructures;
- Initiate a broad international dialogue among users, providers, and all

other participants in the GII on issues related to protecting the confidentiality and integrity of information transmitted and stored on global networks;

- Exchange information and encourage further cooperation within regional and international organizations such as the ITU and the OECD on measures to ensure network security and reliability, including the sharing of outage information;

- Share information regarding the best means available to advance security goals while not impeding progress on other GII principles, such as the promotion of competition and open access; and

- Exchange information about, and accelerate efforts to develop new technologies needed to improve the security of the GII (e.g., encryption, digital signatures, and firewalls.)

3. Intellectual Property Protection

Protection of intellectual property rights is essential to the development of a successful GII. In order to promote creativity and provide the broadest possible access to the world's media and information sectors under viable commercial conditions, countries will need to protect the creative content of the GII—text, images, computer programs, databases, video and sound recordings, as well as multimedia products.

Providing for adequate and effective protection of intellectual property in the digital environment requires complex legal and technical solutions. Some of these solutions may be viewed as controversial by some users of the system. However, the cost to society of inadequate intellectual property protection far outweighs these concerns. Inadequate protection of intellectual property discourages the creation of copyrighted works, creates barriers to innovation, stifles the use of new applications, and diminishes foreign investment. It jeopardizes the work of researchers, creative artists, and a wide variety of entrepreneurs.

It goes without saying that if creative works are not adequately protected, their creators will be reluctant to permit them to be distributed over the GII. For this reason, rightsholders must not be compelled to license rights to their works. Instead, GII participants should cooperate to find legal, market-based alternatives to compulsory licensing. Reliable and efficient means of transferring intellectual property rights must also be assured. They might, for example, adopt various licensing arrangements, such as on-line and off-line licensing, direct licensing, and voluntary collective licensing. More

sensitive issues, however, may have to be addressed on an individual basis. For example, licensing of rights may be done on a per-use, per-work, or other basis. Licensing of rights for multimedia works, which involve a number of copyrights—not all of them with obvious attributions—could be facilitated by special licensing arrangements.

Recommended Action

The GII cannot achieve its promise if authors, producers, and other content creators are not guaranteed adequate protection of their intellectual property rights. To achieve this protection, the United States will join with other governments to:

- Cooperate in national, bilateral, regional and international fora (such as the World Intellectual Property Organization) to achieve high levels of intellectual property and technical protection in order to guarantee to rightsholders the technical and legal means to control the use of their property over the GII;

- Ensure that voluntary licensing regimes provide rightsholders and potential users of copyrighted works maximum flexibility in negotiating the conditions governing the use of copyrighted works, eliminate compulsory licensing, and guard against the imposition of standards that would impede the free-flow of information;

- Provide effective enforcement against the unauthorized use of a copyrighted work (infringement), including severe legal penalties and vigilant monitoring. Enforcement is particularly critical as technological innovations jeopardize the existing ability of rights holders to protect their works;

- Encourage the development and use of technological capabilities and safeguards, such as software envelopes, headers, assurances of authenticity, and encryption methods to complement existing copyright management techniques and prevent infringement at all levels. Cooperative efforts to develop testbeds, define standards, and construct infrastructure components for these safeguards should be encouraged, as should measures to prevent or render illegal the use of devices to overcome these safeguards; and

- Work in collaboration with intellectual property-based industries towards greater efforts to educate others about the importance of intellectual property protection.

B. Applications: Delivering the Benefits of the GII

Given that the value of the GII will be determined by how people benefit from it, governments must cultivate active participation by consumers and businesses in the application of new technologies. By working together in creative partnerships, the public and private sectors can apply information and telecommunications technology to a variety of critical and complex issues: improving productivity and economic growth in an increasingly competitive and interdependent global economy; providing adequate health care; ensuring the development of workforce skills through education and training; providing equitable access to information through public institutions, such as libraries; enhancing leisure-time activities; protecting natural resources and the environment; and ensuring the delivery of government services and information.

Many governments are already examining ways to promote the development of the information infrastructure and to demonstrate, through pilot projects and testbeds, the myriad benefits of new technologies. In the United States, the National Information Infrastructure (NII) initiative includes a Federal matching grant program that provides support for planning and demonstration projects initiated by state and local governments and non-profit entities in such fields as health care and education.⁶ The U.S. NII initiative also includes a number of other federally supported applications in the areas of environmental monitoring, digital libraries, international transportation and trade, and the electronic dissemination of government information.⁷

The reach of applications being developed around the world can be expanded internationally through collaborative projects among

⁶ Administered by the National Telecommunications and Information Administration, the basic objective of the Telecommunications and Information Infrastructure Assistance Program (TIAP) is to provide clear and visible demonstrations to people at the local level of the advantages that can be accrued in their daily lives as a result of having access to a modern, interactive information infrastructure.

⁷ Additional information on how information infrastructure applications can benefit people can be found in two reports from the U.S. Information Infrastructure Task Force's Committee on Applications and Technology: "Putting the Information Infrastructure to Work," National Institute of Standards and Technology Special Publication 857, Gaithersburg, MD., 1994; and "The Information Infrastructure: Reaching Society's Goals," National Institute of Standards and Technology Special Publication 868, Gaithersburg, MD., 1994.

commercial entities, academic institutions, and private, voluntary, and multilateral organizations. International applications have the unique potential to permit countries not only to bring diverse global resources to bear upon local problems and needs, but also to find solutions to needs that transcend national boundaries, such as environmental monitoring and global trade and commerce.

These applications can transform the possibilities of the GII into realities for citizens around the world. What follows is an illustrative, but not exhaustive, list of examples that demonstrate the value of expanding collaborative efforts in the development of international applications:

- Distance learning projects can make available a wealth of educational resources to improve local educational and training capabilities, offering cost-saving, effective alternatives to overseas studies;

- Computer networks linking medical school libraries and remote sites can improve the delivery of health care services, particularly to rural communities, by expanding access to demographic, epidemiological, and medical reference materials. In Zambia, district hospitals are being linked for clinical consultation, distance learning, health literature dissemination, and epidemiological data exchange. African medical libraries are linking up with libraries overseas for research and document delivery services;

- Satellite and radio-based systems that collect and disseminate health statistics can be used to identify underserved segments of the population and to target those areas for expanded delivery of family health services;

- Remote sensing can be used to identify and protect important ecological systems. The Administration is promoting an international partnership, known as Global Learning and Observation to Benefit the Environment (GLOBE), that will allow children all over the world to collect and share environmental data. Students will work with teachers and environmental scientists to expand knowledge about weather, air and water chemistry and quality, biodiversity, and other "vital signs" of the Earth. The combined data will be transformed into striking "pictures" of the entire planet, allowing each student to see how their school's observation is an important part of the global environment;

- Computer and satellite networks can provide monitoring and, in some cases, early warning of natural disasters, allowing for better coordination of humanitarian assistance efforts between

host and donor countries, speeding the delivery of aid and assistance. In the South Pacific, the PEACESAT satellite network has been used to coordinate emergency assistance after typhoons and earthquakes, and to summon medical teams during outbreaks of cholera and dengue fever;

- Computerized market price data for agricultural and horticultural products can provide new agribusiness opportunities and can facilitate direct links between exporters and clients;

- Access to international markets, particularly for small and medium sized businesses, can be created by providing electronic access to information such as transportation schedules and costs, insurance and customs data. The United Nations Conference on Trade and Development (UNCTAD) trade points system uses electronic data interchange and other technologies to establish a network of trade points around the globe. In Algeria, for example, the introduction of a computer-mediated trade point has stimulated an increase in the number of companies involved in international trade from twenty to 2,500;

- Electronic data interchange technologies, which can reduce the administrative cost of international trade transactions by as much as twenty per cent, can help companies increase productivity by streamlining manufacturing and service delivery. Through industry-led consortia such as CommerceNet, companies can explore collaborative engineering, on-line catalogs of products and services, and mechanisms for electronic payments;

- Scientists can continue to explore the use of "collaboratories," tools and virtual environments that allow scientists to work together without regard to space or time. Scientists need the ability to share data and the tools for data analysis, visualization, and modeling, to control remote instruments, and to communicate with their colleagues;

- Using the World Wide Web, individuals and institutions all over the globe have begun to create distributed "virtual libraries" on specific subjects.

As these opportunities continue to grow, tools for information discovery and retrieval and protection of intellectual property rights will become increasingly important.

In our view, public-private sponsorship of GII pilot projects and testbeds is worthwhile. It will help identify and address a number of technical, policy, and regulatory barriers to the realization of the GII. These include issues of privacy, security, interoperability, and intellectual property protection, as well as

artificially high prices for telecommunications services and outdated rules and regulations designed for paper-based transactions. A strategy that concentrates on "learning by doing" is far more likely to resolve these barriers.

The roles played by governments, the private sector, academic institutions, and non-profit organizations will vary depending on the nature of the application. In some cases, such as global electronic commerce and entertainment services, the private sector should take the lead, while in other areas, such as international public health, cooperation between public health agencies, hospitals, clinics, and universities would be appropriate. Whatever the application, governments must recognize that while they can play an important catalytic role in fostering international collaboration, they should not attempt "top-down" management of this process. The Administration hopes and expects that many of the best ideas for global cooperation will bubble up from the grassroots with little or no government involvement.

Successful applications will set in motion a continuous cycle of demand that will encourage future development of the GII. Demonstrating the power of the GII to successfully address pressing problems will stimulate consumer demand for a variety of products and services at affordable prices. This demand will provide the necessary incentive for the private sector to broaden the reach and expand the capabilities of the GII, enhancing its ability to deliver benefits to people and again increasing demand. As a "network of networks" linking people and information, the GII can leverage the collaborative potential of existing efforts and provide real solutions to existing and emerging global issues.

Recommended Action

International applications are the best way to demonstrate the potential power of the GII to affect lives all over the world. The United States will join with other countries to:

- Support, along with the private sector, the initiation of pilot projects and testbeds that demonstrate the benefits of the GII, in areas such as electronic commerce, health care, digital libraries, environmental monitoring, and life-long learning, with opportunities for participation by both developed and developing countries;

- Cooperate in the facilitation of electronic information exchanges in support of global trade and commerce;

- Facilitate the sharing of information in the public domain with other

countries on government-funded and private sector applications projects to promote a broader understanding of the diversity of technology that can be applied to meet various public needs;

- Encourage the assignment of a higher priority for innovative applications of information technology, which will encourage increased use of the GII;
- Encourage private sector-led efforts to develop application-level standards (e.g. data interchange formats, application program interfaces) to ensure interoperability at the application level; and
- Work constructively to assess and eliminate the barriers to the development and deployment of GII applications.⁸

IV. Implementing the GII

The various approaches governments have taken in response to the technological convergence of telecommunications and information industries have resulted in the development of asymmetric markets and regulatory environments around the world. These asymmetries often impede the cross-border transfer of services and information among business users, entertainment providers, and consumers. The United States believes that these differences can be overcome, in part through the work of market forces and technological developments, but also in part through collective agreement among all countries to adopt, advance, and apply the core principles of the GII. By working through existing international and regional organizations, and engaging in bilateral efforts, government and industry can remove obstacles blocking the effective development of the GII.

Multilateral organizations will play a vital role in this effort. In particular, the International Telecommunication Union (ITU), the Organization for Economic Cooperation and Development (OECD), the International Organization for Standardization (ISO), and the World Intellectual Property Organization (WIPO) are uniquely able to contribute practical solutions to problems affecting the development of the GII.

As the preeminent international organization dealing with telecommunications issues, the United Nations' ITU was the first multilateral forum in which the GII was discussed.

With its broad membership of 185 developed and developing countries, the consensus-based ITU serves as a global forum for technical discussions ranging from voluntary standards development and frequency allocation activities to network development. Accomplishments already achieved under ITU auspices in technical telecommunications and development issues suggest that the ITU can play a significant role in the GII development process.

The OECD, an international think tank which undertakes economic research on various aspects of its members' economies and policy concerns, has been constructively addressing telecommunications and information policy issues for several years. Its policy and statistical analyses have contributed to a broader understanding of the economic benefits of liberalization in the information and telecommunications sectors.

Organizations such as the ISO and the WIPO, which deal with specific cross-sectoral issues, can serve as important fora to discuss and advance issues of open access and information policy. For example, any changes made to bilateral or regional intellectual property regimes may ultimately become issues in the WIPO.

In addition, both Intelsat and Inmarsat, the treaty-based satellite communications organizations that have played a significant role in advancing global telecommunications, are now contemplating options for restructuring. Because of these organizations' broad international memberships, they could serve as useful fora for review of commercialization alternatives.

The General Agreement on Tariffs and Trade (GATT) is a multilateral agreement setting out the rules and principles by which countries trade, primarily in the area of goods. The Uruguay Round of GATT negotiations led to the establishment of the World Trade Organization (WTO), which deals with services, investment, and intellectual property—areas that substantively affect telecommunications trade. The General Agreement on Trade in Services (GATS), under the new WTO, includes an Annex on—access to and use of—the telecommunications networks of WTO members, and includes substantive commitments from a number of parties on value-added telecommunications services. More generally, the GATS—access to and use of—telecommunications annex applies to all services for which countries have scheduled market access commitments. Now that it is in effect for the U.S. and most of its major trading partners, the

GATS can substantially reinforce the principles of the GII. In addition, there are on-going negotiations, to be concluded by April 1996, to liberalize basic telecommunications services through the Negotiating Group on Basic Telecommunications.

Regional organizations also have important roles in achieving regional consensus on issues pertaining to telecommunications and information markets. Organizations such as the Inter-American Telecommunication Commission (CITEL) of the Organization of American States (OAS), the Asia Pacific Economic Cooperation (APEC), the Southern Africa Transportation and Communications Commission (SATCC) and the European Conference on Postal and Telecommunications Administration (CEPT), among others, frequently serve as fora for the exchange of valuable information and as test sites for implementation of the most expedient and beneficial policies. These bodies also serve as effective vehicles for improving and enhancing network development and technical cooperation among participants on a regional basis.

Finally, plurilateral and bilateral dialogues can be arranged among and between nations to focus on particular issues. In addition to the deliberations in regional and international organizations, these discussions can become building blocks for cooperation as together we seek to construct a truly global GII. For example, the G-7 Ministerial Conference scheduled for February 1995 is one of several such opportunities for focused, high-level discussion of the Global Information Infrastructure.

As important as these international governmental organizations are, perhaps even more important are the numerous formal and informal groups within the private sector. These groups, which range from international trade organizations to professional associations to advocacy groups to industry-led standard-setting bodies, provide communication channels between the people who will actually build and use the GII. Such private sector groups facilitate the international teaming and strategic alliances that will ensure the development of a truly seamless "network of networks," rather than a patchwork of incompatible systems and services.

V. Conclusion

As Vice President Gore noted in Buenos Aires, it is possible to create a global information network that transmits messages and images with the speed of light from the largest city to the smallest village. Through the

⁸ A report of the Conference on Breaking the Barriers to the National Information Infrastructure can be obtained from the Council on Competitiveness in Washington, D.C. The conference was co-sponsored by the Council and the Clinton Administration's Information Infrastructure Task Force.

interconnection of disparate but interoperable networks, these information highways will allow us to communicate as a global community—giving individuals, businesses, and economies greater access to each other and to a wider range of information. Equally important, the GII will offer governments an unprecedented opportunity to equalize global disparity in telecommunications and maximize the economic and social benefits of the Information Age for their citizens.

Harnessing the global potential of information and communications technologies to this end will require collaboration among the industries that will build, operate, provide, and use services and information available over the evolving national networks. It will also require cooperative efforts among countries, working together bilaterally, regionally, and through multilateral organizations, to facilitate the interconnection of their respective networks and the sharing of information among nations.

In our interdependent world, technological and regulatory choices made in one country can affect those made in neighboring countries, creating a multiplier effect for the GII's development. To help guide this development, the Administration proposes five core principles—private investment, competition, open access, a flexible regulatory environment, and universal service. These principles, we believe, along with effective information policies, will provide a foundation upon which the GII can be built.

The overarching goal of the "Agenda for Cooperation" is to foster the cooperation that will be needed to spur the transformation of a thousand discrete networks into a connected, interoperable global information infrastructure. As all nations take steps to develop and upgrade national information infrastructures, we invite you to join with us in ensuring that the benefits of the GII will be available throughout the world.

Larry Irving,

Assistant Secretary for Communications and Information.

[FR Doc. 95-4546 Filed 2-23-95; 8:45 am]

BILLING CODE 3510-60-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to the Procurement List.

SUMMARY: This action adds to the Procurement List tabulating machine paper to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: March 27, 1995.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603-7740.

SUPPLEMENTARY INFORMATION: On July 29, 1994, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (59 FR 38586) of proposed addition to the Procurement List.

Comments were received from a contractor for this type of paper and two trade associations. One of the trade associations objected to the proposal because it is concerned about the impact of taxpayer-sponsored printing operations, largely in the Federal Prison Industries, on an industry which it claims has very small profit margins. The other trade association reiterated its earlier objections to the Committee's 1991 addition of this paper to the Procurement List, which centered on the action's substantial adverse impact on the entire business forms industry. The association stated, without providing specific details, that the industry's experience since that supported its earlier contentions.

Neither trade association provided any data that would support a contention that the Committee's action in adding a portion of the Government requirement for this particular type of paper to the Procurement List would have a severe adverse impact on the entire business forms industry. The Committee believes that what it is adding to the Procurement List is only a small part of the total demand for this paper, as the Government version is identical to what is widely used in the private sector and the private market is considerably larger than the Government market. Moreover, other types of business forms are purchased in both the Government and commercial

markets. Consequently, the Committee does not believe that its action with respect to one particular type of paper purchased by the Government will have a severe impact on the entire business forms industry.

The contractor submitted information on several firms in the industry which had suffered from declining Government sales, including itself, and claimed that the 1991 addition of this paper to the Procurement List had caused these impacts, as it indicated Government sales had declined but commercial sales had not. The contractor also attempted to incorporate in its comments by reference all materials submitted by all parties to the 1991 addition of the paper to the Procurement List, the Committee's subsequent reconsideration of its addition decision, and resulting litigation, including all court opinions filed by the trial and appellate courts.

The Committee rejected the attempted incorporation by reference as unreasonably burdensome on the Committee's resources, and asked the contractor to provide the documents which it considered relevant to its present arguments. While it provided an extensive collection of documents in response, the contractor indicated that the Committee should not consider the contractor's contentions to be limited to what appeared in those specific documents. The contractor also indicated that all the materials supported its contention that the Committee is required to make four determinations, which the contractor enumerated, before it can decide in accordance with its regulations that a commodity or service may be added to the Procurement List.

Accordingly, the Committee believes that its duty to explain its conclusion that the paper may be properly added to the Procurement List will be met by addressing these four determination requirements and the contractor's industry impact contentions.

These determinations are that: (1) The nonprofit agencies have the capacity to produce the paper; (2) the level of blind employment claimed by the nonprofit agencies will be used in producing the paper; (3) the nonprofit agencies can produce the paper at the fair market price established by the Committee; and (4) there will not be a severe adverse impact on current suppliers. These determinations are the contractor's summation of the Committee's regulatory criteria for adding a commodity or service to the Procurement List.

The Committee's determinations that the nonprofit agencies have the capacity

to produce the paper and will use the amount of blind direct labor claimed by the participating nonprofit agencies are supported by the Committee's industrial engineer's assessments of the data submitted and inspection of a producing facility. In addition, the nonprofit agencies successfully produced the paper for some time before the previous addition to the Procurement List was voided by the appellate court. As a result of this performance, the Federal agency which buys paper for the Government waived its opportunity to conduct its own inspection of the nonprofit agencies to determine their capability.

The Committee does not agree with the contractor that its regulations require it to make a determination that the nonprofit agencies can produce the paper at the fair market price. The contractor's contention is based on its reading of a Committee regulation in effect in 1991. That interpretation of the regulatory language was not consistent with the Committee's statute, which separates the establishment of a fair market price from the suitability determination which is subject to the rulemaking requirements of the Administrative Procedure Act. To remove the appearance of inconsistency, the Committee in 1994 amended its regulations to remove the fair market price determination from the factors the Committee must consider to decide that an item is suitable for addition to the Procurement List. The Committee does require the nonprofit agencies to agree to provide the item in question at the fair market price when it adds a commodity or service to the Procurement List, and all five nonprofit agencies which will produce this paper have provided their agreement to provide it at the fair market price established by the Committee.

The commenting contractor is the current supplier of this paper to the Government. The Committee used the sales figure provided by the contractor for its fiscal year 1994, adjusted to account for the fact that the figure includes no Government sales of the paper, as the basis of its impact determination for the contractor. The Committee has also reduced the portion of the Government requirement for the paper being added to the Procurement List by approximately 25 percent from the original proposal, by removing the requirement for one of the purchasing agency's four depots from the scope of the addition. This reduced addition represents a percentage of the contractor's adjusted sales which is well below the level the Committee normally considers to constitute severe adverse

impact. Because the contractor will continue to have an opportunity to supply the paper to the Government, and because the contractor also supplies other paper items to the Government regularly, the Committee believes that the other economic impacts on itself cited in the contractor's comments do not add sufficiently to the impact to raise it to a severe level. The contractor appears to concur, as it recently informed the Committee that it would not challenge the Committee's action if the Committee added to the Procurement List only the supply requirements for the three depots covered by this rulemaking.

While the commenting contractor submitted more information to support a claim of industry impact than did the trade associations, it did not establish conclusively that this impact was due to the Committee's action in 1991, rather than to Government downsizing or other factors. Consequently, the Committee believes that the conclusion it reached in rejecting the association's claims of industry impact would apply as well to the contractor's claim, for the reasons already stated.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodity, fair market price, and impact of the addition on the current or most recent contractors, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity to the Government.

2. The action does not appear to have a severe adverse impact on current contractors for the commodity.

3. The action will result in authorizing small entities to furnish the commodity to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48C) in connection with the commodity proposed for addition to the Procurement List.

Accordingly, the following commodity is hereby added to the Procurement List:

Paper, Tabulating Machine

7530-00-800-0996

(Requirements for the Palmetto, GA; Fort Worth, TX; and Stockton, CA depots only)

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 95-4702 Filed 2-23-95; 8:45 am]

BILLING CODE 6820-33-P

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: March 27, 1995.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603-7740.

SUPPLEMENTARY INFORMATION: On August 12, October 21, November 14 and December 30, 1994, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (59 FR 41434, 53141, 56467, and 67703) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current

contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

Cassette, Mailing Container
8115-00-NIB-0001

(Remaining Government requirement for the Library of Congress, Washington, DC)

Coat and Trousers, Chemical Protective
8415-00-NSH-0109 thru -0150 (Sizes S/SX, S/S, M/S, M/R, M/L, L/R and L/L)

(Requirements for the U.S. Marine Corps, Quantico, Virginia)

Trunk Locker, Barracks
8460-00-243-3234

(Additional 15% of the Government's requirement)

Services

Administrative Services, Federal Highway Administration, Central Federal Lands Highway Division, 555 Zang Street, Denver, Colorado
Grounds Maintenance, Basewide (except Military Family Housing), Kelly Air Force Base, Texas
Janitorial/Custodial, U.S. Army Reserve Center, Bakersfield, California
Janitorial/Custodial, Social Security Administration Building, Los Angeles, California
Janitorial/Custodial, Federal Office Building, Ontario Street & Division, Sandpoint, Idaho

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

E.R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 95-4748 Filed 2-23-95; 8:45 am]

BILLING CODE 6820-33-P

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List

commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 27, 1995.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603-7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Cassette, Mailing Container

8115-00-NIB-0003

(Requirements for the Library of Congress, Washington, DC)

NPA: Royal Maid Association for the Blind, Inc., Hazlehurst, Mississippi
Jersey, Flight Deck, Crewman's

8415-00-914-0312
8415-00-914-0313
8415-00-914-0314
8415-00-914-0315
8415-00-914-0316
8415-00-914-0317
8415-00-914-0318
8415-00-914-0319
8415-00-914-0321
8415-00-914-0322
8415-00-914-0323
8415-00-914-0324
8415-00-914-0325
8415-00-914-0326
8415-00-914-0327
8415-00-914-0328
8415-00-914-0329
8415-00-914-0331
8415-00-914-0333
8415-00-914-0334
8415-00-914-0335
8415-00-914-0336
8415-00-914-0337
8415-00-914-0338
8415-00-914-0339
8415-00-914-0340
8415-00-914-4143
8415-00-914-9481

NPA: Lions Volunteer Blind Industries, Inc., Morristown, Tennessee

Services

Commissary Shelf Stocking, Custodial and Warehousing, U.S. Air Force Academy, Colorado
NPA: Goodwill Industrial Services Corporation, Colorado Springs, Colorado

Janitorial/Custodial, Department of the Army, Jimmy Doolittle Building, Columbia Metro Airport, West Columbia, South Carolina
NPA: Babcock Center, Inc., Columbia, South Carolina

Janitorial/Custodial, Jack Brooks Federal Building, U.S. Post Office and Courthouse, Willow and Broadway Streets, Beaumont, Texas
NPA: Goodwill Industries of Southeast Texas, Inc., Beaumont, Texas

E.R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 95-4749 Filed 2-23-95; 8:45 am]

BILLING CODE 6820-33-D

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to Office of Management and Budget (OMB) for Review

ACTION: Notice.

The Department of Defense 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).

Title, Applicable Form, and Applicable OMB Control Number: Repatriation Automated Accounting and Reporting System, DD Form 2585, 0704-0334.

Type of Request: Extension.

Number of Respondents: 5,000.

Responses per Respondent: One.

Annual Responses: 5,000.

Average Burden Per Response: 20 minutes.

Annual Burden Hours: 1,667.

Needs and Uses: This information collection provides evacuee information necessary to account for any military or civilian, regardless of nationality, evacuated from any country to the United States. The information obtained from the DD Form 2585, which is associated with this collection, is entered into an automated system and a series of reports are generated and made available to the Department of Defense, Federal and State agencies, as required.

Affected Public: Individuals or households, State or local governments, Federal agencies or employees.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William Pearce.

Written request for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302.

Dated: February 17, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

FR Doc. 95-4492 Filed 2-23-95; 8:45 am]

BILLING CODE 5000-04-M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

ACTION: Notice.

The Department of Defense 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).

Title, Applicable Form, and Applicable OMB Number: Application for Discharge of Member or Survivor of Member of Group Certified to Have Performed Active Duty with the Armed Forces of the United States, DD Form 2168, 0704-0100.

Type of Request: Reinstatement.

Number of Respondents: 4,000.

Responses per Respondent: 1.

Annual Responses: 4,000.

Average Burden per Response: .5 hours.

Annual Burden Hours: 2,000.

Needs and Uses: Pub. L. 95-202, Section 401, directs the Secretary of Defense to determine if civilian employment or contractual service rendered by groups to the Armed Forces of the United States shall be considered active duty. This information collection provides the necessary information to assist each of the Military Departments in determining if an applicant was a member of a group which has performed active military service. Those individuals who have been recognized as a member of an approved group are eligible for benefits provided for by laws administered by the Veteran's Administration.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302.

Dated: February 17, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95-4493 Filed 2-23-95; 8:45 am]

BILLING CODE 5000-04-M

Office of the Secretary

Defense Intelligence Agency, Scientific Advisory Board Panel Closed Meeting

AGENCY: Department of Defense, Defense Intelligence Agency.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92-463, as amended by Section 5 of Public Law 94-409, notice is hereby given that a closed meeting of the DIA Scientific Advisory Board has been scheduled as follows:

DATES: February 28, 1995 and March 1, 1995 8:30 a.m. to 4 p.m.

ADDRESSES: The Defense Intelligence Agency, Bolling AFB, Washington, DC 20340-5100.

FOR FURTHER INFORMATION CONTACT: Dr. W.S. Williamson, Executive Secretary, DIA Scientific Advisory Board, Washington, DC 20340-1328 (202) 373-4930.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

Dated: February 17, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95-4489 Filed 2-23-95; 8:45 am]

BILLING CODE 5000-04-M

Defense Science Board Task Force on Readiness, Phase II

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Readiness, Phase II will meet in closed session on April 18, 1995 at the Pentagon, Arlington, VA.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense (Acquisition and Technology) on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will provide advice, recommendations, and supporting rationale on the components of a Readiness Early Warning System to insure that our forces do not become "hollow," and, where deficiencies may begin to emerge, to suggest corrective actions.

In accordance with Section 10(d) of the Federal Advisory Committee Act, P.L. No. 92-463, as amended (5 U.S.C. App. II, (1988)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C.

552b(c) (1) (1988), and that accordingly this meeting will be closed to the public.

Dated: February 17, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95-4488 Filed 2-23-95; 8:45 am]

BILLING CODE 5000-04-M

Strategic Environmental Research and Development Program, Scientific Advisory Board; Meeting

ACTION: Notice.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Date of Meeting: March 7-8, 1995 from 0830 to approximately 1630.

Place: To be determined—in the Washington, DC area.

Matters to be Considered: Research and Development proposals and continuing projects requesting Strategic Environmental Research and Development Program funds will be reviewed. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Scientific Advisory Board at the time and in the manner permitted by the Board. For further information Contact: Ms. Amy Levine, 901 North Stewart Street, Suite 303, Arlington, VA, 22203, (703) 696-2124.

Dated: February 17, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95-4491 Filed 2-23-95; 8:45 am]

BILLING CODE 5000-04-M

Office of the Secretary of Defense

Department of Defense Wage Committee; Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that closed meetings of the Department of Defense Wage Committee will be held on March 7, 1995; March 14, 1995; March 21, 1995; and March 28, 1995, at 10 a.m. in Room 800, Hoffman Building #1, Alexandria, Virginia.

Under the provisions of section 10(d) of Public Law 92-463, the Department of Defense has determined that the meetings meet the criteria to close meetings to the public because the matters to be considered are related to internal rules and practices of the Department of Defense and the detailed wage data considered were obtained

from officials of private establishments with a guarantee that the data will be held in confidence.

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning the meetings may be obtained by writing to the Chairman, Department of Defense Wage Committee, 4000 Defense Pentagon, Washington, DC 20301-4000.

Dated: February 17, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95-4490 Filed 2-23-95; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before March 27, 1995.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 400 Maryland Avenue, SW., Room 5624, Regional Office Building 3, Washington, DC 20202-4651.

FOR FURTHER INFORMATION CONTACT:

Patrick J. Sherrill (202) 708-9915. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information

collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available for Patrick J. Sherrill at the address specified above.

Dated: February 17, 1995.

Gloria Parker,

Director, Information Resources Group.

Office of Postsecondary Education

Type of Review: NEW.

Title: William D. Ford Federal Direct Loan Program Electronic Debit Account Brochure and Authorization Form.

Frequency: Annually.

Affected Public: Individuals or households.

Reporting Burden:

Responses: 11,220

Burden Hours: 374

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0

Abstract: This form will be the means by which a Direct Loan borrower authorizes establishment of an Electronic Debit Account.

Office of Bilingual Education and Minority Languages and Affairs

Type of Review: NEW.

Title: Application for New Grants under Bilingual Education and Foreign Language Programs.

Frequency: Annually.

Affected Public: Not-for-profit, institutions; State Local or Tribal Governments.

Reporting Burden:

Responses: 1,500

Burden hours: 180,000.

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0

Abstract: This form will be used by State and local educational agencies, institutions of higher education, and community-based organizations to apply for funding under the Bilingual Education and Foreign Language Programs. The Department will use the information to make grant awards.

[FR Doc. 95-4487 Filed 2-23-95; 8:45 am]

BILLING CODE 4000-01-M

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before March 27, 1995.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202-4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708-9915.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the

requests are available from Patrick J. Sherrill at the address specified above.

Dated: February 17, 1995.

Gloria Parker,

Director, Information Resources Group.

Office of Elementary and Secondary Education

Type of Review: NEW.

Title: Education Flexibility Partnership Demonstration Program.

Affected Public: State, Local or Tribal Governments.

Reporting Burden:

Responses: 58.

Burden Hours: 4,880

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0

Abstract: The Secretary invites application for the Ed-Flex program. The program is an educational flexibility program under which the Secretary may grant up to six SEAs the authority to waive certain Federal statutory or regulatory requirements for the SEA, or for any LEA or school within the State.

[FR Doc. 95-4486 Filed 2-23-95; 8:45 am]

BILLING CODE 4000-01-M

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before March 27, 1995.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 400 Maryland Avenue SW., Room 5624, Regional Office Building 3, Washington DC 20202-4651.

FOR FURTHER INFORMATION CONTACT:

Patrick J. Sherrill (202) 708-9915.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: February 21, 1995.

Gloria Parker,

Director, Information Resources Group.

Office of Bilingual Education and Minority Language Affairs

Type of Review: Revision.

Title: Application for Emergency Immigrant Education Program.

Frequency: Annually.

Affected Public: State, Local or Tribal Governments.

Reporting Burden:

Responses: 57.

Burden Hours: 9,177.

Recordkeeping Burden

Recordkeepers: 0.

Burden Hours: 0.

Abstract: This form will be used by State Educational agencies to apply for funding under the Emergency Immigrant Education Program. The Department will use the information to make grant awards.

[FR Doc. 95-4561 Filed 2-23-95; 8:45 am]

BILLING CODE 4000-01-M

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Group, invites comments on

proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: An expedited review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by February 24, 1995.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 400 Maryland Avenue SW., Room 5624, Regional Office Building 3, Washington, DC 20202-4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill, (202) 708-9915. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Information Resources Group, publishes this notice with the attached proposed information collection request prior to submission of this request to OMB. This notice contains the following information: (1) Type of review requested, e.g., expedited; (2) Title; (3) Abstract; (4) Additional Information; (5) Frequency of collection; (6) Affected public; and (7) Reporting and/or Recordkeeping burden. Because an expedited review is requested, a description of the information to be collected is also included as an attachment to this notice.

Dated: February 21, 1995.

Gloria Parker,

Director, Information Resources Group.

Office of Elementary and Secondary Education

Type of Review: Expedited.

Title: Continuation Application for Grants Under the Civic Education Program.

Frequency: One time.

Affected Public: Individuals or households; Not-for-profit institutions; State, Local or Tribal Government.

Reporting Burden:

Responses: 125

Burden Hours: 5,000.

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0.

Abstract: State and local educational agencies and other public and private nonprofit agencies, organizations and institutions are required to submit an annual application to receive funds under the Civic Education Program. Applications are analyzed to insure the funds are distributed fairly and projects are cost effective.

Additional Information: Clearance for this information collection is requested for February 24, 1995. An expedited review is requested in order to implement the program before the start of the new year.

Office of Elementary and Secondary Education

Type of Review: Expedited.

Title: Application for Grants—Public Charter Schools Program.

Frequency: annually.

Affected Public: Individuals or households; Businesses or other for-profit; Not-for-profit institutions; Federal Government; State, Local or Tribal Government.

Reporting Burden:

Responses: 1.

Burden Hours: 2,000.

Recordkeeping Burden:

Recordkeepers: 0.

Burden Hours: 0.

Abstract: State educational agencies, authorized public chartering agencies, and charter schools must submit an application to receive funds. Applications are analyzed to ensure that funds are distributed fairly and projects are cost effective.

Additional Information: Clearance for this information collection is requested for February 24, 1995. An expedited review is requested in order to implement the program before the start of the new year.

[FR Doc. 95-4562 Filed 2-23-95; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

**Seattle Regional Support Office;
Updating State and Local Government
Building Energy Codes for
Developmental States**

AGENCY: Department of Energy.

ACTION: Notice of competitive financial assistance.

SUMMARY: The Department of Energy Seattle Regional Support Office (SRSO), on behalf of the Office of Building Technologies, announces its intention to issue a competitive solicitation and make financial assistance awards to States and territories that are developing, implementing, and/or enforcing building energy code compliance programs. This action is subject to the DOE Financial Assistance Rules (10 CFR part 600).

ADDRESSES: To obtain a copy of the solicitation once it is issued on or after January 30, 1995, write to the Department of Energy's Seattle Regional Support Office, 800 Fifth Avenue, Suite 3950, Seattle, WA 98104, Attn: Ms. Carol A. Curtis, Grants/Contracts Specialist. Only written requests for this solicitation will be honored. For convenience, requests for the solicitation may be faxed to Ms. Curtis at (206) 553-2200. Please reference solicitation DE-PS51-95R020543.

SUPPLEMENTARY INFORMATION: The DOE Office of Building Technologies, in conjunction with the DOE Office of Technical and Financial Assistance and through the DOE Regional Support Offices, will award and provide funding for the grants to the states and serve as administrators for the Federal Government. The SRSO will be the lead Regional Support Office.

This solicitation is intended to support actions to develop and improve residential and commercial building energy codes. These actions will additionally enhance the energy efficiency of residential and commercial building stock in the United States as well as provide environmental benefits. Actions implemented under this solicitation address Action No. 10 of the Climate Change Action Plan (CCAP) which is designed to reduce greenhouse gas emissions in the year 2000. Action No. 10 builds on Section 101 of the Energy Policy Act of 1992 (EPAct) to further address use and enforcement of building energy codes. Under Section 101 of EPAct, States are required to upgrade their commercial building codes to meet or exceed ASHRAE/IES Standard 90.1-1989 and to consider whether to update their residential codes to meet or exceed the 1992 Model

Energy Code (MEC). The Department of Energy is required to provide technical assistance and incentive funding to States to respond to the legislative requirements.

This solicitation specifically targets States that are deemed "developmental" in that they have conceived a code compliance program but little or no action has been taken, because financial assistance is needed to supplement existing staff or hire a FTE to begin action on the program. Approximately twenty awards, totaling roughly \$500,000, to be specifically utilized for funding full-time equivalents (FTE), will be granted to states whose programs are in the "developmental" stage. For DOE funds to be awarded, it is required that a state provide a minimum of 25% cost-sharing match for the total project cost. A state that is deemed developmental shall not be eligible for progressive program funding under a separate solicitation. Exemplary state programs will not be considered for funding through this solicitation, and State officials who consider their program to be exemplary should call 1-800-270-CODE for additional information on how to obtain funding for their program.

All 50 states, the District of Columbia, the U.S. Virgin Islands, the Commonwealth of Puerto Rico, any territory or possession of the United States are eligible. More than one State or State organization can be involved on a proposal, as long as the lead State agency or organization and lead grant management responsibilities are clearly defined. Support may come from one or more code-related organizations or trade associations in the affected local area, and shall be in the form of cost-sharing or other significant participation, which demonstrates a substantial interest in the proposed project.

This solicitation will be issued on or about January 30, 1995, and will contain detailed information on funding, cost-sharing requirements, eligibility, application preparation, and evaluation. Responses to the solicitation will be due in March 1995, and award announcements will be made in May 1995. All responsible sources are encouraged to submit an application.

Issued in Seattle, Washington: February 14, 1995.

Julie A. Riel,

Contracting Officer.

[FR Doc. 95-4610 Filed 2-23-95; 8:45 am]

BILLING CODE 6450-01-P

Seattle Regional Support Office; Updating State and Local Government Building Energy Codes for Progressive States

AGENCY: Department of Energy.

ACTION: Notice of competitive financial assistance.

SUMMARY: The Department of Energy Seattle Regional Support Office (SRSO), on behalf of the Office of Building Technologies, announces its intention to issue a competitive solicitation and make financial assistance awards to States and territories that are developing, implementing, and/or enforcing building energy code compliance programs. This action is subject to the DOE Financial Assistance Rules (10 CFR part 600).

ADDRESSES: To obtain a copy of the solicitation once it is issued on or after January 30, 1995, write to the Department of Energy's Seattle Regional Support Office, 800 Fifth Avenue, Suite 3950, Seattle, WA 98104, Attn: Ms. Carol A. Curtis, Grants/Contracts Specialist. Only written requests for this solicitation will be honored. For convenience, requests for the solicitation may be faxed to Ms. Curtis at (206) 553-2200. Please reference solicitation DE-PS51-95R020534.

SUPPLEMENTARY INFORMATION: The DOE Office of Building Technologies, in conjunction with the DOE Office of Technical and Financial Assistance and through the DOE Regional Support Offices, will award and provide funding for the grants to the states and serve as administrators for the Federal Government. The SRSO will be the lead Regional Support Office.

This solicitation is intended to support actions to upgrade, implement, enforce, and update residential and commercial building energy codes. These actions will additionally enhance the energy efficiency of residential and commercial building stock in the United States as well as provide environmental benefits. Actions implemented under this solicitation address Action No. 10 of the Climate Change Action Plan (CCAP) which is designed to reduce greenhouse gas emissions in the year 2000. Action No. 10 builds on Section 101 of the Energy Policy Act of 1992 (EPAct) to further address use and enforcement of building energy codes. Under Section 101 of EPAct, States are required to upgrade their commercial building codes to meet or exceed ASHRAE/IES Standard 90.1-1989 and to consider whether to update their residential codes to meet or exceed the 1992 Model Energy Code (MEC). The Department of Energy is required to

provide technical assistance and incentive funding to States to respond to the legislative requirements.

This solicitation specifically targets States that are deemed "progressive" in that they have begun a code compliance program but need additional support to expand or enhance this program in order to equal or exceed both the 1992 MEC and ASHRAE/IES standard 90.1-1989. The DOE anticipates awarding between 10-20 incentive grants totaling approximately \$4.6 million to states whose programs are considered to be in the "progressive" stage. For DOE funds to be awarded, it is required that a state provide a minimum of 25% cost-sharing match for the total project cost. A state that is deemed progressive shall not be eligible for developmental program funding under a separate solicitation. Exemplary state programs will not be considered for funding through this solicitation, and State officials who consider their program to be exemplary should call 1-800-270-CODE for additional information on how to obtain funding for their program.

All 50 states, the District of Columbia, the U.S. Virgin Islands, the Commonwealth of Puerto Rico, any territory or possession of the United States are eligible. More than one State or State organization can be involved on a proposal, as long as the lead State agency or organization and lead grant management responsibilities are clearly defined. Support can come from one or more code-related organizations or trade associations in the affected local area, and shall be in the form of cost-sharing or other significant participation, which demonstrates a substantial interest in the proposed project.

This solicitation will be issued on or about January 30, 1995, and will contain detailed information on funding, cost-sharing requirements, eligibility, application preparation, and evaluation. Responses to the solicitation will be due in March 1995, and awards announcements are anticipated to be made in May 1995. All responsible sources are encouraged to submit an application.

Issued in Seattle, Washington on February 14, 1995.

Julie A. Riel,

Contracting Officer.

[FR Doc. 95-4608 Filed 2-23-95; 8:45 am]

BILLING CODE 6450-01-P

Office of Energy Efficiency and Renewable Energy**Appliance and Equipment Energy Efficiency Standards: Evaluation Criteria for the Voluntary Program to Provide Energy Efficiency Information for Commercial Office Equipment**

AGENCY: Office of Energy Efficiency and Renewable Energy, Energy.

ACTION: Notice of public meeting.

SUMMARY: The Energy Policy Act of 1992 requires the Department of Energy (DOE or Department) to support a voluntary national testing and information program for those types of commercial office equipment that are widely used and show potential for significant energy savings. Not later than October 24, 1995, DOE must determine whether the voluntary program, thus created by an appropriate organization of interested persons, is consistent with the objectives set forth in the legislation. In order to assist the development of the voluntary program, the Department has developed a set of evaluation criteria that will be used as the basis for assessing the effectiveness of the commercial office equipment testing and information program. The Department will hold a public meeting on Wednesday, March 8, 1995, to discuss the proposed criteria with persons interested in the development of the voluntary program. All persons are hereby given notice of the opportunity to submit written comments, and to attend the public meeting.

DATES: Written comments in quadruplicate must be received by March 31, 1995. The public meeting will be held on Wednesday, March 8, 1995.

ADDRESSES: Written comments should be labeled "Voluntary Program to Promote Energy Efficiency in Commercial Office Equipment" and submitted to Ms. Barbara Twigg, Office of Energy Efficiency and Renewable Energy, Mail Station EE-431, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. Telephone: (202) 586-8714; FAX: (202) 586-4617.

The meeting will begin at 10:00 a.m., and will be held at the U.S. Department of Energy, Forrestal Building, Room GH-027, 1000 Independence Avenue SW., Washington, DC.

Copies of the draft evaluation criteria may be requested from Barbara Twigg at the above address. Copies are available in the DOE Freedom of Information Reading Room, U.S. Department of Energy, Forrestal Building, Room 1E-

190, 1000 Independence Avenue SW., Washington, DC, (202) 586-6020 between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Barbara Twigg, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE-431, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-8714

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Forrestal Building, Mail Station GC-72, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9507.

SUPPLEMENTARY INFORMATION:**1. Authority**

Part B of Title III of the Energy Policy and Conservation Act, Public Law 94-163, created the Energy Conservation Program for Consumer Products other than Automobiles. The most recent amendment, the Energy Policy Act of 1992 (EPACT), Pub. L. 102-486, 106 stat. 2776, identified several new categories of products and equipment beyond the existing residential appliances for inclusion in various required and voluntary testing and information programs to promote energy efficiency. Voluntary programs were specified for commercial office equipment, window rating and labeling, and luminaires.

As described in Section 125 of EPACT, the Secretary of Energy, after consulting with industry associations and other interested organizations, is to provide technical and financial assistance to support a voluntary national testing and information program for those types of commercial office equipment that are widely used, and for which there is a potential for significant energy savings as a result of such programs. Such program will provide information that when conveyed to consumers, will enable purchasers of the equipment to make more informed decisions about the energy efficiency and costs of alternative products.

The voluntary program should determine the types of commercial office equipment to be covered, include specifications for testing procedures, and include information which may be disseminated through catalogs, trade publications, labels, or other mechanisms that will allow consumers to assess the energy consumption and potential cost savings of alternative products. Such program shall be

developed by an appropriate organization (composed of interested persons), according to commonly accepted procedures for the development of national testing procedures and labeling programs.

Not later than three years after the date of enactment of EPACT (October 24, 1995), the Secretary shall make a determination as to whether the voluntary program is positioned to achieve the objectives established for the testing and rating of commercial office equipment. If the Secretary determines that the voluntary program is not consistent with the objectives of the legislation, the Secretary shall, after consultation with the National Institute of Standards and Technology, develop test procedures for those types of commercial equipment designated as part of the program. One year later, the Federal Trade Commission would prescribe labeling rules.

2. Background

Since the passage of EPACT, the Department of Energy has monitored the efforts of the commercial office equipment industry to develop a testing and information program through the Council on Office Products Energy Efficiency (COPEE), a working group composed of the Information Technology Industry Council, formerly the Computer and Business Equipment Manufacturers Association, office equipment manufacturers, environmental organizations, designers, national laboratories, and other office equipment professionals. On May 26, 1994, DOE held a public meeting, at which interested persons were invited to offer suggestions concerning methods of evaluation, and to obtain updates on the progress of COPEE's voluntary program. Comments were invited through June 15, 1994. Additional suggestions and information were supplied by the COPEE on July 15, 1994.

3. Discussion

The purpose of the meeting is twofold: (1) To discuss the proposed evaluation criteria; and (2) to provide an opportunity to inform DOE of the progress of the voluntary program, and establish a timetable for the evaluation of the program. After the meeting and comment period, the Department will consider all comments and publish the evaluation criteria in the **Federal Register**.

4. Public Meeting Procedure

The meeting will be informal. Participants are requested to review a

copy of the draft evaluation criteria before the meeting.

Issued in Washington, DC, February 21, 1995.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 95-4607 Filed 2-23-95; 8:45 am]

BILLING CODE 6450-01-P

Federal Energy Regulatory Commission

[Docket No. EL95-26-000, et al.]

Richmond Power Enterprises, L.P., et al.; Electric Rate and Corporate Regulation Filings

February 16, 1995.

Take notice that the following filings have been made with the Commission:

1. Richmond Power Enterprises, L.P.

[Docket Nos. EL95-26-000 and QF90-104-002]

Take notice that on February 8, 1995, Richmond Power Enterprises, L.P. tendered for filing an application for compliance determination and for waiver of certain Commission regulations.

