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March 3, 1995

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Contents

Federal Register
Vol. 60, No. 42
Friday, March 3, 1995

Agency for International Development
RULES
Acquisition regulations:
Miscellaneous amendments, 11911–11913

Agricultural Marketing Service
PROPOSED RULES
Dairy products; grading, inspection, and standards:
Monterey (monterey jack) cheese, 11919–11924
Peaches; grade standards, 11918–11919

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Foreign Agricultural Service
See Forest Service
See Grain Inspection, Packers and Stockyards Administration
See Rural Utilities Service

Animal and Plant Health Inspection Service
RULES
Interstate transportation of animals and animal products (quarantine):
Tuberculosis in cattle and bison—
State and area classifications, 11898
Overtime services relating to imports and exports:
Commuted traveltime allowances, 11897–11898

Barry M. Goldwater Scholarship and Excellence in Education Foundation
NOTICES
Meetings; Sunshine Act, 12032

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

Bonneville Power Administration
NOTICES
Wholesale power and transmission rates:
Proposed modification, 11962–11964

Centers for Disease Control and Prevention
NOTICES
Meetings:
Injury Prevention and Control Advisory Committee, 11975

Commerce Department
See International Trade Administration
See Minority Business Development Agency
See National Oceanic and Atmospheric Administration

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement list; additions and deletions, 11957–11960

Comptroller of the Currency
PROPOSED RULES
Interpretive rulings; revision, etc., 11924–11941

Defense Department
NOTICES
Base closures and realignments; recommendations; correction, 12034

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Abbott Laboratories, 11996

Education Department
RULES
Direct grant programs, 12096–12097
Official seal:
AMERICA 2000 insignia, 11907
NOTICES
Agency information collection activities under OMB review, 11960–11961

Employment Standards Administration
NOTICES
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 11996–11997

Energy Department
See Bonneville Power Administration
See Energy Efficiency and Renewable Energy Office
See Federal Energy Regulatory Commission

Energy Efficiency and Renewable Energy Office
NOTICES
Consumer product test procedures; waiver petitions:
Kool-Fire, 11967–11970

Environmental Protection Agency
RULES
Air programs:
Ambient air quality standards; National, State, and local air monitoring stations, etc.
Ozone monitoring season modification; Wisconsin, 11907–11909
NOTICES
Environmental statements; availability, etc.:
Agency statements—
Comment availability, 11970–11971
Weekly receipts, 11971
Meetings:
Grand Canyon Visibility Transport Commission, 11971
Science Advisory Board, 11971–11974
Small Town Environmental Planning Task Force, 11974
Superfund; response and remedial actions, proposed settlements, etc.:
Rockaway Borough Well Field Site, NJ, 11974–11975

Equal Employment Opportunity Commission
NOTICES
Meetings; Sunshine Act, 12032

Executive Office of the President
See Presidential Documents

Federal Aviation Administration
RULES
Definitions:
Public (Government-owned) aircraft; exemption authority Correction, 12034
PROPOSED RULES
Airworthiness directives:
Boeing, 11942–11944
Fokker, 11944–11947

Federal Communications Commission
RULES
Radio stations; table of assignments:
Michigan, 11909
Mississippi, 11909
North Carolina, 11910
Pennsylvania et al., 11910–11911
Tennessee, 11910
Virginia, 11911
NOTICES
Meetings; Sunshine Act, 12032

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 12032

Federal Energy Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
CNG Transmission Corp., 11964–11965
Ouachita River Gas Storage Co., L.L.C., 11965–11966
Applications, hearings, determinations, etc.:
ANR Pipeline Co., 11966
Granite State Gas Transmission, Inc., 11967
Southern California Gas Co., 11966
Tennessee Gas Pipeline Co., 11966
Western Gas Interstate Co., 11966–11967

Federal Reserve System
NOTICES
Meetings; Sunshine Act, 12032–12033

Fish and Wildlife Service
NOTICES
Endangered and threatened species permit applications, 11993–11994

Food and Drug Administration
RULES
Food additives:
Chlorine dioxide, 11899–11901

Foreign Agricultural Service
NOTICES
Meetings:
Emerging Democracies Advisory Committee, 11952

Forest Service
NOTICES
Environmental statements; availability, etc.:
Inyo National Forest, CA, 11952

Grain Inspection, Packers and Stockyards Administration
NOTICES
Agency designation actions:
Texas, 11952–11953

Health and Human Services Department
See Centers for Disease Control and Prevention
See Food and Drug Administration
See National Institutes of Health
See Social Security Administration
See Substance Abuse and Mental Health Services Administration

Housing and Urban Development Department
RULES
Freedom of Information Act; implementation, 11901–11906
NOTICES
Agency information collection activities under OMB review, 11979–11980
Grants and cooperative agreements; availability, etc.:
Facilities to assist homeless—
Excess and surplus Federal property, 11980–11990
Housing assistance payments (Section 8)—
Rental certificate and rental voucher programs, 12036–12093

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See National Park Service

Internal Revenue Service
RULES
Income taxes:
Property contributed to partnership; allocations reflecting built-in gain or loss; correction, 11906
PROPOSED RULES
Income taxes:
Cash reporting by court clerks
Hearing cancellation, 11950
Foreign taxes deemed paid; computation
Correction, 11950–11951
Foreign taxes deemed paid by domestic corporate shareholder; computation
Correction, 12034

International Development Cooperation Agency
See Agency for International Development

International Trade Administration
NOTICES
Antidumping:
Color television receivers, except for video monitors, from—
Taiwan, 11955

Interstate Commerce Commission
NOTICES
Rail carriers:
Cost recovery percentage, 11995
Railroad services abandonment:
Duluth, Missabe & Iron Range Railway Co.; correction, 12034
Missouri Pacific Railroad Co., 11995–11996

Justice Department
See Drug Enforcement Administration
RULES
Organization, functions, and authority delegations:
Federal Bureau of Investigation; general functions, 11906–11907

Labor Department
See Employment Standards Administration

Land Management Bureau
NOTICES
Realty actions; sales, leases, etc.:
Nevada, 11991–11992
Resource management plans, etc.:
Brothers-LaPine Resource Area, OR, 11992–11993

Minority Business Development Agency
NOTICES
Business development center program applications:
Ohio, 11955–11957

National Highway Traffic Safety Administration
RULES
Motor vehicle safety standards:
New pneumatic tires; correction, 11913–11915

National Institutes of Health
NOTICES
Meetings:
National Center for Human Genome Research, 11975
National Heart, Lung, and Blood Institute, 11975–11976
National Institute of Mental Health, 11976
Research Grants Division special emphasis panels, 11976–11977

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Gulf of Alaska and Bering Sea and Aleutian Islands groundfish, 11915–11916
Gulf of Alaska groundfish, 11915
Limited access management of Federal fisheries in and off of Alaska
Pacific halibut and sablefish, 11916–11917
PROPOSED RULES
Civil and criminal enforcement proceedings; limited use of information collected by voluntary fishery data collectors, 11947–11950
Marine mammals:
North Atlantic right whale; protection zones, 11951

National Park Service
NOTICES
Environmental statements; availability, etc.:
Lake Mead National Recreation Area, AZ and NV, 11994
Meetings:
Mississippi River Coordinating Commission, 11994
Realty actions; sales, leases, etc.:
Ohio, 11994–11995

National Science Foundation
NOTICES
Meetings:
Elementary, Secondary and Informal Education Special Emphasis Panel, 11997

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Virginia Electric & Power Co., 11997–11998
Meetings:
Licensing Support System Advisory Review Panel, 11998–11999
Applications, hearings, determinations, etc.:
Public Service Electric & Gas Co.; correction, 12034

Pennsylvania Avenue Development Corporation
NOTICES
Meetings; Sunshine Act, 12033

Presidential Documents
PROCLAMATIONS
Special observances:
Women's History Month (Proc. 6773), 12101–12102

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration
See National Institutes of Health
See Substance Abuse and Mental Health Services Administration

Research and Special Programs Administration
NOTICES
Hazardous materials:
Applications; exemptions, renewals, etc., 12005–12027

Rural Utilities Service
NOTICES
Grants and cooperative agreements; availability, etc.:
Distance learning and medical link program, 11953–11955

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
Philadelphia Stock Exchange, Inc., 11999–12000
Applications, hearings, determinations, etc.:
Public utility holding company filings, 12000–12004

Small Business Administration
PROPOSED RULES
Business loan policy and business loans:
Facsimile copies of application and closing forms, 11941–11942

Social Security Administration
NOTICES
Social security acquiescence rulings:
Rescissions—
Webb v. Richardson; attorney's fee covering services provided during entire appeal process, 11977

State Department
NOTICES
Passport travel restrictions, U.S.:
Lebanon, 12004

Substance Abuse and Mental Health Services Administration
NOTICES
Federal agency urine drug testing; certified laboratories meeting minimum standards, list, 11977–11979

Transportation Department
See Federal Aviation Administration
See National Highway Traffic Safety Administration
See Research and Special Programs Administration
NOTICES
Aviation proceedings:
Hearings, etc.—
Sunshine Air, 12004–12005

Treasury Department
See Comptroller of the Currency

See Internal Revenue Service
NOTICES
Agency information collection activities under OMB review, 12027–12028

United States Information Agency
NOTICES
Meetings:
Cuba Broadcasting Advisory Board, 12028–12029

Veterans Affairs Department
NOTICES
Agency information collection activities under OMB review:
Benefits application, 12029
Compliance inspection report, 12029
Fee personnel designation application, 12029–12030
Status of dependents declaration, 12030
Supplemental information for change of program or reenrollment after unsatisfactory attendance, conduct, or progress, 12030
Wood destroying insect information-existing construction, 12030–12031
Meetings:
Environmental Hazards Advisory Committee, 12031
Former Prisoners of War Advisory Committee, 12031

Separate Parts In This Issue

Part II
Department of Housing and Urban Development, 12036–12093

Part III
Department of Education, 12096–12097

Part IV
The President, 12101–12102

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR
Proclamations:
6773.....12101

7 CFR
354.....11897
Proposed Rules:
51.....11918
58.....11919

9 CFR
77.....11898

12 CFR
Proposed Rules:
7.....11924
31.....11924

13 CFR
Proposed Rules:
120.....11941
122.....11941

14 CFR
11.....12034
121.....12034
Proposed Rules:
39 (3 documents) 11942, 11944, 11945

15 CFR
Proposed Rules:
905.....11947

21 CFR
173.....11899

24 CFR
15.....11901

26 CFR
1.....11906
Proposed Rules:
1 (3 documents) 11950, 12034

28 CFR
0.....11906

34 CFR
3.....11907
75.....12096

40 CFR
58.....11907

47 CFR
73 (7 documents) 11909, 11910, 11911

48 CFR
701.....11911
703.....11911
715.....11911
72411911
73111911
75211911

49 CFR
571.....11913
575.....11913

50 CFR
672 (2 documents) 11915
675.....11915
676.....11916
Proposed Rules:
222.....11951

Rules and Regulations

Federal Register
Vol. 60, No. 42
Friday, March 3, 1995

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

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 354

[Docket No. 94–138–1]

Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning overtime services provided by employees for Plant Protection and Quarantine by removing and adding commuted traveltime allowances for travel between various locations in Delaware, Maryland, and Pennsylvania. Commuted traveltime allowances are the periods of time required for Plant Protection and Quarantine employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty. The Government charges a fee for certain overtime services provided by Plant Protection and Quarantine employees and, under certain circumstances, the fee may include the cost of commuted traveltime. This action is necessary to inform the public of commuted traveltime between these locations.

EFFECTIVE DATE: March 3, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Paul R. Eggert, Assistant to the Deputy Administrator for PPQ, Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Resource Management Support, 4700 River Road Unit 130, Riverdale, MD 20737–1236; (301) 734–7764.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR, chapter III, and 9 CFR, chapter I, subchapter D, require inspection, laboratory testing, certification, or quarantine of certain plants, plant products, animals, animal byproducts, or other commodities intended for importation into, or exportation from, the United States. When these services must be provided by an employee of Plant Protection and Quarantine (PPQ) on a Sunday or holiday, or at any other time outside the PPQ employee's regular duty hours, the Government charges a fee for the services in accordance with 7 CFR part 354. Under circumstances described in § 354.1(a)(2), this fee may include the cost of commuted traveltime. Section 354.2 contains administrative instructions prescribing commuted traveltime allowances, which reflect, as nearly as practicable, the periods of time required for PPQ employees to travel from their dispatch points and return there from the places where they perform Sunday, holiday, or other overtime duty.

We are amending § 354.2 of the regulations by removing and adding commuted traveltime allowances for travel between various locations in Delaware, Maryland, and Pennsylvania. The amendments are set forth in the rule portion of this document. This action is necessary to inform the public of the commuted traveltime between the dispatch and service locations.

Effective Date

The commuted traveltime allowances appropriate for employees performing services at ports of entry, and the features of the reimbursement plan for recovering the cost of furnishing port of entry services, depend upon facts within the knowledge of the Department of Agriculture. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find upon good cause that prior notice and other public procedure with respect to this rule are impracticable and unnecessary; we also find good cause for making this rule effective less than 30 days after publication of this document in the Federal Register.

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

The number of requests for overtime services of a PPQ employee at the locations affected by our rule represents an insignificant portion of the total number of requests for these services in the United States.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations, or policies that conflict with its provisions or that would otherwise impede its full implementation. This rule is not intended to have retroactive effect. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule or the application of its provisions.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 354

Exports, Government employees, Imports, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Travel and transportation expenses.

Accordingly, 7 CFR part 354 is amended as follows:

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS; AND USER FEES

1. The authority citation for part 354 continues to read as follows:

Authority: 7 U.S.C. 2260; 21 U.S.C. 136 and 136a; 49 U.S.C. 1741; 7 CFR 2.17, 2.51, and 371.2(c).

2. Section 354.2 is amended by removing and adding in the table, in alphabetical order, the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES

[In hours]

Location covered	Served from	Metropolitan area	
		Within	Outside
[Remove]			
* *	*	*	*
Delaware:			
Claymont	Dover	.....	4
Claymont	Wilmington	.....	2
Delaware City	Wilmington	.....	2
Delaware City	Dover	.....	3
Dover	.....	2	.....
Slaughter Beach.	Dover	.....	2
Wilmington (including marine terminal and airport).	.....	2	.....
Wilmington (including marine terminal and airport).	Carlisle, PA	.....	6
Wilmington (including marine terminal and airport).	Chestertown, MD.	.....	4
Wilmington (including marine terminal and airport).	Dallas, PA	.....	6
Wilmington (including marine terminal and airport).	Dover	.....	4
Wilmington (including marine terminal and airport).	Gap, PA	.....	4
* *	*	*	*
[Add]			

COMMUTED TRAVELTIME ALLOWANCES

[In hours]

Location covered	Served from	Metropolitan area	
		Within	Outside
* *	*	*	*
Delaware:			
* *	*	*	*
Dover	.....	1	.....
Dover	Wilmington	.....	3½
* *	*	*	*
Wilmington (including NCCA, Delaware City, and Claymont).	.....	2	.....
Wilmington (including NCCA, Delaware City, and Claymont).	Dover	.....	3
* *	*	*	*

Done in Washington, DC, this 27th day of February 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–5284 Filed 3–2–95; 8:45 am]

BILLING CODE 3410–34–P

9 CFR Part 77

[Docket No. 94–053–3]

Tuberculosis in Cattle and Bison; State Designation

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the tuberculosis regulations concerning the interstate movement of cattle and bison by reducing the designation of Virginia from an accredited-free (suspended) State to a modified accredited State. We have determined that Virginia no longer meets the criteria for designation as an accredited-free (suspended) State but meets the criteria for designation as a modified accredited State. This change was necessary to prevent the spread of tuberculosis in cattle and bison.

EFFECTIVE DATE: April 3, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Mitchell A. Essey, Senior Staff Veterinarian, Animal and Plant Health Inspection Service, Veterinary Services, Cattle Diseases and Surveillance, 4700 River Road Unit 36, Riverdale, MD 20737–1231; (301) 734–8715.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the Federal Register on November 29, 1994 (59 FR 60885–60886, Docket No. 94–053–2), we amended the tuberculosis regulations in 9 CFR part 77 by removing Virginia from the list of accredited-free (suspended) States in § 77.1 and adding it to the list of modified accredited States in that section.

Comments on the interim rule were required to be received on or before January 30, 1995. We did not receive any comments. The facts presented in the interim rule still provide a basis for the rule.

The action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12778, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

PART 77—TUBERCULOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR 77.1 and that was published at 59 FR 60885–60886 on November 29, 1994.

Authority: 21 U.S.C. 111, 114, 114a, 115–117, 120, 121, 134b, and 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 27th day of February 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–5287 Filed 3–2–95; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 93F–0483]

Secondary Direct Food Additives Permitted in Food for Human Consumption

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of chlorine dioxide to control the microbial population in poultry process water. This action is in response to a petition filed by Rio Linda Chemical Co., Inc.

DATES: The regulation is effective March 3, 1995; written objections and requests for a hearing by April 3, 1995. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of certain publications in new § 173.69, effective March 3, 1995.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert L. Martin, Center for Food Safety and Applied Nutrition (HFS–217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204–0001, 202–418–3074.

SUPPLEMENTARY INFORMATION:

I. Background

In a notice published in the Federal Register of February 2, 1994 (59 FR 4924), FDA announced that a food additive petition (FAP 4A4408) had been filed by Rio Linda Chemical Co., Inc., 410 North 10th St., Sacramento, CA 95814, proposing that the food additive regulations be amended to provide for the safe use of chlorine dioxide to disinfect waters contacting fresh meat, fresh poultry, processed meat, and processed poultry. Since filing the petition, the agency has concluded that it is more appropriate to replace the term ''disinfect'' with ''control the microbial population'' because ''disinfect'' implies total eradication of microbial contamination.

FDA has completed its review of the use of up to 3 parts per million (ppm) residual chlorine dioxide in process water contacting whole fresh poultry carcasses. The agency is issuing this regulation to permit this use while its review of the other proposed uses of chlorine dioxide continues.

II. Chlorine Dioxide

Chlorine dioxide (CAS Reg. No. 10049–04–4) is a yellow to reddish-yellow gas with a pungent odor similar to that of chlorine. Because chlorine dioxide is explosive when concentrated, it is usually generated at the site where it is used. Chlorine dioxide can be prepared by reaction of chlorine with sodium chlorite, reduction of sodium chlorate, or acidification of sodium chlorite. High yield production of chlorine dioxide (greater than 90 percent) is accomplished by reaction of sodium chlorite with chlorine or by reaction of an acid, sodium hypochlorite, and sodium chlorite (Ref. 1).

Chlorine dioxide is a strong oxidant which is expected to react with microbial contaminants and other organic material present in poultry process water. Oxidation of chlorine dioxide results in the formation of chlorite ion, which is an oxidant that is capable of reacting with organic material in poultry process water. Residual chlorate present as an impurity in chlorine dioxide solutions can also act as an oxidant.

Chlorine dioxide is currently listed in 21 CFR 178.1010(b)(34) as a component of a sanitizer solution. Chlorine dioxide is also listed in 21 CFR 137.105 for use as a bleaching agent for flour and is also approved by the Environmental Protection Agency (EPA) for use in potable water treatment plants (40 CFR part 141, subpart H). The Health Protection Branch of Health and Welfare Canada has stated in a letter to the petitioner that chlorine dioxide is permitted for use in poultry chiller water in Canada (Ref. 2).

Chlorine dioxide is a potential substitute for chlorine, which is currently commonly used in poultry processing. Published studies that were included in the petition show that chlorine dioxide is four to seven times more effective than an equal concentration of chlorine as a bactericide in poultry chiller water (Refs. 3, 4, and 5). Thus, chlorine dioxide can be used at considerably lower levels than chlorine without compromising bactericidal effects. Most of the studies conducted by the petitioner were with residual chlorine dioxide levels in the process water of 3 ppm.

III. Safety

Data from the gas chromatographic-mass spectroscopic analysis of poultry process water containing 3 ppm of chlorine dioxide were provided in the petition. These data show that organic reaction byproducts, such as the potentially toxic trihalomethanes (e.g., chloroform), are not present in poultry process water at the 0.2 parts per billion (ppb) limit of detection when the method for detecting chloroform is used. (EPA proposed a drinking water standard (59 FR 38668 at 38670, July 29, 1994) that permits a maximum contaminant level of up to 80 ppb (400 times the amount detectable by the analytical method) of ''total trihalomethanes'' (chloroform, bromoform, dibromochloromethane and bromodichloromethane) in drinking water.) Moreover, FDA's review of the results of an Ames test on poultry process water that was treated with 20 ppm chlorine dioxide revealed no mutagenic activity. The Ames test results support the conclusion that significant levels of harmful organic reactions byproducts will not be formed when chlorine dioxide, at a residual level of 3 ppm, is used as the bacteriocidal agent in poultry process water.

In addition to evaluating the probable formation of organic reaction byproducts from the use of chlorine dioxide in poultry process water, FDA has also evaluated the possible presence of residual chlorine dioxide, chlorite, and chlorate on treated poultry carcasses; the potential for the oxidation of poultry tissue, including sensitive fatty acids; and data from mutagenicity tests.

Based on its evaluation of the information in the petition, the agency has concluded that no detectable residues of chlorine dioxide would remain on poultry carcasses, and that exposure to chlorite and chlorate as a result of this use of chlorine dioxide would be virtually nil. (No chlorite or chlorate could be detected on poultry (raw or cooked) at the limit of detection (50 ppb) for the method used.) The agency also concluded that the very low levels of chlorite and chlorate that may be retained on poultry carcasses as a result of exposure to chlorine dioxide-containing process water would be converted to correspondingly low levels of chloride (a relatively innocuous substance, e.g., chloride in table salt) during cooking (Ref. 6).

FDA also considered potential oxidative effects of chlorine dioxide, chlorite, and chlorate on poultry. The agency reviewed information in the

petition on thiobarbituric acid (TBA) values of raw and cooked poultry exposed to chlorine dioxide-containing process water. A TBA test is commonly used as an indicator of oxidative decomposition (and of rancidity) of meat and fat. The more oxidative decomposition, the higher the TBA values. The agency determined that the TBA values for both raw and cooked poultry exposed to chlorine dioxide-containing process water did not significantly differ from that for poultry exposed to tap water. Thus, the agency concludes that no significant oxidation of poultry exposed to chlorine dioxide-containing process water occurs under the prescribed conditions of use.

FDA also evaluated information in the petition on the levels of oxidation-sensitive fatty acids (e.g., oleic, linoleic, linolenic, and arachidonic acid) in raw untreated poultry and in poultry exposed to chlorine dioxide-containing process water. Fatty acid profiles were comparable for treated and untreated poultry when analyzed by gas chromatography. FDA concludes that exposure to chlorine dioxide at levels 7 to 10 times higher than that prescribed in the proposed regulation does not result in appreciable loss of these fatty acids from poultry.

Based on the above findings, the agency concludes that 3 ppm of residual chlorine dioxide in poultry process water will not result in a measurable increase in oxidation of poultry as compared with poultry exposed to tap water.

The agency also considered the possibility of formation of mutagenic compounds in poultry and poultry process water treated with chlorine dioxide. Ames test information presented in the petition showed no evidence of mutagenic activity in poultry process water treated with chlorine dioxide. Thus, the agency concludes that the use of chlorine dioxide in poultry process water under the conditions prescribed in the regulation should not pose a significant health concern from the formation of mutagenic substances.

IV. Conclusions

FDA has evaluated the data in the petition and other relevant material and has consulted with scientists in the Food Safety and Inspection Service in the U. S. Department of Agriculture concerning the technological and practical aspects of the proposed use of chlorine dioxide. Based upon this evaluation, the agency concludes that the proposed use of the additive is safe and will have the intended technical effect. The agency also concludes that a specification for minimum purity of chlorine dioxide should be included in the regulation to reflect the purity of the chlorine dioxide that it evaluated. Therefore, 21 CFR part 173 is amended as set forth below.

V. Inspection of Documents

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

VI. Environmental Imapct

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

VII. Objections

Any person who will be adversely affected by this regulation may at any time on or before April 3, 1995, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

VIII. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Kirk-Othmer Encyclopedia of Chemical Technology, Vol. 5, pp. 612–632.

2. Letter dated July 30, 1991, to Dr. Richard Higby from J. W. Salminen, Health Protection Branch, Health and Welfare Canada.

3. Lillard, H. S., ''Levels of Chlorine and Chlorine Dioxide of Equivalent Bactericidal Effect in Poultry Processing Water,'' *Journal of Food Science*, 44:1594–1597, 1979.

4. Lillard, H. S., ''Effect on Broiler Carcasses and Water of Treating Chiller Water with Chlorine or Chlorine Dioxide,'' *Poultry Science*, 59:1761–1766, 1980.

5. Thiesson, G. P., W. R. Usborne, and H. L. Orr, ''The Efficacy of Chlorine Dioxide in Controlling Salmonella Contamination and Its Effect on Product Quality of Chicken Broiler Carcasses,'' *Poultry Science* 63:647–653, 1984.

6. Gordon, G., R. G. Kieffer, and D. H. Rosenblatt, ''The Chemistry of Chlorine Dioxide'' in *Progress in Inorganic Chemistry*, Vol. 15, pp. 201–286, S. J. Lippard, ed., Wiley-Interscience, New York, 1972.

List of Subjects in 21 CFR Part 173

Food additives, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 173 is amended as follows:

PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 173 continues to read as follows:

Authority: Secs. 201, 402, 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348).

2. New section 173.69 is added to read as follows:

§ 173.69 Chlorine dioxide.

Chlorine dioxide (CAS Reg. No. 10049–04–4) may be safely used in food in accordance with the following prescribed conditions:

(a) The additive is generated by treating an aqueous solution of sodium chlorite with either chlorine gas or a mixture of sodium hypochlorite and hydrochloric acid. The generator effluent contains at least 90 percent (by weight) of chlorine dioxide with respect

to all chlorine species as determined by Method 4500–ClO_2 E in the ''Standard Methods for the Examination of Water and Wastewater,'' 18th ed., 1992, or an equivalent method. Method 4500–ClO_2 E is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the Division of Petition Control, Center for Food Safety and Applied Nutrition (HFS–215), Food And Drug Administration, 200 C St., SW., Washington, DC 20204–0001 and The American Public Health Association, 1015 Fifteenth St., NW., Washington, DC 20005, or may be examined at the Office of the Federal Register, 800 North Capitol St., NW., suite 700, Washington, DC.

(b) The additive may be used as an antimicrobial agent in water used in poultry processing in an amount not to exceed 3 parts per million (ppm) residual chlorine dioxide as determined by Method 4500–ClO_2 E referenced above or an equivalent method.

Dated: February 23, 1995.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 95–5275 Filed 3–2–95; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 15

[Docket R–95–1682; FR–3282–F–01]

RIN 2501–AB47

Freedom of Information Act Procedures

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: This rule amends 24 CFR part 15, which implements the Freedom of Information Act and sets forth the procedures to be followed by the Department in responding to requests from the public for documents. The rule fashions certain in-house administrative and procedural changes in the processing of requests for documents and appeals from denials of requests for documents, and is necessary to reflect current organizational responsibilities of the various offices within the Department. The rule also implements the Department's FOIA Handbook procedures for notifying business submitters and affording them an opportunity to object to disclosure of their business information.

EFFECTIVE DATE: April 3, 1995.

FOR FURTHER INFORMATION CONTACT: Yvette Magruder, Assistant Director, Freedom of Information Unit, Room 10139, Department of Housing and Urban Development, 451 Seventh Street SW., Washington DC 20410; telephone (202) 708–3054, or 1–800–877–8339 (TDD). (Only the ''800'' TDD number is toll-free.)

SUPPLEMENTARY INFORMATION:

Justification for Final Rulemaking

In general, the Department publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking in 24 CFR part 10. However, part 10 does provide for an exception for rules governing the Department's organization or its own internal practices or procedures. Because the provisions contained in this rule relate to the manner in which the Department will administer its responsibilities under the Freedom of Information Act and related technical amendments, notice-and-comment rulemaking would not benefit the public and is not required.

Background

The Department's regulations implementing the Freedom of Information Act (5 U.S.C. 552) (FOIA) were published at 40 FR 48123 (October 14, 1975), and were amended at 52 FR 12160 (April 15, 1987) and 53 FR 37549 (September 27, 1988). This rule is being issued to reflect organizational changes relating to the manner in which the Department administers the disclosure of public documents.

Under Exemption 4 of the FOIA (5 U.S.C. 552(b)(4)) Federal agencies have a responsibility to protect sensitive business information from disclosure. Under Executive Order 12600 (3 CFR, 1987 Comp., p. 235), in meeting this responsibility agencies must notify business submitters that their information has been requested under the FOIA and must afford them an opportunity to object to disclosure of the requested information. By this rule, a new § 15.54, updating the Department's current business submitter notification procedures in HUD Handbook 1327.1 REV–1, Freedom of Information Act, is being added to title 24 of the Code of Federal Regulations (CFR).

In addition, the rule updates language in § 15.21 on the protections available for law enforcement records. The new language duplicates statutory language in the Freedom of Information Reform Act of 1986 (Pub. L. 99–570, subtitle N, approved October 27, 1986; 100 Stat. 3207–48), which modified the terms of the exemption as provided in the FOIA.

Section-by-Section Analysis

Section 15.1(f) currently defines ''information center'' as any place, reading room, desk, or other area or facility, established and maintained by the Department where the public may request and obtain information and records concerning the Department's operations and business. This rule clarifies the means by which the public may obtain access to those resources that are maintained in a combination of locations within the Department. The rule corrects any perception that all records are maintained in a single location within the Department.

Section 15.13(b) currently provides that the Department will request records that have been stored in the National Archives or other record centers of the General Services Administration. This rule deletes reference to the General Services Administration, because the Federal Record Centers are now administered by the National Archives and Records Administration. The rule establishes that records that have been accessioned by the National Archives and Records Administration may be requested directly from the National Archives and Records Administration.

Section 15.14 addresses the payment of fees for search time and the copying of documents. Those fees currently established in § 15.14(a) are inadequate to defray the Government's own reasonable direct costs in processing requests and copying documents. Accordingly, this rule increases those fees. In addition, § 15.14(c) currently does not include a separate schedule of fees for computer search time. This rule provides for charges to be assessed on the basis of the direct cost of running the computer, plus the programming cost attributable to the search. Section 15.14(e) places restrictions on the assessment of fees against noncommercial requesters. The rule simplifies those restrictions by eliminating confusing language. Section 15.14(f) currently provides that fees may be paid in cash, by check, or by money order. This rule removes approval of cash payments, except when a cash payment is made in person, and identifies to whom the fees should be directed.

The changes to § 15.14 will help defray the direct reasonable cost to the Government of compliance with the FOIA and will simplify fee projections for certain computer searches.

Section 15.21 currently reflects the statutory exemptions to the Freedom of Information Act, with the exception of

Exemption 7, which was substantially amended in 1986, but was not previously incorporated into the Department's regulations. This rule incorporates statutory language with regard to Exemption 7, setting forth the circumstances under which the exemption may provide authority for withholding documents from the public.

Section 15.31 currently establishes that the Department maintains a Central Information Center at its Headquarters location. This rule deletes the designation ''Central''; cross-references § 15.1(f), which, as amended, describes ''Information Center'' as a combination of places, rather than one place within the Headquarters location; and updates the addresses of referenced offices.

Section 15.32 currently authorizes the Director of the Office of Public Affairs to designate the FOIA information officer in Headquarters, and requires the Director's concurrence in the selection by the Regional Administrator and by Directors of Field Offices of information officers in the Regional or Field Offices. This rule substitutes the Director, Office of the Executive Secretariat, for Director, Office of Public Affairs, and eliminates the requirement for the Director's concurrence in the Secretary's Representatives' designees, or designees of the State or Area Coordinators.

Section 15.33 currently provides, in paragraph (a)(6), that the Central Information Center shall contain or have ready access to an index of all Departmental regulations, opinions and adjudicated orders, staff and program manuals, and precedential interpretations. This rule deletes the reference to a ''Central'' information center, to provide consistency with §§ 15.1(f) and 15.31, as amended; provides that the enumerated records are available in a compilation of indices rather than in a single index; and eliminates other obsolete or unnecessary references. Thus, the rule corrects any public perception that the Department maintains a single index containing all records required by the FOIA to be made available to the public, and simplifies the regulatory language.

Section 15.41 clarifies the parameters for the Department's exercise of its discretion to require payment in advance.

Section 15.42 currently sets forth time limits applicable to requests for documents and appeals from adverse determinations, and provides for the General Counsel to make appeal determinations and approve time extensions, when appropriate. This rule adds authorization for Field Assistant General Counsel to make appeal determinations with respect to denials issued by Field Offices within their geographical jurisdiction and to grant extensions of time, under certain circumstances, for the Department's response.

Section 15.51 currently authorizes the head of each organizational unit within the Department to release records within his or her area of responsibility. This rule provides that only the Office of the Executive Secretariat (in Headquarters) and designated FOIA liaisons (in Field Offices) are authorized to release records to the public. The amendment consolidates the FOIA process under the supervision of a designated officer, which assures more consistent and prompt responses to FOIA requests.

Section 15.52 concerns the authority to deny requests for records. To be consistent with the statutory language, this rule substitutes the word ''appeal'' for the word ''review'' wherever it appears in this section. The rule permits program counsel in Headquarters to concur in the denial of a request for a record and authorizes Field Assistant General Counsel to make appeal determinations with respect to denials issued by Field Offices within their geographical jurisdictions. The rule also requires the Department to list the documents withheld when they number fewer than 21. In addition, the rule eliminates language that terminated the authority of an officer or the officer's designee to release records after the officer or designee has denied the release of those records; therefore, reconsideration by the issuing official of a denial is permitted.

Section 15.54 provides procedures for notifying a submitter when a FOIA request has been made for business information provided by the submitter. The rule provides for designation of business information by the submitter at the time of submission or at a reasonable time thereafter (see § 15.54(h) (4) and (5)). The rule allows business submitters an opportunity to object to disclosure of their information and provides for notice to business submitters about the Department's decision to disclose the information under the FOIA.

Section 15.61 currently provides for administrative review by the General Counsel of a denial of a request for a record, when requested in writing and addressed to the Assistant General Counsel for Training and Administrative Law at HUD Headquarters. To be consistent with the statutory language and § 15.52, as amended, this rule substitutes the word ''appeal'' for the word ''review'' wherever it appears in this section. The rule also reiterates the authority, provided elsewhere in the rule, of the Field Assistant General Counsel to make appeal determinations with respect to Field Office denials of requests for records, and changes the official to whom appeals from decisions by Headquarters and by offices containing a Field Assistant General Counsel should be addressed.

Other Matters

Executive Order 12866

This rule has been reviewed by the Office of Management and Budget under Executive Order 12866. Any changes made in the rule as a result of this review are identified in the docket file of the rule maintained by the Department and available for review at the above address.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule does not have a significant economic impact on a substantial number of small entities. This final rule merely implements certain in-house procedural changes in the processing of FOIA requests, and conforms regulatory language relating to FOIA Exemption 7 to current statutory language.

Environmental Review

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.20(k) of the HUD regulations, the policies and procedures contained in this rule relate only to internal administrative procedures and, therefore, are categorically excluded from the requirements of the National Environmental Policy Act.

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 rule will not have substantial direct effects on states or their political subdivisions, or the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the Order. This final rule implements certain housekeeping provisions relating to the Department's regulations on the release of requested documents.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive

Order 12606, *The Family*, has determined that this rule does not have potential for significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. No significant change in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns. The final rule updates administrative regulations relating to the processing of requests for documents maintained by the Department.

Regulatory Agenda

This rule was listed as Item No. 1731 in the Department's Semiannual Agenda of Regulations published on November 14, 1994 (59 FR 57632, 57642), in accordance with Executive Order 12866 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 15

Classified information, Courts, Freedom of information, Government employees, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, part 15 of Title 24 of the Code of Federal Regulations is amended as follows.

PART 15—TESTIMONY, PRODUCTION AND DISCLOSURE OF MATERIAL OR INFORMATION BY HUD EMPLOYEES

1. The authority citation for part 15 is revised to read as follows:

Authority: 5 U.S.C. 552; Freedom of Information Reform Act of 1986 (Pub. L. 99–570); 42 U.S.C. 3535(d).

2. In § 15.1, the paragraph designations (a) through (i) are removed, and the definition for ''Information center'' is revised to read as follows:

§ 15.1 Definitions.

* * * * *

Information center means library, reading room, desk, or other facility, or any combination of places established and maintained by the Department, where the public may request and obtain information and records concerning the Department's operations and business.

* * * * *

3. In § 15.13, paragraph (b) is revised to read as follows:

§ 15.13 Records produced upon request when reasonably described.

* * * * *

(b) When a request is made that reasonably describes a record of the Department that has been stored in a record center of the National Archives and Record Administration, this record will be requested from the Records Center by the Department and made available to the requester if the record would otherwise be available under this part. Records accessioned by the National Archives will not be made available by the Department, but may be requested directly from the National Archives.

* * * * *

4. In § 15.14, paragraphs (a), (b), (c), (e), and (f) are revised to read as follows:

§ 15.14 Fees.

(a) *Copies of records.* HUD will charge $0.15 per page for photocopies of documents. For copies prepared by computer, HUD will charge the actual cost of the tape or disk plus $25.00 per minute for central processing unit (CPU) time, so as to recoup reasonable direct costs of duplicating. For other methods of reproduction or duplication of documents, HUD will charge the actual direct costs of producing the documents.

(b) *Manual searches for records.* HUD will charge $16.35 per hour per person for searches/reviews performed by clerical staff, and $37.00 per hour per person for searches/reviews performed by professional staff. Charges for search/review time will be billed in 1/2 hour segments.

(c) *Computer searches for records.* HUD will charge $35.00 per hour for computer programming relating to a search, plus $25.00 per minute for central processing unit (CPU) time.

* * * * *

(e) *Restrictions on assessing fees.* HUD will provide the first 100 pages of duplication and the first two hours of search time, manual or computer, free of charge to noncommercial use requesters. There is no charge to noncommercial use requesters for time needed for review, as defined in paragraph (g)(4) of this section. Review time is chargeable only to commercial use requesters. HUD will only assess fees for amounts in excess of $25.00.

(f) *Payment of fees.* Payment of fees under this section and under § 15.16(a) shall be made by check or money order, payable to the Treasurer of the United States. Cash payments may be made in person at Headquarters or the Field Offices. The fees shall be sent to the Office of Executive Secretariat at Headquarters or to the appropriate Field Office.

* * * * *

5. In § 15.21, paragraph (a)(7) is revised to read as follows:

§ 15.21 Exemptions authorized by 5 U.S.C. 552.

* * * * *

(a) * * *

(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:

(i) Could reasonably be expected to interfere with enforcement proceedings;

(ii) Would deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a state, local or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual.

* * * * *

6. In section 15.31, paragraphs (a) and (b)(1) are revised and paragraph (b)(2) is removed and reserved, to read as follows:

§ 15.31 Information centers.

(a) The Department maintains an information center as described in § 15.1(f) at Headquarters, 451 Seventh Street SW., Washington, DC 20410.

(b) * * *

(1) In each of its Secretary Representatives' Offices, as follows:

New England, Boston Office—Room 375, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Boston, Massachusetts 02222–1092.

New York/New Jersey, New York Office—26 Federal Plaza, New York, New York 10278–0068.

Mid-Atlantic, Philadelphia Office—Liberty Square Building, 105 South 7th Street, Philadelphia, Pennsylvania 19106–3392.

Southeast/Caribbean, Atlanta Office—Richard B. Russell Federal Building, 75 Spring Street, S.W., Atlanta, Georgia 30303–3388.

Midwest, Chicago Office—Ralph Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, Illinois 60604–3507.

Southwest, Fort Worth Office—1600 Throckmorton, P.O. Box 2905, Fort Worth, Texas 76113–2905.
Great Plains, Kansas City Office—Room 200, Gateway Tower II, 400 State Avenue, Kansas City, Kansas 66101–2406.
Rocky Mountain, Denver Office—633 17th Street, Denver, Colorado 80202–3607.
Pacific/Hawaii, San Francisco Office—Philip Burton Federal Building & U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, California 94102–3448.
Northwest/Alaska, Seattle Office—Suite 200, Seattle Federal Office Building, 909 First Avenue, Seattle, Washington 98104–1000.

(2) [Reserved]

* * * * *

7. Section 15.32 is revised to read as follows:

§ 15.32 Information officer and FOIA liaisons.

There shall be an information officer in Headquarters and a FOIA liaison in each of the information centers described in § 15.31(b), who shall be responsible for making information and records available to the public in accordance with this part. The information officer in Headquarters shall be designated by the Director, Office of the Executive Secretariat. The FOIA liaisons in each Field Office shall be designated by the Secretary's Representative, State Coordinator, or Area Coordinator.

8. In § 15.33, paragraphs (a) introductory text, (a)(6), (b), and (c) are revised to read as follows:

§ 15.33 Material in department information centers.

(a) The information center at Headquarters shall contain or have access to the following:

* * * * *

(6) Current indices of the foregoing materials.

(b) The information center in each Regional Office shall contain or have access to such of the above records that pertain to the activities of that office.

(c) Facilities shall be available in each information center for the copying of available records.

9. In § 15.41, paragraph (c) is revised to read as follows:

§ 15.41 Requests for records.

* * * * *

(c) The request shall be accompanied by an agreement to pay a fee to be determined in accordance with § 15.14. Under the circumstances enumerated in § 15.18, the Department may refuse to furnish records before receipt of the appropriate fee. A requester may specify a limit for fees, above which the requester is not willing to pay without advance consultation with the Department.