Comment date: March 16, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. National Electric Associates Limited Partnership

[Docket No. ER90-168-019]

Take notice that on January 30, 1995, National Electric Associates Limited Partnership (NEA), filed certain information as required by ordering paragraph (L) of the Commission's order in Docket No. ER90-168-000, 50 FERC ¶ 61,378. Copies of NEA's informational filing are on file with the Commission and are available for public inspection.

3. Florida Power & Light Company

[Docket No. ER93-327-002]

Take notice that on February 1, 1995, Florida Power & Light Company tendered for filing a compliance report for refund made pursuant to the Commission's December 27, 1994 Order.

4. Enron Power Marketing, Inc.

[Docket No. ER94-24-006]

Take notice that on February 1, 1995, Enron Power Marketing, Inc. tendered for filing a summary of activity of Enron's quarter ending December 31, 1994.

5. AES Power, Inc.

[Docket No. ER94-890-004]

Take notice that on February 1, 1995, AES Power, Inc. (AES) filed information as required by the Commission's April 8, 1994 letter order in Docket No. ER94-890-000. Copies of AES's filing are on file with the Commission and are available for public inspection.

6. Midcon Power Services Corporation

[Docket No. ER94-1329-002]

Take notice that on January 30, 1995, Midcon Power Services Corporation (Midcon) filed information as required by the Commission's August 11, 1994 order in Docket No. ER94-1329-000. Copies of Midcon's filing are on file with the Commission and are available for public inspection.

7. Destec Power Services, Inc.

[Docket No. ER94-1612-001]

Take notice that on January 31, 1995, Destec Power Services, Inc. (Destec) filed information as required by the Commission's January 20, 1995 letter order in Docket No. ER94-1612-000. Copies of Destec's filing are on file with the Commission and are available for public inspection.

8. Associated Power Services, Inc.

[Docket No. ER95-7-001]

Take notice that on January 30, 1995, Associated Power Services, Inc. (Associated) filed information as required by the Commission's December 16, 1994 letter-order in Docket No. ER95-7-000. Copies of Associated's filing are on file with the Commission and are available for public inspection.

9. Entergy Power, Inc.

[Docket Nos. ER95-172-000, ER95-314-000]

Take notice that on February 14, 1995, Entergy Power, Inc. tendered for filing Amendment No. 1 to an Interchange Agreement filed in Docket No. ER95-172-000, and Amendment No. 1 to a Monthly Purchase and Sale Agreement filed in Docket No. ER95-314-000.

EPI requests an effective date for the amendments that is the same as those for the Interchange Agreement and Monthly Purchase and Sale Agreement previously filed, in accordance with Section 35.2 of the Commission's regulations.

Comment date: March 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

10. UtiliCorp United Inc., Aquila Power Corporation

[Docket No. ER95-203-000, Docket No. ER95-216-000 (Not Consolidated)]

Take notice that on February 10, 1995, UtiliCorp United Inc. ("UtiliCorp") tendered for filing firm and interruptible tariffs for its West Virginia Power division as required by the January 13, 1995 order in these proceedings. UtiliCorp states that this filing is an alternative and without prejudice to its January 18, 1995 informational compliance filing in this proceeding.

A copy of the filing was served on each party to these proceedings and the Public Service Commission of the State of West Virginia.

Comment date: March 1, 1995, in accordance with Standard Paragraph E at the end of this notice.

11. KCS Energy Marketing, Inc.

[Docket No. ER95-209-000]

Take notice that on February 10, 1995, KCS Energy Marketing, Inc. tendered for filing a letter requesting that the Application for Blanket Authorization, Certain Waivers and Order Approving Rate Schedule be withdrawn.

Comment date: March 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

12. Transco Power Trading Company

[Docket No. ER95-305-000]

Take notice that on February 9, 1995, Transco Power Trading Company tendered for filing an amendment in the above-referenced docket.

Comment date: March 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

13. Proven Alternatives, Inc.

[Docket No. ER95-473-000]

Take notice that on February 10, 1995, Proven Alternatives, Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: March 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

14. Puget Sound Power & Light

[Docket No. ER95-528-000]

Take notice that on February 1, 1995, Puget Sound Power & Light Company tendered for filing an executed Service Agreement-Schedule DV between Puget and Black Creek Hydro, Inc. as a Supplement to Original Sheet Nos. 74-89 of Puget Rate Schedule FERC Electric Tariff, Original Volume No. 4.

Comment date: March 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

15. Southwestern Public Service Company and Texas-New Mexico Power Company

[Docket No. ER95-538-000]

Take notice that on February 1, 1995, Southwestern Public Service Company (Southwestern) filed, pursuant to section 205 of the Federal Power Act and Part 33 of the Commission's regulations, a notice of termination of the Contract for Wholesale Electric Power Service, dated June 11, 1984, between Southwestern and Texas-New Mexico Power Company (TNP). Southwestern states that, as a result of Southwestern's acquisition of facilities owned by TNP in the northern Texas Panhandle, there will no longer be any need for the wholesale contract between Southwestern and TNP.

Southwestern requests an effective date for the termination of the wholesale contract which coincides with the date of its closing of the acquisition of facilities from TNP.

Comment date: March 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

16. Ohio Edison Company

[Docket No. ER95-549-000]

Take notice that on February 3, 1995, Ohio Edison Company, tendered for filing an amendment to the Power Purchase and Sale Agreement with CNG Power Services Corp. The purpose of this filing is to amend the energy rate contained in the foregoing Agreement to reflect the recovery of energy-related emission allowance costs incurred by Ohio Edison Company to ensure compliance with the Phase I sulfur dioxide emissions limitations of the Clean Air Act Amendment of 1990.

Comment date: March 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

17. Ohio Edison Company

[Docket No. ER95-550-000]

Take notice that on February 3, 1995, Ohio Edison Company, tendered for filing a Power Purchase and Sale Agreement with CNG Power Services Corp. dated December 31, 1994. This initial rate schedule will enable the parties to purchase or sell capacity and energy in accordance with the terms and conditions set forth herein.

Comment date: March 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

18. The Washington Water Power Company

[Docket No. ER95-551-000]

Take notice that on February 3, 1995, The Washington Water Power Company,

tendered for filing a request to cancel its Firm Wholesale Service Rate Schedule 61. The cancellation of Schedule 61 is being requested since no customers are served under Schedule 61 and the tariff will not be offered to new customers. The last two customers formerly served under Schedule 61 ceased being served under the schedule in 1994.

No other parties have been served with a copy of the filing since there are no customers served under Schedule 61.

Comment date: March 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

19. Commonwealth Edison Company

[Docket No. ER95-552-000]

Take notice that on February 3, 1995, Commonwealth Edison Company (ComEd), submitted a Service Agreement, dated January 11, 1995, establishing Carolina Power and Light Company (CP&L) as a customer under the terms of ComEd's Power Sales Tariff PS-1 (PS-1 Tariff). The Commission has previously designated the PS-1 Tariff as FERC Electric Tariff, Original Volume No. 2.

ComEd requests an effective date of January 11, 1995, and accordingly seeks waiver of the Commission's requirements. Copies of this filing were served upon CP&L and the Illinois Commerce Commission.

Comment date: March 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

20. PECO Energy Company

[Docket No. ER95-553-000]

Take notice that on February 6, 1995, PECO Energy Company (PECO), tendered for filing an Agreement between PECO and Consolidated Edison Company of New York, Inc. (Con Edison) dated January 31, 1995.

PECO states that the Agreement sets forth the terms and conditions for the sale of system energy which it expects to have available for sale from time to time and the purchase of which will be economically advantageous to Con Edison. The Agreement supersedes an agreement between PECO and Con Edison dated April 13, 1993 which is on file with the Commission as PECO's Rate Schedule FERC No. 66. In order to optimize the economic advantage to both PECO and Con Edison, PECO requests that the Commission waive its customary notice period and permit the agreement to become effective on February 8, 1995.

PECO states that a copy of this filing has been sent to Con Edison and will be furnished to the Pennsylvania Public Utility Commission.

Comment date: March 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

21. New England Power Company

[Docket No. ER95-554-000]

Take notice that on February 6, 1995, New England Power Company (NEP), tendered for filing a Service Agreement with Montaup Electric Company under NEP's FERC Electric Tariff, Original Volume No. 6 and a Notice of Termination for service to EUA Services Corp. under the same tariff.

Comment date: March 2, 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, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,*Secretary.*

[FR Doc. 95-4501 Filed 2-23-95; 8:45 am]

BILLING CODE 6717-01-P

[Project No. 2444-002-WI]

Northern States Power Co., Wisconsin Notice of Availability of Draft Environmental Assessment

February 17, 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 subsequent minor license for the White River Project, located in Ashland County, Wisconsin, 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 environmental protection 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.

Any comments should be filed within 45 days from the date of this notice and should be addressed to Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Please affix Project No. 2444 to all comments. For further information, please contact Sabina Joe at (202) 219-1648.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95-4518 Filed 2-23-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP94-96-011 and RP94-213-008 (consolidated)]

CNG Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

February 17, 1995.

Take notice that on February 15, 1995, CNG Transmission Corporation (CNG), filed for inclusion in its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

Tariff Sheet and Proposed Effective Date

4th Substitute 1st Revised Sheet No. 31—July 1, 1994

3rd Substitute 1st Revised Sheet No. 201—July 1, 1994

2nd Substitute 2nd Revised Sheet No. 31—October 1, 1994

2nd Substitute 3rd Revised Sheet No. 31—November 1, 1994

CNG states that these tariff sheets are being filed in compliance with the Commission's January 31, 1995, letter order in the captioned proceedings.

CNG states that copies of this letter of transmittal and enclosures are being mailed to CNG's 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 protests should be filed on or before February 27, 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. 95-4502 Filed 2-23-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP95-206-000]

Columbia Gas Transmission Corporation; Notice of Application

February 17, 1995.

Take notice that Columbia Gas Transmission Corporation (Columbia), a Delaware corporation, having its principal place of business at 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314-1599, filed on February 15, 1995, an abbreviated application pursuant to Section 7 of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction and operation of certain LNG vaporization facilities, as more fully described in the application.

Columbia requests NGA Section 7(c) authorization to provide a total of 35,000 Dth/d of increased liquefaction demand to its LNG customers, the City of Richmond (10,000 Dth/d increase), Commonwealth Gas Services, Inc. (9,585 Dth/d increase), and to Virginia Natural Gas, Inc. (15,415 Dth/d increase), and to construct and operate a new vaporization unit at its Chesapeake, Virginia LNG facility. The estimated cost of the proposed construction is \$2,388,000 to be paid by the LNG customers.

Any person desiring to be heard or to make any protest with reference to said application should, on or before March 10, 1995, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 7 and section 15 of the Natural Gas Act and the Commission's

Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 95-4503 Filed 2-23-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP94-2-002]

Columbia Gas Transmission Corporation; Notice of Refund Report

February 17, 1995

Take notice that on February 14, 1995, Columbia Gas Transmission Corporation (Columbia) tendered for filing a refund report for the refund made by Columbia on November 16, 1994, pursuant to orders issued in Docket No. GP94-2. As a result of the Commission's June 23, 1994 order in that docket, Columbia was required to make an additional refund for the difference between the accrued restricted investment arrangement (RIA) interest that has been refunded and interest recalculated using the Commission-prescribed interest rates from the time the RIA refunds were received through March 2, 1993, the date the RIA was established.

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. All such protests should be filed on or before February 27, 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 proceedings. Copies of Columbia's filings are on file with the Commission and are available to public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95-4504 Filed 2-23-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-138-004]

**Florida Gas Transmission Company;
Notice of Revised Pro Forma Tariff
Sheets**

February 17, 1995.

Take notice that on February 10, 1995, Florida Gas Transmission Company (FGT) tendered for filing the following revised pro forma tariff sheets in response to the Commission's Order dated January 12, 1995 in the captioned dockets:

Pro Forma Sheet No. 121
Pro Forma Sheet No. 121A
Pro Forma Sheet No. 144
Pro Forma Sheet No. 145
Pro Forma Sheet No. 146

On September 1, 1994, FGT, along with numerous of its customers, filed as part of a Stipulation and Agreement of Settlement ("September 1 Settlement") in Docket No. RS92-16-009, pro forma tariff sheets designed to implement the terms and conditions of a new capacity curtailment plan. On January 12, 1995, the Commission issued an Order ("January 12 Order") which, among other things, accepted and clarified the September 1, Settlement and required FGT to make certain changes relative to curtailment and curtailment-related scheduling procedures. (The January 12 Order also required certain tariff modifications regarding the release of segments of capacity which will be filed under separate cover letter.) The Commission also determined that certain scheduling issues that arose in Docket No. RP91-138-000 had been resolved by the intervening actions taken by the Commission in FGT's Order No. 636 restructuring proceeding, and directed FGT to clarify its scheduling procedures to provide certain protections for Exempt Uses (as defined in the September 1 Settlement) consistent with those provided in the new curtailment plan.

Specifically, FGT was required to: (i) Include in its scheduling provisions a limited exemption from pro rata scheduling for Exempt Uses, so as to correspond with the protections from pro rata curtailment provided in the new curtailment plan for such uses; (ii) provide that service serving Priority 2 Uses will be curtailed before any curtailment of service serving Priority 1 Uses; (iii) remove references to FERC's participation on the Data Verification Committee; and (iv) remove the proposal that a maximum rate of 125% of FGT's highest authorized rate for firm transportation service would be available for relinquishments made during periods of diminished capacity expected to extend for a period

exceeding five (5) days. The Commission also required that the new curtailment plan, as modified under the January 12 Order, be implemented by November 1, 1995. The Commission directed FGT to file revised pro forma tariff sheets conforming to the requirements of its January 12 Order within thirty (30) days. In the instant filing, FGT states that it is complying with the January 12 Order. (FGT states that it will file appropriately numbered tariff sheets prior to the November 1, 1995 implementation.)

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 Rules and Regulations. All such protests should be filed on or before February 27, 1995. Protests will be considered by the Commission in determining the appropriate actions 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 inspections.

Lois D. Cashell,

Secretary.

[FR Doc. 95-4505 Filed 2-23-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP95-157-000]

**K N Interstate Gas Transmission Co.;
Notice of Filing of Report on First Year
Storage Operations Under Order No.
636**

February 17, 1995.

Take notice that on February 10, 1995, K N Interstate Gas Transmission Co. (KNI) tendered for filing its report on first year of operation under restructured services pursuant to Order No. 636.

KNI states that the purpose of this filing is to comply with the Commission's Order on Compliance and Restructuring Rule, issued August 2, 1993 in Docket No. RS92-19-000.¹ The August 2 order directed KNI to file a report within 90 days after the first year of operations under its restructured services indicating the use of the retained pipeline transportation capacity. KNI states that the report is being filed in compliance with the referenced order.

KNI states that copies of the filing are being served upon all parties in Docket No. RS92-19-000.

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 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 10, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95-4506 Filed 2-23-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP95-80-001]

**National Fuel Gas Supply Corp.; Notice
of Compliance Filing**

February 17, 1995.

Take notice that on February 14, 1995, National Fuel Gas Supply Corporation (National) tendered worksheets in the above-captioned proceeding in compliance with the Letter Order issued by the Commission on December 30, 1994.

National states that these worksheets clarify the interest calculations related to the flow through of refunds in National's Account Nos. 191 and 186 received from Tennessee Gas Pipeline Company and Transcontinental Gas Pipe Line Company. National further states that the National Fuel Customer Group has resolved its concerns.

Any person desiring to protest said compliance filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protest should be filed on or before February 27, 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. 95-4507 Filed 2-23-95; 8:45 am]

BILLING CODE 6717-01-M

¹ 64 FERC ¶ 61,154 (1993).

[Docket No. RP95-162-000]

Panhandle Eastern Pipe Line Company; Notice of Filing

February 17, 1995.

Take notice that on February 14, 1995, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing, pursuant to section 4 of the Natural Gas Act, a notice of termination of gathering service upon the transfer of Panhandle's gathering facilities to Panhandle Gathering Company. Panhandle Gathering Company will contribute the facilities to Western Gathering Company (Westana), a joint venture between Panhandle Gathering Company and WGR—Oklahoma, Inc. Westana will continue to offer gathering service to all existing shippers. Panhandle states it was ordered to make this filing in compliance with an order on rehearing issued February 1, 1995, in an abandonment proceeding in Docket Nos. CP93-505-001 and CP93-506-001. Panhandle also states that it has filed, contemporaneously with this filing, a default contract in the abandonment proceeding.

Panhandle has proposed an effective date of April 1, 1995 for the termination of gathering services on its gathering facilities in north central Oklahoma.

Panhandle states that in accordance with the Commission's regulations, a copy of the filing has been mailed to all of Panhandle's customers and interested state commissions as well as to all parties to these proceedings in Docket Nos. CP93-505-000 and CP93-506-000.

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 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such motions or protests should be filed on or before February 27, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 95-4508 Filed 2-23-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-203-000, et al. (Phase II)]

Tennessee Gas Pipeline Co.; Notice of Informal Settlement Conference

February 17, 1995.

Take notice that an informal settlement conference will be convened in this proceeding on Friday, February 24, 1995, promptly at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, N.E., Washington, DC, for the purpose of discussing the remaining PCB issues in the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact Donald Williams (202) 208-0743 or Dennis H. Melvin (202) 208-0042.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 95-4509 Filed 2-23-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP94-425-004]

Tennessee Gas Pipeline Co.; Notice of Filing

February 17, 1995.

Take notice that on February 6, 1995, Tennessee Gas Pipeline Company (Tennessee) submits Substitute Tenth Revised Sheet No. 30 of its FERC Gas Tariff, Fifth Revised Volume No. 1 to be effective January 1, 1995. On November 30, 1994, Tennessee filed Tenth Revised Sheet No. 30 to reflect a revision to its Transportation Cost Rate Adjustment. Subsequently, Tennessee made a compliance filing on December 15, 1994, in Docket No. RP94-425, restating its GSR surcharge effective November 1, 1994. In that filing Tennessee should have included an additional sheet No. 30 to be effective January 1, 1995 which would supersede the November 30th sheet and effectuate the reduced GSR surcharge. Tennessee is hereby effectuating the change to the reduced GSR surcharge.

Tennessee states that copies of the filing are available for inspection at its principal place of business in the Tenneco Building, Houston, Texas, and have been mailed to affected parties.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E.,

Washington, D.C. 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed before February 27 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 the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 95-4511 Filed 2-23-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP93-148-004, RP94-276-000, RP95-62-000, RP95-63-000, RP95-64-000, RP95-88-000, RP95-90-000, and RP95-112-000]

Tennessee Gas Pipeline Co.; Notice of Conference Schedule and Location

February 17, 1995.

On February 3, 1995, notification was issued of a technical conference concerning the above dockets to be held the week of March 6, 1995. Docket No. RP95-90-000 has been added and issues concerning Tennessee's IT refund report will also be addressed. The first three days of the conference (March 6-8) will tentatively be at the Georgetown University Conference Center, 3800 Reservoir Road, NW. The fourth and possibly fifth day of the conference will be held in Hearing Room 1 at 810 North Capitol Street.

March 6

9:00 am-12:00 pm—Presentation by Tennessee
12:00 pm-1:00 pm—Lunch
1:00 pm-3:00 pm—EBB Demonstrations by Tennessee and Indicated Shippers, and Questions
3:00 pm-5:00 pm—Discussion of Operational Issues

March 7

9:00 am-12:00 pm—Discussion of Operational Issues Continued
12:00 pm-1:00 pm—Lunch
1:00 pm-5:00 pm—Any Wrap Up of Operational Issues, Begin Discussion of Proposed Tariff Changes

March 8-10

9:00 am-5:00 pm—Continued Discussion of Proposed Tariff Changes, Discussion of Account No. 858 Issues, and Discussion of Remaining Issues (such as the GSR Legal Costs)

The first day will cover Tennessee's operations including concerns about the EBB; nominations, scheduling and

billings issues; and retained and offsystem storage. Any party that wishes to explain to staff at the technical conference its concerns on the operational issues should contact Chris Young at (202) 208-0620 or Robert McLean at 208-1179 by February 28, 1995, to indicate who will speak; the amount of time desired; the specific issues that will be covered. Priority will be given to speakers representing groups of parties.

The second day will start with a continuation of any operational issues from the first day and any response by Tennessee. A discussion of specific tariff sheets will begin on the second day of the conference. The proposed changes filed by Tennessee will be discussed line by line. However, changes generating the most widespread concern such as cash out, imbalances, capacity path, FT-A extended and fixed rate contracts will be discussed first. After all the proposed tariff changes are reviewed, Account No. 858 issues will be discussed. At that point any remaining issues (such as GSR legal costs) will be discussed and a schedule for parties to file additional comments will be established.

A more detailed schedule for the conference, with speakers, will be made available on CIPS by Friday, March 3. Any further questions concerning the conference should also be directed to Chris Young or Robert McLean. There are lodging accommodations available at the Georgetown Conference Center as well as other hotels in the immediate vicinity. If you are interested in staying at the conference site, call 1-800-446-9476 and refer to the Tennessee Gas Pipeline Technical Conference.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95-4510 Filed 2-23-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP95-164-000]

**Texas Eastern Transmission Corp.;
Notice of Proposed Changes in FERC
Gas Tariff**

February 17, 1995.

Take notice that on February 15, 1995, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the following tariff sheets:

First Revised Sheet No. 255
Original Sheet No. 255A

Texas Eastern states that by this filing, it proposes to modify Section 2.2 of Rate Schedule TABS-1 to allow TABS-1 Parties to provide rankings for service

agreements nominated out of TABS-1 Service Points.

The proposed effective date of the tariff sheets is March 17, 1995, a date which corresponds to the date that necessary changes to Texas Eastern's procedures and LINK System can be implemented to accommodate the proposed tariff changes.

Texas Eastern states that copies of the filing were served on firm customers of Texas Eastern and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All motions or protests should be filed on or before February 27, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 95-4512 Filed 2-23-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP92-137-016 and RP93-136-000 (Phase II)]

**Transcontinental Gas Pipe Line Corp.;
Notice of Informal Settlement
Conference**

February 17, 1995.

Take notice that Commission Staff will convene an informal settlement conference in this proceeding on March 2, 1995, at 10:00 a.m. The conference will be held in a hearing room at the offices of the Federal Energy Regulatory Commission, 810 First Street, N.E., Washington, DC.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined in 18 CFR 385.102(b), may attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations, 18 CFR 385.214.

For additional information, contact Donald Heydt at (202) 208-0740 or Kenneth Ende at (202) 208-0762.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95-4513 Filed 2-23-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP95-202-000]

**Venice Gathering Co.; Notice of
Petition for Declaratory Order**

February 17, 1995.

Take notice that on February 3, 1995, Venice Gathering Company (Venice), 1350 South Boulder, Tulsa, Oklahoma, 74119, filed in Docket No. CP95-202-000 a petition for declaratory order with the Commission requesting that the Commission declare (1) Venice's gathering facilities as non-jurisdictional gathering facilities exempt from the jurisdiction of the Commission under Section 1(b) of the Natural Gas Act (NGA), and (2) that connecting gas to Venice's facilities via gathering lines owned by interstate pipelines would not affect its nonjurisdictional status, all as more fully set forth in the application which is open to the public for inspection.

Venice states that it owns the Venice Gathering System (VGS), which gathers natural gas from fields in various West Delta, Grand Isle, South Pelto, and South Timbalier blocks, offshore Louisiana. Venice states that the VGS gathers gas from the offshore fields for onshore delivery at the Venice Processing Plant in Venice, Plaquemines Parish, Louisiana. Venice also states that its gathering lines range between 8 and 26 inches in diameter and between 2,000 feet and 73 miles in length. Venice further states that the VGS gathering lines operate at 750 to 1050 psig. Venice does not propose to construct and operate any facilities in this petition.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 10, 1995, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing

therein must file a motion to intervene in accordance with the Commission's Rules.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95-4514 Filed 2-23-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP95-110-002]

**Williston Basin Interstate Pipeline Co.;
Notice of Compliance Filing**

February 17, 1995.

Take notice that on February 15, 1995, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing Substitute Tenth Revised Sheet No. 18 to Second Revised Volume No. 1 of its FERC Gas Tariff.

Williston Basin states that the revised tariff sheet is being filed in compliance with a Commission Letter Order issued February 10, 1995 in the above-referenced dockets to reflect a revision to the base rate unit cost component of Rate Schedule IT-1.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed on or before February 27, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protesting parties to the proceeding. Copies of the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95-4515 Filed 2-23-95; 8:45 am]

BILLING CODE 6717-01-M

**ENVIRONMENTAL PROTECTION
AGENCY**

[FRL-5159-7]

**National Environmental Education and
Training Foundation, Inc.,
Announcement of a New Appointment
to the Board of Directors**

The National Environmental Education and Training Foundation was created by Public Law #101-619, the National Environmental Education Act of 1990. It is a private 501(c)(3) non-profit organization established to promote and support education and training as necessary tools to further environmental protection and sustainable, environmentally sound

development. It provides the common ground upon which leaders from business and industry, all levels of government, public interest groups, and others can work cooperatively to expand the reach of environmental education and training programs beyond the traditional classroom. The Foundation will develop and support a grant program that promotes innovative environmental education and training programs; it will also develop partnerships with government and other organizations to administer projects that promote the development of an environmentally literate public.

The Administrator of the U.S. Environmental Protection Agency, as required by the terms of the Act, announces the appointment of Dwight C. Minton to the National Environmental Education and Training Foundation, Inc. Board of Directors.

Dwight Minton is Chairman and Chief Executive Officer of Church & Dwight Co., Inc., in Princeton, New Jersey. Mr. Minton joined Church & Dwight in 1961 and would be appointed to its Board in May 1995. He has served as the Board's Vice President, President, and Chief Executive Officer. In addition to his responsibilities at Church & Dwight, Mr. Minton's governance experience includes trusteeships for several schools and colleges and for both the North Shore Wildlife Sanctuary and the Greater Yellowstone Coalition.

Mr. Minton graduated from Yale University in 1959 and received his M.B.A. from Stanford University in 1961. The term of office for Mr. Minton is four years.

This appointee will join the eleven current Board members, who include: Edward Bass, Chairman and CEO of Fine Line, Inc. and Chairman of Space Biospheres Ventures; Dr. James Crowfoot, Professor of Natural Resources and Urban and Regional Planning at the University of Michigan; Mark De Michele, President and CEO of Arizona Public Service Company; James Donnelley, Vice Chairman of the Board of R.R. Donnelley & Sons; Dr. Bonnie F. Guiton, Dean of the McIntire School of Commerce at the University of Virginia; Rebecca Rimel, Executive Director of the Pew Charitable Trusts; Fred Krupp, Executive Director of the Environmental Defense Fund; Sara Muyskens, Management Consultant; Leslie Dach, Executive Vice President and General Manager, Edelman Public Relations; and Francis Pandolfi, President and CEO of Times Mirror Magazines, Inc. and Chairman of the Board of The Sporting News Publishing Company.

Great care has been taken to assure that new appointees not only have the

highest degree of expertise and commitment, but also bring to the Board diverse points of view relating to environmental education and training.

Dated: February 16, 1995.

Carol M. Browner,

Administrator.

[FR Doc. 95-4594 Filed 2-23-95; 8:45 am]

BILLING CODE 6560-50-M

[FRL-S160-8]

**Access to Confidential Business
Information by Enrollees Under the
Senior Environmental Employment
Program**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized grantee organizations under the Senior Environmental Employment (SEE) Program, and their enrollees, for access to information which has been submitted to EPA under the environmental statutes administered by the Agency. Some of this information may be claimed or determined to be confidential business information (CBI).

DATES: Comments concerning CBI access will be accepted five days from the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Patricia Powers, National Program Director, Senior Environmental Employment Program (8701), Environmental Protection Agency, 401 M Street SW., Washington, DC 20560. Telephone (202) 260-2573.

SUPPLEMENTARY INFORMATION: The Senior Environmental Employment (SEE) program is authorized by the Environmental Programs Assistance Act of 1984 (P.L. 98-313), which provides that the Administrator may "make grants or enter into cooperative agreements" for the purpose of "providing technical assistance to Federal, State, and local environmental agencies for projects of pollution prevention, abatement, and control." Cooperative agreements under the SEE program provide support for many functions in the Agency, including clerical support, staffing hot lines, providing support for Agency enforcement activities, providing library services, compiling data, and support in scientific, engineering, financial, and other areas.

In performing these tasks, grantees and cooperators under the SEE program and their enrollees may have access to potentially all documents submitted under the Resource Conservation and

Recovery Act, Clean Air Act, Clean Water Act, Safe Drinking Water Act, Federal Insecticide, Fungicide, and Rodenticide Act, and Comprehensive Environmental Response, Compensation, and Liability Act, to the extent that these statutes allow disclosure of confidential information to authorize representatives of the United States (or to "contractors" under the Federal Insecticide, Fungicide, and Rodenticide Act). Some of these documents may contain information claimed as confidential.

EPA provides confidential information to enrollees working under the following cooperative agreements:

Cooperative agreement No.	Organization
CQ822768-01	National Council of Senior Citizens.
CQ822769-01	National Council of Senior Citizens.
CQ822770-01	National Council of Senior Citizens.
CQ822771-01	American Assoc. of Retired Persons.
CQ822805-01	National Council on Aging.
CQ822810-01	American Assoc. of Retired Persons.
CQ822828-01	National Council of Senior Citizens.
CQ822844-01	American Assoc. of Retired Persons.
CQ822911-01	American Assoc. of Retired Persons.
CQ822912-01	American Assoc. of Retired Persons.
CQ822985-01	American Assoc. of Retired Persons.
CQ823043-01	American Assoc. of Retired Persons.
CQ823144-01	American Assoc. of Retired Persons.
CQ823596-01	American Assoc. of Retired Persons.
CQ823655-01	American Assoc. of Retired Persons.
CQ823905-01	American Assoc. of Retired Persons.
CQ823934-01	American Assoc. of Retired Persons.
CQ823952-01	American Assoc. of Retired Persons.
CQ823893-01	American Assoc. of Retired Persons.
CQ823973-01	American Assoc. of Retired Persons.
CQ823047-01	National Assoc. for Hispanic Elderly.
CQ823447-01	National Cau. & Ctr on Black Aged, Inc.

Among the procedures established by EPA confidentiality regulations for granting access is notification to the submitters of confidential data that SEE grantee organizations and their enrollees will have access. 40 CFR 2.301(h)(2)(iii). This notice is intended to fulfill that requirement.

The grantee organizations are required by the cooperative agreements to protect confidential information. SEE enrollees are required to sign confidentiality agreements and to adhere to the same security procedures as Federal employees.

Dated: February 14, 1995.

Joseph K. Alexander,

Acting Assistant Administrator for Research and Development.

[FR Doc. 95-4595 Filed 2-23-95; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-4720-6]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared January 23, 1995 Through January 27, 1995 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1994 (59 FR 16807).

Draft EISs

ERP No. D-AFS-J35009-UT Rating EC1, Upper Provo River Reservoirs Stabilization Project, Implementation, Wasatch-Cache National Forest, Kamas Ranger District, Summit County, UT.

Summary: EPA supported alternative 4, but expressed environmental concerns about stabilization efforts that may result in the inundation of sedge meadow, mudflat and rockflat wetlands. EPA requested that the FEIS clarify which lakes could be stabilized at natural lake levels to minimize impacts to terrestrial wetlands.

ERP No. D-DOD-K11027-HI Rating EC2, Kauai Acoustic Thermometry of Ocean Climate (ATOC) Project and Marine Mammal Research Program (MMRP), Funding, Marine Manual Research Permit and COE Section 10 Permit Issuance, Kauai, HI.

Summary: EPA expressed environmental concerns with the lack of essential information for determining potential impacts, the purpose and need for the project, potential cumulative impacts, and the lack of consensus within the scientific community regarding potential impacts. EPA stressed the importance of a complete and open reevaluation of the ATOC in light of MMRP results and suggested a

more moderate research approach which would focus on developing information and supporting technology prior to full commitment to ATOC technology. If a 10 year follow-on project is proposed EPA recommended that DOD develop a broad programmatic EIS with tiered NEPA documents for each new sound source.

ERP No. D-DOD-K11057-CA Rating EC2, California Acoustic Thermometry of Ocean Climate (ATOC) Program and Marine Mammal Research Program (MMRP), Funding, Marine Mammal Research Permit and COE Nationwide Permits Issuance, Monterey County, CA.

Summary: EPA expressed environmental concerns with the lack of essential information for determining potential impacts, the purpose and need for the project, potential cumulative impacts, and the lack of consensus within the scientific community regarding potential impacts. EPA stressed the importance of a complete and open reevaluation of the ATOC in light of MMRP results and suggested a more moderate research approach which would focus in developing information and supporting technology prior to full commitment to ATOC technology.

ERP No. D-NPS-J61094-00 Rating LO, Fishing Bridge Campsite Replacement Project, Implementation, Yellowstone National Park, Fremont County, ID; Park and Gallatin Counties, MT and Park and Teton Counties, WY.

Summary: EPA recommended that the "No Action" alternative be expanded and described in greater detail in the Final EIS.

Final EISs

ERP No. F-USA-K11051-CA Sacramento Army Depot Disposal and Reuse, Implementation, Sacramento, El Dorado, Placer and Yolo Counties, CA.

Summary: EPA had no objection to the preferred alternative.

Dated: February 21, 1995.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 95-4612 Filed 2-23-95; 8:45 am]

BILLING CODE 6560-50-U

[ER-FRL-4720-5]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260-5076 OR (202) 260-5075.

Weekly receipt of Environmental Impact Statements Filed February 13, 1995 Through February 17, 1995 Pursuant to 40 CFR 1506.9.

EIS No. 950048, DRAFT EIS, AFS, OR, Santiam Pass Forest Health Project, Implementation, Willamette National Forest, McKenzie Ranger District, Linn County, OR, Due: April 10, 1995, Contact: John P. Allen (503) 822-3381.

EIS No. 950049, DRAFT EIS, COE, NC, Buckhorn Reservoir Expansion, Construction of a Dam to Impound Water on the Contentnea Creek, COE Section 404 Permit, City of Wilson, Wilson County, NC, Due: April 10, 1995, Contact: William Adams (910) 251-4748.

EIS No. 950050, DRAFT EIS, SCS, NB, Wahoo Creek Watershed Plan, Flood Prevention and Watershed Protection, Funding and COE Section 404 Permit, Saunders County, NB, Due: April 11, 1995, Contact: Ronald E. Moreland (402) 437-5300.

EIS No. 950051, DRAFT EIS, COE, LA, Amite River and Tributaries Flood Control Project, Implementation, East Baton Rouge Parish Watershed, Florida Parishes, LA, Due: April 14, 1995, Contact: Bill Wilson (504) 862-2527.

EIS No. 950052, DRAFT EIS, SCS, MO, IA, East Fork of the Grand River Watershed Plan, Implementation, Watershed Protection and Flood Prevention, Funding, Ringgold and Union Counties, IA and Harrison and Worth Counties, MO, Due: April 10, 1995, Contact: Russell C. Mills (314) 876-0901.

EIS No. 950053, FINAL SUPPLEMENT, NPS, MO, Page Avenue Extension, Bennington Place to US 40, Creve Coeur Lake Memorial Park Conservation of Land for Construction of a 10-Lane Elevated Extension of Page Avenue, Approval, St. Louis and Charles Counties, MO, Due: March 27, 1995, Contact: William W. Schenk (402) 221-3431.

EIS No. 950054, LEGISLATIVE DRAFT, AFS, ID, North Fork of the Clearwater River Drainage Kelly Creek and Cayuse Creek, Wild and Scenic River Study, Suitability or Nonsuitability for Designation or Nondesignation in the National Wild Scenic River System, Clearwater National Forest, Clearwater and Idaho Counties, ID, Due: May 25, 1995, Contact: Brian Hensley (208) 476-3775.

EIS No. 950055, FINAL EIS, UAF, OH, Rickenbacker Air National Guard Base (ANGB), Disposal and Reuse of Portons, Implementation, Franklin and Pickaway Counties, OH, Due: March 27, 1995, Contact: Lt. Terry D. Armstrong (210) 536-3907.

EIS No. 950056, DRAFT EIS, USN, CT, GA, VA, Seawolf Class Submarine Homeporting Program on the East

Coast of the United States, Site Selection, COE Section 404 Permit and Implementation, CT, VA and GA, Due: April 10, 1995, Contact: Robert Ostermueller (610) 595-0759.

Dated: February 21, 1995.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 95-4613 Filed 2-23-95; 8:45 am]

BILLING CODE 6560-50-U

[FRL-5160-9]

Fiscal Year 1995 Solicitation for Socioeconomic Projects Related to Pollution Prevention

Introduction

This Announcement describes a solicitation of the U.S. Environmental Protection Agency (EPA) to support projects directed toward furthering the objectives of the President's Environmental Technology Initiative (ETI). The ETI is an integral part of the Administration's broad new technology policy, which is outlined in "Technology for America's Economic Growth: A New Direction to Build Economic Strength". This government-wide policy recognizes that industry is the primary creator of new technology and the main engine of sustained economic growth. The policy assigns the federal government a catalytic role in promoting the development of new technologies for use across a range of sectors including auto manufacturing, computers and electronics, iron and steel, metal finishing and plating, petroleum refining, and printing—as well as converting defense technologies to civilian applications. The ETI addresses all of the above sectors that are concerned with environmental protection.

EPA seeks proposals to conduct socioeconomic initiatives related to pollution prevention—i.e., projects focused on policy reforms, opportunities for building innovation capacity, and diffusion of innovative prevention technologies. EPA's interests in this instance are clearly distinct from conventional socioeconomic research and development. That is, they go beyond study and analysis of issues to apply existing knowledge in pioneering attempts to effect social or institutional change with respect to promoting development and implementation of innovative technology.

EPA is directing approximately \$3.5 million this fiscal year (FY) in awards under this initiative to nonprofit organizations. Proposals averaging

\$150,000 per year with a maximum duration of 2 years are sought.

Nonprofit organizations are generally defined as those organizations that qualify for such status under Section 501(c) of the Internal Revenue Service tax code. Examples of nonprofit organizations include public and private universities, as well as trade associations, professional societies, research consortia, and community development corporations.

This Announcement can be accessed on the Internet at the following Gopher and World Wide Webb (WWW) addresses:

Gopher: GOPHER.EPA.GOV

WWW: HTTP://WWW.EPA.GOV

Rationale

EPA has structured its ETI project-selection process for FY95 to conform to the strategic ETI objectives contained in the Agency's Draft Technology Innovation Strategy (EPA 543-K-93-002), January 1994. This strategy has the following objectives (please refer to the draft Strategy document for more detail on these objectives):

(1) *Policy Framework:* Adapt EPA's policy, regulatory, and compliance framework to promote innovation;

(2) *Innovation Capacity:* Strengthen the capacity of technology developers and users to succeed in environmental innovation;

(3) *Diffusion:* Accelerate the diffusion of innovative technologies at home and abroad; and

(4) *Environmental and Pollution Prevention Technologies:* Strategically invest funds in the development and commercialization of promising new technologies.

This solicitation is focused on pollution prevention-related proposals that support the first three objectives. Proposals relevant to the fourth objective are being sought jointly by the National Science Foundation (NSF) and EPA through a contemporaneous solicitation. Information about the joint solicitation can be obtained from either NSF (pfirth@nsf.gov; voice 703/306-1480) or EPA (202/260-7474).

The 1990 Pollution Prevention Act declares pollution prevention to be national policy and states that “* * * pollution should be prevented or reduced at the source whenever feasible.” Pollution prevention is now considered EPA's preferred choice for environmental protection, and the Agency is seeking to integrate prevention as an ethic throughout all of its activities. Pollution prevention includes equipment or technology modifications, process or procedure modifications, reformulation or redesign

of products, substitution of raw materials, and improvements in industrial housekeeping, operational maintenance, employee training, or inventory control.

On July 22, 1994, EPA Administrator Browner announced the new environmental policy Common Sense Initiative, which is designed to shift environmental protection from the current "pollutant-by-pollutant, end-of-pipe, command-and-control" approach to an "industry-by-industry, multi-media, prevention-oriented" approach. Six pilot industries were identified for CSI: auto manufacturing, computers and electronics, iron and steel, metal finishing and plating, petroleum refining, and printing. Proposals with relevance to these industries will receive priority consideration.

Program Scope

This EPA grant solicitation is intended to finance prevention-related projects supporting policy analysis (frameworks), institution building (innovation capacity), and domestic and international diffusion. Descriptions of each of the program areas that are addressed in this solicitation are as follows.

Policy-framework topics of interest include: (1) Strengthening incentives for the development and use of innovative prevention technologies; and (2) identifying and reducing barriers to innovation. Aspects to be addressed include regulations and implementation mechanisms (e.g., permitting and compliance policies and programs).

This program area encompasses all environmental media (water, air, etc.) and emphasizes pilot projects not analytical studies. Policy framework proposals often address issues that have a broader focus than pollution prevention alone. Such proposals are welcomed so long as they are also applicable to pollution prevention technologies or issues.

Policy framework focuses on environmental regulatory programs in the broadest sense, from regulation through compliance and enforcement. Projects selected in this area will address regulatory programs in order to:

- Identify and enhance incentives for the development and use of prevention technologies;
 - Minimize barriers to the development and use of such technologies; and
 - Incorporate provisions into new and existing regulations and programs that maximize flexibility and widen the range of technologies accepted for use.
- Special attention will be given to the use of market-based instruments for

creating flexibility and incentives to innovate.

Innovation capacity proposals should be focused on how to assist, or catalyze, prevention technology development and commercialization efforts. Examples of possible work in these areas are programs or projects to:

- Establish programs to standardize testing protocols and verify the cost and performance of innovative prevention technologies;
- Provide pollution prevention technology testing centers;
- Catalyze the efforts of many organizations to promote innovation by convening partnerships;
- Develop and communicate timely information about high priority prevention technology gaps; and
- Work jointly with organizations in the public and private sectors to identify and address non-regulatory sources of market inefficiency and failure in the environmental technology sector.

Proposals on diffusion of information should focus on new and improved means of fostering information networks, technical assistance, and outreach activities. Both domestic and international applications are encouraged. For example, there is a need to enhance the capacity of existing or newly created public and private sector diffusion activities to serve the potential users of pollution prevention technologies both domestically and abroad. Proposals may include activities relating to market demand, availability, cost, performance, opportunities for business development, and regulatory requirements.

General Selection Criteria

The objective of this solicitation is to harness the capability of the nonprofit sector to help address the goals of the ETI. EPA will not accept proposals that are not directly related to one of the areas of ETI focus previously mentioned. Moreover, proposals must address barriers to the development and use of innovative pollution prevention approaches to be eligible unless they are addressing policy framework issues that will also benefit pollution prevention approaches as well as their target.

Each proposal will only be evaluated against one strategy objective based the information provided above. Proposals with relevance to industries highlighted by the Common Sense Initiative and the Design for Environment Program will receive priority consideration. Special consideration will also be given to projects that support small businesses and/or small communities. This focus on a select few industries is intended to provide concentrated support for

cleaner technology development and commercialization and sustainable economic growth and increased competitiveness.

Many barriers to development and application of pollution prevention exist because of the lack of flexibility in the policy infrastructure. Thus, proposals that seek to make the implementation of environmental policy a process that is more friendly to technology innovation will also receive additional attention. This is the one area in which projects may go beyond the pollution prevention domain.

The most significant problems and creative solutions most likely will be identified by nonprofit organizations and industrial investigators, working together on challenges posed by real problems. Projects must show appropriateness to current national concerns for pollution reduction or prevention; vague arguments that the proposed project may eventually be of value are not compelling.

This initiative particularly seeks innovative and high risk/high payoff ideas. It does not invite studies of "the problem" but rather specific approaches to possible solutions. Since the preparation of competitive proposals is very time consuming, it is also well to present the following examples of what this initiative is not:

- Not basic research;
- Not technology development for pollution prevention, remediation, or control;
- Not diffusion of pollution control technology; and
- Not activities addressing processes to remove pollutants from waste streams or remediate waste problems.

Specific Selection Criteria

Proposals will be evaluated against the following factors:

- Does the project reduce uncertainty, improve flexibility, speed timing, enhance cost-effectiveness, address liability constraints, and/or diminish restraints on technology innovation?
- Is there broad applicability of the project's expected results (i.e., across levels of government, different states, or environmental media)? Is the problem clearly defined?
- Does the project complement current environmental legislative initiatives or significantly strengthen the Nation's ability to meet existing statutory or regulatory goals?
- Will the project produce measurable, visible results in an expeditious time-frame? Action projects will be emphasized over studies. Do project participants have the authority to implement programmatic changes?

- Does the project support multi-organizational partnerships across the public and private sectors? Will the project include leveraging funds among the partnering organizations?

Applicant's proposals will be given more consideration to the extent that matching funds or in-kind services from participating partners are included.

- Does the proposal address global, transboundary, or other international environmental issues directly affecting the United States or lower the cost of innovative technologies for use in the United States.

In addition, the following considerations relate to particular subtopics:

- Policy framework proposals will be reviewed with respect to their capability to advance the goals and activities of ETI; breadth of applicability of the expected results; and potential to reduce barriers and create incentives; and projected probability of success.

- Proposals embracing the theme of innovation capacity should specifically be designed to be self-sustaining after ETI funds are expended.

- Domestic diffusion proposals must be customer-based, and should emphasize pollution prevention technology approaches. Special consideration will be given to projects that support small businesses and/or small communities.

- International diffusion proposals should address global or international environmental issues that directly affect the United States. Proposals should also result in improving U.S. competitiveness and trade objectives in the international arena.

The Application

Application forms and instructions are available in the EPA Research Grants Application Kit. Interested investigators should review the materials in this kit before preparing an application for assistance. The kits can be obtained at the following address: U.S. Environmental Protection Agency, Office of Research and Development, Office of Exploratory Research (8703), 401 M Street SW., Washington DC 20460.

Each application for assistance must consist of Application for Federal Assistance Forms (Standard Forms (SF): 424 and 424A), separate sheets that provide the budget breakdowns for each year of the project, the resumes of the principal investigator and co-workers, the abstract of the proposed project, and a project narrative. All certifications must be signed and included with the application.

The closing date for application submission is COB May 1, 1995.

To be considered, the original and eight copies of the fully developed research grant application, prepared in accordance with the instructions in the Application for Federal Assistance Forms, must be received by the EPA Office of Exploratory Research no later than the above closing date. Informal, incomplete, or unsigned proposals will not be considered. Completed applications should be sent via regular or express mail to: U.S. Environmental Protection Agency, Office of Research and Development, Office of Exploratory Research (8703), 401 M Street SW., Washington DC 20460

Applications sent via express mail should have the following telephone number listed on the express mail label: (202) 260-7445.

Special Instructions

The following special instructions apply to all applicants responding to this request for application.

- Applications must unbound and clipped or stapled. The SF-424 must be the first page of the application. Budget information should immediately follow the SF-424. All certification forms should be placed at the end of the application.

- Applicants must be identified by printing "ETI95" in block 10 of the SF-424. This will facilitate proper assignment and review of the application.

- A one-page abstract must be included with the application.

- The "project narrative" section of the application must not exceed 25, consecutively-numbered, 8½ x 11 inch pages of standard type (i.e., 12 point), including tables, graphs, and figures. For purposes of this limitation, the "project narrative" section of the application consists of the following five items:

1. Description of Project
2. Objectives
3. Results or Benefits Expected
4. Approach
5. General Project Information.

Any attachments, appendices, and other references for the narrative section may be included but must remain within the 25-page limitation. Appendices will not be considered an integral part of the application.

Items not included under the 25-page limitation are the SF-424 and other forms, budgets, resumes, and the abstract. Resumes must not exceed two consecutively-numbered pages for each investigator and should focus on education, positions held, and most recent or related publications.

Applications not meeting these requirements will be returned to the applicant without review.

Guidelines and Limitations

All recipients are required to provide a minimum of 1% of the total project cost, which may not be taken from Federal sources. Subcontracts for research to be conducted under the grant should not exceed 40% of the total direct cost of the grant for each year in which the subcontract is awarded.

Eligibility

Nonprofit institutions located within the U.S., including public and private colleges and universities, are eligible under all existing authorizations. Federal agencies and federal employees as well as state and local governments are not eligible to participate in this program. Potential applicants who are uncertain of their eligibility should contact EPA's Grants Operations Branch at (202) 260-9266.

Proprietary Information

By submitting an application in response to this solicitation, the applicant grants EPA permission to share the application with technical reviewers both within and outside of the Agency.

Applications containing proprietary or other types of confidential information will be immediately returned to the applicant without review.

Funding Mechanisms

The funding mechanism for all awards issued under this solicitation will consist of a grant agreement between EPA and the recipient. In accordance with Public Law 95-225, a grant is used to accomplish a public purpose of support or stimulation authorized by Federal statute rather than acquisition for the direct benefit of the Agency.

Minority Institution Assistance

Pre-application assistance is available upon request for potential investigators representing institutions identified by the Secretary, Department of Education, as Historically Black Colleges or Universities (HBCUs), Hispanic Association of Colleges and Universities (HACUs), or Native American or Tribal Colleges. For further information on minority assistance, contact Charles Mitchell by telephone at (202) 260-7448, by faxing a written request to (202) 260-0211, or by mailing it to the address for EPA's Office of Exploratory Research shown below.

Contacts

Additional general and technical information on this solicitation and the grants program may be obtained by contacting: U.S. Environmental Protection Agency, Office of Exploratory Research (8703), 401 M Street SW., Washington, DC 20460, Phone: (202) 260-7474/Fax: (202) 260-0211.

Dated: February 16, 1995.

Joseph K. Alexander,

Acting Assistant Administrator for Research & Development.

[FR Doc. 95-4597 Filed 2-23-95; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5161-7]

Notice of Public Meetings on Drinking Water Issues

Notice is hereby given that the U.S. Environmental Protection Agency (EPA) is holding public meetings related to the Agency's drinking water program over the next several months. Descriptions of the subject areas for the meetings are provided below, along with initial meeting dates, times and locations. Names and phone numbers of EPA contact persons are also provided. Additional information about a particular subject area, as well as dates of additional meetings, may be obtained by calling the EPA contact person listed for that subject area.

The purpose of the meetings is to provide EPA with ideas, suggestions and options either for proceeding with specific activities related to the drinking water program or which can serve as the basis for strategic decisions on program directions and resource allocations. The intent is to provide EPA with the full array of viewpoints, ideas and concerns which are held by its multiplicity of stakeholders. Summaries of the ideas and suggestions from the public meetings will be provided to EPA senior managers in the drinking water program for further consideration.

Some of the meetings will focus on how to carry out specific activities which the agency perceives as ripe for action and which can be undertaken within EPA's existing resource constraints. Others will be used to seek broad input on options for prioritizing among other possible activities within a subject area, including suggestions for other ways to do business. In some cases, these two approaches will be combined in a single meeting.

For some of the eight subject areas, only one or two public meetings may prove necessary. For others, such meetings may take place more frequently over a period of several

months. Most of the meetings will be in Washington, D.C. Because EPA will not be able to fund travel for any participants, all meetings will be teleconferenced to enable participation by persons in other locales.

Where the Agency has chosen to proceed with a specific activity, such as revising the State Programs Priorities Guidance for the Public Water Systems Supervisory Program, we will also solicit participation in stakeholder forums in order to enable us to receive additional feedback. These forums will include the array of stakeholder interests. Members of the public may attend and observe the forums. As with the public meetings, the purpose of the forums will be to provide EPA with individual stakeholder views rather than to seek an opinion from the group as a whole.

Where EPA is seeking to prioritize among possible activities, the Agency will convene a senior EPA management group to review the public meeting summaries. That group will assemble the information and develop a program action plan consistent with available resources. The plan will be submitted to the National Drinking Water Advisory Council for its comment. Final decisions on priorities will be made by Assistant Administrator Robert Perciasepe. EPA will continue to seek further stakeholder input on how to proceed after priority activities have been determined.

Alternatively or in addition to attending any particular meeting, members of the public may submit written comments to the EPA contact person for up to fifteen days after the meeting. General questions about the meeting process should be directed to Charlene Shaw with EPA's Office of Ground Water and Drinking Water at (202) 260-2285.

Subject Areas and Initial Meeting Schedules

Regulatory Reassessment

EPA will hold a public meeting on regulatory reassessment on March 13, 1995, from 1:00 to 4:00 p.m. at the St. James Hotel, 950 24th Street NW., Washington, D.C. 20037. Meetings under this subject area will provide EPA with stakeholder input on priorities for regulating drinking water contaminants. There is a wide variability among the regulations in terms of the relative risk reductions they will produce. Also, EPA does not believe it has the resources to continue working on all regulations currently required in a timely and high quality fashion.

In addition to discussing regulation priorities, meeting participants may also

suggest criteria for prioritizing rulemaking efforts. EPA will consider comments provided by participants in developing a prioritized list of regulatory activities. The priority list will be used to identify which regulations can be developed in the near term and which are appropriate for a much longer time frame for development. With this information, EPA hopes to renegotiate current court-ordered schedules and more effectively direct federal, State and local resources. EPA Contact: Jan Auerbach, (202) 260-5274.

Scientific Data Needs

EPA will hold a public meeting on scientific data needs on March 30, 1995, from 1:00 to 4:00 p.m. at the EPA Auditorium, 401 M Street, S.W., Washington, D.C. 20460. Up to date information and quality models and methodologies are essential to sound regulatory and programmatic decision-making. They form the foundation for the more visible Agency actions and products. Since data collection and analysis is resource and time intensive, some trade-offs are inevitable. EPA will seek input regarding identification of the most critical needs. Meetings under this subject area would also seek input on other factors which may merit consideration.

This subject area encompasses a wide range of questions, including the following. Within the context of statutory goals and timetables, what types of data should be assembled and considered in chemical assessment? What levels of monitoring data are required at all stages of the contaminant evaluation process, from selection to actual regulatory decisions? What are the other key data needs with respect to regulatory impact assessment? What should the balance be between investing in more sophisticated cost estimate models versus reducing uncertainty in other areas such as health assessment? Within the context of statutory guidelines and available public and private resources, do interested parties believe surrogate indicators (such as volumes of pesticides used) are adequate for contaminant selection for Maximum Contaminant Level (MCL) development, or should public water supply monitoring and federal reporting of those data precede MCL development? Beyond contaminant selection, cost and benefit assessments will be discussed.

This subject area also includes discussion of data needs related to source water protection, including drinking water occurrence, locational and well characteristic data which

would help guide development of prevention programs. Such data would assist in developing prevention programs tailored to local conditions and would enable local, State and federal agencies to more effectively target their activities to prevent pollution of drinking water. EPA Contact: Ben Smith, (202) 260-3026.

Treatment Technology

EPA will hold a public meeting to discuss treatment technology on March 7, 1995, from 2:00 to 5:00 p.m. at the Holiday Inn Capitol, 550 C Street SW., Washington, D.C. 20024. Under the Safe Drinking Water Act (SDWA) treatment technology is important in the establishment of National Primary Drinking Water Standards and determining when allowable flexibility in the form of variances and exemptions is appropriate. EPA is considering ways to improve treatment technology determinations and associated issues. The Agency will seek input on critical issues, including criteria for determining best available technologies and treatment technique requirements; ways for EPA to promote the development and applications of innovative technologies; and the need for toxicological evaluation and certification of treatment chemical and system component safety. EPA Contact: Steve Clark, (202) 260-7575.

Health Assessment

EPA will hold a public meeting on health assessment on March 14, 1995, from 2:00 to 5:00 p.m. at the Holiday Inn Capitol, 550 C Street SW., Washington, D.C. 20024. Under this subject area, EPA is seeking stakeholder views on revisiting the methodology for determining Maximum Contaminant Level Goals (MCLGs) for drinking water, including the Agency's current policy of setting zero goals for carcinogens. In regulating drinking water contaminants which may cause adverse health effects, EPA sets non-enforceable MCLGs to protect against these effects, incorporating a margin of safety. EPA also sets a Maximum Contaminant Level (MCL), which is enforceable and may be less stringent than the MCLG depending on feasibility.

Several activities planned or ongoing may improve the characterization of the variability and uncertainty associated with the risk assessment for a contaminant. These include noncancer risk assessment methodologies such as the bench mark approach and categorical regression models, revision of the Cancer Risk Assessment Guidelines, revision of the relative source contribution policy, evaluation

of risk assessment methods for chemical mixtures and development of a risk characterization policy. EPA Contact: Jennifer Orme-Zavaleta, (202) 260-7586.

Analytical Methods

EPA will hold a public meeting on analytical methods in Cincinnati, Ohio. The schedule for this meeting may be obtained by calling Herb Brass at (513) 569-7936. This subject area encompasses the need to set priorities for enhancing the analytical methods approval process and laboratory certification program within the context of developing and implementing drinking water regulations. EPA is seeking stakeholders' suggestions for making improvements while assuring the comparability and quality of measurement data. Specific issues to be addressed include: streamlining the drinking water methods approval process, including the use of performance-based methods; approaches for standardizing the detection and quantification of contaminants in water: laboratory certification; opportunities for integrating methods across Agency water programs; and the relationship to methods organizations inside and outside of the Agency. EPA Contact: Herb Brass, (513) 569-7936.

Source Water Protection

EPA will hold a public meeting on source water protection on March 23, 1995, from 1:00 to 4:00 p.m. at the Holiday Inn Capitol, 550 C Street, S.W., Washington, D.C. 20024. This subject area is to address preparations for an EPA-sponsored National Source Water Protection Workshop in 1996 which will provide communities with tools and information to enable them to protect their sources of drinking water. The teleworkshop will be targeted to communities which have delineated their source water protection areas and carried out source identification and will assist such communities in moving to source management. EPA is seeking to work with States, communities, interest groups and business leaders, including from the agricultural community, to maximize participation in the teleworkshop.

This subject area will also address the development of source water protection approaches for communities which rely on surface water and the development of a new consumer information provision to inform ratepayers about local water quality and source water protection. EPA Contact: Bob Barles, (202) 260-7077.

Small Systems Capacity Building

EPA will hold a public meeting on small systems capacity building on March 29, 1995, from 2:00 to 5:00 p.m. at the Holiday Inn Capitol, 550 C Street, S.W., Washington, D.C. 20024. This subject area is to address options and priorities for building small system capacity, including the areas of management and operations, technology, and financing. EPA will be seeking suggestions on how best to focus and follow-up on current activities relative to voluntary State viability program development and small systems restructuring. EPA will also be seeking ideas and viewpoints on issues associated with technical assistance and training for small systems, as well as how best to identify and promote use of appropriate small systems technologies. Contact: Peter Shanaghan, (202) 260-5813.

Focusing and Improving Implementation

EPA will hold a public meeting on focusing and improving implementation on March 6, 1995, from 1:00 to 4:00 p.m. at the St. James Hotel, 950 24th Street, N.W., Washington, D.C. 20037. This subject area encompasses several topics, as follows. EPA is generally seeking stakeholder views on which of these or other implementation activities the Agency should undertake. Where the Agency plans to carry out a particular activity, as in reviewing the State Drinking Water Program Priorities Guidance, stakeholder views on appropriate approaches will be sought.

Review of State Drinking Water Program Priorities Guidance

Recognizing the limited resources that States have to keep pace with expanding federal drinking water program requirements, EPA issued guidance in June 1992 to focus EPA and State resources on the highest priorities first and allow States time to build resources in order to fully implement the program. The priority scheme was to be effective between 1993 and 1998, during which time States are expected to aggressively develop adequate funding to oversee the entire Public Water Supply Supervision (PWSS) program. The guidance does not change or defer statutory or regulatory requirements for EPA, State agencies or public water systems. States have used the guidance successfully in addressing their most important implementation, enforcement and resource challenges. EPA believes that it is time to re-examine this guidance, based upon the experience gained over the past two years, and determine if any changes are

needed to more appropriately focus resources on the highest risks first. We also need to determine how to include new requirements in the priority scheme. EPA Contact: Connie Bosma, (202) 260-5526.

Revising Chemical Monitoring Requirements and Defining Source Water Protection as Best Available Technology

Public water systems are required to monitor for 66 different inorganic (e.g., mercury), synthetic organic (e.g., atrazine) and volatile organic compounds (e.g., benzene) found in drinking water. Costs to collect and analyze these chemicals can be several thousands of dollars per year, which can be beyond the resource capacities for small systems. Several statutory (Chafee-Lautenberg Amendment) and regulatory (e.g., grandfathering data, compositing, State-approved waivers) provisions have provided flexibility to systems to reduce or forego monitoring for at least some chemicals. EPA believes it would be appropriate to consider other revisions to chemical monitoring requirements by, for example, targeting systems at risk of contamination, targeting vulnerable time periods and allowing States greater flexibility to integrate source water protection efforts. EPA also believes it might be useful to consider regulatory changes to allow water systems to use source water protection as an alternative form of treatment for certain contaminants under limited conditions, provided such an alternative provides equivalent health protection. EPA Contact: Mike Muse, (202) 260-3874.

Other Revisions to Strengthen Enforcement and Implementation

Recognizing the limited resources in the drinking water program, EPA is interested in hearing ideas to further strengthen the public health protection provided by the SDWA and the regulations while at the same time streamlining the program. These activities could take the form of outreach, technical assistance and capacity building, or use of authorities provided under other environmental statutes. For example, some potential activities in this area might include the production of special health notifications for serious drinking water contamination, particularly for sensitive subpopulations; additional joint State/EPA efforts to develop State capacity to implement and enforce the drinking water program; and streamlining and strengthening EPA's ability to collect information from drinking water systems (particularly in cases where

contamination is suspected or where a system is required to monitor on a greatly reduced basis). The activities in this area would be designed to ensure greater public health protection and would link to the actions being proposed in other areas (e.g., regulatory realignment, review of priority guidance and greater emphasis on source water protection.) EPA Contact: Bob Blanco, (202) 260-5522.

Dated: February 21, 1995.

Peter L. Cook,

Deputy Director, Office of Ground Water and Drinking Water.

[FR Doc. 95-4598 Filed 2-23-95; 8:45 am]

BILLING CODE 6560-50-M

[FRL-5156-6]

Administrative Settlement Pursuant to Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as Amended, 42 U.S.C. 9622(h), Resource Services, Inc. Site, Springfield, Missouri

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), notice is hereby given that an administrative cost recovery settlement concerning the Resource Services, Inc. Site ("the Site") located in Springfield, Missouri, was entered into by the Environmental Protection Agency ("the Agency") on December 22, 1994. The settlement resolves certain Agency claims under section 107 of CERCLA against the Settling Parties who are named in an attachment to the settlement which is available at EPA Region 7 at the address shown below. The settlement requires the Settling Parties to pay \$50,000.00 to the Hazardous Substance Superfund toward past response costs incurred in relation to the Site.

For thirty (30) days following the date of the publication of this notice, the Agency will accept written comments relating to the settlement. The Agency's response to any comments received will be available for public inspection at the EPA Region 7 Office, located at 726 Minnesota Avenue in Kansas City, Kansas 66101.

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

ADDRESSES: The settlement and additional background information relating to the settlement are available for public inspection during weekday business hours at the EPA Region 7 Office at 726 Minnesota Avenue in Kansas City, Kansas 66101. A copy of the settlement may be obtained from Venessa Cobbs, Regional Docket Clerk, EPA Region 7, 726 Minnesota Avenue, Kansas City, Kansas 66101, telephone: (913) 551-7630.

Comments on the settlement should reference the Resource Services, Inc. Site, in Springfield, Missouri, and EPA Docket No. VII-92-F-0015 and should be addressed to Ms. Cobbs at the address above.

FOR FURTHER INFORMATION CONTACT: Ms. Sarah Toevs Sullivan, Associate Regional Counsel, EPA Region 7, Office of Regional Counsel, 726 Minnesota Avenue, Kansas City, Kansas 66101, telephone: (913) 551-7010.

Dated: February 7, 1995.

Delores Platt,

Acting Regional Administrator, Region 7.

[FR Doc. 95-4294 Filed 2-23-95; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Oconomowoc Bancshares, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than March 20, 1995.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Oconomowoc Bancshares, Inc.*, Oconomowoc, Wisconsin; to become a bank holding company by acquiring 80 percent of the voting shares of First Bank of Oconomowoc, Oconomowoc, Wisconsin.

Board of Governors of the Federal Reserve System, February 17, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-4548 Filed 2-23-95; 8:45 am]

BILLING CODE 6210-01-F

Susquehanna Bancshares, Inc., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than March 9, 1995.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Susquehanna Bancshares*, Lititz, Pennsylvania; to acquire Atlanfed Bancorp, Inc., Baltimore, Maryland (a thrift holding company), and thereby indirectly acquire Atlantic FSB, Baltimore, Maryland, and engage in owning, controlling or operating a savings association, pursuant to § 225.25(b)(9) of the Board's Regulation Y; originating loans, pursuant to § 225.25(b)(1) of the Board's Regulation Y; investment advisory services, pursuant to § 225.25(b)(4) of the Board's Regulation Y; real estate appraisal services, pursuant to § 225.25(b)(13) of the Board's Regulation Y; retail securities brokerage, pursuant to § 225.25(b)(15)(i) of the Board's Regulation Y; retail securities brokerage in combination with investment advisory services, pursuant to §§ 225.25(b)(15)(ii) and (b)(4) of the Board's Regulation Y; and providing real estate settlement services, pursuant to *Norwest Corporation*, 80 FRB 453 (1994). The geographic scope of these activities is Maryland.

2. *Susquehanna Bancshares*, Lititz, Pennsylvania; to acquire Reisterstown Holdings, Inc., Reisterstown, Maryland (a thrift holding company), and thereby indirectly acquire Reisterstown FSB, Reisterstown, Maryland, and engage in owning, controlling or operating a savings association, pursuant to § 225.25(b)(9) of the Board's Regulation Y; making and servicing loans including real estate settlement services, pursuant to § 225.25(b)(1) of the Board's Regulation Y and *Norwest Corporation*, 80 FRB 453 (1994); investment advisory services, pursuant to § 225.25(b)(4) of the Board's Regulation Y; sale of credit insurance in the form of mortgage insurance disability and life insurance products to customers of affiliates, pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y; retail securities brokerage, pursuant to § 225.25(b)(15)(i) of the Board's Regulation Y; retail securities brokerage in combination with investment advisory services, pursuant to § 225.25(b)(15)(ii) of the Board's Regulation Y. The geographic scope for these activities is Maryland.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *F & M National Corporation*, Winchester, Virginia; to acquire Farland Investment Management, Inc., Winchester, Virginia, and thereby engage in portfolio investment advice and financial planning services to individuals, corporations, banks, pension and profit sharing plans, trusts, estates, and charitable organizations, pursuant to § 225.25(b)(4)(iii) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 17, 1994.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-4549 Filed 2-23-95; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Regional Public Hearing of the Commission on Research Integrity in Chicago, IL

Pursuant to Pub. L. 92-463, notice is hereby given of a regional public hearing and meeting of the Commission on Research Integrity, respectively on Thursday and Friday, March 9 and 10, 1995, at the De Paul University, Chicago, IL. On the 9th, the Commission will meet from 8:30 a.m. until 11:15 a.m. at the De Paul Center on 1 East Jackson Boulevard. The afternoon session, 12:30 p.m. until 5 p.m., will be held in the De Paul University Administration Center, 9th floor, on 243 South Wabash Avenue. The sessions will be open to the public and will continue on the 10th from 9 a.m. to 4:45 p.m. at 249 South Wabash Ave. Interested parties are advised to call the Executive Secretary shortly before the meeting to verify the date, place, and agenda.

The mandate of the Commission is to develop recommendations for the Secretary of Health and Human Services (DHHS) and the Congress on the administration of section 493 of the Public Health Service Act, as amended by and added to by section 161 of the NIH Revitalization Act of 1993.

In its deliberations, the Commission has confirmed that there are no quick and easy answers for fair, effective, and realistic administrative solutions to a number of issues in scientific misconduct and research integrity. An essential component of the Commission's information-gathering is to interact extensively with all relevant constituencies of the scientific community—including junior and senior scientists, witnesses,

respondents, academic administrators, as well as students—to understand their particular experiences and perspectives and to explore possible improvements.

Three major areas are currently of great interest to the Commission:

1. *A New Definition of Research Misconduct.* The Commission believes that any definition needs to address the full extent of serious research misconduct, but must avoid a definition that is too broad, vague, and potentially unfair. In addition, a two-tiered approach for research integrity, or failures thereof, would be useful; it would emphasize institutional responsibility, and reserve an oversight role for the Federal Government.

2. *Assurance for Institutions and Accountability for Federally-Funded Research.* The Commission is considering that each institution receiving Federal funds develop and submit for Federal review and approval assurances concerning the establishment and implementation of: (a) Good research practices and professional norms; (b) procedures for disseminating that information throughout its community; and (c) educational activities designed to foster practice of the highest ethical standards in the conduct of research for all researchers. Topics affecting good research practices that might be addressed in institutional assurances include: data recording and retention; supervisory responsibility; authorship practices; protection of witnesses; and other professional conduct bearing directly on the integrity of Federally supported research.

3. *Bill of Rights for Witnesses.* Testimony from witnesses (also called "whistleblowers") who had challenged perceived research misconduct reaffirms the Commission's mandate to propose effective whistleblower protection rules. Witnesses have stated that retaliation occurs with sufficient frequency and impact to have a chilling effect on potential witnesses throughout the research community. The Commission is considering a Witness Bill of Rights and procedures for its implementation.

The Commission will also continue its discussion of other issues on which the Commission is planning to make recommendations in its final report.

The Commission is inviting oral or written statements from interested parties. Lengthy statements exceeding 10 or 15 minutes of oral presentation should be submitted in writing to the Executive Secretary before or at the meeting. Each statement will be reviewed by Commission Members.

Henrietta D. Hyatt-Knorr, Executive Secretary, Commission on Research

Integrity, at Rockwall II, Suite 700, 5515 Security Lane, Rockville MD 20852, (301) 443-5300 or (301) 443-9369 (voice mail), will furnish the Committee charter, a roster of the Committee members upon request, a preliminary report of the Commission, and a meeting agenda upon request. Members of the public wishing to make presentations should contact the Executive Secretary. Depending on the number of presentations and other considerations, the Executive Secretary will allocate a reasonable timeframe for each speaker.

Henrietta D. Hyatt-Knorr,

Executive Secretary, Commission on Research Integrity.

[FR Doc. 95-4550 Filed 2-23-95; 8:45 am]

BILLING CODE 4160-17-P

Agency for Health Care Policy and Research

Filing of Annual Reports of Federal Advisory Committees

Notice is hereby given that, pursuant to Section 13 of the Federal Advisory Committee Act (5 U.S.C. App. 2), the Annual Reports prepared for the public by the committees set forth below have been filed with the Library of Congress:

Health Care Policy and Research Special Emphasis Panel
Health Care Technology Study Section
Health Services Research and Developmental Grants Review Committee
Health Services Research Dissemination Study Section
National Advisory Council for Health Care Policy, Research and Evaluation

Copies of these reports, prepared in accordance with Section 10(d) of the Federal Advisory Committee Act, are available to the public for inspection at: (1) The Library of Congress, Special Forms Reading Room, Main Building, on weekdays between 9 a.m. and 4:30 p.m.; and (2) the Information Resource Center, Agency for Health Care Policy and Research, Suite 501, 2101 East Jefferson Street, Rockville, Maryland, on weekdays between 9 a.m. and 4:30 p.m.

Copies may be obtained from Mr. James E. Owens, Committee Management Officer, Agency for Health Care Policy and Research, Suite 601, 2101 East Jefferson Street, Rockville, Maryland 20852.

Dated: February 14, 1995.

Clifton R. Gaus,

Administrator.

[FR Doc. 95-4551 Filed 2-23-95; 8:45 am]

BILLING CODE 4160-90-P

Agency for Health Care Policy and Research Meeting

In accordance with section 10(a) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2) announcement is made of the following special emphasis panel scheduled to meet during the month of March 1995:

Name: Health Care Policy and Research Special Emphasis Panel.

Date and Time: March 9-10, 1995, 8:30 a.m.

Place: Holiday Inn Crowne Plaza, 1750 Rockville Pike, Parklawn Room, Rockville, Maryland 20852.

Open March 9, 8:30 a.m. to 9:30 a.m.

Closed for remainder of meeting.

Purpose: This Panel is charged with conducting the initial review of grant applications on research that will provide convincing evidence for or against the effectiveness and cost effectiveness of alternative interventions used to prevent, diagnose, treat, and manage common clinical conditions.

Agenda: The open session of the meeting on March 9, from 8:30 a.m. to 9:30 a.m. will be devoted to a business meeting covering administrative matters. During the closed session, the committee will be reviewing grant applications dealing with complex, clinical medical effectiveness issues in response to the medical treatment effectiveness PORT II initiative. In accordance with the Federal Advisory Committee Act, 5 U.S.C., Appendix 2 and 5 U.S.C., 552b(c)(6), the Administrator, Agency for Health Care Policy and Research, has made a formal determination that this latter session will be closed because the discussions are likely to reveal personal information concerning individuals associated with the grant applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a roster of members or other relevant information should contact Gerald E. Calderone, Ph.D., Agency for Health Care Policy and Research, Suite 602, 2101 East Jefferson Street, Rockville, Maryland 20852, Telephone (301) 594-2462.

Agenda items for this meeting are subject to change as priorities dictate.

Dated: February 16, 1995.

Clifton R. Gaus,

Administrator.

[FR Doc. 95-4552 Filed 2-23-95; 8:45 am]

BILLING CODE 4160-90-M

Health Care Financing Administration [OPL-004-N]

Medicare Program; Meeting of the Practicing Physicians Advisory Council

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the Practicing Physicians Advisory Council. This meeting is open to the public.

DATES: The meeting is scheduled for March 13, 1995, from 8 a.m. until 4 p.m. e.s.t. (Additional meetings are tentatively scheduled for June 12, September 11, and December 11, 1995.)

ADDRESSES: The meeting will be held in Room 5051 (The Snow Room) of the Cohen Building, 300 C Street, SW., Washington, DC 20201-0001.

FOR FURTHER INFORMATION CONTACT: Martha DiSario, Executive Director, Practicing Physicians Advisory Council, Room 425-H, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, (202) 690-7874.

SUPPLEMENTARY INFORMATION: The Secretary of Health and Human Services (the Secretary) is mandated by section 1868 of the Social Security Act, to appoint a Practicing Physicians Advisory Council (the Council) based on nominations submitted by medical organizations representing physicians. The Council meets quarterly to discuss certain proposed changes in regulations and carrier manual instructions related to physicians' services, as identified by the Secretary. To the extent feasible and consistent with statutory deadlines, the consultation must occur before publication of the proposed changes. The Council submits an annual report on its recommendations to the Secretary and the Administrator of the Health Care Financing Administration not later than December 31 of each year.

The Council consists of 15 physicians, each of whom has submitted at least 250 claims for physicians' services under Medicare in the previous year. Members of the Council include both participating and nonparticipating physicians, and physicians practicing in rural and underserved urban areas. At least 11 members must be doctors of medicine or osteopathy authorized to practice medicine and surgery by the States in which they practice. Members have been invited to serve for overlapping 4-year terms.

The current members are: Gary C. Dennis, M.D.; Catalina E. Garcia, M.D.; Harvey P. Hanlen, O.D.; Kenneth D. Hansen, M.D.; Isabel V. Hoverman, M.D.; Sandral Hullett, M.D.; Jerilynn S. Kaibel, D.C.; William D. Kirsch, D.E., M.P.H.; Marie G. Kuffner, M.D.; Katherine L. Markette, M.D.; Kenton K. Moss, M.D.; Isadore Rosenfeld, M.D.; Richard B. Tompkins, M.D.; Kenneth M. Viste, Jr., M.D.; and James C. Waites,

M.D. The chairperson is Richard B. Tompkins, M.D.

The twelfth meeting of the Council will be held on March 13, 1995. The following topics will be discussed at that meeting:

- The history and role of Carrier Advisory Committees (CACs) and how physicians can more effectively participate with CAC efforts.
- Agency efforts to revise the rules governing concurrent care. Concurrent care occurs when two or more physicians bill for multiple patient management visits during a hospital stay. The discussion will include a presentation of specialty practice data recently developed by HCFA.

Individuals or organizations who wish to make 5-minute oral presentations on the above issues must contact the Executive Director to be scheduled. Written testimony must be submitted to the Executive Director no later than 12:00 noon, March 1, 1995. For the name, address, and telephone number of the Executive Director, see the **FOR FURTHER INFORMATION CONTACT** section at the beginning of this notice. The number of oral presentations may be limited by the time available.

Anyone who is not scheduled to speak may submit written comments to the Executive Director by 12:00 noon, March 1, 1995. The meeting is open to the public, but attendance is limited to the space available on a first-come basis.

(Section 1868 of the Social Security Act (42 U.S.C. 1395ee) and section 10(a) of Public Law 92-463 (5 U.S.C. App. 2, section 10(a)); 45 C.F.R. part 11)

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 9, 1995.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

[FR Doc. 95-4797 Filed 2-23-95; 8:45 am]

BILLING CODE 4120-01-P

Public Health Service

Agency Forms Undergoing Paperwork Reduction Act Review

Each Friday the Public Health Service (PHS) publishes a list of information collection requests under review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the PHS Reports Clearance Office on 202-690-7100.

The following requests have been submitted for review since the list was last published on Friday, February 10.

1. Healthy Start Evaluation

Survey of Postpartum Women—New—As part of the national evaluation of the Healthy Start demonstration program, a survey will be conducted of postpartum women who have received services under Healthy Start and a comparison group from the same area. Data will be collected on risk factors, services received, and related topics. Respondents: Individuals or households; Number of Respondents: 4,500; Number of Response per Respondent: 1; Average Burden per Response .58 hour; Estimated Annual Burden: 2,625 hours. Send comments to Shannah Koss, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, D.C. 20503.

2. 1995 National Household Survey on Drug Abuse Pilot Test

New—The pilot test sample will consist of 300 persons living in two Primary Sampling Units. The data collection is necessary to determine how two proposed question modules for the 1996 NHSDA, on HIV/AIDS risk behaviors and drug-related driving behaviors, will affect core NHSDA data and response rates. In addition, the appropriateness of new question content, wording, and format will be evaluated quantitatively and qualitatively. Respondents: Individuals or Households; Number of Respondents: 1,002; Number of Responses per Respondent: 1; Average Burden per Response: 0.431 hour; Estimated Annual Burden: 432 hours. Send comments to Shannah Koss, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Written comments and recommendations concerning the proposed information collections should be sent within 30 days of this notice directly to the individuals designated.

Dated: February 21, 1995.

James Scanlon,

Director, Data Policy Staff, Office of the Assistant Secretary for Health and PHS Reports Clearance Officer.

[FR Doc. 95-4634 Filed 2-23-95; 8:45 am]

BILLING CODE 4160-17-M

Health Resources and Services Administration; Statement of Organization, Functions, and Delegations of Authority

Part *HB* (Health Resources and Services Administration) of the Statement of Organization, Functions,

and Delegations of Authority for the Department of Health and Human Services is amended to reflect the addition of the Bone Marrow Program.

Under HB-20, Organization and Functions amend the functional statements for the Bureau of Health Resources Development (HBB), Health Resources and Services Administration (HB) by deleting the functional statement for the Division of Organ Transplantation (HBB3) and substituting the following:

Division of Organ Transplantation (HBB3). Plans, directs, coordinates, and monitors a broad range of activities relating to the field of organ procurement and transplantation. Specifically: (1) Develops, implements, and maintains a program of grants to organ procurement organizations (OPOs); (2) provides technical assistance to OPOs receiving Federal funds; (3) establishes and maintains an Organ Procurement and Transplantation Network; (4) establishes and maintains a scientific registry for organ transplantation recipients; (5) administers and monitors the contracts governing the National Marrow Donor Program; (6) conducts a program of public information to inform the public of the need for organ donations; (7) monitors trends and analyzes data on the efficiency and effectiveness of organ procurement, bone marrow donation, the allocation of organs among transplant centers and transplant patients, and on other aspect of organ transplantation, and prepare reports as needed; (8) in conjunction with the Division of Information and Analysis, coordinates collection of information with other units of the Federal Government concerned with organ and bone marrow recovery and transplantation (e.g., the National Center for Health Services Research and Health Care Technology Assessment, the Health Care Financing Administration, the National Institutes of Health, the Department of the Navy, the Food and Drug Administration, and the Centers for Disease Control); (9) maintains working relationships with State activities and professional organizations in the field of organ transplantation; (10) maintains and/or fosters new relationships with public and private organizations (e.g., the North American Transplant Coordination Organization, the American Hospital Association, the American Society of Transplant Surgeons, and the American Society of Transplant Physicians) to promote the concepts of organ and bone marrow donation, to follow trends in organ procurement, and to maintain working knowledge of clinical status of organ

and bone marrow transplantation; and (11) develops and provides information on organ and bone marrow recovery and transplantation for professional associations, health providers, consumers, health insurers, medical societies, State health departments, and the general public.

This addition is effective upon date of signature.

Dated: February 7, 1995.

Ciro V. Sumaya,

Administrator, Health Resources and Services Administration.

[FR Doc. 95-4553 Filed 2-23-95; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-95-1917; FR-3778-N-25]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact William A. Molster, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708-1226; TDD number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free) or call the toll-free Title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with Sections 2905 and 2906 of the National Defense Authorization Act for Fiscal Year 1994, Pub. L. 103-160 (Pryor Act Amendment) and with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its

inventory of excess or surplus Federal property. This Notice is also published in order to comply with the April 21, 1993 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.).

These properties reviewed are listed as suitable/available and unsuitable. In accordance with the Pryor Act Amendment the suitable properties will be made available for use to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Please be advised, in accordance with the provisions of the Pryor Act Amendment, that if no expressions of interest or applications are received by the Department of Health and Human Services (HHS) during the 60 day period, these properties will no longer be available for use to assist the homeless. In the case of buildings and properties for which no such notice is received, these buildings and properties shall be available only for the purpose of permitting a redevelopment authority to express in writing an interest in the use of such buildings and properties. These buildings and properties shall be available for a submission by such redevelopment authority exclusively for one year. Buildings and properties available for a redevelopment authority shall not be available for use to assist the homeless. If a redevelopment authority does not express an interest in the use of the buildings or properties or commence the use of buildings or properties within the applicable time period such buildings and properties shall then be republished as properties available for use to assist the homeless pursuant to Section 501 of the Stewart B. McKinney Homeless Assistance Act.

Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to William A. Molster at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: Corps of Engineers: Gary B. Paterson, Chief, Base Realignment and Closure Office, Directorate of Real Estate, 20 Massachusetts Ave., NW, Rm 4133, Washington, DC 20314-1000; (202) 272-0520; U.S. Air Force: John Carr, Realty Specialist, HQ-AFBDA/BDR, Pentagon, Washington, DC 20330-5130; (703) 696-5569; (These are not toll-free numbers).

Dated: February 17, 1995.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 02/24/95

Suitable/Available Properties

Buildings (by State)

Iowa

8 Army Reserve Centers
Fort Des Moines
225 E. Army Post Road
Des Moines Co: Polk, IA 50315-
Landholding Agency: COE-BC
Property Number: 329510023
Status: Pryor Amendment
Base closure: Number of Units: 8
Comment: 8434-13874 sq. ft., brick frame, needs rehab, presence of asbestos, multiple floors, incs. bldgs. P-55, P-56, P-58 thru P-62, P-81.

4 Maintenance Shops

Fort Des Moines
225 E. Army Post Road
Des Moines Co: Polk, IA 50315-
Landholding Agency: COE-BC
Property Number: 329510024
Status: Pryor Amendment
Base closure: Number of Units: 4
Comment: 952-13530 sq. ft., brick frame, needs rehab, presence of asbestos, inc. bldgs. P-75, P-126, P-127, P-139.

13 Storehouses

Fort Des Moines
225 E. Army Post Road
Des Moines Co: Polk, IA 50315-

Landholding Agency: COE-BC
Property Number: 329510025
Status: Pryor Amendment
Base closure: Number of Units: 13
Comment: 160-16346 sq. ft., brick frame, needs rehab, presence of asbestos, incs. P-70 thru P-73, P-68, P-83, P-84, P-86, P-122, P-123, P-133, -135, P-137.

2 Administration Facilities

Fort Des Moines
225 E. Army Post Road
Des Moines Co: Polk, IA 50315-
Landholding Agency: COE-BC
Property Number: 329510026
Status: Pryor Amendment
Base closure: Number of Units: 2
Comment: 12057 sq. ft., brick frame, needs rehab, presence of asbestos, incs. P-63 & P-64, multiple floors.

3 Miscellaneous Facilities

Fort Des Moines
225 E. Army Post Road
Des Moines Co: Polk, IA 50315-
Landholding Agency: COE-BC
Property Number: 329510027
Status: Pryor Amendment
Base closure: Number of Units: 3
Comment: 1749-4536 sq. ft., Brick frame, needs rehab, presence of asbestos, incs. P-69, P-308, P-309, (dispensary, commissary, and dining hall).

Ohio

4 Hangars

Rickenbacker Air Natl. Guard Base
Columbus Co: Franklin OH 43217-5910
Location: Inc. bldgs. 505, 594, 595, 597
Landholding Agency: Air Force-BC
Property Number: 199510001
Status: Pryor Amendment
Base closure: Number of Units: 4
Comment: 11500-28800 sq. ft., wood or metal frame, most recent use—airport hangars, on 1335 acres improved w/airport, runways and navigational aids.

6 Miscellaneous Facilities

Rickenbacker Air Natl. Guard Base
Columbus Co: Franklin OH 43217-5910
Location: Inc. bldgs. 500, 502, 503, 506, 670, 894
Landholding Agency: Air Force-BC
Property Number: 199510002
Status: Pryor Amendment
Base closure: Number of Units: 6
Comment: 344-8600 sq. ft., wood or masonry frame, most recent use—office trailer, control tower, test stand, fire dept., etc.

Unsuitable Properties

Buildings (by State)

Iowa

P-138
Fort Des Moines
225 E. Army Post Road
Des Moines Co: Polk, IA 50315-
Landholding Agency: COE-BC
Property Number: 329510028
Status: Pryor Amendment
Base closure: Number of Units: 1
Reason: Extensive deterioration.

Ohio

Bldgs. 892 & 897
Rickenbacker Air Natl. Guard Base

Columbus Co: Franklin OH 43217-5910
Landholding Agency: Air Force-BC
Property Number: 199510003
Status: Pryor Amendment
Base closure: Number of Units: 2
Reason: Other
Comment: Detached latrines.
Bldgs. 898 & 899
Rickenbacker Air Natl. Guard Base
Columbus Co: Franklin OH 43217-5910
Landholding Agency: Air Force-BC
Property Number: 199510004
Status: Pryor Amendment
Base closure: Number of Units: 2
Reason: Other
Comment: Pump houses.

8 Storage Facilities

Rickenbacker Air Natl. Guard Base
Columbus Co: Franklin OH 43217-5910
Location: Inc. bldgs. 550, 555, 705, 811, 824, 825, 905 and 908

Landholding Agency: Air Force-BC

Property Number: 199510005
Status: Pryor Amendment
Base closure: Number of Units: 8
Reason: Within 2000 ft. of flammable or explosive material.

3 Utility Buildings

Rickenbacker Air Natl. Guard Base
Columbus Co: Franklin OH 43217-5910
Location: Inc. bldgs. 188, 600 and 871
Landholding Agency: Air Force-BC
Property Number: 199510006
Status: Pryor Amendment
Base closure: Number of Units: 3
Reason: Within 2000 ft. of flammable or explosive material.

4 Offices

Rickenbacker Air Natl. Guard Base
Columbus Co: Franklin OH 43217-5910
Location: Inc. bldgs. 370, 868, 901, 907
Landholding Agency: Air Force-BC
Property Number: 199510007
Status: Pryor Amendment
Base closure: Number of Units: 1
Reason: Within 2000 ft. of flammable or explosive material.

4 Warehouses

Rickenbacker Air Natl. Guard Base
Columbus Co: Franklin OH 43217-5910
Location: Inc. bldgs. 441, 846, 848, 849
Landholding Agency: Air Force-BC
Property Number: 199510008
Status: Pryor Amendment
Base closure: Number of Units: 4
Reason: Within 2000 ft. of flammable or explosive material.

5 Miscellaneous Facilities

Rickenbacker Air Natl. Guard Base
Columbus Co: Franklin OH 43217-5910
Location: Inc. bldgs. 428, 431, 806, 863 and 864
Landholding Agency: Air Force-BC
Property Number: 199510009
Status: Pryor Amendment
Base closure: Number of Units: 5
Reason: Within 2000 ft. of flammable or explosive material.

[FR Doc. 95-4532 Filed 2-23-95; 8:45 am]

BILLING CODE 4210-29-M

Office of the Secretary

[Docket No. N-95-3862; FR-3846-N-03]

Funding Availability for Fiscal Year 1995 for Innovative Project Funding Under the Innovative Homeless Initiatives Demonstration Program; Notice of Waiver

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of waiver.

SUMMARY: This notice announces a waiver, granted by the Secretary, of the minimum 30-day application period required under section 102(a) of the HUD Reform Act for the Innovative Homeless Initiatives Demonstration, which was announced in the **Federal Register** notice, published on January 25, 1995 (60 FR 4996). A notice extending the deadline for applications was published in the **Federal Register** on January 27, 1995 (60 FR 5434).

DATES: February 24, 1995.

FOR FURTHER INFORMATION CONTACT:

David Pollack, Director, Program Development Division, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7262, Washington, DC 20410. Telephone (202) 708-1234 (voice) or (202) 708-9300 or 1-800-877-8339 (only the 800 number is a toll-free number).

SUPPLEMENTARY INFORMATION: Section 102(a) of the HUD Reform Act (42 U.S.C. 3545(a)) sets out the requirements for notice to the public regarding assistance available from HUD. Section 102(a)(3) requires **Federal Register** publication of selection criteria not less than 30 days before the deadline for applications or requests for assistance. On January 25, 1995, the Department announced the availability of \$25 million in funds under the Innovative Homeless Initiatives Demonstration Program, which was authorized by the HUD Demonstration Act of 1993 (Pub.L. 103-120, approved October 27, 1993). The January 25, 1995 notice (NOFA) announced that all applications received at HUD Headquarters, Office of Community Planning and Development, at the address shown in the **Addresses** section of the January 25, 1995 NOFA by 6 p.m. local time on February 6, 1995, would be considered for funding. In a notice published in the **Federal Register** on January 27, 1995 (60 FR 5434), the application deadline date was extended until 6:00 p.m. local time on February 13, 1995, with the same requirements as listed above. The time period was less than the 30-day

minimum application requirement under section 102(a)(3).

Section 102(a)(5) of the Reform Act permits the Secretary to waive the minimum 30-day application period "if the Secretary determines that the waiver is required for appropriate response to an emergency." The Secretary is also required to publish, in the **Federal Register**, his reasons for granting such a waiver.

The Department 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. The Secretary determined that the continuing tragedy of homelessness, the desperate need for innovative solutions, the availability of funding under the Innovative Homeless Initiatives Demonstration, the unprecedented demand for assistance from HUD to fight homelessness, and the harsh weather conditions, when considered in combination, demonstrate that an emergency existed that justified the granting of a waiver of the 30-day application period required under section 102 of the HUD Reform Act.

Dated: February 21, 1995.

Henry G. Cisneros,
Secretary.

[FR Doc. 95-4628 Filed 2-23-95; 8:45 am]

BILLING CODE 4210-32-P

DEPARTMENT OF THE INTERIOR**Office of the Secretary****Meeting of "Exxon Valdez" Oil Spill Public Advisory Group**

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of meeting.

SUMMARY: The Department of the Interior, Office of the Secretary is announcing a public meeting of the *Exxon Valdez* Oil Spill Public Advisory Group to be held on Thursday and Friday, March 23-24, 1995, at 8:30 a.m. in the first floor conference room, 645 "G" Street, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT:

Douglas Mutter, Department of the Interior, Office of Environmental Policy and Compliance, 1689 "C" Street, Suite 119, Anchorage, Alaska, (907) 271-5011.

SUPPLEMENTARY INFORMATION: The Public Advisory Group was created by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered

into by the United States of America and the State of Alaska on August 27, 1991 and approved by the United States District Court for the District of Alaska in settlement of *United States of America v. State of Alaska*, Civil Action No. A91-081 CV. The agenda will include the orientation of new Public Advisory Group members, the review of habitat protection efforts, the review of restoration activities, and discussion of long-range restoration science planning.

Dated: February 17, 1995.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 95-4632 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-RG-M

Fish and Wildlife Service**Finding of No Significant Impact for an Incidental Take Permit for the Proposed Barton Creek Property Development, Southwest of Austin, Travis County, TX**

AGENCY: Fish and Wildlife Service.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service (Service) has prepared an Environmental Assessment for issuance of a Section 10(a)(1)(B) permit for the incidental take of the Federally endangered golden-cheeked warbler (*Dendroica chrysoparia*) during the construction and operation of a residential/commercial development in southwest Travis County, Texas.

Proposed Action

The proposed action is the issuance of a permit under Section 10(a)(1)(2) of the Endangered Species Act to authorize the incidental take of the golden-cheeked warbler.

The Applicant plans to construct single-family, multi-family, and villa residences and commercial development on 4,684 acres southwest of Austin, Travis County, Texas. The proposed development will comply with all local, State, and Federal environmental regulations addressing environmental impacts associated with this type of development. Details of the mitigation are provided in the FM Properties Operating Company (Applicant) Barton Creek Property development Environmental Assessment/Habitat Conservation Plan. Guarantees for implementation are provided in the Implementing Agreement and Habitat Maintenance Agreement. These conservation plan actions ensure that the criteria

established for issuance of an incidental take permit will be fully satisfied.

Alternatives Considered

1. Proposed action,
2. No action,
3. Alternate project design,
4. Wait for the City of Austin's Regional Conservation Plan.

Determination

Based upon information contained in the Environmental Assessment/Habitat Conservation Plan, the Service has determined that this action is not a major Federal action which would significantly affect the quality of the human environment with the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969. Accordingly, the preparation of an Environmental Impact Statement on the proposed action is not warranted.

It is my decision to issue the Section 10(a)(1)(B) permit for the construction and operation of the Barton Creek Property development, southwest of Austin, Travis County, Texas.

John G. Rogers,

Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 95-4541 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-55-M

Availability of an Environmental Assessment and an Application for an Incidental Take Permit to Implement the Red-cockaded Woodpecker "Safe Harbor" Program in the Sandhills Region of North Carolina

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service's (Service) Red-cockaded Woodpecker Recovery Coordinator (Applicant) is seeking an incidental take permit pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The permit would authorize the take of the federally endangered red-cockaded woodpecker *Picoides borealis* (RCW) at some point in the future, incidental to such lawful activities as timber harvesting, residential development, etc., on private and other public land (excluding Federal land and the Sandhills Game Lands, which are managed by the North Carolina Wildlife Resources Commission) in the six-county Sandhills Region of North Carolina. Specifically, the plan area boundary includes land south of N.C. Highway 24/27 in Moore County; east of U.S. Highway 220 and north of U.S. Highway

74 in Richmond County; north of U.S. Highways 74 and 401 in Scotland County; north of U.S. Highway 401 in Hoke County; west of Interstate 95 in Cumberland County; and south of N.C. Highway 27 and west of U.S. Highway 401 in Harnett County. The permit would authorize incidental take only on land that is enrolled in the proposed "safe harbor" program, which is described in the Supplementary Information Section below.

The Service also announces the availability of an environmental assessment (EA) and habitat conservation plan (HCP) for the incidental take application. Copies of the EA or HCP may be obtained by making a request to the Regional Office address below. This notice also advises the public that the Service has made a preliminary determination that issuing the incidental take permit is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended. The Finding of No Significant Impact is based on information contained in the EA and HCP. The final determination will be made no sooner than 30 days from the date of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act Regulations (40 CFR 1506.6). **DATES:** Written comments on the permit application, EA, and HCP should be sent to the Regional Permit Coordinator in Atlanta, Georgia, at the address shown below and should be received on or before March 27, 1995.