* * * * *

10. Section 15.42 is revised to read as follows:

§ 15.42 Time limitations.

(a) Upon receipt of a request for records, the appropriate office will determine within ten working days whether to comply with such requests. The office will either agree to provide the requested documents, or will notify the requester, in writing, of an adverse determination, the reasons therefor, and the right to appeal the denial to the:

(1) General Counsel, with respect to a denial issued by the Office of the Executive Secretariat or by the offices in which there is a Field Assistant General Counsel; or

(2) Field Assistant General Counsel, with respect to a denial issued by the Field Offices.

(b) When a request for records is misdirected by the requester, the office receiving the request shall:

(1) Promptly refer it to the appropriate office; and

(2) Advise the requester that the time of receipt by the appropriate office will be the time of receipt for processing purposes.

(c) A determination by the General Counsel or the Field Assistant General Counsel with respect to an appeal under § 15.61 shall be made within 20 working days after receipt of the appeal, and shall be communicated to the appellant, in writing.

(d) In unusual circumstances, the General Counsel, or the appropriate Field Assistant General Counsel, may extend the time limits prescribed in paragraphs (a) and (c) of this section, by written notice to the requester setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. An extension shall not exceed ten working days. As used in this paragraph, unusual circumstances means that there is a need:

(1) To search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) To search for, collect, and examine appropriately a voluminous amount of separate and distinct records that are demanded in a single request; or

(3) For consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request, or among two or more organizational units of the Department having a substantial interest in the subject matter of the request.

11. Section 15.51 is revised to read as follows:

§ 15.51 Authority to release records or copies.

The Office of the Executive Secretariat in Headquarters and the FOIA liaisons in each Field Office are authorized to release copies of any Department records upon written request unless disclosure is clearly not appropriate under this part.

12. Section 15.52 is revised to read as follows:

§ 15.52 Authority to deny requests for records.

The officers described in § 15.51, or other official designated by the Secretary's Representative, may deny a request for a record only with the concurrence of the appropriate program counsel in Headquarters or counsel in the Field Offices. Any denial shall:

(a) Be made in writing, describing the documents denied and, if fewer than 21, listing them specifically;

(b) Contain a simple reason for the denial, stating the appropriate exemption used; and

(c) Advise of the right to appeal the adverse determination, in accordance with § 15.61, to the:

(1) General Counsel, with respect to a denial issued by the Office of Executive Secretariat or by offices in which there is a Field Assistant General Counsel; and

(2) Field Assistant General Counsel, with respect to a denial issued by Field Offices.

13. A new section 15.54 is added to read as follows:

§ 15.54 Business information.

(a) *In general.* Business information provided to the Department by a submitter shall not be disclosed pursuant to a FOIA request except in accordance with this section.

(b) *Definitions.* As used in this section:

Business information means commercial or financial information provided to the Department by a submitter that arguably is protected from disclosure under Exemption 4 (42 U.S.C. 552(b)(4)) of the Act.

Submitter means any person or entity who provides business information, directly or indirectly, to the Department. The term includes, but is not limited to, corporations, State governments, and foreign governments.

(c) *Designation of business information.* A submitter's claim that certain information is confidential or proprietary should be supported by a statement or certification by an officer

or authorized representative of the submitter that the information is, in fact, confidential or proprietary and has not been disclosed to the public. All information considered confidential or proprietary by a submitter should be clearly designated with a prominent stamp, typed legend, or other suitable form of notice, stating ''Confidential Treatment Requested by [insert name of submitter]'', which should appear on each page or segregable portion of the page. If such marking is impractical, a cover sheet prominently marked ''Confidential Treatment Requested by [insert name of submitter]'' should be securely attached to the information for which confidential treatment is requested. These designations shall be deemed to have expired 10 years after the date of the submission, unless the submitter requests, and provides reasonable justification for, a longer period of designation.

(d) *Notice to submitter.* To the extent permitted by law, the Department shall provide a submitter with prompt written notice of a FOIA request or administrative appeal encompassing its business information, unless notice is excused under paragraph (h) of this section. Such notice shall afford the submitter an opportunity to object to disclosure pursuant to paragraph (f) of this section. The notice shall either describe the exact nature of the business information requested or provide copies of the records or portions thereof containing the business information. The Department will provide this notice whenever:

(1) The information has been designated in good faith by the submitter as information deemed protected under Exemption 4; or

(2) The Department has reason to believe that the information may be protected from disclosure under Exemption 4.

(e) *Notice to requester.* At the same time the Department notifies the submitter, the Department shall also notify the requester that the request is subject to the provisions of this section and that the submitter is being afforded an opportunity to object to disclosure of the information.

(f) *Opportunity to object to disclosure.* Through the notice described in paragraph (d) of this section, the Department shall afford a submitter or its designee 10 Federal working days to provide the Department a detailed written statement of the submitter's objection to disclosure of any portion of the information it submitted to the Department. Such statement shall specify all grounds for withholding any of the information and shall demonstrate why the information is a trade secret or commercial or financial information that is privileged or confidential. Conclusory statements that particular information would be useful to competitors or would impair sales, or similar statements, generally will not be considered sufficient to justify confidential treatment. Information provided by a submitter or its designee pursuant to this paragraph may itself be subject to disclosure under the FOIA.

(g) *Notice of intent to disclose.* The Department shall consider carefully a submitter's objections and specific grounds for nondisclosure, before determining whether to disclose business information. If the Department decides to disclose business information over the objection of a submitter, the Department shall forward to both the submitter and the requester a written notice of intent to disclose. The written notice shall be forwarded 10 Federal working days before the specified disclosure date and shall include:

(1) A statement of the reasons for which the submitter's disclosure objections were not sustained;

(2) A description of the business information to be disclosed; and

(3) A specified disclosure date.

(h) *Exceptions to the notice requirement.* The notice requirements of paragraphs (d) and (g) of this section shall not apply if:

(1) The Department determines that the information should not be disclosed;

(2) The information has been published lawfully or has been made available officially to the public;

(3) Disclosure of the information is required by law (other than the Act);

(4) Disclosure of the information is required by a departmental regulation that:

(i) Was adopted pursuant to notice and public comment;

(ii) Specifies narrow classes of records submitted to the Department that are to be released under the FOIA; and

(iii) Provides for notice in exceptional circumstances when the submitter provides, at the time the information is submitted or a reasonable time thereafter, written justification that disclosure of the information could reasonably be expected to cause substantial competitive harm;

(5) The information requested was not designated by the submitter as exempt from disclosure in accordance with paragraph (c) of this section at the time of the submission of the information or a reasonable time thereafter, unless the Department has substantial reason to believe that the disclosure of the information would cause competitive harm; or

(6) The designation made by the submitter in accordance with paragraph (c) of this section appears obviously frivolous. In such circumstances, the Department shall forward to the submitter, 10 Federal working days before a specified disclosure date, written notice of any final administrative decision to disclose business information.

(i) *Notice of FOIA lawsuit.* Whenever a requester brings suit seeking to compel disclosure of business information, the Department shall promptly notify the submitter.

(j) *Determination of confidentiality.* HUD will make no determination as to the validity of any request for confidentiality until a request for disclosure of the information is received.

(k) *Current mailing address for the submitter.* Each submitter shall provide to the Department:

(1) A mailing address for receipt of any notices under this section; and

(2) Notice of any change of address.

(l) *Treatment of confidential information by HUD employees.* (1) HUD officers and employees shall not, directly or indirectly, use or allow the use of business information obtained through or in connection with Government employment that has not been made available to the general public.

(2) Except as otherwise provided in this section, HUD officers and employees may not disclose business information, except to other HUD officers or employees who are properly entitled to such information for the performance of their official duties.

14. Section 15.61 is revised to read as follows:

§ 15.61 Administrative appeal.

(a) Appeal shall be available only from a written denial of a request issued under § 15.52, and only when the appeal is filed within 30 days of issuance of the denial. An appeal from a denial issued by the Office of Executive Secretariat or by offices in which there is a Field Assistant General Counsel must be mailed to the Assistant General Counsel for Training and Administrative Law, Room 10246, 451 Seventh Street, SW, Washington, DC, 20410. An appeal from a denial issued by a Field Office must be mailed to the appropriate Field Assistant General Counsel. An appeal must include a copy of the original request for records; a copy of the written denial of access to those records, and a statement of the reasons, circumstances, or arguments advanced in support of, or in opposition to, disclosure of the records. The

envelope containing the appeal should be clearly marked as a Freedom of Information Act appeal, so that the Department can comply with the time limitations set forth in § 15.42.

(b) When an appeal is misdirected by the requester, the Office receiving the appeal shall:

(1) Promptly refer it to the:

(i) Assistant General Counsel for Training and Administrative Law, if the denial was issued by the Office of Executive Secretariat or by an office in which there is a Field Assistant General Counsel, or

(ii) Appropriate Field Assistant General Counsel, if the denial was issued by a Field Office; and

(2) Advise the appellant that the time of receipt for processing purposes will be the time the appeal is received by the appropriate office.

(c) The appeal determination shall be in writing; constitute final administrative action by the Department; and, if the denial is upheld in full or in part, include notification of the right to judicial review.

Dated: December 27, 1994.

Henry G. Cisneros,

Secretary.

[FR Doc. 95–5274 Filed 3–2–95; 8:45 am]

BILLING CODE 4210–32–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8585]

RIN 1545–AS00

Allocations Reflecting Built-in Gain or Loss on Property Contributed to a Partnership; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations [TD 8585], which were published in the Federal Register for Wednesday, December 28, 1994 (59 FR 66724). The final regulations relate to the remedial allocation method with respect to property contributed by a partner to a partnership and to allocations with respect to securities and similar investments owned by a partnership.

EFFECTIVE DATE: December 28, 1994.

FOR FURTHER INFORMATION CONTACT: Deborah Harrington at (202) 622–3050 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections are under section 704 of the Internal Revenue Code.

Need for Correction

As published, the final regulations contain typographical errors that are in need of correction.

Correction of Publication

Accordingly, the publication of the final regulations which is the subject of FR Doc. 94–31435, is corrected as follows:

§ 1.704–3 [Corrected]

1. On page 66729, column 1, § 1.704–3, paragraph (d)(7), paragraph (iii) of *Example 1.*, line 1, in the paragraph heading, the word ''*Years*'' is corrected to read ''*years*''.

2. On page 66729, column 2, § 1.704–3, paragraph (d)(7), paragraph (iii)(A) of *Example 1.*, line 1, the word ''commended'' is corrected to read ''commented''.

3. On page 66729, § 1.704–3, paragraph (d)(7), paragraph (iii)(C) of *Example 1.*, line 3 of the table is corrected as follows:

	L		M	
	Book	Tax	Book	Tax
*	*	*	*	*
Remedial allocations	.....	1,500	.....	<1,500>
*	*	*	*	*

4. On page 66730, columns 1 and 2, § 1.704–3, paragraph (d)(7), paragraph (iii)(A) of *Example 3.* is removed.

5. On page 66732, § 1.704–3, paragraph (e)(3)(ix), paragraph (i) of *Example 1.*, line 5 from the top of column 2, the language ''+$5,000 (net gain at end of Day 2)+'' is corrected to read ''+$5,000 (net gain at end of Day 2)+''.

6. On page 66732, column 2, § 1.704–3, paragraph (e)(3)(ix), paragraph (iii) of *Example 1.*, 13th line, the language ''tax gain from the sale of Stock 2 and the loss'' is corrected to read ''tax gain from the sale of Stock 2 and the tax loss''.

7. On page 66733, § 1.704–3, paragraph (e)(3)(ix), paragraph (iii) of *Example 1.*, the second table on the page, line 1 is corrected as follows:

	Z		
	Book	Tax	Reevaluation account
Opening Balance ...	$152,500	$152,500	0
*	*	*	*

8. On page 66733, § 1.704–3, paragraph (e)(3)(ix), the second table in paragraph (iii) of *Example 2*, the column heading and line 1 are corrected as follows:

	X and Y		
	Book	Tax	Reevaluation account
Opening Balance ...	$150,000	$150,000	0
*	*	*	*

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 95–5286 Filed 3–2–95; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[AG Order No. 1951–95]

Federal Bureau of Investigation; General Functions

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule amends the Department of Justice organization regulations by adding a new function for the Federal Bureau of Investigation (FBI), that of carrying out the responsibilities conferred upon the Attorney General in Title I of the Communications Assistance for Law Enforcement Act. This rule will accurately update the existing list of the FBI's delegated functions.

EFFECTIVE DATE: February 16, 1995.

FOR FURTHER INFORMATION CONTACT: Telecommunications Industry Liaison Unit (TILU), Engineering Section, Information Resources Division, FBI; telephone number 1–800–551–0336; David F. Worthley, telephone: 703–630–6242.

SUPPLEMENTARY INFORMATION: On October 25, 1994, the President signed

into law the Communications Assistance for Law Enforcement Act (the Act), Title I of Pub. L. 103–414, also referred to as the digital telephony legislation. Under the Act, a number of responsibilities are conferred upon the Attorney General. The Attorney General is delegating her responsibilities under the Act because the FBI possesses the technical resources and in-depth expertise necessary to effectively implement these duties. Also, the FBI has already expended substantial resources in planning for the implementation of this Act.

This delegation will authorize the Director, FBI, or his designee(s), to: (1) Publish notices of actual and maximum capacity requirements; (2) establish regulations for paying telecommunications carriers for reasonable costs in achieving compliance with the capability and capacity requirements; (3) determine compliance priorities; (4) participate in the setting of publicly available technical requirements and standards; (5) prepare annual reports to the Congress; and (6) take necessary steps to implement this Act. The delegation of authority would not include the enforcement authority provided in Title II of the legislation, which properly is executed by the Attorney General and the Department of Justice.

This order is a matter of internal Departmental management. In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and, accordingly, this rule has not been reviewed by the Office of Management and Budget.

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies), Whistleblowing.

Accordingly, by virtue of the authority vested in me as Attorney General by 5 U.S.C. 301 and 28 U.S.C. 509, 510, Part 0 of Title 28 of the Code of Federal Regulations is amended as follows:

PART 0—[AMENDED]

1. The authority citation for Part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

2. Section 0.85 is amended by adding paragraph (o) to read as follows:

§ 0.85 General functions.

* * * * *

(o) Carry out the responsibilities conferred upon the Attorney General under the Communications Assistance for Law Enforcement Act, Title I of Pub. L. 103–414 (108 Stat. 4279), subject to the general supervision and direction of the Attorney General.

Dated: February 16, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95–4377 Filed 3–2–95; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF EDUCATION

34 CFR Part 3

Official Seal

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary revises the regulations governing the Official Seal and Insignias of the Department of Education to remove provisions relating to the official insignia for AMERICA 2000. The Secretary takes this action to remove unnecessary and obsolete provisions from the regulations.

EFFECTIVE DATE: These regulations take effect March 3, 1995.

FOR FURTHER INFORMATION CONTACT: Kenneth C. Depew, U.S. Department of Education, 600 Independence Ave., S.W., Room 5112, FB–10B, Washington, D.C. 20202–2241. Telephone: (202) 401–8300. 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: These regulations eliminate obsolete provisions in 34 CFR part 3, subpart B—Official Insignia—AMERICA 2000, published on December 16, 1991 (56 FR 65388). The title of part 3 is also revised to reflect this change.

Waiver of Proposed Rulemaking

It is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations in accordance with the Administrative Procedure Act (5 U.S.C. 553). However, since these changes are not substantive and merely remove obsolete provisions relating to Department policy with respect to the AMERICA 2000 insignia, the Secretary has determined pursuant to 5 U.S.C. 553(b)(A) that public comment on the regulations is not required.

List of Subjects in 34 CFR Part 3

Education Department, Seals and insignia.

(Catalog of Federal Domestic Assistance Number does not apply.)

Dated: February 27, 1995.

Richard W. Riley,

Secretary of Education.

The Secretary amends part 3 of title 34 of the Code of Federal Regulations as follows:

1. The title of part 3 is revised to read as follows:

PART 3—OFFICIAL SEAL

2. The authority citation for part 3 continues to read as follows:

Authority: 20 U.S.C. 3472 and 3485, unless otherwise noted.

3. The heading ''Subpart A—Official Seal'' is removed from part 3.

Subpart B, §§ 3.5–3.10—[Removed]

4. Subpart B of part 3, §§ 3.5 through 3.10, is removed.

[FR Doc. 95–5255 Filed 3–2–95; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 58

[WI51–01–6828; FRL–5158–3]

Modification of the Ozone Monitoring Season; Wisconsin

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: This final rule contains revisions to part 58 of chapter 1 of title 40 of the Code of Federal Regulations (CFR), appendix D, the Ozone Monitoring Season By State table in section 2.5. The revisions change Wisconsin's ozone monitoring season to April 15 through October 15.

EFFECTIVE DATE: March 3, 1995.

ADDRESSES: Copies of documents relevant to this action are available for inspection at the following address: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois, 60604. Telephone Jacqueline Nwia at (312) 886–6081 before visiting the Region 5 Office.

FOR FURTHER INFORMATION CONTACT: Jacqueline Nwia, Regulation Development Section, U.S. Environmental Protection Agency, Region 5, Air Toxics and Radiation

Branch, 77 West Jackson Boulevard, Chicago, Illinois, 60604. Telephone (312) 886–6081.

SUPPLEMENTARY INFORMATION:

I. Background

On January 11, 1980 (45 FR 2319), the USEPA approved, into the Wisconsin SIP, revisions to Wisconsin rule NR 154.01–Definitions, which set forth the ozone season for Wisconsin as the period each year from May 1 through September 30. This action was codified in 40 CFR part 52, § 52.2570(c)(13).

On April 4, 1980, the USEPA approved a waiver for ozone monitoring at State and Local Ambient Monitoring Stations (SLAMS) from October 16 to April 14 with the exception of National Ambient Monitoring Stations (NAMS) sites required in the southeast Wisconsin air quality control region, which would continue to monitor for the entire year as recommended in the USEPA's Guideline for the Implementation of Ambient Air Monitoring (EPA 450/4–79–038). This approval was in the form of a letter from the Regional Administrator to the Director of Wisconsin's Department of Natural Resources (WDNR) Bureau of Air Management. See the USEPA guidance entitled Guideline on Modification to Monitoring Seasons for Ozone, March 1990, prepared by the Technical Support Division of Office of Air Quality Planning and Standards.

On March 19, 1986 (51 FR 9582), the USEPA promulgated revisions to 40 CFR part 58, appendix D, which were needed to meet changing air monitoring program requirements. These revisions included the addition of the Ozone Monitoring Season By State table in section 2.5, of appendix D. This table listed the Wisconsin ozone monitoring season as beginning on April 1 and ending on October 31. This is the ozone season currently reflected in the Aerometric Information Retrieval System (AIRS) for Wisconsin.

II. Review

Since AIRS extracts the ozone monitoring season from appendix D, April 1 through October 31 is reflected in AIRS for Wisconsin. Consequently, this ozone season is used in the calculation of the number of expected exceedances. Since Wisconsin SLAMS only monitor from April 15 through October 15, there are 29 non-monitored days. AIRS views this non-monitored situation as missing data. This has the effect of increasing the exceedance estimate, if any exceedances are observed. AIRS assigns the same ozone season to all SLAMS, NAMS and Special Purpose Monitoring Stations (SPMS) monitors in a State or county. AIRS does not have the capability to define a separate ozone season for individual monitors. Further, 40 CFR part 58, appendix D does not distinguish ozone seasons by monitor type, but defines an ozone season for all monitor types.

Since the shorter ozone season was already approved by the Regional Administrator in 1980 for SLAMS, an analysis for these monitors is not required. The 1980 waiver, however, did not apply to NAMS monitors. Therefore, as recommended by the Guideline on Modification to Monitoring Seasons for Ozone, Technical Support Division Office of Air Quality Planning and Standards, March 1990, the USEPA reviewed the ozone monitoring data for the entire State to determine whether the 1980 waiver may be extended to NAMS.

The guidance states that the potential for ozone exceedances, and, consequently, ozone season reductions can be determined using historical ozone monitoring data. A review of historical ozone data for this purpose must be based on 5 years of the most recent data, in order to ensure that both favorable and unfavorable conditions are represented. The guidance allows reduction in monitoring for months without 1-hour ozone concentrations exceeding 0.10 ppm during the most recent 5 years.

The most recent 5 years, 1988–1993, of ambient ozone data (AIRS AMP215 and AMP355 Standard Reports), demonstrates that there have been no exceedances of the ozone National Ambient Air Quality Standard in the time periods April 1 through April 14 and October 16 through October 31 for any of the NAMS monitors in the State. The highest ozone value recorded at a NAMS between April 1 and April 14 was 0.08 parts per million (ppm) in Ozaukee county (55–089–0005) in 1991. The highest ozone value recorded at a NAMS between October 16 and October 31 was 0.076 ppm which occurred in 1989 in Columbia county (55–021–0015) and Ozaukee county (55–089–0005), both of which fall below the 0.10 ppm recommended limit. See Guideline on Modification to Monitoring Seasons for Ozone, Technical Support Division Office of Air Quality Planning and Standards, March 1990, p. 5.

The relevant data demonstrates that no concentrations above 0.10 ppm were recorded during April 1–April 14 or October 16–October 31. Consequently, the test of 5 years of data without any concentrations above the recommended limit of 0.10 ppm has been satisfied.

In addition, it should be noted that the ozone season as it applies to Wisconsin's rules and regulations will not change with this revision. The ozone season approved as part of the Wisconsin SIP, in Rule 154.01 Definitions, is the period from May 1 through September 30 and will continue to be so.

The modified ozone monitoring season will apply to future monitoring efforts at SLAMS and NAMS unless otherwise revised.

III. Action

After reviewing 5 years worth of Wisconsin ozone monitoring data, we find that the change in ozone monitoring season in Wisconsin complies with all applicable requirements of the Clean Air Act (Act) and USEPA policy and regulations concerning such revisions. Pursuant to 40 CFR 58.13(a)(3), the Regional Administrator has the authority to exempt periods or seasons from consecutive hourly averages for continuous SLAMS analyzers.

The USEPA is revising Wisconsin's ozone monitoring season in 40 CFR part 58, appendix D, section 2.5 to April 15 through October 15 of each year for all monitor types.

Because USEPA considers this action noncontroversial and routine, we are approving it without prior proposal. The action will become effective on March 3, 1995.

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 May 2, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the 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).

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the USEPA 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, the USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

This action does not create any new requirements. Therefore, I certify that it does not have a significant impact on small entities.

List of Subjects in 40 CFR Part 58

Environmental protection, Air pollution control, Intergovernmental relations.

Dated: February 9, 1995.

David A. Ullrich,

Acting Regional Administrator.

40 CFR part 58, appendix D is amended as follows:

PART 58—[AMENDED]

1. The authority citation for part 58 continues to read as follows:

Authority: 42 U.S.C. 7410, 7601(a), 7613, and 7619.

Appendix D—[Amended]

2. In section 2.5 of appendix D, the table is amended by revising the entry for Wisconsin to read as follows:

Appendix D—Network Design for State and Local Air Monitoring Stations (SLAMS) and National Air Monitoring Stations (NAMS) and Photochemical Assessment Monitoring Stations (PAMS)

* * * * *

2.5 * * *

Ozone Monitoring Season By State

State	Begin month	End month
* * * * *		
Wisconsin	April 15	October 15.
* * * * *		

* * * * *

[FR Doc. 95–5028 Filed 3–2–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94–132; RM–8529]

Radio Broadcasting Services; Reed City,

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 247A to Reed City, Michigan, as that community's first local FM broadcast service in response to a petition filed by Steven V. Beilfuss. *See* 59 FR 60111, November 22, 1994. Canadian concurrence has been received for this allotment at coordinates 43–51–31 and 85–30–50. There is a site restriction 1.9 kilometers (1.2 miles) southwest of the community. With this action this proceeding is terminated.

DATES: Effective April 10, 1995. The window period for filing applications for Channel 247A at Reed City will open on April 10, 1995, and close on May 11, 1995.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, MM Docket No. 94–132, adopted February 15, 1995, and released February 24, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW, Suite 140, Washington, D.C. 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

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

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by adding Reed City, Channel 247A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95–5250 Filed 3–2–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 94–2; RM–8415, 8465]

Radio Broadcasting Services; Hazlehurst and Bude, MS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Douglas B. DeLawder (RM–8465), allots Channel 282C3 to Bude, Mississippi. Channel 282C3 can be allotted to Bude in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.7 kilometers (7.3 miles) northeast to avoid a short-spacing with the licensed site of Station WHER(FM), Channel 279C, Hattiesburg, Mississippi. The coordinates for the allotment of Channel 282C3 at Bude are 31–32–33 and 90–45–36. The proposal filed by PDB Broadcasting (RM–8415), *see* 59 FR 07238, February 15, 1994, requesting the allotment of Channel 282A to Hazlehurst, Mississippi, is denied. With this action, this proceeding is terminated.

DATES: Effective April 10, 1995. The window period for filing applications will open on April 10, 1995, and close on May 11, 1995.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 94–2, adopted February 15, 1995, and released February 24, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by adding Bude, Channel 282C3.

Federal Communications Commission.

John A Karousos,

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

[FR Doc. 95–5251 Filed 3–2–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 94–121; RM–8530]

Radio Broadcasting Services; Nashville, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Eternal Lamp, Inc., allots Channel 259A to Nashville, NC, as the community's first local aural broadcast service. *See* 59 FR 53775, October 26, 1994. Channel 259A can be allotted to Nashville in compliance with the Commission's minimum distance separation requirements without a site restriction, at coordinates 35–58–12 North Latitude and 77–58–00 West Longitude. With this action, this proceeding is terminated.

DATES: Effective April 10, 1995. The window period for filing applications will open on April 10, 1995, and close on May 11, 1995.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 94–121, adopted February 15, 1995, and released February 24, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

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

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by adding Nashville, Channel 259A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95–5249 Filed 3–2–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 94–118; RM–8521]

Radio Broadcasting Services; Norris, Tennessee

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Norris Broadcasting Company, allots Channel 294A to Norris, Tennessee. *See* 59 FR 51398, October 11, 1994. Channel 294A can be allotted to Norris, Tennessee, in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.1 kilometers (2.5 miles) northeast in order to avoid a short-spacing conflict with Station WSKZ(FM), Channel 293C, Chattanooga, Tennessee. The coordinates for Channel 294A at Norris are 36–13–47 and 84–02–59. With this action, this proceeding is terminated.

DATES: Effective April 10, 1995. The window period for filing applications will open on April 10, 1995, and close on May 11, 1995.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 94–118, adopted February 15, 1995, and released February 24, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Tennessee, is amended by adding Norris, Channel 294A.

John A Karousos,

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

[FR Doc. 95–5252 Filed 3–2–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 93–250; RM–8331, RM–8397, RM–8398]

Radio Broadcasting Services; Fairview and Cambridge Springs, Pennsylvania, North Kingsville, Ohio

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of KDC, Inc., allots Channel 230A to Fairview, Pennsylvania, as the community's first local aural transmission service. *See* 58 FR 52735, October 12, 1993. At the request of Thomas J. Sauber, the Commission allots Channel 283A to Cambridge Springs, Pennsylvania, as the community's first local aural transmission service. At the request of North Kingsville Broadcasting, the Commission allots Channel 298A to North Kingsville, Ohio, as the community's first local aural transmission service. Canadian concurrence in the allotments has been received since all of the communities are located within 320 kilometers (200 miles) of the U.S.-Canadian border. Channel 230A can be allotted to Fairview without the imposition of a site restriction, at 42–01–48; 80–15–12. Channel 298A can be allotted to North Kingsville without the imposition of a site restriction at coordinates 41–54–18; 80–41–36. Channel 283A can be allotted to Cambridge Springs with a site restriction of 0.4 kilometers (0.3 miles) east, at coordinates 41–48–13; 80–03–24. With this action, this proceeding is terminated.

DATES: Effective April 10, 1995. The window period for filing applications will open on April 10, 1995, and close on May 11, 1995.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 93–250, adopted February 14, 1995, and released February 23, 1995. The full text of this

Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

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

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Ohio, is amended by adding North Kingsville, Channel 298A.

3. Section 73.202(b), the Table of FM Allotments under Pennsylvania, is amended by adding Cambridge Springs, Channel 283A, and Fairview, Channel 230A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95–5253 Filed 3–2–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 94–112; RM–8516]

Radio Broadcasting Services; Farmville, Virginia

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Farmville Herald, Inc, allots Channel 225A to Farmville, Virginia. *See* 59 FR 50719, October 5, 1994. Channel 225A can be allotted to Farmville, Virginia, in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 225A at Farmville are 37–18–00 and 78–23–48. With this action, this proceeding is terminated.

DATES: Effective April 14, 1995. The window period for filing applications will open on April 14, 1995, and close on May 15, 1995.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 94–112, adopted February 21, 1995, and released February 28, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Virginia, is amended by adding Channel 225A at Farmville.

Federal Communications Commission.

John A Karousos,

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

[FR Doc. 95–5254 Filed 3–2–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 94–114; RM–8515]

Radio Broadcasting Services; Ettrick, Virginia

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Hoffman Communications, Inc., allots Channel 226A to Ettrick, Virginia. *See* 59 FR 50887, October 6, 1994. Channel 226A can be allotted to Ettrick, Virginia, in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.3 kilometers (7.6 miles) northwest in order to avoid a short-spacing conflict with Station WFOG(FM), Channel 225B, Suffolk, Virginia. The coordinates for Channel 226A at Ettrick are 37–1753 and 77–32–53. With this action, this proceeding is terminated.

DATES: Effective April 14, 1995. The window period for filing applications will open on April 14, 1995, and close on May 15, 1995.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 94–114, adopted February 15, 1995, and released February 28, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Virginia, is amended by adding Ettrick, Channel 226A.

Federal Communications Commission.

John A Karousos,

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

[FR Doc. 95–5186 Filed 3–2–95; 8:45 am]

BILLING CODE 6712–01–F

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

48 CFR Parts 701, 703, 715, 724, 731, 752, and Appendix G to Chapter 7

[AIDAR Notice 95–1]

Miscellaneous Amendments to Acquisition Regulations

AGENCY: United States Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: The U.S. Agency for International Development Acquisition Regulation (AIDAR) is being amended to make various administrative changes, to add coverage releasing proprietary and/or source selection information outside the Government for evaluation purposes, and to revise salary approval requirements.

EFFECTIVE DATE: April 3, 1995.

FOR FURTHER INFORMATION CONTACT: M/OP/P, Ms. Frances Maki or Ms. Kathleen O'Hara concerning the release of proposals outside the Government, Room 1600I, U.S. Agency for International Development, Washington, D.C. 20523–1435. Telephone: (703) 875–1534.

SUPPLEMENTARY INFORMATION: The AIDAR is being amended to change the salary approval requirement from the maximum for an FS–1 to the maximum for a Senior Executive, Level 6. The approval authority for salaries above the ES–6 is the Procurement Executive rather than AA or Mission Director. Coverage is added on the use of non-Government evaluators and evaluation assistance contractors including certification requirements from such non-Government evaluators or evaluation assistance contractors before they can release information outside the government.

The changes being made by this document are editorial and administrative and are not considered significant rules under FAR Section 1.301 or Subpart 1.5, nor economically significant rules as defined in Executive Order 12866. This document will not have an impact on a substantial number of small entities, nor does it establish any collection of information as contemplated by the Regulatory Flexibility Act and Paperwork Reduction Act. Because of the nature of this document, use of the proposed rule/public comments approach was not considered necessary. USAID has decided to issue this document as a final rule; however, we welcome public comment on the material covered by this document or any part of the AIDAR at any time. Comments or questions may be addressed as specified in the **FOR FURTHER INFORMATION CONTACT** section of the preamble.

List of Subjects in 48 CFR Parts 701, 703, 715, 724, 731, 752 and Appendix G

Government procurement.

Accordingly for the reasons set out in the Preamble, 48 CFR Chapter 7 is amended as follows:

1. The authority citations in Parts 701, 703, 715, 724, 731 and 752 and continue to read as follows:

Authority: Sec. 621, Pub. L. 87–195, Stat. 445 (22 U.S.C. 2381), as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673, 3 CFR 1979 Comp., 435.

PART 701—FEDERAL ACQUISITION REGULATION SYSTEM

701.601 [Amended]

2. Section 701.601(b)(4) is amended by removing ''Director, Office of International Training'' and replacing it with ''Director, Office of Field Support and Technical Assistance (G/HCD/FSTA).''

PART 703—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

3. A new subpart 703.1 is added to read as follows:

Subpart 703.1—Safeguards

703.104–5 Disclosure, protection, and marking of proprietary and source selection information.

A Contracting Officer may authorize release of proprietary and/or source selection information outside the Government for evaluation purposes pursuant to (FAR) 48 CFR 15.413–2, Alternative II, as implemented by (AIDAR) 48 CFR 715.413–2, Alternate II.

Subpart 703.4—Contingent Fees

703.403 [Amended]

4. Section 703.403 is amended by removing ''FAR 3.404(B)(4)'' and replacing it with ''(FAR) 48 CFR 3.404(b)(4).''

PART 715—CONTRACTING BY NEGOTIATION

5. A new subpart 715.4 is added to read as follows:

Subpart 715.4—Solicitation and Receipt of Proposals and Quotations

715.413–2 Alternate II.

(a) A contracting officer may, subject to the requirements of this section and (FAR) 48 CFR 15.413–2, authorize release of proposals outside the Government for evaluation:

(1) When an evaluation assistance contractor (EAC) is required to provide technical advisory or other services relating to the evaluation of proposals; or

(2) When an individual other than a Government employee, known as a non-Government evaluator (NGE), is selected to serve as a member of an AID technical evaluation committee.

(b) Prior to releasing proposals outside the Government for evaluation, the contracting officer shall obtain a signed and dated copy of a certification and agreement from each NGE and EAC. See paragraph (c).

(c) A certification and agreement substantially as follows:

Certification and Agreement for the Use and Disclosure of Proposals

With respect to proposals submitted in response to AID solicitation no. _____, the undersigned hereby agrees, and/or certifies, to the following:

1. I will use the proposals, and all information therein other than information otherwise available without restriction, for evaluation purposes only. I will safeguard the proposals, and will not remove them from the site at which the evaluation is conducted unless authorized by the Contracting Officer. In addition, I will not disclose them, or any information contained in them (other than information otherwise available without restriction), except as directed or approved by the Contracting Officer.

2. I will ensure that any authorized restrictive legends placed on the proposals by prospective contractors or subcontractors, or AID, will be applied to any reproduction, or abstract of information, made by me.

3. Upon completing the evaluation, I will return all copies of the proposals, and any abstracts thereof, to the AID office which initially furnished them to me.

4. Unless authorized by the contracting officer in advance in writing, I will not,—whether before, during, or after the evaluation—contact any prospective contractor or subcontractor, or their employees, representatives or agents, concerning any aspect of the proposal.

5. I have carefully reviewed my employment (past, present and under consideration) and financial interests, as well as those of my household family members. Based on this review, I certify, to the best of my knowledge and belief as of the date indicated below, that I either (1) have no actual or potential conflict of interest, personal or organizational, that could diminish my capacity to perform an impartial and objective evaluation of the proposals, or that might otherwise result in an unfair competitive advantage to one or more prospective contractors or subcontractors, or (2) have fully disclosed all such conflicts to the contracting officer, and will comply fully, subject to termination of my evaluation services, with any instructions by the contracting officer to mitigate, avoid, or neutralize conflicts(s). I understand that I will also be under a continuing obligation to disclose, and act as instructed concerning, such conflicts discovered at any time prior to the completion of the evaluation.

Signature: _____

Name Typed or Printed: _____

Date: _____

(2) An Optional form 333, Procurement Integrity Certification for Procurement Officials, as required by FAR 15.413–2(f)(6). The words ''leave the Government'' in the fourth sentence of that form mean ''cease to function as a procurement official.''

PART 724—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

724.170 [Amended]

PART 731—CONTRACT COST PRINCIPLES AND PROCEDURES

731.205 [Amended]

6 and 7. Subsection 731.205–6(d) is amended by removing ''Foreign Service Officer Class FS–1'' and ''FS–1'' and replacing it with ''Executive Service level ES–6'' and ''ES–6'' respectively.

8. Section 731.371(b) is amended by removing ''Foreign Service Officer Class FS–1'' and ''FS–1'' and replacing it with ''Executive Service level ES–6'' and ''ES–6'' respectively.

PART 752—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

752.7004 [Amended]

9. Section 752.7004, paragraph (b)(5) is amended by removing the second ''which'' and replacing it with ''such''.

752.7035 [Amended]

10. Section 752.7035 is amended by removing ''Office of External Affairs'' wherever it appears and replacing it with ''Legislative and Public Affairs (LPA).''

11. Appendix G to Chapter 7 is revised to read as follows:

Appendix G—Approval Procedures for Contractor Salaries

1. Purpose

This Appendix provides guidelines for use when considering contractor salaries, and procedures for approval of contractor salaries exceeding the maximum salary level for Senior Executive Service level ES–6.

2. Procedures

(a) *General.* Personnel compensation negotiated and payable under USAID contracts should be at the minimum levels necessary to attract needed technical services in a competitive market. Rates should be determined by the market place where the types of services are obtained. Using such criteria, very few salaries should approach or exceed the ES–6 level. Actual discussions with contractors concerning salaries should be held only by persons authorized to negotiate and execute contracts (see (AIDAR) Appendix A to this Chapter).

(b) In accordance with 731.205–6, 731–371(b) and 731.772, approval of contractors salaries exceeding the maximum for Executive Service Level 6 are to be based upon a Memorandum from the technical office through the cognizant Assistant Administrator or Mission Director and the Contracting Officer to the Procurement Executive for approval. The reasonableness of proposed salaries exceeding the ES–6 level must be evaluated by the appropriate technical office in terms of the technical competence required, scope of supervisory responsibilities involved, and the relationship of the proposed salary level to the individual's customary salary level for similar work. The Contracting Officer shall clear the Memorandum if he/she concurs with the action. If he/she does not concur, a memorandum explaining the reasons shall be attached to the approval request and forwarded with it to the Procurement Executive. Increases in the ES–6 salary levels are not, and shall not be by themselves, the basis for upward salary increases of institutional contractor employees. Proposals for revisions should be considered normally when contracts are renewed or amended, and must be fully reviewed and negotiated to ensure that increases are not automatically granted without corresponding increases in the quality or quantity of services rendered. It is the Contracting Officer's responsibility to scrutinize increases as a matter of good business practice whenever USAID negotiations deal with any salaries payable under contracts. Salaries below the ES–6 maximum level should also be fully justified, even though formal approval procedures may not be involved. The justification should be a part of the negotiation memorandum and placed in the contract file.

Dated: December 12, 1994.

Michael D. Sherwin,

Procurement Executive.

[FR Doc. 95– 4111 Filed 3–2–95; 8:45 am]

BILLING CODE 6116–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 571, 575

[Docket No. 93–81, Notice 03]

RIN 2127–AE70

Federal Motor Vehicle Safety Standards, New Pneumatic Tires; Consumer Information Regulations Uniform Tire Quality Grading Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule; correction.

SUMMARY: This document corrects test inflation pressures associated with the 350 kilopascal (kPa) (51 pounds per square inch (psi)) maximum inflation pressure for certain passenger car tires specified in the Uniform Tire Quality Grading Standards and the safety standard on new pneumatic tires. NHTSA makes this correction in response to a submission from the Rubber Manufacturers Association.

DATES: *Effective date:* The amendments in this correction document are effective March 3, 1995.

FOR FURTHER INFORMATION CONTACT: Ms. Terri Droneburg, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Room 5307, Washington, DC 20590. Ms. Droneburg's number is: (202) 366–4803.

SUPPLEMENTARY INFORMATION: Federal Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires,* specifies requirements for passenger car tires for strength, endurance, high speed performance, and bead unseating resistance. In addition, the standard defines tire load ratings and specifies dimensions, maximum inflation pressures, and labeling requirements.

Paragraph S4.2.1(b) of the standard specifies separate maximum permissible inflation pressures for CT tires (pneumatic tires with an inverted flange tire and rim system in which the rim is designed with rim flanges pointed radially inward and the tire is designed to fit on the underside of the rim in a manner that encloses the rim flanges inside the air cavity of the tire), and for tires other than CT tires (non-CT tires). In effect, S4.2.1(b) proscribes maximum permissible inflation pressures other than the ones listed.

A manufacturer's selection of a maximum permissible inflation pressure for a given tire has the effect under the Standard of determining the pressure at which that tire will be tested for compliance. For each maximum permissible inflation pressure, Table II of Appendix A of Standard No. 109 specifies pressures at which compliance tests will be conducted. Table II specifies one pressure for tests of physical dimensions, bead unseating, tire strength, and tire endurances, and specifies another pressure for the high speed performance test.

A manufacturer's selection of a maximum permissible inflation pressure for a given tire also has the effect under the Standard of determining the pressure at which that tire will be tested under the Uniform Tire Quality Grading Standards (UTQGS) (49 CFR 575.104). The UTQGS specify that passenger car tires be labeled with information about the relative performance of the tires in the areas of treadwear, traction, and temperature resistance. Table 1 of the UTQGS specifies, for each maximum permissible inflation pressure, pressures at which compliance tests for treadwear and temperature resistance will be conducted.

On August 1, 1994, NHTSA published a final rule (59 FR 38938) amending Standard No. 109 and the UTQGS by making changes permitting the manufacture and sale of CT and non-CT

passenger car tires that have a maximum tire inflation pressure of 350 kiloPascals (kPa) (51 pounds per square inch (psi)). The final rule took effect on August 31,1994. Previously, only CT tires were permitted a maximum tire inflation pressure of 350 kPa.