ADDRESSES: Persons wishing to review the application, HCP, and EA may obtain a copy by writing the Service's Southeast Regional Office, 1875 Century Boulevard, Atlanta, Georgia 30345. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office; the Sandhills Field Office in Southern Pines, North Carolina; or the Asheville, North Carolina, Field Office. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Please reference permit number PRT-798839 in such comments. Regional Permit Coordinator, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 210, Atlanta, Georgia 30345 (Telephone 404/679-7110, Fax 404/679-7280).

Sandhills RCW Biologist, U.S. Fish and Wildlife Service, P.O. Box 119, 225 N. Bennett Street, Southern Pines, North Carolina 28388 (Telephone/Fax 910/695-3323).

Field Supervisor, U.S. Fish and Wildlife Service, 330 Ridgefield Court, Asheville, North Carolina 28806 (Telephone 704/665-1195, Fax 704/665-2782).

FOR FURTHER INFORMATION CONTACT: Mr. Mark Cantrell at the Sandhills Red-cockaded Woodpecker Field Office in Southern Pines, North Carolina; Ms. Janice Nicholls at the Asheville Field Office, Asheville, North Carolina; or Mr. Rick G. Gooch at the Southeast Regional Office, Atlanta, Georgia.

SUPPLEMENTARY INFORMATION: The Sandhills area of North Carolina supports one of the largest remaining populations of federally endangered red-cockaded woodpeckers (RCWs) in the nation and is identified in the RCW recovery plan as 1 of the 15 populations across the species' range that must be viable in order to recover the species. Unlike the other 14 recovery populations, however, a significant portion (approximately 30 percent) of the Sandhills RCW groups known are on private land and could potentially contribute to a Sandhills recovery population. RCWs on private land in the Sandhills have declined significantly over the past decade. Thus, the recovery of the RCW in the Sandhills is likely to be influenced significantly by the land management decisions of private landowners.

The Service and several other agencies/organizations are working cooperatively to develop an overall conservation strategy for the Sandhills RCW population and the longleaf pine ecosystem. One component of this strategy is a habitat conservation plan that will implement the proposed "safe harbor" program. The Service recognizes that landowners presently have no legal or economic incentive to undertake proactive management actions, such as hardwood midstory removal, prescribed burning, or protecting future cavity trees, that will benefit and help recover the RCW. Indeed, landowners actually have a disincentive to undertake these actions because of land use limitations that could result if their management activities attract RCWs. However, some Sandhills landowners may be willing to take or permit actions that would benefit the RCW on their property if the possibility of future land use limitations could be reduced or eliminated.

Thus, the Service is proposing the "safe harbor" program, which is designed to encourage voluntary RCW habitat restoration or enhancement activities by relieving a landowner who enters into a cooperative agreement with the Service from any additional

responsibility under the Act beyond that which exists at the time he or she enters into the agreement; i.e., to provide a "safe harbor." The cooperative agreement will identify any existing RCW clusters and will describe the actions that the landowner commits to take (e.g., hardwood midstory removal, cavity provisioning, etc.) or allows to be taken to improve RCW habitat on the property and the time period within which those actions are to be taken and maintained. Participating landowners who enter into cooperative agreements with the Service will be included within the scope of the incidental take permit by Certificates of Inclusion. A participating landowner must maintain the baseline habitat requirements on his/her property (i.e., any existing RCW groups and associated habitat) but will be allowed to incidentally take RCWs at some point in the future on other habitat on the property if they are attracted to the site by the proactive management measures undertaken by the landowner. No incidental taking of any existing RCW group is permitted under this program except under the special circumstances that are described in the HCP. Further details about this program are found in the HCP.

The EA considers the environmental consequences of three alternatives, including the preferred alternative—to implement the "Safe Harbor" program. The likely effects of the no-action alternative are the continued decline of the Sandhills RCW population on private land and the continued lack of management of many of the longleaf pine stands that remain in the Sandhills. The third alternative involves offering interested landowners financial, rather than regulatory, incentives to undertake the desired land management activities for RCWs. This alternative is not being pursued because the Service is presently unable at present to fund such a program. The proposed action alternative is the issuance of an incidental take permit and implementation of the "Safe Harbor" program.

Dated: February 16, 1995.

Noreen Clough,

Acting Regional Director.

[FR Doc. 95-4543 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-55-P

Extension of the Public Comment Period—Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit from Mr. D. Gregory Luce, in Baldwin County, Alabama

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of extension of the public comment period.

SUMMARY: The Fish and Wildlife Service gives notice that the public comment period on the environmental assessment/habitat conservation plan for Mr. D. Gregory Luce's (Applicant) application for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act) is being extended. The Applicant has been assigned permit number PRT-797979. The original 30-day comment period closed on February 8, 1995 (**Federal Register** 60:2400-2401). During the original comment period, numerous public commentators requested an extension to more fully address the potential impacts to the Bon Secour National Wildlife Refuge.

DATES: The public comment period for this proposal, which originally closed on February 8, 1995, is now extended until March 10, 1995.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Persons wishing to review the EA or HCP may obtain a copy by writing the Regional Office or the Jackson, Mississippi, Field Office. Documents will also be available for public inspection, by appointment, during normal business hours at the Regional Office, or the Field Office. Written data or comments concerning the application, EA, or HCP should be submitted to the Regional Office. Please reference permit under PRT-797979 in such comments.

Regional Permit Coordinator (TE), U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 210, Atlanta, Georgia 30345, (telephone 404/679-7110, FAX 404/679-7280) Field Supervisor, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213 (telephone 601/965-4900, FAX 601/965-4340).

FOR FURTHER INFORMATION CONTACT: Will McDearman at the above Jackson, Mississippi, Field Office.

SUPPLEMENTARY INFORMATION: The Alabama Beach Mouse (ABM), *Peromyscus polionotus ammobates*, is a subspecies of the common oldfield

mouse *Peromyscus polionotus* and is restricted to the dune systems of the Gulf Coast of Alabama. The known current range of ABM extends from Fort Morgan eastward to the western terminus of Alabama Highway 182, including the Perdue Unit on the Bon Secour National Wildlife Refuge. The sand dune systems inhabited by this species are not uniform; several habitat types are distinguishable. The species inhabits primary dunes, interdune areas, secondary dunes, and scrub dunes. The depth and area of these habitats from the beach inland varies. Population surveys indicate that this subspecies is usually more abundant in primary dunes than in secondary dunes, and usually more abundant in secondary dunes than in scrub dunes. Optimal habitat consists of dune systems with all dune types. Though fewer ABM inhabit scrub dunes, these high dunes can serve as refugia during devastating hurricanes that overwash, flood, and destroy or alter secondary and frontal dunes. ABM surveys have not been conducted on the Applicant's property. The ABM occupied adjacent and nearby dunes of the Bon Secour National Wildlife Refuge. Suitable habitat in the form of secondary and scrub dunes exist on the Applicant's property. These habitats are likely to be occupied by ABM. None of the Applicant's property resides in designated critical habitat for the ABM. Construction of the single family residence on about 0.1-0.2 acres of the Applicant's property may result in the death of, or injury to, ABM. Habitat alterations due to house placement and its subsequent use may reduce available habitat for food, shelter, and reproduction.

The EA considers the environmental consequences of three alternatives. The proposed action alternative is the issuance of the incidental take permit. This provided for restrictions that include house placement landward of the frontal crest of the scrub dune line, establishment of a walkover structure across that scrub dune, a prohibition against housing or keeping pet cats, scavenger-proof garbage containers, no landscaping, and the minimization and control of outdoor lighting. The HCP provides a funding source for these mitigation measures.

Dated: February 16, 1995.

Noreen K. Clough,

Acting Regional Director.

[FR Doc. 95-4542 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-55-P

Bureau of Land Management Alaska; Alaska Native Claims Selection

[AK-962-1410-00-P]
[AA-8096-03]

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue a reserved minerals conveyance under the provisions of Sec. 14(e) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(e), will be issued to Chugach Alaska Corporation for 919.79 acres. The lands involved are in the vicinity of Icy Bay, Alaska.

U.S. Survey No. 8967, Alaska;
U.S. Survey No. 8966, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the *Anchorage Daily News*. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until March 27, 1995 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Terry R. Hassett,

Chief, Branch of Gulf Rim Adjudication.

[FR Doc. 95-4572 Filed 2-23-95; 8:45 am]

BILLING CODE 5-00163-4310-JA-P

[AZ-050-0-1430-00: AZA 25147]

Arizona: Realty Action, Recreation and Public Purposes (R&PP) Act Classification; Mohave County, AZ

AGENCY: Bureau of Land Management.

ACTION: Notice of realty action—Recreation and Public Purposes (R&PP) Act classification; Mohave County, AZ.

SUMMARY: The following public lands in Mohave County, Arizona have been examined and found suitable for classification for lease or conveyance to the Mohave Mental Health Clinic, Inc. under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). The Mohave

Mental Health Clinic proposes to use the following lands for a mental health clinic.

Gila and Salt River Meridian, Arizona

T. 20 N., R. 22 W.,

Sec. 20, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ (within).

Containing 1.296 acre, more or less.

The lands are not needed for Federal purposes. Lease or conveyance is consistent with the current BLM land use planning and would be in the public interest.

The lease/patent, when issued, will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove materials.

4. An easement for streets, roads, and utilities in accordance with the transportation plan for Mohave County.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Yuma District, Havasu Resource Area, 3189 Sweetwater Avenue, Lake Havasu City, Arizona.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the Area Manager, Havasu Resource Area Office, 3189 Sweetwater Avenue, Lake Havasu City, AZ 86406.

Classification Comments

Interested parties may submit comments involving the suitability of the lands for the mental health clinic. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with the local planning and zoning, or if the use is consistent with the State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the applications and plan of developments, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a mental health clinic.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Karen Montgomery, BLM Havasu Resource Area Office, (602) 855-8017.

Dated: February 17, 1995.

Judith I. Reed,

District Manager.

[FR Doc. 95-4568 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-32-P

[UT-930-05-1220-00]

Supplementary Rule; Prohibition of Persons Under 21 Years of Age from Possessing Alcoholic Beverages on Public Land Within the State of Utah

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Establishment of a Supplementary Rule Prohibiting Persons Under 21 Years of Age from Possessing Alcoholic Beverages on Public Land within the State of Utah.

SUMMARY: Underage drinking is a growing problem on the public lands. Such activity poses a significant health and safety hazard to both underage violators and other users of the public lands and can result in the destruction of natural resources. This action will allow BLM officers to restrict the possession of alcoholic beverages by minors in a manner consistent with Utah State law. This supplementary restriction is issued under the authority of 43 CFR 8355.1-6. Violation is punishable by fines and/or imprisonment under 43 CFR 8360.0-7.

EFFECTIVE DATE: This restriction will go into effect on February 24, 1995, and will remain in effect until rescinded or modified by the authorized officer.

FOR FURTHER INFORMATION CONTACT:

State Special Agent in Charge, Bureau of Land Management, Utah State Office,

P.O. Box 45155, Salt Lake City, Utah 84145, (801) 539-4011.

G. William Lamb,

Acting State Director.

[FR Doc. 95-4479 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-DQ-P

[ID-040-4610-00]

Amendment to Notice of Intent to Initiate a Resource Management Plan and Prepare an Environmental Impact Statement for the Challis Resource Area

ACTION: Amendment to Notice of Intent (NOI) to initiate a Resource Management Plan (RMP) and prepare an Environmental Impact Statement (EIS) for the Challis Resource Area in Lemhi and Custer Counties, Idaho and invitation to participate in the identification of issues (scoping).

SUMMARY: Original notice was published in the Federal Register November 25, 1991. Original notice is hereby amended to also include approximately 2,000 acres adjoining the Challis Resource Area, but presently managed by the Big Butte Resources Area, Idaho Falls District. The purpose of amending the Notice is to notify the public that we are now considering an Area of Critical Environmental Concern (ACEC) designation, which is managed under the Little Lost-Birch Creek Management Framework Plan (MFP) (June 1981). If the decision following the Challis EIS is to designate the area as an ACEC, then that decision would amend the existing Little Lost-Birch Creek MFP.

DATES: Dates and locations for future meetings will be announced in the local media and through a mailing list, as appropriate.

ADDRESSES: Comments should be sent to: Challis Resource Area Manager, Bureau of Land Management, P.O. Box 430, Salmon, ID 83467.

FOR FURTHER INFORMATION CONTACT: Mark Johnson, Challis Resource Area Manager, Bureau of Land Management, P.O. Box 430, Salmon, ID 83467, or telephone (208) 756-5420.

SUPPLEMENTARY INFORMATION: The Challis Resource Area Draft RMP and Draft EIS will examine alternative recommendations regarding Areas of Critical Environmental Concern (ACEC). At least one such alternative is expected to affect lands managed by the Big Butte Resource Area in the Donkey Hills area near the Lemhi County/Butte County line in Idaho. These lands adjoin lands managed by the Challis Resource Area and collectively comprise an area with important resource values. If a recommendation for designation of this

area as an ACEC is included in the proposed RMP and final EIS, the subsequent record of decision would amend the existing Little Lost-Birch Creek Management Framework Plan (June 1981).

Public participation will continue throughout the remainder of the planning process. The next step of the planning process in which the public will be specifically invited to participate will be review of the Draft RMP/EIS, followed by a review of the Proposed RMP/Final EIS.

Dated: February 13, 1995.

Fritz U. Rennebaum,

Ecosystem Manager.

[FR Doc. 95-4571 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-GG-M

[ID-942-04-1420-00]

Filing of Plats of Survey; Idaho

The plats of the following described land were officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m., February 16, 1995.

The plat representing the dependent resurvey of portions of the west boundary and subdivisional lines, and subdivision of sections 19, 20, 29, and 30, T. 15 S., R. 45 E., of the Boise Meridian, Idaho, Group No. 891, was accepted, February 13, 1995.

This survey was executed to meet certain administrative needs of the Bureau of Land Management.

The plat representing the dependent resurvey of the west boundary, subdivisional lines, subdivision of sections 19 and 20, certain tracts, and the 1912 meanders of the right bank of the Kootenai River, a metes-and-bounds survey and meanders of the 1994 right bank of the Kootenai River, T. 62 N., R. 1 E., Boise Meridian, Idaho, Group No. 905, was accepted, February 14, 1995.

This survey was executed to meet certain administrative needs of the Bureau of Indian Affairs.

All inquiries concerning the survey of the above described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: February 16, 1995.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 95-4575 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-GG-M

[ES-960-4730-12; ES-047148, Group 150, Wisconsin]

Notice of Filing of Plat of Survey; Wisconsin

The plat of the survey of an island in Peshtigo Harbor, Green Bay, Township 29 North, Range 23 East, Fourth Principal Meridian, Wisconsin, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on March 31, 1995.

The survey was executed in response to an application for the survey of an unsurveyed island submitted by Kathleen M. Ptacek, Assistant Attorney General, Department of Justice, State of Wisconsin.

All inquiries or protests concerning the technical aspects of the survey must be sent to the Chief Cadastral Surveyor, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to 7:30 a.m. March 31, 1995.

Copies of the plat will be made available upon request and prepayment of the reproduction fee of \$2.75 per copy.

Dated: February 15, 1995.

Stephen G. Kopach,

Chief Cadastral Surveyor.

[FR Doc. 95-4481 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-GJ-M

[UT-942-1340-00; U-010084]

Proposed Continuation of Withdrawals; Utah; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction.

SUMMARY: In notice document 95-2127 beginning on page 5696 in the issue of Monday, January 30, 1995, make the following correction:

On page 5696 in the third column, under the heading Bear Valley Administrative Site, the legal description which reads T.36 S., R. 7 W., should be changed to T. 33 S., R. 7 W.

Dated: February 14, 1995.

Terry Catlin,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 95-4480 Filed 2-23-95; 8:45 am]

BILLING CODE 4210-DQ-M

Minerals Management Service**Environmental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)**

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the availability of environmental documents prepared for

OCS mineral proposals on the Gulf of Mexico OCS.

SUMMARY: The Minerals Management Service (MMS), in accordance with Federal Regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related Environmental Assessments

(EA's) and Findings of No Significant Impact (FONSI's), prepared by the MMS for the following oil and gas activities proposed on the Gulf of Mexico OCS. This listing includes all proposals for which the FONSI's were prepared by the Gulf of Mexico OCS Region in the period subsequent to publication of the preceding notice.

Activity/operator	Location	Date
Union Pacific Resources, NORM Disposal Operations, SEA No. NORM 94-122.	High Island Area, Blocks A-71 and A-72, Leases OCS-G 9098 and 9099, 52 miles southeast of Galveston County, Texas.	07/27/94
Union Corporation, NORM Disposal Operations, SEA No. NORM 94-123.	Vermilion Area, Block 34, Lease OCS-G 13876, 5 miles south of Vermilion Parish, Louisiana.	07/29/94
Unocal Corporation, NORM Disposal Operations, SEA No. NORM 94-126.	Ship Shoal Area, Block 208, Lease OCS-G 1228, 33 miles south of the Isles Dernieres of Terrebonne Parish, Louisiana.	10/28/94
Vastar Resources, Inc., NORM Disposal Operations, SEA No. NORM 94-127.	Mustang Island Area, Block 786, Lease OCS-G 10149, 28 miles east of Nueces County, Texas.	07/21/94
Mobil Exploration & Producing U.S. Inc., NORM Disposal Operations, SEA No. NORM 94-131.	Eugene Island Area, Block 119, Lease OCS 049, 20 miles southwest of Terrebonne Parish, Louisiana.	10/11/94
Amerada Hess Corporation, NORM Disposal Operations, SEA No. NORM 94-132.	Ship Shoal Area, Block 368, Lease OCS-G 10814, 71 miles south of Terrebonne Parish, Louisiana.	10/06/94
Chevron U.S.A., NORM Disposal Operations, SEA No. NORM 94-133.	West Delta Area, Block 24, Lease OCS 0691, 4 miles west of Plaquemines Parish, Louisiana.	10/20/94
Chevron U.S.A., NORM Disposal Operations, SEA No. NORM 94-135.	South Timbalier Area, Block 23, Lease OCS 0166, 4 miles south of Lafourche Parish, Louisiana.	10/21/94
Mesa Petroleum, NORM Disposal Operations, SEA No. NORM 94-136.	South Pelto Area, Block 13, Lease OCS-G 3171, 8 miles south of the Isles Dernieres of Terrebonne Parish, Louisiana.	10/28/94
Exxon Company, U.S.A., Structure-Removal Operations, SEA No. ES/SR 90-070A.	Grand Isle Area, Block 22, Lease OCS 031, 9 miles south of Lafourche Parish, Louisiana.	10/27/94
The Louisiana Land and Exploration Company, Structure-Removal Operations, SEA No. ES/SR 93-001A.	Vermilion Area, Block 171, Lease OCS-G 1130, 32 miles south of Vermilion Parish, Louisiana.	10/04/94
Gulfstream Resources, Inc., Structure-Removal Operations, SEA Nos. ES/SR 93-137A and 94-085A.	Eugene Island Area Blocks 89 and 93, Leases OCS 044 and 0228, 10-22 miles southwest of St. Mary Parish, Louisiana.	09/23/94
Pennzoil Petroleum Company, Structure-Removal Operations, SEA No. ES/SR 94-072.	West Cameron Area, Block 292, Lease OCS-G 6581, 20 miles south of Cameron Parish, Louisiana.	08/05/94
Energy Resource Technology, Inc., Structure-Removal Operations, SEA No. ES/SR 94-075.	High Island Area, Block 175, Lease OCS-G 7281, 25 miles southeast of Galveston County, Texas.	07/26/94
Apache Corporation, Structure-Removal Operations, SEA No. ES/SR 94-076.	East Cameron Area, South Addition, Block 347, Lease OCS-G 2566, 101 miles south of Cameron Parish, Louisiana.	08/26/94
The Louisiana Land and Exploration Company, Structure-Removal Operations, SEA No. ES/SR 94-077 and 94-078.	Vermilion Area, Blocks 103 and 104, Lease OCS-G 1954 and OCS 570, 38 miles south of Vermilion Parish, Louisiana.	09/15/94
Delmar Operating, Inc., Structure-Removal Operations, SEA No. ES/SR 94-079.	South Timbalier Area, Block 146, Lease OCS-G 3176, 47 miles south-southwest of Leesville, Louisiana.	07/25/94
BT Operating Company, Structure-Removal Operations, SEA Nos. ES/SR 94-80 94-81.	Chandeleur Area, Block 18, Lease OCS-G 6838, 8 miles east of Breton National Wildlife Refuge and Wilderness Area.	08/24/94
Zilkha Energy Company, Structure-Removal Operations, SEA No. ES/SR 94-082.	West Cameron Area, Block 360, Lease OCS-G 8632, 56 miles south of Cameron Parish, Louisiana.	08/05/94
Gulfstream Resources, Inc., Structure-Removal Operations, SEA No. ES/SR 94-085.	Eugene Island Area, Block 93, Lease OCS 0228, 22 miles southwest of Amelia, Louisiana.	09/16/94
Union Pacific Resources Company, Structure-Removal Operations, SEA No. ES/SR 94-086.	High Island Area, Block A-71, Lease OCS-G 9098 49 miles south of Jefferson County, Texas.	09/07/94
Walter Oil & Gas Corporation, Structure-Removal Operations, SEA No. ES/SR 94-088.	West Cameron Area, Block 574, Lease OCS-G 9428, 118 miles southeast of Galveston, Texas.	09/09/94
Phillips Petroleum Company, Structure-Removal Operations, SEA No. ES/SR 94-089.	Ship Shoal Area, Block 26, Lease OCS-G 5530, 4 miles south of Terrebonne Parish, Louisiana.	08/25/94
Kerr-McGee Corporation, Structure-Removal Operations, SEA No. ES/SR 94-090.	West Cameron Area, Block 100, Lease OCS-G 6569, 14 miles south of Cameron Parish, Louisiana.	09/22/94
Exxon Company U.S.A., Structure-Removal Operations, SEA No. ES/SR 94-91.	West Delta Area, Block 32, Lease OCS 0367, 5 miles south of Plaquemines Parish, Louisiana.	11/23/94
Apache Corporation, Structure-Removal Operations, SEA No. ES/SR 94-092.	Main Pass Area, Block 208, Lease OCS-G 5716, 40 miles northeast of Plaquemines Parish, Louisiana.	10/17/94
Walter Oil and Gas Corporation, Structure-Removal Operations, SEA No. ES/SR 94-093.	South Marsh Island Area, Block 123, Lease OCS-G 9543, 104 miles south-southwest of Morgan City Louisiana.	09/16/94
Exxon Company, U.S.A., Structure-Removal Operations, SEA No. ES/SR 94-094.	West Delta Area, Block 32, Lease OCS 0367, 4 miles south of Plaquemines Parish, Louisiana.	09/16/94
Marathon Oil Company, Structure-Removal Operations, SEA No. ES/SR 94-095.	West Cameron Area, Block 540, Lease OCS-G 2553, 97 miles south of Cameron Parish, Louisiana.	09/22/94
Quintana Petroleum Corporation, Structure-Removal Operations, SEA No. ES/SR 94-096.	East Cameron Area, Block 2, Lease OCS-G 10605, 4 miles south of Cameron Parish, Louisiana.	09/27/94

Activity/operator	Location	Date
Kerr-McGee Corporation, Structure-Removal Operations, SEA No. ES/SR 94-097.	Ship Shoal Area, Block 27, Lease OCS 0347, 5 miles south of Terrebonne Parish, Louisiana.	10/12/94
Koch Exploration Company, Structure-Removal Operations, SEA No. ES/SR 94-098.	East Cameron Area, Block 233, Lease OCS-G 9460, 90 miles south-southeast of Cameron Parish, Louisiana.	10/07/94
Aquila Energy Resources Corporation, Structure-Removal Operations, SEA No. ES/SR 94-099.	Vermilion Area, Block 122, Lease OCS-G 3807, 33 miles south of Vermilion Parish, Louisiana.	10/11/94
Unocal Corporation, Structure-Removal Operations, SEA No. ES/SR 95-001.	West Cameron Area, Block 280, Lease OCS-G 0911, 60 miles south of Cameron Parish, Louisiana.	11/03/94
BP Exploration Inc., Structure-Removal Operations, SEA No. ES/SR 95-002 and 95-003.	West Cameron Area, Block 43, Lease OCS-G 7597, 3 miles south of Cameron Parish, Louisiana.	11/09/94
The Louisiana Land and Exploration Company, Structure-Removal Operations, SEA No. ES/SR 95-004 and 95-005.	West Cameron Area, Block 40, Lease OCS 0224, 10 miles south of Cameron Parish, Louisiana.	11/23/94

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EA's and FONSI's prepared for activities on the Gulf of Mexico OCS are encouraged to contact the MMS office in the Gulf of Mexico OCS Region.

FOR FURTHER INFORMATION: Public Information Unit, Information Services Section, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, Telephone (504) 736-2519.

SUPPLEMENTARY INFORMATION: The MMS prepares EA's and FONSI's for proposals which relate to exploration for and the development/production of oil and gas resources on the Gulf of Mexico OCS. The EA's examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. Environmental Assessments are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA Section 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

Dated: February 14, 1995.

Chris C. Oynes,

Regional Director, Gulf of Mexico OCS Region.
[FR Doc. 95-4476 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-MR-M

Bureau of Mines

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

A request extending the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and to the Office of Management and Budget, Paperwork Reduction Project (1032-0112), Washington, D.C. 20503, telephone 202-395-3470.

Title: Gas Well Data—Survey of Helium-Bearing Natural Gas

OMB approval number: 1032-0112

Abstract: Respondents supply information which will be used by the U.S. Bureau of Mines, Division of Helium Field Operations, to evaluate the helium resources of the United States. This evaluation helps assure a continued supply of the valuable natural resource to meet essential Government needs. Results of the gas analyses, along with the data supplied, are published to provide valuable information to industry and to the public when those data are released by the supplier.

Bureau form number: 6-1579-A

Frequency: Annually

Description of respondents: Owners and operators of helium-bearing natural gas wells and transmission lines.

Estimated completion time: 15 minutes

Annual responses: 200

Annual burden hours: 50

Bureau clearance officer: Alice J. Wissman (202) 501-9569.

Dated: February 3, 1995.

Reah L. Graham,

Director, U.S. Bureau of Mines.

[FR Doc. 95-4569 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-53-M

Bureau of Reclamation

Navajo Unit, Colorado River Storage Project, Colorado-New Mexico

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of environmental scoping meetings.

SUMMARY: Pursuant to the National Environmental Policy Act and agency policy, the Bureau of Reclamation, in coordination with the Biology Committee for the San Juan River Recovery Implementation Program, will hold three environmental scoping meetings in March. The purpose of the meetings is to obtain public comment on a proposal to reduce winter flow releases from Navajo Dam. The Biology Committee has recommended that winter (November 1 through February 28) flow releases be reduced from 500 cubic feet per second (cfs) to 250 cfs, beginning in the winter of 1995. This reduced flow reflects average winter flows prior to the construction of Navajo Dam (1931-1962). This flow reduction is expected to result in a 600-650 cfs flow at Bluff, Utah. If unusually dry conditions occur, river flows would not be allowed to go below 500 cfs at that point in the river. The reduction in wintertime flows will allow more water to be stored during winter periods, provide a greater potential for the occurrence of spring spills, and a longer duration of those spills. These seasonal flood events are assumed to be beneficial to the maintenance of downstream endangered fish populations.

DATES: The scoping meetings will be held on:

- March 1, 1995, from 6:00 to 8:30 p.m., in Shiprock, New Mexico.
- March 2, 1995, from 6:00 to 8:30 p.m., in Farmington, New Mexico.
- March 3, 1995, from 6:00 to 8:30 p.m., in Bluff, Utah.

At each location, an informational open house will be held from 6:00 to 7:00 p.m., followed by a presentation on the proposed action and an open discussion of points of interest. The public is invited. The Bureau of Reclamation assures meeting accessibility to persons with disabilities. To request special assistance prior to the meetings, please contact Errol Jensen in the Durango Office at (303) 385-6570 3 days prior to the March meetings.

ADDRESSES: The meetings will be held at the following locations:

- Central Consolidated School Administration Office Boardroom, Shiprock, New Mexico
- City Council Chambers, 800 Municipal Drive, Farmington, New Mexico
- Recapture Lodge, Highway 191, Bluff, Utah

FOR FURTHER INFORMATION CONTACT: The contact person for the environmental scoping effort is Errol Jensen, Bureau of Reclamation, Durango Office, PO Box 640, Durango CO 81302, telephone (303) 385-6570. Written comments regarding the proposed action, and requests to be included on a mailing list may be sent to this address.

SUPPLEMENTARY INFORMATION: A variety of downstream resources and entities which may be potentially affected by this reduction in releases would be assessed and, if needed, monitored during the winter. Possible effects on the downstream tailwater trout fishery, native fish populations, downstream water right holders, wintering bald eagles, waterfowl populations, crop depredation, livestock trespass, streamside wetland/riparian habitats, and dilution of contaminants are issues which have been initially identified. To the extent possible, flow-related effects on downstream endangered fishes (Colorado squawfish and razorback sucker) will also be assessed.

Dated: February 16, 1995.

Charles A. Calhoun,
Regional Director.

[FR Doc. 95-4606 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 290 (Sub-No. 4)]

Railroad Cost Recovery Procedures-Productivity Adjustment

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed action.

SUMMARY: The Commission proposes to adopt its estimate of railroad productivity change for 1993 and incorporate it, along with previously calculated data, into a 1989-1993 (5-year) average. Estimated average productivity growth is 1.097 for 1993. Estimated annual productivity for the 5-year 1989-1993 period is 1.059 or 5.9% per year. Because the methodology for calculating the productivity adjustment and the length of the averaging period have already been adopted, comments are limited to data and computational errors.

DATES: Comments are due March 6, 1995.

FOR FURTHER INFORMATION CONTACT: Robert C. Hasek, (202) 927-6239 or H. Jeff Warren, (202) 927-6243. (TDD for the hearing impaired: (202) 927-5721).

SUPPLEMENTARY INFORMATION: The Rail Cost Adjustment Factor is a quarterly index that measures changes in railroad expenses. A productivity adjustment is used to adjust the quarterly Rail Cost Adjustment Factor for productivity improvements.

Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to, call or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, 1201 Constitution Ave., NW., Washington DC 20423, or telephone (202) 289-4357/4359. (Assistance for the hearing impaired is available through TDD Services at (202) 275-1721).

Decided: February 9, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-4579 Filed 2-23-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32662]

Consolidated Rail Corporation—Trackage Rights Exemption—Missouri Pacific Railroad Co.

Missouri Pacific Railroad Company (MP) has agreed to grant overhead

trackage rights to Consolidated Rail Corporation (Conrail) over approximately 33.28 miles of rail line of its St. Louis Division, Chicago Subdivision main line from milepost 220.82 (at the connection between MP and Conrail at approximately milepost 154.1 of Conrail's St. Louis line), at St. Elmo, IL, continuing over MP's main line to milepost 254.10, at Salem, IL, and certain tracks located within the Common Yard owned by MP at Salem, as designated from time to time by MP. Conrail's trackage rights will provide it with access to the Common Yard, which will be established at MP's Salem Yard, to receive and deliver bridge traffic between Conrail and MP. The trackage rights were to become effective on or after February 10, 1995.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: John J. Paylor, Consolidated Rail Corporation, 2001 Market Street, 16A, P.O. Box 41416, Philadelphia, PA 19101-1416.

As a condition to use of this exemption, any employees adversely affected by the trackage rights will be protected under Norfolk and Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980).

Decided: February 17, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 95-4580 Filed 2-23-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32561]

Escanaba & Lake Superior Railroad Co.—Acquisition and Operation Exemption—Line of Chicago and Northwestern Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 11343-11345 the acquisition and operation by the Escanaba & Lake Superior Railroad Company of the 5.45-mile line of the Chicago and Northwestern Railway Company between milepost 46.1, near Stiles

Junction, and milepost 40.65, near Oconto Falls, in Wisconsin, subject to the labor protective conditions set forth in New York Dock Ry.—Control—Brooklyn Eastern Dist., 360 I.C.C. 60 (1979), as clarified in Wilmington Term. RR. Inc.—Pur. & Lease—CSX Transp., Inc., 6 I.C.C.2d 799 (1990), aff'd sub nom. Railway Labor Executives' Ass'n v. ICC, 930 F.2d 511 (6th Cir. 1991).

DATES: This exemption will be effective on March 26, 1995. Petitions for stay must be filed by March 13, 1995 and petitions to reopen must be filed by March 21, 1995.

ADDRESSES: Send pleadings referring to Finance Docket No. 32561 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission 1201 Constitution Avenue NW., Washington, DC 20423; and (2) Larry H. Mitchell, 4th Floor, 1920 L Street NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5610. (TDD for the hearing impaired: (202) 927-5721).

SUPPLEMENTARY INFORMATION:

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

Decided: February 7, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-4581 Filed 2-23-95; 8:45 am]

BILLING CODE 7035-01-P

[No. 41506]

Commuter Rail Division of the Regional Transportation Authority of Northeast Illinois, d/b/a METRA—Exemption—Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: Under 49 U.S.C. 10505, the Commission exempts the Commuter Rail Division of the Regional Transportation Authority of Northeast Illinois, d/b/a METRA's rail commuter service within the State of Illinois and between Chicago, IL, and Kenosha, WI, from the tariff filing requirements of Subtitle IV of Title 49.

DATES: This exemption is effective on February 24, 1995. Petitions to reopen must be filed by March 16, 1995.

ADDRESSES: Send pleadings referring to No. 41506 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue NW., Washington, DC 20423; and (2) Petitioners' representative: Andrew M. Ray, 888 Sixteenth St. NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT:

Beryl Gordon (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, 1201 Constitution Avenue NW., Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: February 8, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-4578 Filed 2-23-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32476]

Northern Nevada Railroad Corporation—Construction and Operation Exemption—White Pine County, NV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of conditional exemption.

SUMMARY: Under 49 U.S.C. 10505, the Commission conditionally exempts from the prior approval requirements of 49 U.S.C. 10901 Northern Nevada Railroad Corporation's proposed construction and operation of approximately 3.14 miles of track between Keystone and Riepetown in White Pine County, NV. The decision and exemption will become effective, if appropriate, only upon completion of the Commission's environmental review concerning construction and operation of the proposed rail line and issuance of a further decision.

DATES: Petitions to reopen must be filed by March 15, 1995.

ADDRESSES: Send pleadings referring to Finance Docket No. 32476 to: (1) Office

of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Ave. NW., Washington, DC 20423; and (2) Petitioner's representative: Louis E. Gitomer, 1101 Pennsylvania Ave. NW., Suite 1035, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660. (TDD for the hearing impaired: (202) 927-5721).

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, 1201 Constitution Ave. NW., Washington, DC 20423. Telephone: (202) 289-4357/4359. (Assistance for the hearing impaired is available through TDD services (202) 927-5721).

Decided: February 7, 1995.

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

Vernon A. Williams,
Secretary.

[FR Doc. 95-4582 Filed 2-23-95; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-12 (Sub-No. 181X)]

Southern Pacific Transportation Company—Abandonment Exemption—in Santa Clara County, CA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10903-10904 the Southern Pacific Transportation Company's abandonment of a 1.45-mile line of railroad, known as the Moffett Drill Track, which extends from milepost 36.89, near the Mountain View rail station at Mountain View, CA, to approximately milepost 38.34, near the Moffett Federal Airfield (formerly the Moffett Field Naval Air Station) in Santa Clara County, CA. The transaction also is exempted from the offer of financial assistance and public use procedures of 49 U.S.C. 10905 and 10906, respectively.

DATES: This exemption will be effective on February 24, 1995. Petitions to reopen must be filed by March 21, 1995.

ADDRESSES: Send pleadings referring to Docket No. AB-12 (Sub-No. 181X) to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Ave.

NW., Washington, DC 20423, and (2) petitioner's representative: Louis E. Gitomer, 1101 Pennsylvania Ave. NW., Suite 1035, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, 1201 Constitution Ave. NW., Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: February 7, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95-4583 Filed 2-23-95; 8:45 am]

BILLING CODE 7035-01-P

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Resource Conservation and Recovery Act

In accordance with Departmental policy, notice is hereby given that a proposed consent decree in *United States v. Adflex Corporation, et al.*, Civ. No. 95-CV-0012, was lodged on January 6, 1995, in the United States District Court for the Western District of New York. The consent decree settles an action commenced in a complaint filed January 6, 1995, under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9607(a). The Complaint seeks recovery of response costs incurred by EPA in performing a removal action at the Envirotek I Superfund Site (the "Site"), located at 153 Fillmore Avenue, Tonawanda, New York. The Site was formerly a paint and asphalt manufacturing facility and consists of twelve buildings in various states of disrepair on approximately two acres of land at 153 Fillmore Avenue, Tonawanda, New York. The removal action included the sorting, segregating and disposal of approximately 500 drums containing raw and waste materials classified as flammable, combustible, corrosive and otherwise hazardous materials under RCRA; 1700 containers of 10 gallons or less in size;

15 tanks and vats; 2 underground tanks; 6 electrical transformers containing PCBs; approximately two dozen pallets of bagged pigments and resins, including 20 bags of asbestos; and assorted powders and liquids spilled onto the floors of various buildings. The defendants are parties who are alleged to have arranged for the disposal or treatment of hazardous substances that were disposed of at the Site.

The Consent Decree provides for payment by the defendants of \$1,098,771.37. The Consent Decree also resolves the liability of the United States Department of Energy in connection with a federal facility whose wastes may have been sent to the 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 for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Adflex Corporation, et al.*, DOJ Ref. #90-11-2-465A.

The proposed consent decree may be examined at the office of the United States Attorney, Federal Center, 138 Delaware Avenue, Buffalo, New York; the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York; and at the Consent Decree Library, 1120 G Street, NW., 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, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check made payable to the Consent Decree Library in the amount of \$19.25 (25 cents per page reproduction costs).

Joel M. Gross,

Acting Chief, Environmental Enforcement Section.

[FR Doc. 95-4565 Filed 2-23-95; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Frame Relay Forum

Notice is hereby given that, on December 20, 1994, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), The Frame Relay Forum ("FRF") has filed written notifications simultaneously

with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the identities of the additional members of FRF are: Cray Communications, Watford Hertfordshire, UNITED KINGDOM; Cabletron Systems, Inc., Rochester, NH; BT, Reston, VA; General Instrument, Hatboro, PA; Telefonica de Espana, Madrid, SPAIN; Tellabs Ltd., Shannon County Clare, IRELAND; and Unisource Business Network, Stockholm, SWEDEN.

Wellfleet Communications, a member of FRF, has changed its name to Bay Networks.

No other changes have been made in either the membership or planned activities of FRF. Membership remains open, and FRF intends to file additional written notifications disclosing all changes in membership.

On April 10, 1992, FRF filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 2, 1992 (57 FR 29537).

The last notification was filed with the Department on September 21, 1994. This notice has not yet been published in the **Federal Register**.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 95-4566 Filed 2-23-95; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Petroleum Products Stewardship Council

Notice is hereby given that, on December 30, 1994, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Petroleum Products Stewardship Council ("the Council") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are: BP America, Inc., Cleveland, OH; Texaco, Inc., Beacon, NY; Mobil Oil Corporation, Princeton,

NJ; Chevron, Richmond, CA; Amoco Corporation, Chicago, IL; Unocal Corporation, Los Angeles, CA; Atlantic-Richfield Corporation, Los Angeles, CA.

The objective of the venture is to evaluate toxicological testing needs for North American refinery products; to sponsor or conduct such toxicological testing as appropriate; to share results of such testing with the Members of the Council in order to promote product stewardship and to enhance their understanding of those products or product blending streams; to cooperate with other national and international organizations having similar objectives; and to comply with all applicable government laws and regulations regarding the reporting of test data or other applicable provisions.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 95-4567 Filed 2-23-95; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Glass Ceiling Commission; Open Meeting by Teleconference

Summary: Pursuant to Title II of the Civil Rights Act of 1991 (Pub. L. 102-166) and Section 9 of the Federal Advisory Committee Act (FACA) (Pub. L. 92-262, 5 U.S.C. app. II) a notice of establishment of the Glass Ceiling Commission was published in the **Federal Register** on March 30, 1992 (57 FR 10776). Pursuant to section 10(a) of FACA, this is to announce an open meeting of the Commission for Wednesday, March 8, 1995 from 12 pm to 1 pm E.S.T. The meeting will be conducted by telephone teleconference. The purpose of the Commission is to, among other things, focus greater attention on the importance of eliminating artificial barriers to the advancement of minorities and women to management and decisionmaking positions in business. The Commission has the practical task of: (a) Conducting basic research into practices, policies, and manner in which management and decisionmaking positions in business are filled; (b) conducting comparative research of businesses and industries in which minorities and women are promoted or are not promoted; and (c) recommending measures to enhance opportunities for and the elimination of artificial barriers to the advancement of minorities and women to management and decisionmaking positions.

Time and Place: The meeting will be held by teleconference, Wednesday,

March 8, 1995 (Eastern Standard Time) in the Department of Labor 2nd Floor Room C2313. The meeting is open to the public, and will be held from 12 pm to 1 pm EST. This meeting will take the place of an earlier February 13th and February 1st meeting which had to be postponed.

The Commission will meet to discuss the status of the activities and tasks of the Commission. The agenda for the meeting include: Review of Report.

Individuals with disabilities should contact Ms. René A. Redwood at (202) 219-7342 no later than March 3, 1995 if special accommodations are needed.

Due to scheduling difficulties, we are providing less than 15 days of advance notice of this meeting.

For Further Information Contact: Ms. René A. Redwood, Executive Director, Glass Ceiling Commission, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C-2313, Washington, DC 20210, (202) 219-7342.

Signed at Washington, DC this 22nd day of February 1995.

René A. Redwood,

Executive Director.

[FR Doc. 95-4735 Filed 2-23-95; 8:45 am]

BILLING CODE 4510-23-M

Office of the Assistant Secretary for Veterans' Employment and Training

Secretary of Labor's Advisory Committee for Veterans' Employment and Training; Notice of Meeting

The Secretary's Advisory Committee for Veterans' Employment and Training was established under Section 4110 of title 38, United States Code, to bring to the attention of the Secretary, problems and issues relating to veterans' employment and training.

Notice is hereby given that the Secretary of Labor's Advisory Committee for Veterans' Employment and Training will meet on March 14 and 15 in Rooms S4215 A, B, and C at the Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. The meeting on Tuesday, March 14, will be from approximately 9:00 AM to 4:00 PM, and on Wednesday, March 15, will be from approximately 8:30 AM to Noon.

Written comments are welcome and may be submitted by addressing them to: Mr. Thomas S. Keefe, Special Assistant, Office of the Assistant Secretary for Veterans' Employment and Training, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S1315, Washington, D.C. 20210.

The primary items on the agenda are:

- Adoption of minutes of previous meeting.
- Report from the Task Forces—
 - Rewrite of the Dictionary of Occupational Titles
 - Employee Unions Not Recognizing Military Training
 - Women Veterans' Issues
 - Minority and Low Income (homeless and dislocated workers)
 - Overview of All Training Programs That Exist
 - Standards Indicators Used by the Department of Labor
 - JTPA Titles II and III information breakdown
 - Any other business.

The meeting will be open to the public.

Persons with disabilities, needing special accommodations, should contact Thomas S. Keefe at telephone number 202-219-9116 no later than Friday, March 10.

Signed at Washington, D.C. this 21st day of February, 1995.

Preston M. Taylor Jr.,

Assistant Secretary for Veterans' Employment and Training.

[FR Doc. 95-4605 Filed 2-23-95; 8:45 am]

BILLING CODE 4510-79-M

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act.

The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue NW., Room S-3014, Washington, DC 20210.

Correction

The **Federal Register**, as published on February 10, 1995, contained references to general wage decisions not issued on that date. The notice with regard to the

general wage decisions listed by volume and state below should be considered withdrawn.

Volume II

Virginia
VA94-45 (Feb. 11, 1994) (VA95-45)

Volume IV

Michigan
MI94-62 (Feb. 11, 1994) (MI95-62)

Volume VI

North Dakota
ND94-54 (Apr. 01, 1994) (ND95-54)
ND94-55 (Apr. 29, 1994) (ND95-55)
ND94-56 (Apr. 29, 1994) (ND95-56)
ND94-57 (Apr. 29, 1994) (ND95-57)

The **Federal Register**, as published on February 10, 1995 failed to contain references to general wage decisions issued on that date. This notice should be considered to include those general wage decisions, as listed below by volume and state, which were inadvertently omitted.

Volume III

Alabama
AL94-30 (Feb. 11, 1994) (AL95-30)
AL94-37 (Mar. 25, 1994) (AL95-30)
Georgia
GA94-26 (Feb. 11, 1994) (GA95-26)
Tennessee
TN94-57 (Jun. 10, 1994) (TN95-21)
TN94-58 (Jun. 10, 1994) (TN95-37)

Volume IV

Ohio
OH94-20 (Feb. 11, 1994) (OH95-20)

Volume VI

Nevada
NV94-4 (Feb. 11, 1994) (NV95-4)
NV94-6 (Feb. 11, 1994) (NV95-6)

New General Wage Determination Decisions

The number of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume and State:

Volume II

West Virginia
WV950018 (Feb. 24, 1994)
WV950019 (Feb. 24, 1994)

Modification to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

None

Volume II

District of Columbia
DC950001 (Feb. 10, 1995)
Maryland
MD950048 (Feb. 10, 1995)
Virginia
VA950003 (Feb. 10, 1995)
VA950018 (Feb. 10, 1995)
VA950039 (Feb. 10, 1995)
VA950046 (Feb. 10, 1995)
VA950069 (Feb. 10, 1995)
VA950084 (Feb. 10, 1995)
VA950104 (Feb. 10, 1995)
VA950113 (Feb. 10, 1995)
West Virginia
WV950001 (Feb. 10, 1995)

Volume III

Alabama
AL950009 (Feb. 10, 1995)
AL950043 (Feb. 10, 1995)
AL950052 (Feb. 10, 1995)
Tennessee
TN950005 (Feb. 10, 1995)

Volume IV

None

Volume V

None

Volume VI

Oregon
OR950001 (Feb. 10, 1995)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which included all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 17th day of February 1995.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 95-4485 Filed 2-23-95; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**National Endowment for the Humanities****Meeting of Humanities Panel**

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: David C. Fisher, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606-8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606-8282.

SUPPLEMENTARY INFORMATION: The proposed meeting is for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of Title 5, United States Code.

Date: March 10, 1995.

Time: 9:00 a.m. to 5:00 p.m.

Room: 315.

Program: This meeting will review applications for Centers for Advanced Study and International Research Organizations Program, submitted to the Division of Research Programs, for projects beginning after July 1, 1995.

David C. Fisher,

Advisory Committee Management Officer.

[FR Doc. 95-4601 Filed 2-23-95; 8:45 am]

BILLING CODE 7536-01-M

Music Advisory Panel; Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Professional Training/Career Development Section) to the National Council on the Arts will be held on March 29-30, 1995, from 9:00 a.m. to 5:30 p.m., in Room 714, at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public from 3:30 p.m. to 5:30 p.m. on March 30 for policy discussion and guideline review.

The remaining portions of this meeting from 9:00 a.m. to 5:30 p.m. on March 29 and from 9:00 a.m. to 3:30 p.m. on March 30 for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of February 8, 1994 these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

Dated: February 17, 1995.

Yvonne M. Sabine,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 95-4525 Filed 2-23-95; 8:45 am]

BILLING CODE 7537-01-M

Music Arts Advisory Panel; Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Music Recording Section) to the National Council on the Arts will be held on March 14-15, 1995 from 9:00 a.m. to 5:30 p.m. in Room 714, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public from 4:30 p.m. to 5:30 p.m. on March 15 for a policy discussion.

The remaining portions of this meeting from 9:00 a.m. to 5:30 p.m. on March 14 and from 9:00 a.m. to 4:30 p.m. on March 15 are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of February 8, 1994, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202/682-5433.

Dated: February 17, 1995.

Yvonne M. Sabine,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 95-4524 Filed 2-23-95; 8:45 am]

BILLING CODE 7537-01-M

Theater Advisory Panel; Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a planning meeting for the Professional Theater Companies Section of the Theater Advisory Panel will be held on February 27, 1995 from 9:30 a.m. until business is completed, in Room 730, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

This meeting will be open to the public on a space available basis.

Any interested person may observe meetings or portions thereof, which are open to the public, and may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506, 202/682-5532, TYY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202/682-5433.

Dated: February 17, 1995.

Yvonne M. Sabine,

Director, Office of Council and Panel Operations, National Endowments for the Arts.

[FR Doc. 95-4526 Filed 2-23-95; 8:45 am]

BILLING CODE 7537-01-M

National Endowment for the Arts

Theater Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Theater Advisory Panel (Professional Theater Companies Panel B Section) to the National Council on the Arts will be held on March 27-31, 1995. The panel will meet from 9:30 a.m. to 9:00 p.m. on March 27; from 9:00 a.m. to 9:00 p.m. on March 28-30; and from 9:00 a.m. to 8:00 p.m. on March 31 in Room 730, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public on March 27 from 9:30 a.m. to 10:30 a.m. for opening remarks

and a discussion of procedural issues and review criteria for the Professional Theater Companies category and from 5:00 p.m. to 8:00 p.m. on March 31 for a discussion of guidelines, policy, and procedural issues.

The remaining portions of this meeting from 10:30 a.m. to 9:00 p.m. on March 27; from 9:00 a.m. to 9:00 p.m. on March 28-30; and from 9:00 a.m. to 5:00 p.m. on March 31 are for the purpose of panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of February 8, 1994, these sessions will be closed to the public pursuant to subsection (c)(4)(6), and (9)(B) of Section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the Panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506, 202/682-5532, TYY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

Dated: February 21, 1995.

Yvonne M. Sabine,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 95-4627 Filed 2-23-95; 8:45 am]

BILLING CODE 7537-01-P

Announcement of Meeting of Public Partnership Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Public Partnership Advisory Panel (State & Regional Section) to the National Council on the Arts will be held on March 20-21, 1995. The panel will meet from 9:00 a.m. to 5:30 p.m. on March 20 and from 9:30 a.m. to 4:00 p.m. on March 21 in Room M-07, at the

Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

This meeting will be open to the public on a space available basis for review of applications and a discussion of guidelines and field issues.

Any interested person may observe meetings or portions thereof, which are open to the public, and may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington, D.C. 20506, 202/682-5532, TYY 202/682-5496, at least (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202/682-5433.

Dated: February 26, 1995.

Yvonne M. Sabine,

Office of Panel Operations, National Endowment for the Arts.

[FR Doc. 95-4626 Filed 2-23-95; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Advisory Panel; Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Visual Artists Public Projects Section) to the National Council on the Arts will be held on March 28-31, 1995 from 9:00 a.m. to 7:00 p.m. on March 28-30 and from 9:30 a.m. to 3:30 p.m. on March 31. This meeting will be held in Room 716, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public from 1:30 p.m. to 3:30 p.m. on March 31 for a policy and guidelines discussion.

The remaining portions of this meeting from 9:00 a.m. to 7:00 p.m. on March 28-30 and from 9:30 a.m. to 1:30 p.m. on March 31 are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the

determination of the Chairman of February 8, 1994 these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC., 20506, or call 202/682-5433.

Dated: February 17, 1995.

Yvonne M. Sabine,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 95-4527 Filed 2-23-95; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Collection of Information Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting a notice of information collection that will affect the public. Interested persons are invited to submit comments by March 17, 1995. Copies of materials may be obtained at the NSF address or telephone shown below.

Agency Clearance Officer: Herman G. Fleming, Division of Contracts, Policy, and Oversight, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, or by telephone (703) 306-1243. Comments may be submitted to:

OMB Desk Officer: Office of Information and Regulatory Affairs, ATTN: Dan Chenok, Desk Officer, OMB, 722 Jackson Place, Room 3208, NEOB, Washington, DC 20503.

Title: Survey of Course & Curriculum Development Program Principal Investigators and unsuccessful Applicants.

Affected Public: Individuals.

Respondents/Reporting Burden: 530 respondents: average 13 minutes per response.

Abstract: NSF will use data from two mails surveys to improve its undergraduate Course & Curriculum Development program. One asks Principal Investigators about the nature of, products developed by, and impact of their projects. The other asks unsuccessful applicants about the experience and consequences of undergoing the proposal process.

Dated: February 17, 1995.

Herman G. Fleming,

Reports Clearance Officer.

[FR Doc. 95-4523 Filed 2-23-95; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: Revision.

2. The title of the information collection:

10 CFR Part 70—Domestic Licensing of special Nuclear Material. Draft Regulatory Guide DG-3008—Nuclear Criticality Safety Training.

3. The form number if applicable: Not applicable.

4. How often the collection is required: Required reports are collected and evaluated on a continuing basis as events occur. Applications for new licenses and amendments may be submitted at any time. Renewal applications are submitted every five years. Applications for renewal for certain major fuel cycle facilities are submitted every ten years, with updates of the safety demonstration section submitted every two years. Nuclear material control and accounting information is submitted in accordance with specified instructions. Nuclear criticality safety training program information pursuant to DG-3008 is

submitted with the application or renewal.

5. Who will required or asked to report: Applicants for and holders of specific NBC licenses to receive title to, own, acquire, deliver, receive, possess, use, or initially transfer special nuclear material.

6. An estimate of the number of annual responses: 1,241.

7. An estimate of the total number of hours needed annually to complete the requirement or request: 82,885 (an average of approximately 62.5 hours per response for applications and reports, plus approximately 25.4 hours annually per recordkeeper).

8. An indication of whether Section 3504(h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: 10 CFR Part 70 establishes requirements for licenses to own, acquire, receive, possess, use, and transfer special nuclear material. Draft Regulatory Guide DG-3008 provides guidance on an acceptable nuclear criticality safety training program. The information in the applications, reports and records is used by NRC to make licensing and other regulatory determinations concerning the use of special nuclear material. The revised estimate of burden reflects an increase in burden primarily because of the addition of requirements for uranium enrichment facilities, decommissioning funding requirements, financial assurance self-guarantee provisions, and documentation additions for decommissioning and license termination.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

Comments and questions may be directed by mail to the OMB reviewer: Troy Hillier, Office of Information and Regulatory Affairs (3150-0009), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments may also be communicated by telephone at (202) 395-3084.

The NRC Clearance officer is Brenda Jo. Shelton, (301) 415-7233.

Dated at Bethesda, Maryland, this 15th day of February, 1995.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 95-4590 Filed 2-23-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-213]

Connecticut Yankee Atomic Power Co.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 182 to Facility Operating License No. DPR-61 issued to Connecticut Yankee Atomic Power Company (the licensee), which revised the Technical Specifications for operation of the Haddam Neck Plant located in Middlesex County, Connecticut. The amendment is effective as of the date of issuance, to be implemented within 30 days.

The amendment revises Technical Specification 3/4.4.9, "Pressure/Temperature Limits, Reactor Coolant System," Figures 3.4-3, 4, and 5 and the associated Bases section. The amendment replaces these TS figures as a result of reanalyses in response to NRC Information Notice 93-58, "Nonconservatism in Low Temperature Overpressurization Protection for Pressurized Water Reactors."

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on May 16, 1994 (59 FR 25507). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment (60 FR 7588).

For further details with respect to the action see (1) the application for amendment dated April 7, 1994, as supplemented November 4, 1994, (2) Amendment No. 182 to License No. DPR-61, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. All of these items 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 Russell Library, 123 Broad Street, Middletown, CT 06457.

Dated at Rockville, Maryland, this 16th day of February 1995.

For the Nuclear Regulatory Commission.

Alan B. Wang,

Project Manager, Project Directorate I-4, Division of Reactor Projects-I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95-4591 Filed 2-23-95; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION**Notice of Commission Visits**

February 17, 1995.

Notice is hereby given that members of the Commission staff will visit the following U.S. Postal Service mail processing facilities:

Richmond, VA to view BRMAS processing and rating, February 24, 1995, 4:00 am Largo, MD GMF/BMC to observe mail processing, February 28, 1995, 6:00 pm Merrifield, VA and an associated local facility to view delivery point barcoding and integration into carrier sequence, March 6, 1995, 6:00 am.

Reports of these visits will be placed on file in the Commission's Docket Room. For further information contact Margaret P. Crenshaw, Secretary of the Commission, (202) 789-6840.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 95-4533 Filed 2-23-95; 8:45 am]

BILLING CODE 7710-FW-P

RESOLUTION TRUST CORPORATION**Coastal Barrier Improvement Act; Property Availability; Port Adventure, Trinity County, TX, Pinwah Pines, Polk County, TX**

AGENCY: Resolution Trust Corporation.

ACTION: Notice.

SUMMARY: Notice is hereby given that the properties known as Port Adventure, located near the City of Sebastopol, Trinity County, Texas, and Pinwah Pines, located near the City of Livingston, Polk County, Texas, are affected by Section 10 of the Coastal Barrier Improvement Act of 1990 as specified below.

DATES: Written notices of serious interest to purchase or effect other transfer of all or any portion of these properties may be mailed or faxed to the RTC until May 25, 1995.

ADDRESSES: Copies of detailed descriptions of these properties,

including maps, can be obtained from or are available for inspection by contacting the following person: Mr. Steven Reid, Resolution Trust Corporation, Dallas Field Office, 3500 Maple Avenue, Reverchon Plaza, Suite 300, Dallas, TX 75219, (214) 443-4738; Fax (214) 443-6574.

SUPPLEMENTARY INFORMATION: The Port Adventure property is located on Route 2, two miles east of Sebastopol, Texas, and accessible on the southern side from FM 356. The site consists of approximately 284.8 acres of mostly undeveloped land with a campground and community activity facilities. The Port Adventure property contains habitat for Federally-listed endangered species and the western portion of the site is adjacent to a small inlet of Lake Livingston which is managed by the Trinity River Authority for natural resource conservation and recreational purposes.

The Pinwah Pines property is located southeast of Onalaska and northwest of Livingston on US-190, Polk County, Texas. The site consists of approximately 97 acres of undeveloped land with rolling terrain and water frontage on the northeast side of Lake Livingston. The Pinwah Pines property contains habitat for Federally-listed endangered species and the site is contiguous with Lake Livingston which is managed by the Trinity River Authority for natural resource conservation and recreational purposes. These properties are covered property within the meaning of Section 10 of the Coastal Barrier Improvement Act of 1990, P.L. 101-591 (12 U.S.C. 1441a-3).

Title to the Pinwah Pines property is vested in First Texas Equities, Inc., a subsidiary of Jasper Federal Savings and Loan, in Receivership, and is subject to claims asserted in that matter styled "First Texas Equities, Inc. v. Neil Chain," pending under Cause No. 11,933 in the 258th Judicial District Court of Polk County, Texas, and that notice of Lis Pendens regarding said matter, dated May 24, 1991, and recorded May 28, 1991, in Volume 807, Page 653 of the Official Records of Polk County, Texas.

Written notice of serious interest in the purchase or other transfer of all or any portion of these properties must be received on or before May 25, 1995 by the Resolution Trust Corporation at the appropriate address stated above.

Those entities eligible to submit written notices of serious interest are:

1. Agencies or entities of the Federal government;
2. Agencies or entities of State or local government; and

3. "Qualified organizations" pursuant to section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3)).

Written notices of serious interest must be submitted in the following form:

NOTICE OF SERIOUS INTEREST

RE: [insert name of property]

Federal Register Publication Date: _____
[insert Federal Register publication date]

1. Entity name.

2. Declaration of eligibility to submit Notice under criteria set forth in the Coastal Barrier Improvement Act of 1990, P.L. 101-591, section 10(b)(2), (12 U.S.C. 1441a-3(b)(2)), including, for qualified organizations, a determination letter from the United States Internal Revenue Service regarding the organization's status under section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3)).

3. Brief description of proposed terms of purchase or other offer for all or any portion of the property (e.g., price, method of financing, expected closing date, etc.).

4. Declaration of entity that it intends to use the property for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes (12 U.S.C. 1441a-3(b)(4)), as provided in a clear written description of the purpose(s) to which the property will be put and the location and acreage of the area covered by each purpose(s) including a declaration of entity that it will accept the placement, by the RTC, of an easement or deed restriction on the property consistent with its intended conservation use(s) as stated in its notice of serious interest.

5. Authorized Representative (Name/Address/Telephone/Fax).

List of Subjects

Environmental protection.

Dated: February 17, 1995.

Resolution Trust Corporation.

William J. Tricarico,

Assistant Secretary.

[FR Doc. 95-4477 Filed 2-23-95; 8:45 am]

BILLING CODE 6714-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-35392; International Series Release No. 786; File No. SR-ISCC-94-6]

Self-Regulatory Organizations; International Securities Clearing Corporation; Order Granting Approval of Proposed Rule Change Relating to the Global Clearance Networking System

February 16, 1995.

On December 17, 1994, International Securities Clearing Corporation ("ISCC") filed with the Securities and

Exchange Commission ("Commission") a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").¹ The Commission published notice of the proposed rule change in the **Federal Register** on January 18, 1995.² No comments have been received on the notice. As discussed below, the Commission is approving the proposed rule change.

I. Description

Pursuant to ISCC's Rule 50, ISCC has established a foreign clearing, settlement, and custody service known as the Global Clearance Networking ("GCN") service. Currently, Citibank, N.A. is the sole provider of GCN services. The proposed rule change adds two additional GCN service providers: Standard Bank of South Africa ("Standard") and Westpac Custodian Nominees Limited of Australia ("Westpac").³ Standard will offer to ISCC members clearance, settlement, and custody services in South Africa.⁴ Westpac will offer to ISCC members clearance, settlement, and custody services in Australia.⁵ In order to obtain access to Standard's services or Westpac's services, ISCC members will need to enter into individual agreements with Standard or Westpac.

Both Standard and Westpac have entered into an agreement with ISCC pursuant to which they agree to provide access to clearing, settlement, and custody services to eligible GCN participants at reduced prices. ISCC has not provided any volume guarantees to either of these banks, and each of the banks are responsible for collection of fees directly from the participants. The

¹ 15 U.S.C. 78s(b)(1) (1988).

² Securities Exchange Act Release No. 35212, International Series Release No. 767 (January 10, 1995), 60 FR 3687.

³ A steering committee of GCN participants working with ISCC selected Standard and Westpac to become GCN service providers.

⁴ Standard was established in 1862. Standard's Securities Services Division provides comprehensive services to over three hundred foreign banks, stockbrokers, and custodian accounts. Standard also is positioned through their subsidiary, Stanbic Bank, to provide clearance and settlement services in other southern and central African countries. ISCC has informed the Commission that Standard meets the requirements under Rule 17f-5 under the Investment Company Act of 1940 to be an eligible foreign custodian. Standard currently manages in excess of 30 billion in U.S. dollars.

⁵ Westpac was established in 1944. Westpac currently provides custodial and securities settlement services to over 500 local and international clients. ISCC has informed the Commission that Westpac is qualified as an eligible foreign custodian under Rule 17f-5 under the Investment Company Act of 1940. Westpac manages over 50.2 billion in Australian dollars in assets under custody.

agreements may be terminated by mutual agreement of the parties with ninety days prior notice.

The proposed rule change also modifies the procedures for using the GCN service contained in Addendum E to ISCC's rules. Currently, participants can submit data to ISCC through their office computer's central processing unit ("CPU") or any personal computer ("PC") connection using an ISCC universal trade record ("UTR") format. The proposal allows ISCC also to accept data submitted via S.W.I.F.T.⁶ and to accept data in ISO 7775 format.⁷ If the data is not received in ISO 7775 format, ISCC will convert the data into this format for transmission to the service provider.

Data submitted via PC or CPU is routed through ISCC's Datatrak system to validate the sender's identity against ISCC's masterfile prior to the validation and edit process.⁸ Data submitted via S.W.I.F.T. will go directly to the validation and edit process.⁹ Information that does not pass the validation or edit process will be rejected, and the participant will be required to resubmit the data.

Data will be routed to the service provider using the method required by the service provider. In general, ISCC will receive confirmation that the data has been received by the service provider. If the data is sent using S.W.I.F.T., ISCC only will receive confirmation that the data was transmitted.¹⁰ If the service provider is unable to process the data, the service provider will contact the participant directly. Each day, the service provider will provide reports on behalf of the participants' accounts to ISCC which ISCC will retransmit to the participants.

II. Discussion

The Commission believes the proposed rule change is consistent with Section 17A of the Act and, therefore, is

⁶ The Society for Worldwide Interbank Financial Telecommunication ("S.W.I.F.T.") operates a secure data communication and processing system which enables thousands of financial institutions in more than 100 countries to communicate with each other 24 hours a day and facilitates the sending in excess of 500 million messages annually.

⁷ The International Organization for Standardization ("ISO") was founded in 1949 to promote standards worldwide. ISO 7775, the standard for international securities messages, was developed in close cooperation with S.W.I.F.T. It was first published in 1984. S.W.I.F.T. has assumed responsibility for maintenance of the standard.

⁸ Currently, participants receive a confirmation that ISCC has received the data. The proposal eliminates the sending of the confirmation.

⁹ S.W.I.F.T. automatically verifies the identity of the sending party.

¹⁰ Additionally, S.W.I.F.T., instead of ISCC, will verify the number of records transmitted.

approving the proposal. Specifically, the Commission believes the proposal is consistent with Section 17A(b)(3)(F)¹¹ of the Act in that it promotes the prompt and accurate clearance and settlement of securities transactions.

In the initial order granting ISCC temporary registration as a clearing agency, the Commission stated that the development of efficient and comparable automated national and international clearance, settlement, and payment systems is one of the more important international goals.¹² The Commission noted that without established international systems, broker-dealers and their institutional customers often are forced to devote substantial resources to each task related to trade settlement and must deliver securities by physical means.

The GCN service offers participating ISCC members advantages in securities processing including central access for processing trades, standardized operating procedures, receipt of uniform reports on their trades, and reduced prices due to economies of scale. The addition of Westpac and Standard as GCN providers gives ISCC participants access to settlement services in areas not currently covered by the GCN service and thus increases the utility of the GCN service. The Commission also believes that revising the GCN procedures to permit the use of the ISO format is beneficial as another step in the standardization of the international clearance of trades. By accepting trade data through S.W.I.F.T., ISCC may provide enhanced access to the system.

III. Conclusion

For the reasons stated above, the Commission finds that the proposed rule change is consistent with Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR-ISCC-94-06) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95-4516 Filed 2-23-95; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-35390; File No. SR-MBS-95-02]

Self-Regulatory Organizations; MBS Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Establishing Fees for the Electronic Pool Notification Service

February 16, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on February 8, 1995, the MBS Clearing Corporation ("MBS") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR-MBS-95-02) as described in Items I, II, and III below, which Items have been prepared primarily by MBS. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change establishes fees for the Electronic Pool Notification ("EPN") service (attached as *Exhibit A*) and makes certain technical changes to the EPN procedures to accommodate the establishment of EPN fees.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MBS 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. MBS has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to establish fees for the EPN service and make certain technical changes to the EPN procedures to accommodate the establishment of EPN fees. Specifically, MBS is establishing three separate types of fees for EPN users: message processing fees, access fees, and telecommunication circuit charges. EPN users will be charged for EPN services in accordance with the EPN Schedule of Charges effective

February 9, 1995, which is the Public Securities Association Class A pool notification day. The fees are payable monthly on the appropriate PSA Class Settlement Date as determined by MBS from time to time.

MBS believes that the proposed rule change is consistent with Section 17A(b)(3)(D) of the Act² and the rules and regulations thereunder in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its participants.

(B) Self-Regulatory Organization's Statements on Burden on Competition

MBS does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

MBS advised EPN users of the proposed rule change at a meeting held on January 25, 1995. No written comments have been received. MBS will notify the Commission of any written comments received by MBS.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act³ and pursuant to Rule 19b-4(e)(2) promulgated thereunder⁴ because the proposed rule change establishes a due, fee, or other charge imposed by MBS. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the

¹¹ 15 U.S.C. 78q-1(b)(3)(F) (1988).

¹² Securities Exchange Act Release 26812 (May 12, 1989), 54 FR 21691.

¹ 15 U.S.C. 78s(b)(1) (1988).

² 15 U.S.C. 78q-1(b)(3)(D) (1988).

³ 15 U.S.C. 78s(b)(3)(A)(ii) (1988).

⁴ 17 CFR 240.19b-4(e)(2) (1994).

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 MBS. All submissions should refer to File No. SR-MBS-95-02 and should be submitted by March 17, 1995.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.⁵

Margaret H. McFarland,
Deputy Secretary.

EXHIBIT A.—MBS-EPN SCHEDULE OF CHARGES

Message Processing Fees	
Account Maintenance.	\$250.00/month (per account).
ON Send or Receive.	0.75/million Current Face.
DK Send or Receive.	No Charge.
Cancel Send or Receive.	No Charge.
Retransmission Request.	No Charge.
AutoLink Request	No Charge.
Access Fees	
CTCI SNA LU6.2	71.00/month (per circuit to MetroTech).
CTCI TCP/IP via Wellfleet (MBSCC).	120.00/month (per circuit to MetroTech).
CTCI TCP/IP via Cisco (MBSCC).	190.00/month (per circuit to MetroTech).
EPN Terminal Service.	No Charge (first 9.6 Kbps connection).
EPN Terminal Service.	12.75/month (each additional connection).
EPN Dial-up Terminal Service.	12.75/month (each 9.6 Kbps connection).

In addition to the above, telecommunication circuit charges from Sector (or your vendor of choice) will apply.

* * * * *

[FR Doc. 95-4517 Filed 2-23-95; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 2169]

United States International Telecommunications Advisory Committee (ITAC) Standardization Sector U.S. Study Group A and U.S. ITAC-T Study Group; Meeting Notice

The Department of State announces that the United States International Telecommunications Advisory Committee (ITAC), Telecommunications Standardization Sector (ITAC-T) Study Group A and the U.S. Study Group for ITAC-T (formerly the USNC) will meet on the following dates and times at the U.S. Department of State, 2201 C Street NW, Washington, DC. 20520:

Study Group A, March 9, 1995, 930-1230, Dean Acheson Auditorium
ITAC-T National Group, March 9, 1995, 130-500, Dean Acheson
Study Group A, March 27, 1995, 930-3P, Room 1107
Study Group A, April 26, 1995, 930-2P, Room 1205
Study Group A, May 23, 1995, 930-3P, Room 1105.

The meeting of U.S. SG A on March 9 will deal primarily with preparations for the upcoming Meetings of the two working parties of ITU-T Study Group 2, scheduled for April 3-7, Geneva, and April 20-26, Tokyo; initial preparatory activity covering ITU-T Study Groups 1 and 3, scheduled to meet in Geneva in May and June, respectively; and a debrief of the CITEL PCC-I meeting held in Tegucigalpa, Honduras, February 20-24, 1995.

The meeting of the ITAC-T Group on the afternoon of March 9 will include a debrief of the January 23-27 Geneva meeting of the Telecommunications Standardization Advisory Group (TSAG) and the initial preparations for the September 1995 TSAG and its working party meetings.

The meetings of Study Group A scheduled for March, April and May indicated above, will continue the work to prepare U.S. Delegations of the various Study Groups meeting that are scheduled to meet in Tokyo and Geneva, as indicated. More extensive agendas will be available as necessary prior to those meetings.

Members of the General Public may attend the meetings and join in the discussions, subject to the instructions of the chair. Admittance of public members will be limited to the seating available. In this regard, entrance to the Department of State is controlled. If you are not presently named on the mailing list of the Telecommunications Standardization Sector Study Group or

Study Group A, and wish to attend please call 202-647-0201 not later than 5 days before the scheduled meetings. Enter from the "C" Street Main Lobby. A picture ID will be required for admittance.

Dated: February 9, 1995.

Earl S. Barbely,

Chairman, U.S. ITAC for Telecommunication Standardization.

[FR Doc. 95-4478 Filed 2-23-95; 8:45 am]

BILLING CODE 4710-45-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Regional Liaison Outreach and Services Program (LOSP); Announcement of Request for Proposal (RFP); Correction

AGENCY: Office of the Secretary, DOT.

ACTION: Correction.

SUMMARY: On February 3, 1995, the U.S. Department of Transportation, Office of the Secretary, Office of Small and Disadvantaged Business Utilization published a request for proposals (RFP), Notice on the Regional Liaison Outreach and Services Program (L.O.S.P.) at 60 FR 6751). The RFP inadvertently omitted the States of Rhode Island and Vermont at 60 FR (6753). This notice makes correction to the RFP. In FR DOC 95-2494 at 60 FR 6753, 2nd Column, para 2, make the following correction: "Region 1: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont"

Dated: February 21, 1995.

Luz A. Hopewell,

Director, Office of Small and Disadvantaged Business Utilization.

[FR Doc. 95-4620 Filed 2-21-95; 2:49 pm]

BILLING CODE 4910-62-M

Federal Highway Administration

Environmental Impact Statement: Tioga County, PA, and Steuben County, NY

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for the proposed highway project in Tioga County, Pennsylvania and Steuben County, New York.

FOR FURTHER INFORMATION CONTACT: Bradley D. Keazer, District Engineer, Federal Highway Administration, 228

⁵ 17 CFR § 200.30-3(a)(12) (1994).

Walnut Street, P.O. Box 1086, Harrisburg, Pennsylvania 17108-1086, Telephone: 717-782-4422, or Russell E. Campbell, Project Manager, Pennsylvania Department of Transportation, District 3-0, 715 Jordan Avenue, Montoursville, Pennsylvania 17754-0218, Telephone: 717-368-4380.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Pennsylvania Department of Transportation and the New York State Department of Transportation, will prepare an Environmental Impact Statement (EIS) on a proposal to improve the safety and capacity on U.S. Route 15 in Tioga County, Pennsylvania, and Steuben County, New York. The approximate length of the study area is 12 miles (6 miles in each state).

In Pennsylvania, the project begins just south of the U.S. Route 15 and PA 287 intersection and continues north to the PA/NY state line. The New York section begins at the state line and continues north to the project terminus just south of Presho, where the existing two lane roadway becomes a four-lane, limited access highway.

This 12-mile section of U.S. Route 15 was programmed because of several transportation considerations. It is a direct tie between the major economic areas of Williamsport and Corning. This is the last section of U.S. Route 15 between these two cities to come under consideration for upgrade (all other sections of U.S. Route 15 are either under design, construction, or studies are being activated). The upgrade would improve access to nearby recreational areas and would sustain the existing economy of the area by providing improved access. A facility constructed to present design standards would improve safety.

A two-phased study approach will be used to identify and evaluate alternatives. The initial phase is for scoping and needs assessment. The study will then involve the development of potential alternatives through the study area. Each of the alternatives will be developed such that a means of comparison can be made along with the No-Build Alternative. Upgrade of the existing facility and new alignments may be considered.

Concurrent with the development of the alternatives, various types of data will be gathered which will describe the study area as it relates to the alternatives. The following environmental areas will be investigated for EIS preparation: Traffic, air quality, noise and vibration; surface water resources; aquatic environmental;

floodplains; groundwaters; soils and geology; wetlands; vegetation and wildlife; endangered species; agricultural lands assessment; visual; socioeconomic and land use; construction impacts; energy; municipal, industrial, and hazardous waste; historic and archaeological structures and sites; Section 4(f) evaluation; and wild and scenic rivers. The above information will be utilized to refine the alternatives or eliminate a particular alternative from further considerations because of the potential for negative socioeconomic, environmental, or engineering impacts.

The second phase will utilize the alternatives selected in the initial phase and perform a detailed analysis on each. These alternatives will be the basis for the detailed environmental and engineering studies and the Environmental Impact Statement. From this analysis a preferred alternative will be identified which meets the needs of traffic demand, and satisfies the environmental, socioeconomic, and engineering evaluations and public feedback.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal agencies as well as State and local agencies in New York and Pennsylvania, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A series of public and agency meetings will be held throughout the development of the project. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or the Pennsylvania Department of Transportation at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding ingovernmental consultation on Federal programs and activities apply to this program)

Issued on: February 15, 1995.

Manuel A. Marks,

Division Administrator, Federal Highway Administration, Harrisburg, Pennsylvania.

[FR Doc. 95-4564 Filed 2-23-95; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

Florida East Coast Railway Company; Public Hearing

[RS&I-AP-No. 1094]

The Florida East Coast Railway Company (FEC) has petitioned the Federal Railroad Administration (FRA) seeking relief from the requirements of the Rules, Standards and Instructions, title 49 CFR, part 236, § 236.566, to the extent that FEC be permitted to operate foreign line nonequipped locomotives, in automatic train control (ATC) territory, in accordance with Centralized Traffic Control System rules as defined by FEC Operating Rules and title 49 CFR, part 236, § 236.567.

This proceeding is identified as FRA Rules, Standards and Instructions Application (RS&I-AP) Number 1094.

The FRA has issued a public notice seeking comments of interested parties and has conducted a field investigation in this matter. After examining the carrier's proposal and the available facts, the FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 10 a.m. on Thursday, April 27, 1995, in the Saint Johns County Auditorium, located at 420 Lewis Speedway, Saint Augustine, Florida. Interested parties are invited to present oral statements at the hearing.

The hearing will be an informal one and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (title 49 CFR part 211.25), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, D.C. on February 15, 1995.

Phil Olekszyk,

Acting Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 95-4624 Filed 2-23-95; 8:45 am]

BILLING CODE 4910-06-M

Research and Special Programs Administration

[Preemption Determination No. PD-7(R); Docket No. PDA-12(R)]

Determination That Maryland Certification Requirements for Transporters of Oil or Controlled Hazardous Substances Are Preempted by Federal Hazardous Material Transportation Law; Decision on Petition for Reconsideration

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Decision on petition for reconsideration of RSPA's administrative determination that Maryland certification requirements for transporters of oil or controlled hazardous substances are preempted by the Federal Hazardous Material Transportation Law.

Petitioners: Maryland Department of the Environment (MDE).

State Laws Affected: Code of Maryland Regulations (COMAR) 26.10.01.16.D and 26.13.04.01.F.

Applicable Federal Requirements: 49 U.S.C. 5101 et seq. (previously the Hazardous Materials Transportation Act, 49 App. U.S.C. 1801 et seq.), and the Hazardous Materials Regulations (HMR), 49 CFR parts 171-180.

Mode Affected: Highway.

SUMMARY: The Maryland Department of the Environment petition requests reconsideration of a RSPA determination that Federal hazardous material transportation law preempts Maryland regulations requiring certification of non-domiciled operators of motor vehicles loading or unloading certain hazardous materials in Maryland. The petition is denied.

FOR FURTHER INFORMATION CONTACT:

Charles B. Holtman, Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street SW, Washington, DC 20590-0001, telephone number (202) 366-4400.

I. Background

On June 3, 1994, RSPA published in the **Federal Register** the determination that Maryland certification requirements, applicable to operators of

motor vehicles loading or unloading oil or "controlled hazardous substances" (CHS) in Maryland, are preempted by the Federal hazardous material transportation law (Federal hazmat law), to the extent that they apply to the loading or unloading of oil or CHS that is a hazardous material. 59 FR 28913. RSPA found that these requirements are training requirements, and that the requirements, as enforced and applied, are stricter than HMR training requirements at 49 CFR 172.700-.704.

Specifically, COMAR 26.10.01.16.D, which applies to operators of oil cargo tanks, requires the operator to take and pass a test administered by MDE at five in-state locations and at out of-state business locations approved by MDE. COMAR 26.13.04.01.F, which applies to operators of vehicles transporting CHS, requires "[t]raining in the requirements necessary to transport hazardous waste," which include requirements promulgated by, and specific to, Maryland. In addition, the instructor must meet an experience criterion, and MDE may require the operator to pass an approved written examination. These elements of the certification requirements, RSPA found, are more strict than the HMR. 59 FR 28919.

To the extent that the requirements are more strict than the HMR, they violate 49 CFR 172.701, which permits States to apply training requirements to non-domiciled vehicle operators only if the requirements are no more strict than those of the HMR. Accordingly, RSPA reasoned, each of the two requirements is "an obstacle to accomplishing and carrying out" Federal hazmat law. 49 U.S.C. 5125(a)(2); see 59 FR 28919.

Within the 20-day time period provided in 49 CFR 107.211(a), MDE filed a petition for reconsideration of the determination. It certified that, in accordance with 49 CFR 107.211(c), it had mailed copies of the petition to CWTI/NTTC and to all others who had submitted comments, with a statement that each person, within 20 days, could submit comments on the petition. RSPA has received no comments on the MDE petition.

II. Petition for Reconsideration

In its June 20, 1994 petition, MDE first states that the three elements that RSPA found to be more strict than the HMR do not apply to both the oil and CHS vehicle operator certification requirements. It notes that only COMAR 26.10.01.16.D (oil) requires that the operator pass a State-administered examination; under COMAR 26.13.04.01.F (CHS), the examination requirement is at the discretion of MDE. Similarly, only COMAR 26.13.04.01.F

specifies required areas of training and instructor experience requirements.

MDE concedes that its CHS vehicle operator certification provisions specifying required areas of training and instructor experience criteria are "training requirements" within the meaning of 49 CFR 172.701. On the other hand, it contests the RSPA finding that the examination requirement, and the general requirement to obtain a certificate, are training requirements. It suggests, instead, that they "are intended to demonstrate that the training received by the drivers is adequate to insure the safe transportation and transfer of hazardous materials in Maryland." Because they are not training requirements, MDE then argues, RSPA cannot find them to be obstacles simply because they violate 49 CFR 172.701. Rather, MDE contends, RSPA must factually analyze whether they are obstacles as enforced and applied. MDE contends that CWTI/NTTC has not submitted specific evidence sufficient to allow RSPA to find the requirements to be obstacles. As an example, it notes, it does not in fact require a CHS vehicle operator to take an examination, but merely to submit a statement from the operator's employer that approved training has been completed.

MDE does not dispute that its rules specifying areas of training for CHS vehicle operators are training requirements, but argues that they are not more strict than the HMR. It submits that the rules generally are consistent with HMR requirements, differing only in requiring knowledge of Maryland requirements for transporting and handling hazardous wastes. In this latter respect, it contends that operator familiarity with the laws of States of operation should be deemed to be part of required HMR training, and therefore that the Maryland rules should not be found to be more strict.

MDE concedes that the instructor experience criterion is more strict than the HMR. It argues that preemption of this provision nevertheless should not invalidate the entire CHS vehicle operator certification program.

Finally, in their application CWTI/NTTC represented that Maryland applies the CHS vehicle operator certification requirement only to those loading or unloading RCRA hazardous waste, and not to other materials meeting the definition of CHS. Although MDE did not take issue with that representation in its comments, it now indicates that it applies the certification requirement to other CHS, including PCB-contaminated wastes, certain wastes associated with the production

of military chemical warfare agents, certain wastes generated in the production of phthalate esters, and certain other organic chemical industry wastes not regulated under RCRA. It notes that this fact may simply correct the record, and may not affect the preemption determination.

MDE asks that RSPA reverse its preemption determination or at least reconsider the decision with respect to the examination and certification requirements by examining whether those requirements, as applied and enforced, in fact are obstacles to achieving the goals of the HMR.

III. Discussion

The examination requirements, specification of training subjects, and instructor experience criterion under COMAR 26.01.10.16.D and 26.13.04.01.F, as well as the certification requirements themselves, are training requirements within the meaning of 49 CFR 172.700(b). Under that section, "training" is defined as:

[A] systematic program that ensures a hazmat employee has familiarity with the general provisions of [the HMR], is able to recognize and identify hazardous materials, has knowledge of specific requirements of [the HMR] applicable to functions performed by the employee, and has knowledge of emergency response information, self-protection measures and accident prevention methods and procedures.

The term "training," then, particularly as it extends to "ensuring" hazmat employee knowledge in the specified areas, encompasses more than the subject matter that hazmat employees are required to learn. It also includes the means by which hazmat employees are instructed and by which the enforcing governmental body may determine that instruction has been successful. Accordingly, "training requirements" include not only provisions that specify the subject matter of training, but also those that, for instance, prescribe how instruction is to be conducted and documented.

That the term should be read broadly is evidenced by 49 CFR 172.701, which states: "This subpart * * * prescribe[s] minimum *training requirements* for the transportation of hazardous materials" (emphasis added). Thus, under section 172.701, the requirements of the subpart, 49 CFR 172.700-.704, including examination requirements, 49 CFR 172.702(d), and training documentation requirements, 49 CFR 172.704(d), all are "training requirements." As to the Maryland certification requirements, the sole criterion for issuance of the operator certificate under COMAR 26.01.10.17

and 26.13.04.01.F is satisfactory completion of prescribed training (an applicant under COMAR 26.13.04.01.F also must submit a \$20 fee, presumably for processing). The certificate, therefore, is no more and no less than a documentation of training, and the certification requirement is a training requirement.

This reading is consistent with the basis of 49 CFR 172.701. As discussed in the determination, this section, which permits a State to apply motor vehicle operator training requirements more strict than the HMR only to those domiciled in the State, balances competing interests. On the one hand, it "recognizes the traditional regulation by States of their own resident drivers." 59 FR 28919 (quoting 57 FR 20944, 20947 (May 15, 1992)). On the other, it recognizes that:

Were States permitted to impose stricter requirements on non-resident operators, operators potentially would be subject to numerous sets of training requirements, with resulting confusion, cost and paperwork burdens.

59 FR 28919.

Confusion, cost and paperwork burdens would result not only from States specifying different subject matters in which non-domiciled vehicle operators must be instructed, but just as much from disparate examination, documentation and certification requirements. In Inconsistency Ruling (IR-) 26, 54 FR 16314 (Apr. 21, 1989), California required non-resident motor vehicle operators to have a Non-Resident Special Certificate or an employer's certification on a State-approved form before entering the State. RSPA found this to be a training requirement preempted by the HMR. 54 FR at 16323-24. We found that "documentary prerequisites for the transportation of hazardous materials" imposed on non-domiciled operators would cause unnecessary delays in the transportation of hazardous materials in commerce. 54 FR 16323. Section 172.701 closely adopts the rationale of IR-26. See 57 FR 20947.

Furthermore, MDE states in its petition, again, that its examination and certification requirements are "to demonstrate that the training received by the drivers is adequate to insure the safe transportation and transfer of hazardous materials in Maryland." As thus characterized, these are training requirements within the § 172.700(b) definition. More directly, MDE asserted in its June 23, 1993 comments on the CWTI/NTTC application:

Subpart H (49 CFR 172.700(b)) defines training to mean "a systematic program that

ensures a hazmat employee * * * is able to recognize and identify hazardous materials * * * and has knowledge of emergency response information, self protection measures and accident prevention methods and procedures." These are exactly the issues addressed by the State's training requirements.

MDE's characterization at that time is diametrically opposed to the position it now takes. For the reasons discussed, RSPA agreed with MDE's earlier characterization, and is not now persuaded to the contrary.

Whether the specific requirement to obtain a certificate of training from the State fails the obstacle test was not explicitly addressed in the determination. As MDE directly raises the issue in its petition, this decision will address it. Because the certification requirements are training requirements, to determine whether they are an "obstacle to accomplishing and carrying out" Federal hazmat law, 49 U.S.C. 5125(a)(2), it is necessary only to determine whether they violate 49 CFR 172.701. A training requirement that violates 49 CFR 172.701 is an obstacle as a matter of law. See 59 FR 28919. The HMR do not require an operator to obtain a certificate of training from a governmental body; therefore, the MDE requirement to do so is more strict than the HMR, and is preempted as an obstacle. See IR-26, 54 FR at 16323 (discussed above).

MDE is correct that if the requirements in issue were not training requirements, then 49 CFR 172.701 would not apply. If 49 CFR 172.701 did not apply, RSPA could not find that merely because the requirements as applied to non-domiciled operators are stricter than the HMR, they violate the obstacle test. Rather, RSPA would need to analyze whether these particular requirements *in fact* create an obstacle.

MDE supposes wrongly, however, that if the certification requirements are training requirements, it is not necessary to examine them "as applied or enforced." 49 U.S.C. 5125(a)(2). Section 172.701 simply establishes, as a matter of law, when non-Federal motor vehicle operator training requirements are an obstacle to accomplishing the goals of the HMR. Under the obstacle test, however, the non-Federal requirements to be considered are those that are applied or enforced. For one, this ensures that RSPA does not expend resources considering hypothetical preemption issues.

Absent contrary evidence in the record, RSPA presumes that a State rule is applied and enforced by its clear terms. In this case, MDE does not dispute that the operator of an oil cargo

tank subject to COMAR 26.10.01.16.D must appear at a place designated by MDE and demonstrate, by passing an examination, that he or she has knowledge of procedures for handling oil. MDE does not dispute that the training received by an operator of a CHS transport vehicle subject to COMAR 26.13.04.01.F must include instruction in certain Maryland requirements and must be administered by an instructor meeting certain experience requirements. Finally, MDE does not dispute that a cargo tank motor vehicle carrying oil or a vehicle carrying CHS may not be operated in Maryland for the purpose of loading or unloading within the State, unless the operator has applied to the MDE and received the required certificate.

As to how the provisions in question are enforced or applied, MDE disputes only RSPA's characterization of the CHS operator's examination requirement. It states that an examination is not required, but that a statement from the operator's employer that approved training has been completed may suffice. See also 58 FR 29322-23 & n. 5 (CWTI/NTTC agreement with this characterization). COMAR 26.13.04.01.F(6) provides that MDE may require an applicant for a certificate to pass an administered written examination; MDE does not say unambiguously that it *never* so requires. Regardless, if, as MDE applies and enforces its rules, there is no examination requirement under COMAR 26.13.04.01.F, then no preemption of an examination requirement is found. It remains, however, that the requirement that CHS vehicle operators apply for and obtain a certificate is preempted as more strict than the HMR.

MDE requires operator training in Maryland hazardous waste regulations, and concedes that the HMR do not require this. It claims that its requirement nevertheless is not more strict than the HMR because the HMR should be deemed to require operator training in the laws of States of operation. That the MDE believes the HMR *should* require operator training in the laws of States of operation, however, does not mean that the HMR actually *do* require that type of training.

The HMR do not prohibit an employer from training its employees in the requirements of the various States. Indeed, because an employer likely would be liable for an operator's violation of State law, the employer would be wise to instruct its employees on the laws of the States in which they operate. Nonetheless, the HMR do not require it. Operator training that did not

include instruction in Maryland hazardous waste law would not for that reason violate the HMR; it would, however, violate COMAR 26.13.04.01.F(4). This suffices to show that the Maryland requirement, in this respect, is more strict than the HMR.

MDE correctly surmises that its enforcement of the certificate requirement against operators of vehicles loading or unloading CHS other than RCRA hazardous waste does not affect the preemption determination. If the CHS that is not RCRA hazardous waste otherwise qualifies as a hazardous material under the HMR, then the determination applies to operators of vehicles loading or unloading that material to the same extent as it applies to operators loading or unloading RCRA hazardous waste. If that CHS is not a hazardous material, the preemption determination does not apply. Training requirements for operators of vehicles not transporting hazardous materials are not preempted by the HMR.

Finally, the MDE petition suggests some confusion about the effect of a RSPA preemption determination that rules unfavorably on some, but not all, elements of a State rule. The Maryland rules are preempted only to the extent that they are an obstacle to accomplishing the purposes of Federal hazmat law. *Ray v. Atlantic Richfield, Inc.*, 435 U.S. 151 (1978). Accordingly, to the extent the rules are applied and enforced against non-domiciled operators without the offending elements, namely the requirement to pass an MDE-administered examination, the requirement for training in Maryland laws, the instructor experience criterion and the certification requirement, they are not preempted.

IV. Ruling

For the reasons stated above, the MDE petition for reconsideration is denied. This decision incorporates and reaffirms the determination, set forth at 59 FR 28920, that 49 U.S.C. 5125:

Preempts Maryland regulations COMAR 26.10.01.16.D and COMAR 26.13.04.01.F, requiring certification of operators of motor vehicles loading or unloading hazardous materials in Maryland, as they apply to vehicle operators not domiciled in Maryland. Specifically, these requirements are stricter than Federal operator training requirements and therefore are obstacles to accomplishing the full purposes and objectives of [Federal hazmat law]. As applied to vehicle operators domiciled in Maryland, the requirements are not preempted.

V. Final Agency Action

In accordance with 49 CFR 107.211(d), this decision constitutes

RSPA's final agency action on the April 19, 1993 CWTI/NTTC application for a determination of preemption as to the above-specified Maryland requirements. Any party to this proceeding may seek review of this determination "by the appropriate district court of the United States * * * within 60 days after such decision becomes final." 49 U.S.C. 5125.

Issued in Washington, DC on February 17, 1995.

Alan I. Roberts.

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 95-4625 Filed 2-23-95; 8:45 am]

BILLING CODE 4910-60-P

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

February 17, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

U.S. Customs Service (CUS)

OMB Number: 1515-0065

Form Number: CF 7501 and CF 7501A

Type of Review: Extension

Title: Entry Summary (7501) and Entry Continuation Sheet (7501A)

Description: Customs Form 7501 is used by Customs as a record of the impact transaction, to collect the proper duty, taxes, exactions, certifications and enforcement endorsements, and to provide copies to Census for statistical purposes.

Respondents: Businesses or other for-profit

Estimated Number of Respondents: 2,675

Estimated Burden Hours Per Respondent: 20 minutes

Frequency of Response: On occasion

Estimated Total Reporting Burden: 3,454,852 hours

Clearance Officer: Laverne Williams, (202) 927-0229, U.S. Customs Service, Printing and Records Management Branch, Room 6216, 1301 Constitution Avenue NW., Washington, DC 20229

OMB Reviewer: Milo Sunderhauf, (202) 395-7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 95-4576 Filed 2-23-95; 8:45 am]

BILLING CODE 4820-02-P

Public Information Collection Requirements Submitted to OMB for Review

February 17, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: New

Form Number: IRS Form 8498

Type of Review: New collection

Title: Program Sponsor Agreement for Continuing Education for Enrolled Agents

Description: This information relates to the approval of continuing professional education programs for individuals enrolled to practice before the Internal Revenue Service (enrolled agents).

Respondents: Individuals or households, Business or other for-profit

Estimated Number of Respondents: 500

Estimated Burden Hours Per

Respondent: 36 minutes

Frequency of Response: Other

Estimated Total Reporting Burden: 300 hours

OMB Number: 1545-0735

Regulation ID Number: LR-189-80 (T.D. 7927) Final

Type of Review: Extension

Title: Amortization of Reforestation Expenditures

Description: Section 194 of the Internal Revenue Code allows taxpayers to elect amortize certain reforestation expenditures meet certain requirements. The regulations implement this election provision and allow the Service to determine if the election is proper and allowable.

Respondents: Individuals or households, Business or other for-profit, Farms

Estimated Number of Respondents: 12,002

Estimated Burden Hours Per

Respondent: 30 minutes

Frequency of Response: Annually

Estimated Total Reporting Burden:

6,001 hours

Clearance Officer: Garrick Shear, (202)

622-3869, Internal Revenue Service,

Room 5571, 1111 Constitution

Avenue, NW., Washington, DC 20224

OMB Reviewer: Milo Sunderhauf, (202)

395-7340, Office of Management and

Budget, Room 10226, New Executive

Office Building, Washington, DC

20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 95-4577 Filed 2-23-95; 8:45 am]

BILLING CODE 4830-01-P

TENNESSEE VALLEY AUTHORITY

Environmental Impact Statement: Use of Lands Acquired for the Columbia Dam Component of the Duck River Project

AGENCY: Tennessee Valley Authority.

ACTION: Notice of intent.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA), the Tennessee Valley Authority (TVA), in cooperation with the Tennessee Duck River Development Agency, will prepare an Environmental Impact Statement (EIS) on alternative uses of lands acquired as part of the Columbia Dam component of the Duck River Project. The project cannot be completed as a dam and reservoir due to the presence of endangered species. The EIS will consider the environmental impacts of a range of alternative uses of TVA-owned project lands, including the protection of resident endangered species and potential development of a recreational waterway between Iron Bridge Road boat ramp to Carpenter's Bridge (River Mile 137 to River Mile 165). With this notice, TVA is inviting comments on the scope of the EIS.