In a submission that it characterized as a ''petition for reconsideration,'' the Rubber Manufacturers Association (RMA) noted typographical errors in the August 1994 final rule. The RMA noted both Table II *Test Inflation Pressures* of Appendix A of Standard No. 109, and Table 1 *Test Inflation Pressures* in paragraph (g) of the UTQGS, specified incorrect pressures at which compliance tests would be conducted for 350 kPa tires other than CT tires. The RMA stated that for testing of 350 kPa non-CT tires, in Table II of Appendix A of Standard No. 109, the test pressure for the tests of physical dimensions, bead unseating, tire strength, and tire endurance should be 180 kPa, and the test pressure for the high speed performance test should be 220 kPa. The RMA also stated that for 350 kPa non-CT tires, in Table 1 in paragraph (g) of the UTQGS, the test pressure for the treadwear test should be 180 kPa and the test pressure for the temperature resistant test should be 220 kPa.

NHTSA agrees that RMA's recommended changes are correct. The final rule erroneously specified identical test pressures for testing of both 350 kPa CT tires and 350 kPA non-CT tires. The test pressures specified in the final rule for 350 kPa CT tires were correct, but the test pressures for 350 kPA non-CT tires were not. Accordingly, in this document, NHTSA corrects Table II of Standard No. 109 and Table I of the UTQGS to specify the correct test pressures for 350 kPa non-CT tires.

The changes in this document impose no duties or responsibilities on any party, nor do they make any substantive changes to Standard No. 109 or the UTQGS. The changes simply ensure that Standard No. 109 and the UTQGS read as the agency intended.

Since the changes are technical in nature and have no substantive impact, it is found that notice and public comment are unnecessary. Further, because the amendments are technical in nature, it is found for good cause shown that an effective date earlier than 180 days after issuance of the rule is in the public interest, and the amendments are effective upon publication in the Federal Register.

List of Subjects

49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

49 CFR Part 575

Consumer protection, Labeling, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR parts 571 and 575 are corrected by making the following correcting amendments:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for Part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.109 is amended by revising Table II of Appendix A to read as follows:

§ 571.109 Standard 109, New Pneumatic Tires.

* * * * *

TABLE II.—TEST INFLATION PRESSURES

[Maximum permissible inflation pressure to be used for the following test]

Test type	Tires other than CT tires									CT tires			
	psi				kPa					kPa			
	32	36	40	60	240	280	300	340	350	290	300	350	390
Physical dimensions, bead unseating, tire strength, and tire endurance	24	28	32	52	180	220	180	220	180	230	270	230	270
High speed performance	30	34	38	58	220	260	220	260	220	270	310	270	310

PART 575—CONSUMER INFORMATION REGULATIONS

1. The authority citation for part 575 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, and 30123; delegation of authority at 49 CFR 1.50.

§ 575.104 [Amended]

2. Section 575.104(g) is amended by revising Table 1 as follows:

* * * * *

(g) * * *

TABLE I.—TEST INFLATION PRESSURES

[Maximum permissible inflation pressure for the following test]

Test type	Tires other than CT tires									CT tires			
	psi				kPa					kPa			
	32	36	40	60	240	280	300	340	350	290	330	350	390
Treadwear test	24	28	32	52	180	220	180	220	180	230	270	230	270
Temperature resistant test	30	34	38	58	220	260	220	260	220	270	310	270	310

* * * * *

Issued on: February 24, 1995.

Ricardo Martinez,

Administrator.

[FR Doc. 95–5238 Filed 3–2–95; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 950206041–5041–01; I.D. 022795A]

Groundfish of the Gulf of Alaska; Pollock in the Eastern Gulf

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Eastern Regulatory Area in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the total allowable catch for pollock in this area.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), February 27, 1995, until 12 noon A.l.t., December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Michael L. Sloan, 907–586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by the NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

The initial specification for pollock TAC in the Eastern Regulatory Area in the GOA was established by final initial specifications (60 FR 8740, February 14, 1995) as 3,360 metric tons (mt), determined in accordance with § 672.20(c)(1)(ii)(A).

The Director of the Alaska Region, NMFS (Regional Director), has determined, in accordance with § 672.20(c)(2)(ii), that the 1995 final interim specification of pollock in the Eastern Regulatory Area in the GOA soon will be reached. The Regional Director established a directed fishing allowance of 3,000 mt, and has set aside the remaining 360 mt as bycatch to support other anticipated groundfish fisheries. The Regional Director has determined that the directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in the Eastern Regulatory Area in the GOA.

Directed fishing standards for applicable gear types may be found in the regulations at § 672.20(g).

Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

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

Dated: February 27, 1995.

David S. Crestin,

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

[FR Doc. 95–5219 Filed 2–27–95; 4:41 pm]

BILLING CODE 3510–22–F

50 CFR Parts 672 and 675

[Docket No. 900833–1095; I.D. 021595C]

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Bycatch Rate Standards for the First Half of 1995

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

ACTION: Pacific halibut and red king crab bycatch rate standards; response to comments.

SUMMARY: NMFS responds to a comment submitted on Pacific halibut and red king crab bycatch rate standards for the first half of 1995. NMFS previously published these bycatch rate standards in the Federal Register for comment as required under regulations implementing the vessel incentive program (VIP). No change in the Pacific halibut or red king crab bycatch rate standards is specified as a result of this action.

EFFECTIVE DATE: The effective date of the January 12, 1995, final rule is 12:01 a.m., Alaska local time (A.l.t.), January 20, 1995, through 12 midnight, A.l.t., June 30, 1995.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Regulations at §§ 672.26 and 675.26 implement a VIP to reduce halibut and red king crab bycatch rates in the groundfish trawl fisheries. Regulations at §§ 672.26(c) and 675.26(c) require that halibut and red king crab bycatch rate standards for each fishery included under the incentive program be published in the Federal Register.

NMFS published Pacific halibut and red king crab bycatch rate standards for the first half of 1995 in the Federal Register on January 12, 1995 (60 FR 2905), and solicited comments from the public until January 23, 1995. One letter of comment was received within the comment period that is summarized in the Response to Comments section, below. After review of the comment received, NMFS determined that no change to the bycatch rate standards for the first half of 1995 is warranted. Additional information on the derivation of the 1995 bycatch rate standards is contained in the January 12, 1995, publication of these standards in the Federal Register.

Response to Comments

One letter of comment was received within the comment period that ended January 23, 1995. A summary of the comment and NMFS' response follows.

Comment. Given an agreement among many vessel operators to use large mesh trawl gear in the Bering Sea rock sole fishery to reduce groundfish discard amounts, NMFS should make allowances for vessels that have higher halibut and red king bycatch rates if the higher rates are a result of decreased discard amounts of groundfish as a result of large mesh trawl gear, rather than increased amounts of halibut or crab.

Response. The North Pacific Fishery Management Council (Council) reviewed current and historical halibut and red king crab bycatch rates when recommending that NMFS implement the VIP bycatch rate standards for the first half of 1995 that were published in the Federal Register on January 12, 1995. When recommending these rates, the Council was aware of the fact that some vessels may use large mesh trawl gear and that the resulting bycatch rates of halibut and red king crab could increase. However, no information was available on whether the use of large mesh trawl gear would result in vessel bycatch rates that exceed the recommended VIP standard established for the ''other trawl'' fishery category, which includes the rock sole fishery. The Council, therefore, recommended to maintain the current VIP bycatch rate standards until information is available on which to base a change in these standards, and regulatory changes are implemented to allow a separate bycatch rate standard for the rock sole fishery.

Voluntary industry efforts to reduce groundfish discard amounts are laudable. Nonetheless, NMFS does not

intend to absolve a vessel owner/operator from accountability under the VIP simply because groundfish are harvested using large mesh trawl gear.

Dated: February 27, 1995.

David S. Crestin,

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

[FR Doc. 95–5298 Filed 3–2–95; 8:45 am]

BILLING CODE 3510–22–F

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50 CFR Part 676

[Docket No. 950206039–5039–01; I.D. 081794A]

RIN 0648–AG98

Limited Access Management of Federal Fisheries In and Off of Alaska; Community Development Quota Compensation Formula

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule providing the method used for determining Community Development Quota (CDQ) compensation for the Pacific halibut and sablefish Individual Fishing Quota (IFQ) Program. This action is necessary to codify the formula used in calculating CDQ compensation and is intended to inform interested parties of the method used for determining the compensation provided to affected persons.

EFFECTIVE DATE: April 3, 1995.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907–586–7228.

SUPPLEMENTARY INFORMATION: The Pacific halibut and sablefish CDQ Program was intended by the North Pacific Fishery Management Council (Council) to assist in revitalizing rural communities in Western Alaska by providing those communities with access to fishery resources within their geographical proximity. The CDQ Compensation Formula was designed to compensate persons for reductions in the amount of Pacific halibut and sablefish available for harvest with IFQ in CDQ areas resulting from allocations of those fishery resources to the CDQ Program. Compensated persons would be those who are initially issued quota share (QS) in CDQ areas. This one-time compensation adjustment would be in the form of QS in each of the non-CDQ areas.

The CDQ Compensation Formula would affect all persons who are initially issued QS, including those persons who did not participate historically in the Pacific halibut or sablefish fisheries in CDQ areas. The Council intended that all persons initially issued QS share the burden of compensating persons for reductions in the amount of Pacific halibut and sablefish available for harvest with IFQ in CDQ areas. This would be accomplished by distributing the compensation burden among all persons initially issued QS by reducing their harvest privilege by a fixed percentage. Even persons who receive compensation would share the burden.

Persons eligible for compensation would receive a portion of their total amount of compensation in each non-CDQ area. Their compensation in each non-CDQ area, in the form of QS, would be proportional to the size of the QS pool of that area. For example, a person eligible for compensation QS for halibut would receive the greatest amount of compensation QS in area 3A, which has the largest QS pool, and the least amount in area 4A, which has the smallest QS pool. The CDQ Compensation Formula will be codified at § 676.24(i)(3). Further information on the methodology of the CDQ Compensation Formula and an example of how CDQ compensation would be calculated is available in the preamble to the proposed rule for the CDQ Compensation Formula published in the Federal Register on September 29, 1994 (59 FR 49637).

Changes Incorporated in the Final Rule

NMFS received no comments on the proposed rule for the CDQ Compensation Formula. The text at § 676.24(i)(3), however, was changed from that proposed to clarify NMFS' intent to issue CDQ Compensation QS to all persons initially issued QS for IFQ regulatory areas in which a portion of the total allowable catch (TAC) is allocated to the CDQ Program, no matter when those persons may be initially issued QS.

Classification

The regulatory impact review (RIR) prepared for this rule incorporates by reference the final regulatory flexibility analysis (FRFA) prepared for the IFQ Program, the program for which the CDQ Compensation Formula was designed. The FRFA supports the determination that the IFQ Program may have a significant impact on a substantial number of small entities. Further information on the FRFA can be obtained by referring to the final rule for the IFQ Program, published in the Federal Register on November 9, 1993 (58 FR 59375).

A collection of information for the IFQ Program was approved by the Office of Management and Budget, OMB control number 0648–0272. This action will not affect the collection-of-information requirements already approved for the IFQ Program.

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

List of Subjects in 50 CFR Part 676

Fisheries, Reporting and recordkeeping requirements.

Dated: February 27, 1995.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 676 is amended as follows:

PART 676—LIMITED ACCESS MANAGEMENT OF FEDERAL FISHERIES IN AND OFF OF ALASKA

1. The authority citation for 50 CFR part 676 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.* and 1801 *et seq.*

2. Section 676.24 is amended by revising paragraph (i)(3) to read as follows:

§ 676.24 Western Alaska Community Development Quota Program.

* * * * *

(i) * * *

(3) Compensation of halibut and sablefish QS foregone due to the CDQ program will be provided to those persons initially issued QS for IFQ regulatory areas in which a portion of the TAC is allocated to the CDQ Program and will be calculated for each non-CDQ area using the following formula:

$$Q_N = (Q_C \times QSP_N \times RATE)/(SUM_{CDQ} - [RATE \times SUM_{TAC}])([1 - RATE] \times TAC_{AVE})(QSP_C \times [CDQ_{PCT} - RATE])$$

Where:

Q_N = quota share in non-CDQ area

Q_C = quota share in CDQ area

QSP_N = quota share pool in non-CDQ area (as existing on January 31, 1995)

RATE = SUM_{CDQ}/average of the TAC (1988–1994) for all CDQ and non-CDQ areas.

TAC_{AVE} = average of the TAC (1988–1994) for CDQ area

QSP_C = quota share pool in CDQ area (as existing on January 31, 1995)

CDQ_{PCT} = CDQ percentage for CDQ area

SUM_{CDQ} = sum [$TAC_{AVE} \times CDQ_{PCT}$]

SUM_{TAC} = sum [TAC_{AVE}]

* * * * *

[FR Doc. 95–5297 Filed 3–2–95; 8:45 am]

BILLING CODE 3510–22–W

Proposed Rules

Federal Register
Vol. 60, No. 42
Friday, March 3, 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

Agricultural Marketing Service

7 CFR Part 51

[Docket Number FV–95–302]

Peaches; Grade Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would revise the United States Standards for Grades of Peaches. The recommended revision would bring the standards into conformity with current cultural, harvesting and marketing practices by revising the method in which peaches are sized. This would be accomplished by changing the definition of ''diameter'' from the shortest distance to the greatest distance. The Agricultural Marketing Service (AMS), in cooperation with industry, and other interested parties develops and improves standards of quality, condition, quantity, grade, and packaging in order to facilitate commerce by providing buyers, sellers, and quality assurance personnel uniform language and criteria for describing various levels of quality and condition as valued in the marketplace.

DATES: Comments must be postmarked or courier dated on or before May 2, 1995.

ADDRESSES: Interested parties are invited to submit written comments concerning this proposal. Comments must be sent to the Standardization Section, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, Room 2056 South Building, Washington, DC 20090–6456. FAX number (202) 720–8871. Comments should make reference to the date and page number of this issue of the Federal Register and will be made available for public inspection in the above office during regular business hours.

FOR FURTHER INFORMATION CONTACT: Frank O'Sullivan, at the above address or call (202) 720–2185.

SUPPLEMENTARY INFORMATION: The U.S. Department of Agriculture is issuing this proposed rule in conformance with Executive Order 12866.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Administrator of the Agricultural Marketing Service (AMS) has determined that this action will not have a significant economic impact on a substantial number of small entities. This proposed rule for the revision of U.S. Standards for Grades of Peaches will not impose substantial direct economic cost, recordkeeping, or personnel workload changes on small entities, and will not alter the market share or competitive position of these entities relative to large businesses. In addition, under the Agricultural Marketing Act of 1946, the use of these standards is voluntary.

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

Agencies periodically review existing regulations. An objective of the review is to ensure that the grade standards are serving their intended purpose, the language is clear, and the standards are consistent with AMS policy and authority.

The United States Standards for Grades of Peaches were last revised in June 1952. The National Peach Council (NPC), with the support of the Georgia Peach Council, New Jersey Peach Promotion Council, Inc., and the South Carolina Peach Council and Promotion Board, Inc., requested that the standards be revised in order to bring them into conformity with current cultural, harvesting and marketing practices. The NPC contends that due to new improved varieties, that changes to the current standards are necessary.

Specifically, the NPC requested that the standards be revised in regard to the method of sizing peaches. Peaches are currently sized based on the shortest diameter, which requires the use of a caliper or slotted sizing ring. This method was adopted several years ago when most peaches were oblong and heavily sutured. Industry research has demonstrated that today's varieties are generally much more round and more uniform in shape than older varieties. The shape of peaches is similar to the shape of nectarines. Nectarines are sized by using the greatest diameter of the nectarine, which allows fruit to be sized using a sizing ring. Therefore, peaches should be sized on the same basis as nectarines (greatest dimension measured at right angles to a line from stem to blossom end of the fruit, using a sizing ring) in order to create uniformity in the marketplace.

The proposed revision would affect peaches that are sized to a minimum diameter, which are mostly grown on the east coast and some in the Midwest. This should not affect peaches grown on the west coast as they are sized based on the marketing order 917, consisting of a weight-count system.

List of Subjects in 7 CFR Part 51

Agricultural commodities, Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirements, Vegetables.

For reasons set forth in the preamble, it is proposed that 7 CFR Part 51 be amended as follows:

PART 51—[AMENDED]

1. The authority citation for 7 CFR Part 51 continues to read as follows:

Authority: 7 U.S.C. 1622, 1624.

2. In Part 51, Subpart—United States Standards for Peaches is revised to read as follows:

Subpart—United States Standards for Grades of Peaches

* * * * *

3. In § 51.1216, paragraph (c) is revised to read as follows:

§ 51.1216 Size requirements.

* * * * *

(c) *Diameter* means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

* * * * *

Dated: February 24, 1995.
Kenneth C. Clayton,
Acting Administrator.
[FR Doc. 95–5296 Filed 3–2–95; 8:45 am]
BILLING CODE 3410–02–P

7 CFR Part 58

[DA–91–010B]

Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products; United States Standards for Grades of Monterey (Monterey Jack) Cheese

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to revise the United States Standards for Grades of Monterey (Monterey Jack) Cheese. The proposed changes would revise the standards to recognize differences in cheese characteristics resulting from technological changes in manufacturing practices and to more accurately describe consumer-acceptable product. The proposal would expand the permissible range of open body characteristics to include monterey (monterey jack) cheese manufactured using automated equipment. The proposal was initiated at the request of the National Cheese Institute (NCI) and was developed in cooperation with NCI and other dairy trade associations.

DATES: Comments should be filed by May 2, 1995.

ADDRESSES: Comments should be sent to: Director, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2968–S, P.O. Box 96456, Washington, DC 20090–6456. They will be available for public inspection at the Dairy Division in Room 2750–S during regular business hours.

FOR FURTHER INFORMATION CONTACT: Roland S. Golden, Dairy Products Marketing Specialist, Dairy Standardization Branch, USDA/AMS/ Dairy Division, Room 2750–S, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–9383.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action 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 proposed rule also has been reviewed in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The Administrator, Agricultural Marketing Service, has determined that the proposed rule, if promulgated, would not have a significant economic impact on a substantial number of small entities because use of the standards is voluntary and the revisions would not increase costs to those utilizing the standards.

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

To recognize differences in cheese characteristics resulting from technological changes in the manufacture of monterey (monterey jack) cheese and to permit the assignment of U.S. grade to cheese manufactured utilizing this technology, USDA is proposing the following changes in the U.S. Standards for Grades of Monterey (Monterey Jack) Cheese.

1. Expand Body and Texture Criteria To Permit U.S. Grade Assignment to Monterey (Monterey Jack) Cheese That Contains Less Than Numerous Mechanical Openings

The current U.S. Standards for Grades of Monterey (Monterey Jack) Cheese became effective in 1973. When these standards were established, production procedures encouraged the formation of numerous small mechanical openings evenly distributed throughout the cheese. Since then, automated manufacturing processes have been developed which have altered traditional body characteristics. Monterey (Monterey jack) cheese that is produced using automated production technology has resulted in cheese that no longer exhibits numerous mechanical openings. Cheese produced in this manner is readily available and is capturing an increasing share of the monterey cheese market. Changes in body characteristics have not altered the flavor or reduced the useability of the cheese.

Changes in the standards would provide for the assignment of U.S. grades to monterey (monterey jack) cheese that contains less than numerous mechanical openings or that may be completely devoid of mechanical openings. These changes do not disallow mechanical openings in cheese produced using traditional production methods.

2. Modify the Body Characteristics by Allowing ''Very Slight Weak'' in U.S. Grade AA Monterey (Monterey Jack) Cheese

Compositional standards permit monterey (monterey jack) cheese to contain up to 44 percent moisture. Cheese that contains this moisture content is classified as a semisoft cheese. A very slight weak body is an acceptable characteristic in this class of cheese. The proposal would add ''very slight weak'' to the list of permissible body characteristics for U.S. Grade AA Monterey (Monterey Jack) Cheese.

3. Increase the Minimum Aging Period Before Monterey (Monterey Jack) Cheese Can Be Graded From 5 to 10 Days

In order to accurately evaluate cheese quality, the cheese must have completed an aging period during which quality characteristics develop. With the exception of the U.S. grade standards for monterey (monterey jack) cheese, which stipulate a minimum 5-day aging period, all other U.S. grade standards for various varieties of cheese require this aging period to be at least 10 days. Changes proposed herein would increase the accuracy in determining U.S. grade by allowing cheese quality characteristics to develop to a greater extent. Also, this change would provide consistency with the age requirements prescribed for other types of cheese.

4. Permit the Use of Safe and Suitable Antimycotics on the Surface of Monterey (Monterey Jack) Cheese, as Sanctioned by the Food and Drug Administration

The Food and Drug Administration (FDA) has amended the Standards of Identity for Monterey (Monterey Jack) Cheese (21 CFR Part 133, Cheese and Related Cheese Products,'' as issued by the Food and Drug Administration) to permit the use of antimycotics on the surface of the cheese. The National Cheese Institute, a trade association representing U.S. cheese manufacturers, had petitioned FDA to permit the broader use of safe and suitable antimycotics. Previously, use was permitted only on cuts and slices in consumer-size packages for a number of standardized cheeses.

Provision for the use of antimycotics would be beneficial in preventing or inhibiting mold development on the surface of monterey (monterey jack) cheese.

5. Redefine Packaging Requirements

Proposed changes in packaging requirements would provide greater clarity and expand the types of

packaging methods permitted. The general-type packaging requirements outlined in this proposed revision would recognize the packaging methods (such as rinded and paraffin-dipped, rindless and wrapped, and rindless and paraffin-dipped) that are used in the cheese industry today, and would provide latitude for future developments in packaging technology.

6. Update the Terminology and Format of the Standards

The current U.S. Standards for Grades of Monterey (Monterey Jack) Cheese were established in 1973. Since that time, changes in terminology and formatting of standards have taken place. The proposal would update the standards to provide consistency among the various U.S. grade standards for cheeses.

USDA grade standards are voluntary standards that are developed pursuant to the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*) to facilitate the marketing process. Manufacturers of dairy products are free to choose whether or not to use these grade standards. USDA grade standards for dairy products have been developed to identify the degree of quality in the various products. Quality in general refers to usefulness, desirability, and value of the product—its marketability as a commodity. When monterey (monterey jack) cheese is officially graded, the USDA regulations and standards governing the grading of manufactured or processed dairy products are used. These regulations also require a charge for the grading service provided by USDA. The Agency believes this proposal would more accurately identify the useful quality characteristics of monterey (monterey jack) cheese.

List of Subjects in 7 CFR Part 58

Dairy products, Food grades and standards, Food labeling, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 58 be amended as follows:

PART 58—[AMENDED]

1. The authority citation for 7 CFR part 58 continues to read as follows:

Authority: Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627, unless otherwise noted.

2. In Part 58, Subpart I—United States Standards for Grades of Monterey (Monterey Jack) Cheese is revised to read as follows:

Subpart I—United States Standards for Grades of Monterey (Monterey Jack) Cheese

Definitions

Sec.
58.2465 Monterey (Monterey Jack) cheese.
58.2466 Types of surface protection.

U.S. Grades

58.2467 Nomenclature of U.S. grades.
58.2468 Basis for determination of U.S. grade.
58.2469 Specifications for U.S. grades.
58.2470 U.S. grade not assignable.

Explanation of Terms

58.2471 Explanation of terms.

Subpart I—United States Standards for Grades of Monterey (Monterey Jack) Cheese [1]

Definitions

§ 58.2465 Monterey (Monterey Jack) cheese.

Monterey (Monterey Jack) cheese is cheese made by the monterey process or by any other procedure which produces a finished cheese having the same organoleptic, physical, and chemical properties as the cheese produced by the monterey process. The cheese is made from pasteurized cow's milk. It may contain added common salt and contains not more than 44 percent moisture, its total solids content is not less than 50 percent milkfat, and it conforms to the applicable provisions of 21 CFR Part 133, ''Cheeses and Related Cheese Products,'' as issued by the Food and Drug Administration.

§ 58.2466 Types of surface protection.

The following are the types of surface protection for monterey (monterey jack) cheese:

(a) *Rinded and paraffin-dipped.* The cheese that has formed a rind is dipped in a refined paraffin, amorphous wax, microcrystalline wax, or other suitable substance. Such coating is a continuous, unbroken, and uniform film adhering tightly to the entire surface of the cheese rind.

(b) *Rindless.*

(1) *Wrapped.* The cheese is completely enveloped in a tight-fitting wrapper or other protective covering, which is sealed with sufficient overlap or satisfactory closure. The wrapper or covering shall not impart color or objectionable taste or odor to the cheese. The wrapper or covering shall be of sufficiently low permeability to air so as to prevent the formation of a rind.

(2) *Paraffin-dipped.* The cheese is dipped in a refined paraffin, amorphous wax, microcrystalline wax, or other suitable substance. The paraffin shall be applied so that it is continuous, unbroken, and uniformly adheres tightly to the entire surface. If a wrapper or coating is applied to the cheese prior to paraffin dipping, it shall completely envelop the cheese and not impart color or objectionable taste or odor to the cheese.

(c) If antimycotics are used, they shall be used in accordance with the provisions of Food and Drug Administration regulations (21 CFR part 133).

U.S. Grades

§ 58.2467 Nomenclature of U.S. grades.

The nomenclature of U.S. grades is as follows:

(a) U.S. Grade AA.
(b) U.S. Grade A.
(c) U.S. Grade B.

§ 58.2468 Basis for determination of U.S. grade.

(a) The cheese shall be graded no sooner than 10 days of age.

(b) The rating of each quality factor shall be established on the basis of characteristics present in any vat of cheese.

(c) The U.S. grades of monterey (monterey jack) cheese are determined on the basis of rating the following quality factors:

(1) Flavor.
(2) Body and Texture.
(3) Color.
(4) Finish and Appearance.

(d) The final U.S. grade shall be determined on the basis of the lowest rating of any one of the quality factors.

§ 58.2469 Specifications for U.S. grades.

The general requirements for the U.S. Grades of Monterey (Monterey Jack) Cheese are as follows:

(a) *U.S. Grade AA.* U.S. Grade AA Monterey (Monterey Jack) Cheese shall conform to the following requirements (See Tables I, II, III, and IV of this section):

(1) *Flavor.* The cheese shall possess a fine and highly pleasing monterey (monterey jack) cheese flavor which is free from undesirable tastes and odors; or may be lacking in flavor development. The cheese may possess a very slight acid or feed flavor. See Table I of this section.

(2) *Body and Texture.* A plug drawn from the cheese shall be reasonably firm. Dependent upon the method of manufacture, a satisfactory plug may exhibit evenly distributed small mechanical openings or a close body.

[1] Compliance with the standards in this Subpart does not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.

The cheese shall be free from sweet holes, yeast holes, or other gas holes. The body may be very slightly weak, and the texture may be definitely curdy. See Table II of this section.

(3) *Color.* The color shall be natural, uniform, and bright. See Table III of this section.

(4) *Finish and appearance.*

(i) *Rinded and paraffin-dipped.* The bandage shall be evenly placed over the entire surface of the cheese and be free from unnecessary overlapping and wrinkles, and not burst or torn. The rind shall be sound, firm, smooth, and provide good protection to the cheese. The surface shall be smooth, bright, and have a good coating of wax or coating of paraffin that adheres firmly to all surfaces. The cheese shall be free from mold under the paraffin. The cheese shall be free from high edges, huffing, or lopsidedness, but may possess soiled surface to a very slight degree. See Table IV of this section.

(ii) *Rindless and wrapped.* The wrapper or covering shall be practically smooth and properly sealed with adequate overlapping at the seams or sealed by any other satisfactory type of closure. The wrapper or covering shall be neat and shall adequately and securely envelop the cheese, but may be slightly wrinkled. Allowance should be made for slight wrinkles caused by crimping or sealing when vacuum packaging is used. The cheese shall be free from mold under the wrapper or covering and shall not be huffed or lopsided. See Table IV of this section.

(iii) *Rindless and paraffin-dipped.* The cheese surface shall be smooth, bright, and have a good coating of paraffin that adheres firmly. If a wrapper or coating is applied prior to paraffin dipping, it shall completely envelop the cheese. The cheese shall be free from high edges, huffing, lopsidedness, or mold. The cheese may possess soiled surface to a very slight degree. The wrapper may be wrinkled to a slight degree. See Table IV of this section.

(b) *U.S. Grade A.* U.S. Grade A Monterey (Monterey Jack) Cheese shall conform to the following requirements (See Tables I, II, III, and IV of this section):

(1) *Flavor.* The cheese shall possess a pleasing monterey (monterey jack) cheese flavor which is free from undesirable tastes and odors; or may be lacking in flavor development. The cheese may possess bitter or flat flavor to a very slight degree; and acid or feed flavor to a slight degree. See Table I of this section.

(2) *Body and texture.* A plug drawn from the cheese shall be reasonably firm. Dependent upon the method of manufacture, a satisfactory plug may exhibit evenly distributed mechanical openings or a close body. The plug shall be free from sweet holes, yeast holes, or other gas holes. The body and texture may be very slightly weak or loosely knit, and definitely curdy. See Table II of this section.

(3) *Color.* The color shall be natural, fairly uniform, and bright. The cheese may possess waviness to a very slight degree. See Table III of this section.

(4) *Finish and appearance.*

(i) *Rinded and paraffin-dipped.* The bandage shall be evenly placed over the entire surface of the cheese and not be burst or torn. The rind shall be sound, firm, smooth, and provide good protection to the cheese. The surface shall be practically smooth, bright, and have a good coating of paraffin that adheres firmly to all surfaces. The cheese shall be free from mold under the paraffin. The cheese may possess the following characteristics to a very slight degree: Soiled surface or surface mold; and to a slight degree: High edges, irregular press cloth, lopsided, or rough surface. See Table IV of this section.

(ii) *Rindless and wrapped.* The wrapper or covering shall be practically smooth, properly sealed with adequate overlapping at the seams or sealed by any other satisfactory type of closure. The wrapper or covering shall be neat and adequately and securely envelop the cheese but may be slightly wrinkled. Allowance should be made for slight wrinkles caused by crimping or sealing when vacuum packaging is used. The cheese shall be free from mold under the wrapper or covering and shall not be huffed but may possess to a slight degree: High edges, irregular press cloth, lopsided, or rough surface. See Table IV of this section.

(iii) *Rindless and paraffin-dipped.* The cheese surface shall be bright and have a good coating of paraffin that adheres firmly. If a wrapper or coating is applied prior to paraffin dipping, it shall completely envelop the cheese and have a good coating of paraffin that adheres firmly. The cheese may possess soiled surface to a very slight degree but shall be free from mold, and it may possess to a slight degree: High edges, irregular press cloth, lopsided, rough surface, or wrinkled wrapper or covering. See Table IV of this section.

(c) *U.S. Grade B.* U.S. Grade B Monterey (Monterey Jack) Cheese shall conform to the following requirements (See Tables I, II, III, and IV of this section):

(1) *Flavor.* The cheese may possess a fairly pleasing monterey (monterey jack) cheese flavor; or it may be lacking in flavor development. The cheese may possess onion or sour flavor to a very slight degree; barny, bitter, flat, fruity, malty, old milk, rancid, utensil, weedy, whey-taint, or yeasty flavor to a slight degree; and acid or feed flavor to a definite degree. See Table I of this section.

(2) *Body and texture.* A plug drawn from the cheese shall be moderately firm. Dependent upon the method of manufacture, a satisfactory plug may exhibit mechanical openings or a close body. The cheese may possess the following characteristics to a slight degree: Coarse, corky, crumbly, gassy, loosely knit, mealy, pasty, short, slitty, sweet holes, or weak; and the following to a definite degree: Curdy. See Table II of this section.

(3) *Color.* The cheese may possess the following characteristics to a slight degree: Acid-cut, dull, faded, mottled, salt spots, unnatural, or wavy. In addition, rindless monterey cheese may have a bleached surface to a slight degree. See Table III of this section.

(4) *Finish and appearance.*

(i) *Rinded and paraffin-dipped.* The bandage shall be placed over the entire surface of the cheese and may be uneven and wrinkled, but not burst or torn. The rind shall be reasonably sound and free from soft spots, rind rot, cracks, or openings of any kind. The surface may be rough and unattractive but shall possess a fairly good coating of paraffin. The paraffin may be scaly or blistered, with very slight mold under the bandage or paraffin, but there shall be no indication that mold has entered the cheese. The cheese may possess the following characteristics to a slight degree: Checked rind, defective coating, soiled surface, sour rind, surface mold, or weak rind; and to a definite degree: High edges, irregular press cloth, lopsided, or rough surface. See Table IV of this section.

(ii) *Rindless and wrapped.* The wrapper or covering shall be unbroken and shall adequately and securely envelop the cheese. The following may be present to a very slight degree: Mold under the wrapper but not entering the cheese; to a slight degree: Soiled surface or surface mold; and to a definite degree: High edges, irregular press cloth, lopsided, rough surface, or wrinkled wrapper or cover. See Table IV of this section.

(iii) *Rindless and paraffin-dipped.* The wrapper or coating applied prior to paraffin dipping shall adequately and securely envelop the cheese and have a coating of paraffin that adheres firmly to the cheese wrapper and shall be unbroken but may be definitely wrinkled. The paraffin may be scaly or

blistered, with very slight mold under the paraffin, but there shall be no indication that mold has entered the cheese. The cheese may possess the following characteristics to a slight degree: Defective coating, soiled surface, or surface mold; and the following to a definite degree: High edges, irregular press cloth, lopsided, rough surface, or wrinkled wrapper or covering. See Table IV of this section.

TABLE I.—CLASSIFICATION OF FLAVOR WITH CORRESPONDING U.S. GRADE

Flavor characteristics	AA	A	B
Acid	VS	S	D
Barny	—	—	S
Bitter	—	VS	S
Feed	VS	S	D
Flat	—	VS	S
Fruity	—	—	S
Malty	—	—	S
Old milk	—	—	S
Onion	—	—	VS
Rancid	—	—	S
Sour	—	—	VS
Utensil	—	—	S
Weedy	—	—	S
Whey—taint	—	—	S
Yeasty	—	—	S

(—) = Not permitted VS = Very Slight S = Slight D = Definite.

TABLE II.—CLASSIFICATION OF BODY AND TEXTURE WITH CORRESPONDING U.S. GRADE

Body and texture characteristics	AA	A	B
Coarse	—	—	S
Corky	—	—	S
Crumbly	—	—	S
Curdy	D	D	D
Gassy	—	—	S
Loosely knit	—	VS	S
Mealy	—	—	S
Pasty	—	—	S
Short	—	—	S
Slitty	—	—	S
Sweet holes	—	—	S
Weak	VS	VS	S

(—) = Not permitted VS = Very Slight S = Slight D = Definite.

TABLE III.—CLASSIFICATION OF COLOR WITH CORRESPONDING U.S. GRADE

Color characteristics	AA	A	B
Acid-cut	—	—	S
Bleached surface (rindless)	—	—	S
Dull or faded	—	—	S
Mottled	—	—	S
Salt spots	—	—	S
Unnatural	—	—	S
Wavy	—	VS	S

(—) = Not permitted VS = Very Slight S = Slight D = Definite.

TABLE IV.—CLASSIFICATION OF FINISH AND APPEARANCE WITH CORRESPONDING U.S. GRADE

Finish and appearance characteristics	AA	A	B
Rindless:			
Defective coating (paraffin-dipped: scaly, blistered, and checked)	—	—	S
High edges	—	S	D
Irregular press cloth (uneven, wrinkled, and improper overlapping)	—	S	D
Lopsided	—	S	D
Mold under wrapper or covering	—	—	VS
Rough surface	—	S	D
Soiled surface	—	—	S
Soiled surface (paraffin-dipped)	VS	VS	S
Surface mold	—	—	S
Wrinkled wrapper or covering	S	S	D

TABLE IV.—CLASSIFICATION OF FINISH AND APPEARANCE WITH CORRESPONDING U.S. GRADE—Continued

Finish and appearance characteristics	AA	A	B
Rinded:			
Checked rind	—	—	S
Defective coating (scaly, blistered, and checked)	—	—	S
High edges	—	S	D
Irregular press cloth (uneven, wrinkled, and improper overlapping)	—	S	D
Lopsided	—	S	D
Mold under paraffin	—	—	VS
Rough surface	—	S	D
Soiled surface	VS	VS	S
Sour rind	—	—	S
Surface mold	—	VS	S
Weak rind	—	—	S

(—) = Not permitted VS = Very Slight S = Slight D = Definite.

§ 58.2470 U.S. grade not assignable.

Monterey (Monterey Jack) cheese shall not be assigned a U.S. grade for one or more of the following reasons:

(a) The cheese fails to meet or exceed the requirements for U.S. Grade B.

(b) The cheese is produced in a plant that is rated ineligible for USDA grading service or is not USDA-approved.

Explanation of Terms

§ 58.2471 Explanation of terms.

(a) *With respect to types of surface protection:*

(1) *Paraffin.* Refined paraffin, amorphous wax, microcrystalline wax, or any combination of such or any other suitable substance.

(2) *Paraffin dipped.* Cheese that has been coated with paraffin.

(3) *Rind.* A hard coating caused by the dehydration of the surface of the cheese.

(4) *Rinded.* A protection developed by the formation of a rind.

(5) *Rindless.* Cheese which has not formed a rind due to the impervious type of wrapper, covering, or container, enclosing the cheese.

(6) *Wrapped.* Cheese that has been covered with a transparent or opaque material (plastic film type or foil) next to the surface of the cheese.

(7) *Wrapper or covering.* A plastic film or foil material next to the surface of the cheese, used as an enclosure or covering of the cheese.

(b) *With respect to flavor:*

(1) *Very slight.* Detected only upon very critical examination.

(2) *Slight.* Detected only upon critical examination.

(3) *Definite.* Not intense but detectable.

(4) *Undesirable.* Those listed in excess of the intensity permitted or those characterizing flavors not listed.

(5) *Acid.* Sharp and puckery to the taste, characteristic of lactic acid.

(6) *Barny.* A flavor characteristic of the odor of a poorly ventilated cow barn.

(7) *Bitter.* Distasteful, similar to the taste of quinine.

(8) *Feed.* Feed flavors (such as alfalfa, sweetclover, silage, or similar feed) in milk which have carried through into the cheese.

(9) *Flat.* Insipid, practically devoid of any characteristic monterey (monterey jack) cheese flavor.

(10) *Fruity.* A fermented, sweet, fruit-like flavor resembling apples.

(11) *Lacking in flavor development.* No undesirable and very little, if any, monterey (monterey jack) cheese flavor development.

(12) *Malty.* A distinctive, harsh flavor suggestive of malt.

(13) *Old milk.* Lacks freshness.

(14) *Onion.* A flavor recognized by the peculiar taste and aroma suggestive of its name. Present in milk or cheese when the cows have eaten onions, garlic, or leeks.

(15) *Rancid.* A flavor suggestive of rancidity or butyric acid; sometimes associated with bitterness.

(16) *Sour.* An acid, pungent flavor resembling vinegar.

(17) *Utensil.* A flavor that is suggestive of improper or inadequate washing and sterilization of milking machines, utensils, or factory equipment.

(18) *Weedy.* A flavor present in cheese when cows have eaten weedy hay or grazed on weed-infested pasture.

(19) *Whey-taint.* A slightly acid flavor characteristic of fermented whey.

(20) *Yeasty.* A flavor indicating yeast fermentation.

(c) *With respect to body and texture:*

(1) *Very slight.* Detected only upon very critical examination and present only to a minute degree.

(2) *Slight.* Barely identifiable and present only to a small degree.

(3) *Definite.* Readily identifiable and present to a substantial degree.

(4) *Coarse.* Feels rough, dry, and sandy.

(5) *Corky.* Hard, tough, over-firm cheese which does not readily break down when rubbed between the thumb and fingers.

(6) *Crumbly.* Tends to fall apart when rubbed between the thumb and fingers.

(7) *Curdy.* Smooth but firm; when worked between the fingers is rubbery and not waxy or broken down.

(8) *Firm.* Feels solid, not soft or weak.

(9) *Gassy.* Gas holes of various sizes and may be scattered.

(10) *Loosely knit.* Curd particles which are not well-matted and fused together.

(11) *Mealy.* Short body, does not mold well and looks and feels like corn meal when rubbed between the thumb and fingers.

(12) *Mechanical openings.* Irregular shaped openings that are caused by variations in make procedure and not caused by gas fermentation.

(13) *Pasty.* Is usually a weak body and when the cheese is rubbed between the thumb and fingers becomes sticky and smeary.

(14) *Pinny.* Numerous very small gas holes.

(15) *Reasonably firm.* Somewhat less firm but not to the extent of being weak.

(16) *Short.* No elasticity in the cheese plug and when rubbed between the thumb and fingers, the cheese tends toward mealiness.

(17) *Slitty.* Narrow, elongated slits generally associated with a cheese that is gassy or yeasty. These slits may sometimes be referred to as ''fish-eyes.''

(18) *Sweet holes.* Spherical gas holes which are glossy in appearance and usually about the size of BB shots. These gas holes are sometimes referred to as ''shot holes.''

(19) *Weak.* The cheese plug is soft but is not necessarily sticky like a pasty cheese and requires little pressure to crush.

(d) *With respect to color:*

(1) *Very slight.* Detected only upon very critical examination and present only to a minute degree.

(2) *Slight.* Barely identifiable and present only to a small degree.

(3) *Acid-cut.* A bleached or faded color which sometimes varies throughout the cheese and appears most often around mechanical openings.

(4) *Bleached surface.* A faded color beginning at the surface and progressing inward.

(5) *Dull or faded.* A color condition lacking in luster or translucency.

(6) *Mottled.* Irregular shaped spots or blotches in which portions are not uniform in color. Also an unevenness of color due to combining the curd from two different vats, sometimes referred to as ''mixed curd.''

(7) *Natural.* White to light cream in color.

(8) *Salt spots.* Large light-colored spots or areas.

(9) *Unnatural.* Any color which is not white to light cream.

(10) *Wavy.* An unevenness of color which appears as layers or waves.

(e) *With respect to finish and appearance:*

(1) *Very slight.* Detected only upon very critical examination and present to a minute degree.

(2) *Slight.* Barely identifiable and present to a small degree.

(3) *Definite.* Readily identifiable and present to a substantial degree.

(4) *Adequately and securely enveloped.* The wrapper or covering is properly sealed and entirely encloses the cheese with sufficient adherence to the surface of the cheese to protect it from contamination or dehydration.

(5) *Bandage.* Cheese cloth used to wrap cheese prior to dipping in paraffin.

(6) *Bandage evenly placed.* Placement of the bandage so that it completely envelops the cheese and overlaps evenly about one inch.

(7) *Bright surface.* Clean, glossy surface.

(8) *Burst or torn bandage.* A severance of the bandage usually occurring at the side seam; or when the bandage is otherwise snagged or broken.

(9) *Checked rind.* Numerous small cracks or breaks in the rind which sometimes follows the outline of curd particles.

(10) *Defective coating.* A brittle coating of paraffin that breaks and peels off in the form of scales or flakes; flat or raised blisters or bubbles under the surface of the paraffin; checked paraffin, including cracks, breaks or hairline checks in the paraffin or coating of the cheese.

(11) *Firm sound rind.* A rind possessing a firmness and thickness (not easily dented or damaged) consistent with the size of the cheese and which is dry, smooth, and closely knit, sufficient to protect the interior quality from external defects; free from checks, cracks, breaks, or soft spots.

(12) *High edge.* A rim or ridge on the side of the cheese.

(13) *Huffed.* A block of cheese which is swollen because of gas fermentation. The cheese becomes rounded or oval in shape instead of having flat surfaces.

(14) *Irregular press cloth.* Press cloth improperly placed in the hoop resulting in too much press cloth on one end and insufficient on the other causing overlapping; wrinkled and loose fitting.

(15) *Lopsided.* One side of the cheese is higher than the other side.

(16) *Mold under bandage and paraffin.* Mold spots or areas under the paraffin.

(17) *Mold under wrapper or covering.* Mold spots or areas under the wrapper or covering.

(18) *Rind rot.* Soft spots on the rind that have become discolored and are decayed or decomposed.

(19) *Rough Surface.* Lacks smoothness.

(20) *Smooth surface.* Not rough or uneven.

(21) *Soft spots.* Areas soft to the touch and which are usually faded and moist.

(22) *Soiled surface.* Milkstone, rust spots, or other discoloration on the surface of the cheese.

(23) *Sour rind.* A fermented rind condition, usually confined to the faces of the cheese.

(24) *Surface mold.* Mold on the exterior of the paraffin or wrapper.

(25) *Wax or paraffin that adheres firmly to the surface of the cheese.* A coating with no cracks, breaks, or loose areas.

(26) *Weak rind.* A thin rind which possesses little or no resistance to pressure.

Dated: February 24, 1995.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 95–5292 Filed 3–2–95; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 7 and 31

[Docket No. 95–04]

RIN 1557–AB38

Interpretive Rulings

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is proposing to revise the interpretive rulings that appear in part 7 of title 12. This proposal, another component of the OCC's Regulation Review Program, updates and streamlines OCC regulations and seeks to eliminate regulatory requirements that impose ineffective, inefficient and costly regulatory burdens on national banks. This proposal clarifies, revises, and reorganizes existing interpretive rulings, eliminates rulings that are obsolete, adds interpretive rulings to address new issues, and transfers some interpretive rulings to other parts of title 12.

DATES: Comments must be received by May 2, 1995.

ADDRESSES: Comments should be directed to: Communications Division, 250 E Street, SW, Washington, DC 20219, Attention: Docket No. 95–04. Comments will be available for public inspection and photocopying at the same location.

FOR FURTHER INFORMATION CONTACT: Stuart E. Feldstein, Senior Attorney, Jacqueline L. Lussier, Senior Attorney, or Laurie P. Sears, Attorney, Legislative and Regulatory Activities Division, (202) 874–5090.

SUPPLEMENTARY INFORMATION:

Background

The OCC proposes to revise and reorganize 12 CFR part 7 in connection with its Regulation Review Program (Program). The goal of the Program is to review all of the OCC's rules and regulations to eliminate regulatory requirements that impose ineffective, inefficient and costly regulatory burdens on national banks, which do not contribute significantly to maintaining safety and soundness, and to revise rules that do not effectively advance the OCC's other goals and statutory responsibilities. The proposal is also intended to clarify and supplement the interpretive rulings where necessary.

Part 7

Part 7 is a collection of interpretive rulings, some of which date back several decades. Prior to 1971 these interpretive rulings were not codified in the Code of Federal Regulations. When part 7 was originally introduced in the Federal Register, the OCC characterized the new part 7 simply as a collection of interpretive rulings that merited publication in order to be available to the general population.[1]

[1] The preamble to the original publication, 36 FR 17000, Aug. 26, 1971, introduced part 7 as follows:

These rulings, which interpret and apply the laws and regulations relating to national banks and general principles of prudent banking, have become of increasing importance not only to national banks but to persons dealing with national banks and to

At the time of their initial publication, many of the rulings formed the basis of regulatory authority for new bank activities. Many of those activities are recognized as usual and customary today. However, most of these interpretive rulings are unchanged since their initial publication, while the banking statutes and interpretive positions of the OCC have continued to evolve. As a result, many of the interpretive rulings in part 7 need revision, and some are so outdated that they no longer serve any useful purpose. In addition, new rulings are needed to address changing industry practices, developing issues, and recent statutory amendments. In conjunction with these revisions, the OCC also is proposing to transfer some interpretive rulings presently located in part 7 of title 12 to part 31 of title 12, since they relate to the subject matter of that part.

Proposal

This proposal also substantially reorganizes part 7. To aid users of the part, the subparts are renumbered and divided among four topic sections: Subpart A—Bank Powers, Subpart B—Corporate Practices, Subpart C—Bank Operations, and Subpart D—Preemption. The proposal removes a number of rulings that are obsolete or superfluous because they merely restate statutory authority, and proposes changes to the remaining rulings to clarify or update longstanding interpretive positions. In addition, new interpretive rulings are proposed to address developing issues and changing industry practices as well as recent statutory developments.

Wherever possible, this proposal consolidates related interpretive rulings into one section in order to address related issues together. For instance, proposed § 7.2011 on bank compensation plans combines current §§ 7.5000, 7.5010, and 7.5015, regarding bonus and profit sharing plans, pension plans, and employee stock option and stock purchase plans. The OCC condensed related sections, to present relevant information in one comprehensive section for greater clarity.

The proposal's revisions, additions, and consolidation of current sections are described in the section-by-section summary that follows. After the section-by-section summary, the preamble explains the OCC's reasons for proposing to remove a number of interpretive rulings contained in current part 7. The preamble concludes by listing those sections for which no change, except for necessary renumbering, is proposed, and briefly explains the reasons for preserving the sections as they are. A distribution table and derivation table comparing current part 7 sections to the proposed sections follows the ''proposal'' segment of this preamble.

Section-by-Section Descriptions of Proposed Changes

Bank Ownership of Property (§ 7.1000)

Proposed § 7.1000 simplifies and consolidates current §§ 7.3005, 7.3010, 7.3100, 7.3300, and 7.5230 regarding permissible ownership of real property by national banks, primarily bank premises. Proposed § 7.1000 provides an updated, non-exclusive list of real estate the OCC considers as bank premises for purposes of 12 U.S.C. 29, and removes provisions that merely repeat statutory language. For greater simplicity and clarity, proposed § 7.1000 uses the phrase ''necessary for the transaction of its business'' rather than ''necessary for its accommodation in the transaction of its business'' used in 12 U.S.C. 29.

Proposed § 7.1000(b) clarifies that a national bank, as well as a bank premises corporation, may own necessary fixed assets as part of bank premises, and adds that a national bank may own real property ''fixtures.'' In recognition of modern corporate law developments, proposed § 7.1000(c) provides that a bank premises subsidiary may be organized as a partnership or similar entity (e.g., a limited liability company) as well as a corporation. A statement in current § 7.3100(b)(2) that a bank premises corporation is not a bank service corporation has been removed as unnecessary, but the OCC intends no substantive change.

Proposed § 7.1000(d) shortens the discussion of investment limitations on bank ownership of property or corporations owning bank premises by referring to 12 U.S.C. 371d, where they are fully set forth, and refers to part 5 of this chapter for the relevant approval requirements. See § 5.37 of this chapter, 59 FR 61034, Nov. 29, 1994. Proposed § 7.1000 removes references to prior approval, because revisions to part 5, recently proposed by the OCC, would not always require prior approval for these investments. See 59 FR 61034, Nov. 29, 1994.

Proposed § 7.1000(e) covers two other types of real estate ownership that the OCC has found to be permissible in narrowly defined circumstances, although not as bank premises. In a line of precedent originating in the early sixties, the OCC has permitted the lease financing of public facilities under certain conditions, on the basis that such transactions are essentially secured real estate loans. This rationale is analogous to the basis for leasing personal property pursuant to 12 U.S.C. 24(Seventh), and could have broader applicability.

The OCC invites comment on the extent to which real estate lease financing should be similarly permitted for other types of borrowers and other types of properties.

Proposed § 7.1000(e) also incorporates the present § 7.5230, concerning bank purchases of the homes of relocating employees who would otherwise suffer a loss on the sale of their homes. Such purchases are justified because they facilitate the efficient utilization of bank personnel, but the bank must divest itself of the house as soon as reasonably possible.

National Bank Acting as Finder (§ 7.1002)

Proposed § 7.1002 revises current § 7.7200 to reflect more recent OCC interpretations. The proposal clarifies that a national bank may act as a finder of certain goods and services other than insurance. In addition, proposed § 7.1002(b) contains a non-exclusive list of the types of activities that a national bank may engage in while acting as finder.

Proposed § 7.1002(c) also adds the phrase—''Unless otherwise prohibited''—to recognize that some state laws prohibit insurance brokers from splitting commissions with nonbrokers and certain national bank finder activities could violate the Real Estate Settlement Procedures Act (RESPA) and its implementing regulations. See 12 U.S.C. 2601 through 2617, and 24 CFR 3500.14(b). Proposed § 7.1002 also revises current § 7.7200 to reflect that since 1986 the OCC has not objected to a national bank advertising its finder services.

Loans made at banking offices or at other than banking offices (§ 7.1003); Loans originating at other than banking offices (§ 7.1004); Credit decisions at other than banking offices (§ 7.1005)

The proposal retains and redesignates current § 7.7380 as § 7.1004 without substantive change, (the section is slightly reworded to be more readable) and adds new sections that address when a loan is made, loan approval and loan disbursal. The new sections, §§ 7.1003 and 7.1005, are intended to

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the public generally. The Comptroller has accordingly concluded that the public interest requires the publication of these rulings in the Code of Federal Regulations.

codify recent OCC interpretations relating to loan production offices (LPOs) and the use of back offices. These sections, taken together, provide guidance on what types of facilities constitute a branch in the lending context, and the circumstances under which a bank may conduct lending-related activities at nonbranch locations.

Proposed § 7.1003 incorporates case law relating to where a loan is ''made'' for purposes of branching. Under § 7.1003, a loan is made where the customer, in person, receives loan funds from the bank. Thus, if funds are received by a customer from a bank employee or at bank premises, branching limitations apply and OCC approval is required. If, however, funds are received by the customer from an independent third party, including a messenger service described in current § 7.7490 (proposed § 7.1012), at the customer's home, office, or at another nonbank facility, branching limitations do not apply and OCC approval is not needed. Proposed § 7.1003 also codifies OCC interpretations that branching requirements do not encompass industry practices with respect to loan disbursal such as when an attorney or escrow agent disburses funds at a real estate closing.

Proposed § 7.1004 clarifies the language in current § 7.7380. It addresses what does and does not constitute a branch in the lending context but makes no substantive change to current § 7.7380.

Proposed § 7.1005 codifies OCC interpretations that offices at which loan approvals occur are not branches if the public has no in-person access to such offices. This clarifies that loans may be approved at locations other than the bank's main office or branches, and that loans originated at LPOs may be approved at such back offices.

Messenger Service (§ 7.1012)

Proposed § 7.1012 modifies current § 7.7490. Proposed § 7.1012 clarifies factors regarding: (1) the responsibility of the messenger for items during transit; (2) the relationship between the messenger and the bank customer; and (3) the permissibility of transporting items by the messenger between a bank customer and a back office facility that processes deposits and withdrawals. Proposed § 7.1012 retains the safe harbor in current § 7.7490 and also allows OCC to evaluate, on a case-by-case basis, whether messenger services that do not precisely fit the terms of the safe harbor need to be considered as bank branches.

Debt Cancellation Contracts (§ 7.1013)

Proposed § 7.1013 revises current § 7.7495 to provide that a national bank may enter into a contract to provide for the cancellation of a loan upon disability or unemployment as well as upon death of the borrower.

Sale of Money Orders at Nonbanking Outlets (§ 7.1014)

Proposed § 7.1014 modifies current § 7.7500 by removing unnecessary descriptive language. However, these changes do not represent any change in OCC policy.

Independent Undertakings To Pay Against Documents (§ 7.1016)

Proposed § 7.1016 revises current § 7.1016 to make its provisions current and relevant to modern market standards and industry usage. Last revised in 1977, current § 7.7016 has served as the basis for, an expansion of services beyond typical letters of credit. The term ''letters of credit'' is no longer adequate to describe the type of services that banks are offering pursuant to the conditions in the regulation. Therefore, proposed § 7.1016 uses the term ''independent undertakings'' to describe all such unilateral commitments under which the bank's obligation to honor its commitment is dependent solely on the proper presentation of specified documents.

The term ''independent undertakings'' is used by the United Nations Commission on International Trade Law (UNCITRAL) to cover a broad array of transactions including commercial letters of credit, standby letters of credit, and other undertakings that are functionally identical or equivalent to letters of credit. The common characteristic of these transactions is that a bank's obligation to pay is conditioned solely on the proper presentation of specified documents regardless of extrinsic factors (except fraud, forgery, or an overriding public policy issue).

Proposed § 7.1016(a) states that a national bank may issue and commit to issue a letter of credit or other independent undertaking within the scope of the laws or rules of practice recognized by law under which the bank's obligation to honor depends upon the presentation of specified documents. Proposed § 7.1016(a) provides a nonexclusive list of sample laws and rules of practice and explains that non-documentary conditions on the bank's undertaking are not relevant to the bank's obligation to honor its commitment. Because the obligation of the issuer of an independent undertaking is restricted to determining matters of documentary character, the issuer can act without regard to other circumstantial matters of dispute, such as breach of an implied warranty or the terms of delivery. Such matters are settled between the parties to the underlying transactions.

Independent undertakings encompass not only letters of credit and standby letters of credit but similar types of commitments that are used widely in international trade. These include (but are not limited to): independent guarantees, authorized confirmations, commitments to purchase documents, irrevocable reimbursement undertakings, and preliminary advices. All of these independent undertakings are in common use domestically and worldwide, and national banks currently are engaged in providing these services. In fact, the variation has developed, at least in part, in reliance upon the terms and conditions required for letters of credit by current Proposed § 7.7016.

Proposed § 7.1016 recognizes that the scope of current § 7.7016 is too limited and does not reflect the scope of independent undertakings permissible for national banks. Proposed § 7.1016 also extends the same safety and soundness principles in current § 7.7016 to this broader class of activities. Although more specific and more dependent on industry terminology, the revised interpretive ruling is a clearer statement of regulatory standards directed to the segment of the banking industry that engages in these activities.

National Bank as Guarantor or Surety on Indemnity Bond (§ 7.1017)

Proposed § 7.1017 modifies § 7.7010 by removing § 7.7010(b). Paragraph (b) states the ''[u]nder appropriate circumstances, foreign branches may exercise additional powers pursuant to 12 U.S.C. 604a.'' The OCC expects to incorporate that provision into part 28 through a later Federal Register document revision of part 28.

Use of Data Processing Equipment and Furnishing of Data Processing Services (§ 7.1019)

Proposed § 7.1019 revises current § 7.3500. Under proposed § 7.1019 a national bank that uses data processing equipment or technology to perform authorized services may market and sell any legitimate excess capacity in that equipment or technology. Current § 7.3500 states the Comptroller's opinion on the data processing services that a national bank may perform for itself and others. It sets forth a general analytical framework for deciding

questions regarding the permissibility of particular data processing services. Current § 7.3500 does not specify in detail the data processing services permissible for national banks.

In light of the rapid advances in data processing equipment and technology in the ten years since the interpretive ruling was last amended, the OCC invites comment on whether the interpretive ruling should be more specific in describing the authorized services a national bank may provide using data processing equipment or technology, and, if so, what services should be included and how should they be described.

Commenters also are asked to address whether the additional language recognizing the authority of national banks to sell legitimate excess capacity in data processing equipment or technology is needed.

Commenters are also requested to indicate whether the OCC should be more specific in describing permissible sales of excess capacity and, if so, how such sales should be described.

Corporate Governance Procedures (§ 7.2000)

Proposed § 7.2000 is a new section that provides additional guidance regarding national banks' corporate governance procedures. Under proposed § 7.2000, a bank undertaking a corporate governance procedure must comply with applicable statutes and regulations, and safe and sound banking practices. However, where the statutes and regulations are silent on a matter, proposed § 7.2000 establishes a safe harbor for a national bank that undertakes a corporate governance procedure that complies with designated sections of the Model Business Corporation Act (MBCA), sections 6.24, 6.28, 7.01, 7.02, 7.25, 7.26, 8.05, 8.07, 8.20–23, 8.25, 10.03, and 10.09 (1984) (amended 1993). For example, telephonic board meetings for directors of a national bank are not covered by Federal banking statutes or regulations. Under proposed § 7.2000, such meetings would be permissible as provided for under the relevant provision of the MBCA, § 8.20(b) (1984) (amended 1993).

A list of approved MBCA sections are contained in Appendix A to Part 7. The OCC anticipates adding additional provisions over time following a careful review of the procedures' impact on the safe and sound operation of banks.

The OCC invites comment on whether additional sections of the MBCA should be included in the safe harbor.

Proposed § 7.2000(c) also provides that in accordance with the no-objection procedures contained in Banking Circular 205, the OCC will consider requests for staff guidance on the permissibility of engaging in certain corporate governance practices that are not addressed by applicable Federal banking statutes and regulations or by the designated sections of the MBCA.

The OCC also invites comment on whether the MBCA is the appropriate form of guidance to provide national banks with additional flexibility in structuring their corporate practices to meet new technologies and other corporate changes, or whether the Delaware General Corporation Law or other sources are preferable.

Notice of Shareholders' Meetings (§ 7.2001)

Proposed § 7.2001 clarifies the language of current § 7.4000 and removes the sentence referring to specific statutory provisions concerning conversions, consolidations and mergers of national banks. Proposed § 7.2001 clarifies that the national bank must mail the notice of shareholders' meetings ten days before the proposed meeting.

Director or Attorney as Proxy (§ 7.2002)

Proposed § 7.2002 modifies current § 7.4020 to clarify that a person who is both an officer, and either a director or attorney may not act as proxy. Proposed 7.2002 like current § 7.4020 repeats 12 U.S.C. 61 and states that directors and attorneys may act as proxy.

The OCC invites comment on whether to remove this section as unnecessary.

Annual Meeting for Election of Directors (§ 7.2003)

Proposed § 7.2003 revises current § 7.4105 by removing unnecessary language that merely explains the rationale for the statutory requirement that a director stay in office until a successor has been elected.

Ownership of Stock Necessary To Qualify as Director (§ 7.2005)

Proposed § 7.2005 consolidates and streamlines current § 7.4210 by removing repetitive information and making the provision more readable. Consistent with OCC precedent, proposed § 7.2005 provides that a director's ownership of preferred stock in a national bank may satisfy the requirements of 12 U.S.C. 72. Proposed § 7.2005 also clarifies that the funds used to purchase the required minimum equity interest may be borrowed from the bank or its affiliates. (When funds are borrowed from the bank itself, however, the bank must make appropriate accounting adjustments to the value of the stock.)

Cumulative Voting in Election of Directors (§ 7.2006)

Proposed § 7.2006 streamlines and simplifies current § 7.4300. Proposed § 7.2006 directly states how shares may be allocated to elect directors if all directors are not elected on the first ballot. The proposal removes an example of this procedure contained in current § 7.4300.

Filling Vacancy in or Increasing Board of Directors (§ 7.2007)

Proposed § 7.2007 modifies current § 7.4305 to clarify that it is ''the majority of shareholders or a majority of directors'' that may increase the number of directors. Current § 7.4305 uses the more ambiguous term ''national bank,'' creating uncertainty about what body has the ability to act on this issue. Proposed § 7.2007 also eliminates language that repeats the statute, and clarifies the procedures for filling vacancies.

Quorum of the Board of Directors; Proxies Not Permissible (§ 7.2009)

Proposed § 7.2009 clarifies current § 7.4420 to indicate that the OCC requires a national bank's articles of association or bylaws to provide that a quorum of directors is at least a majority of the entire board then in office.

Delegation of Directors' Duties (§ 7.2010)

Proposed § 7.2010 revises current § 7.4425. Proposed § 7.2010 states that while directors may delegate the day-to-day operations of the bank to management, the directors maintain the responsibility for supervising management to ensure that the bank is operated in accordance with policies and procedures established by the board as well as with applicable law, regulations, and safe and sound banking practices.

Compensation Plans (§ 7.2011)

Proposed § 7.2011 combines and condenses current §§ 7.5000, 7.5010, and 7.5015, regarding bonus and profit sharing plans, pension plans, and employee stock option and stock purchase plans, respectively, into one section on compensation plans. The OCC believes these subjects are closely related and thus belong in one section.

President as Director; Chief Executive Officer (§ 7.2012)

Proposed § 7.2012 modifies current § 7.5200 to provide that a person other than the president or a director may

serve as chief executive officer of the bank.

Indemnification of Directors, Officers, and Employees (§ 7.2014)

Proposed § 7.2014 clarifies current § 7.5217 to state that a national bank may indemnify certain individuals and advance legal fees and expenses, subject to certain limitations. Under proposed § 7.2014, a national bank may not indemnify an individual where an administrative proceeding results in a final order assessing a civil money penalty or requiring restitution, or a final removal or prohibition order under 12 U.S.C. 1818 (e) or (g). Proposed § 7.2014 adds legal fees to the list of expenses for which a national bank may not indemnify an individual under such circumstances.

The OCC invites comments on whether the general provision permitting indemnification is broad enough to permit appropriate indemnification in contexts outside of administrative enforcement action.

The OCC also invites comment on whether the term ''institution-affiliated party'' should be added to the list of individuals who a bank may not indemnify under § 7.2014(b).

Proposed § 7.2014(c) also adds a new paragraph that imposes certain procedural requirements for national banks that wish to advance expenses and legal fees in connection with administrative enforcement actions. Under proposed § 7.2014, a national bank may advance expenses and legal fees if the disinterested members of the board of directors determine, in good faith, that there is a reasonable basis for the individual to prevail on the merits; that the individual has the financial capacity to reimburse the bank if he or she does not prevail; and that the payment of the expenses by the bank is not unsafe or unsound. The indemnified individual must repay advances to the bank, however, if the action or proceeding results in a final order assessing a civil money penalty or requiring restitution, or a final removal or prohibition order under 12 U.S.C. 1818 (e) or (g).

The OCC invites comment on whether these standards (particularly the determination of a reasonable basis for prevailing on the merits) are workable or too restrictive, and whether other standards are more appropriate.

Proposed § 7.2014(c)(2) also requires an individual to execute a formal and binding agreement to reimburse the bank for expenses and fees in the event he or she does not prevail. Proposed § 7.2014(d) also clarifies that based upon a review of an indemnification or advance, or proposed indemnification or advance, the OCC may direct a national bank to modify a specific indemnification or payment through any appropriate means.

Proposed § 7.2014(e) clarifies that a bank may pay reasonable premiums for insurance covering the expenses, legal fees and liability of directors, officers, or employees, except that the insurance may not cover final orders assessing civil money penalties.

The OCC invites comment on whether the exclusion from insurance coverage should be limited further to require exclusions only for willful or criminal misconduct.

Cashier (§ 7.2015)

Proposed § 7.2015 revises current § 7.5245 to clarify that the cashier's duties may be delegated to the president, chief executive officer, or other officer.

Restricting Transfer of Stock and Record Dates (§ 7.2016)

Proposed § 7.2016 modifies current § 7.6005 to clarify, among other things, that it is the board of directors, rather than the bank, that sets the record date.

Facsimile Signatures on Bank Stock Certificates (§ 7.2017)

Proposed § 7.2017 revises current § 7.6010 to clarify that facsimile signatures include electronic means of signature.

Loan Secured by a Bank's Own Shares (§ 7.2019)

Proposed § 7.2019 modifies current § 7.6030 by removing the first paragraph which merely restates the statute. Proposed § 7.2019 does not alter the substance of current § 7.6030.

Acquisition and Holding of Shares as Treasury Stock (§ 7.2020)

Proposed § 7.2020 is a new section that addresses a national bank's acquisition and holding of shares as treasury stock. Proposed § 7.2020 explains that pursuant to the authority and procedures of 12 U.S.C. 59, a national bank may acquire its outstanding shares and hold them as treasury stock, as long as the acquisition and retention of the shares is for a legitimate corporate purpose. A national bank has authority under section 12 U.S.C. 24(Seventh) to fulfill a legitimate corporate need, so long as it complies with section 59 in its repurchase of outstanding shares with the consequent reduction in capital. Because section 59 limits such capital reductions to situations where the bank receives the approval of the OCC and of two-thirds of its shareholders, there is little risk of improper use of treasury stock. It would not be permissible, however, for a national bank to acquire and hold treasury stock for speculation or as a means of bypassing some requirement or obligation under the Federal banking laws.

Voting Trusts (§ 7.2022)

Proposed § 7.2022 revises current § 7.6060 by affirmatively stating that a national bank shareholder may establish a voting trust. Proposed § 7.2022 also removes the requirement that the law of the state in which the bank is located should be observed in the preparation of the trust agreement. The OCC recognizes that with the advent of interstate banking, it is increasingly likely that a bank's shareholders will be located in many different states. Accordingly, the voting trust may be established under the law of any state selected by the participants and designated in the trust agreement. Proposed § 7.2022 continues to require that the trust be consistent with safe and sound banking practices.

Bank Hours and Closings (§ 7.3000)

Proposed § 7.3000 revises current § 7.7434 to provide more comprehensive guidance to banks regarding hours and closings.

Proposed § 7.3000(a) maintains the general information that a national bank's board of directors is responsible for establishing a schedule of business hours independently of other banks.

Proposed § 7.3000(b) informs national banks that the Comptroller, a state or a legally authorized state official may declare a day to be a legal holiday for emergency reasons. Proposed § 7.3000(b) sets forth examples to provide guidance regarding the circumstances under which a national bank may remain closed and be assured that the bank will not incur liability for closing.

Proposed § 7.3000(c) also provides that a state or a legally authorized state official may declare a day a legal holiday for ceremonial reasons, and that a national bank may choose to remain open or to close on such holidays.

Finally, proposed § 7.3000(d) reminds national banks to look to applicable law to determine if they may incur liability for closing.

Although not specified in proposed § 7.3000, the proposed ruling would apply to foreign branches and agencies pursuant to the International Banking Act, 12 U.S.C. 3102(b).

Sharing Space and Employees (§ 7.3001)

Proposed § 7.3001 revises current § 7.7516 to reflect current OCC positions

on sharing space and employees. Current § 7.7516 only addresses sharing bank premises with other financial institutions. Through interpretive letters, however, the OCC has allowed national banks to lease excess space in bank-owned buildings.

Proposed § 7.3001(a) codifies existing interpretive letters that have addressed the scope of a national bank's ability to share space with other businesses.

Proposed § 7.3001(b) also addresses the issue of a national bank sharing employees with businesses with which it shares space. In addition to permitting a national bank to lease lobby space to various tenants, the OCC has permitted bank employees to perform services as agent for the bank's tenants under certain circumstances.

Finally, proposed § 7.3001(c) summarizes the supervisory concerns that may be presented by these arrangements, and proposed § 7.3001(d) identifies legal issues a bank should consider when entering into these arrangements.

Commenters are specifically requested to address whether the listed items are appropriate and if other considerations should be identified in lieu of, or in addition to, those described in the proposal.

Books and Records of National Banks (§ 7.4000)

Proposed § 7.4000 revises current § 7.6025 which addresses the exclusive examination authority of the OCC. Proposed § 7.4000 clarifies that state authority to review the books and records of a national bank is limited to those circumstances in which there is reasonable cause to believe that the bank has failed to comply with applicable state unclaimed property and escheat laws. Proposed § 7.4000 also removes the current § 7.6025(c) provisions relating to the disclosure of examination reports, which will be incorporated into 12 CFR Part 4 through a later Federal Register document to revise part 4.

Charging Interest at Rates Permitted Competing Institutions; Charging Interest to Corporate Borrowers (§ 7.4001).

Proposed § 7.4001 updates current § 7.7310 to reflect current law and OCC interpretive letters. Under 12 U.S.C. 85, a national bank may charge interest at the highest rate allowed by the state in which the bank is located. Section 85 permits a national bank to ''export'' the rate of ''interest'' allowed by the state in which the bank is located to customers in other states. For example, a national bank located in State A can charge interest in accordance with the law of State A to a borrower in State B even though the laws of State B prohibit or restrict the rate or type of interest charged.

Although the exportation principle of section 85 is well established in case law, the application of section 85 is still the subject of court challenges, usually over whether a particular fee or charge imposed by a bank located in a given state is properly characterized as ''interest,'' and thus is ''exportable'' to a different state. For example, courts have held that charges such as late fees and overlimit fees are a component of ''interest.'' See *Tikkanen* v. *Citibank (South Dakota) N.A.*, 801 F. Supp. 270 (D. Minn. 1992); *Cades* v. *H & R Block, Inc.*, No. 4:92–1454–21, 1993 U.S. Dist. LEXIS 19043 (D.S.C. 1993), *aff'd*, No. 93–2555, 1994 WL 719070 (4th Cir. Dec. 30, 1994); *Ament* v. *PNC National Bank*, 849 F. Supp. 1015 (W.D. Pa. 1994) (on appeal). *But see Mazaika* v. *Bank One, Columbus, N.A.*, No. 00231 Phila. 1993, 1994 WL 698016 (Pa.Super.Ct. Dec. 14, 1994) (*en banc*).

The OCC has addressed, through interpretive letters, the issue of what fees or charges may be considered ''interest.'' Most recently, the OCC summarized its previous opinions and concluded that in addition to periodic percentage rates, charges consisting of late charges, annual fees and overlimit charges are included within the meaning of ''interest'' as used in section 85. Thus, if they are permissible for lenders to impose under the laws of the state where a bank is located, they may be charged and ''exported'' by the national bank without reference to whether such fees and charges are denominated ''interest'' by the laws of the state where the bank is located or by the laws of the state where the customer resides. See Letter from Julie L. Williams, Chief Counsel, to John L. Douglas, dated February 17, 1995.

Proposed § 7.4001(a) proposes to codify these interpretive positions. Under proposed § 7.4001(a) ''interest'' as used in 12 U.S.C. 85 includes any payment compensating a creditor or prospective creditor for any extension of credit, the making available of a line of credit, or any default or breach by a borrower of a condition upon which credit was extended. It includes, among other things, the following fees connected with credit extension or availability: numerical periodic rates, late fees, not sufficient funds (NSF) fees, overlimit fees, annual fees, cash advance fees, and membership fees. It does not ordinarily include appraisal fees, premiums and commissions attributable to insurance guaranteeing repayment of any extension of credit, finders' fees, fees for document preparation or notarization, or fees incurred to obtain credit reports. Thus, the description includes items that the OCC considers components of interest, such as late fees and annual fees, as well as items that the OCC generally does not consider interest, such as appraisal fees and premiums. Proposed § 7.4001(a) also is not intended to be a comprehensive treatment of the issue, and other charges may also be found to be components of interest.

National Bank Charges (§ 7.4002)

Proposed § 7.4002 revises current § 7.8000 to clarify that section and to address concerns raised by Congress. The conference report to the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 urged the OCC to review current § 7.8000 to determine if it should be withdrawn or revised. H.R. Conf. Rep. No. 651, 103rd Cong., 2d sess. 54 (1994). The conferees expressed the view that in certain circumstances the OCC had applied the principles of preemption in an overly broad manner. In particular, the conferees expressed concern regarding the scope of the broad assertion of current § 7.8000 that Federal law preempts state laws that prohibit, limit, or restrict deposit account service charges imposed by a national bank. Specifically, current § 7.8000 cites the ''comprehensive [F]ederal statutory scheme governing the deposit-taking function of national banks'' as authority for preemption of these state laws.

Proposed § 7.4002 revises the approach in current § 7.8000.

Proposed § 7.4002(a) addresses the ability of a national bank to charge customers reasonable deposit account service charges and loan-related fees. Proposed § 7.4002(a) incorporates current §§ 7.7315 and 7.7515 which deal with credit report fees and service charges on dormant accounts. The authority of a national bank to charge these fees is well established. Proposed § 7.4002(a) requires such fees to be reasonable and determined through consideration of all factors relevant to a sound business decision.

Proposed § 7.4002(b) sets out the relevant considerations in establishing such charges.

In place of the broad assertion of Federal preemption in current § 7.8000, proposed § 7.4002(c) states that the OCC will consider on a case-by-case basis whether a national bank may establish a particular service charge that is in conflict with a state law. Proposed § 7.4002(c) affirms that in issuing an opinion on whether such state laws are

preempted, the OCC will employ the preemption principles derived from the Supremacy Clause of the U.S. Constitution and judicial precedent. Generally, state laws apply to national banks unless the state law expressly or impliedly conflicts with Federal law, Federal law is so comprehensive as to evidence a congressional intent to occupy a given field, or the state law stands as an obstacle to the accomplishment of the full purposes and objectives of the Federal law.

Licensing; Request for Comments

The OCC has not proposed a specific interpretive ruling addressing the applicability of state licensing requirements to national banks, but is considering whether it would be advisable to do so in order to clarify its position on various issues that have recently arisen in this area. For example, the OCC has consistently taken the position that a state may not require a national bank to obtain a state license to exercise the powers authorized for national banks under Federal law. This position is consistent with judicial precedent that establishes the parameters of preemption of state law by Federal banking law.[2] The OCC's position also is supported by *Bank of America* v. *Lima,* 103 F. Supp. 916 (D. Mass. 1952), which stated that as Federal government instrumentalities, national banks are not required to obtain state approval for the exercise of the powers granted to them by Congress.

Some state laws apply to national banks. However, as a general principle, a national bank need not conform to state laws that conflict with Federal law. In *Davis* v. *Elmira Savings Bank,* 161 U.S. 275 (1896), for example, the Supreme Court drew upon constitutional principles to define the ability of the states to regulate national banks:

> National banks are instrumentalities of the Federal government, created for a public purpose and as such necessarily subject to the paramount authority of the United States. It follows that an attempt by a state to define their duties or control the conduct of their affairs is absolutely void, wherever such attempted exercise of authority expressly conflicts with the laws of the United States, and either frustrates the purpose of the national legislation, or impairs the efficiency of these agencies of the Federal government to discharge the duties for the performance of which they were created. These principles are axiomatic, and are sanctioned by the repeated adjudications of this court.

161 U.S. 275, 283. The *Davis* decision captures the essential elements of Federal banking preemption analysis and is frequently cited by the OCC and reviewing courts. However, it is not always simple to apply these preemption principles because of the valid role of state law in certain aspects of national bank operations. Moreover, the manner in which the national bank's activities may be conducted may be subject to certain types of state laws, and the OCC often encourages national banks to comply with certain types of state law requirements as a matter of sound business practices.

Commenters are specifically asked to address whether these principles should be included in a new interpretive ruling and if any additional or alternative provisions would also be appropriate.

Sections Removed From Part 7

The OCC is proposing to remove current §§ 7.3000, 7.4005, 7.4015, 7.4100, 7.4200, 7.4205, 7.4400, 7.4410, 7.7400, 7.7410, 7505, 7.7519, 7.7590, 7.7000, and 7.7015 as generally unnecessary, outdated or repetitive. The OCC proposes to remove the following additional sections for the reasons stated below.

Section 7.4010—Quorum for shareholders' meeting. The issues are covered sufficiently by proposed cross-references to the MBCA, § 7.25 (1984) (amended 1993).

Section 7.5210—Same person holding offices of president and cashier. There is no legal impediment to one person serving as both president and cashier. Further, proposed § 7.2015, discusses the assignment of the cashier's duties and clarifies that the duties of cashier may be delegated to the president, chief executive officer, or other officer.

Section 7.5220—Contracts of employment. Any employment contract that is excessive or unreasonable is unsafe and unsound. Therefore, the current ''reasonable'' standard is necessarily in effect, so it is unnecessary to reiterate the standard in this interpretive ruling. Moreover, section 132 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) and regulations to be issued by the OCC and other agencies under section 132 will deal with excessive or unreasonable contracts. See 12 U.S.C. 1831p–1 (c), and (d).

Section 7.7012—Foreign operations. This section has been removed and will be incorporated into 12 CFR part 28 as part of the overall revision of that part.

Section 7.7112—Insuring lives of bank officers. Banking Circular 249 covers the relevant issues in more detail, and § 7.7112 is therefore unnecessary.

Sections 7.7355—Debts of affiliates, 7.7360—Loans secured by stock or obligation of an affiliate, 7.7365—Federal funds transactions between affiliates, and 7.7370—Deposits between affiliated banks. These sections have been transferred to § 31.100 of this chapter.

Sections 7.7378—Issuance of credit cards, and 7.7379—Servicing of mortgage and other loans as agent. These sections have been incorporated into proposed revisions of part 5 of this chapter. See proposed § 5.34(e)(2)(ii)(F) of this chapter, 59 FR 61034, Nov. 29, 1994.

Section 7.7540—Reports of condition: Waiver of affiliate reports. Section 308 of the Riegle Community Development and Regulatory Improvement Act of 1994, Pub. L. 103–325, 108 Stat. 2160 (Sept. 23, 1994), eliminated the requirement that national banks and their affiliates periodically publish the reports of condition in a newspaper. See 12 U.S.C. 161.

The OCC's proposed removal or transfer of these sections does not imply any alteration of the underlying authority for national bank activity. The interpretive rulings the OCC proposes to remove or transfer are grounded in statutory authority that remains unchanged. Unless otherwise noted, these proposed changes to part 7 are not intended to effect any change in the substance or influence of the interpretive rulings beyond that described in this preamble.

The OCC requests comments on whether it should retain any of the sections proposed to be removed, and if so, why.

Sections That Remain Substantively Unchanged

The OCC proposes stylistic changes and redesignates the following sections. The OCC does not intend to affect the substance of these sections.

Current § 7.7380 to proposed § 7.1004—Loans originating at other than banking offices;

Current § 7.4110 to proposed § 7.2004—Honorary directors or advisory board;

Current § 7.4415 to proposed § 7.2008—Oath of directors;

Current § 7.4420 to proposed § 7.2009—Quorum of board of directors; proxies not permissible;

Current § 7.5215 to proposed § 7.2013—Fidelity bonds covering officers and employees;

[2] *See McClellan* v. *Chipman,* 164 U.S. 347, 356–57 (1896) (National banks are instrumentalities of the Federal government and are necessarily subject to the paramount authority of the United States); see also *Flood* v. *City Nat'l Bank of Clinton,* 220 Iowa 935, 263 N.W. 321 (1935), *cert. denied,* 298 U.S. 666 (1936) (National banks derive their powers and authority under Federal law, and thus are not subject to conflicting state law).

Current § 7.6015 to proposed § 7.2018—Lost stock certificates;

Current § 7.6050 to proposed § 7.2021—Preemptive rights;

Current § 7.7100 to proposed § 7.1001—National banks acting as general insurance agents;

Current § 7.7430 to proposed § 7.1008—Preparing income tax returns for customers or public;

Current § 7.7312 to proposed § 7.1006—Loan agreement providing for share in profits, income or earnings;

Current § 7.7420 to § 7.1007—Acceptances;

Current § 7.7455 to proposed 7.1009—National bank holding collateral as nominee.

Current § 7.7482 to proposed § 7.1010—Postal service by national bank;

Current § 7.7485 to proposed § 7.1011—National bank acting as payroll issuer;

Current § 7.7535 to proposed § 7.1015—Receipt of stock from SBIC; and

Current § 7.7560 to proposed § 7.1018—Automatic payment plan account.

The OCC includes these sections in the proposal for the convenience of readers to present part 7 as proposed in its entirety.

Distribution Table

The distribution table indicates where, if applicable, each section of the current part 7 will appear in the proposed part 7 or elsewhere.