DATES: Comments must be received on or before May 22, 1995.

ADDRESSES: Comments should be sent to Dale V. Wilhelm, NEPA Liaison, Tennessee Valley Authority, WT 8C, 400 West Summit Hill Drive, Knoxville, Tennessee 37902-1499.

FOR FURTHER INFORMATION CONTACT:

Jack L. Davis, Manager, Water Resource Projects, Tennessee Valley Authority, WT 10C, 400 West Summit Hill Drive,

Knoxville, Tennessee 37902-1499, phone 615/632-4678.

SUPPLEMENTARY INFORMATION: TVA and local entities began a cooperative effort in 1964 to advance economic growth and provide an adequate and dependable water supply in the Duck River watershed (in Maury, Marshall, Bedford, and Coffee Counties, middle Tennessee). While the state-chartered Tennessee Duck River Development Agency worked to develop a water supply system to connect the five largest cities in the watershed, TVA was requested to investigate water resource development. In 1965, TVA concluded that multipurpose reservoir development on the Duck River mainstem offered the best potential for meeting the area's needs. The construction of dams on the river would control flooding, create water supply sources, and provide opportunities for water-based recreation. Eventually, two dam sites were identified: a downstream dam proposed to be built at Duck River Mile 136.7, near Columbia, and an upstream dam to be built at River Mile 248.6, near Normandy. After further study, these two dam and reservoir projects were presented in a 1968 planning report as components of a combined Duck River Project.

Following the enactment of NEPA, TVA issued a draft EIS on the project in June 1971. A public hearing on the proposed project was held in August 1971 and a final EIS on the Duck River Project (TVA-OHES-EIS-72-5) was issued in April 1972. This EIS was supplemented in June 1974 to correct identified deficiencies. Construction of the 3,230-acre Normandy Dam and Reservoir component was completed in 1976 and is currently in operation.

Construction of the 12,600-acre Columbia Dam and Reservoir component of the project began in 1973. Completion of this component was slowed and, in 1983, halted because consultation with the U.S. Fish and Wildlife Service indicated that the reservoir could jeopardize the continued existence of two endangered species. These two species, the birdwing pearly mussel and the Cumberland monkeyface pearly mussel, had been listed as endangered in 1975 under provisions of the 1973 Endangered Species Act (ESA). Subsequent fieldwork and ESA listings have indicated that two additional endangered mussel species (tan riffleshell and pale lilliput pearly mussel) and an endangered plant (leafy prairie clover) also occur in the project area. Other species known to occur in the area have been proposed for endangered status or are identified

candidates for possible ESA listing. Under the ESA, the presence of several endangered species in the project reach of the Duck River will prevent TVA from being able to complete this component of the project as a dam and reservoir.

The purpose of this Notice is to solicit comments on the scope of the EIS. TVA anticipates the range of alternatives will include no action (retaining project lands in their current condition and use) and one or more options using some project lands for protective corridor and recreational development along the river accompanied by the disposal of other land tracts. Potentially important issues likely to be discussed in the EIS include:

1. Impacts on terrestrial and aquatic life, including endangered and threatened species;
2. Impacts on recreation and other land uses;
3. Impacts on water quality and quantity;
4. Impacts on public water supplies;

5. Impacts on floodplains, wetlands, and prime farm land;
6. Impacts on archaeological and historical resources;
7. Socioeconomic and cultural effects.

This list is not intended to be all-inclusive, nor is it intended to be a predetermination of impacts. As preparation of the EIS proceeds, other issues may be revealed which will warrant detailed analysis.

The Tennessee Duck River Development Agency has agreed to participate in this EIS as a cooperating agency. Other agencies, such as the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service, also may become cooperating agencies.

TVA invites interested persons and agencies to comment on the scope of this EIS. TVA also requests comments on environmental issues which should not be viewed as important and which should not be discussed in detail in the EIS. A public meeting will be held in the Duck River area on April 18, 1995 at 7:00 CDT at the Culleoka School, Culleoka, Tennessee to receive oral

comments about the scope of this EIS. Details about this meeting will be announced later in area newspapers. Comments received at the meeting will be accorded the same weight as written comments.

After the scoping process and the initial environmental analysis are completed, TVA will prepare a draft EIS on this proposed action. A Notice of Availability of this draft will be published in the **Federal Register** and area newspapers. Public comments on the draft EIS will be solicited. Those persons who choose not to comment on the scope of the EIS but wish to receive a copy of the draft for their review and comment should send their names and addresses to Dale V. Wilhelm at the address presented above. TVA anticipates releasing a final EIS on this project in August 1996.

Dated: February 17, 1995.

Kathryn J. Jackson,

Senior Vice President, Resource Group.

[FR Doc. 95-4558 Filed 2-23-95; 8:45 am]

BILLING CODE 8120-01-M

Sunshine Act Meetings

Federal Register

Vol. 60, No. 37

Friday, February 24, 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).

AFRICAN DEVELOPMENT FOUNDATION

Board of Directors Meeting

TIME: 12:00 noon–1:00 p.m.

PLACE: ADF Headquarters.

DATES: Tuesday, 28 February 1995.

STATUS: Open.

AGENDA

12:00—The Mitchell Group

12:15—Action Memoranda: Burundi, Sierra Leone, ADB

12:30—Executive Session

If you have any questions or comments, please direct them to Ms. Janis McCollim, Executive Assistant to the President, who can be reached at (202) 673-3916.

Gregory Robeson Smith,

President.

[FR Doc. 95-4676 Filed 2-22-95; 9:50 am]

BILLING CODE 6116-01-P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. § 552b), notice is hereby given of the Board's meeting described below. The Board will also conduct a public hearing pursuant to 42 U.S.C. § 2286b to gather additional information on technical issues underlying the Board's Recommendation 94-1.

TIME AND DATE: 8:30 a.m. March 6, 1995.

PLACE: Ramada Inn, 8773 Yates Drive, Westminster, Colorado 80030.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Safety issues of storing unstable plutonium residues and available processing technologies.

2. Current practices for storing plutonium.

CONTACT PERSON FOR MORE INFORMATION:

Robert M. Andersen, General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004, (800) 788-4016. This is a toll-free number.

SUPPLEMENTARY INFORMATION: The Board repeatedly expressed the view that the Department of Energy needs to

accelerate its current schedule for converting certain unstable nuclear defense-related materials to forms suitable for safe storage. The Board's most recent effort to address this potential threat to the public health and safety was expressed in its Recommendation 94-1, dated May 26, 1994. In that recommendation we stated, among other things, that:

The halt in production of nuclear weapons and materials to be used in nuclear weapons froze the manufacturing pipeline in a state that, for safety reasons, should not be allowed to persist unmediated. The Board has concluded from observations and discussions with others that imminent hazards could arise within two to three years unless certain problems are corrected.

We are especially concerned about specific liquids and solids containing fissile material and other radioactive substances in spent fuel storage pools, reactor basins, reprocessing canyons, processing lines, and various buildings once used for processing and weapons manufacture.

It is not clear at this juncture how fissile materials produced for defense purposes will eventually be dealt with long term. What is clear is that the extant fissile materials and related materials require treatment on an accelerated basis to convert them to forms more suitable for safe interim storage.

Recommendation 94-1 in its entirety is on file at DOE's Public Reading Room, Front Range Community College, 3645 West 112 Avenue, Westminster, CO 80020, and at the Defense Nuclear Facilities Safety Board's Washington office. It is also set forth in the **Federal Register** at 59 FR 28848.

In accord with the powers granted to the Board, a public hearing will be conducted by the Board in an open meeting. The board has invited recognized experts in the field of plutonium treatment and storage to testify at this hearing in order to assist the Board and to inform the public as to proper treatment of plutonium residuals. The experts are expected to answer Board questions based on their experience and technical knowledge and to provide additional documents as necessary. This hearing is an information-gathering function. Examination of those appearing before

us will be limited to the questions put to them by the Board. An opportunity will be available for comments by members of the interested public at the conclusion of testimony by the experts.

A transcript of this proceeding will be made available by the Board for inspection by the public at the Defense Nuclear Facilities Safety Board's Washington office and at the DOE's Public Reading Room, Front Range Community College, 3645 West 112 Avenue, Westminster, CO 80020.

The Board intends further meetings and hearings on these matters. The Board will announce these by separate Federal Register notice.

The Board reserves its right to further schedule and otherwise regulate the course of these meetings and hearings, to recess, reconvene, postpone or adjourn the meeting, and otherwise exercise its power under the Atomic Energy Act of 1954, as amended.

Dated: February 22, 1995.

John T. Conway,

Chairman.

[FR Doc. 95-4676 Filed 2-22-95; 8:45 am]

BILLING CODE 3670-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:03 a.m. on Tuesday, February 21, 1995, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate and supervisory activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Andrew C. Hove, Jr., seconded by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), concurred in by Director Eugene A. Ludwig (Comptroller of the Currency), and Chairman Ricki Tigert Helfer, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsection (c)(2), (c)(4),

(c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(b), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(a)(II), (c)(9)(b), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: February 21, 1995.

Federal Deposit Insurance Corporation.

Patti C. Fox,

Acting Deputy Executive Secretary.

[FR Doc. 95-4687 Filed 2-22-95; 10:30 am]

BILLING CODE 6714-01-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 11:00 a.m., Wednesday, March 1, 1995, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 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: February 22, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-4700 Filed 2-22-95; 10:50 am]

BILLING CODE 6210-01-P

AGENCY HOLDING THE MEETING: BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, March 1, 1995.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed modifications to daylight overdraft fees.

2. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: February 22, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-4701 Filed 2-22-95; 10:50 am]

BILLING CODE 6210-01-P

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Meetings

TIME AND DATE: 1:30 p.m., Wednesday, March 1, 1995.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314-3428.

STATUS: Open.

BOARD BRIEFING: 1. Insurance Fund Report.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.

2. Proposed Rule: Amendments to Part 722, NCUA's Rules and Regulations, Appraisals.

3. Final Rule: Part 708a, NCUA's Rules and Regulation, Mergers or Conversions of Federally-Insured Credit Unions to Non-Credit Union Status.

TIME AND DATE: 11:00 a.m., Wednesday, March 1, 1995.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314-3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meetings.

2. Field of Membership Expansion Request. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).

3. Administrative Action under Section 205 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).

4. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).

RECESS: 1:00 p.m.

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518-6304.

[FR Doc. 95-4793 Filed 2-22-95; 3:11 pm]

BILLING CODE 7535-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 60, No. 30/Tuesday, February 14, 1995.

PREVIOUSLY ANNOUNCED TIME AND DATE: 9:30 a.m., Tuesday, February 21, 1995.

CHANGE IN MEETING: A majority of the Board Members determined by recorded vote that the business of the Board required amending the agenda as follows and that no earlier announcement was possible:

Adding to the agenda

6528 Letters of Recommendation: Enhanced Flight Data Recorder Requirements.

6354A Opinion and Order: Administrator v. Bielecki, et al, Dockets SE-9244-9249; disposition of respondents' appeals.

Deleting from the agenda

6527 Aviation Accident Report: Controlled Collision with Terrain, Transportes Aereos Ejecutivos, S.A. (TAESA), Learjet 25D, XA-BBA, Dulles International Airport, Chantilly, Virginia, June 18, 1994.

FOR MORE INFORMATION, CONTACT:

Bea Hardesty, (202) 382-6525.

Dated: February 22, 1995.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 95-4677 Filed 2-22-95; 9:50 am]

BILLING CODE 7533-01-P

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Notice of Vote to Close Meeting

By telephone vote on February 14, 1995, a majority of the members contacted and voting, the Board of Governors voted to add to the agenda of its March 6, 1995, meeting, closed to public observation, consideration of new international mail rates and services. (See 60 FR 9078, February 16, 1995).

The Board determined that pursuant to section 552b(c)(3) of Title 5, United States Code, and section 7.3(c) of Title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)] because it is likely to disclose information which is specifically exempted from disclosure by section 410(c)(2) of title 39, United States Code.

The Board further determined that the public interest does not require that the Board's discussion of these matters be open to the public.

In accordance with section 552b(f)(1) of Title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in her opinion the meeting may properly be closed to public observation pursuant to section 552b(c)(3) of Title 5, and section 410(c)(2) of title 39, United States Code; and section 7.3(c) of Title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the

Secretary of the Board, David F. Harris, at (202) 268-4800.

David F. Harris,

Secretary.

[FR Doc. 95-4791 Filed 2-22-95; 2:59 pm]

BILLING CODE 7710-12-M

RAILROAD RETIREMENT BOARD

Notification of Meeting

The Railroad Retirement Board hereby gives notice that the Board will meet at 9:30 a.m. (CST), February 21, 1995, in the Board Room on the 8th floor of the agency's headquarters building located at 844 N. Rush Street, Chicago, Illinois. The Board, by recorded vote, has

determined that agency business requires the scheduling of this meeting with less than one week notice. The subject to be addressed at this meeting is the posting for purposes of filling two positions: Chief Information Officer and Director of Programs.

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, Phone No. 312-751-4920.

Dated: February 17, 1995.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 95-4688 Filed 2-22-95; 9:58 am]

BILLING CODE 7905-01-M

Corrections

Federal Register

Vol. 60, No. 37

Friday, February 24, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[Docket Number FV-94-302]

Bermuda-Granex-Grano Type Onions and Onions (Other than Bermuda-Granex-Grano and Creole Type); Grade Standards

Correction

In proposed rule document 95-3787 beginning on page 8973 in the issue of Thursday, February 16, 1995, make the following correction:

§ 51.3199 [Corrected]

On page 8979, in the third column, in the table for § 51.3199, underneath the heading "Minimum diameter" and at the bottom row of the subheading "millimeters", "95.3 (2)" should read "95.3" and "(2)" should appear one column over to the right, in the bottom row, underneath the subheading "Inches"

BILLING CODE 1505-01-D

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 91

[Docket No. R-94-1731; FR-3611-F-02]

RIN 2501-AB72

Consolidated Submission for Community Planning and Development Programs

Correction

In rule document 94-32150 beginning on page 1878 in the issue of Thursday, January 5, 1995 make the following corrections:

§ 91.105 [Corrected]

- (1) On page 1899, in §91.105(a)(1):
 - (a) In the first column, in the seventh line "March" should read "February".
 - (b) In the second column, in the first line "March" should read "February".

§ 91.402 [Corrected]

- (3) On page 1911, in §91.402(b)(1), in the third column:
 - (a) In the second line "March" should read "February".
 - (b) In the sixth line "March" should read "February".

BILLING CODE 1505-01-DS4734

OFFICE OF PERSONNEL MANAGEMENT

January 1995 Pay Adjustments

Correction

In notice document 95-2819 beginning on page 7336 in the issue of Tuesday, February 7, 1995, make the following corrections:

1. On page 7341, in the heading for Salary Table No. 95-IND", in the first line, "2.00 Percent" should read "2.00 %".

2. On the same page, in the heading for Salary Table No. 95-LA, in the second line, "Reverside" should read "Riverside".

3. On page 7342, in the heading for Salary Table No. 95-LA, in the second line, "Reverside" should read "Riverside".

4. On the same page, in the heading for Salary Table No. 95-NY, in the second line, "JN" should read "NJ".

5. On page 7348, in the heading for Salary Table No. 95-CIN, in the second line, "GA-3" should read "GS-3".

6. On page 7349, in the heading for Salary Table No. 95-COL, in the third line, "15.30%" should read "5.30%".

7. On page 7350, in the heading for Salary Table No. 95-DEN, in the second line, the word "Schedule" following the word "General" should be removed.

8. On page 7351, in the heading for Salary Table No. 95-HNT, in the third line, "8.53%" should read "4.39%".

9. On page 7353, in the heading for Salary Table No. 95-LA (LEO 2), in the first line, the "T4" following "(LEO's)" should be removed.

10. On page 7354, in the heading for Salary Table No. 95-POR, in the first line an "—" should be added following "(LEO)".

11. On page 7355, in the heading for Salary Table No. 95-POR (continued from the previous page), an "—" should be added following "(LEO)".

BILLING CODE 1505-01-D

**Final Report
to the
Department of
Housing and Urban
Development**

Friday
February 24, 1995

Part II

**Department of
Housing and Urban
Development**

Office of the Assistant Secretary for
Community Planning and Development

Economic Development Initiative; Funding
Availability and Program Guidelines;
Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-95-3878; FR 3874-N-01]

Notice of Funding Availability (NOFA) and Program Guidelines for the Economic Development Initiative (EDI)

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

SUMMARY: This NOFA announces the availability of funds for grants under Section 108(q) of the Housing and Community Development Act of 1974, as amended. HUD reserves the right to award grants under this NOFA up to the maximum amount authorized by law. As of the date of this NOFA and subject to funding availability, HUD intends to award up to \$50 million in EDI funds.

Communities that are authorized to obtain Section 108 loan guarantee commitments to carry out qualifying projects may also be eligible under this NOFA to receive EDI grants. EDI grants are used to enhance the security of the Section 108 guaranteed loan or to improve the feasibility of proposed projects through techniques such as interest rate subsidies, loan loss reserves, etc. The NOFA sets out program guidelines that will govern the application, application review, and award process for this round of EDI grants.

DATES: Applications are due in HUD Headquarters at the address stated below under "Addresses," by April 28, 1995 (the "deadline date"). HUD will not accept applications that are submitted to HUD via facsimile (FAX) transmission. Applications that are mailed prior to the deadline date but not received within ten (10) days after that date will be deemed to have been received by that date if postmarked by the United States Postal Service by no later than April 25, 1995. Overnight delivery items received after the deadline date will be deemed to have been received by that date upon submission of documentary evidence that they were placed in transit with the overnight delivery service by no later than April 27, 1995.

ADDRESSES: On and prior to the deadline date, completed applications will be accepted at 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,

D.C. 20410, Attention: EDI Grant. At close of business on the deadline date, completed applications will also be received in the South lobby of the Department of Housing and Urban Development at the above address (inquire at the security guard desk). However, any application received by the Office of Community Planning and Development in Headquarters, Washington, DC, by the deadline date will be accepted.

FOR FURTHER INFORMATION CONTACT: Paul Webster, Director, Financial Management Division, Office of Block Grant Assistance, Department of Housing and Urban Development, Room 7178, Washington, DC 20410. Telephone (202) 708-1871. The TDD number is (202) 708-2565. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements related to this program have been approved by the Office of Management and Budget (OMB) and assigned the approval number 2506-0153.

I. Purpose and Substantive Description

(A) *Authority.* Title I, Housing and Community Development Act of 1974, as amended, (42 U.S.C. 5301-5320) (the "Act"); 24 CFR part 570.

(B) *Definitions.*

CDBG funds means, in addition to those funds specified at § 570.3(e), grant funds received pursuant to Section 108(q).

Economic Development Initiative (EDI) means the provision of economic development grant assistance under Section 108(q) of the Act, as authorized by Section 232 of the Multifamily Housing Property Disposition Reform Act of 1994 (P.L. 103-233) (the "1994 Act").

Economic development project means an activity or activities (including mixed use projects with housing components) that are eligible under the Act and under 24 CFR § 570.703, and that increase economic opportunity for persons of low- and moderate-income or that stimulate or retain businesses or jobs or that otherwise lead to economic revitalization.

Empowerment Zone or Enterprise Community means an urban area so designated by the Secretary pursuant to 24 CFR part 597 (see January 12, 1995 final rule, 60 FR 3034).

Qualifying Empowerment Zone or Enterprise Community area means an urban area designated as an Empowerment Zone or Enterprise

Community pursuant to 24 CFR part 597 or nominated by one or more local governments and the State or States in which it is located for consideration of designation as an Empowerment Zone or Enterprise Community pursuant to 24 CFR part 597. The area need not have been designated an Empowerment Zone or Enterprise Community by the Secretary to be a qualifying empowerment zone or enterprise community area, but if it was not so designated it must meet the eligibility requirements for a nominated area pursuant to 24 CFR part 597, subpart B.

Strategic Plan means a strategy developed and agreed to by the nominating local government(s) and State(s) and submitted in partial fulfillment of the application requirements for designation as an Empowerment Zone or Enterprise Community pursuant to 24 CFR Part 597.

Unless otherwise defined herein, terms defined in 24 CFR part 570 and used in this NOFA shall have the respective meanings given thereto in that part.

(C) Background.

EDI is intended to complement and enhance the Section 108 Loan Guarantee program (see 24 CFR §§ 570.700-710 for regulations governing the Section 108 program). This provision of the Community Development Block Grant (CDBG) program provides communities with a source of financing for economic development, housing rehabilitation, and large scale physical development projects. HUD is authorized pursuant to Section 108 to guarantee notes issued by CDBG entitlement communities and non-entitlement units of general local government eligible to receive funds under the State CDBG program. Regulations governing the Section 108 program are found at 24 CFR part 570, subpart M.

The Section 108 program is authorized at \$2.054 billion in loan guarantee authority in Fiscal Year 1995. Under this program communities (and States, if applicable) pledge future years' CDBG allocations as security for loans guaranteed by HUD. The full faith and credit of the United States is pledged to the payment of all guarantees made under Section 108. The Section 108 program, however, does *not* require CDBG funds to be escrowed for loan repayment. This means that a community can continue to spend its existing allocation for other CDBG purposes, unless needed for loan repayment. The purpose of EDI grant funds is to further minimize the

potential loss of future CDBG allocations:

(1) By strengthening the economic feasibility of the projects financed with Section 108 funds (and thereby increasing the probability that the project will generate enough cash to repay the guaranteed loan),

(2) By directly enhancing the security of the guaranteed loan, or

(3) Through a combination of these or other risk mitigation techniques.

HUD envisions that the following project structures could be typical:

Funding reserves—The cash flow generated by an economic development project may be expected to be relatively “thin” in the early stages of the project. The EDI grant can make it possible for debt service or operating reserves to be established in a way that does not jeopardize the economic feasibility of the project.

An example is a supermarket or neighborhood shopping center that is designed to provide basic services and jobs for residents in a distressed neighborhood. The public entity must be prepared for the Section 108 loan repayments required during the time period after completion of construction and during the lease-up phase when the shopping center is not fully leased and generating sufficient revenues to support the Section 108 loan repayments. It may therefore require the developer to establish with a trustee a reserve account (or accounts) that would be available to cover operating expenses and/or debt service during this lease-up period. While such reserves are commonplace, their cost may be so high as to make an already risky neighborhood shopping center project economically infeasible. The increased cost resulting from establishing such reserves may be defrayed by the EDI grant. As with the letter of credit example below, such reserves protect the CDBG program against the risk that CDBG funds will have to be used to cover shortfalls in the intended source for repayment of the Section 108 loan.

Another example would be a community that used EDI grant funds and Section 108 loan funds to create an economic development loan fund administered by a community based development organization, such as a community development financial institution (CDFI) when eligible to undertake the proposed Section 108/EDI eligible activities. Under this example, a CDFI could use EDI grant funds together with Section 108 funds to capitalize the CDFI to make community economic development loans, and/or the EDI grant could serve as security for any defaults

in loans made with the Section 108 proceeds.

Over-collateralizing the Section 108 loan—The use of EDI grant funds may be structured in appropriate cases so as to improve the chances that cash flow will be sufficient to cover debt service on the Section 108 loan and directly to enhance the guaranteed loan. One technique for accomplishing this approach is over-collateralization of the Section 108 loan.

An example is the creation of a loan pool made up of Section 108 and EDI grant funds. The community would make loans to various businesses at an interest rate equal to or greater than the rate on the Section 108 loan. The total loan portfolio would be pledged to the repayment of the Section 108 loan. If the total loan repayments from the loan fund were twice the amount of the debt service on the Section 108 loan, the community could accumulate a loan loss reserve that would mitigate virtually any risk to future CDBG funds.

Direct enhancement of the security of the Section 108 loan—The EDI grant can be used to cover the cost of providing enhanced security. An example of how the EDI grant can be used for this purpose is by using the grant funds to cover the cost of a standby letter of credit, issued in favor of HUD. This letter of credit will be available to fund amounts due on the Section 108 loan if other sources fail to materialize and will, thus, serve to protect the public entity's future CDBG funds.

Provision of financing to for-profit businesses at a below market interest rate—While the rates on loans guaranteed under Section 108 are only slightly above the rates on comparable U.S. Treasury obligations, they may nonetheless be higher than can be afforded by businesses in severely economically distressed neighborhoods. The EDI grant can be used to make Section 108 financing affordable.

For example, a community's strategic plan to stabilize the economic viability of a severely distressed neighborhood may include providing loan assistance to both new and existing businesses at very low interest rates for some period of time until each business has reached a stabilized and profitable level of operation. EDI grant funds could serve to “buy down” the interest rate up front, or make full or partial interest payments, allowing the businesses to be financially viable in the early start-up period not otherwise possible with Section 108 alone. This strategy would be particularly useful where a community was undertaking a large commercial/retail project in a distressed neighborhood to act as a catalyst for

other development in the area. The use of EDI/Section 108 funds for financing the commercial/retail project along with providing financial assistance to neighboring new or existing businesses within the target area would create complementary economic activity and enhance the financial viability of all assisted activities.

A combination of these techniques—An applicant could employ a combination of these or other techniques in order to implement a strategy that carries out an economic development project.

Additionally, assistance provided under this NOFA is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, and the implementing regulations in 24 CFR part 135, as amended by an interim rule published on June 30, 1994 (59 FR 33866). Section 3 requires that to the greatest extent feasible, and consistent with Federal, State, and local laws and regulations, job training, employment and other contracting opportunities generated from certain HUD financial assistance be directed to low- and very-low income persons. The eligible activities for which funding is provided under this NOFA are consistent with the objectives of section 3. Public entities awarded funds under this NOFA and that intend to use the funds for housing rehabilitation, housing construction, or other public construction must comply with the applicable requirements of the interim regulations published on June 30, 1994.

(D) Timing of Grant Awards.

To the extent a full Section 108 application is submitted with the EDI grant application, the Section 108 application will be evaluated concurrently with the request for EDI grant funds. Note that EDI grant assistance cannot be used to support a Section 108 loan guarantee approved prior to the date of the publication of this NOFA. (See ILB. of this NOFA.) However, the EDI grant may be awarded prior to HUD approval of the Section 108 commitment if HUD determines that such award will further the purposes of the Act. HUD notification to the grantee of the amount and conditions (if any) of EDI funds awarded based upon review of the EDI application shall constitute an obligation of grant funds, subject to compliance with the conditions of award and execution of a grant agreement.

(E) Limitations on Grant Amounts.

HUD expects to approve EDI grant amounts for approvable applications at a range of ratios of EDI grant funds awarded to new Section 108 loan

guarantee commitments. For example, an applicant could request an EDI grant of \$1 million and propose to leverage \$10 million in new Section 108 loan guarantee commitments. Other applicants could request an EDI grant of \$1 million and propose to only leverage \$1 million in new Section 108 loan guarantee commitments. However, in no event will HUD make an award in which the amount of EDI funds awarded exceeds the amount of new Section 108 commitments. Of course, even in the first example above, applicants remain free to propose a greater leverage ratio of new Section 108 to EDI grant funds, for example \$12 million of new Section 108 to \$1 million of EDI grant funds. Those requesting the higher ratios of EDI grant funds to new Section 108 loan guarantee commitments should indicate in their application why the higher ratio is necessary for their proposed project. This explanation will be considered as part of the rating for need under the selection criterion at paragraph II.(C)(2).

HUD reserves the right to determine a minimum and a maximum amount of any EDI award or 108 award per applicant, application or project and to modify requests accordingly. In the case of an applicant that has received a prior EDI grant award, the Department reserves the right to consider the amount of the previous EDI award and the grant amount requested in response to this NOFA and to adjust the amount of an EDI award under this NOFA, including, if appropriate, not making an award.

In the event the applicant is awarded an EDI grant that has been reduced below the original request, the applicant will be required to modify its project plans and application to conform to the terms of HUD approval before execution of a grant agreement. HUD reserves the right to reduce or de-obligate the EDI award if approvable Section 108 loan guarantee applications are not submitted by the grantee in the required amounts on a timely basis. Any requested modifications must be within the scope of the original EDI application. If any additional EDI grant monies from this or previous EDI NOFAs become available, HUD may fund additional applicants in accordance with this NOFA during Fiscal Year 1995 or may add any deobligated funds to funds available for any future EDI competitions.

In the case of requested amendments to an approved Section 108 loan guarantee commitment (as further discussed in paragraph II.B.), the EDI assistance approved will be based on

the increased amount of Section 108 loan guarantee assistance.

(F) Eligibility to apply for grant assistance.

Any public entity eligible to apply for Section 108 loan guarantee assistance pursuant to § 570.702 may apply for grant assistance under Section 108(q). ELIGIBLE APPLICANTS ARE CDBG ENTITLEMENT UNITS OF GENERAL LOCAL GOVERNMENT AND NON-ENTITLEMENT UNITS OF GENERAL LOCAL GOVERNMENT ELIGIBLE TO RECEIVE LOAN GUARANTEES UNDER § 570.702. Note that effective January 25, 1995, non-entitlement communities in the states of New York and Hawaii were authorized to apply to HUD for Section 108 loans (see 59 FR 47,510, published December 27, 1994). Thus non-entitlement communities in all 50 states are now eligible to participate in the Section 108 and EDI programs.

(G) Eligible activities.

EDI grant funds may be used for:

(1) Activities listed at § 570.703, provided such activities are carried out as part of an economic development project. If the applicant is awarded points for activities and projects under selection criterion II.(C)(6)(b) (Proposals Addressing Special Need), the applicant is required to continue to use any funds awarded for such activities and projects under this NOFA and Program Guidelines to benefit the Qualifying Empowerment Zone or Enterprise Community area.

(2) Payment of costs of private financial guaranty insurance policies, letters of credit, or other credit enhancements for the notes or other obligations guaranteed by HUD pursuant to Section 108, provided such notes or obligations are used to finance an economic development project. Such enhancements shall be specified in the contract required by § 570.705(b)(1), and shall be satisfactory in form and substance to HUD for security purposes.

(3) The payment of principal or interest due (including such servicing, underwriting, or other costs as may be authorized by HUD) on the notes or other obligations guaranteed pursuant to the Section 108 loan guarantee program.

(H) Catalogue of Federal Domestic Assistance (CFDA). The EDI program has not been assigned a CFDA number as of the date of this NOFA. Please insert the letters "EDI" on the SF 424 as appropriate.

II. The Application Process

Public entities seeking EDI assistance must make a specific request for that assistance, in accordance with this NOFA. The EDI application shall be accompanied by a request for a Section

108 loan guarantee commitment, as further described in Section II.B. of this NOFA below. Application guidelines for the Section 108 program are found at § 570.704.

(A) Timing of submission.

Applications for EDI assistance shall be received at HUD Headquarters in the manner described under "Dates" and "Addresses" above.

(B) Submission requirements.

(1) The EDI application (an original and two copies) shall be accompanied by a request for loan guarantee assistance under Section 108. The request for Section 108 loan guarantee can be either one or more of the following:

(a) A formal application for Section 108 loan guarantee(s), including the documents listed at § 570.704(b);

(b) A brief description (not to exceed three pages) of a Section 108 loan guarantee application(s) to be submitted within 60 days (with HUD reserving the right to extend such period for good cause on a case-by-case basis) of a notice of EDI selection (EDI awards will be conditioned on approval of actual Section 108 loan commitments). This description must be sufficient to support the basic eligibility of the proposed project or activities for Section 108 assistance;

(c) If applicable, a copy of a Section 108 loan guarantee approval document with grant number and date of approval (which was approved *after* the date of this NOFA, except in conjunction with a previous EDI award); or

(d) A request for a Section 108 loan guarantee amendment (analogous to subparagraph (a) or (b) above) that proposes to increase the amount of a previously approved application. However, any amount of Section 108 loan guarantee authority approved *before* the date of this NOFA is not eligible to be used in conjunction with an EDI grant under this NOFA. Further, a Section 108 loan guarantee amount that is required to be used in conjunction with a prior EDI grant award, whether or not the Section 108 loan guarantee has been approved as of the date of this NOFA, is not eligible for an EDI award under this NOFA. For example, if a community has a previously approved Section 108 loan guarantee commitment of \$12 million, even if none of the funds have been utilized, or if the community had previously been awarded an EDI grant of \$1 million and had certified that it will submit a Section 108 loan application for \$10 million in support of that EDI grant, the community's application under this NOFA must propose to increase the amount of its total Section

108 loan guarantee commitments beyond those amounts (the \$12 million or \$10 million in this example) to which it has previously agreed.

(2) In addition, an application for EDI grant funds shall include the following:

(a) SF 424, Application for Federal Assistance.

(b) The certification regarding lobbying required under 24 CFR part 87 (Appendix A). The applicant may use the lobbying certification published with this NOFA.

(c) A narrative statement describing the activities that will be carried out with the EDI grant funds and explaining how the use of EDI grant funds meets the criteria in paragraph II.(C) below. The narrative statement shall not exceed two 8.5" by 11" pages for the description of the activities to be carried out with the EDI grant funds and one page for each of the listed selection criteria.

(3) Where relevant, applications shall be deemed to include a copy of the strategic plan for community revitalization previously submitted to HUD as part of a Federal Empowerment Zone or Enterprise Community application pursuant to a Notice inviting applications, published on January 18, 1994 at 59 FR 2711.

(C) *Selection Criteria.*

All applications will be considered for selection based on the following criteria that demonstrate the quality of the proposed project or activities, and the applicant's creativity, capacity and commitment to obtain maximum benefit from the EDI funds, in accordance with the purposes of the Act.

(1) Distress—(up to 20 points). In evaluating this criterion, HUD will consider the level of distress in the immediate community to be served by the project and the jurisdiction applying for assistance. Note that in the first EDI competition in September 1994, the poverty rate was often considered the best indicator of distress levels, although the applicant may demonstrate the level of distress with other factors indicative of distress such as income, unemployment, drug use, homelessness and other indicators of distress.

(2) Extent of need for EDI assistance to financially support the Section 108 loan and the project—(up to 15 points). In evaluating this criterion, HUD will consider the extent to which the applicant's response demonstrates the financial need and feasibility of the project and the leverage ratio of EDI grant funds to Section 108 loan proceeds. Additionally, the score may be increased within this criterion to the extent other funds (public or private) are

leveraged. This may include factors such as:

(i) Project costs and financial requirements.

(ii) The amount of any debt service or operating reserve accounts to be established in connection with the economic development project.

(iii) The reasonableness of the costs of any credit enhancement paid with EDI grant funds.

(iv) The amount of program income (if any) to be received each year during the repayment period for the guaranteed loan.

(v) Interest rates on those loans to third parties (other than subrecipients) (either as an absolute rate or as a plus/minus spread to the Section 108 rate).

(vi) Underwriting guidelines used (or expected to be used) in determining project feasibility.

(vii) The extent to which federal funds provided as a result of the Federal Empowerment Zone/Enterprise Community designation process may be utilized for the proposed EDI project.

(viii) The extent to which the EDI grant is proposed to leverage the proposed Section 108 loan guarantee commitments and other economic development activities. Applicants that use their EDI grant to leverage more 108 commitments are expected to receive more points under this subcriterion (viii).

(ix) Other relevant information.

Note that if the applicant proposes a generic loan fund to assist a certain category of project or businesses, the applicant should demonstrate why the use of Section 108 loans to assist such businesses would not be financially feasible without EDI grant assistance.

(3) The extent to which the proposed activities effectively support important National interests—(up to 15 points). These activities include:

(i) The provision of jobs for low- and moderate-income individuals with special consideration for participants in any of the following programs: Jobs Training Partnership Act (JTPA), Jobs Opportunities for Basic Skills (JOBS), or Aid to Families with Dependent Children (AFDC);

(ii) The provision of jobs for participants in Unemployment Insurance programs;

(iii) The provision of jobs for residents of Public and Indian Housing or other assisted housing units;

(iv) The provision of jobs for homeless persons;

(v) The provision of jobs that provide clear opportunities for promotion for low- and moderate-income individuals, such as through the provision of training;

(vi) The establishment, stabilization, or expansion of microenterprises that employ low- and moderate-income individuals;

(vii) The stabilization or revitalization of a neighborhood that is predominantly low- and moderate-income;

(viii) The provision of assistance to a community development financial institution whose service area is predominantly low- and moderate-income;

(ix) The provision of assistance to a neighborhood-based nonprofit organization serving a neighborhood that is predominantly low- and moderate-income;

(x) The provision of employment opportunities that are an integral component of a community's strategy to promote spatial deconcentration of low- and moderate-income and minority families;

(xi) The provision of assistance to business(es) that operate(s) within a census tract (or block numbering area) that has at least 20 percent of its residents who are in poverty; or

(xii) Other innovative approaches that provide substantial benefit to low- and moderate-income persons.

(4) Quality of the plan—(up to 60 points). HUD will consider the quality of the applicant's plan for the use of EDI funds and Section 108 loans, including the extent to which the applicant's proposed plan for the effective use of EDI grant/Section 108 loan guarantee will address its described need in the applicant's immediate community and/or its jurisdiction, and the extent to which the plan is logically, feasibly, and substantially likely to achieve its stated purpose.

(5) The capacity or potential of the public entity to successfully carry out the plan—(up to 15 points). This may include factors such as the applicant's performance in the administration of its CDBG program; its previous experience, if any, in administering a section 108 loan guarantee; its performance and capacity in carrying out economic development projects; its ability to conduct prudent underwriting; its capacity to manage and service loans made with the guaranteed loan funds or EDI grant funds; and, if applicable, its capacity to manage projects under this NOFA along with any federal funds awarded as a result of a federal urban Empowerment Zone/Enterprise Community designation.

(6) Applicants will be rated on both criteria (a) and (b) (if applicable) below, but will receive points for only the higher rated criterion of the two, but not both.

(a) The extent to which the proposed plan follows a comprehensive and coordinated approach in addressing the community and economic development needs of the public entity and furthers neighborhood revitalization—(up to 20 points).

OR

(b) Proposals Addressing Special Need—(Applicants to which this criterion does not apply need not respond thereto.) (up to 20 points). Of the 20 points under this factor, one point will be awarded to applicants that received a federal urban Empowerment Zone or Enterprise Community designation and up to 19 additional points will be awarded to applicants that propose EDI and Section 108 loan assisted activities that will benefit the applicant's Qualifying Empowerment Zone or Enterprise Community area and are consistent with the applicant's Strategic Plan; and

(7) Innovation and creativity—(up to 20 points). The extent to which the applicant incorporated innovation and/or creativity in the design and proposed implementation of the proposed activities carried out with Section 108/EDI funds.

Selection Process—Once scores are assigned, all applications will be ranked in order of points assigned, with the applications receiving more points ranking above those receiving fewer points. Applications will be funded in rank order, however, HUD, in its sole discretion, may choose to award EDI assistance to a lower rated approvable application over a higher rated application in order to increase the level of geographic diversity of grants approved under this part. As discussed in paragraph I.E. above, HUD reserves the right to determine a minimum and a maximum amount of any EDI award or Section 108 commitment per applicant, application or project and to modify requests accordingly. In addition, if HUD determines that an application rated, ranked and fundable could be funded at a lesser EDI grant amount than requested consistent with feasibility of the funded project or activities and the purposes of the Act, HUD reserves the right to reduce the amount of the EDI award and/or increase the Section 108 loan guarantee commitment, if necessary, in accordance with such determination.

HUD may decide not to award the full amount of EDI grant funds available under this NOFA and may make any remaining amounts available under a future NOFA.

Timing of grant awards—To the extent full Section 108 applications are

submitted concurrently with the EDI grant application, HUD's approval of the related Section 108 loan guarantee commitment will in most cases be granted contemporaneously with EDI grant approval. However, the EDI grant may be awarded prior to HUD approval of the Section 108 commitment if HUD determines that such award will further the purposes of the Act. EDI funds shall not be disbursed to the public entity before the issuance of the related Section 108 guaranteed obligations.

III. Technical Assistance

To the extent permitted by law, HUD may advise applicants of technical deficiencies in the EDI applications after submission and permit them to be corrected. Technical deficiencies relate only to items, such as a failure to submit or sign a required certification, that would not improve the substantive quality of the application relative to the selection criteria. Applicants will have 14 calendar days from the date HUD notifies the applicant of any such technical deficiency to submit the appropriate information in writing to HUD. At any time during the selection process, which began with preparation of this NOFA, HUD staff is limited in the assistance it is permitted to provide regarding applications for EDI grants, due to the requirements of the HUD Reform Act. The assistance and advice that can be provided includes such activities as explaining and responding to questions about program regulations, identification of those parts of an application that need substantive improvement, the dates by which decisions will be made and the procedures that are required to be performed to process an application. The term "technical assistance" however, does not include advising the applicant how to make substantive improvements in its application that will affect ratings.

In addition, any information published in the **Federal Register** and in this NOFA, and any information that has been made public through a means other than the **Federal Register** or NOFA, may be discussed.

HUD staff will be available throughout the EDI application period to provide extensive advice and assistance, as is currently provided, to develop 108 loan applications since the 108 program is not subject to the HUD Reform Act. Staff providing such assistance may provide technical advice to the EDI selection panel but *in no case* will such staff participate in the panel's voting process for EDI awards under this NOFA.

IV. Other Matters

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, implementing section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection and copying between 7:30 am and 5:30 pm weekdays at the Office of the Rules Docket Clerk, 451 Seventh Street, SW, Room 10276, Washington, DC 20410.

Federalism

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. While the NOFA offers financial assistance to units of general local government, none of its provisions will have an effect on the relationship between the Federal Government and the States, or the States' political subdivisions.

Family

The General Counsel, as the Designated Official for Executive Order 12606, *The Family*, has determined that the policies announced in this NOFA would not have the potential for significant impact on family formation, maintenance and general well-being within the meaning of the Order. No significant change in existing HUD policies and programs will result from issuance of this NOFA, as those policies and programs relate to family concerns.

Prohibition Against Lobbying Activities

The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) and the implementing regulations at 24 CFR part 87. These authorities prohibit recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable

certification regarding lobbying. Under 24 CFR part 87, applicants, recipients, and subrecipients of assistance exceeding \$100,000 must certify that no Federal funds have been or will be spent on lobbying activities in connection with the assistance.

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.

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 20410-3000. 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.

Dated: February 16, 1995.

Andrew Cuomo,

Assistant Secretary for Community Planning and Development.

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or

attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signed: _____

Date: _____

(Print name and title)

24 CFR Part 87, Appendix A

[FR Doc. 95-4448 Filed 2-21-95; 8:45 am]

BILLING CODE 4210-29-P

Final Report

Friday
February 24, 1995

Part III

Department of Housing and Urban Development

Office of the Assistant Secretary for
Community Planning and Development

John Heinz Neighborhood Development
Program; Funding Availability; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-95-3877; FR-3855-N-01]

NOFA for the John Heinz Neighborhood Development Program

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of funding availability for Fiscal Year 1995.

SUMMARY: This NOFA announces the availability of \$4,750,000 in funding for the FY 1995 John Heinz Neighborhood Development Program. Interested persons should apply for FY 1995 program funds according to the procedures and requirements set out in this NOFA.

In the body of this NOFA is information concerning:

- (1) This year's round of funding for this program;
- (2) The purposes and objectives of the program;
- (3) The method of allocation and distribution of funds;
- (4) Eligibility requirements for neighborhood development organizations;
- (5) Eligible neighborhood development activities;
- (6) Selection criteria for the award of funds;
- (7) Application requirements for the funds;
- (8) Grantee reporting requirements; and
- (9) Other applicable administrative requirements associated with the program.

DATES: Applications may be requested beginning February 24, 1995. Completed applications must be submitted no later than 4:30 p.m. (Eastern Time), by the date specified in the application kit. The application deadline will be firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems.

ADDRESSES: To obtain a copy of the application kit, call: American Communities at 1-800-998-9999, or fax your request to: (301) 251-5747 (this is

not a toll-free number). Speech- or hearing-impaired persons may request an application by contacting the TDD number: (202) 708-2565 (not a toll-free number), as listed under the

FOR FURTHER INFORMATION CONTACT heading in this NOFA. Faxed requests for application kits must include the applicant's name, mailing address (including zip code), telephone number (including area code), and must refer to FR-3855. Completed applications may not be submitted by fax.

FOR FURTHER INFORMATION CONTACT: Ophelia Wilson or Gene Hix, Office of Community Planning and Development, Department of Housing and Urban Development, Room 7218, 451 Seventh Street, S.W., Washington, D.C. 20410; telephone number (202) 708-1189 and (202) 708-2565 (TDD). (These numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: Paperwork Reduction Act

The information collection requirements contained in this Notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980. The control number for information collections described in this document is 2535-0084.

I. Purpose and Substantive Description

A. Authority

Section 123 of the Housing and Urban-Rural Recovery Act of 1983 (42 U.S.C. 5318 note) (Section 123) authorized the John Heinz Neighborhood Development Program. For Fiscal Year 1995, a total of \$5 million has been appropriated for this program under the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1995 (Pub. L. 103-327, approved September 28, 1994).

Section 123(e)(6)(D) permits the Secretary of Housing and Urban Development (Secretary) to use no more than five percent of the funds appropriated for administrative or other expenses in connection with the program. The remaining funds are to be used to match monetary support raised over a one-year grant period from individuals, businesses, neighborhood development funding organizations, and nonprofit or other organizations located within established neighborhood boundaries. For purposes of this NOFA the term "neighborhood development funding organization" means:

(1) A depository institution, the accounts of which are insured pursuant to the Federal Credit Union Act, and any subsidiary (as such term is defined

in section 3(w) of the Federal Deposit Insurance Act) thereof;

(2) A depository institution holding company and any subsidiary (as such term is defined in section 3(w) of the Federal Deposit Insurance Act) thereof; or

(3) A company at least 75 percent of the common stock of which is owned by one or more insured depository institutions or depository institution holding companies.

The purpose of the program is to support eligible neighborhood development activities using cooperative efforts and monetary contributions from local sources. The Federal funds are incentive funds to promote neighborhood development initiatives and to encourage neighborhood organizations to become more self-sufficient in their development activities. Not more than 50 percent of the 1995 awards may be to previous grantees in the program; the remaining awards will be made to organizations selected from among new applicants. Applications will be selected for funding on the basis of evaluation criteria that reflect the program purposes and priorities and are contained in this notice.

The objectives of the Neighborhood Development Program are:

- To help neighborhood development organizations increase their capacities to carry out larger or more complex activities, in cooperation with private and public institutions; and
- To assist neighborhood development organizations to achieve long-term financial support for their activities. The activities must benefit low-income persons within the neighborhood.

B. Allocation Amounts

The Department will make grants, in the form of matching funds, to eligible neighborhood development organizations. Under Section 123(e)(3), a grantee organization may receive no more than \$75,000 in Federal matching funds in a single program year. HUD reserves the right to make grants for less than the maximum amount. When the amount of funds requested is greater than the amount of funds appropriated, HUD also reserves the right to consider the degree an applicant has previously been funded under the John Heinz Program, and greater consideration may be given to those organizations which have received the least amount of funding under this program.

The amount of Federal matching funds that an applicant receives during the program year will depend in part upon the amount of monetary

contributions raised in the preceding quarter of the program year from individuals, businesses, neighborhood development funding organizations, and nonprofit and other organizations located within established neighborhood boundaries. Contributions attributable to organizations or persons not residing in or conducting business within the grantee's neighborhood, loans, in-kind services, contributions by owners of properties to be improved, fees for services, public funds, and any in-lieu-of-cash contributions cannot be used to match Federal funds. These contributions may, however, be used to carry out project activities. The neighborhood monetary contributions for matching purposes must be raised within the one-year grant period. However, grant activities may be programmed over a one- to three-year period.

A Federal matching ratio will be established for each participating applicant in accordance with the statutory requirement that the highest ratios be established for neighborhoods having the greatest degree of economic distress. Subject to the statutory maximum of \$75,000, the Federal match for this program year will range from one to six Federal dollars for each qualifying dollar raised by the grantee. Applications selected to receive Federal funds will be rank-ordered and the matching ratios will be determined in accordance with this criterion. The Department also reserves the right to fund applications, in other than rank order, on the basis of achieving geographic balance.

Any application selected for the award of Federal funds that proposed a matching funds ratio in excess of the ratio HUD determines for it will be offered an award of funds at the HUD determined ratio. However, any application selected for award that proposed a match below the maximum ratio HUD determines for it will be funded at the level proposed by the applicant.

Federal payments to participating neighborhood organizations will be made on a quarterly basis following receipt of quarterly performance and financial reports. The maximum Federal payment to an applicant will be governed by the amount of verified, qualifying monetary contributions received from local sources in the preceding quarter, multiplied by the matching funds ratio established for the neighborhood. Ten percent of the total grant award will be held pending receipt of the final report and close-out documentation.

C. Eligibility

1. Eligible Applicants—Definition

An eligible neighborhood development organization must be located in and serve the neighborhood for which assistance is to be provided. It cannot be a city-wide organization, a multi-neighborhood consortium, or, in general, an organization serving a large area of the city. The applicant must meet all of the following statutory requirements:

(a) The applicant must be incorporated as a private, voluntary, nonprofit corporation under the laws of the State in which it operates;

(b) The applicant must be responsible through a governing body to the residents of the neighborhood it serves. Not less than 51 percent of the members of the governing body must be residents of the neighborhood;

(c) The applicant must have conducted business for at least one year before the date of its application;

(d) The applicant must operate within an area that meets at least one of the following criteria:

(i) The area meets the requirements for Federal assistance under section 119 of the Housing and Community Development Act of 1974 (Urban Development Action Grants);

(ii) The area is designated as an empowerment zone or an enterprise community under Federal law;

(iii) The area is designated as an enterprise zone under State law, and is recognized by the Secretary as a State enterprise zone for purposes of this section; or

(iv) The area is a qualified distressed community within the meaning of section 233(b)(1) of the Bank Enterprise Act of 1991; and

(e) The applicant must have conducted one or more eligible neighborhood development activities that primarily benefit low-income persons, as defined in section 102(a)(20) of the Housing and Community Development Act of 1974. (In general, low-income residents means families and individuals whose incomes do not exceed 50 percent of the median income of the area involved.)

2. Eligible Applicants—Other Threshold Requirements

In addition, an applicant must:

(a) Specify a business/management plan for accomplishing one or more of the activities listed in Section I.C(3), Eligible Activities, of this NOFA;

(b) Specify a strategy for achieving greater long-term private sector support, especially in cooperation with a neighborhood development funding

organization. An applicant that is otherwise eligible will be deemed to have the full benefit of the cooperation of a neighborhood development funding organization if the eligible applicant:

(i) Is located in an area described in paragraph (d) of Section I.C(1) of this NOFA (Eligible Applicants—Definition) that does not contain a neighborhood development funding organization; or

(ii) Demonstrates that it has been unable to obtain the cooperation of any neighborhood development funding organization in the area despite having made a good faith effort to obtain such cooperation; and

(c) Specifies a strategy for increasing the capacity of the applicant.

3. Eligible Activities

Eligible activities include the following, but are not limited to the examples given:

(a) Developing economic development activities that include:

(i) Creating permanent jobs in the neighborhood; and

(ii) Establishing or expanding businesses within the neighborhood (such as a business incubator);

(b) Developing new housing, rehabilitating existing housing, or managing housing stock within the neighborhood;

(c) Developing delivery mechanisms for essential services that have lasting benefits to the neighborhood. Examples include fair housing counseling services, child care centers, youth training, and health services; or

(d) Planning, promoting, or financing voluntary neighborhood improvement efforts, such as, but not limited to:

(i) Establishing a neighborhood credit union, demolishing abandoned buildings, removing abandoned cars, and establishing an on-going street and alley cleanup program;

(ii) Strategic planning to integrate housing, economic development, essential services, the remediation of hazards (such as brownfields), and neighborhood urban design activities; and

(iii) Integrating neighborhood strategic planning or community-based projects into city- and metropolitan-wide planning or service delivery, as a means of establishing linkages with city and metropolitan planning, job markets, and service delivery mechanisms in other areas within the metropolitan region.

D. Selection Criteria/Ranking Factors

Applications will be evaluated on the basis of the following factors. In addition, two (2) bonus points will be added in determining the final score for an application submitted by an

applicant that is located in a Federal Empowerment Zone or Enterprise Community. Every applicant is encouraged to demonstrate how its program activities will enhance citizen involvement in the development of the locality's Consolidated Plan. Further, HUD is interested in supporting activities of applicants that have demonstrated capacity to engage citizens in planning and program implementation initiatives that benefit neighborhoods, but have not previously participated in this program.

(1) The degree of economic distress within the neighborhood served by the applicant and the extent to which the proposed activities will benefit persons of low-income residing in the neighborhood. The degree of economic distress is based on the percentage of poverty within the neighborhood area, as determined from the 1990 U.S. Census data. Applicants with the highest poverty level relative to their population will be given higher points. (25 points)

(2) The record of past performance and staff capability in carrying out one or more of the activities specified under Section I.C(3), Eligible Activities, of this NOFA, and in promoting fair housing, equal employment opportunity, and minority-owned business entrepreneurial opportunities. (20 points)

(3) The quality of the management/business plan submitted for accomplishing the activities proposed by the applicant, including the budget and budget narrative, fundraising plan and matching ratio, and evidence of a sound financial management system. (25 points)

(4) The extent of neighborhood residents' participation in the activities of the applicant; the level of coordination with local governments, which may be evidenced through a certification from the Chief Executive Officer of the unit of local government; and the extent of participation of a neighborhood development funding organization in the proposed activities. (20 points)

(5) The extent to which the applicant has developed a strategy to increase its capacity to carry out larger or more complex project activities and to address its long-term financial and organizational development needs. (10 points)

E. Determination of Ratio for Federal Contribution

The Secretary will determine the ratio by which Federal funds will be used to match monetary contributions made to each eligible applicant that is selected

for funding under this NOFA. The ratio will be based on the degree of economic distress. Neighborhoods indicating the greatest degree of economic distress will be assigned higher ratios under this factor than those with lesser degrees of economic distress.

F. Environmental Reviews

HUD will conduct the appropriate environmental review and comply with all the environmental requirements in 24 CFR Part 50 before award of a grant. Grantees will be expected to adhere to all assurances applicable to environmental concerns as contained in the RFGA and grant agreements.

II. Application Submissions Process

A. Obtaining Application

For an application kit, call: American Communities at 1-800-998-9999 or fax your request to (301) 251-5747. (This is not a toll-free number). Speech- or hearing-impaired persons may request an application by contacting the TDD number: (202) 708-2565 (not a toll-free number), as listed under the "For Further Information Contact" heading in this NOFA.

Faxed requests for application kits must include the applicant's name, mailing address (including zip code), and telephone number (including area code), and must refer to FR-3855. The RFGA contains the application, forms, and other information regarding the application process and the administration of the program, including relevant provisions from OMB Circulars A-110 and A-122. (This NOFA summarizes major provisions of the RFGA.)

B. Application Submission

An original and three copies of an application must be submitted to: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7255, Washington, DC 20410. HUD will accept only one application per neighborhood organization. Responses to the application kit must be limited to 50 pages, single-spaced, exclusive of the following required forms: Cover Page, Standard Form-424, Assurance Form SF-424B, Applicant/Recipient Disclosure Update Report HUD-2880, Drug-Free Workplace Certification, Articles of Incorporation and Bylaws, Audit Report and Miscellaneous Materials. All pages and attachments must be numbered consecutively, in arabic numbers. Reviewers are not required to read beyond the 50-page maximum.

C. Application Deadline

Applications may be requested beginning February 24, 1995. Applications must be submitted no later than 4:30 p.m. (Eastern Time), by the date specified in the application kit. The application deadline will be firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems.

III. Checklist of Application Submission Requirements

A. Preapplication Determination of Eligibility

Before preparing an application, the applicant should carefully check the eligibility requirements described in Section I.C, Eligibility, of this NOFA. Applicants that are uncertain whether the city or urban county in which they are located meets the current minimum standards of physical and economic distress (used in determining which cities and urban counties were potentially eligible applicants under the Urban Development Action Grant Program) are advised to consult the following two notices published by the Department in the **Federal Register**: (1) "Urban Development Action Grant: Revised Minimum Standards for Small Cities" (52 FR 37876, October 9, 1987); and (2) "Urban Development Action Grant: Revised Minimum Standards for Large Cities and Urban Counties" (52 FR 38174, October 14, 1987).

Any applicant that needs additional help in determining its eligibility should contact the nearest Department of Housing and Urban Development Field Office (Community Planning and Development Division). If assistance is needed, the city or county community development office serving a neighborhood organization should be able to provide an applicant with the HUD Field Office contact number. If unable to obtain a local contact, the HUD Headquarters contact for this information is Mrs. Stella Hall, telephone number (202) 708-2186, or contact the TDD number: (202) 708-0564. (These are not toll free numbers.)

B. Application Checklist

Each application must contain the following, as required by the RFGA.

(1) A signed copy of Standard Form SF-424;

(2) An abstract describing, among other things, the applicant and its achievements, the proposed project, its intended beneficiaries, its projected impact on the neighborhood, and the manner in which the proposed project will be carried out;

(3) A completed fact sheet that lists neighborhood and organizational characteristics;

(4) Evidence that the applicant meets eligibility criteria and provides the following data:

(a) A city map, with street names, delineating the applicant's neighborhood boundaries and indicating where project activities will take place;

(b) Census tract, block, or enumeration district references and zip code references must also be delineated on the map or on other maps submitted;

(c) Census data on the size of the neighborhood population, including the number of low-income persons and the size of the minority population, broken down by ethnic, racial, and gender composition;

(d) A copy of the applicant organization's corporate charter, along with the incorporation papers, bylaws, and a statement of purpose;

(e) A list of the names of the neighborhood governing board members and their addresses (with zip codes) to show that at least 51% reside in the neighborhood. Indicate those who reside in the neighborhood separately from those who conduct business in the neighborhood;

(f) Identification of the applicant organization's past and current neighborhood projects, including those projects that are eligible neighborhood development activities as defined in Section I.C(3), Eligible Activities, of this NOFA;

(g) A description of the means by which the governing board members account to residents of the neighborhood, including the method and frequency of selection of members of the governing board, the consultation process with residents, the frequency of meetings, and a statement showing how the board is representative of the demographics of the neighborhood (i.e., a breakdown by tenants, homeowners, race, sex, ethnic composition, etc.);

(h) Evidence of the applicant's sound financial management system, determined from its financial statements or audits;

(i) A letter from the Chief Executive Officer of the unit of general local government in which assisted activities are to be carried out, certifying that the activities are consistent with the

Consolidated Plan of the jurisdiction to be served.

(j) Evidence of cooperation with a neighborhood development funding organization. In lieu of this participation, evidence may be presented that the applicant:

(i) Has no neighborhood development funding organization within the applicable boundaries; or

(ii) Has been unsuccessful, despite having made a good faith effort, in obtaining this participation.

(k) A certification that the applicant will comply with the requirements of Federal law governing the application, acceptance, and use of Federal funds;

(l) A narrative statement defining how neighborhood matching funds will be raised and their anticipated sources; what neighborhood development activities will be funded; and a strategy for achieving greater long-term private sector support;

(m) A project management plan, including a schedule of tasks for both fund raising and project implementation;

(n) A project budget and budget narrative; and

(o) A certification that a potential grantee will comply with the drug-free workplace requirements in accordance with 24 CFR part 24, subpart F; and

(5) *Equal Opportunity Requirements.* The neighborhood development organization must certify that it will carry out activities assisted under the program in compliance with:

(a) The requirements of the Fair Housing Act (42 U.S.C. 3601–3619) and implementing regulations at 24 CFR parts 100, 108, 109, 110, and 115; part 200, Subpart M; and Executive Order 11063 (Equal Opportunity Housing implementing regulations at 24 CFR Part 107; and Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d)

(Nondiscrimination in Federally Assisted Programs) and implementing regulations issued at 24 CFR part 1;

(b) The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101–07) and implementing regulations at 24 CFR part 146; the prohibition against discrimination against individuals with a disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8; and the requirements of Executive Order 11246 and the implementing regulations issued at 41 CFR chapter 60;

(c) The requirements of section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u and implementing regulations at 24 CFR part 135; and

(d) The requirements of Executive Orders 11625, 12432, and 12138.

Consistent with HUD's responsibilities under these Orders, the grantee must make efforts to encourage the use of minority and women's business enterprises in connection with activities funded under this notice.

(e) The prohibitions against discrimination and related requirements of section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309).

(f) The requirement of the Americans with Disabilities Act (42 U.S.C. 12181–12189) and implementing regulations at 28 CFR part 36, as applicable.

IV. Corrections to Deficient Applications

After the submission deadline date, HUD will screen each application to determine whether it is complete. If an application lacks certain technical items or contains a technical error, such as an incorrect signatory, HUD will notify the applicant in writing that it has 14 calendar days from the date of HUD's written notification to cure the technical deficiency. If the applicant fails to submit the missing material within the 14-day cure period, HUD will disqualify the application.

This 14-day cure period applies only to nonsubstantive deficiencies or errors. Deficiencies capable of cure will involve only items not necessary for HUD to assess the merits of an application against the factors specified in this NOFA.

Examples of deficiencies that may be cured are:

- Omitted or improper signatures;
- Omitted certifications or assurances; and
- Omitted financial statements or audits.

V. Other Matters

A. Reporting Requirements

In addition to complying with relevant provisions of OMB Circulars A–110 and A–122, grantees will be required to submit quarterly performance and financial reports. These reports should inform HUD of any changes that may affect the outcome of the program, such as changes in any of the following: the governing board membership, staffing, working relationships with local government and private organizations, fund raising activities, volunteer efforts, the management plan, and the budget. The quarterly reports must also verify the amount of monetary contributions received from within the neighborhood, as a basis for Federal disbursement of

matching funds. Grantees must certify that none of the monetary contributions originated through public funding sources.

Grantees will be required also to submit a final report at the completion of the grant period. Ten (10) percent of the total grant amount will be held until a final report and close-out documents are received from the grantee. This final report must describe fully the successes and failures associated with the project, including the reasons for the successes and failures. It should also describe possible improvements in the methods used. The quarterly and final reports will be used for evaluation purposes, reports to the Congress on the program, and a report on successful projects that will be distributed to other neighborhood organizations.

B. Other Federal Requirements

In addition to the Equal Opportunity Requirements set forth in Section III.B(4) of this NOFA, grantees must comply with the following requirements:

(1) *Ineligible contractors.* The provisions of 24 CFR part 24 relating to the employment, engagement of services, awarding of contracts, or funding of any contractors or subcontractors during any period of debarment, suspension, or placement in ineligibility status.

(2) *Flood insurance.* No building proposed for acquisition, construction, reconstruction, repair, or improvement to be assisted under this program may be located in an area that has been identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless the community in which the area is situated is participating in the National Flood Insurance Program (implemented in regulations at 44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding such hazards, and the grantee ensures that flood insurance on the structure is obtained in compliance with section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.).

(3) *Lead-based paint.* The requirements, as applicable, of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846), and implementing regulations at 24 CFR part 35.

(4) *Applicability of OMB Circulars.* The policies, guidelines, and requirements of OMB Circular Nos. A–110 and A–122 with respect to the acceptance and use of assistance by private nonprofit organizations.

(5) *Relocation and Real Property Acquisition.* The Uniform Relocation

Assistance and Real Property Acquisition Policies Act of 1970 (URA), 49 CFR part 24, and HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition, apply to the acquisition of real property for an assisted project and the displacement of any person (households, business, nonprofit organization, or farm) as a direct result of acquisition, rehabilitation, or demolition for the HUD-assisted project.

(6) *Certifications.* In the absence of independent evidence that tends to challenge in a substantial manner the certifications made by the applicant, the required certifications will be accepted by HUD. However, if independent evidence is available, HUD may require further information or assurances to be submitted in order to determine whether the applicant's certifications are satisfactory.

C. National Environmental Policy Act

A finding of no significant impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969. (42 U.S.C. 4332). The finding of no significant impact is available for public inspection and copying Monday through Friday during regular business hours at the Office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this notice will not have substantial direct effects on states or their political subdivisions, or the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. As a result, the notice is not subject to review under the order. The notice announces incentive funds to encourage neighborhood organizations to become more self-sufficient in their development activities.

E. Executive Order 12606, the Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this notice has potential for a significant impact on family formation, maintenance, and general well-being. The purpose of the notice is to provide funding to improve

neighborhood opportunities relating to employment, business, housing, and the provision of essential services, all of which could benefit families significantly. However, because the impact on families would be indirect and would be beneficial, no further review is considered necessary.

F. Section 102 HUD Reform Act: Documentation and Public Access Requirements

HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these requirements.)

G. Section 103 of the HUD Reform Act

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a) was published on May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708–3815 (voice/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.

H. Section 112 of the Reform Act

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.

Section 13 has been implemented by 24 CFR part 86. If readers are involved in any efforts to influence the Department in these ways, they are urged to read part 86, particularly the examples contained in Appendix A of that part.

Any questions about the rule should be directed to the Office of Ethics, room 2158, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410-3000. 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.

Authority: 42 U.S.C. 5318 note and 3535(d).

Dated: February 17, 1995.

Andrew Cuomo,

Assistant Secretary for Community Planning and Development.

[FR Doc. 95-4449 Filed 2-21-95; 8:45 am]

BILLING CODE 4210-29-P

**Final Report
to the
Department of
Housing and Urban
Development**

Friday
February 24, 1995

Part IV

**Department of
Housing and Urban
Development**

Office of the Assistant Secretary for
Community Planning and Development

HOPE for Homeownership of Single
Family Homes Program (HOPE 3),
Funding Availability; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-95-3888; FR-3886-N-01]

HOPE for Homeownership of Single Family Homes Program (HOPE 3); Notice of Fund Availability

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of fund availability.

SUMMARY: This NOFA announces the availability of approximately \$22 million in funding for implementation grants for the HOPE for Homeownership of Single Family Homes Program (HOPE 3). The Notice contains information concerning eligible applicants, funding available for implementation grants, and application requirements and procedures. The NOFA is issued under the final rule for the HOPE 3 Program published July 7, 1993 (58 FR 36518) and codified at 24 CFR part 572. The rule contains detailed programmatic information and the requirements for the HOPE 3 program. Applicants are advised to consult the regulation in order to prepare an application in compliance with the requirements of the final rule, many of which are not repeated in this NOFA. Failure to follow the rule will result in applications being rejected by HUD.

DATES: Applications for implementation grants for the HOPE 3 program must be physically received in the appropriate HUD Field Office by 4:30 p.m. local time on April 25, 1995. Applications may be hand delivered to the appropriate HUD Field Office no later than 4:30 p.m. local time on the deadline date. It is not sufficient for an application to bear a postmark within the deadline. Applications sent by facsimile (FAX) will not be accepted. HUD will not waive this deadline for actual submission for any reason. The application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this policy into account and consider early submission to avoid any risk of loss of eligibility brought about by any unanticipated or delivery-related problems.

ADDRESSES: An original and two copies of the completed application must be submitted to the HUD Field Office

having jurisdiction over the locality or areas in which the proposed program is located. Applications should be addressed to the attention of: Director, Community Planning and Development Division. A list of HUD Field Offices appears at the end of this NOFA. Applicants must submit their applications to the CPD Division in the correct Field Office, including applicants in States with more than one Field Office. For applications submitted by Indian tribes and IHAs, the correct Field Office is the CPD Division in the office listed at the end of the NOFA with jurisdiction over the geographic area covered by the application. Indian tribes and IHAs should not submit their applications to the Office of Native American Programs. Applicants should contact their local office to confirm the appropriate place for submission. Failure to submit an application to the correct Field Office in accordance with the above procedures will result in disqualification of the application.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, Office of Affordable Housing Programs, Department of Housing and Urban Development, room 7168, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708-3226; (TDD) (202) 708-2565. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this NOFA have been submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980, and have been assigned OMB control number 2506-0128.

I. Purpose and Substantive Description

A. Authority

The funding made available under this NOFA is authorized by title IV of the National Affordable Housing Act (42 U.S.C. 12891-12898), which created the HOPE 3 Program. The final rule for the program, published in the **Federal Register** on July 7, 1993, is codified at 24 CFR part 572. If there is any conflict between this NOFA and the regulation, the regulation shall be controlling. HUD may also issue additional issuances containing more detailed policy with respect to various aspects of the program, application processing instructions for Field Offices, operation of the Cash and Management Information System, obtaining environmental clearance, and similar matters, which shall be subject to the regulations and will be available to the

public upon request to the applicable Field Office.

B. Allocation Amounts

The purpose of this NOFA is to announce the availability of approximately \$22 million in funds for implementation grants, appropriated by the HUD Appropriations Act for Fiscal Year 1995 (Pub. L. 103-327, approved September 28, 1994). The amount made available for implementation grants has been allocated to each of the 10 HUD geographical areas (formerly Regions) by a formula described in the final rule (24 CFR 572.210(b)). However, no former Region has been allocated less than \$1.0 million in order to ensure that national geographic diversity is maintained. The formula results in the following allocations based upon 1993 data. Should more recent data become available during the application solicitation period, revised allocations will be published in the **Federal Register**. (The numbered geographical areas correspond to the number of the former HUD Region; e.g., 1=former Region I).

1. \$1,018,000
2. \$1,934,000
3. \$1,989,000
4. \$4,311,000
5. \$3,171,000
6. \$3,084,000
7. \$1,000,000
8. \$1,000,000
9. \$3,493,000
10. \$1,000,000

C. Reallocation of Funds

If funds remain after HUD has approved all approvable implementation grant applications in a HUD geographical area (formerly Region) or if any funds become available due to deobligation of grant amounts, the remaining amounts from each former Region may be combined and HUD may use them in accordance with § 572.310(f) of the regulation.

D. Implementation Grant Cap

1. For FY 1995, the maximum total grant amount for a single application is \$1.0 million. A single applicant may apply for more than one implementation grant, but HUD will not approve grants for any one applicant that total more than \$1.0 million.

2. Applicants should refer to 24 CFR 572.210(c) for overall limitations on implementation grants.

E. Eligible Applicants

An eligible applicant is a private nonprofit organization; a cooperative association; or a public body (including a PHA, an IHA, Indian tribe or an agency or instrumentality of a public

body) in cooperation with a private nonprofit organization, all as further defined in the regulations.

II. Implementation Grant Applications

A. Application Process

Application packages for implementation grants, including SF 424, other forms, and instructions for preparing applications, are available from HUD's Processing and Control Unit (PCU). Applicants should FAX their written requests for an application to the PCU at (202) 708-3363. The request should include the name and address of the applicant, the name of the competition (HOPE 3), and the **Federal Register** number of this NOFA. Only timely applications received in the appropriate Field Office will be considered for funding. Applications (original and two copies) must be physically received no later than 4:30 p.m. on the deadline (see **DATES** at the beginning of this NOFA) at the appropriate HUD Field Office, Attention: Director, Community Planning and Development Division. It is not sufficient for an application to bear a postmark within the deadline. Applications sent by facsimile (FAX) will not be accepted.

B. Application Submission Requirements

Complete application submission requirements are contained in the application package. All potential applicants are urged to contact their HUD Field Office for information and guidance from HUD about program requirements and for the time and place of any workshops or training sessions to be held within the Field Office's jurisdiction. If an application is being submitted by an organization that is a current HOPE 3 grant recipient, the applicant may submit information from the previous year's application as long as the information is still current and accurate.

C. Consolidated Plan/Comprehensive Housing Affordability Strategy

On January 5, 1995, the final consolidated plan regulation (to be codified in 24 CFR part 91) was published. The consolidated plan combines into a single plan the requirements of the comprehensive housing affordability strategy, the community development plan required for the Community Development Block Grant program, and the submission requirements for the Community Development Block Grant, HOME, Emergency Shelter Grant, and Housing Opportunities for Persons with AIDS

formula programs. Changes to the HOPE 3 program regulations to substitute "consolidated plan" for "comprehensive housing affordability strategy" will be published shortly.

As provided in § 572.400, the application must contain a certification from the State or local government that the proposed activities are consistent with the HUD-approved comprehensive housing affordability strategy of the applicable state or local government. During FY 1995, jurisdictions will be making the transition from the comprehensive housing affordability strategies to the consolidated plans. If the jurisdiction has an approved consolidated plan, the certification of consistency must be made with respect to the consolidated plan. If the jurisdiction still has a comprehensive housing affordability strategy in effect, the certification of consistency must be made with respect to the comprehensive housing affordability strategy. The requirements in § 572.400 regarding the various types of applicants and the timing for submission of the certification of consistency remain in effect.

D. Selection Process

The selection process for implementation grants under the HOPE 3 Program consists of a screening review, and then, for those applications meeting all screening requirements, rating and ranking under substantive rating criteria. Rating and ranking will only occur if there are more applications that meet screening requirements than funds available in that former Region.

E. Screening Process/Corrections to Deficient Applications

(1) HUD will screen each application submitted on or before the deadline to determine if it is complete, is internally consistent, contains correct computations, and complies with all requirements of this NOFA and the regulation. In addition, HUD will determine whether there appear to be a sufficient number of suitable, available properties in the general locations identified in the application for the proposed activities. For this purpose, at least ten suitable units in eligible properties must be currently available or have been available in the 12-month period prior to application submission. Where HUD determines that an application as initially submitted is fundamentally incomplete or would require substantial revisions, it will not consider the application further.

(2) Where HUD determines an application is deficient in one or more of the areas in paragraph (E)(1) of this

section but is not fundamentally incomplete and does not require substantial revisions, it will notify the applicant in writing and give it an opportunity to correct the technical deficiencies in its application. HUD will not notify the applicant of any deficiencies that relate solely to the rating of the application.

(3) The notification will require the applicant to submit additional or corrected material so that it is received in the appropriate HUD Field Office no later than 4:30 p.m. local time on the 14th calendar day after the date of the written notification to the applicant giving it an opportunity to modify its application. HUD may not extend this deadline for actual receipt of the material for any reason. After review of all additional or corrected materials, HUD will not consider further any applications that do not comply with the requirements of the NOFA and the regulation.

F. Rating Criteria

All applications meeting screening requirements will be selected for funding if sufficient funds are available within the allocation to each HUD geographical area (formerly Region). If there are more applications that meet screening requirements than funds available in that former Region, all applications meeting the screening requirements will be rated and ranked, using the following substantive rating criteria:

1. Capability of the Applicant—up to 25 points.
2. Demonstrated Public/Private Support—up to 20 points.
3. Quality of Program Design—up to 30 points.
4. Efficiency—up to 10 points.
5. Inventory—up to 5 points.
6. Minority Business Enterprise/Women-owned Business Enterprise—up to 5 points.
7. Fair Housing Choice—up to 5 points.

Further description of the rating of applications and of the factors considered under each rating criterion may be found in § 572.320 of the final rule.

G. Ranking and Selection

After assigning points under the selection criteria, HUD will rank applications within the former Regions. HUD shall examine the rankings and, where it determines that applications falling below a certain point total are not suitable or not feasible for homeownership, it may establish a minimum number of points for

applications to qualify to be selected for funding.

HUD shall select for funding in rank order all fundable applications. Further description of the procedure for selection is contained in § 572.310 of the regulation.

III. Other Matters

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made for the program regulations in accordance with HUD regulations at 24 CFR part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, room 10276, 451 Seventh Street, SW, Washington, DC 20410.

Federalism Executive Order

The General Counsel, as the Designated Official for HUD under section 6(a) of Executive Order 12612, Federalism, has determined that the provisions in this NOFA are closely based on statutory requirements and impose no significant additional burdens on States or other public bodies. This NOFA does not affect the relationship between the Federal Government and the States and other public bodies or the distribution of power and responsibilities among various levels of government. Therefore, the policy is not subject to review under Executive Order 12612.

Family Executive Order

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has also determined that some of the policies in this NOFA will have a potential significant impact on the formation, maintenance, and general well-being of the family. Achievement of homeownership by low-income families in the program can be expected to support family values, by helping families achieve security and independence; by enabling them to live in decent, safe and sanitary housing; and by giving them the skills and means to live independently in mainstream American society. Since the impact on the family is beneficial, no further review is necessary.

Section 102 of the HUD Reform Act—Accountability in the Provision of HUD Assistance

HUD will ensure that 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) in HUD's implementing regulations at 24 CFR part 15. In addition, HUD publish a **Federal Register** notice of all recipients awarded assistance under this NOFA. (See 24 CFR part 12 for further information on these documentation and public access requirements.)

Section 103 of the HUD Reform Act—Prohibition against Advance Information on Funding Decisions

Section 103 of the Housing and Urban Development Reform Act of 1989 (HUD Reform Act) proscribes the communication of certain information by HUD employees to persons not authorized to receive that information during the selection process for the award of assistance. HUD's regulations implementing section 103 are at 24 CFR part 4. In accordance with the requirements of section 103, HUD employees involved in the review of applications and in the making of funding decisions are restrained by 24 CFR 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 at the address or telephone number in the following paragraph.

Section 112 of the HUD Reform Act

Section 112 of the HUD Reform Act added a new section 13 to the Department of Housing and Urban Development Act (42 U.S.C. 3531). Section 13 contains two provisions concerning 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 this award or 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. Section 13 was implemented at 24 CFR part 86. Appendix A of the rule contains example of activities covered by the 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; (202) 708-3815 TDD/Voice. (This is not a toll-free number.) Forms necessary for compliance with the rule may be obtained from the local HUD office.

Prohibition Against Lobbying Activities

The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) ("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 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.

Dated: February 17, 1995.

Kenneth C. Williams,

Deputy Assistant Secretary for Grant Programs.

Appendix: List of 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.

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) 962-2520x3116; 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) 551-5484; 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.

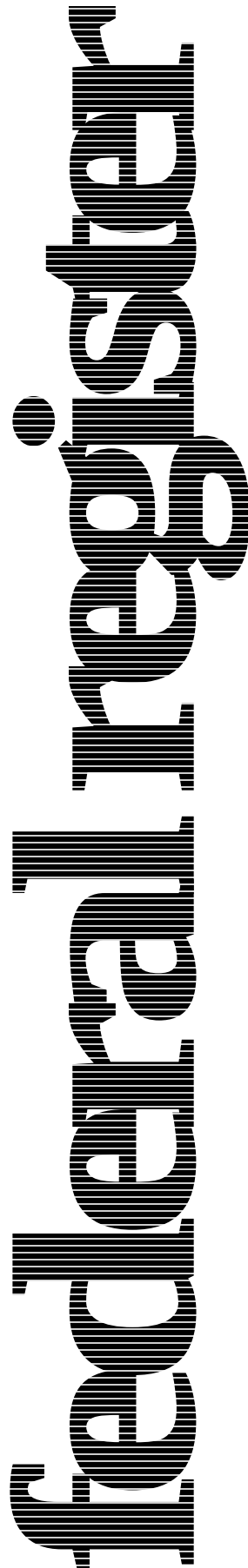
West Virginia—Bruce Crawford, Old Post Office & Courthouse Bldg., 700 Grant St., Pittsburgh, PA 15219-1906; (412) 644-5493; TDD (412) 644-5747.

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. 95-4450 Filed 2-21-95; 8:45 am]

BILLING CODE 4210-29-P



Friday
February 24, 1995

Part V

**Department of
Housing and Urban
Development**

**Office of the Assistant Secretary for
Public and Indian Housing**

**Community Development Block Grant
Program for Indian Tribes and Alaska
Native Villages; Notice of Fund
Availability**

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N-95-3870; FR-3798-N-01]

Community Development Block Grant Program for Indian Tribes and Alaska Native Villages; Notice of Fund Availability

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of Fund Availability for Fiscal Year 1995.

SUMMARY: This Notice of Fund Availability (NOFA) announces HUD's funding for the Community Development Block Grant Program for Indian Tribes and Alaska Native Villages (hereafter referred to as the ICDBG Program) for Fiscal Year 1995. In the body of this document is information concerning the following:

(a) The purpose of the NOFA, and information regarding eligibility, available amounts, and selection criteria;

(b) Application processing, including how to apply and how selections will be made; and

(c) A checklist of steps and exhibits involved in the application process.

DATES: Applications must be received by the appropriate field office of the HUD Office of Native American Programs (ONAP) no later than 3:00 P.M. May 14, 1995. Application materials will be available from each field office. General program questions may be directed to the field office serving your area or by contacting Dom Nessi, Office of Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, Room B-133, 451 Seventh Street SW, Washington, DC 20410. Telephone (202) 755-0068. The Telecommunications Device for the Deaf (TDD) number is (202) 708-0850. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Paperwork Requirements

The information collection requirements contained in this Notice have been approved by the Office of Management and Budget, under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520), and have been assigned OMB control number 2506-0043.

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I. Purpose and Substantive Description

(a) Authority

Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.); sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); 24 CFR part 953.

(b) Funding

Amendments to Title I of the Housing and Community Development Act of 1974 have required that the allocation for Indian Tribes be on a competitive basis in accordance with selection criteria contained in a regulation promulgated by the Secretary after notice and public comment. The interim regulation containing the selection criteria was issued July 27, 1994, and is published in the **Federal Register** at 59 FR 38326. All grant funds awarded in accordance with this NOFA are subject to the requirements of 24 CFR Part 953.

Documentation and Public Access Requirements; Applicant/Recipient Disclosures: HUD Reform Act

Documentation and public access requirements. HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these documentation and public access requirements.)

Disclosures. HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24

CFR part 15. (See 24 CFR part 12 subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

1. Allocations. The requirements for allocating funds to field offices responsible for program administration are found at 24 CFR 953.101. Following

these requirements, the allocation for FY 1995 is as follows:

Eastern Woodlands	\$3,577,545
Southern Plains	8,322,000
Northern Plains	7,028,048
Southwest	19,008,484
Northwest	2,751,491
Alaska	3,812,432
Total	44,500,000

The total FY 1995 ICDBG allocation is \$46,000,000. As indicated in Section I(b)3 below, \$1,500,000 has been retained to fund Imminent Threat grants.

2. Grant Ceilings. The authority to establish grant ceilings is found at 24 CFR 953.100(b)(1). Grant ceilings are established for FY 1995 funding at the following levels:

Field offices	Population	Ceiling
Eastern Woodlands	ALL	\$300,000
Southern Plains	ALL	750,000
Northern Plains	ALL	800,000
Southwest	50,001+	5,000,000
	10,501-50,000	2,500,000
	9,001-10,000	2,000,000
	7,501-9,000	1,500,000
	6,001-7,500	1,000,000
	4,501-6,000	750,000
	3,001-4,500	650,000
	1,501-3,000	550,000
	1-1,500	450,000
Northwest	ALL	320,000
Alaska	ALL	500,000

3. Imminent Threats

The criteria for grants to alleviate or remove imminent threats to health or safety that require an immediate solution are described at 24 CFR part 953, subpart E. In accordance with the provisions of that subpart, \$1,500,000 is being retained to meet the funding needs of imminent threat applications submitted to any of the field offices. The grant ceiling for imminent threat applications for FY 1995 is 350,000. This ceiling is established pursuant to the requirements of 24 CFR 953.100(c).

(c) Eligibility of Activities

Activities that are eligible for ICDBG funds are identified at 24 CFR part 570 subpart C, as modified by 24 CFR part 953 subpart C. Both the National Affordable Housing Act (NAHA) (P.L. 101-625) and the Housing and Community Development Act of 1992 (the 1992 Act) (P.L. 102-550) amended Title I of the Housing and Community Development Act of 1974 (HCD Act). Various amendments made by these two acts are applicable.

(d) Applicant Eligibility

To apply for funding in a given fiscal year, an applicant must be eligible as an Indian Tribe or Alaska Native Village (or as a tribal organization) by the application submission date.

Tribal organizations are permitted to submit applications under 24 CFR 953.5(b) on behalf of eligible tribes or villages when one or more eligible tribe(s) or village(s) authorize the

organization to do so under concurring resolutions. As is stated in this regulatory section, the tribal organization must itself be eligible under Title I of the Indian Self-Determination and Education Assistance Act.

If a tribe or tribal organization claims that it is a successor to an eligible entity, the field office must review the documentation to determine whether it is in fact the successor entity.

Due to the unique structure of tribal entities eligible to submit ICDBG applications in Alaska, and as only one ICDBG application may be submitted for each area within the jurisdiction of an entity eligible under 24 CFR 953.5, a Village Corporation, Regional Corporation or Tribal Organization which submits an application for activities in the jurisdiction of one or more eligible tribes or villages, must include a concurring resolution from each such tribe or village authorizing the submittal of the application. Each such resolution must also indicate that the tribe or village does not itself intend to submit an ICDBG application for that funding round. The hierarchy for funding priority continues to be the IRA Council, the Traditional Village Council, the Village Corporation and the Regional Corporation.

On October 21, 1993, the Bureau of Indian Affairs (BIA) published a **Federal Register** Notice entitled "Indian Entities Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs". This Notice provides a listing of Indian Tribal Entities in

Alaska found to be Indian Tribes as the term is defined and used in 25 CFR 83. Additionally, pursuant to Title I of the Indian Self-Determination and Education Assistance Act, ANCSA Village Corporations and Regional Corporations are also considered tribes and therefore eligible applicants for the ICDBG program.

Any questions regarding eligibility determinations and related documentation requirements for entities in Alaska should be referred to the Alaska field office prior to the deadline for submitting an application. (See 24 CFR 953.5 for a complete description of eligible applicants.)

(e) Screening for Acceptance

Each field office will initially screen applications for single purpose grants. Applications failing this initial screening shall be rejected and returned to the applicants unrated. Field offices will accept applications if all the criteria listed below as items 1. through 6. are met:

1. The application is received by the appropriate field office no later than 3:00 p.m. on the deadline date.
2. The applicant is eligible;
3. The proposed activities are eligible;
4. The application contains substantially all the components specified in Section III of this notice; and

5. At least 70% of the grant funds are to be used for activities that benefit low and moderate income persons, in accordance with the requirements of 24 CFR 953.201(a).

6. The application is for an amount which does not exceed the grant ceilings that are established by the NOFA.

(f) Application Review Process Description

1. Threshold review. The field office will review each application that passes the initial screening process to ensure that each applicant and each proposed project meets the applicable threshold requirements set forth in 24 CFR 953.302(a), as implemented by this NOFA. *If an applicant fails to meet any of the applicant-specific thresholds, its application cannot be accepted for rating and ranking. Project(s) that do not meet the community development appropriateness or applicable project-specific thresholds will not be considered for funding.*

2. All projects that meet the acceptance criteria and threshold requirements will be reviewed and rated by a field office rating team of at least three voting members. The field office will examine each project to determine in which one of the three rating categories set forth in 24 CFR 953.303 through 24 CFR 953.305 the project most appropriately belongs. The project will be rated on the basis of the criteria identified in the rating category component to which the project has been assigned. The total of points for a rating component is 100, which is the maximum any project can receive.

3. Public service projects. Due to the statutory 15 percent cap on public services activities, applicants may not receive single purpose grants solely to fund public services activities. However, any application may contain a public services component for up to 15 percent of the total grant. This component may be unrelated to the application's other project(s). If an application does not receive full funding, the public services allocation will be proportionately reduced to comprise no more than 15 percent of the total grant award.

4. Corrections to deficient applications and supplemental information. HUD will not accept unsolicited information regarding the application after the application deadline has passed. The field office will advise applicants of technical deficiencies in applications and permit them to be corrected. A technical deficiency is an error or oversight which, if corrected, would not alter, in either a positive or negative fashion, the review and rating of the application. Examples of curable technical deficiencies would be a failure to submit proper certifications or failure to submit an application containing an

original signature by an authorized official. HUD will notify applicants in writing of any curable technical deficiencies in applications.

The field office also may, at its discretion, request supplemental information to resolve inconsistencies or ambiguities in the application or information that may help clarify an application that, in the field office's view, contains information that is inconsistent with known facts or data. *Applicants will have 14 calendar days from the date of HUD's correspondence to reply and correct the technical deficiency or provide the requested supplemental information. If the technical deficiency is not corrected within this time period, HUD will reject the application as incomplete. If the supplemental information is not provided in this time period and, as a consequence, the field office determines that the applicant has failed to establish compliance with the requirements of 24 CFR part 953, the application will be returned, unrated.*

Applicants may not submit information that would enhance a project's rating, and a new project may not be substituted for one included in the application.

5. Final ranking. All projects will be ranked against each other according to the point totals they receive, regardless of the rating category or component under which the points were received. Projects will be selected for funding based on this final ranking, to the extent that funds are available. Individual grant amounts will be determined in a manner consistent with the considerations set forth in 24 CFR 953.100(b)(2). If the field office determines that an insufficient amount of money is available to adequately fund a project, it may decline to fund that project and fund the next highest ranking project or projects for which adequate funds are available. HUD may select, in rank order, additional projects for funding if one of the higher ranking projects is not funded, or if additional funds become available.

6. Tiebreakers. When rating results in a tie among projects and insufficient resources remain to fund all tied projects, field offices shall approve projects that can be fully funded over those that cannot be fully funded. When that does not resolve the tie, the following factors should be used in the order listed to resolve the tie:

A. Eastern Woodlands Office.

(1) The project that would benefit the highest percentage of low and moderate income persons.

(2) The project that would benefit the most low and moderate income persons.

B. Southern Plains Office.

(1) The project that would benefit the highest percentage of low and moderate income persons.

(2) The applicant with the fewest active grants.

(3) The project that would benefit the most low and moderate income persons.

C. Northern Plains Office.

(1) The project that would benefit the highest percentage of low and moderate income persons.

(2) The project that would benefit the most low and moderate income persons.

D. Southwest Office.

(1) The applicant with the fewest active grants.

(2) The applicant that has not received an ICDBG grant over the longest period of time.

(3) The project that would benefit the highest percentage of low and moderate income persons.

E. Northwest Office.

(1) The applicant that has not received an ICDBG grant over the longest period of time.

(2) The applicant that has received the fewest ICDBG dollars since the inception of the program.

(3) The project that would benefit the highest percentage of low and moderate income persons.

F. Alaska Office.

(1) The applicant that has not received an ICDBG grant over the longest period of time.

(2) The project that would benefit the highest percentage of low and moderate income persons.

(3) The project that would benefit the most low and moderate income persons.

(g) Overall Thresholds

Two types of general thresholds are set forth in 24 CFR 953.302(a): those that relate to applicants, and those that address the overall community development appropriateness of the project(s) included in the application. Project-specific thresholds will be addressed within the pertinent project selection criteria categories.

Applicant thresholds focus on the administrative capacity of the applicant to undertake the proposed project, and on its past performance in the ICDBG and Housing programs. An applicant that has previously participated in the ICDBG program must have performed adequately. In cases of previously documented deficient performance, the applicant must have taken appropriate corrective action to improve its performance prior to submitting an ICDBG application to HUD.

In order to rate and rank a project contained in an application that has passed the screening tests outlined in

Section III of this NOFA, field offices must determine that the proposed project meets the community development appropriateness thresholds, i.e., the project has costs that are reasonable; the project is appropriate for the intended use; and the project is usable or achievable in a timely manner, generally within two years of grant award.

1. Applicant-Specific Thresholds—Capacity and Performance

A. Capacity. The field office will assume, absent evidence to the contrary, that the applicant possesses, or can obtain the managerial, technical or administrative capability necessary to carry out the proposed project. The application should address who will administer the project and how the applicant plans to handle the technical aspects of executing the project. If the field office determines, based on substantial evidence, that the applicant does not have or cannot obtain the capacity to undertake the proposed project, the application will not receive further consideration.

B. Performance.

(1) *Community Development.* If an applicant has previously participated in the ICDBG Program, the field office shall determine whether the applicant has performed adequately in grant administration and management. Where an applicant was found to be performing inadequately, the field office shall determine whether the applicant is following a schedule to correct performance to which the applicant and the field office have agreed. In cases of previously documented deficient performance, the field office must determine that the applicant has taken appropriate corrective action to improve its performance. The applicant is presumed to be performing adequately unless the field office makes a performance determination to the contrary during periodic monitoring.

(2) *Housing assistance.* The applicant is presumed not to have taken actions to impede the provision of housing assistance for low and moderate income members of the tribe or village. Any action taken by the applicant to prevent or obstruct the provision or operation of assisted housing for low and moderate income persons shall be evaluated in terms of whether it constitutes inadequate performance by the applicant. If an applicant has established or joined an Indian Housing Authority (IHA), and this IHA has obtained housing assistance from HUD, the applicant's compliance with the obligations and responsibilities to the IHA set forth in the tribal ordinance

which was the basis for the establishment or joining of the IHA will be a performance consideration.

An applicant will not be held accountable for the poor performance of its IHA unless this inadequate performance is found to be a direct result of the applicant's action or inaction. If this is true, the application will be removed from further consideration. Applicants which are members of "umbrella" IHAs will be judged only on their individual performance and will not be held accountable for the poor performance of other tribes that are members of the IHA.

If an applicant has received ICDBG funds for the provision of new housing through a subrecipient, the field office will consider the following in making its determination regarding housing assistance performance: a. whether the proposed units were constructed; b. whether housing assistance was provided to the beneficiaries identified in the funded application, and if not, why not; c. whether the applicant followed the provisions of its housing plan and procedures; and d. whether there were sustained complaints from tribal members regarding provision and/or distribution of ICDBG housing assistance.

(3) *Audits.* This threshold requires the applicant to meet the following performance criteria:

a. The applicant cannot have an outstanding ICDBG obligation to HUD or a ICDBG program that is in arrears, or it must have agreed to a repayment schedule. An applicant that has an outstanding ICDBG obligation that is in arrears, or one that has not agreed to a repayment schedule, will be disqualified from the current competition and from subsequent competitions until the obligations are current. If a grantee that was current at the time of application submission becomes delinquent during the review period, the application may be rejected.

b. The applicant cannot have an overdue or unsatisfactory response to an audit finding. If there is an overdue or unsatisfactory response to an audit finding, the applicant will be disqualified from current and subsequent competition until the applicant has taken final action necessary to close the audit finding. The field office administrator may provide exceptions to this disqualification in cases where the applicant has made a good faith effort to clear the audit finding. An exception may be granted when funds are due HUD or an ICDBG program as a result of a finding only when a satisfactory arrangement for

repayment of the debt has been made and payments are current.

2. *Community Development Appropriateness.* The following criteria must be met by each project:

A. Costs are reasonable. The project must be described in sufficient detail so that the field office can determine: (1) that costs are reasonable; and (2) that the funds requested from the ICDBG program and all other sources are adequate to complete the proposed activity(ies) described in the application.

B. The project is appropriate for the intended use.

C. The project is usable or achievable in a timely manner, generally within a two year period. The applicant must include its timetable for project implementation and completion. A period of more than two years is acceptable in certain circumstances, if it is established that such circumstances are beyond the applicant's control.

(h) General Definitions

Adopt. To approve by formal tribal resolution, as defined at 24 CFR part 953.4.

Assure. To comply with a specific NOFA requirement. The applicant should state its compliance or its intent to comply in its application.

Document. To supply supporting written information and/or data in the application, which satisfies the NOFA requirement.

Leverage. Resources the grantee will use in conjunction with ICDBG funds to achieve the objectives of the project. Resources include, but are not limited to: tribal trust funds, loans from individuals or organizations, state or Federal loans or guarantees, other grants, as well as noncash contributions and donated services. *Written verification of an application or request for the leveraged resources which would be provided by an entity other than the applicant must be included in the application for ICDBG funds.* To be considered in the award of points, resources to be provided by the applicant must be verified by a tribal council resolution which identifies and commits these resources. A copy of this resolution must be included in the application. With respect to resources to be provided by an entity other than the applicant, to be considered in the award of points, the following requirements apply:

—For grants or other contributed resources from a public agency, foundation, or other private party, a *written commitment* which may be contingent on approval of the ICDBG award must be *received* by the field

office no later than 30 days after the application deadline. This commitment must specifically identify or indicate: the dollar amount committed (or dollar value of the noncash resource and the basis for the valuation); that the resources are currently available or will be available when necessary for successful project implementation; and the project. If delays in the Federal funding process preclude an agency from making a firm funding commitment in this timeframe, such resources will be considered in the award of points if the Federal entity issues a written statement indicating that it is extremely likely that the applicant will be funded within six months of the anticipated date of grant approval notification from HUD. This statement must be received by the field office no later than 30 days after the application deadline.