Original provision	Revised provision	Comment
§ 7.1100		Moved (part 32).
§ 7.1105		Moved (part 32).
§ 7.3000		Moved (part 32).
§ 7.3005	§ 7.1000	Significant change.
§ 7.3010	§ 7.1000	Significant change.
§ 7.3100	§ 7.1000	Significant change.
§ 7.3300	§ 7.1000	Significant change.
§ 7.3500	§ 7.1019	Significant change.
§ 7.4000	§ 7.2001	Significant change.
§ 7.4005		Removed.
§ 7.4010		Removed.
§ 7.4015		Removed.
§ 7.4020	§ 7.2002	Modified.
§ 7.4100		Removed.
§ 7.4105	§ 7.2003	Significant change.
§ 7.4110	§ 7.2004	Unchanged.
§ 7.4200		Removed.
§ 7.4205		Removed.
§ 7.4210	§ 7.2005	Significant change.
§ 7.4300	§ 7.2006	Significant change.
§ 7.4305	§ 7.2007	Modified.
§ 7.4400		Removed.
§ 7.4410		Removed.
§ 7.4415	§ 7.2008	Unchanged.
§ 7.4420	§ 7.2009	Unchanged.
§ 7.4425	§ 7.2010	Modified.
§ 7.5000	§ 7.2011	Significant change.
§ 7.5010	§ 7.2011	Significant change.
§ 7.5015	§ 7.2011	Significant change.
§ 7.5200	§ 7.2012	Modified.
§ 7.5210		Removed.
§ 7.5215	§ 7.2013	Unchanged.
§ 7.5217	§ 7.2014	Significant change.
§ 7.5220		Removed.
§ 7.5230	§ 7.1000	Significant change.
§ 7.5245	§ 7.2015	Significant change.
§ 7.6005	§ 7.2016	Modified.
§ 7.6010	§ 7.2017	Significant change.
§ 7.6015	§ 7.2018	Unchanged.
§ 7.6025	§ 7.4000	Significant change.
§ 7.6030	§ 7.2019	Modified.
§ 7.6040		Moved (part 5).
§ 7.6050	§ 7.2021	Unchanged.
§ 7.6060	§ 7.2022	Significant change.
§ 7.6120		Moved (part 5).
§ 7.7000		Removed.
§ 7.7010	§ 7.1017	Modified.
§ 7.7012		Removed.
§ 7.7015		Removed.
§ 7.7016	§ 7.1016	Significant change.
§ 7.7100	§ 7.1001	Unchanged.
§ 7.7115		Removed.
§ 7.7200	§ 7.1002	Significant change.
§ 7.7310	§ 7.4001	Significant change.
§ 7.7312	§ 7.1006	Unchanged.
§ 7.7315	§ 7.4002	Significant change.
§ 7.7355		Moved (part 31).
§ 7.7360		Moved (part 31).

Original provision	Revised provision	Comment
§ 7.7365		Moved (part 31).
§ 7.7370		Moved (part 31).
§ 7.7378		Removed.
§ 7.7379		Removed.
§ 7.7380	§ 7.1004	Unchanged.
§ 7.7400		Removed.
§ 7.7405		Removed.
§ 7.7410		Removed.
§ 7.7415		Removed.
§ 7.7420	§ 7.1007	Unchanged.
§ 7.7430	§ 7.1008	Unchanged.
§ 7.7434	§ 7.3000	Significant change.
§ 7.7455	§ 7.1009	Unchanged.
§ 7.7482	§ 7.1010	Unchanged.
§ 7.7485	§ 7.1011	Unchanged.
§ 7.7490	§ 7.1012	Modified.
§ 7.7495	§ 7.1013	Significant change.
§ 7.7500	§ 7.1014	Modified.
§ 7.7505		Removed.
§ 7.7515	§ 7.4002	Significant change.
§ 7.7516	§ 7.3001	Significant change.
§ 7.7519		Removed.
§ 7.7530		Removed.
§ 7.7535	§ 7.1015	Unchanged.
§ 7.7540		Removed.
§ 7.7560	§ 7.1018	Modified.
§ 7.7570		Moved (part 1).
§ 7.7590		Removed.
§ 7.8000	§ 7.4002	Significant change.

Derivation Table

This derivation table illustrates which current sections of part 7 the proposed sections are based upon.

Revised provision	Original provision	Comment
	§ 7.1100	Moved (part 32).
	§ 7.1105	Moved (part 32).
	§ 7.3000	Removed.
§ 7.1000	§§ 7.3005, 7.3010, 7.3100, 7.3300, 7.5230	Significant change.
§ 7.1001	§ 7.7100	Unchanged.
§ 7.1002	§ 7.7200	Significant change.
§ 7.1003		Added.
§ 7.1004	§ 7.7380	Unchanged.
§ 7.1005		Added.
§ 7.1006	§ 7.7312	Unchanged.
§ 7.1007	§ 7.7420	Unchanged.
§ 7.1008	§ 7.7430	Unchanged.
§ 7.1009	§ 7.7455	Unchanged.
§ 7.1010	§ 7.7482	Unchanged.
§ 7.1011	§ 7.7485	Unchanged.
§ 7.1012	§ 7.7490	Modified.
§ 7.1013	§ 7.7495	Significant change.
§ 7.1014	§ 7.7500	Modified.
§ 7.1015	§ 7.7535	Unchanged.
§ 7.1016	§ 7.7016	Significant change.
§ 7.1017	§ 7.7010	Modified.
§ 7.1018	§ 7.7560	Unchanged.
§ 7.1019	§ 7.3500	Significant change.
§ 7.2000		Added.
§ 7.2001	§ 7.4000	Significant change.
	§ 7.4005	Removed.
	§ 7.4010	Removed.
	§ 7.4015	Removed.
§ 7.2002	§ 7.4020	Modified.
	§ 7.4100	Removed.
§ 7.2003	§ 7.4105	Significant change.
§ 7.2004	§ 7.4110	Unchanged.
	§ 7.4200	Removed.
	§ 7.4205	Removed.
§ 7.2005	§ 7.4210	Significant change.
§ 7.2006	§ 7.4300	Significant change.
§ 7.2007	§ 7.4305	Modified.

Revised provision	Original provision	Comment
	§ 7.4400	Removed.
	§ 7.4410	Removed.
§ 7.2008	§ 7.4415	Unchanged.
§ 7.2009	§ 7.4420	Unchanged.
§ 7.2010	§ 7.4425	Modified.
§ 7.2011	§§ 7.5000, 7.5010, 7.5015	Significant change.
§ 7.2012	§ 7.5200	Modified.
	§ 7.5210	Removed.
§ 7.2013	§ 7.5215	Unchanged.
§ 7.2014	§ 7.5217	Significant change.
	§ 7.5220	Removed.
§ 7.2015	§ 7.5245	Significant change.
§ 7.2016	§ 7.6005	Modified.
§ 7.2017	§ 7.6010	Significant change.
§ 7.2018	§ 7.6015	Unchanged.
§ 7.2019	§ 7.6030	Modified.
	§ 7.6040	Moved (part 5).
§ 7.2020		Added.
§ 7.2021	§ 7.6050	Unchanged.
§ 7.2022	§ 7.6060	Significant change.
	§ 7.6120	Moved (part 5).
	§ 7.7000	Removed.
	§ 7.7012	Removed.
	§ 7.7015	Removed.
	§ 7.7355	Moved (part 31).
	§ 7.7360	Moved (part 31).
	§ 7.7365	Moved (part 31).
	§ 7.7370	Moved (part 31).
	§ 7.7400	Removed.
§ 7.3000	§ 7.7434	Significant change.
	§ 7.7505	Removed.
§ 7.3001	§ 7.7516	Significant change.
	§ 7.7519	Removed.
	§ 7.7540	Removed.
	§ 7.7570	Moved (part 1).
	§ 7.7590	Removed.
§ 7.4000	§ 7.6025	Significant change.
§ 7.4001	§ 7.7310	Significant change.
§ 7.4002	§§ 7.7315, 7.7515, 7.8000	Significant change.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. This regulation will reduce the regulatory burden on national banks, regardless of size, by simplifying and clarifying existing regulatory requirements.

Executive Order 12866

The OCC has determined that this proposal is not a significant regulatory action.

List of Subjects

12 CFR Part 7

Credit, Insurance, Investments, National banks, Reporting and recordkeeping requirements, Securities, Surety bonds.

12 CFR Part 31

Credit, National banks, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set out in the preamble, chapter I of title 12 of the Code of Federal Regulations is amended as follows:

1. Part 7 is revised to read as follows:

PART 7—INTERPRETIVE RULINGS

Subpart A—Bank Powers

Sec.

7.1000 Bank ownership of property.
7.1001 National bank acting as general insurance agent.
7.1002 National bank acting as finder.
7.1003 Loans made at banking offices, or at other than banking offices.
7.1004 Loans originating at other than banking offices.
7.1005 Credit decisions at other than banking offices.
7.1006 Loan agreement providing for share in profits, income or earnings.
7.1007 Acceptances.
7.1008 Preparing income tax returns for customers or public.
7.1009 National bank holding collateral stock as nominee.
7.1010 Postal service by national bank.
7.1011 National bank acting as payroll issuer.
7.1012 Messenger service.
7.1013 Debt cancellation contracts.
7.1014 Sale of money orders at nonbanking outlets.
7.1015 Receipt of stock from small business investment company.
7.1016 Independent undertakings to pay against documents.
7.1017 National bank as guarantor or surety on indemnity bond.
7.1018 Automatic payment plan account.
7.1019 Use of data processing equipment and furnishing of data processing services.

Subpart B—Corporate Practices

Sec.

7.2000 Corporate governance procedures.
7.2001 Notice of shareholders' meetings.
7.2002 Director or attorney as proxy.
7.2003 Annual meeting for election of directors.
7.2004 Honorary directors or advisory board.
7.2005 Ownership of stock necessary to qualify as director.
7.2006 Cumulative voting in election of directors.
7.2007 Filling vacancy in or increasing board of directors.
7.2008 Oath of directors.

7.2009 Quorum of board of directors; proxies not permissible.
7.2010 Delegation of directors' duties.
7.2011 Compensation plans.
7.2012 President as director; chief executive officer.
7.2013 Fidelity bonds covering officers and employees.
7.2014 Indemnification of directors, officers, and employees.
7.2015 Cashier.
7.2016 Restricting transfer of stock and record dates.
7.2017 Facsimile signatures on bank stock certificates.
7.2018 Lost stock certificates.
7.2019 Loan secured by own shares.
7.2020 Acquisition and holding of shares as treasury stock.
7.2021 Preemptive rights.
7.2022 Voting trusts.

Subpart C—Bank Operations

7.3000 Bank hours and closings.
7.3001 Sharing space and employees.

Subpart D—Preemption

7.4000 Books and records of national banks.
7.4001 Charging interest at rates permitted competing institutions; charging interest to corporate borrowers.
7.4002 National bank charges.

Appendix A to Part 7—Corporate Governance Procedures; OCC Approved Model Business Corporation Act Provisions

Authority: 12 U.S.C. 1 *et seq.*, 93a.

Subpart A—Bank Powers

§ 7.1000 Bank ownership of property.

(a) *Bank premises*—(1) *General.* Under 12 U.S.C. 29, a national bank may invest in real estate that is necessary for the transaction of its business.

(2) *Type of real estate.* This real estate includes, but is not limited to:

(i) Bank buildings and parking facilities, including the underlying real estate;

(ii) Real estate held for future bank expansion, where the bank in good faith expects to utilize the property as bank premises (property acquired for this purpose should normally be used within five years. *See* § 34.83(c) of this chapter);

(iii) Residential property for the use of bank officers or employees who are:

(A) Located in remote areas where suitable housing at a reasonable price is not readily available; or

(B) Temporarily assigned to a foreign country, including foreign nationals temporarily assigned to the United States; and

(iv) Property for the use of bank officers, employees, or customers, or for the temporary lodging of such persons in areas where suitable commercial lodging is not readily available, provided that the purchase and operation of the property qualifies as a deductible business expense for Federal tax purposes.

(b) *Fixed assets.* In addition to real estate, a national bank may own fixed assets necessary for the transaction of its business, such as fixtures, furniture, and data processing equipment.

(c) *Permissible means of holding.* A national bank may acquire and hold bank premises real estate by any reasonable and prudent means, including ownership in fee, a leasehold estate, or an interest in a cooperative. Property described in this paragraph may be held directly by the bank, or by one or more subsidiaries. A bank premises subsidiary may be organized as a corporation, a partnership, or similar entity.

(d) *Investment in bank premises*—(1) *Investment limitation; approval.* A national bank's aggregate investment in bank premises generally is limited by 12 U.S.C. 371d to the amount of the bank's capital stock, except where the bank receives approval from the OCC in accordance with § 5.37 of this chapter.

(2) *Options to purchase.* An unexercised option to purchase bank premises or stock in a corporation holding bank premises is not an investment in bank premises. A national bank must receive OCC approval in accordance with § 5.37 of this chapter to exercise the option if the price of the option and the bank's other investments in bank premises/real property, exceed the amount of the bank's capital stock.

(e) *Other real property*—(1) *Lease financing of public facilities.* A national bank may purchase or construct a municipal building, school building, or other similar public facility and, as holder of legal title, lease the facility to a municipality or other public authority having resources sufficient to make all rental payments as they become due. The lease agreement must provide that the lessee will become the owner of the building or facility upon the expiration of the lease.

(2) *Purchase of employee's residence.* To facilitate the efficient use of bank personnel, a national bank may purchase the residence of an employee who has been transferred to another area, in order to spare the employee a loss in the prevailing real estate market. The bank must arrange for early divestment of title to such property.

§ 7.1001 National bank acting as general insurance agent.

Pursuant to 12 U.S.C. 92 a national bank may act as an agent for any fire, life, or other insurance company in any place the population of which does not exceed 5,000 inhabitants. This provision is applicable to any office of a national bank when the office is located in a community having a population of less than 5,000, even though the principal office of such bank is located in a community whose population exceeds 5,000.

§ 7.1002 National bank acting as finder.

(a) *General.* A national bank may act as a finder in bringing together a buyer and seller.

(b) *Qualification.* Acting as a finder includes, without limitation, identifying potential parties, making inquiries as to interest, introducing or arranging meetings of interested parties, and otherwise bringing parties together for a transaction that the parties themselves negotiate and consummate. Acting as a finder does not include activities that would characterize the bank as a broker under applicable Federal law.

(c) *Advertisement and fee.* Unless otherwise prohibited, a national bank may advertise the availability of, and accept a fee for, the services provided pursuant to this section.

§ 7.1003 Loans made at banking offices, or at other than banking offices.

(a) *General.* For purposes of 12 U.S.C. 36, a loan generally is deemed to be made at the location where the borrower receives funds. If funds are disbursed to a borrower in person by the lending bank or a subsidiary corporation, or if funds are disbursed to a borrower in person at a facility that is owned or rented by the bank or subsidiary corporation, branching limitations apply and OCC approval is required.

(b) *Disbursed funds.* Funds may be disbursed to a borrower at a location that is not licensed as a branch without violating 12 U.S.C. 36 and 81, provided that a third party is used to deliver the loan proceeds and the location is not owned or rented by the lending bank or subsidiary corporation. A third party includes a person who satisfies the requirements of § 7.1012(c)(2), or one who customarily delivers loan proceeds under accepted industry practice, such as an attorney or escrow agent at a real estate closing.

§ 7.1004 Loans originating at other than banking offices.

(a) *General.* A national bank may use the services of and compensate persons not employed by the bank for originating loans.

(b) *Approval.* An employee or agent of a national bank or of a subsidiary corporation may originate a loan at locations other than the main office or a branch office of the bank. This action does not violate 12 U.S.C. 36 and 81 if the loan is approved and made at the

main office or a branch office of the bank or at an office of the subsidiary located on the premises of, or contiguous to, the main office or branch office of the bank.

§ 7.1005 Credit decisions at other than banking offices.

A national bank or subsidiary corporation also may make credit decisions regarding loan applications at locations other than the main office or a branch office of the bank without violating 12 U.S.C. 36 and 81, provided that loans are not made at those other locations within the meaning of § 7.1003.

§ 7.1006 Loan agreement providing for share in profits, income or earnings.

A national bank may take as consideration for a loan a share in the profit, income or earnings from a business enterprise of a borrower. Such share may be in addition to, or in lieu of, interest. The borrower's obligation to repay principal, however, shall not be conditioned upon the profit, income, or earnings of the business enterprise.

§ 7.1007 Acceptances.

A national bank is not limited in the character of acceptances it may make in financing credit transactions. Bankers' acceptances may be used for such purpose, since the making of acceptances is an essential part of banking authorized by 12 U.S.C. 24.

§ 7.1008 Preparing income tax returns for customers or public.

A national bank may not serve as an expert tax consultant. However, a national bank may assist its customers in preparing their tax returns, either gratuitously or for a reasonable fee.

§ 7.1009 National bank holding collateral stock as nominee.

A national bank that accepts stock of another bank or other corporation as collateral for a loan, may have such stock transferred to the bank's name, as nominee.

§ 7.1010 Postal service by national bank.

(a) *General.* A national bank may maintain and operate a postal substation on banking premises and receive income from it. The services performed by the substation may include meter stamping of letters and packages, and the sale of related insurance. The bank may advertise, develop, and extend the services of the substation for the purpose of attracting customers to the bank.

(b) *Postal regulations.* A national bank operating a postal substation shall do so in accordance with the rules and regulations of the U.S. Postal Service. The national bank shall keep the books and records of the substation separate from those of other banking operations. Under 39 U.S.C. 705 and regulations issued pursuant thereto, the Postal Service may inspect the books and records of the substation.

§ 7.1011 National bank acting as payroll issuer.

A national bank may disburse to employees of its customers payroll funds deposited with the bank by its customers. A national bank may disburse funds by direct payment to any employee, or by crediting an account standing in the employee's name at the disbursing bank.

§ 7.1012 Messenger service.

(a) *Definition.* For purposes of this section, a ''messenger service'' refers to any service, such as a courier service or armored car service, that is used by a national bank and its customers to pick up from, and deliver to, specific customers at locations such as their homes or offices, items relating to transactions between the bank and those customers.

(b) *Pick-up and delivery of items relating to nonbranching activities.* Pursuant to 12 U.S.C. 24(Seventh), a national bank may establish and operate a messenger service, or use, with its customers, a third party messenger service. The bank may use the messenger service to transport items relevant to the bank's transactions with its customers without regard to the limitations set forth in 12 U.S.C. 36, so long as the service does not engage in branching functions within the meaning of 12 U.S.C. 36(j). In establishing or using such a facility, the national bank may establish terms, conditions, and limitations that it deems appropriate to assure compliance with safe and sound banking practices.

(c) *Pickup and delivery of items pertaining to branching functions by a messenger service established by a third party.* (1) Pursuant to 12 U.S.C. 24(Seventh), a national bank and its customers may use a messenger service to pick up from, and deliver to, customers items that relate to branching functions within the meaning of 12 U.S.C. 36(j) without regard to the limitations set forth in 12 U.S.C. 36, provided the messenger service is established and operated by a third party. In using such a facility, a national bank may establish terms, conditions, and limitations, consistent with this ruling, as it deems appropriate to assure compliance with safe and sound banking practices.

(2) The OCC reviews whether a messenger service is established by a third party on a case-by-case basis, considering all of the circumstances. However, a messenger service clearly is established by a third party if:

(i) A party other than the national bank owns the service and its facilities (or rents them from a party other than the bank) and employs the person engaged in the provision of the service; and

(ii) The messenger service:

(A) Makes its services available to the public, including other depository institutions;

(B) Retains ultimate discretion to determine which customers and geographical areas it will serve;

(C) Maintains ultimate responsibility for scheduling, movement, and routing;

(D) Does not operate under the name of the bank, and the bank and the messenger service do not advertise, or otherwise represent, that the bank itself is providing the service, although the bank may advertise that its customers may use one or more third party messenger services to transact business with the bank;

(E) Assumes responsibility for the items during transit and for maintaining adequate insurance covering holdups, employee fidelity, and other in-transit losses; and

(F) Acts as the agent for the customer when the items are in transit. The bank does not deem items intended for deposit to be deposited until credited to the customer's account at an established bank office or other permissible nonbranch facility. The bank deems items representing withdrawals to be paid when the items are given to the messenger service.

(3) A national bank may defray all or part of the costs incurred by a customer in transporting items through a messenger service. Payment of those costs may only cover expenses associated with each transaction involving the customer and the messenger service. The national bank may impose terms, conditions, and limitations that it deems appropriate with respect to the payment of such costs.

(d) *Pickup and delivery of items pertaining to branching activities where the messenger service is established by the national bank.* A national bank may establish and operate a messenger service to transport items relevant to the bank's transactions with its customers if such transactions involve one or more branching functions within the meaning of 12 U.S.C. 36(j), provided the bank receives approval to establish a branch pursuant to § 5.30 of this chapter.

§ 7.1013 Debt cancellation contracts.

A national bank may enter into a contract to provide for losses arising from cancellation of outstanding loans upon the death, disability, or unemployment of borrowers. The imposition of an additional charge and the establishment of necessary reserves in order to enable the bank to enter into such debt cancellation contracts are a lawful exercise of the powers of a national bank.

§ 7.1014 Sale of money orders at nonbanking outlets.

A national bank may designate bonded agents to sell the bank's money orders at nonbanking outlets. The responsibility of both the bank and their agents should be carefully defined in a written agreement setting forth the duties of both parties and providing for remuneration of the agent. The bank's agents need not report on sales and transmit funds from the nonbanking outlets more frequently than at the end of the third business day following receipt of the funds.

§ 7.1015 Receipt of stock from small business investment company.

A national bank may purchase the stock of a small business investment company (SBIC), (see 15 U.S.C. 682(b)) and may receive the benefits of such stock ownership (*e.g.*, stock dividends). The receipt and retention of a dividend by a national bank from an SBIC in the form of stock of a corporate borrower of the SBIC is not a purchase of stock within the meaning of 12 U.S.C. 24(Seventh).

§ 7.1016 Independent undertakings to pay against documents.

(a) *General authority.* A national bank may issue and commit to issue letters of credit and other independent undertakings within the scope of the laws or rules of practice recognized by law (such as the Uniform Commercial Code (1962) (amended 1990)), the Uniform Customs and Practice for Documentary Credits (Int'l Chamber of Com., 1983) (ICC Publication No. 400), the United Nations Commission on International Trade Law (UNCITRAL) Convention on Independent Guarantees and Standby Letters of Credit, and Uniform Rules for Bank-to-Bank Reimbursements Under Documentary Credits (Int'l Chamber of Com., 1995) (ICC Publication No. 525), under which the bank's obligation to honor depends upon the presentation of specified documents and not upon nondocumentary conditions outside the bank's operational purview. A national bank may also confirm or otherwise undertake to honor or purchase specified documents upon their presentation under another person's independent undertaking within the scope of such laws or rules.

(b) *Safety and soundness considerations.* (1) Terms. As a matter of safe and sound banking practice, banks that issue independent undertakings must not be exposed to undue risk. At a minimum, banks must consider the following:

(i) The independent character of the undertaking must be apparent from its terms and include a reference to the laws or rules providing for its independent character;

(ii) The undertaking must be limited in duration and in amount; and

(iii) The bank must have a post-honor right of reimbursement from its customer or from another bank, or if the bank's undertaking is to purchase drafts accompanied by documents of title, securities, or other intrinsically valuable documents, the bank must obtain a first priority right to realize on the documents if the bank is not otherwise reimbursed.

(2) *Additional considerations in special circumstances.* Certain undertakings require particular protections against credit, operational and market risk:

(i) In the event that the undertaking is to honor by delivery of an item of value other than money, the bank must ensure that market fluctuations that affect the value of the item will not cause the bank to assume undue market risk;

(ii) In the event that an undertaking provides for renewal, the terms for renewal must be consistent with the bank's ability to make any necessary credit assessments prior to renewal; and

(iii) In the event that a bank issues an undertaking for its own account, the underlying obligation for which it is issued must be within the bank's authority and comply with any safety and soundness requirements applicable to that obligation.

(3) *Operational expertise.* The bank must possess operational expertise that is commensurate with the sophistication of its independent undertaking activities.

(4) *Documentation.* The bank must accurately reflect the bank's undertakings in its records, including any acceptance or deferred payment or other absolute obligation arising out of its contingent undertaking.

§ 7.1017 National bank as guarantor or surety on indemnity bond.

General. A national bank may lend its credit, bind itself as a surety to indemnify another, or otherwise become a guarantor, if it has a substantial interest in the performance of the transaction involved or has a segregated deposit sufficient in amount to cover the bank's total potential liability. For example, a bank, as a fiduciary, has a sufficient interest in the faithful performance by a cofiduciary of its duties to act as surety on the bond of such cofiduciary.

§ 7.1018 Automatic payment plan account.

A national bank may, for the benefit and convenience of its savings depositors, adopt an automatic payment plan under which a savings account will earn dividends at the current rate paid on regular savings accounts. The depositor, upon reaching a previously designated age, receives his or her accumulated savings and earned interest in installments of equal amounts over a specified period.

§ 7.1019 Use of data processing equipment and furnishing of data processing services.

In general, data processing is a technology rather than a service distinct or different from the underlying services or functions to which the technology is applied. A national bank may use data processing equipment and technology to perform for itself and others all services expressly or incidentally authorized under the statutes applicable to national banks. Further, when a national bank uses data processing equipment or technology to perform authorized services, the bank may market and sell any legitimate excess capacity in that equipment or technology.

Subpart B—Corporate Practices

§ 7.2000 Corporate governance procedures.

(a) *General.* A national bank proposing to engage in a corporate governance procedure must comply with applicable Federal banking statutes and regulations, and safe and sound banking practices.

(b) *Model Business Corporation Act.* In the event that there is no applicable Federal banking statute or regulation, a national bank may obtain guidance on proper corporate governance procedures from a variety of sources. In addition to other appropriate sources of guidance, a national bank may engage in a corporate governance procedure in the manner prescribed in those sections of the Model Business Corporation Act (MBCA) (1984) (amended 1993), designated by the OCC, which are set forth in Appendix A of this part.

(c) *No-objection procedures.* The OCC also considers requests for the staff's position on the ability of a national bank

to engage in a particular corporate governance procedure in accordance with the no-objection procedures set forth in Banking Circular 205. Requests should demonstrate how the proposed practice is not inconsistent with applicable Federal statutes or regulations, and is consistent with safe and sound banking practices.

§ 7.2001 Notice of shareholders' meetings.

A national bank must mail shareholders notice of the time, place, and purpose of all shareholders' meetings at least ten days prior to the meeting by first class mail, unless the OCC determines that an emergency circumstance exists. The articles of association, bylaws or law applicable to national banks may require a longer period of notice and/or specific means of delivery.

§ 7.2002 Director or attorney as proxy.

Any person or group of persons except the bank's officers, clerks, tellers, or bookkeepers may be designated to act as proxy. The bank's directors or attorneys may act as proxy. An individual who is both an officer and either a director or attorney may not act as proxy.

§ 7.2003 Annual meeting for election of directors.

When the day fixed for the regular annual meeting of the shareholders falls on a legal holiday in the state in which the bank is located, the shareholders' meeting shall be held, and the directors elected, on the next following banking day.

§ 7.2004 Honorary directors or advisory board.

A national bank may appoint honorary or advisory members of the board of directors to act in advisory capacities without voting power or power of final decision in matters concerning the business of the bank. Any listing of such honorary or advisory directors must distinguish between them and the bank's board of directors or indicate their advisory status.

§ 7.2005 Ownership of stock necessary to qualify as director.

(a) *General.* A national bank director must own a qualifying equity interest in a national bank or a company that has control of a national bank. The director must own the qualifying equity interest in his or her own right and meet a certain minimum threshold ownership.

(b) *Qualifying equity interest*—(1) *Minimum required equity interest.* For purposes of this section, a qualifying equity interest includes common or preferred stock that has an aggregate par value of not less than $1,000 in the case of a director whose sole equity interest is held in the stock of a national bank. In the case of a director whose sole equity interest is held in the stock of a company that controls a national bank, the common or preferred stock must have an aggregate par value of not less than either $1,000, an aggregate shareholders' equity of $1,000, or an aggregate fair market value of $1,000.

(i) The value of the common or preferred stock held by a national bank director is valued as of the date purchased or the date on which the individual became a director, whichever value is greater.

(ii) In the case of a company that owns more than one national bank, a director may use his or her equity interest in the controlling company to satisfy, in whole or part, the equity interest requirement for any or all of the controlled national banks.

(iii) Upon request, the OCC may consider whether other interests in a company controlling a national bank constitute an interest equivalent to $1,000 par value of national bank stock.

(2) *Joint ownership and tenancy in common.* Shares held jointly or as a tenant in common are qualifying shares held by a director in his or her own right only to the extent of the aggregate value of the shares which the director would be entitled to receive on dissolution of the joint tenancy or tenancy in common.

(3) *Shares in a living trust.* Shares deposited by a person in a living trust (inter vivos trust) as to which the person is a trustee and retains an absolute power of revocation are shares owned by the person in his or her own right.

(c) *Non-qualifying ownership.* The following are not shares held by a director in his or her own right:

(1) Shares pledged by the holder to secure a loan. However, all or part of the funds used to purchase the required qualifying equity interest may be borrowed from any party, including the bank or its affiliates;

(2) Shares that are purchased subject to an absolute option vested in the seller to repurchase the shares within a specified period; and

(3) Shares deposited in a voting trust where the depositor surrenders:

(i) Legal ownership (depositor ceases to be registered owner of the stock);

(ii) Power to vote the stock or to direct how it shall be voted; or

(iii) Power to transfer legal title to the stock.

§ 7.2006 Cumulative voting in election of directors.

When electing directors, a shareholder shall have as many votes as the number of directors to be elected multiplied by the number of the shareholder's shares. The shareholder may cast all these votes for one candidate, or distribute the votes among as many candidates as the shareholder chooses. If, after the first ballot, subsequent ballots are necessary to elect directors, a stockholder may not vote shares that he or she has already fully cumulated and voted in favor of a successful candidate.

§ 7.2007 Filling vacancy in or increasing board of directors.

A majority of the board of directors or a majority of the shareholders may increase the number of the bank's directors within the limits specified in 12 U.S.C. 71a. The board of directors may appoint persons to fill the resulting vacancies between meetings of shareholders, if authorized by the bank's articles of association. A majority of the board of directors or a majority of the shareholders may increase the number of directors by up to two directors, when the number of directors last elected by shareholders was 15 or less, and by four directors, when the number of directors last elected by shareholders was 16 or more.

§ 7.2008 Oath of directors.

(a) *Administration of the oath.* A notary public, including one who is a director but not an officer of the national bank, may administer the oath of directors. An officer, other than an officer of the bank, having an official seal and authorized by the state to administer oaths, may also administer the oath.

(b) *Execution of the oath.* All directors attending the organization meeting must execute either the joint or individual oath. Directors not attending the organization meeting (the first meeting after the election of the directors) must execute the individual oath. A director must take another oath upon re-election, notwithstanding uninterrupted service. Appropriate sample oaths are located in the ''Comptroller's Manual for Corporate Activities.''

§ 7.2009 Quorum of board of directors; proxies not permissible.

The articles of association or bylaws of a national bank shall provide that, for the transaction of business, a quorum of the board of directors is at least a majority of the entire board then in office. A national bank director may not vote by proxy.

§ 7.2010 Delegation of directors' duties.

The board of directors of a national bank has the responsibility for supervising the management of the bank

to ensure that the bank is operated in compliance with the policies and procedures established by the board, all applicable laws, rules and regulations, and safe and sound banking practices. The board may delegate the day-to-day operation of the bank to the management of the bank, but the board remains responsible for overseeing the affairs of the bank and the conduct of the management of the bank.

§ 7.2011 Compensation plans.

Consistent with safe and sound banking practices, a national bank may adopt the following compensation plans:

(a) *Bonus and profit-sharing plans.* A national bank may adopt a bonus or profit-sharing plan designed to ensure adequate remuneration of bank officers and employees.

(b) *Pension plans.* A national bank may provide employee pension plans and make reasonable contributions to the cost of the pension plan.

(c) *Employee stock option and stock purchase plans.* A national bank may provide employee stock option and stock purchase plans.

§ 7.2012 President as director; chief executive officer.

Pursuant to 12 U.S.C. 76, the president of a national bank must be a member of the board of directors, but a director other than the president may be elected chairman of the board. A person other than the president may serve as chief executive officer, and this person is not required to be a director of the bank.

§ 7.2013 Fidelity bonds covering officers and employees.

(a) *Adequate coverage.* All officers and employees of a national bank must have adequate fidelity coverage. The failure of directors to require bonds with adequate sureties and in sufficient amount may make the directors liable for any losses which the bank sustains because of the absence of such bonds. Directors should not serve as sureties on such bonds.

(b) *Factors.* The board of directors should determine the amount of such coverage, premised upon a consideration of factors, including:

(1) Internal auditing safeguards employed;

(2) Number of employees;

(3) Amount of deposit liabilities; and

(4) Amount of cash and securities normally held by the bank.

§ 7.2014 Indemnification of directors, officers, and employees.

(a) *General.* Except as provided in paragraph (b) of this section, a national bank may provide in its articles of association that the bank will indemnify directors, officers, and employees for damages and expenses reasonably incurred. These damages include the advancement of expenses and legal fees, in actions to which the directors, officers, or employees are parties or potential parties by reason of the performance of their official duties. Indemnification articles which substantially reflect general standards of law as evidenced by the law of the state in which the main office of the bank is located, the law of the state in which the bank's holding company is incorporated, or the relevant provisions of the MBCA are presumed by the OCC to be within the corporate powers of a national bank.

(b) *Prohibitions.* When an administrative proceeding or action instituted by a bank regulatory agency results in a final order assessing a civil money penalty or requiring restitution, or a final removal or prohibition order against such individuals pursuant to 12 U.S.C. 1818(e) or (g), a national bank must require the repayment of all legal fees and expenses advanced pursuant to paragraph (c) of this section, and may not indemnify directors, officers, or employees for expenses. Expenses that may not be indemnified include legal fees, penalties, or other payments incurred.

(c) *Procedural requirements for certain actions and proceedings*—(1) *Advancing expenses.* A national bank may advance expenses and legal fees to directors, officers, or employees of the bank in connection with an action or proceeding under 12 U.S.C. 164 or 1818 only if the:

(i) Disinterested members of the board of directors of the bank determine in good faith that the director, officer, or employee has a reasonable basis for prevailing on the merits;

(ii) Indemnified individual will have the financial capacity to reimburse the bank in the event he or she does not prevail; and

(iii) Payment of expenses and fees by the bank will not adversely affect the safety and soundness of the bank.

(2) *Restrictions.* The bank must require the individual to execute a formal and binding agreement to reimburse the bank for all expenses and fees advanced by the bank in the event an order is issued against the individual assessing a civil money penalty or requiring restitution, or a removal or prohibition order against the individual is issued pursuant to 12 U.S.C. 1818(e) or (g). The bank must cease advancing expenses and fees at any time the board believes, or reasonably should believe, that any of the conditions in paragraph (c)(1) of this section are no longer met.

(d) *OCC review.* In accordance with its supervisory responsibilities, the OCC may, in its discretion, review any indemnification or advancement of fees and expenses, or proposed indemnification or advancement of fees and expenses, of directors, officers, or employees by a national bank to evaluate whether the indemnification or advance is consistent with safe and sound banking practices and with the standards adopted by that bank in its articles of association. Based upon this review, the OCC may direct a national bank to modify a specific indemnification or payment.

(e) *Insurance premiums.* A national bank may provide in its articles of association for the payment of reasonable premiums for insurance covering the expenses, legal fees, and liability of its directors, officers, or employees except that such provision shall explicitly exclude insurance coverage for a final order assessing civil money penalties against such persons by an agency.

§ 7.2015 Cashier.

A national bank's bylaws or board of directors may assign some or all of the duties previously performed by the bank's cashier to its president, chief executive officer, or any other officer.

§ 7.2016 Restricting transfer of stock and record dates.

(a) *Conditions for stock transfer.* Under 12 U.S.C. 52, a national bank may impose conditions upon the transfer of its stock reasonably calculated to simplify the work of the bank with respect to stock transfers, voting at shareholders' meetings, and related matters and to protect it against fraudulent transfers.

(b) *Record dates.* Stock records of a national bank may be closed for a reasonable period to ascertain shareholders for voting purposes. The board of directors may fix a record date for determining the shareholders entitled to notice of, and to vote at, any meeting of shareholders. Such record date should be in reasonable proximity to the date that notice is given to the shareholders of such meeting.

§ 7.2017 Facsimile signatures on bank stock certificates.

The president and cashier, or other officers authorized by the bank's bylaws, must sign every national bank stock certificate. The signatures may be manual or facsimile, including electronic means of signature. Each certificate must be sealed with the seal of the association.

§ 7.2018 Lost stock certificates.

If a national bank does not provide for replacing lost, stolen, or destroyed stock certificates in its articles of association or bylaws, the bank may adopt procedures that meet the requirements of the law of the state in which the bank is located.

§ 7.2019 Loan secured by own shares.

(a) *Permitted agreements, relating to bank shares.* A national bank may require a borrower holding shares of the bank to execute agreements:

(1) Not to pledge, give away, transfer, or otherwise assign such shares;

(2) To pledge such shares at the request of the bank when necessary to prevent loss; and

(3) To leave such shares in the bank's custody.

(b) *Use of capital notes and debentures.* A national bank may not make loans secured by a pledge of the bank's own capital notes and debentures. Such notes and debentures must be subordinated to the claims of depositors and other creditors of the issuing bank, and are, therefore, capital instruments within the purview of 12 U.S.C. 83.

§ 7.2020 Acquisition and holding of shares as treasury stock.

Pursuant to the authority and procedures of 12 U.S.C. 59, a national bank may acquire its outstanding shares and hold them for a reasonable period as treasury stock, provided that the acquisition and retention of the shares is for a legitimate corporate purpose.

§ 7.2021 Preemptive rights.

A national bank's articles of association must allow or disallow, by a vote of the holders of two-thirds of the bank's outstanding voting shares, preemptive rights in the bank's shareholders.

§ 7.2022 Voting trusts.

The shareholders of a national bank may establish a voting trust under the applicable law of a state selected by the participants and designated in the trust agreement, provided the implementation of the trust is consistent with safe and sound banking practices.

Subpart C—Bank Operations

§ 7.3000 Bank hours and closings.

(a) *Bank hours.* A national bank's board of directors should review its banking hours, and, independently of any other bank, take appropriate action to establish a schedule of banking hours.

(b) *Emergency closings.* Pursuant to 12 U.S.C. 95 (b) (1), the Comptroller of the Currency, a state, or a legally authorized state official may declare a day a legal holiday if emergency conditions exist. That day is a legal holiday for national banks or their offices in the affected geographic area (*i.e.,* throughout the country, in a state, or in a part of a state). Emergency conditions include natural disasters, civil and municipal emergencies (*e.g.,* severe flooding, or a power emergency declared by a local power company or government requesting that businesses in the affected area close). The Comptroller issues a proclamation authorizing the emergency closing in accordance with 12 U.S.C. 95 at the time of the emergency condition, or soon thereafter. When the Comptroller, a state, or a legally authorized state official declares a day to be a legal holiday due to emergency conditions, a national bank may choose to remain open or to close any of its banking offices in the affected geographic area.

(c) *Ceremonial closings.* A state or a legally authorized state official may declare a day a legal holiday for ceremonial reasons. When a state or a legally authorized state official declares a day to be a legal holiday for ceremonial reasons, a national bank may choose to remain open or to close.

(d) *Liability.* A national bank should assure that all liabilities or other obligations under the applicable law due to the bank's closing are satisfied.

§ 7.3001 Sharing space and employees.

(a) *Sharing space.* Subject to paragraphs (c) and (d) of this section, a national bank may:

(1) Lease excess space in bank premises to one or more other businesses (including other banks and financial institutions);

(2) Share space jointly held with one or more other businesses; or

(3) Offer its services in space owned or leased by other businesses.

(b) *Sharing employees.* Subject to paragraphs (c) and (d) of this section, when sharing space with other businesses as described in paragraph (a) of this section, a national bank may provide, under one or more written agreements among the bank, the other businesses, and their employees, that:

(1) Bank employees may act as agents for the other businesses; or

(2) Employees of the other businesses may act as agents for the bank.

(c) *Supervisory conditions.* When a national bank engages in arrangements of the types listed in paragraphs (a) and (b) of this section, the bank must ensure that:

(1) The other businesses are conspicuously, accurately, and separately identified;

(2) Shared employees clearly and fully disclose the nature of their agency relationship to customers of the bank and of the other businesses so that customers will know the identity of the bank or business that is providing the product or service;

(3) The arrangement does not constitute a joint venture or partnership with the other business under applicable state law;

(4) All aspects of the relationship between the bank and the other businesses are conducted at arm's length, unless a special arrangement is warranted because the other business is a subsidiary of the bank;

(5) Security issues arising from the activities of the other businesses on the premises are addressed;

(6) The activities of the other businesses do not adversely affect the safety and soundness of the bank;

(7) The activities of shared employees are consistent with applicable laws and regulations that pertain to agents or employees of such other businesses; and

(8) The assets and records of the parties are segregated.

(d) *Other legal requirements.* When entering into arrangements of the types described in paragraphs (a) and (b) of this section, and in conducting operations pursuant to those arrangements the bank must ensure that each arrangement complies with 12 U.S.C. 29 and 36, and with any other applicable laws and regulations. If the arrangement involves an affiliate or a shareholder, director, officer or employee of the bank:

(1) The bank must ensure compliance with all applicable statutory and regulatory provisions governing bank transactions with these persons or entities; and

(2) The parties must comply with all applicable fiduciary duties; and

(3) The parties, if they are in competition with each other, must consider limitations, if any, imposed by applicable antitrust laws.

Subpart D—Preemption

§ 7.4000 Books and records of national banks.

(a) *Inspection.* The only provision of Federal banking law authorizing persons other than the Comptroller of the Currency or his authorized representatives to inspect books or records of a national bank is contained in 12 U.S.C. 62, relating to the right of shareholders, creditors, and certain tax officials to inspect the list of shareholders of a bank. Production of records may, however, be required under normal judicial procedures.

(b) *Visitorial powers.* Except as otherwise expressly provided by Federal law, the exercise of visitorial powers over national banks is vested solely in the OCC, 12 U.S.C. 484. State officials have no authority to conduct examinations or to inspect or require the production of books or records of national banks, except for the limited purpose of ensuring compliance with applicable state unclaimed property and escheat laws. State authority to review the books and records of a national bank is limited to those circumstances in which there is reasonable cause to believe that the bank has failed to comply with those laws. Federal law provides special procedures for verifying payroll records for unemployment compensation purposes, 26 U.S.C. 3305(c), for enforcing the Fair Labor Standards Act, 29 U.S.C. 211, and for ascertaining the correctness of Federal tax returns, 26 U.S.C. 7602.

(c) *Report of examination.* The report of examination made by an examiner selected by the OCC is designated solely for use in the supervision of the bank. The bank's copy of the report is the property of the OCC and is loaned to the bank and any holding company thereof solely for its confidential use. The bank's directors, in keeping with their responsibilities both to depositors and to shareholders, should thoroughly review the report. The report may be made available to other persons only in accordance with the rules on disclosure in part 4 of this chapter.

§ 7.4001 Charging interest at rates permitted competing institutions; charging interest to corporate borrowers.

(a) *Definition.* The word ''interest'' as used in 12 U.S.C. 85 includes any payment compensating a creditor or prospective creditor for any extension of credit, the making available of a line of credit, or any default or breach by a borrower of a condition upon which credit was extended. It includes, among other things, the following fees connected with credit extension or availability: numerical periodic rates, late fees, not sufficient funds (NSF) fees, overlimit fees, annual fees, cash advance fees, and membership fees. It does not ordinarily include appraisal fees, premiums and commissions attributable to insurance guaranteeing repayment of any extension of credit, finders' fees, fees for document preparation or notarization, or fees incurred to obtain credit reports.

(b) *Authority.* A national bank located in a state may charge interest at the maximum rate permitted by law of that state to any state-chartered or licensed lending institution. If state law permits a higher interest rate on a specified class of loans, a national bank making loans at the higher rate is subject only to the provisions of state law relating to the class of loans that are material to the determination of the interest rate. For example, a national bank may lawfully charge the highest rate permitted to be charged by a state-licensed small loan company or Morris Plan bank, without being so licensed.

(c) *Usury.* A national bank located in a state the law of which denies the defense of usury to a corporate borrower may charge a corporate borrower any rate of interest agreed upon by a corporate borrower.

§ 7.4002 National bank charges.

(a) *Customer charges and fees.* A national bank may charge its customers deposit account service charges and loan-related fees. For example, a national bank may impose service charges, that its board of directors determines to be reasonable, on dormant accounts. A national bank may also charge a borrower reasonable fees for credit reports or investigations with respect to a borrower's credit. All charges to customers should be arrived at by each bank on a competitive basis and not on the basis of any agreement, arrangement, undertaking, understanding or discussion with other banks or their officers.

(b) *Considerations.* The establishment of reasonable deposit account service charges and loan-related fees, and the amounts thereof, is a business decision to be made by each bank according to sound banking judgment and safe and sound banking principles. In establishing deposit account service charges and loan-related fees, the bank may consider, but is not limited to considering:

(1) The cost incurred by the bank, plus a profit margin, in providing the service;

(2) The enhancement of the competitive position of the bank in accord with the bank's marketing strategy; and

(3) Maintenance of the safety and soundness of the institution.

(c) *State law.* The OCC evaluates on a case-by-case basis whether a national bank may establish deposit account service charges or loan-related fees pursuant to paragraphs (a) and (b) of this section notwithstanding a contrary state law that purports to limit or prohibit such charges or fees. In issuing an opinion on whether such state laws are preempted, the OCC applies preemption principles derived from the Supremacy Clause of the United States Constitution and applicable judicial precedent.

(d) *National bank as fiduciary.* This section does not apply to charges imposed by a national bank in its capacity as a fiduciary, which are governed by part 9 of this chapter.

Appendix A to Part 7—Corporate Governance Procedures; OCC Approved Model Business Corporation Act Provisions

The following sections of the Model Business Corporation Act (1984), as amended through 1993, are permissible corporate governance procedures for a national bank under § 7.2000(b) of this part:

6.24 Share Options
6.28 Expense of Issue
7.01 Annual Meeting
7.02 Special Meeting
7.04 Action Without Meeting
7.25 Quorum and Voting Requirements for Voting Groups
7.26 Action by Single and Multiple Voting Groups
8.05(a), (c)–(e) Terms of Directors Generally
8.07 Resignation of Directors
8.20 Meetings
8.21 Action Without Meeting
8.22 Notice of Meeting
8.23 Waiver of Notice
8.25 Committees
10.03 Amendment By Board of Directors and Shareholders
10.09 Effect of Amendment

PART 31—EXTENSIONS OF CREDIT TO NATIONAL BANK INSIDERS

2. The authority citation for part 31 is revised to read as follows:

Authority: 12 U.S.C. 375a(4), 375b(3), 1817(k), and 1972(2)(G)(ii).

3. Part 31 is amended by adding new subpart C consisting of § 31.100 to read as follows:

Subpart C—Interpretive Rulings

§ 31.100 Transactions with affiliates.

(a) *Debts of affiliates.* A national bank's bad debts do not include bad debts due to an affiliate for purposes of 12 U.S.C. 56 except to the extent of each debt of, or other claim against, the affiliate with respect to which the bank is personally liable either as obligor or guarantor. This section does not apply, however, to debts of operating subsidiaries.

(b) *Loans secured by stock or obligations of an affiliate.* Where a loan is otherwise adequately secured, additional security in the form of the capital stock, bonds, debentures, or other such obligations of an affiliate

need not be considered in determining the limitation contained in 12 U.S.C. 371c with respect to the aggregate amount of loans secured by stock or obligations of an affiliate.

(c) *Federal funds transactions between affiliates.* The limitations contained in 12 U.S.C. 371c apply to the sale of Federal funds by a national bank to an affiliate of such bank.

(d) *Deposits between affiliated banks.* A deposit made by a national bank in an affiliate is considered to be a loan or extension of credit to the affiliate under 12 U.S.C. 371c, except for a deposit made in an affiliated domestic or foreign bank in the ordinary course of correspondent business or as otherwise provided in 12 U.S.C. 371c(d)(1). Loans or extensions of credit to an affiliate are required to be secured under 12 U.S.C. 371c. However, 12 U.S.C. 90 and applicable case law restrict the authority of national banks to pledge their assets to secure private deposits. Similar restrictions on securing deposits also apply to many state-chartered banks. Consequently, a national bank may not make a deposit in an affiliated national bank unless made in the ordinary course of correspondent business or as provided in 12 U.S.C. 371c(d)(1). A national bank may not make a deposit in an affiliated state bank unless made in the ordinary course of correspondent business or as provided in 12 U.S.C. 371c(d)(1) or unless the affiliated state bank can legally offer collateral for such deposit in conformance with the requirements of 12 U.S.C. 371c. A national bank may not receive a deposit from an affiliated bank, except in the ordinary course of correspondent business or as provided in 12 U.S.C. 371c(d)(1), because of its legal inability to provide the required collateral.

Dated: February 17, 1995.

Eugene A. Ludwig,

Comptroller of the Currency.

[FR Doc. 95–4703 Filed 3–2–95; 8:45 am]

BILLING CODE 4810–33–P

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 120 and 122

Business Loan Policy and Business Loans; Facsimiles of SBA Forms

AGENCY: Small Business Administration (SBA).

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize SBA participating lenders to use computer generated facsimile exact copies of SBA application and closing forms in making SBA guaranteed loans. SBA lenders, under the proposed rule, would agree to accept liability for a substantial SBA loss attributable to deficiencies in such forms. Under the proposed rule, SBA would deny liability to a lender which fails to use SBA provided forms or computerized facsimile exact copies of the SBA forms if this failure would contribute to a substantial loss by the SBA on the guaranteed loan.

DATES: Comments must be submitted on or before April 3, 1995.

ADDRESSES: Comments may be mailed to John R. Cox, Associate Administrator for Financial Assistance, Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: John R. Cox, 202/205–6490.

SUPPLEMENTARY INFORMATION: For many years, the SBA has required that its participating lenders use SBA provided forms in the SBA guaranteed business loan program. With advances in technology, SBA recognizes that such forms may be reproduced as mirror image facsimiles by computers and that such reproductions may be in the best interest of expedition of the SBA guaranteed loan program.

Under this proposed rule, lenders participating in the SBA guaranteed business loan program would be authorized to use SBA application and closing forms which are computer generated by the lenders or from software prepared by third parties with whom they have contracted. Because SBA in the past has withheld permission to computerize some identified SBA forms, the proposed new § 122.5–6 would specifically include these forms in the general authority to utilize computer generated facsimile copies: SBA Forms 147 (Note), 148 (Guaranty), 155 (Standby Agreement), 601 (Applicant's Agreement of Compliance), 928 (Mortgage), 1050 (Settlement Sheet), 1059 (Security Agreement).

SBA's guaranty to a participating lender with respect to an SBA guaranteed business loan is conditional on the lender's actions in properly and prudently making, closing, servicing, and liquidating a loan. Accordingly, SBA's rules release the agency from its obligation to the lender to purchase the guaranteed portion of a business loan under certain prescribed conditions. SBA is proposing to amend § 120.202–5 of its regulations so that it would be released from an obligation to a participating lender to purchase the guaranteed portion of a loan if the lender fails to utilize SBA provided forms or computer exact facsimile copies thereof, and this failure contributes to a substantial loss on the loan by the SBA. This means that if the computer generated SBA forms used by a lender are not exact facsimile copies, and such lack of conformity contributes or may contribute to a substantial loss by SBA on the loan, SBA could refuse to honor its guaranty with respect to the lender. In no event could SBA refuse to purchase the guaranteed portion from a registered holder (*i.e.*, investor) in the secondary market. SBA's obligation to a registered holder always unconditional, and this proposed rule would have no effect on such obligation.

Compliance With Executive Orders 12612, 12778 and 12866, the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. and the Paperwork Reduction Act, 44 U.S.C. Ch. 35

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

SBA certifies that this proposed rule, if promulgated in the final form, will not constitute a significant regulatory action for the purposes of Executive Order 12866, since the proposed change is not likely to result in an annual effect on the economy of $100 million or more.

SBA certifies that the proposed rule, if promulgated in final form, would not impose additional reporting or recordkeeping requirements which could be subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

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

Further, for purposes of Executive Order 12778, SBA certifies that this proposed rule, if promulgated in final form, is drafted, to the extent practicable, in accordance with the standards set forth in section 2 of that Order. (Catalog of Federal Domestic Assistance Programs, No. 59.012)

List of Subjects

13 CFR Part 120

Loan programs-business, Small Businesses.

13 CFR Part 122

Loan programs-business, Small businesses.

Accordingly, pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), SBA proposes to amend parts

120 and 122, chapter I, title 13, Code of Federal Regulations, as follows:

PART 120—BUSINESS LOAN POLICY

1. The authority citation for Part 120 would continue to read as follows:

Authority: 15 U.S.C. 634(b)(6) and 636 (a) and (h).

2. Section 120.202–5 would be amended by revising the introductory text to read as follows:

§ 120.202–5 When SBA does not purchase.

SBA shall be released from its obligation to purchase its share of the guaranteed loan if the Lender has not substantially complied with all of the provisions of these regulations, the Guaranty Agreement and the Loan Authorization; has failed to disclose material facts; has made material misrepresentations to SBA with respect to the loan; or has failed to utilize SBA provided forms or exact computerized facsimile copies thereof; provided that any of these failures contributes or may contribute to a substantial loss on the loan by SBA; or upon the happening of any one or more the following events:

* * * * *

PART 122—BUSINESS LOANS

1. The authority citation for part 122 would continue to read as follows:

Authority: 15 U.S.C. 634(b)(6), 636(a), 636(m).

2. Section 122.5–6 would be added to read as follows:

§ 122.5–6 Facsimile Copies of SBA Application Forms.

For guaranteed loans, a Participating Lender may use computer generated SBA application or closing forms which are exact facsimile reproductions of SBA's forms. Lenders which use computer generated application or closing forms agree to accept liability for a substantial SBA loss due to deficiencies in the use of these forms. (See § 120.202–5). All SBA Business loan forms, including the following, may be computer generated: 147 (Note), 148 (Guaranty), 155 (Standby Agreement), 601 (Applicant's Agreement of compliance), 928 (Mortgage), 1050 (Settlement Sheet), 1059 (Security Agreement).

Dated: December 23, 1994.

Philip Lader,

Administrator.

[FR Doc. 95–5126 Filed 3–2–95; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–226–AD]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes. This proposal would require modification of the left and right inboard elevator servo assemblies and the hydraulic routing of the right inboard elevator power control package (PCP). This proposal is prompted by a report of an uncommanded right elevator deflection after takeoff and reports of elevator/control column bumps during landing gear retraction on these airplanes. The actions specified by the proposed AD are intended to prevent uncommanded elevator deflection, which could result in structural damage and reduced controllability of the airplane.

DATES: Comments must be received by April 28, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–226–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207; and Parker Hannifin Corporation, Customer Support Operations, 16666 Von Karman Avenue, Irvine, California 92714. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Kathi N. Ishimaru, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2674; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 94–NM–226–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–226–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received one report of an uncommanded right elevator deflection after takeoff and two reports of elevator/control column bumps during landing gear retraction on Boeing Model 747–400 series airplanes equipped with certain inboard elevator Parker power control packages (PCP). Investigation revealed that hydraulic system number 4 is connected to the sensitive side of the servo valve, which may lead to an uncommanded elevator motion when the return pressure for the hydraulic system number 4 fluctuates. This condition, if not corrected, could result in structural damage and reduced controllability of the airplane.

The FAA has reviewed and approved Parker Service Bulletin 327400–27–171, dated December 2, 1994, which describes procedures for modification of

the left and right servo assemblies of the PCP of the inboard elevator for Model 747–100, –200, –300, and –400 series airplanes, equipped with certain Parker PCP's. The modification involves rework of the dual tandem servo assembly. This modification will prevent blockage of the hydraulic balance passageway by the spring guide, which can contribute to the uncommanded motion of the PCP.

However, for certain Model 747–400 series airplanes, Boeing has issued Alert Service Bulletin 747–27A2348, Revision 1, January 26, 1995, which describes additional procedures for modification of the hydraulic tubing of the right inboard elevator PCP. This modification connects the hydraulic system number 3 to the sensitive side of the servo valve. This modification will prevent an uncommanded right elevator deflection caused by hyraulic system number 4 pressure flucuations. The FAA has reviewed and approved this alert service bulletin.–

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require modification of the left and right servo assemblies and re-routing the hydraulic tubing of the inboard elevator PCP. The actions would be required to be accomplished in accordance with the service bulletins described previously. –

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this long-standing requirement. –

There are approximately 672 Model 747–100, –200, and –300 series airplanes, and 357 Model 747–400 series airplanes of the affected design in the worldwide fleet, a total of 1,000 airplanes. –

The FAA estimates that 114 Model 747–100, –200, and –300 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 73 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $3,720 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $923,400, or $8,100 per airplane. –

The FAA estimates that 65 Model 747–400 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 111 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $8,549 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $988,585, or $15,209 per airplane. –

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

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

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

List of Subjects in 14 CFR Part 39 –

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment –

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

PART 39—AIRWORTHINESS DIRECTIVES –

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

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

§ 39.13 [Amended] –

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

Boeing: Docket 94–NM–226–AD.

Applicability: Model 747–100, –200, –300, and –400 series airplanes, equipped with Parker inboard elevator power control packages (PCP) having part numbers (P/N) 327400–1001, –1003, –1005, and –1007; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously. –

To prevent uncommanded elevator deflection, which could result in structural damage and reduced controllability of the airplane, accomplish the following: –

(a) For Model 747–400 series airplanes, as listed in Boeing Alert Service Bulletin 747–27A2348, dated November 17, 1994: Within 1 year after the effective date of this AD, modify the hydraulic tubing of the right inboard elevator PCP, in accordance with Boeing Alert Service Bulletin 747–27A2348, Revision 1, dated January 26, 1995. –

(b) For all airplanes: Within 3 years after the effective date of this AD, modify the left and right servo assemblies of the inboard elevator PCP, in accordance with Parker Service Bulletin 327400–27–171, dated December 2, 1994. –

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), ANM–100S, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

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

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

Issued in Renton, Washington, on February 27, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–5244 Filed 3–2–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–241–AD]

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Fokker Model F28 Mark 0100 series airplanes. This proposal would require installation of reinforcement plates at certain fuselage stations. This proposal is prompted by a report indicating that cracks were found in the frame strips at certain fuselage stations on a Model F28 Mark 0100 series airplane test article due to fatigue-related stress. The actions specified by the proposed AD are intended to prevent such fatigue-related cracking, which could result in reduced structural integrity of the fuselage pressure vessel.

DATES: Comments must be received by April 28, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–241–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. –

The service information referenced in the proposed rule may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2141; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited –

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 94–NM–241–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs –

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–241–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, recently notified the FAA that an unsafe condition may exist on certain Fokker Model F28 Mark 0100 series airplanes. The RLD advises that, during full-scale fatigue testing on a Model F28 Mark 0100 series airplane test article, cracks were found in the frame strips at fuselage stations 14911 and 17011. The cause of such cracking has been attributed to fatigue-related stress. Such fatigue-related cracking, if not detected and corrected in a timely manner, could result in reduced structural integrity of the fuselage pressure vessel.

Fokker has issued Service Bulletin SBF100–53–072, dated March 12, 1993, which describes procedures for installation of reinforcement plates at left and right fuselage stations 14911 and 17011. Installation of the reinforcement plates will reduce stress in this area and increase the fatigue life of the affected parts. The RLD classified this service bulletin as mandatory and issued Netherlands airworthiness directive BLA 93–037(A), dated March 17, 1993, in order to assure the continued airworthiness of these airplanes in the Netherlands.

This airplane model is manufactured in the Netherlands and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require installation of reinforcement plates at left and right fuselage stations 14911 and 17011. The actions would be required to be accomplished in accordance with the service bulletin described previously.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this requirement.

The FAA estimates that 45 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 160 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $3,800 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $603,000, or $13,400 per airplane.

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Fokker: Docket 94–NM–241–AD.

Applicability: Model F28 Mark 0100 series airplanes, serial numbers 11244 through 11371 inclusive, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent cracking in the frame strips at fuselage stations 14911 and 17011, which could result in reduced structural integrity of the fuselage pressure vessel, accomplish the following:

(a) Prior to the accumulation of 24,000 total flight cycles, or within 6 months after the effective date of this AD, whichever occurs later, install reinforcement plates at left and right fuselage stations 14911 and 17011, in accordance with Fokker Service Bulletin SBF100–53–072, dated March 12, 1993.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

Issued in Renton, Washington, on February 27, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–5243 Filed 3–2–95; 8:45 am]

BILLING CODE 4310–13–U

14 CFR Part 39

[Docket No. 95–NM–05–AD]

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Fokker Model F28 Mark 0100 series airplanes. This proposal would require an inspection to determine the adequacy of clearance between the normal maximum (second) detent for the reverse thrust control and the surrounding moving parts and to detect chafing or damage of the detent. This proposal would also require eventual replacement of the normal maximum detent with an improved detent. This proposal is prompted by a report indicating that an inadequate level of clearance between the normal maximum detent and the surrounding parts may exist on earlier production Model F28 Mark 0100 series airplanes. The actions specified by the proposed AD are intended to ensure proper operation of the normal maximum detent for reverse thrust control.

DATES: Comments must be received by April 28, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–05–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2141; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–05–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–05–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On June 29, 1992, the FAA issued AD 92–15–08, amendment 39–8302 (57 FR 34216, August 8, 1992), applicable to certain Fokker Model F28 Mark 0100 series airplanes, to require removing the normal maximum (second) detent of the reverse thrust control and installing an improved unit. That action was prompted by reports indicating that the override force for the normal maximum detent of the reverse thrust control is too low. The actions required by that AD are intended to prevent fatigue damage and subsequent reduced structural capability of the horizontal stabilizer attachment.

The normal maximum detents that were installed in accordance with AD 92–15–08 (reference Fokker Service Bulletin SBF100–76–008, dated May 8, 1991) were intended to be functional only with certain pulleys. Since the issuance of that AD, however, the Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, has notified the FAA that certain earlier production airplanes affected by AD 92–15–08 are not fitted with those specific pulleys. As a result, compliance with AD 92–15–08 may have produced an inadequate level of clearance between the normal maximum detent and the surrounding moving parts on these airplanes. This condition, if not corrected, could result in the inability to select reverse thrust levels above the normal maximum detent.

Fokker has issued Service Bulletin SBF100–76–010, dated October 31, 1993, which describes procedures for:

1. Performing a one-time inspection of certain airplanes to determine the adequacy of clearance between the normal maximum detent for the reverse thrust control and the surrounding moving parts and to detect chafing or damage of the detent and/or surrounding moving parts; and

2. Replacing the normal maximum detent for reverse thrust control with an improved detent.

The RLD classified this service bulletin as mandatory and issued Dutch airworthiness directive BLA 93–151(A), dated November 1, 1993, in order to assure the continued airworthiness of these airplanes in the Netherlands.

The FAA is considering further rulemaking action to revise AD 92–15–08 to change the applicability of that AD to remove certain earlier production Model F28 Mark 0100 series airplanes that could have a potential thrust reverser detent interference problem.

This airplane model is manufactured in the Netherlands and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require a one-time inspection to determine the adequacy of clearance between the normal maximum detent for the reverse thrust control and the surrounding moving parts, and to detect chafing or damage of the normal maximum detent; and replacement of the normal maximum detent with a new normal maximum detent. The actions would be required to be accomplished in accordance with the service bulletin described previously.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this long-standing requirement.

The FAA estimates that 5 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 10 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $400 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $5,000, or $1,000 per airplane.

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

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this

action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Fokker: Docket 95–NM–05–AD.

Applicability: Model F28 Mark 0100 series airplanes, serial numbers 11244 through 11261 inclusive, 11263, and 11268 through 11283 inclusive, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To ensure proper operation of the normal maximum detent for reverse thrust control, accomplish the following:

(a) For airplanes on which Fokker Service Bulletin SBF100–76–008, dated May 8, 1991, has been accomplished: Within 1,500 flight cycles after the effective date of this AD, perform an inspection to determine the adequacy of clearance between the normal maximum (second) detent for the reverse thrust control and the surrounding moving parts and to detect chafing or damage of the normal maximum detent, in accordance with Part 1 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–76–010, dated October 31, 1993.

(1) If any chafing or damage is found (regardless of clearance), prior to further flight, replace the normal maximum detent with an improved normal maximum detent, in accordance with Part 2 of the Accomplishment Instructions of the service bulletin

(2) If the clearance is found to be inadequate, but no chafing or damage is found, within 250 flight cycles following the inspection required by paragraph (a) of this AD, replace the normal maximum detent with an improved normal maximum detent, in accordance with Part 2 of the Accomplishment Instructions of the service bulletin.

(3) If the clearance is found to be adequate and no damage or chafing is found, within 3,000 flight cycles following the inspection required by pararaph (a) of this AD, replace the detent with an improved normal maximum detent, in accordance with Part 2 of the Accomplishment Instructions of the service bulletin.

(b) For airplanes on which Fokker Service Bulletin SBF100–76–008, dated May 8, 1991, has not been accomplished: Within the next 500 flight cycles after the effective date of this AD, replace the normal maximum detent for reverse thrust control with an improved normal maximum detent, in accordance with Part 2 of the Accomplishment Instructions of Fokker Service Bulletin SBF100–76–010, October 31, 1993.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

Issued in Renton, Washington, on February 27, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–5242 Filed 3–2–95; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 905

[Docket No. 950104002–5002–01; I.D. 061394C]

RIN 0648–AE40

Use in Enforcement Proceedings of Information Collected by Voluntary Fishery Data Collectors

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: The Secretary of Commerce (Secretary), through NOAA, is publishing proposed regulations that would restrict the use of information collected by voluntary fishery data collectors (VFDC). These regulations would limit the extent to which such information could be used in civil and criminal enforcement proceedings conducted pursuant to the Magnuson Fishery Conservation and Management Act (Magnuson Act), the Endangered Species Act (ESA), and the Marine Mammal Protection Act (MMPA). In promulgating these regulations, NOAA seeks to encourage the use of VFDCs by the fishing industry, while protecting the necessary use of observer information by law enforcement personnel.

DATES: Comments must be submitted by May 2, 1995.

ADDRESSES: Comments may be mailed to the National Oceanic and Atmospheric Administration, Office of General Counsel, Enforcement and Litigation Section, 8484 Georgia Avenue, 4th Floor, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Joel La Bissonniere, (301) 427–2202.

SUPPLEMENTARY INFORMATION:

Background

The Magnuson Act, 16 U.S.C. 1801, *et seq*. and the MMPA, 16 U.S.C. 1361 *et seq*. specifically authorize the stationing of observers aboard fishing vessels.

Observers serve two separate and essential purposes. First, observers collect scientific information essential to the effective management and protection by the National Marine Fisheries Service (NMFS) of ocean fisheries and protected species. Second, observers monitor compliance with existing Federal laws. Information collected by an observer that establishes a violation of the Magnuson Act, the MMPA or the ESA, 16 U.S.C. 1531 *et*

seq. may be used to prosecute the owner or operator of that vessel in a subsequent civil or criminal enforcement proceeding.

Most observer programs are mandatory in nature. For example, under the Magnuson Act, domestic vessels participating in the groundfish fishery of the Gulf of Alaska are required to carry an observer if ordered to do so. (See 50 CFR 672.27). Under the MMPA, U.S. commercial vessels in the eastern tropical Pacific yellowfin tuna purse seine fishery must carry an observer, (See 16 U.S.C. 1374(h)(2)(B)(viii)), as must any vessel selected by NMFS while operating pursuant to a special exemption permit in a Category I fishery. (See 16 U.S.C. 1383a(b)(3)(B)). Under the ESA, NMFS occasionally requires observers as a condition of a section 7 incidental take statement. (See 16 U.S.C. 1536(b)).

Pursuant to all three acts, however, voluntary observer programs also have been utilized. For example, under the MMPA's interim exemption program for commercial fisheries, NMFS may, with the consent of a vessel owner, station an observer aboard a vessel that is not fishing in a Category I fishery. (See 16 U.S.C. 1383a(e)(3)). Under this and other programs, fishermen who are under no legal obligation to do so, may voluntarily agree to carry observers selected by NMFS. Although most observer programs implemented by NMFS are mandatory in nature, voluntary programs are widely used to gather scientific information along the northeastern and southeastern coasts of the United States.

Concerns have arisen within the fishing industry and NMFS as to whether information collected by voluntary observers should be used in subsequent enforcement proceedings. Many fear that fishermen will be reluctant to carry voluntary observers if the information collected by the observer can be used to prosecute them. Without the cooperation of the fishing industry, the voluntary observer program might deteriorate, depriving NMFS of information that is essential to living marine resource management and protection. Conversely, others worry that unduly restricting the use of such information will undermine the ability to effectively prosecute violations of each statute.

In response to these concerns, Congress enacted 16 U.S.C. 1853(f) of the Magnuson Act. This amendment, codified at section 303(f) of the Magnuson Act, requires the issuance of regulations that restrict, in civil and criminal enforcement proceedings conducted under the Magnuson Act, MMPA, and ESA, the use of information collected by VFDCs while aboard a vessel for conservation and management purposes.

These proposed regulations have been prepared to satisfy this statutory directive. They do so in a manner that balances the competing concerns associated with the use of information collected by voluntary observers. Specifically, the regulations would encourage industry participation in voluntary observer programs by limiting the risk of civil or criminal prosecution under the Magnuson Act, MMPA, and ESA, based upon information collected by a VFDC. At the same time, the regulations would protect essential enforcement activities by permitting the use of such information in limited circumstances.

Scope

These proposed regulations would add a new part to title 15 of the Code of Federal Regulations, and would apply to the use of information collected by VFDCs. Section 905.5 would define a VFDC as an observer or sea sampler whose presence aboard a vessel is not required pursuant to any provision of the Magnuson Act, MMPA, ESA or supporting regulations. By definition, these proposed regulations would only apply when an observer is aboard a vessel at the sole discretion of the owner or operator.

These regulations would not categorically prohibit the use of information collected by VFDCs in enforcement proceedings. Rather, the regulations would restrict the use of such information. Restricting the use of information collected by a VFDC is consistent with the plain language of the statute, and strikes a balance between separate and sometimes conflicting goals of the Magnuson Act, MMPA, and ESA: the management and protection of species through the acquisition of scientific information and through the effective prosecution of prohibited conduct.

These regulations would apply to any enforcement proceeding initiated pursuant to the Magnuson Act, MMPA, or ESA. The term ''enforcement proceeding'' is broadly defined to encompass any judicial or administrative action that is initiated for the purpose of imposing any civil or criminal penalty that is authorized by the Magnuson Act, MMPA, or ESA.

These regulations would apply even if the information collected relates to the violation of a statute subject to this proposed rule that is different from the one giving rise to the VFDC's presence onboard a vessel. For example, assume that a VFDC is stationed aboard a fishing vessel pursuant to a voluntary program authorized by the Magnuson Act. These regulations would restrict the use of information collected by the VFDC in an enforcement proceeding arising from a violation of the Magnuson Act. The regulations, however, also would restrict the use of information collected by this same VFDC in an enforcement proceeding arising from a violation of the MMPA or ESA.

Information

Part 905 would restrict the use of information collected by a VFDC in enforcement proceedings conducted under the Magnuson Act, MMPA, and ESA. The term ''information'' would be defined in § 905.2 to include all observations, data, statistics, photographs, film, or recordings collected by a VFDC. Under this broad definition, information may take the form of recorded data or activities seen or heard by the observer. This definition is intended to encompass any type of information, regardless of form.

The restrictions, however, would not apply to independent evidence that is derived from information collected by a VFDC. In practice, evidence initially collected by enforcement personnel frequently leads to the discovery of additional evidence. These regulations would not restrict the use of additional evidence acquired in this manner. Absent this exception, prosecutors might be denied use of relevant evidence, wholly unrelated to the purposes of part 905, simply because it was acquired through information collected by a VFDC.

For example, assume a VFDC observed a fishing vessel land fish in excess of the vessel's authorized limit. Under these proposed regulations, the government could not rely upon the VFDC's observations in any subsequent prosecution. Aware of these observations, however, enforcement personnel could obtain additional evidence, such as landing slips, that independently establish the violation. These proposed regulations would not restrict the use of the landing slips in any subsequent prosecution.

Access to Information

Part 905 would restrict the use of information collected by a VFDC in an enforcement proceeding conducted pursuant to the Magnuson Act, MMPA or ESA. It would not restrict access to this same information by any party to an enforcement proceeding. Instead, access to such information remains subject to existing Federal statutes and rules. For example, access to information collected

by Federal agencies is subject to the Freedom of Information Act and the Privacy Act. Information collected by NMFS pursuant to the Magnuson Act and the MMPA may only be disclosed consistent with the confidentiality provisions of both statutes. Within enforcement proceedings, access to information is governed by discovery provisions set forth in the Federal rules of civil and criminal procedure, and agency regulations that control discovery. (See 15 CFR 904.240).

Use of Information

Under proposed § 905.4(a), information collected by a VFDC may not initially be introduced by the government as evidence against any consenting owner that is a party to an enforcement proceeding. A ''consenting owner'' is defined as the owner, operator or crewmember of a vessel carrying a VFDC.

This restriction, however, would not apply to other parties. Under proposed § 905.4(b)(1), any other party to an enforcement proceeding may introduce such information. This exception recognizes the fact that, in certain cases, information collected by a VFDC may establish a party's innocence. Denying a party the right to use such information in a criminal proceeding might run counter to a party's right to compulsory process under the Sixth Amendment of the U.S. Constitution. While VFDC-collected information will ordinarily be introduced to establish innocence, such information may be introduced for any reason by any party other than the government, regardless of their status as a plaintiff or defendant.

Once information collected by a VFDC has been introduced, any party, including the government, may introduce any information collected by a VFDC. (See § 905.4(b)(2)). In most instances, parties will offer additional information when necessary to clarify, explain, or contradict information previously introduced. Pursuant to proposed § 905.4(b)(2), however, any other information may be introduced against any party for any purpose, within the sound discretion of the court or tribunal.

Exceptions

While the restrictions proposed in part 905 are intended to apply to the vast majority of enforcement proceedings conducted under the Magnuson Act, MMPA, and ESA, exception is made for a few limited categories of actions. Pursuant to proposed § 905.5, the provisions of part 905 would not apply to enforcement proceedings based upon: (1) The assault, intimidation, or harassment of any person; or (2) the impairment or interference with the duties of a VFDC. These regulations are intended to promote voluntary observer programs by reducing the risk of prosecution for fishing-related violations, not improper conduct directed against a VFDC. Extending the restrictions of part 905 to conduct of this nature would jeopardize the safety of VFDCs and undermine the quality of any data collected.

Classification

The Assistant General Counsel for Legislation and Regulations of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic effect on a substantial number of small businesses. This proposed rule is procedural in nature, limiting the use of specific information in enforcement proceedings. As a result, a regulatory flexibility analysis has not been prepared.

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

List of Subjects in 15 CFR Part 905

Fisheries, Statistics

Dated: February 21, 1995.

Terry D. Garcia,

General Counsel, National Oceanic and Atmospheric Administration.

For the reasons set out in the preamble, 15 CFR part 905 is proposed to be added to read as follows:

PART 905—USE IN ENFORCEMENT PROCEEDINGS OF INFORMATION COLLECTED BY VOLUNTARY FISHERY DATA COLLECTORS

Sec.
905.1 Scope.
905.2 Definitions.
905.3 Access to information.
905.4 Use of information.
905.5 Exceptions.

Authority: 16 U.S.C. 1853(f).

§ 905.1 Scope.

This part applies to the use, in enforcement proceedings conducted pursuant to the Magnuson Act, the MMPA, and the ESA, of information collected by voluntary fishery data collectors.

§ 905.2 Definitions.

When used in this part:

Consenting owner means the owner, operator, or crewmember of a vessel carrying a voluntary fishery data collector.

Enforcement proceeding means any judicial or administrative trial or hearing, initiated for the purpose of imposing any civil or criminal penalty authorized under the Magnuson Act, MMPA, or ESA, including but not limited to, any proceeding initiated to: impose a monetary penalty; modify, sanction, suspend or revoke a lease, license or permit; secure forfeiture of seized property; or incarcerate an individual.

ESA means the Endangered Species Act, as amended, 16 U.S.C. 1531 *et seq.*, and implementing regulations.

Information means all observations, data, statistics, photographs, film, or recordings collected by a voluntary fishery data collector for conservation and management purposes, as defined by the Magnuson Act, MMPA, or ESA, while onboard the vessel of a consenting owner.

Magnuson Act means the Magnuson Fishery Conservation and Management Act, as amended, 16 U.S.C. 1801 *et seq.*, and implementing regulations.

MMPA means the Marine Mammal Protection Act, as amended, 16 U.S.C. 1361 *et seq.*, and implementing regulations.

Secretary means the Secretary of Commerce, the Secretary of the Interior, their chosen designees, or any other Federal agency authorized to enforce the provisions of the Magnuson Act, MMPA, or ESA.

Vessel means any vessel as defined at 16 U.S.C. 1802(31).

Voluntary fishery data collector means:

(1) Any person, including an observer or a sea sampler;

(2) Placed aboard a vessel by the Secretary;

(3) For the purpose of collecting information; and

(4) Whose presence aboard that vessel is not required by the Secretary pursuant to provisions of the Magnuson Act, MMPA, or ESA, or their implementing regulations.

§ 905.3 Access to information.

Information collected by a voluntary fishery data collector:

(a) Is subject to disclosure to both the Secretary and the public, to the extent required or authorized by law; and

(b) Is subject to discovery by any party to an enforcement proceeding, to the extent required or authorized by law.

§ 905.4 Use of information.

(a) Except as provided for in paragraph (b) of this section, information collected by a voluntary fishery data collector may not be introduced by the Secretary as evidence

against any consenting owner that is a party to an enforcement proceeding.

(b) Provided that all applicable evidentiary requirements are satisfied:

(1) Information collected by a voluntary fishery data collector may be introduced in an enforcement proceeding by any party except the Secretary;

(2) If information is introduced pursuant to paragraph (b)(1) of this section, all information collected by a voluntary fishery data collector may be introduced by any other party, including the Secretary.

(c) Independent evidence derived from information collected by a voluntary fishery data collector may be introduced by any party, including the Secretary, in an enforcement proceeding.

§ 905.5 Exceptions.

The provisions of this part shall not apply in any enforcement proceeding against a consenting owner that alleges the actual or attempted:

(a) Assault, intimidation, or harassment (including sexual harassment) of any person; or

(b) Impairment or interference with the duties of a voluntary fishery data collector.

[FR Doc. 95–5221 Filed 3–2–95; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[IA–57–94]

RIN 1545–AT06

Cash Reporting by Court Clerks; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations relating to the information reporting requirements of court clerks upon receipt of more than $10,000 in cash as bail for any individual charged with a specified criminal offense.

DATES: The public hearing originally scheduled for Monday, March 13, 1995, beginning at 10 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Carol Savage of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622–8452 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 6050I of the Internal Revenue Code of 1986. A notice of proposed rulemaking and public hearing appearing in the Federal Register for Thursday, December 15, 1994 (59 FR 64635), announced that the public hearing on the proposed regulations would be held on Monday, March 13, 1995, beginning at 10 a.m., in the Internal Revenue Service Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Service Building, 1111 Constitution Avenue, N.W., Washington, D.C.

The public hearing scheduled for Monday, March 13, 1995, is cancelled.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 95–5198 Filed 3–2–95; 8:45 am]

BILLING CODE 4830–01–P

26 CFR Part 1

[INTL–933–86]

RIN 1545–AL98

Computation of Foreign Taxes Deemed Paid Under Section 902 Pursuant to a Pooling Mechanism for Undistributed Earnings and Foreign Taxes; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains corrections to the notice of proposed rulemaking [INTL–933–86] which was published in the Federal Register for Friday, January 6, 1995 (60 FR 2049). The proposed regulations relate to the computation of foreign taxes deemed paid by a domestic corporate shareholder owning at least 10 percent of the voting stock of the foreign corporation.

FOR FURTHER INFORMATION CONTACT: Caren S. Shein (202) 622–3850, or Kristine K. Schlaman (202) 622–3840 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

The proposed regulations that are the subject of these corrections are under section 902 of the Internal Revenue Code.

Need for Correction

As published, the notice of proposed rulemaking [INTL–933–86] contains typographical errors that are in need of correction.

Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking which is the subject of FR Doc. 95–173, is corrected as follows:

On pages 2056 and 2058, § 1.902–1 is corrected by removing the formulas in paragraphs (b)(2)(i), (b)(2)(ii) and (d)(2)(i) and adding correctly revised formulas at the end of paragraphs (b)(1), (b)(2)(i), (b)(2)(ii) and (d)(2)(i) to read as follows:

§ 1.902–1 Credit for domestic corporate shareholder of a foreign corporation for foreign income taxes paid by the foreign corporation.

* * * * *

(b) * * * (1) * * *

$$\text{Foreign income taxes deemed paid by domestic shareholder (or upper-tier corporation)} = \text{Post 1986 foreign income taxes of first-tier corporation (or lower-tier corporation)} \times \frac{\text{Dividend paid to domestic shareholder (or upper-tier corporation) by first-tier corporation (or lower-tier corporation)}}{\text{Post-1986 undistributed earnings of first-tier corporation (or lower-tier corporation)}}$$

(2) * * * (i) * * *

$$\text{Portion of dividend to a shareholder attributable to post-1986 undistributed earnings} = \text{Post-1986 undistributed earnings} \times \frac{\text{Dividend to shareholder}}{\text{Total dividends paid to all shareholders}}$$

(ii) * * *

$$\text{Portion of dividend to a shareholder attributable to accumulated profits of a particular pre-1987 taxable year} = \text{Dividend paid out of pre-1987 accumulated profits with respect to the particular pre-1987 taxable year} \times \frac{\text{Dividend to shareholder}}{\text{Total dividends paid to all shareholders}}$$

* * * * *

(2) * * * (i) * * *

(d) * * *

$$\text{Foreign taxes deemed paid by domestic shareholder or upper-tier corporation with respect to a separate category under section 904(d)} = \text{Post-1986 foreign income taxes of first-tier or lower-tier corporation allocated and apportioned to a separate category under § 1.904–6} \times \frac{\text{Dividend amount attributable to a separate category}}{\text{Post-1986 undistributed earnings of first-tier or lower-tier corporation attributable to the separate category}}$$

* * * * *

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 95–5285 Filed 3–2–95; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 222

[Docket No. 941126–4326; I.D. 112294A]

North Atlantic Right Whale Protection; Reopening of Comment Period

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

ACTION: Advance notice of proposed rulemaking (ANPR); reopening of comment period.

SUMMARY: On December 27, 1994, NMFS published an ANPR in response to a petition requesting the issuance of regulations that will establish specific protection zones around every northern right whale. NMFS solicited public comment and information until February 27, 1995, to assist in determining the need for and types of conservation measures that would be effective in minimizing human-induced disturbance of and harmful interaction with northern right whales. In response to several requests for an extension of the ANPR comment period, NMFS is reopening the comment period for 30 days to provide additional opportunity to submit suggestions and commentary on potentially effective measures to reduce harmful interaction with northern right whales.

DATES: New information and comments must be submitted on or before April 3, 1995.