With respect to the contribution of land as a leveraged resource, the value of the land to be contributed will only be considered when the use of the land and the land area are integral to the development of the project. To be considered for point award, the value of the land must be verified by any of the following means or methods and this documentation and a written confirmation of the proposed contribution *must be included in the application*:

- A site specific appraisal no more than two years old;
- An appraisal of a near-by comparable site also no more than two years old;
- A reasonable extrapolation of land value based on current area realtors value guides.

Donated goods and services will be considered for point award if the applicable requirements listed above are met; if the items or services are demonstrated and determined necessary to the actual development of the project; and comparable cost and/or time estimates are submitted which support the donation.

Project Cost. The total cost to implement the project. Project cost includes both ICDBG and non ICDBG funds and resources.

Section 8 standards. Housing quality standards contained in the Section 8 Housing Assistance Payments Program Existing Housing (24 CFR 882.109).

Standard Housing/Standard Condition. Housing which meets the housing quality standards (HQS) adopted by the applicant. The adopted standards must provide for the following:

- That the house is safe, in a physically sound condition with all systems performing their intended design functions;
- A livable home environment;
- An energy efficient building and systems which incorporate energy conservation measures;
- Adequate space and privacy for all intended household members. The HQS adopted by the applicant must be at least as stringent as the Section 8 standards unless the field office approves less stringent standards based on a determination that local conditions make the use of Section 8 standards infeasible. Applicants may submit their request for the approval of standards less stringent than Section 8 standards prior to the application due date. If the request is submitted with the application, applicants should not assume automatic approval by the field office. Tribe, Indian Tribe, band, group or nation, including Alaska Indians, Aleuts, Eskimos and Alaska Native Villages.

(i) Project Definitions, Thresholds and Selection Criteria

1. Housing.

A. General Threshold for Housing Category Projects Households that have been evicted from HUD assisted housing within the past five years may not be assisted, except in emergency situations. The field office administrator will review each emergency situation proposed by an applicant on a case-by-case basis to determine whether an exception is warranted.

B. Rehabilitation.

(1) Thresholds.

a. All applicants for housing rehabilitation grants shall adopt rehabilitation standards and rehabilitation policies, prior to submitting an application. *These standards and policies must be submitted with the application.*

b. Any units to be rehabilitated must be the permanent non-seasonal residence of the occupant(s). The resident(s) must live in the unit at least nine months per year.

c. Housing units slated for eventual replacement may only receive repairs essential for the health and safety of the occupants.

d. The applicant shall provide an assurance that it will use project funds to rehabilitate HUD assisted units only when the tenant/homeowner's payments are current or the tenant/homeowner is current in a repayment agreement that is subject to approval by the field office. In emergency situations the field office administrator may grant

exceptions to this requirement on a case-by-case basis.

e. Houses that have received comprehensive rehabilitation assistance from any ICDBG or other Federal grant program within the past 8 years cannot be assisted with ICDBG funds to make the same repairs if the repairs are needed as a result of abuse or neglect.

(2) Grant limits. Rehabilitation grant limits for each field office jurisdiction are as follows:

- a. Eastern Woodlands—\$15,000
- b. Southern Plains—\$15,000
- c. Northern Plains—\$33,500
- d. Southwest—\$25,000
- e. Northwest—\$18,000
- f. Alaska—Lesser of \$45/ sq.ft. or \$35,000

(3) Selection Criteria.

a. Project Need and Design. (45 points)

(i) The percentage of ICDBG funds committed to bring the housing up to a standard condition as defined by the applicant. Administrative, planning and technical assistance expenditures are excluded in computing the percentage of ICDBG funds committed to bring housing up to a standard condition. The percentage of ICDBG funds not used to bring housing up to a standard condition must be used for emergency repairs, demolition of substandard units or another purpose closely related to the housing rehabilitation project.

Percentage of ICDBG Funds Committed to bring housing up to a standard condition:

- 91–100%—20 points
- 81–90.9%—15 points
- 80.9 and less—0 points

(ii) The applicant's selection criteria give first priority to the neediest households. "Neediest" is defined as households whose current residences are in the greatest disrepair (but still suitable for rehabilitation treatment) in the project area, or very low-income households.

YES 10 points
NO 0 points

(iii) Documentation of project need with a housing survey of all of the units to be rehabilitated with ICDBG funds. This survey should include standard housing data on each unit surveyed (e.g., age, size, type, number of rooms, number of habitable rooms, number of bedrooms/sleeping rooms, type of heating). The survey should indicate the deficiencies for each unit. A definition of "suitable for rehabilitation" must be included. At a minimum, this definition must not include units that need only minor repairs, or units that need such major repairs that rehabilitation is structurally or financially infeasible.

Submission of acceptable survey of units to be assisted.

The application contains all the required survey data. (15 points)

The application does not contain all the survey data, but does contain sufficient data to enable the project to proceed effectively. (10 points)

The application does not contain survey data *Or* the survey data it does contain is not sufficient to enable the project to proceed effectively. (0 points)

b. Planning and Implementation. (50 points)

(i) Rehabilitation Policies including:
a Adopted rehabilitation standards. The rehabilitation standards adopted by the applicant will ensure that after rehabilitation the units assisted will be in a standard condition.

YES 5 points

NO 0 points

b Rehabilitation selection criteria. Rehabilitation selection criteria include property selection standards, cost limits, type of financing (e.g., loan or grant), homeowner costs and responsibilities, procedures for selecting households to be assisted, and income verification procedures.

The application contains all the selection criteria listed above. (10 points)

The application does not contain all the selection criteria listed above, but contains sufficient data to enable the project to proceed effectively *Or* the application contains all the selection criteria listed above, but in insufficient detail. (5 points)

The application does not contain the selection criteria listed above *Or* if it does contain selection criteria, they are not sufficient to enable the project to proceed effectively. (0 points)

c Project planning documents and applicable policies and procedures. These policies and procedures must include a description of the following items:

- The qualifications which will be required of the inspector
- The inspection procedures to be used
- The procedures to be used to select the contractor or contractors
- The manner in which the households to be assisted will be involved in the rehabilitation process
- How disputes between the households to be assisted, the contractors and the applicant will be resolved
- If applicable, the repayment provisions which will be required if sale of the assisted unit occurs prior to 5 years after the rehabilitation work has been completed

The application contains all the policies and procedures listed above,

and they will enable the project to be effectively implemented. (10 points)

The application contains some but not all of the policies and procedures listed above and these policies and procedures are sufficient for the project to proceed effectively. (5 points)

The application does not contain the policies and procedures listed above. (0 points)

(ii) Post rehabilitation maintenance policies, including counseling and training assisted households on maintenance.

The policy contains a well-planned counseling and training program. Training will be provided for assisted households, and provision is made for households unable to do their own maintenance (e.g., elderly and handicapped).

The policy includes follow-up inspections after rehabilitation is completed to ensure the unit is being maintained. (5 points)

The policy contains a well-planned home maintenance training and counseling program. (3 points)

The application does not contain a well-planned home maintenance and counseling program. (0 points)

(iii) Quality of cost estimates. Cost estimates have been prepared by a qualified individual. (Qualifications of the estimator must be included in the application).

Costs of rehabilitation are documented on a per unit basis and are supported by a work write-up for each unit to be assisted. The work write-ups are based upon making those repairs necessary to bring the units to a standard condition in a manner consistent with adopted construction codes and requirements. The write-ups must be submitted with the application. If national standards, e.g., the Uniform Building Code, have been locally adopted as the construction codes and requirements, they must be referenced. If locally developed and adopted codes and requirements are used, they must be submitted. (15 points)

Cost estimates have been prepared for each dwelling unit to be rehabilitated to determine the total rehabilitation cost. The cost estimates are included in the application. Costs to rehabilitate each unit are documented by a deficiency list. (10 points)

Cost estimates have been prepared and are included in the application but the estimates are based on surveys and not on individual unit deficiency lists. (5 points)

Cost estimates are not included in the application *Or* the basis for the cost estimates included is inappropriate or not provided. (0 points)

(iv) Cost effectiveness of the rehabilitation program. This is a measure of how efficiently and effectively funds will be used under the proposed program. Applicants must demonstrate how the proposed rehabilitation will bring the units to be assisted to a standard condition in an efficient and cost effective manner.

Rehabilitation project is cost effective. (5 points)

Rehabilitation project is not cost effective. (0 points)

c. Leveraging. (5 points)

Points under this component will be awarded in a manner consistent with the definition of "Leverage" included in this NOFA and the following breakdown:

Non-ICDBG percent of project cost	Points
25 and over	5
20-24.9	4
15-19.9	3
10-14.9	2
5-9.9	1
0-4.9	0

C. Land to Support New Housing.

(1) Thresholds.

a. There must be a reasonable ratio between the number of net usable acres to be acquired and the number of low and moderate income households with documented housing needs.

b. Housing assistance needs must be clearly demonstrated and documented with either a survey that identifies the households to be served, their size, income levels and the condition of current housing or an IHA approved waiting list. *The survey or waiting list must be submitted with the application.*

(2) Selection Criteria.

a. Project Need. (40 Points).

The applicant has no suitable land for the construction of new housing and the necessary infrastructure and amenities for this housing. (40 points)

The applicant has land suitable for housing construction and needed infrastructure and amenities, but the land is officially dedicated to another purpose. (30 points)

The applicant will be acquiring land for housing construction and the construction of needed infrastructure and amenities for both new and existing housing. (25 points)

The applicant will be acquiring land for the construction of amenities for existing housing. (15 points)

The reason for the land acquisition does not meet any of the criteria listed above. (0 points)

b. Planning and Implementation. (60 points)

(i) Suitability of land to be acquired. A preliminary investigation has been

conducted by a qualified entity independent of the applicant. Based on this investigation (*which must be submitted with the application*), the land appears to meet all applicable requirements:

- Soil conditions appear to be suitable for individual and/or community septic systems or other acceptable methods for waste water collection and treatment have been identified.
- The land has adequate:
- Availability of drinking water;
- Access to utilities;
- Vehicular access;
- Drainage.
- The land appears to comply with environmental requirements.
- Future development costs are expected to be consistent with other subdivision development costs in the area (subdivision development costs include the costs of the land, housing construction, water and sewer, electrical service, roads, and drainage facilities if required).

YES 20 points

NO 0 points

(ii) Housing resources. Evidence of a conditional commitment for the housing units to be built on the land proposed for acquisition or evidence that an approvable application for these units has been submitted has been included in the application. (10 points)

The evidence required for the award of 10 points has not been included in the application. (0 points)

(iii) Availability/accessibility of supportive services and employment opportunities. Documentation is provided in the application to indicate that upon completion of construction of the housing to be built on the land to be acquired, fire and police protection will be available to the site and medical and social services, schools, shopping, and employment opportunities will be accessible from the site according to the community's established norms.

YES 5 points

NO 0 points

(iv) Commitment that households will move into the new housing.

Documented commitment from households that they will move into the new housing to be built on the land to be acquired is included in the application.

YES 5 points

NO 0 points

(v) Land can be taken into trust and provisions have been made for taxes and fees. There must be a written assurance from the BIA that the land will be taken into trust. The applicant must demonstrate the financial capability and commitment to pay the property taxes

and fees on the land for any period of time during which it anticipates it will own the property in fee. This commitment must be in the form of a resolution by the governing body of the applicant which indicates that the applicant will pay or guarantee that all taxes and fees on the land will be paid.

Documentation from the BIA that land can be taken into trust and the required governing body resolution are included in the application. (5 points)

Either the assurance or the resolution (or both) are missing from the application or they are inadequate. (0 points)

(vi) A plan or commitment for any infrastructure needed to support the housing to be built on the land to be acquired. The plan or commitment must address water, waste water collection and treatment, electricity, roads, and drainage facilities necessary to support the housing to be developed.

Financial commitments for all necessary infrastructure have been included in the application or documentation is included which demonstrates that all necessary infrastructure is in place. (10 points)

A plan for the provision of all necessary infrastructure is included in the application but all financial commitments required to implement the plan have not been submitted. (5 points)

Neither a financial commitment or plan are included in the application. (0 points)

(vii) The extent to which the site proposed for acquisition meets the housing needs of the applicant and is reasonably priced. The application includes documentation which indicates that the applicant has examined and assessed the appropriateness of alternative sites and which demonstrates that the site proposed for acquisition best meets the documented housing needs of tribal households. The applicant must submit comparable sales data which shows that the cost of the land proposed for acquisition is reasonable.

Yes 5 points

No 0 points

D. New Housing Construction/Direct Home Ownership Assistance.

Unless otherwise indicated, the following thresholds and selection criteria apply to new housing construction to be implemented through a subrecipient as provided for under 24 CFR 570.204 and direct homeownership assistance activities authorized under Section 105(a)(20) of Title I of the Housing and Community Development Act of 1974 as amended by the National Affordable Housing Act (P.L. 101-625).

Please note that all households to be assisted under a new housing construction project or direct homeownership assistance activities must be of low or moderate income status.

(1) Thresholds.

a. New housing construction can only be implemented through a nonprofit organization that is eligible under 24 CFR 953.202 or a nonprofit organization serving the development needs of the communities of nonentitlement areas or as otherwise eligible under 24 CFR 570.207(b)(3). (*This threshold does not apply to Direct Homeownership Activities*).

b. Documentation which supports the following determinations must be included in the application:

- No other housing is available in the immediate reservation area that is suitable for the households to be assisted;
- No other funding sources can meet the needs of the household(s) to be served.
- The unit occupied by the household to be assisted is not in standard condition and rehabilitation of the unit is not economically feasible, or the household is currently in an overcrowded unit [sharing unit with other household(s)], or the household to be assisted has no current residence.

c. All applicants for new housing construction projects shall adopt construction standards and construction policies, prior to submitting an application. Applicants must identify the building code they will comply with when constructing the units. The building code may be a locally adopted tribal building code or a nationally recognized model code. If the code is a locally adopted code, it must regulate all of the areas and sub-areas identified in 24 CFR 200.925(b), and it must be reviewed and approved by the field office. If the code is recognized nationally, it must be the latest edition of one of the codes incorporated by reference in 24 CFR 200.925(c). (*This threshold does not apply to Direct Homeownership Activities*).

d. Any unit to be constructed must be the permanent non-seasonal residence of the household to be assisted. This household must live in the unit at least nine months per year.

(2) Selection Criteria.

a. Project Need and Design. (45 points)

(i) The applicant either is not served by an IHA, or if it is a member of an umbrella IHA, this IHA has not provided assistance to the applicant in

a substantial period of time, or the IHA serving the applicant has not received HUD Public and Indian Housing new construction assistance in a substantial period of time due to limited HUD appropriations. The period of time during which the IHA serving the applicant does not receive funding for inadequate or poor performance by the applicant does not count towards the period of time that no assistance has been provided by HUD.

No assistance from IHA for 10 years or longer—15 points

No assistance from IHA for 6–9.9 years—10 points

No assistance from IHA for 0–5.9 years—0 points

(ii) Adopted housing construction policies and plan. The plan must include a description of the proposed subrecipient and its relationship to the applicant. In addition, the policies and plan must include:

—A selection system that gives priority to the neediest households. Neediest shall be defined as households whose current residences are in the greatest disrepair, or very low-income households, or households without permanent housing.

—A system effectively addressing long-term maintenance of the constructed units.

—Estimated costs and identification of the entity responsible for paying utilities, fire hazard insurance and other normal maintenance costs.

—Policies governing ownership of the units, including the status of the land.

—Description of a comprehensive plan or approach being implemented by the tribe to meet the housing needs of its members.

—Policies governing disposition or conversion to non-dwelling uses of standard units that will be vacated when a replacement unit is provided.

Acceptable policies and plan—20 points
Unacceptable policies and plan—0 points

(iii) Beneficiary identification. Households to be assisted are identified in the application and their income eligibility is documented. (10 points)

Households to be assisted not identified or, if identified, their income eligibility is not documented. (0 points)

b. Planning and Implementation. (45 points)

(i) Occupancy Standards. The proposed housing will be designed and built according to adopted reasonable standards that govern the size of the housing in relation to the size of the occupying household (minimum and maximum number of persons allowed for the number of sleeping rooms); the

minimum and maximum square footage allowed for major living spaces (bedrooms, living room, kitchen and dining room). *The standards must be submitted with the application.*

Applicant has adopted reasonable occupancy standards which are included in the application. (10 points)

Applicant has not adopted reasonable occupancy standards or the standards were not included in the application. (0 points)

(ii) Site Acceptability. The applicant (or the proposed beneficiary household) has control of the land upon which the units will be built. The applicant has provided documentation from the BIA that all housing sites are in trust (or will be taken into trust within one year of the date of the ICDBG approval notification). If the sites are not in trust by the date of ICDBG approval notification, documentation that they are in trust must be provided to the field office before ICDBG funds may be obligated for construction.

A preliminary investigation of the site(s) has been conducted by a qualified entity independent of the applicant. Based on this investigation (*which must be included in the application*) the site(s) appear to meet all applicable requirements:

—Soil conditions appear to be suitable for individual or community septic systems or other acceptable methods for waste water collection and treatment have been identified;

—Each site has adequate:

—Availability of drinking water

—Access to utilities

—Vehicular access

—Drainage.

YES 15 points

NO 0 points

(iii) Energy Conservation Design. The proposed housing units have been designed in a manner which will ensure that energy use will be no greater than that for comparable units in the same general geographic area that have been constructed in accordance with applicable state energy conservation standards for residential construction. Any special design features, materials, or construction techniques which enhance energy conservation must be described.

YES 5 points

NO 0 points

(iv) Housing Survey. The applicant has completed a survey of housing conditions and housing needs of its tribal members. This survey was completed within the twelve month period prior to the application submission deadline (or if an earlier survey, it was updated during this time

period). *The survey must be submitted with the application.* The following descriptive data is included for each household surveyed:

—Size of the household, inc. age and gender of any children

—Is the household occupying permanent housing or is it homeless?

—Annual household income

—Owner or renter

—Number of habitable rooms and number of sleeping rooms

—Physical condition of the unit—standard/substandard. If substandard, is it suitable for rehabilitation? A definition of “suitable for rehabilitation” must be included.

—Number of distinct households occupying the unit/degree of overcrowding

—If there is a need for a replacement unit, what are the housing preferences of the household, e.g. ownership or rental; location; manufactured or stick-built.

An acceptable survey was submitted. (10 points)

The survey submitted was not acceptable or no survey was submitted. (0 points)

(v) Cost Effectiveness of New Housing Construction. This is a measure of how efficiently and effectively funds will be used under the proposed program. Applicants must demonstrate how the proposed housing activities will be accomplished in an efficient and cost effective manner.

The applicant has demonstrated that the proposed activities are cost effective. (5 points)

The applicant has not demonstrated that the proposed activities are cost effective. (0 points)

c. Leveraging. (10 points)

Points under this component will be awarded in a manner consistent with the definition of “Leverage” included in this NOFA and the following breakdown:

Non-ICDBG percent of project cost	Points
25 and over	10
20–24.9	8
15–19.9	6
10–14.9	4
5–9.9	2
0–4.9	0

2. Community Facilities.

A. Infrastructure.

(1) Selection Criteria.

a. Project Need and Design. (60 points)

(i) The proposed project meets an essential community development need by fulfilling a function that is critical to the continued existence or orderly development of the community.

The proposed project will fulfill a function which is critical to the continued existence or orderly development of the community. (20 points)

The proposed project will fulfill a function which is not critical to the continued existence or orderly development of the community. (0 points)

(ii) The proposed project benefits the neediest segment of the population, as identified below. Applications must include tribal, BIA, IHS or other documentation that:

More than 85 percent of the beneficiaries are low and moderate income. (15 points)

Between 75–84.9 percent of the beneficiaries are low and moderate income. (10 points)

Between 55–74.9 percent of the beneficiaries are low and moderate income. (5 points)

Less than 55 percent of the beneficiaries are low and moderate income. (0 points)

(iii) The proposed project will provide infrastructure that does not currently exist for the area to be served *Or* it will eliminate or substantially reduce a health or safety threat or problem *Or* it will replace existing infrastructure that no longer functions adequately to meet current needs.

The infrastructure does not exist *Or* the existing infrastructure no longer functions *Or* the existing infrastructure does not contribute to the elimination of, or causes, a verified health or safety threat or problem. (25 points)

The existing infrastructure no longer functions adequately to meet current needs *Or* is unreliable. (20 points)

The proposed project will replace or supplement existing infrastructure which is adequate for current needs but which will not meet acknowledged future needs. (12 points)

The proposed project will replace or supplement existing infrastructure which is adequate to meet current needs and future needs have not been acknowledged or documented. (0 points)

If the project is intended to address a health or safety threat or problem, the applicant must provide documentation consisting of a signed study or letter from a qualified independent authority which verifies that:

- A threat to health or safety (or a health or safety problem) exists which has caused or has the potential to cause serious illness, injury, disease, or death; and,
- The threat or problem can be completely or substantially

eliminated if the proposed project is undertaken.

b. Planning and Implementation. (30 points)

(i) A viable plan for maintenance and operation. If the applicant is to assume responsibility for maintenance and operation of the proposed facility, the applicant must adopt a maintenance and operation plan which addresses maintenance, repair and replacement of items not covered by insurance, and operating responsibilities and resources. *This plan and the adopting resolution must be included in the application.* The plan must identify a funding source to ensure that the facility will be properly maintained and operated. The resolution adopting the plan must identify the total annual dollar amount the applicant will commit.

If an entity other than the applicant commits to pay for maintenance and operation, a letter of commitment which identifies the responsibilities the entity will assume must be included in the application; submission of a maintenance and operation plan is not required. Points will only be awarded if the field office is able to determine that the entity is financially able to assume the costs of maintenance and operation.

An acceptable maintenance and operation plan and adopting resolution (or letter of commitment) are included in the application. (15 points)

The plan, resolution or the commitment letter have not been included in the application or if included they are not acceptable. (0 points)

c. An appropriate and effective design, scale and cost. The application includes information which demonstrates that the proposed project is the most appropriate and cost effective approach to address the identified need. This information demonstrates that the use of existing facilities and resources, and alternatives, including method of implementation and cost, have been considered. If only one approach is feasible (there are no alternatives to the proposed project), the application must include an explanation.

The required information is included in the application. (15 points)

The required information is not included in the application or, if included, it is unacceptable. (0 points)

d. Leveraging. (10 points)

Points under this component will be awarded in a manner consistent with the definition of "Leverage" included in this NOFA and the following breakdown.

Non-ICDBG percent of project cost	Points
25 and over	10
20–24.9	8
15–19.9	6
10–14.9	4
5–9.9	2
0–4.9	0

B. Buildings.

(1) Threshold. An applicant proposing a facility which would provide health care services must include in its application a letter from the Indian Health Service (IHS) which indicates that the proposed facility meets IHS requirements.

(2) Selection Criteria.

a. Project Need and Design. (60 points)

(i) The proposed building meets an essential community development need by providing space so that a service or function which is critical to the continued existence or orderly development of the community can be provided.

The proposed building will provide space for a service or function which is essential to the continued existence or orderly development of the community. (20 points)

The proposed building will provide space for a service or function which is not critical to the continued existence or orderly development of the community. (0 points)

(ii) The proposed project benefits the neediest segment of the population, as identified below. Applications must include tribal, BIA, IHS or other documentation that:

More than 85 percent of the beneficiaries are low and moderate income. (10 points)

Between 75–84.9 percent of the beneficiaries are low and moderate income. (8 points)

Between 55–74.9 percent of the beneficiaries are low and moderate income. (5 points)

Less than 55 percent of the beneficiaries are low and moderate income. (0 points)

(iii) The proposed building will be used to provide services or functions which are not provided to service area beneficiaries *Or* it will replace a building currently used to provide the service or function which does not meet health or safety standards *Or* it will replace a building which is no longer able to provide the space or amenities to meet the current need for the services or functions.

The services or functions to be provided in the proposed building do not exist for the service area population *Or* the building currently being used

does not meet health or safety standards. (25 points)

The building to be replaced by the proposed building is not able to provide the space or amenities for the services or functions so that current needs cannot be entirely met. (20 points)

The building to be replaced is able to provide adequate space and current needs are being met but it cannot provide space for acknowledged future needs. (10 points)

The proposed building is not necessary since current needs and acknowledged future needs can be met through the use of existing facilities. (0 points)

(If the proposed building is intended to replace an existing building which does not meet health or safety standards, the application must include documentation consisting of a signed letter from a qualified independent authority which specifically identifies the standard or standards which are not being met by the existing building.)

(iv) Provides multiple uses or multiple benefits, or has services available 24 hours a day. The application must show that the proposed building will house more than one broad category of activity. "Broad category" means a single activity or group of activities which serves a particular group of beneficiaries (e.g., senior citizens) or meets a particular need (e.g., literacy). No one category of activity will occupy more than 75 percent of the available space for more than 75 percent of the time. *A written commitment for the use of the space must be included in the application.* Multipurpose buildings do not automatically meet these criteria, nor do buildings that provide a variety of activities for one client group.

The proposed building will provide multiple uses or benefits or will have services available 24 hours/day and a commitment for the use of the space is included in the application. (5 points)

The proposed building will not provide multiple benefits or services or will not have services available 24 hours a day or the application does not include a commitment for the use of the space. (0 points)

b. Planning and Implementation. (30 points)

(i) A viable plan for maintenance and operation. If the applicant is to assume responsibility for the maintenance and operation of the proposed building, the applicant must adopt a maintenance and operation plan which addresses maintenance, repair and replacement of items not covered by insurance, and operating responsibilities and resources. *This plan and the adopting resolution*

must be included in the application.

The plan must identify a funding source to ensure that the building will be properly maintained and operated. The resolution adopting the plan must identify the total annual dollar amount the applicant will commit.

If an entity other than the Tribal Council commits to pay for maintenance and operation, a letter of commitment which identifies the responsibilities the entity will assume must be included in the application; submission of a maintenance and operation plan is not required. Points will only be awarded if the field office is able to determine that the entity is financially able to assume the costs of maintenance and operation.

An acceptable maintenance and operation plan and adopting resolution (or letter of commitment) are included in the application. (15 points)

The plan, resolution or the commitment letter have not been included in the application, or if included, they are not acceptable. (0 points)

(ii) An appropriate and effective design, scale and cost. The application includes information which demonstrates that the proposed building is the most appropriate and cost effective approach to address the identified need(s). This information demonstrates that the use of existing facilities and resources and alternatives including method of implementation and cost have been considered. If only one approach is feasible (there are no alternatives to the proposed building), the application must include an explanation.

The required information is included in the application. (15 points)

The required information is not included in the application or, if included, it is unacceptable. (0 points)

c. Leveraging. (10 points).

Points under this component will be awarded based on the definition of "Leverage" included in this NOFA and the following breakdown:

Non-ICDBG percent of project cost	Points
25 or more	10
20-24.9	8
15-19.9	6
10-14.9	4
5-9.9	2
0-4.9	0

3. Economic Development.

A. Thresholds.

(1) Economic development assistance may be provided only when a financial analysis is done which shows public benefit commensurate with the

assistance to the business can reasonably be expected to result from the assisted project, and the project has a reasonable chance of success. The applicant shall demonstrate the need for grant assistance by providing documentation to support a determination that the assistance is appropriate to implement an economic development project.

(2) All economic development projects must meet one of the national objectives. A general claim of cash flow or benefit to the tribe as a whole does not demonstrate benefit to low and moderate income persons.

B. Selection Criteria.

(1) Organization (8 points)

The application contains all of the following three elements:

- The applicant has an established organization system for operation of a business, (e.g., adopted tribal ordinances, articles of incorporation, Board of Directors in place, tribal department).
- Formal provisions exist for separation of government functions from business operating decisions. An operating plan has been established and is submitted.
- The Board of Directors consists of persons who have prior business experience. A staffing plan has been developed and is submitted. (8 points)

The application contains all of the first element listed above, and some of the items in the second and third elements. The business should be able to operate effectively; *OR*, the application contains all of the elements listed above, but in insufficient detail. (5 points)

The application does not contain any of the elements listed above. (0 points)

(2) Project Success (45 points)

The project will be rated on the adequacy and quality of the following subparts: *ANY PROJECT NOT RECEIVING AT LEAST MODERATE POINTS IN EACH OF THE FOLLOWING THREE RATING FACTORS WILL NOT BE CONSIDERED FOR FUNDING.*

a. Market analysis.

A feasibility/market analysis, generally not older than two years, which identifies the market and demonstrates that the proposed activities are highly likely to capture a fair share of the market. *The analysis must be submitted with the application.* MAXIMUM 15 points

Feasibility/Market Analysis which identifies the market and demonstrates that the proposed activities are reasonably likely to capture a fair share of the market. *The analysis must be submitted with the application.*

MODERATE 10 points

The submission does not meet the criteria for the award of moderate points.

UNSATISFACTORY 0 points**b. Management capacity.**

A management team with qualifying specialized training or technical/managerial experience in the operation of a similar business has been identified. *Job descriptions of key management positions as well as resumes showing qualifying specialized technical/managerial training or experience of the identified management team must be submitted with the application.*

MAXIMUM 15 points

A management team with qualifying general business training or experience will be hired if the grant is approved. *Job descriptions of key management positions must be submitted with the application.*

MODERATE 12 points

The submission does not meet the criteria for the award of moderate points.

UNSATISFACTORY 0 points

c. Financial Analysis of the Business (including microenterprises). The financial viability of an economic development project will be determined by an analysis of financial and other project related information. Components of the financial analysis are: costs, sources of funds, cash flow projections and financial statements. *A detailed cost summary, evidence of funding sources; five year operating or cash flow financial projections; and business financial statements for the most recent three year period for the project if it is for expansion of an existing business, must be submitted with the application. For start-up businesses that are not owned by the grantee, current financial or net worth statements on principal business owners or officers must be submitted with the application.* Financial statements include the balance sheet, income statement and statement of retained earnings.

The information derived from the analysis will be reviewed and compared to local or national industry standards to assess reasonableness of development costs, financial need, profitability, and risk as factors in determining overall

financial viability. In determining whether a project is financial viable, the field office will also consider current and projected market conditions and profitability measures such as cash flow return on equity, cash flow return on total assets and the ratio of net profit before taxes to total assets. Sources of industry standards include Marshall and Swift Publication Company, Robert Morris Associates, Dun and Bradstreet, the Chamber of Commerce, etc. Local standards may also be used. *If one of these standards is cited, the appropriate data must be submitted with the application.*

Based on the analysis, the project has an excellent chance of achieving financial success.

MAXIMUM 15 points

The project has an average chance of achieving financial success.

MODERATE 8 points

The project has a minimal prospect of achieving financial success.

UNSATISFACTORY 0 points**(3) Leveraging.**

Points under this component will be awarded in a manner consistent with the definition of "Leverage" included in this NOFA and the following breakdown:

Non-ICDBG percent of project cost	Points
30% or more	12
20–29.9%	8
10–19.9%	4
Less than 10%	0

(4) Permanent Full-Time Equivalent Job Creation and Training (20 points)

The total number of permanent full-time equivalent jobs expected to be created and/or retained as a result of the project as well as a summary of job descriptions and skill requirements must be submitted with the application. The number and kind(s) of jobs expected to be available to low and moderate income persons must be identified.

a. ICDBG cost per job:

\$20,000 or less—15 points
\$20,001–30,000—12 points
\$30,001–35,000—8 points
\$35,001+—0 points

b. Quality of jobs and/or training targeted to low and moderate income persons

—The jobs offer wages and benefits comparable to area wages and benefits for similar jobs, provide opportunity for advancement, and teach a transferable skill; *OR*

—The employer commits to provide training opportunities. *A description of the planned training program must be submitted with the application.*

YES 5 points

NO 0 points

(5) Additional Considerations (15 points) A project must meet three of the following criteria to receive 15 points. Maximum 15 points.

—Use, improve or expand members' special skills. Special skills are those that members have developed through education, training or traditional cultural experiences (e.g., technical expertise in electronic assembly; making traditional native crafts).

YES 5 points

NO 0 points

—Provide spin-off benefits beyond the initial economic development benefits to employees or to the community.

YES 5 points

NO 0 points

—Provide special opportunities for residents of federally-assisted housing.

YES 5 points

NO 0 points

—Provide benefits to other businesses owned by Indians or Alaska natives.

YES 5 points

NO 0 points

—Loan Repayment/Reuse of ICDBG funds. If the business is not tribal-owned, at least 50% of the ICDBG assistance to the business will be repaid to the grantee within a 10 year period. If the business is tribal-owned, the tribe agrees (by submission of a tribal resolution) within a 10 year period to use funds equal to 50% of the ICDBG assistance for eligible activities that meet a national objective. These funds should come from the profits of the tribal-owned business.

YES 5 points

NO 0 points

4. Selection System Criteria and Point Award Summary

Maximum points

A. Housing:**(1) Rehabilitation:****a. Project Need and Design:**

- (i) % of funds for standard rehab 20
(ii) applicant's selection criteria 10

	Maximum points
(iii) housing survey	15
b. Planning and Implementation:	
(i) rehabilitation policies:	
a rehabilitation standards	5
b selection criteria	10
c project planning documents, etc	10
(ii) post rehabilitation maintenance	5
(iii) cost estimates	15
(iv) cost effectiveness	5
Total points	100
(2) Land to Support New Housing:	
a. Project Need	40
b. Planning and Implementation:	
(i) suitability of the land	20
(ii) housing resources	10
(iii) supportive services	5
(iv) commitment of households	5
(v) land to trust status	5
(vi) infrastructure commitment	10
(vii) land meets need and is reasonably priced	5
Total points	100
(3) New Housing Construction/Direct Homeownership Assistance:	
a. Project Need and Design:	
(i) IHA member/assistance	15
(ii) housing policies and plan	20
(iii) beneficiary identification	10
b. Planning and Implementation:	
(i) occupancy standards	10
(ii) site acceptability	15
(iii) energy conservation design	5
(iv) housing survey	10
(v) cost effectiveness	5
c. Leveraging	10
Total points	100
B. Community Facilities:	
(1) Infrastructure:	
a. Project Need and Design:	
(i) meets an essential need	20
(ii) benefits the neediest	15
(iii) provides infrastructure/health and safety	25
b. Planning and Implementation:	
(i) maintenance and operation plan	15
(ii) appropriate and effective design scale and cost	15
c. Leveraging	10
Total Points	100
(2) Buildings:	
a. Project Need and Design:	
(i) meets an essential need	20
(ii) benefits the neediest	10
(iii) provides building/health and safety	25
(iv) multi-use/multi-benefit	5
b. Planning and Implementation:	
(i) maintenance and operation plan	15
(ii) appropriate and effective design scale and cost	15
Total points	100
C. Economic Development:	
(1) Organization	8
(2) Project Success:	
a. market analysis	15
b. management capacity	15
c. financial analysis	15
(3) Leveraging	12
(4) Jobs:	
a. ICDBG cost/job	15
b. quality of jobs/training	5
(5) Additional considerations	15
Total points	100

II. Application Process

(a) An application package may be obtained from the field office in the following geographic locations:

Eastern Woodland Office of Native American Programs, Housing and Community Development Division, 77 West Jackson Blvd., Chicago, Illinois 60604-3507, Telephone: (312) 353-1282, (all states east of the Mississippi River, plus Iowa and Minnesota)

Southern Plains Office of Native American Programs, CPD Branch, Murrah Federal Bldg., 200 N.W. 5th Street, Oklahoma City, OK 73102-3202, Telephone: (405) 231-4101, (Louisiana, Kansas, Oklahoma, and Texas, except West Texas)

Northern Plains Office of Native American Programs, Housing and Community Development Division, CPD Staff, First Interstate Tower North, 633 17th Street, Denver, CO 80202-3607, Telephone: (303) 672-5462, (Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming)

Southwest Office of Native American Programs, Region IX, CPD Division, Two Arizona Center, Suite 1650, 400 N. Fifth Street, Phoenix, Arizona 85004-2361, Telephone: (602) 379-4156, (Arizona, New Mexico, Southern California, West Texas)

Office of Native American Programs, CPD Division, Program Management Team, (San Francisco), Phillip Burton Federal Bldg. and U.S. Courthouse, 450 Golden Gate Ave., P.O. Box 36003, San Francisco, CA 94102-3448, Telephone: (415) 556-9200, (Northern California and Nevada)

Northwest Office of Native American Programs, CPD Division, Federal Office Building, 909 First Avenue, Suite 300, Seattle, WA 98104-1000, Telephone: (206) 220-5185, (Idaho, Oregon, Washington)

Alaska Office of Native American Programs, 949 E. 36th Avenue, Suite 401, Anchorage, AK 99508-4399, Telephone: (907) 271-4633 (Alaska)

(b) Completed applications must be submitted to the appropriate field office, listed above, from which application information and packages were obtained.

The Telecommunications Device for the Deaf (TDD) number is (202) 708-2565. (This is not a toll-free number.)

(c) Applications must be received by the appropriate field office no later than the 3:00 P.M. on the deadline date, May 14, 1995.

III. Application Submission Requirements and Checklist

(a) *General.* An applicant shall submit only one application. The ICDBG grant amount requested shall not total more than the grant ceiling. An application may include an unlimited number of eligible projects, e.g., housing or public facilities. Each project within an application will be rated separately.

(b) *Demographic data.* Applicants may submit data that are unpublished and not generally available in order to meet the requirements of this section. The applicant must certify that:

1. Generally available, published data are substantially inaccurate or incomplete;

2. Data provided have been collected systematically and are statistically reliable;

3. Data are, to the greatest extent feasible, independently verifiable; and

4. Data differentiate between reservation and BIA service area populations, when applicable.

(c) *Publication of community development statement.* Applicants shall prepare and publish or post the community development statement portion of their application according to the citizen participation requirements of 24 CFR 953.604.

(d) *Application Submission.* Applicants shall submit an application to the appropriate field office. The application shall include:

1. Standard Form 424;

2. Community Development

Statement which includes:

A. Components that address the relevant selection criteria;

B. A brief description or an updated description of community development needs;

C. A brief description of proposed projects to address needs, including scope, magnitude, and method of implementing the project.

D. A schedule for implementing the project (form HUD-4125);

E. Cost information for each separate project, including specific activity costs, administration, planning, and technical assistance, total HUD share (form HUD-4123);

3. Certifications (form HUD 4126)

4. Applicant/Recipient Disclosure/Update Report (form HUD 2880), as required under subpart C of 24 CFR part 12, Accountability in the Provision of HUD Assistance.

5. A map showing project location, if appropriate;

6. If the proposed project will result in displacement or temporary relocation, include a statement that identifies A. the number of persons

(families, individuals, businesses and nonprofit organizations occupying the property on the date of the submission of the application (or date of initial site control, if later); B. the number to be displaced or temporarily relocated; C. the estimated cost of relocation payments and other services; D. the source of funds for relocation; and E. the organization that will carry out the relocation activities;

(e) *Pre-award requirements.* 1. Successful applicants may be required to provide supporting documentation concerning the management, maintenance, operation, or financing of proposed projects before a grant agreement can be executed. Applicants will normally be given no less than thirty (30) calendar days, to respond to such requirements. In the event that no response or an insufficient response is made within the prescribed time period, the field office may determine that the applicant has not met the requirements and the grant offer may be withdrawn. The field offices shall require supporting documentation in those instances where:

A. Specific questions remain concerning the scope, magnitude, timing, or method of implementing the project; or

B. The applicant has not provided information verifying the commitment of other resources required to complete, operate, or maintain the proposed project.

2. Grant amounts allocated for applicants unable to meet pre-award requirements will be awarded in accordance with Part I (f) 5 of this NOFA.

3. New projects may not be substituted for those originally proposed in the application.

4. If the required conditions are not met within the prescribed time, HUD may unilaterally rescind the grant award.

IV. Procedural Error and Appeals

With respect to any claims of procedural error that may be made by unsuccessful applicants, please note that a procedural error is, by definition, an error in process. An example is a point calculation error which would, if corrected, raise the total point award for a project over the cut-off point for funding. Rating panel judgements made within the provisions of this NOFA and the program regulations (24 CFR part 953) are not subject to claims of procedural error. If a field office makes a procedural error in the application review and rating process which, when corrected, would result in the award of sufficient points to warrant the funding

of an otherwise approvable project, the field office may fund that project in the next funding round without further competition. *All appeals must be submitted to the appropriate field office within 90 days after the applicant is notified in writing of a funding decision.*

V. Other Matters

(a) *Environmental Statement.* A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, S.W., Washington, D.C. 20410.

(b) *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. While the NOFA will provide financial assistance to Indian tribes and Alaska native villages, none of its provisions will have an effect on the relationship between the Federal Government and the states or their political subdivisions.

(c) *Family Executive Order.* The General Counsel, as the Designated Official for Executive Order 12606, *The Family*, has determined that the policies announced in this NOFA would not have the potential for significant impact on family formation, maintenance and general well-being and thus is not subject to review under the Order.

(d) *Registration of Consultants.* Section 13 of the Department of Housing and Urban Development Act 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.

Section 13 was implemented by final rule published in the **Federal Register** on May 17, 1991 (56 FR 22912), and is codified as 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.

Any questions regarding the statute described above should be directed to the Director, Office of Ethics, Room 2158, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Telephone: (202) 708-3815; TDD/Voice. (This is not a toll-free number.) Forms necessary for compliance with the rule may be obtained from the local HUD office.

(e) *Prohibition of Advance Disclosure of Funding Decisions.* HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 was published May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of the applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons

who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708-3815. (This is not a toll-free number.) The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Regional or Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

(f) *Economic Opportunities for Low and Very Low Income Persons.* All applicants are herein notified that the provisions of section 3 of the Housing and Urban Development Act of 1968, as amended, and the regulations in 24 CFR part 135 are applicable to funding awards made under this NOFA. One of the purposes of the assistance is to give to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, job training, employment, contracting and other economic opportunities to section 3 residents and section 3 business concerns. Tribes that receive HUD assistance described in this part shall comply with the procedures and requirements of this part to the maximum extent consistent with, but not in derogation of, compliance with section 7(b) of the Indian Self-determination and Education Assistance Act (25 U.S.C. 450e(b)).

Authority: Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.); sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); 24 CFR 953.

Dated: February 8, 1995.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 95-4451 Filed 2-25-95; 8:45 am]

BILLING CODE 4210-33-P

Redesign

Friday
February 24, 1995

Part VI

**Department of
Justice**

Office of Justice Programs
Office of Juvenile Justice and
Delinquency Prevention

Coalition for Juvenile Justice Meeting;
Notice

DEPARTMENT OF JUSTICE**Office of Justice Programs****Office of Juvenile Justice and
Delinquency Prevention****[OJP (OJJDP) No. 1042]****Notice of Meeting of the Coalition for
Juvenile Justice**

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. app. I), the Office of Juvenile

Justice and Delinquency Prevention announces the meeting of the Coalition for Juvenile Justice. This conference will begin at 1 p.m. on March 30, 1995, and end at 5 p.m. on April 4, 1995. This advisory committee, chartered as the Coalition for Juvenile Justice, will meet at the Ramada Renaissance Techworld, 999 9th Street NW, Washington, DC 20001. The purpose of this meeting is to discuss and adopt recommendations from members regarding the committee's responsibility to advise the

OJJDP Administrator, the President and the Congress about State perspectives on the operation of the Office of Juvenile Justice and Delinquency Prevention and Federal legislation pertaining to juvenile justice and delinquency prevention.

This meeting will be open to the public.

Shay Bilchik,

*Administrator, Office of Juvenile Justice and
Delinquency Prevention.*

[FR Doc. 95-4482 Filed 2-23-95; 8:45 am]

BILLING CODE 4410-18-P

Federal Register

Friday
February 24, 1995

Part VII

**Department of the
Interior**

Bureau of Indian Affairs

**Indian Gaming; Quileute, State of
Washington; Notice**

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****Indian Gaming**

ACTION: Notice of Approval for Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. § 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100-497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State

Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has approved the Tribal-State Compact For Regulation of Class III Gaming Between the Quileute Tribe and the State of Washington, which was executed on July 27, 1993.

DATES: This action is effective upon date of publication.

FOR FURTHER INFORMATION CONTACT:

Larry Scrivner, Acting Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219-4068.

Dated: February 13, 1995.

Ada E. Deer,

Assistant Secretary, Indian Affairs.

[FR Doc. 95-4586 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-02

Federal Register

Friday
February 24, 1995

Part VIII

**Department of the
Interior**

Bureau of Indian Affairs

**Indian Gaming; Klamath Tribe, State of
Oregon; Notice**

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

ACTION: Notice of Approved Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100-497), the Secretary of the Interior shall publish, in the **Federal**

Register, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has approved the Tribal-State Compact Between the Klamath Tribes and the State of Oregon, which was executed on December 16, 1994.

DATES: This action is effective upon date of publication.

FOR FURTHER INFORMATION CONTACT:

George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240. (202) 219-4068.

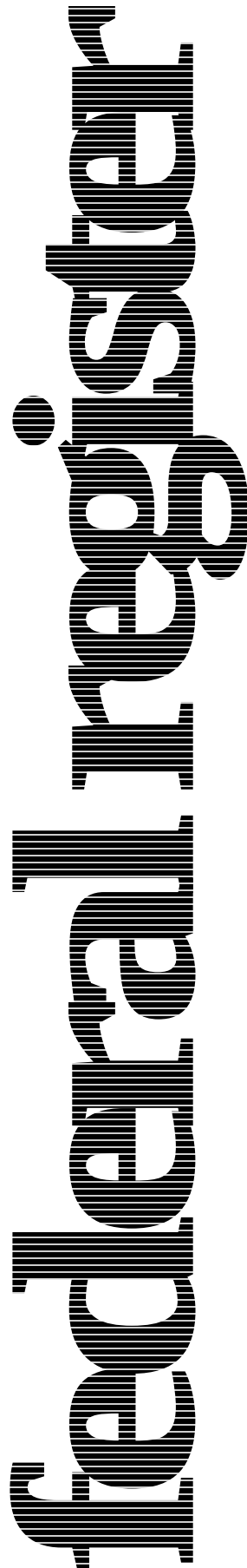
Dated: February 13, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95-4587 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-02



Friday
February 24, 1995

Part IX

Department of the Interior

Bureau of Indian Affairs

25 CFR Part 225

Oil and Gas, Solid Mineral, and
Geothermal Minerals Agreements;
Correction; Final Rule

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 225

RIN 1076-AD00

**Oil and Gas, Solid Mineral, and
Geothermal Minerals Agreements;
Correction**

February 13, 1995.

AGENCY: Bureau of Indian Affairs,
Interior.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to the final regulations, which were published Wednesday, March 30, 1994 (59 FR 14960). The regulations relate to oil and gas, solid mineral, and geothermal minerals

agreements contained in 25 CFR part 225.

EFFECTIVE DATE: February 24, 1995.

FOR FURTHER INFORMATION CONTACT: M.L. Millgate (303) 231-5070.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction, supersede § 225.30(d) on the effective date and affect persons holding letters of credit payable on demand to the Bureau of Indian Affairs in accordance with § 225.30, paragraph (d)(5)(ii). Section 225.30(d) was promulgated in accordance with section 8 of the Indian Mineral Development Act of 1982 (Pub. L. 97-382, 96 Stat. 1938) 25 U.S.C. 2107.

Need for Correction

As published, the final regulations contain an error of preposition which

may prove to be misleading and is in need of correction for purposes of clarification.

Correction of Publication

Accordingly, the publication on March 30, 1994 of the final regulations (25 CFR part 225) which were the subject of FR Doc. 94-7315, is corrected as follows:

§ 225.30 [Corrected]

Paragraph 1. On page 14975, in the third column, in § 225.30, paragraph (d), subparagraph (5)(ii), “by the Secretary” is amended to read “from the Secretary.”

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95-4585 Filed 2-23-95; 8:45 am]

BILLING CODE 4310-02-P

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