ADDRESSES: Comments should be addressed to Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Margot Bohan, NMFS, Office of Protected Resources at (301) 713–2322, or Doug Beach, NMFS, Northeast Regional Office at (508) 281–9254.

Dated: February 24, 1995.

William W. Fox, Jr.,

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

[FR Doc. 95–5220 Filed 3–2–95; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 60, No. 42
Friday, March 3, 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

Foreign Agricultural Service

Meeting of Advisory Committee on Emerging Democracies

AGENCY: Foreign Agricultural Service.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the third meeting of the Advisory Committee on Emerging Democracies will be held March 23–24, 1995. The purpose of the committee is to provide information and advice, based upon knowledge and expertise of the members, useful to the U.S. Department of Agriculture (USDA) in implementing the program on sharing agricultural expertise with emerging democracies. The committee will also advise USDA on ways to increase the involvement of the U.S. private sector in cooperative work with emerging democracies in food and rural business systems.

DATES: The meeting will be held Thursday, March 23, 1995 from 9:00 a.m. to 5:30 p.m., and Friday, March 24 from 10:30 a.m. to 1:00 p.m. Both meetings will be held at the U.S. Department of Agriculture in Washington, DC.

SUPPLEMENTARY INFORMATION: The minutes of the meeting announced in this Notice shall be available for review. The meeting is open to the public and members of the public may provide comments in writing to Douglas Freeman, Foreign Agricultural Service, room 6506 South Building, U.S. Department of Agriculture, 14th and Independence Ave. SW., Washington, DC 20250, but should not make any oral comments at the meeting unless invited to do so by the Co-chairpersons.

Signed at Washington, DC, February 24, 1995.

Timothy J. Galvin,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 95–5283 Filed 3–2–95; 8:45 am]

BILLING CODE 3410–10–M

Forest Service

Mono Tunnel Geothermal Lease Area

AGENCY: Forest Service, USDA.

ACTION: Cancellation notice.

SUMMARY: The Forest Service has withdrawn its proposal to complete an Environmental Impact Statement on a proposal to lease geothermal resources on the Mono Lake Ranger District, Inyo National Forest, Mono County, California. The preparation of an environmental impact statement for this proposal is cancelled.

The Notice of Intent, published in the Federal Register on October 14, 1993, is hereby rescinded (58 FR 53185).

FOR FURTHER INFORMATION CONTACT: Direct questions about the proposed action and environmental impact statement to John Schuyler, Forest Planner, Inyo National Forest, Bishop, California, 93514, phone 619–873–2544.

Dated: February 22, 1995.

Leigh S. Beck,

Acting Regional Forester.

[FR Doc. 95–5199 Filed 3–2–95; 8:45 am]

BILLING CODE 3410–11–M

Grain Inspection, Packers and Stockyards Administration

Request for Comments on the Need for Official Services in the South Texas Region, and Request for Applications for Designation to Provide Official Services in the South Texas (TX) Region Under a Pilot Program

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: GIPSA has received several inquiries regarding designation of an organization to provide official services in South Texas. GIPSA is requesting comments on the need for official inspection services in South Texas. GIPSA is proposing to designate more than one official agency under a pilot program to provide official services in the South Texas region. GIPSA also is requesting persons interested in providing official services in South Texas under a pilot program to submit an application for designation.

DATES: Applications and comments must be postmarked on or sent by telecopier (FAX) by March 21, 1995.

ADDRESSES: Applications and comments must be submitted to Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454. Telecopier (FAX) users may send applications and comments to the automatic telecopier machine at 202–720–1015, attention: Janet M. Hart. If an application is submitted by telecopier, GIPSA reserves the right to request an original application. All applications and comments will be made available for public inspection at this address at 1400 Independence Avenue, SW., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, telephone 202–720–8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the United States Grain Standards Act, as amended (Act), authorizes GIPSA'S Administrator, after determining that there is sufficient need for official services, to designate a qualified applicant to provide official services in a specified area after determining that the applicant is qualified and is better able than any other applicant to provide such official services.

Sections 7(f) and 7A of the Act were amended by the U.S. Grain Standards Act Amendments of 1993 (Public Law 103–156) on November 24, 1993, to authorize FGIS' Administrator to conduct pilot programs allowing more than one official agency to provide official services within a single geographic area without undermining the declared policy of the Act. The purpose of the pilot programs is to evaluate the feasibility and impact of allowing more than one official agency to provide official services within a single geographic area.

GIPSA announced five possible pilot programs and requested comments on them in the March 14, 1994, Federal Register (59 FR 11759). Comments were due by April 22, 1994. GIPSA has analyzed the comments received based on this notice and plans to announce potential nationwide pilot programs based on the results of these comments.

The opening of a pilot program in the South Texas area is one of a limited geographic area. The nationwide pilot programs discussed above will be announced at a later date.

GIPSA has received several inquiries regarding designation of an organization to provide official services in South Texas. GIPSA is requesting comments on the need for official inspection services in South Texas (including estimates of the number of official inspections by carrier, type of service, and kind of grain). The South Texas region, being considered for assignment to the applicant or applicants selected for designation, pursuant to Section (7)(2) of the Act, is as follows:

The Texas Counties of: Atascosa, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kinney, Kleberg, La Salle, Live Oak, Maverick, McMullen, Medina, Nueces, San Patricio, Starr, Uvalde, Val Verda, Webb, Willacy, Zapata, and Zavala, excluding those export port locations served by GIPSA.

GIPSA also is requesting persons interested in providing official services in these South Texas Counties under a pilot program allowing more than one official agency to provide service in a single geographic area to submit an application for designation. GIPSA plans to allow all designated official agencies to provide official services to any grain firm located within the geographic area specified above.

GIPSA will not designate any applicants unless it determines that there is sufficient need for official services in the South Texas region.

Interested persons are hereby given an opportunity to submit comments on the need for official inspection services in the region specified above, and to apply for designation under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder.

Designation in the South Texas area is for a 1 year period beginning about June 1, 1995. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant or applicants will be designated after GIPSA determines that there is a need for official services in the South Texas region.

AUTHORITY: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: February 15, 1995

Neil E. Porter,

Director, Compliance Division.

[FR Doc. 95–5281 Filed 3–2–95; 8:45 am]

BILLING CODE 3410–EN–F

Rural Utilities Service

Announcement of Applications Received Under the Distance Learning and Medical Link Grant Program

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of applications received.

SUMMARY: The Administrator of the Rural Utilities Service (RUS) is hereby announcing the applications received prior to the January 14, 1995 application filing deadline for the Distance Learning and Medical Link Grant Program.

FOR FURTHER INFORMATION CONTACT: Lawrence L. Bryant, Jr., Chief, Distance Learning and Telemedicine Branch, Advanced Telecommunications Services Division, Rural Utilities Service, telephone number (202) 690–3594.

SUPPLEMENTARY INFORMATION: RUS is hereby publishing the names of the organizations which applied for grants under 7 CFR Section 1703 Subpart D, Distance Learning and Medical Link Grant Program (DLMLGP). These applications contained herein, submitted and postmarked prior to the January 14, 1995 filing deadline, will be considered for funding during fiscal year (FY) 1995. This list includes applications that were submitted under the April 14, 1994, July 14, 1994, and the October 14, 1994 filing periods.

The following information is being published in accordance with 7 CFR 1703, subpart D Section 1703.115, Public notice of applications received. The applicants are as follows:

State	Applicant	Funds requested
AR	St. Edward Mercy Medical Center	$132,838
AR	University of Arkansas Cooperative Extension Service	350,000
AZ	Coconino County School District	500,000
AZ	Career Development, Inc	125,000
AZ	University of Arizona-Sierra Vista	500,000
AZ	University of Arizona	284,302
CA	Riverside County Department of Mental Health	158,360
CA	Redwoods Community College District	349,900
CA	Valley Health System	121,800
CA	Reef-Sunset Unified School District	500,000
CO	Northwest Colorado Board of Coop. Ed. Services	500,000
CO	High Plains Rural Health Network	260,500
CO	National Technological University (NTU)	399,073
CO	Grand River Hospital District	40,781
CO	Alpine Medical Network	339,516
CO	Community Health Centers, Inc	563,780
CO	Rocky Mountain Adventist Healthcare/Porter	370,903
GA	Lowndes County Board of Health	495,942
HI	Kohala High & Elementary School	350,000
IA	MERCY FOUNDATION	276,246
IA	University of Dubuque	122,336
IA	Iowa Lakes Community College	500,000
IA	Northwestern College	474,107
ID	NORTH IDAHO RURAL HEALTH CONSORTIUM	449,145
ID	Eastern Idaho Technical College	350,000
ID	Luke's Net	500,000
IL	West Central Illinois Educational Telec. Corp	119,000

State	Applicant	Funds requested
IL	Illinois Distance Learning Foundation	350,000
IN	Indiana University	143,707
IN	Purdue University	499,853
KS	Area Resource Center of Central Kansas	239,304
KS	Pittsfield State University	416,108
KS	Western Kansas Community Services Consortium (WK)	332,631
KS	Hays Medical Center	90,896
KS	St. Francis Regional Medical Center	499,771
KS	Kansas St. University	349,048
KY	GRAYSON COUNTY HOSPITAL FOUNDATION, INC	122,320
KY	University of Louisville Research Foundation	500,000
KY	Leslie County School System	494,250
MD	Garrett Community College	182,527
ME	Rural Health Partners	48,031
MI	Cheboygan-Otsego-Presque Isle Intermediate	445,230
MI	McBain Rural Agricultural School District	275,800
MI	Delta-Schoolcraft Intermediate School District	355,689
MI	Neweaygo County Intermediate School District	325,000
MI	Kelsy Memorial Hospital, Inc	298,180
MI	Carson City Hospital	217,900
MI	Alpena-Montmorency-Alcona Educational Serv, Dist	444,000
MI	Kalamazoo Valley Intermediate School	466,200
MN	Mesabi Regional Medical Center	116,270
MO	Rock Port R–II School	165,000
MO	West Missouri School Improvement Consortium	500,000
MO	Central Board for Distance Learning, Inc	420,816
MO	Junior College Dist. of Newton-McDonald County	347,133
MO	Cameron Community Hospital	454,876
MO	Cedar County Memorial Hospital	500,000
MS	University of Mississippi	459,400
MS	North Mississippi Health Services, Inc	983,787
MT	MILES COMMUNITY COLLEGE	379,796
MT	Montana State University	212,037
MT	Montana State University-Northern	299,000
MT	St. Peter's Community Hospital	439,513
MT	Outlook Public Schools	168,000
NC	Alleghany County Board of Education	465,000
ND	North Dakota University System	314,283
ND	Medcenter One Health Systems, Incorporated	500,000
NE	Our Lady of Lourdes Hospital	266,000
NE	Board of Regents of the University of Nebraska	316,711
NE	Bloomfield Community Schools	500,000
NE	Gordon Memorial Hospital District	99,389
NH	University of New Hampshire	479,191
NM	SMHA Healthcare Alliance	488,810
NM	Guadalupe County Hospital	336,450
NM	University of New Mexico	134,448
NY	Schuyler Hospital, Inc	350,238
NY	Cattaraugus/Alleghany/Erie/Wyoming BOCES	434,140
NY	Red Hook Central School District	500,000
OH	Ohio University	500,000
OH	Adams County Hospital	485,200
OH	The Ohio State University Research	598,568
OH	Lima Technical College	350,000
OH	Celina City School	135,4620
OK	Stillwater Medical Center Trust Authority	77,400
OK	Wheatland Resource Conservation & Dev. Assoc	276,144
OK	St. John Medical Center	500,000
OK	Rural Health Projects, Inc. (NwAHEC)	236,346
OK	Northeastern State University	258,000
OK	Oklahoma Health System	468,593
OR	Grande Ronde Hospital	172,430
OR	Central Linn School District	252,448
OR	North Clackamas School District #12	251,549
PA	Keystone Central School District	483,100
PA	Jameson Health System, Inc	119,645
SD	HEALTH EDUCATION DEVELOPMENT SYSTEMS, INC	478,059
TN	Trinity Elementary School	50,000
TN	University of Tennessee Medical Center/Knoxville	91,722
TN	Columbia St. Community College	350,000
TX	Sam Houston State University	350,000
TX	Hubbard Independent School District	378,000
TX	Texas Department of Health	595,129

State	Applicant	Funds requested
VA	Southwest Virginia Education & Training Network	174,143
VA	University of Virginia	500,000
VA	Southside Virginia Community College	500,000
WA	Wenatchee Valley College	496,893
WA	Skagit Valley College	295,354
WI	Nicolet Distance Education Network	350,000
WV	WV University Research Corporation on behalf of	322,059
WV	Charleston Area Medical Center, Inc	125,317
WY	Northern Wyoming Community College District	264,000

Also to be considered for FY 1995 funding are applications submitted prior to the January 31, 1994 application deadline which were previously considered for FY 1994 funding, but not selected. The notices which contain the lists of FY 1994 applicants were published on December 21, 1993 at 58 FR 67931 and April 18, 1994 at 59 FR 18355. The total number of applications to be considered for funding during FY 1995 is 247.

Due to limited FY 1995 DLMLGP funding the amount awarded to any application selected for FY 1995 will not exceed $350,000. Legislative authority for the DLMLGP expires September 30, 1995. Therefore interested persons should not submit applications for FY 1996 until futher announcements regarding the DLMLGP are published.

Dated: February 24, 1995.

Adam Golodner,

Acting Administrator, Rural Utilities Services.

[FR Doc. 95–5282 Filed 3–2–95; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–009]

Color Television Receivers, Except for Video Monitors, From Taiwan; Amended 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 October 21, 1994, in the case of *Zenith Electronics Corporation* v. *United States*, Slip-Op 94–170 (*Zenith*), the United States Court of International Trade (the Court) affirmed the Department of Commerce's (the Department's) third results of redetermination on remand and prior remand determinations of the final results of the first administrative review of the antidumping duty order on color television receivers, except for video monitors, from Taiwan. In accordance with the Court's determination, we are hereby amending the final results of administrative review with respect to one company, Capetronic (BSR) Ltd. (Capetronic), for the period October 19, 1983, through March 31, 1985.

EFFECTIVE DATE: March 3, 1995.

FOR FURTHER INFORMATION CONTACT: Karin Price or Maureen Flannery, 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) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On December 29, 1986, the Department published in the Federal Register (51 FR 46895) the final results of the first administrative review of the antidumping duty order on color television receivers, except for video monitors, from Taiwan, covering the period October 19, 1983, through March 31, 1985.

Subsequent to the Department's final results, Zenith Electronics Corporation (Zenith), a domestic producer, alleged before the Court that the Department erred in calculating Capetronic's constructed value. The Court agreed and remanded the issue to the Department to recalculate Capetronic's margin using certain production data on the record. As a result of the recalculation, Capetronic's margin increased from the *de minimis* margin of 0.46 percent to 1.36 percent. The decision became final on October 21, 1994, when the Court issued its final decision on this administrative review in *Zenith*.

Amended Final Results of Review

In its decision in *Timken Co.* v. *United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the United States Court of Appeals for the Federal Circuit (Federal Circuit) held that the Department must publish notice of a decision of the Court or Federal Circuit which is not ''in harmony'' with the Department's determination. The Department published that notice with respect to the Court's October 21, 1994, decision in the Federal Register on January 17, 1995 (60 FR 3391). In *Timken*, the Federal Circuit also held that the Department must suspend liquidation until there is a ''conclusive'' decision in the action. An appeal was filed in this case. However, because no party has appealed an issue which would affect Capetronic, the Department is now publishing Capetronic's new margin in accordance with the Court's final and conclusive decision.

Based on our revised calculations, we have amended our final results of review for Capetronic for the period October 19, 1983, through March 31, 1985. The amended weighted-average margin is 1.36 percent. The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between U.S. price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

This notice is in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and § 353.22 of the Department's regulations.

Dated: February 24, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–5300 Filed 3–2–95; 8:45 am]

BILLING CODE 3510–DS–P

Minority Business Development Agency

Business Development Center Applications; Cincinnati

AGENCY: Minority Business Development Agency.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625 and 15 U.S.C. 1512, the Minority Business Development Agency (MBDA) is soliciting competitive applications to operate its Cincinnati, Ohio Minority Business Development Center (MBDC).

The purpose of the MBDC Program is to provide business development services to the minority business community to help establish and maintain viable minority businesses. To this end, MBDA funds organizations to identify and coordinate public and private sector resources on behalf of minority individuals and firms; to offer a full range of client services to minority entrepreneurs; and to serve as a conduit of information and assistance regarding minority business. The MBDC will provide service in the Cincinnati Metropolitan Area. The award number of the MBDC will be 05–10–95008–01.

DATES: The closing date for applications is March 31, 1995. Applications must be received in MBDA's Executive Secretariat on or before March 31, 1995. A pre-application conference will be held on March 14, 1995, at the Federal Building, 550 Main Street, room 8411, Cincinnati, Ohio.

ADDRESSES: U.S. Department of Commerce, Minority Business Development Agency, Executive Secretariat, 14th and Constitution Avenue, NW., room 5073, Washington, DC 20230, (202) 482–3763.

FOR FURTHER INFORMATION CONTACT: David Vega at (312) 353–0182.

SUPPLEMENTARY INFORMATION: Contingent upon the availability of Federal funds, the cost of performance for the first budget period (13 months) from July 1, 1995 to July 31, 1996, is estimated at $198,971. The total Federal amount is $169,125 and is composed of $165,000 plus the Audit Fee amount of $4,125. The application must include a minimum cost share of 15%, $29,846 in non-federal (cost sharing) contributions for a total project cost of $198,971. Cost-sharing contributions may be in the form of cash, client fees, third party in-kind contributions, non-cash applicant contributions or combinations thereof.

The funding instrument for this project will be a cooperative agreement. For those applicants who are not incumbent organizations or who are incumbents that have experienced closure due to a break in service, a 30-day start-up period will be added to their first budget period, making it a 13-month award. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

Applications will be evaluated on the following criteria: The knowledge, background and/or capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (45 points), the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (25 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to each evaluation criteria category to be considered programmatically acceptable and responsive. Those applications determined to be acceptable and responsive will then be evaluated by the Director of MBDA. Final award selections shall be based on the number of points received, the demonstrated responsibility of the applicant, and the determination of those most likely to further the purpose of the MBDA program. Negative audit findings and recommendations and unsatisfactory performance under prior Federal awards may result in an application not being considered for award. The applicant with the highest point score will not necessarily receive the award. Periodic reviews culminating in year-to-date evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the total discretion of MBDA based on such factors as the MBDC's performance, the availability of funds and Agency priorities.

The MBDC shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist in this effort, the MBDC may charge client fees for services rendered. Fees may range from $10 to $60 per hour based on the gross receipts of the client's business.

Anticipated processing time of this award is 120 days. Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' is not applicable to this program. Federal funds for this project include audit funds for non-CPA recipients. In event that a CPA firm wins the competition, the funds allocated for audits are not applicable. Questions concerning the preceding information can be answered by the contact person indicated above, and copies of application kits and applicable regulations can be obtained at the above address. The collection of information requirements for this project have been approved by the Office of Management and Budget (OMB) and assigned OMB control number 0640–0006.

Awards under this program shall be subject to all Federal laws, and Federal and Departmental regulations, policies, and procedures applicable to Federal financial assistance awards.

Pre-Award Costs—Applicants are hereby notified that if they incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that an applicant may have received, there is no obligation on the part of the Department of Commerce to cover pre-award costs.

Outstanding Account Receivable—No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either the delinquent account is paid in full, repayment schedule is established and at least one payment is received, or other arrangements satisfactory to the Department of Commerce are made.

Name Check Policy—All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury or other matters which significantly reflect on the applicant's management honesty or financial integrity.

Award Termination—The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the award recipient has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of the MBDC work requirements; and reporting inaccurate or inflated claims of client assistance. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

False Statements—A false statement on an application for Federal financial assistance is grounds for denial or termination of funds, and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Primary Applicant Certifications—All primary applicants must submit a completed Form CD–511, ''Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying.''

Nonprocurement Debarment and Suspension—Prospective participants (as defined at 15 CFR part 26, Section 26.105) are subject to 15 CFR part 26, ''Nonprocurement Debarment and Suspension'' and the related section of the certification form prescribed above applies.

Drug-Free Workplace—Grantees (as defined at 15 CFR part 26, Section 26.605) are subject to 15 CFR part 26, subpart F, ''Governmentwide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies.

Anti-Lobbying—Persons (as defined at 15 CFR part 28, Section 28.105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000 or the single family maximum mortgage limit for affected programs, whichever is greater.

Anti-Lobbying Disclosures—Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR part 28, appendix B.

Lower Tier Certifications—Recipients shall require applications/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' and disclosure form, SF–LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to DOC. SF–LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award documents.

Buy American-made Equipment or Products—Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made equipment and products with funding provided under this program in accordance with Congressional intent as set forth in the resolution contained in Public Law 103–121, Sections 606 (a) and (b).

11.800 Minority Business Development Center

(Catalog of Federal Domestic Assistance)

Dated: February 24, 1995.

Frances B. Douglas,

Alternate Federal Register Liaison Officer, Minority Business Development Agency.

[FR Doc. 95–5098 Filed 3–2–95; 8:45 am]

BILLING CODE 3510–21–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the procurement list.

SUMMARY: This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: April 3, 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 January 6, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (60 FR 2083) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c 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 services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

Laundry Service
Naval Undersea Warfare Center
Keyport, Washington
Mailing Service
Headquarters, Air Force Military Personnel Center
Randolph Air Force Base, Texas

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. 95–5288 Filed 3–2–95; 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 disposable coveralls to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: April 3, 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 November 28, 1994, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (59 FR 60781) of proposed addition to the Procurement List.

Comments were received from counsel for the current contractor, indicating that while the contractor would oppose the addition of a larger portion of the Government requirement to the Procurement List than the Committee proposing, it has no objection to the addition as proposed because it would not have a serious impact on the contractor's business. Accordingly, the Committee has concluded that this addition would not have a severe adverse impact on the current contractor.

After consideration of the material presented to it concerning capability of

qualified nonprofit agencies to provide the commodities, fair market price, and impact of the addition on the current or most recent contractors, the Committee has determined that the commodities 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 to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities.

3. The action will result in authorizing small entities to furnish the commodities 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 proposed for addition to the Procurement List.

Accordingly, the following commodities are hereby added to the Procurement List:

Coveralls, Disposable
8415–01–092–7529
8415–01–092–7530
8415–01–092–7531
8415–01–092–7532
8415–01–092–7533
(Additional 25% of the Government requirement)

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. 95–5289 Filed 3–2–95; 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 a proposal to add to the Procurement List commodities to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 3, 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 addition, all entities of the Federal government (except as otherwise indicated) will be required to procure the commodities 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 to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities.

3. The action will result in authorizing small entities to furnish the commodities 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 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 have been proposed for addition to Procurement List for production by the nonprofit agency listed:

Lancet, Finger Bleeding
6515–01–225–4757
6515–01–225–8497
NPA: Lincoln Training Center and Rehabilitation Workshop South El Monte, California

Holder, Label, Brass
9905–02–000–8089
9905–02–000–8008
9905–02–000–8698
NPA: Constructive Workshops, Inc. New Britain, Connecticut

Beverly L. Milkman,

Executive Director.

[FR Doc. 95–5290 Filed 3–2–95; 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 chemical protective drawers and undershirts to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: April 3, 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 November 14, 1994, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (59 F.R. 56467) of proposed addition to the Procurement List.

Comments were received from two contractors. Both of the commenters helped develop similar underwear for another Federal customer, and both have received contracts to supply that underwear to Federal agencies other than the Marine Corps. One has a sizeable contract with another Department of Defense agency at this time.

The contractor that does not currently have a contract argued that the Committee should not add 100% of the Marine Corps requirement to its Procurement List. The contractor contended that adding 100% would preclude it from having the opportunity to secure future contracts for the underwear, thereby preventing it from securing production work to cover its R&D expenditures. This contractor also questioned the capability of the nonprofit agency proposed to develop and supply the Marine Corps underwear, citing the difficulty of manufacturing such items and the failures of all except two contractors involved in developing the existing underwear.

Because no contractor is guaranteed to receive a contract under the competitive bidding system, the Committee does not normally consider loss of the opportunity to bid on subsequent

contracts to constitute severe adverse impact. In this case, the commenting contractor is not the current contractor for either the underwear proposed for addition to the Procurement List or similar underwear being purchased by another Government agency. Consequently, the Committee does not believe that loss of opportunity to bid on the Marine Corps underwear constitutes severe adverse impact on the contractor. With respect to the nonprofit agency's ability to produce the underwear, the Committee has concluded that it is capable based on the results of inspections by the contracting activity, the cognizant military research and development center, and the central nonprofit agency charged by the Committee with evaluating local organizations' capabilities to furnish the Government with specific products and services.

The other commenting contractor, which is supplying similar underwear to another military customer, raised a number of concerns about the proposed addition. Initially, many of the concerns stemmed from the lack of information in the Committee's files, which led the contractor to the correct conclusion that the Committee at that time was not in a position to make a decision on whether it was appropriate to add the items to the Procurement List. Subsequently, the Committee received the necessary information, which was provided to the contractor and reflected in the firm's second set of comments. These included a concern about the capability of the nonprofit agency to supply an acceptable product, an issue addressed above.

The primary objections of this other contractor relate to the possibility that the Marine Corps underwear proposed for the Procurement List might in the future be purchased by the contractor's current customers instead of the underwear it is supplying. The contractor argued that losing the opportunity to compete to supply the underwear that replaced the garments it was supplying would have a severe adverse impact on its operations, including its employees. In addition, the contractor interpreted a Committee regulation regarding new purchases of similar items to mean that if the underwear for the Marine Corps were added to the Procurement List, other Government agencies purchasing similar items in the future would have to purchase them from the nonprofit agency designated by the Committee. Another Committee regulation regarding the applicability of the Committee's actions to all Government agencies was interpreted by the contractor as having the potential to produce the same result.

The contractor also expressed concerns that the Government would be harmed by having to pay more than a competitively bid price for the garments. Another objection raised by the contractor involved the impact on its operations of a previous Committee decision to add a different item to the Procurement List.

The Committee recognizes that if the contractor's current Government customer decides in the future to purchase the items being developed by the Marine Corps instead of the underwear it is now procuring and the commenting firm is still the current contractor, the circumstances should be considered by the Committee. Specifically, the Committee would assess the impact of its action on the commenting firm.

Accordingly, the Committee has formally advised the contractor that if the Marine Corps underwear replaces the existing garments in the future, such an assessment will take place. At that time, the Committee would consider all aspects of such impact, including effects on employees, plant and equipment investments, other business relationships, and previous impact. In the case of the last factor, the Committee observed that the commenting firm had not been the current contractor for any items previously added to the Procurement List and, thus, under Committee procedures, would not be considered to have been impacted by prior Committee action.

Notwithstanding its commitment to monitor future impacts, the Committee noted that representatives of both the Marine Corps and the current military customer have indicated that there are no plans for the Marine Corps underwear to replace the garments currently being supplied by the commenting contractor.

With respect to the commenter's interpretation of the Committee regulation regarding purchasing similar items, the Committee does not interpret the regulation in the way suggested by the commenter. The regulation in question only applies to similar items not purchased by the Government in recent years. Therefore, the regulation would not cause the contractor to lose purchases by its present customer. The other regulation commented upon by the contractor would mean, as the commenter suggested, that in the event the contractor's current customer decided to switch to the Marine Corps garments, the customer would be expected to purchase the garments from the nonprofit agency designated by the Committee. However, as noted above, because such an action could impact upon the commenting firm, the Committee will—if such a switch is made—consider the appropriateness of retaining the total Marine Corps requirement on the Procurement List.

In response to the comments about the price the Government will pay if the underwear is added to the Procurement List, the Committee noted that it is required to establish a fair market price for such items and to revise that price over time. Such a price has been established in this case and the nonprofit agency has agreed to supply the Marine Corps at that price.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities, fair market price, and impact of the addition on the current or most recent contractors, the Committee has determined that the commodities 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 to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities.

3. The action will result in authorizing small entities to furnish the commodities 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 proposed for addition to the Procurement List.

Accordingly, the following commodities are hereby added to the Procurement List:

Drawers and Undershirt, Chemical Protective
8415–00–NSH–0091 Size—32
8415–00–NSH–0092 Size—34
8415–00–NSH–0093 Size—36
8415–00–NSH–0094 Size—38
8415–00–NSH–0095 Size—40
8415–00–NSH–0096 Size—42
8415–00–NSH–0097 Size—44
8415–00–NSH–0098 Size—46
8415–00–NSH–0099 Size—48
8415–00–NSH–0100 Size—26
8415–00–NSH–0101 Size—28
8415–00–NSH–0102 Size—30
8415–00–NSH–0103 Size—32
8415–00–NSH–0104 Size—34

8415–00–NSH–0105 Size—36
8415–00–NSH–0106 Size—38
8415–00–NSH–0107 Size—40
8415–00–NSH–0108 Size—42

(Requirements for the U.S. Marine Corps, Washington, DC)

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 95–5299 Filed 3–2–95; 8:45 am]

BILLING CODE 6820–33–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Request

AGENCY: Department of Education.

ACTION: Notice of proposed information collection request.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection request as required by the Paperwork Reduction Act of 1980.

DATES: An emergency review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by March 1, 1995.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer: Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 7th & D Streets, SW., room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–9915. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State of Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Information Resources Group, publishes this notice with attached proposed information collection requests prior to submission to OMB. For each proposed information collection request, grouped by office, this notice contains the following information: (1) Type of review requested, e.g., new, revision, extension, existing, or reinstatement; (2) Title; (30 Frequency of collection; (4) The affected public; (5) Reporting and/or Recordkeeping burden; and (6) Abstract. Because an emergency review is requested, the additional information to be requested in this collection is included in the section on ''Additional Information'' in this notice.

Dated: February 28, 1995.

Gloria Parker,

Director, Information Resources Group.

Office of Educational Research and Improvement

Type of Review: Emergency.
Title: Challenge Grants for Technology in Education.
Abstract: The Challenge Grants for Technology in Education Program supports consortia to improve and expand new applications of technology for school reform, student achievement, and professional development of school staff.
Additional Information: An emergency review is requested for OMB approval by March 1, 1995, in order to assure that states will have sufficient notice of the application requirements and selection criteria. We expect to make awards during the spring of 1995.
Frequency: Annually.
Affected Public: Individuals or households; Business or other for-profit; Not for Profit institutions; State, Local or Tribal governments.
Reporting Burden:
Responses: 500.
Burden Hours: 12,000.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.

[FR Doc. 95–5257 Filed 3–2–95; 8:45 am]

BILLING CODE 4000–01–M

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 April 3, 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 28, 1995.

Gloria Parker,

Director, Information Resources Group.

Office of the Under Secretary

Type of Review: New.
Title: Survey of Effects of Changes in Pell Grant Eligibility Rules and Survey of Why Pell Grants Are Not Used.
Frequency: One time.
Affected Public: Individuals or households.
Reporting Burden:
Responses: 1,520.
Burden Hours: 469.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This study will examine the effects of passage of 1992 Higher Education Amendments on (1) the educational behavior of postsecondary students, particularly those who experienced decreased Pell Grant eligibility as a result of the rule change and (2) the reasons why Pell applicants with an eligible PGI never use their awards.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.
Title: Annual Report on Post-Employment Services and Annual Reviews.
Frequency: Annually.
Affected Public: State, Local or Tribal Governments.
Reporting Burden:
Responses: 81.
Burden Hours: 89.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: Vocational Rehabilitation (VR) Form RSA–62 is used to monitor three post closure activities: (a) the provision of post employment services to help rehabilitated persons to maintain or regain employment; (b) review of ineligibility determinations to see if an applicant can benefit from VR; and (c) review of non-competitive placements to see if the client can now work in the competitive labor market. The Department will use the information to report to Congress.

Office of Postsecondary Education

Type of Review: Reinstatement.
Title: Application and Continuation Application, Reports, and Recordkeeping for the National Science Scholars Program.
Frequency: Annually.
Affected Public: Individuals or households; Not-for-profit institutions; Federal Government; State, Local or Tribal Governments.
Reporting Burden:
Responses: 19,467.
Burden Hours: 266,945.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: Individuals apply for Federal scholarships under the National Science Scholars Program in which the Department uses the information to make grant awards. State nominating committees use the information to evaluate the applications and nominate scholars. Institutions use the forms to apply for continuation awards for continuing scholars and to report on the status of the program.

[FR Doc. 95–5258 Filed 3–2–95; 8:45 am]

BILLING CODE 4000–01–M

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 April 1, 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 28, 1995.

Gloria Parker,

Director, Information Resources Group.

Office of Bilingual and Minority Languages Affairs

Type of Review: Expedited.
Title: Verification of Title VII Funded Grant Applications.
Frequency: One time.
Affected Public: Not-for-profit institutions; State, Local or Tribal Government.
Reporting Burden:
Responses: 1,239.
Burden Hours: 228.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This verification task will collect information on FY 1994 Title VII funded projects. The collection will provide data on actual, as opposed to proposed, services provided. Project directors for all FY 1994 Part A and Part C Title VII funded projects will be contacted by telephone.
Additional Information: Clearance for this information collection is requested for April 1, 1995. An expedited review is requested in order to implement the program before the start of the new year.

[FR Doc. 95–5259 Filed 3–2–95; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Proposed Wholesale Power and Transmission Rates, Pacific Northwest Coordinating Agreement Rates, and Transmission Terms and Conditions

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Additional Prehearing/Settlement Conference.

SUMMARY: *BPA File No:* WP–95, TR–95, TC–95. On December 28, 1994, Bonneville Power Administration (BPA) published a Notice of Intent to Revise Transmission Rates, 59 F.R. 66946 and Notice of Intent to Revise Wholesale Power Rates, 59 F.R. 66947. Subsequently, BPA also published Federal Register Notices of Proposed Wholesale Power Rate Adjustment, 60 F.R. 8496 (February 14, 1995) , Proposed Transmission Rate Adjustment, 60 F.R. 8505 (February 14, 1995), and Hearing and Opportunity for Public Comment Regarding Proposed Comparable Transmission Terms and Conditions, 60 F.R. 8511 (February 14, 1995). The Notices included a date for a Prehearing Conference of February 13, 1995, but were not published before the Prehearing Conference. At the Prehearing Conference held on February 13, 1995, the Hearing Officers set another Prehearing/Settlement Conference and established a schedule for interventions to these proceedings, which follows. At the March 15 Prehearing/Settlement Conference, the Hearing Officers will act on petitions to intervene.

DATES: The Prehearing/Settlement Conference will be held before the Hearing Officers at 9 a.m. on March 15, 1995 in the BPA Rates Hearing Room, 3rd Level, 2032 Lloyd Center, Portland, Oregon. Registration for the Prehearing/ Settlement Conference will begin at 8:30 a.m. The Hearing Officers will act on all intervention petitions and oppositions to intervention petitions, rule on any motions, establish a service list, establish a procedural schedule, and consolidate parties with similar interests for purposes of filing jointly sponsored testimony and briefs, and for expediting any necessary cross examination. A notice of the dates and times of any hearings will be mailed to all parties of record. Objections to orders made by the Hearing Officer at the Prehearing Conference must be made in person or through a representative at the Prehearing Conference.

The Prehearing/Settlement Conference for wholesale power and transmission rates will be held at the same time and place as the Prehearing/ Settlement Conference for the Transmission Terms and Conditions. BPA's present intent is for the Hearing Officer for the Transmission Terms and Conditions Proceeding to be other than the Hearings Officer presiding over BPA's 1995 Power and Transmission Rate Proceeding. However, it also is BPA's intent to merge as much as possible the schedules and records for these two proceedings in order to address common transmission issues efficiently. At the Prehearing/Settlement conference, BPA may move to consolidate common transmission issues.

Persons wishing to become a formal ''party'' to the proceedings must notify BPA in writing of their intention to do so in accordance with the requirements stated in this Notice. Petitions to intervene must be received by March 6, 1995. Persons intervening in the wholesale power and transmission rate proceeding who also desire to intervene in the transmission terms and conditions proceeding may file a single petition which specifically identifies both proceedings. Petitions to intervene should be addressed as follows: Hearing Officer, c/o Francis (Jamie) Troy, Hearing Clerk—LQ, Bonneville Power Administration, 905 NE. 11th Ave., P.O. Box 12999, Portland, Oregon 97212.

In addition, a copy of the petition must be served concurrently on BPA's Office of Legal Services: Janet L. Prewitt, Bonneville Power Administration, Office of Legal Services—LQ, 905 NE. 11th Ave., P.O. Box 3621, Portland, Oregon 97208.

Interventions in the Terms and Conditions Proceeding must be served concurrently on: Stephen Larson, Office of Legal Services—LP, Bonneville Power Administration, 905 NE. 11th Ave., P.O. Box 3621, Portland, Oregon 97208.

Persons who have been denied party status in any past BPA rate proceeding shall be denied party status unless they establish a significant change of circumstances.

BPA has determined that its initial proposal should include a stable, 5-year rate for most, if not all, of its requirements service. BPA anticipates that the work necessary to assemble such a proposal will take until early April of 1995. Since such a rate would be available to purchasers for the bulk of BPA's firm sales, its impact on BPA's overall proposal is fundamental. At the same time, in order to have sufficient time to conduct a full rate proceeding for the 5-year proposal, BPA must extend its current rates for a three month period. This extension will require a separate proceeding.

The following schedule information is provided for informational purposes. The schedule included here is BPA's proposed schedule. The parties have indicated a desire to attempt to settle some issues, which may cause this proposed schedule to change. A final schedule will be established by the Hearing Officer at the Prehearing Conference.

SCHEDULE FOR NEW RATES AND TERMS AND CONDITIONS PROCEEDING

March 6, 1995	Deadline to Petition to Intervene.
March 9, 1995	Deadline to file Oppositions to Petitions to Intervene.
March 15, 1995.	Prehearing/Settlement Conference to set schedule and act on Petitions to Intervene; 9:00 a.m.; BPA Rates Hearing Room; 3rd Level; 2032 Lloyd Center; Portland, Oregon.
April 12, 1995	Prehearing Conference/BPA Initial Proposal available.
May 30, 1995 .	Parties file Direct Cases.
July 10, 1995 .	Litigants file Rebuttal Testimony.
July 24–August 11, 1995.	Cross Examination.
August 28, 1995.	Initial Briefs filed.
September 7–8, 1995.	Oral Argument.
September 29, 1995.	BPA Draft Rates Record of Decision; Hearing Officer Terms and Conditions Recommended Decision.
October 10, 1995.	Briefs on Exceptions.
October 30, 1995.	BPA Final Record of Decision.

SCHEDULE FOR EXTENSION OF CURRENT RATES PROCEEDING

March 6, 1995	Deadline to Petition to Intervene.
March 9, 1995	Deadline to file Oppositions to Petitions to Intervene.
March 15, 1995.	Prehearing/Settlement Conference to set schedule and act on Petitions to Intervene; 9:00 a.m.; BPA Rates Hearing Room; 3rd Level; 2032 Lloyd Center; Portland, Oregon.
April 12, 1995	Prehearing Conference/ BPA Initial Proposal available.
May 15, 1995 .	Parties file Direct Case.
June 8, 1995 ..	Litigants file Rebuttal testimony.
June 23, 1995	Cross Examination.
July 7, 1995 ...	Initial Briefs Filed.
July 31, 1995 .	BPA Final Record of Decision.

The schedule for extension of current rates assumes that the Administrator will waive any procedural rules relating to filing a Draft Record of Decision.

BPA also will be conducting public field hearings. A field hearing schedule will be announced at the Prehearing Conference. A notice of the dates, times, and locations of the field hearings will be made later through a Federal Register Notice, mailings, and public advertising.

ADDRESSES: Written comments by participants must be received by June 16, 1995, to be considered in the Draft Record of Decision (ROD). Written comments should be submitted to the Manager, Corporate Communications—CK; Bonneville Power Administration; P.O. Box 12999; Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Hansen, Public Involvement and Information Specialist, at the address listed immediately above, (503) 230–4328 or call toll-free 1–800–622–4519. Information also may be obtained from:

Mr. Steve Hickok; Group Vice President, Sales and Customer Service; P.O. Box 3621; Portland, OR 97232 (503–230–5356).

Mr. George Eskridge; Manager, SE Sales and Customer Service District; 1101 W. River, Suite 250; Boise, ID 83702 (208–334–9137).

Mr. Ken Hustad; Manager, NE Sales and Customer Service District; Crescent Court, Suite 500; 707 Main; Spokane, WA 99201 (509–353–2518).

Ms. Ruth Bennett; Manager, SW Sales and Customer Service District; 703 Broadway; Vancouver, WA 98660 (360–418–8600).

Ms. Marg Nelson; Manager, NW Sales and Customer Service District; 201 Queen Anne Ave. N., Suite 400; Seattle, WA 98109–1030 (206–216–4272).

Responsible Official: Mr. Geoff Moorman, Manager for Pricing, Marginal Cost and Ratemaking, is the official responsible for the development of BPA's rates. Mr. Dennis Metcalf, BPA Transmission Team Lead, is the official responsible for the development of BPA's transmission terms and conditions.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background.
II. Procedures Governing Rate Adjustments and Public Participation.

I. Background

On February 13, 1995, BPA held a Prehearing Conference in its 1995 Wholesale Power Rates, Transmission Rates and Transmission Terms and Conditions Proceedings, presided over by Hearing Officers Keith Callow and Helen Edwards. At the time the Prehearing Conference was held, the Federal Register Notice announcing the Prehearing Conference had not yet been published in the Federal Register. Thus, some potential parties had not had adequate notice and opportunity to intervene, nor had parties had opportunity to file oppositions to interventions.

In addition, the noticed Prehearing Conference was intended for the Hearing Officers to set the schedule for the proceedings. At the Prehearing Conference, BPA tendered its proposed schedule, which is reprinted in this Federal Register Notice. The parties, however, believed that the schedule was inadequate. As a compromise, it was suggested that additional meetings, including an additional on-the-record Prehearing/Settlement Conference be scheduled to address both scheduling and intervention issues. The Hearing Officers endorsed this compromise, and the schedule for interventions and the March 15, 1995, Prehearing/Settlement Conference noted above is the result.

Prior to the February 13, 1995, Prehearing Conference, BPA prepared a Draft Service List for adoption by the Hearing Officers, based on interventions received by February 13. The Hearing Officers conditionally allowed interventions received by February 13, subject to objections by parties filed by March 9, 1995, as noted in the schedule above. Additional persons wishing to intervene may do so by filing a petition by March 6, 1995, with service to all parties on the Draft Service List, which may be obtained by contacting: Francis (Jamie) Troy, Hearing Clerk—LQ, Bonneville Power Administration, 905 NE. 11th Ave., P.O. Box 12999, Portland, Oregon 97212, (503) 230–4201.

In addition, the Hearing Officers adopted two procedural orders which also may be obtained from Mr. Troy, the first adopting Special Rules of Practice for the Proceedings and the second addressing Rules for Document Numbering.

To aid BPA in providing the notice required under the *ex parte* rules, the Hearing Officers have ruled that each party must provide BPA with either an internal E-mail address or a Fax number for service of notices. Additional parties planning to intervene should also provide either an internet E-mail address or Fax number for service of documents.

II. Procedures Governing Rate Adjustments and Public Participation

Section 7(i) of the Northwest Power Act, 16 U.S.C. 839e(i), requires that BPA's rates be established according to certain procedures. These procedures include, among other things, issuance of a Federal Register Notice announcing the proposed rates; one or more hearings; the opportunity to submit written views, supporting information, questions, and arguments; and a decision by the Administrator based on the record. This proceeding will be governed by BPA's rules for general rate proceedings, § 1010.9 of BPA's Procedures, due to the importance and complexity of the issues involved. These Procedures implement the statutory section 7(i) requirements. Section 1010.7 of the Procedures prohibits *ex parte* communications.

BPA's Procedures distinguish between ''participants in'' and ''parties to'' the hearings. Apart from the formal hearing process, BPA will receive comments, views, opinions, and information from ''participants,'' who are defined in the Procedures as any person who may express views, but who does not petition successfully to intervene as a party. Participants' written comments will be made part of the official record of the case and considered by the Administrator. The participant category gives the public the opportunity to participate and have its views considered without assuming the obligations incumbent upon ''parties.'' Participants are not entitled to participate in the Prehearing Conference, cross-examine parties' witnesses, seek discovery, or serve or be served with documents, and are not subject to the same procedural requirements as parties.

Written comments by participants will be included in the record if they are received by June 16, 1995. This date is anticipated to follow the submission of BPA's and all other parties' direct cases. Written views, supporting information, questions, and arguments should be submitted to BPA's Manager of Corporate Communications, at the address listed in the Summary section of this Notice, above. In addition, BPA will hold several field hearings in the Pacific Northwest Region. Participants may appear at the field hearings and present oral testimony. The transcripts of these hearings will be a part of the record upon which the Administrator makes the rate decision.

The second category of interest is that of a ''party'' as defined in § 1010.2 and 1010.4 of BPA's Procedures. Parties may

participate in any aspect of the hearing process.

Persons wishing to become a formal ''party'' to BPA's rate proceeding must notify the Hearing Officer and BPA in writing of their request. Petitions to intervene shall state the name and address of the person and the person's interests in the outcome of the hearing. Petitioners may designate no more than two representatives upon whom service of documents will be made. BPA customers and customer groups whose rates are subject to revision in the hearing will be granted intervention based on a petition filed in conformance with this section. Other petitioners must explain their interests in sufficient detail to permit the Hearing Officer to determine whether they have a relevant interest in the hearing. Intervention Petitions will be available for inspection in BPA's Public Information Center; 1st Floor; 905 NE. 11th; Portland, Oregon. Any opposition to a Petition to Intervene must be filed with the Hearing Officer and served on all parties by March 9, 1995. All timely applications will be ruled on by the Hearing Officer. Late interventions are strongly disfavored and may not be accepted. Opposition to an untimely Petition to Intervene shall be filed and served within two days after service of the petition. Interventions are subject to § 1010.4 of BPA's Procedures.

Because of the complexity of the issues in this rate case, in part occasioned by continuing contract negotiations between BPA and its customers, as well as BPA's ''reinvention'' and Competitiveness Project, BPA anticipates that it will need to meet with customers and other interested third parties during the rate case on a very frequent, and possibly extended, basis. To comport with the rate case procedural rule prohibiting ex parte communications, BPA will provide necessary notice of meetings involving rate case issues for participation by all rate case parties. Parties should be aware, however, that such meetings may be held on very short notice and they should be prepared to devote the necessary resources to participate fully in every aspect of the rate proceeding. Consequently, parties should be prepared to attend meetings every day during the course of the rate case.

Issued in Portland, Oregon on February 24, 1995.

Randall W. Hardy,

Administrator and Chief Executive Officer.

[FR Doc. 95–5176 Filed 3–2–95; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. CP95–109–000]

CNG Transmission Corp.; Notice of Intent To Prepare an Environmental Assessment for the Proposed TL–470, Extension 5 Project and Request for Comments on Environmental Issues

February 27, 1995.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction and operation of the facilities proposed by CNG Transmission Corporation (CNG) for its TL–470, Extension 5 Project.[1] This EA will be used by the Commission in its decision-making process to determine whether an environmental impact statement is necessary and whether or not to approve the project.

Summary of the Proposed Project

CNG requests Commission authorization to construct and operate about 4.73 miles of 30-inch-diameter natural gas pipeline loop in Rotterdam Township, Schenectady County, New York.

The proposed loop would be constructed parallel and adjacent to CNG's existing facilities and would begin at a new gate station on CNG's system near Gregg Road and end at a new gate station near Burdeck Street.

CNG indicates that the proposed facility would enable it to deliver additional natural gas to Niagara Mohawk Power Corporation's distribution system serving the Albany, New York area.

The location of the project facility is shown in appendix 1.[2]

Land Requirements for Construction

CNG proposes to use a 75-foot-wide right-of-way for construction. Since CNG proposes to construct its pipeline near the edge of its existing, maintained right-of-way, only about 50 feet of additional right-of-way width would be cleared for construction. Following construction, 25 feet of the additional width would be restored and allowed to revert back to its former use. Therefore, only about 25 feet of additional permanent right-of-way width would be required.

Additional working space would be required adjacent to the planned construction right-of-way at bored road crossings, the Delaware and Hudson Railroad crossing, stream and wetland crossings, and in agricultural areas where topsoil would be segregated.

An approximate 600-foot by 600-foot (8.3 acres) pipeyard would be used for the construction trailer and storage of pipe.

Four existing roads or farm lanes would be used as access roads.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are taken into account during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resources, fisheries and wetlands
- Vegetation and wildlife
- Land use
- Cultural resources
- Hazardous waste
- Endangerd and threatened species
- Public safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and

[1] CNG's application was filed with the Commission under section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the Federal Register. Copies are available from the Commission's Public Reference and Files Maintenance Branch, Room 3104, 941 North Capitol Street, NE., Washington, DC 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we recommend that the Commission approve or not approve the project.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facility and the environmental information provided by CNG. Keep in mind that this is a preliminary list. The list of issues may be added to, subtracted from, or changed based on your comments and our analysis. Issues are:

- The proposed loop would cross Poentic Kill, Plotter Kill and six other small, unnamed streams or drains. Poentic Kill is a state-protected stream.
- About 2.2 acres of wetlands would be affected by the project.
- About 15 acres of upland forest would be disturbed.
- The Plotter Kill Nature Preserve would be crossed.

Public Participation

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Address your letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 825 North Capitol St., NE., Washington, DC 20426;
- Reference Docket No. CP95–109–000;
- Send a copy of your letter to: Mr. Howard J. Wheeler, EA Project Manager, Federal Energy Regulatory Commission, 825 North Capitol St., NE., Room 7312, Washington, DC 20426; and
- Mail your comments so that they will be received in Washington, DC on or before April 5, 1995.

If you wish to receive a copy of the EA, you should request one from Mr. Wheeler at the above address.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an ''intervenor''. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a Motion to Intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 358.214) attached as appendix 2.

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your scoping comments considered.

Additional information about the proposed project is available from Mr. Howard Wheeler, EA Project Manager, at (202) 208–2299.

Lois D. Cashell,

Secretary.

[FR Doc. 95–5224 Filed 3–2–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP94–38–000]

Ouachita River Gas Storage Company, L.L.C.; Notice of Availability of the Environmental Assessment for the Proposed Ouachita River Gas Storage Project

February 27, 1995.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the natural gas pipeline facilities proposed by Ouachita River Gas Storage Company, L.L.C. (Ouachita) in the above-referenced docket.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA assesses the potential environmental effects of the construction and operation of the proposed underground gas storage facility and related hub facilities including:

- About 5 miles of 6-, 8-, and 12-inch-diameter field gathering lines (designated as Lines FG–1, FG–2, and FG–3) in Lincoln and Union Parishes, Louisiana;
- About 2.6 miles of dual 24-inch-diameter header pipeline (designated as Lines B and C) and four meter stations in Ouachita Parish, Louisiana;
- About 23.9 miles of 24-inch-diameter bi-directional flow transmission pipeline (Line A) in Lincoln, Union, and Ouachita Parishes, Louisiana;
- About 4.5 miles of 16-inch-diameter bi-directional flow transmission pipeline (line D) and one meter station in Ouachita Parish, Louisiana;
- A 6,260-horsepower (hp) Remote Compressor Station in Ouachita Parish, Louisiana;
- A 12,520-hp Central Compressor Station in Section 30–T19N–R1W, Union Parish, Louisiana; and
- Drill 11 injection/withdrawal wells and 2 observation wells in Lincoln and Union Parishes, Louisiana.

The purpose of the proposed facilities would be to provide about 27 billion cubic feet of working gas capacity with an estimated peak withdrawal capacity of 550 MMcf of gas a day and an estimated peak injection capacity of 250 MMcf of gas a day via the hub facilities. The hub facilities near Monroe, Louisiana would be interconnected with certain interstate and intrastate pipelines.

The EA has been placed in the public files of the FERC and is available for public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 941 North Capitol Street, NE., room 3104, Washington, DC 20426, (202) 208–1371.

Copies of the EA have been mailed to Federal, State and local agencies, public interest groups, interested individuals, newspapers, and parties to this proceeding.

A limited number of copies of the EA are available from: Mr. Herman Der, Environmental Project Manager, Environmental Review and Compliance Branch I, Office of Pipeline Regulation, room 7312, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208–0896.

Any person wishing to comment on the EA may do so. Written comments must reference Docket No. CP94–38–000, and be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426.

Comments should be filed as soon as possible, but must be received no later than April 3, 1995, to ensure consideration prior to a Commission decision on this proposal. A copy of any comments should also be sent to Mr. Herman Der, Environmental Project Manager, room 7312, at the above address.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need interventor status to have your comments considered.

Additional information about this project is available from Mr. Herman Der, Environmental Project Manager.

Lois D. Cashell,

Secretary.

[FR Doc. 95–5223 Filed 3–2–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–219–000]

ANR Pipeline Co.; Notice of Request Under Blanket Authorization

February 27, 1995.

Take notice that no February 22, 1995, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP95–219–000 a request pursuant to § 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) to operate facilities, which were constructed pursuant to Section 311 of the Natural Gas Policy Act of 1978, under ANR's blanket certificate issued in Docket No. CP82–480–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

ANR seeks authorization to operate an interconnection (Edon Interconnection) under provisions of Section 7(c) of the Natural Gas Act. The Edon Interconnection allows an existing customer Ohio Gas Company, to deliver natural gas to the town of Edon, Ohio providing service to residential customers. The Edon Interconnection is located in Williams County, Ohio. The facilities consist of two 4-inch hot taps and metering facilities. The two 4-inch hot taps are located on ANR's existing 24-inch and 22-inch pipelines that connect to the metering facilities. The metering facilities consist of one 2-inch positive displacement meter, one 2-inch turbine meter and one electronic measurement computer all contained within a metering building. ANR states that the total cost of the facilities is approximately $171,000. ANR states that the capacity of the facilities is approximately 5,500 Mcf per day at 600 psig.

ANR states that authorization for the addition and operation of the Edon Interconnection will not impact ANR's gas supply situation and that deliveries of natural gas at this point can be made without detriment or disadvantage to any existing customer.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 95–5225 Filed 3–2–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. PR94–16–000]

Southern California Gas Co.; Informal Settlement Conference

February 27, 1995.

Take notice that an informal settlement conference in the above-captioned proceeding will be held on Friday, March 10, 1995 at 10:00 a.m. in a room to be designated at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

Attendance will be limited to the parties and participants, as defined by 18 CFR 385.102 (b) and (c). Persons wishing to become a party must move to intervene and receive intervenor status pursuant to § 385.214 of the Commission's regulations.

For additional information, please contact Mark E. Hegerle at (202) 208–0287.

Lois D. Cashell,

Secretary.

[FR Doc. 95–5226 Filed 3–2–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–203–000, et al. (Phase II)]

Tennessee Gas Pipeline Co.; Informal Settlement Conference

February 27, 1995.

Take notice that an informal settlement conference will be convened in this proceeding on Tuesday, March 14, 1995, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of exploring the possible settlement of 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 Dennis H. Melvin (202) 208–0042 Donald Williams (202) 208–0743.

Lois D. Cashell,

Secretary.

[FR Doc. 95–5227 Filed 3–2–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–352–002]

Western Gas Interstate Co.; Compliance Filing

February 27, 1995.

Take notice that on February 17, 1995, Western Gas Interstate Company (Western) in compliance with the Federal Energy Regulatory Commission s (Commission) order of December 19, 1994, Western is filing a report showing the final balances of Account No. 191 and detailing any amounts collected or disbursed to date of the report including all schedules pertinent to annual PGA filings, *i.e.,* Schedules A, B, C1, C2 and D. This filing also includes tariff sheets specifying the effective date of the billings, the customers billed and the amounts. Western has not included any information concerning the nine month payment option because there were not any provisions for a nine month payment option considered as part of Western's settlement agreement.

Western states that, its filing proposes changes to its tariff sheets by issuing two tariff sheets First Revised Sheet No. 12 and Original Sheet No. 13. Western further states that the Tariff sheet are proposed to become effective April 1, 1994.

Western requested a waiver of the Commission regulation to direct bill Southern Union Gas Company for $30,559. This amount is attributable to

their share of the amounts paid to El Paso Natural Gas Company as a result of the Commission decision in their rate case.

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 March 6, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–5228 Filed 3–2–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–170–000]

Granite State Gas Transmission, Inc.; Notice of Proposed Changes in FERC Gas Tariff

February 27, 1995.

Take notice that on February 22, 1995, Granite State Gas Transmission, Inc. (Granite State) tendered for filing with the Commission the revised tariff sheets listed below in its FERC Gas Tariff, Third Revised Volume No. 1, revising the provisions of Rate Schedule LMS (Load Management Service), effective December 1, 1994:

Third Revised Sheet No. 24
First Revised Sheet No. 141
First Revised Sheet No. 142
First Revised Sheet No. 143
First Revised Sheet No. 144
First Revised Sheet No. 437

According to Granite State its tariff for restructured operations, approved in Docket No. RS93–1–000 and effective November 1, 1993, included Rate Schedule LMS (Load Management Service) which provided a monthly balancing service and a Daily Demand Service to cover swings in excess of the daily variance tolerances for transportation services at delivery points to its former sales customers, Bay State Gas Company (Bay State) and Northern Utilities, Inc. (Northern Utilities). Granite State further states that both services were tied to underlying services provided by Tennessee Gas Pipeline Company (Tennessee), which had been Granite State's principal upstream supplier of natural gas supplies prior to restructuring. The monthly balancing service was tied to an Operational Balancing Agreement between Tennessee and Granite State, and Granite State contracted for the Daily Demand Service under Tennessee's Rate Schedule LMS–MA.

Granite State further states that, during the latter half of 1994, Tennessee offered its customers an option to convert Daily Demand Service to a storage service under its Rate Schedule FS–MA. According to Granite State, it and its customers accepted the option; Granite State assigned its conversion rights to Bay State and Northern Utilities and both customers contracted separately with Tennessee for storage services under Tennessee's Rate Schedule FS–MA, effective December 1, 1994.

According to Granite State, the revised tariff sheets submitted herewith eliminate the Daily Demand Service and references to the service from its Rate Schedule LMS but continue the availability of the monthly balancing service through the Operational Balancing Agreement with Tennessee.

According to Granite State, copies of its filing were served upon its customers, Bay State and Northern Utilities, and the regulatory commissions of the States of Maine, Massachusetts, and New Hampshire.

Any person desiring to be heard or to make any protest with reference to said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 6, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not service to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–5229 Filed 3–2–95; 8:45 am]

BILLING CODE 6717–01–M

Office of Energy Efficiency and Renewable Energy

Energy Conservation Program for Consumer Products: Granting of the Application for Interim Waiver and Publishing of the Petition for Waiver of Kool-Fire From the Department of Energy Central Air Conditioner and Central Air Conditioning Heat Pump Test Procedure (Case No. CAC–007)

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice.

SUMMARY: Today's notice publishes a letter granting an Interim Waiver to Kool-Fire from the existing Department of Energy central air conditioner and central air conditioning heat pump test procedure for the company's lines of HC and LTH burner-assisted heat pumps.

Today's notice also publishes a ''Petition for Waiver'' from Kool-Fire. Kool-Fire's Petition for Waiver requests DOE to grant relief from the DOE heat pump test procedure for the Kool-Fire lines of HC and LTH burner-assisted heat pumps, which operate in both the cooling and heating modes. Kool-Fire requests that the heating mode tests be waived for its burner-assisted heat pumps because the DOE procedure has no provision for testing burner-assisted heat pumps. The Department is soliciting comments, data, and information respecting the Petition for Waiver.

DATES: DOE will accept comments, data, and information not later than April 3, 1995.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Energy Efficiency and Renewable Energy, Case No. CAC–007, Mail Stop EE–43, Room 5E–066, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–7574.

FOR FURTHER INFORMATION CONTACT:

Michael G. Raymond, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE–431, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–9611

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–72, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION: The Energy Conservation Program for Consumer Products (other than

automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94–163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95–619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100–12, the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100–357, and the Energy Policy Act of 1992 (EPACT), Public Law 102–486, 106 Stat. 2776, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including heat pumps. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. The test procedures appear at 10 CFR Part 430, Subpart B, Appendix M.

The Department amended the prescribed test procedures by adding 10 CFR 430.27 on September 26, 1980, creating the waiver process. 45 FR 64108. Thereafter, DOE further amended the appliance test procedure waiver process to allow the Assistant Secretary for Energy Efficiency and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to temporarily waive test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures, or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions added by the 1986 amendment allow the Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days, or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

On July 18, 1994, Kool-Fire filed a Petition for Waiver and an Application for Interim Waiver regarding the heat pump tests. Additional information supporting the application was provided to DOE in a letter dated January 6, 1995. Kool-Fire's application seeks a Waiver from the DOE test of heating mode operation for its burner-assisted heat pumps because the current DOE test procedure does not address burner-assisted heat pumps. Kool-Fire also applied for an Interim Waiver, based on economic hardship which would be experienced if the Application for Interim Waiver is denied.

In Kool-Fire's Application for an Interim Waiver, the company addresses the economic hardship likely to result absent a favorable determination on its application. The company states that, lacking the Interim Waiver, Kool-Fire's rejection by certain State Energy Commissions has brought the manufacturing, marketing, and distribution of its products to a virtual stand-still. In its January 6, 1995 letter, Kool-Fire included a letter from its Oregon distributor claiming that lack of a DOE waiver for the company's product was directly responsible for the loss of a 180-plus unit order. Kool-Fire further stated that the inability to meet the DOE testing requirements is impacting 100 percent of the Kool-Fire product line.

The Department knows of no other company which manufactures a heat pump similar to the Kool-Fire burner-assisted system. However, the Department has granted a waiver to Enviro Master International from the need to determine a Heating Seasonal Performance Factor (HSPF) because its heat pumps could not be tested in the heating mode using the DOE test procedure. Based on the economic hardship which will be suffered by Kool-Fire if the Application for Interim Waiver is denied and the precedent established in granting a waiver from the requirement to test a heat pump in the heating mode when the product cannot be tested using the DOE test procedure, the Department is granting Kool-Fire an Interim Waiver from the requirement to test its lines of HC and LTH heat pumps in the heating mode. Pursuant to paragraph (e) of Section 430.27 of the Code of Federal Regulations Part 430, the following letter granting an Interim Waiver to Kool-Fire was issued.

Pursuant to paragraph (b) of 10 CFR Part 430.27, DOE is hereby publishing the ''Petition for Waiver'' in its entirety. The Petition contains no confidential information. The Department solicits comments, data, and information respecting the Petition.

Issued in Washington, DC, February 22, 1995.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

Department of Energy

Washington, DC 20585

February 22, 1995.

Mr. J.N. Friedrich, President, Kool-Fire Division of Friedrich Corporation, 1930 Lincoln Way East, P.O. Box 643, Massillon, OH 44648–0643.

Dear Mr. Friedrich: This is in response to your letters of July 18, 1994 and January 6, 1995, submitting an Application for Interim Waiver and Petition for Waiver from the Department of Energy (DOE) central air conditioners and central air conditioning heat pumps test procedure for Kool-Fire's model HC and LTH burner-assisted heat pumps.

The Department agrees that the Kool-Fire lines of HC and LTH burner-assisted heat pumps contain design characteristics which prevent testing them in the heating mode according to the prescribed test procedures. Thus, it appears likely that the Petition for Waiver will be granted.

Kool-Fire's Application for Interim Waiver provides sufficient information to determine that Kool-Fire has and will continue to experience a severe negative economic impact absent a favorable determination on its Application. Therefore, Kool-Fire's Application for an Interim Waiver from the DOE test procedure for its model HC and LTH burner-assisted heat pumps is granted.

Kool-Fire shall be required to test its HC and LTH series heat pumps on the basis of the test procedures specified in 10 CFR Part 430, Subpart B, Appendix M, for the cooling mode of operation, Section 2.1. The heating mode test, Section 2.2, is waived.

This Interim Waiver is based upon the presumed validity of statements and all allegations submitted by the company. This Interim Waiver may be removed or modified at any time upon a determination that the factual basis underlying the application is incorrect.

The Interim Waiver shall remain in effect for a period of 180 days, or until DOE acts on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180-day period, if necessary.

Sincerely,

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

Kool-Fire

1930 Lincoln Way East Δ P.O. Box 643 Δ Massillon, Ohio 44648–0643, 216–833–2117 Δ Fax 216–833–2494

July 18, 1994.

Ms. Christine Ervin,

Assistant Secretary for Energy Efficiency, and Renewable Energy, U.S. Department of Energy, Mail Station EE–1, Forrestal Building, 1000 Independence Avenue., S.W., Washington, D.C. 20585.

RE: Petition for waiver and application for interim waiver for Kool-Fire products.

Dear Ms. Ervin: For the past few months I have been working through Mr. Ed Pollock from the DOE and with Mr. Brian Dougherty with NIST to reestablish communications to resolve a ''certification procedure'' and/or ''request for waiver'' which we began in 1990. *As of this date, Mr. Ed Pollock and I have agreed upon a course of action.* The agreed upon approach consists of and includes the following four points:

1. The ''cooling mode'' performance of the Kool-Fire burner-assisted heat pumps will be evaluated as per the DOE heat pump and air conditioning test procedure. Kool-Fire systems will be tested at 82 degree F and 95 degree F and have an SEER rating.

2. Kool-Fire requests a waiver from having to use the DOE test procedure to evaluate the ''heating'' mode performance of Kool-Fire burner-assisted heat pumps. This waiver is requested because the existing test procedure does not state how to test burner-assisted heat pumps. An HSPF rating only reflects the seasonal space heating efficiency of all-electric heat pumps, not dual fuel heat pumps like the Kool-Fire HC and LTH models.

3. While Kool-Fire's request for a waiver from the ''heating'' mode portion of the DOE test procedure is being pursued through the public review process, Kool-Fire requests that an ''interim waiver'' be IMMEDIATELY granted.

4. Kool-Fire will continue to work on the development of a NEW test procedure for testing and rating the ''heating'' mode performance of dual-fuel, burner assisted heat pumps. In developing this new approach, Kool-Fire expects to use portions of the existing DOE test procedures for heat pumps.

Mr. Brian Dougherty and I have exchanged a great deal of information regarding the Kool-Fire product which we manufacture and distribute throughout the United States. I would request that Mr. Dougherty, due to his extensive involvement to date, continue to be assigned to this project.

As a result of the efforts of Mr. Pollock and Mr. Dougherty, we have reached the point where there is an understanding, as stated above, on the procedure to follow to resolve the ''certification'' requirement. *CRITICAL mid-term and short-term components to this process are the granting of a ''waiver'' and ''interim waiver'', respectively.* Therefore, this letter will serve to initiate our formal request for a ''waiver'' and ''interim waiver'' of the HEATING operation mode of the Kool-Fire two thru four ton ''split system'' products for the reasons enumerated herein.

Following are excerpts of my most recent reply to Mr. Dougherty of June 28, 1994 in response to his letter of June 10, 1994 wherein I explain situations which exist that would justify your granting Kool-Fire this ''interim waiver'':

''A situation exists relating to our receipt of an ''interim waiver''. Lacking this ''interim waiver'', Kool-Fire's acceptance by certain State Energy Commissions has brought the distribution of our products to a virtual stand-still in those areas. This situation can and will cause both our manufacturing operation and distribution network to experience severe ''economic hardship''. We have been informed that with this ''interim waiver'', Kool-Fire distribution would be approved and we could actively compete in the market place with other heating/cooling manufactures. The sooner we have this ''interim waiver'' in hand, the faster we can work to develop a proper ''heating'' mode test procedure.''

I have sent Mr. Dougherty all the information I could find related to laboratory testing, various certifications received, and numerous data compiled from field tests and subsequent reports presented since Kool-Fire's inception in 1979. Most of this testing was done in Canada by Ontario Hydro and the Canadian Gas Association (CGA), except for the AGA testing information from the early 80's on earlier versions of Kool-Fire models and current ETL certification procedures. I indexed this material to facilitate Mr. Dougherty's use and perusal. Unlike other ''*unique/dual-fuel*'' systems, Kool-Fire has been tested, perfected, and proven over the past 15 years, primarily in the Canadian marketplace. I believe this, in itself, lends creditability to it's concept and our requests for *BOTH the ''waiver'' and the IMMEDIATELY NEEDED ''interim waiver''.*

In this same letter to Mr. Dougherty, I commented on his suggestions regarding ''possible testing methods'' as follows:

I. Regarding an SEER test for Kool-Fire:

a. I see no problem conducting this test, in the COOLING mode, like a single speed heat pump or air conditioner. My only thoughts as related to the SEER test is that. * * *

IN REALITY,

Kool-Fire is a COMBINATION air conditioner, reverse cycle ''heat pump'' TYPE unit which utilizes an auxiliary heat absorption system that is used in conjunction with a ''matched'' indoor forced air heat exchanger.

Any SEER test for ''cooling'' must be augmented with an appropriate test for the ''heating'' mode, else Kool-Fire could be misconstrued to be a ''cooling'' only type system. This would cast untrue representation of the product and put us at a competitive disadvantage.

IN REALITY,

''COOLING'' IS SECONDARY to Kool-Fire's primary design intent of ''most efficient''' utilization of BOTH energy sources used in the ''HEATING'' mode.

II. Regarding heating mode tests as Mr. Dougherty suggested:

a. There appears to be a problem differentiating a test procedure between the HC and the LTH model systems. To conduct a test at 17 Degrees F. in the ''air to air'' reverse cycle mode would not be indicative of a ''true'' indication of how any Kool-Fire system operates and would tend to misrepresent it's design purpose and intent. This also would cast an untrue representation of the product and put us at a competitive disadvantage. In fact, current electrical rates have increased to a point that now over 99% of the systems installed are the HC models. This is due to the fact that the ''economic'' balance point of natural gas and propane compared to electrical energy costs dictates changing to the ''flame mode'' at outdoor ambient temperatures of 42 degrees F. and higher.

Kool-Fire's true comparative annual ''heating'' test must consider the actual utilization of both energy sources used in the ''heating'' mode; based on the ''economic'' balance point of the fuels used, compared to the ''thermal'' balance point of a structure. These facts then could be factored with the ''bin'' temperature profiles similar to other DOE tests applied for competitive ''year-round'' system. If these type facts are determined, and if this information were published in conjuction with the results of DOE tests performed at the higher temperatures of 47 Degree dry bulb and 43 Degree wet bulb, both steady state and cyclic; this information would be an accurate representation of Kool-Fire's efficiency.

b. Due to circumstances outlined above, I question whether a need exists to be concerned with developing a procedure to perform a DOE Frost accumulation test. As I understand this test, part of the equation considers the ''negative'' COP during the defrost cycle when the reversing valve causes an ordinary heat pump system to switch to the ''cooling'' mode.

Kool-Fire LTH model has NO ''negative'' COP. During defrost of the Kool-Fire outdoor coil the outdoor blower turns OFF and the fossil fuel burner turns ON to defrost the coil; Kool-Fire's compressor NEVER turns ''off''. Kool-Fire's reversing valve DOES NOT shift and cause the inside of the structure to be cooled. Unlike ''ordinary'' heat pumps, the ''outdoor coil'' of Kool-Fire is ENCLOSED and not subject to ''wind effect''. 100% of the energy used for defrost is used to heat the structure. While the ice is changing to water it transfers the ''latent'' heat to the circulating refrigerant that is heating the structure. This situation that occurs during the defrost cycle of a Kool-Fire should be included in the annual efficiency calculations for Kool-Fire and should be reflected as a CREDIT for Kool-Fire systems.

c. Since Mr. Dougherty had talked to Mr. Dave Young, from Ontario Hydro's Research and Development Department, and Mr. Dougherty referred to the Cd (Coefficient of degradation) factor, Dave probably has made him aware how the actual field tested cyclic performance profile of Kool-Fire differs from ordinary heating systems. The difference of Kool-Fire's actual operating profile should be reflected in the Cd factor applied in any evaluation equation. Then Kool-Fire can be accurately compared to others.

III. Could Kool-Fire be tested as a ''Hybrid'' heat pump?

After presenting Mr. Dougherty an explanation of Kool-Fire and the differences between Kool-Fire and heating systems evaluated in the ''hybrid'' heating system test procedures, Mr. Dougherty and I mutually agree that:

THIS HYBRID TEST IS IN NO WAY INDICATIVE OF A ''true'' indication of how any Kool-Fire system functions and could

tend to mis-represent our purpose and intent. This also would cast an untrue representation of the product and put us at a competitive disadvantage.

Kool-Fire IS NOT A HYBRID HEAT PUMP. Hybrid system tests are based on the assumption that at some outdoor temperature, the heat pump electrical energy usage for ''heating'' will stop and some other ''single'' source fuel will turn ''on'' for ''heating''. With Kool-Fire systems, the outdoor fan turns ''off'' when the fossil fuel burner turns ''on'', THE COMPRESSOR NEVER TURNS ''OFF''. Therefore, electricity PLUS another energy source are used simultaneously.

IV. UNIQUE Kool-Fire features vs. ''ordinary'' furnaces:

Some of Kool-Fire's differences compared to ''ordinary'' fossil fuel furnaces are as follows:

a. There is no steel plate heat exchanger, Kool-Fire is an absorption heating system causing heat to the absorbed into refrigerant which has a boiling point of −40 Degree F. (Similar to a ''boiler'' system)

b. Kool-Fire's absorption system surface is constantly ''wet'', surface temperatures never exceed 55 Degree F.

c. Combustion air, both primary and secondary, on a Kool-Fire constantly changes from +50 to −40 Degree F. due to the fact that all combustion occurs OUTDOORS.

d. Some of the test data I supplied Mr. Dougherty on Kool-Fire was done by Ontario Hydro and others throughout the 80's. I NOTED that the Canadian Gas Association (CGA) test report of November 20, 1980, on an ''early'' version of Kool-Fire, indicates a ''tested'' heating output of 12.33 KW with a ''combined'' measured input of 10.26 KW. THIS TEST INDICATES KOOL-FIRE HAD A COMBINED EFFICIENCY OF 120%, which NO OTHER fossil fuel appliance in the world has achieved. This data does not reflect the over 20% efficiency improvement due to design changes since that time.

e. When Kool-Fire cycles ''off'', unlike vented furnaces, there is little heat build-up in the exchanger because the absorption coil is exposed to outdoor ambient. Kool-Fire's outdoor exchanger cools from 55 Degrees to ambient rapidly. This fact eliminates any possibility of acid formation on the outdoor exchanger.

f. Kool-Fire's design assures that a ''matched'' exchange rate exists between the amount of liquid refrigerant boiling and the amount of fossil fuel burning under the outdoor exchanger. This fact of it's design insures that the surface temperature of the exchanger does not exceed 55 Degree F.

Note: A limit control set at 65 Degree F., which is located ''upstream'' on the compressor suction line, senses return gas temperature. Two (2) 90 Degree F. limit controls are also located on the top of the outdoor exchanger coil. Any of these controls will shut the fossil fuel burner ''off'', then turn the outdoor fan ''on'', in the event of ''low'' refrigerant charge in the system.

To summarize:

Kool-fire burns it's fossil fuel, OUTDOORS, and is subject to extreme fluctuation of temperatures that will have to be duplicated in order to obtain accurate test results.

Kool-Fire systems function more like a ''boiler'' than like a furnace. The heat transfers medium used is refrigerant instead of water. *I know of none other like it in the world.*

V. Concerning an HSPF rating for Kool-Fire systems:

At this point, Mr. Ed Pollock, Mr. Brian Dougherty, and I all agree that Kool-Fire units cannot be tested and assigned an HSPF rating because of their unique, duel-fuel, burner-assisted design. *Kool-fire DOES NOT USE any supplemental electrical resistance heat.*

VI. Thoughts about Heating Season Operating Costs (HSOC):

a. Existing DOE test procedures have been developed to provide an ACCURATE evaluation and comparison of products.

b. Instead of modifying existing procedures, is the DOE at a point that NEW test procedures are required that will reflect the Comparative Annual Integrated Fuel Efficiency (CAIFE) of Kool-Fire and other ''unitue/dual-fuel'' systems, that could emerge in the future?

c. DOE might consider developing a test procedure that measures the actual fuel utilization of those energy sources used in the ''heating'' mode based on their ''economic'' balance point. Then factor this information in conjunction with the ''thermal'' balance point of the structure.

d. Tests should consider including the TOTAL BTU OUTPUT, related costs to purchase the INPUT FUEL being consumed, and efficiencies of same. These facts could be cross-plotted on some type graph format to find the ''economic'' balance point of the fuels being consumed. This information could then be factored with the ''bin'' temperature profiles for a given geographical location. These ''bin'' temperatures could be the same as used by DOE in tests used for ''ordinary'' heating systems.

IN CONCLUSION:

The intent of all the DOE testing is to provide an accurate, fair evaluation so that United States consumers will be provided factual information to enable them to make an informed purchasing decision. Unfortunately, times are changing and technology has advanced. I realize this stretches the imagination of those in the DOE and NIST who are responsible to be sure that this intent is fulfilled.

As previously described, Mr. Ed Pollock and I have agreed upon a course of action to resolve this matter.

We will be glad to work and supply input for this test procedure in co-operation with Mr. Pollock from DOE and Mr. Dougherty from NIST. I am sure Mr. Dave Young from Ontario Hydro will be able to provide valuable input to this process. I have contacted Mr. Hank Rutkowski, a well-known Mechanical Engineer from the HVAC industry, who is knowledgeable of existing test procedures and is willing to lend his expertise. Mr. Gerry Vandaarvart, the inventor of Kool-fire from Canada, can offer valuable assistance to arrive at an accurate ''certification'' and proper ''heating'' mode test procedure.

I sincerely hope I have supplied enough facts to warrant a PROMPT, FAVORABLE RESPONSE to our ''waiver'' request and to motivate DOE to IMMEDIATELY grant an ''interim waiver''.

Respectfully,

J.N. (Jim) Friedrich, CMS,

President.

cc: Mr. Gerry Vandaarvart (Kool-Fire Research & Development)
Mr. Dave Young (Ontario Hydro)
Mr. Hank Rutkowski, Mechanical Engineer
Mr. Brian Dougherty (NIST)
Mr. Edward Pollock (DOE)

[FR Doc. 95–5291 Filed 3–2–95; 8:45 am]
BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–4720–8]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared January 30, 1995 through February 03, 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 the Federal Register dated April 10, 1994 (59 FR 16807).

Draft EISs

ERP No. D–AFS–J31024–UT Rating EO2, Blanchett Park Dam and Irrigation Reservoir, Construction and Operation, Uintah Water Conservancy District (UWCD), Special-Use-Permit and COE Section 404 Permit, Ashley National Forest, Vernal Ranger District, Uintah County, UT.

Summary

EPA supported the USFS selection of No Action as the agency preferred alternative. EPA expressed environmental objections with the build alternative due to the unmitigable impacts to over 50 acres of montane peat fen and loss of a portion of a genetically pure native salmonid population.

ERP No. D–AFS–L65235–ID Rating EO2, Boise River Wildfire Recovery Project, Implementation, North Fork Boise River and Mores Creek Drainages, Boise National Forest, Idaho City and Mountain Home Ranger Districts, Boise and Elmore Counties, ID.

Summary

EPA expressed objections to the sale's potential effect on water quality. Additional information is needed on cumulative effects, water quality/fish habitat effectiveness monitoring and documentation for environmental effort predictions.

ERP No. D–AFS–L81011–AK Rating LO, Helicopter Glacier Landing Tours, Implementation, Issuance of Special-Use-Permits, Tongass National Forest, Chatham Area, Juneau Ranger District, Alaska.

Summary

EPA had no objection to the proposed action.

Final EISs

ERP No. F–BLM–L67027–ID Stone Cabin Open Pit Gold and Silver Mine Development and Operation, Plan of Operations Approval and NPDES Permit Issuance, Florida Mountain, Boise District, Owyhee County, ID.

Summary

EPA continued to have environmental concerns with the preferred alternative. EPA's concerns are based on the proposed mitigation plan for the COE Section 404 permit application for wetland fill and on the effectiveness of the proposed treatment technology at the Delamar mine site.

Dated: February 28, 1995.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 95–5304 Filed 3–2–95; 8:45 am]

BILLING CODE 6560–50–U

[ER–FRL–4720–7]

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 20, 1995 Through February 24, 1995 Pursuant to 40 CFR 1506.9.

EIS No. 950057, DRAFT EIS, DOE, WA, Washington Windplant No. 1, Construction and Operation, 115 Megawatt (MW) Windpower Project, Conditional-Use-Permit, NPDES and COE Section 404 Permits, Klickitat County, WA, Due: April 17, 1995, Contact: Kathy Fisher (503) 230–4275.

EIS No. 950058, DRAFT EIS, FRC, WI, Wisconsin River Basin Hydroelectric Project, Application for Licensing for ten FERC Hydroelectric Projects: Nos. 2119, 2239, 2476, 1999, 2212, 2590, 2256, 2255, 2291 and 2292, Vilas, Forest, Oneida, Lincoln, Marathon, Portage and Wood Counties, WI and Gogebic County, MI, Due: April 17, 1995, Contact: Sabina Joe (202) 219–1648.

EIS No. 950059, FINAL EIS, AFS, OR, Washington Analysis Area/Baker City Municipal Watershed Project, Implementation, Wallowa-Whitman National Forest, Baker Ranger District, Baker County, OR, Due: April 03, 1995, Contact: Chuck Ernst (503) 523–1901.

EIS No. 950060, FINAL EIS, NPS, NV, AZ, Lake Mead National Recreation Area, Management of Burros, Implementation, Clark Co., NV and Mohave Co., AZ, Due: April 03, 1995, Contact: Kent Turner (702) 293–8946.

EIS No. 950061, DRAFT EIS, AFS, CA, San Bernardino National Forest, Realignment and Reconstruction, Falls Road, Implementation, San Bernardino County, CA, Due: April 17, 1995, Contact: Hal Seyden (909) 884–6634.

EIS No. 950062, DRAFT EIS, AFS, CO, Loveland Ski Area Master Development Plan, Implementation, Arapaho National Forest, Clear Creek Ranger District, Clear Creek County, CO, Due: April 17, 1995, Contact: Sue Greenley (303) 567–2901.

EIS No. 950063, FINAL EIS, USN, RI, Davisville Naval Construction Battalion Center, Base Reuse and Development Plan, Implementation, Town of North Kingstown, Washington County, RI, Due: April 03, 1995, Contact: Robert Ostermueller (215) 595–0759.

EIS No. 950064, DRAFT EIS, USN, PA, Philadelphia (Former) Naval Base Hospital Disposal and Reuse, Implementation, City of Philadelphia, PA, Due: April 17, 1995, Contact: Tina Deininger (610) 595–0759.

EIS No. 950065, FINAL EIS, USN, CA, US Navy Lease of Fleet and Industrial Supply Center, (Naval Supply Center) Property of the Port of Oakland for Development of Intermodal Rail Facilities and Maritime Cargo-Related Tenant Uses, Alameda County, CA, Due: April 03, 1995, Contact: Raymond Chiang (415) 244–3022.

Dated: February 28, 1995.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 95–5305 Filed 3–2–95; 8:45 am]

BILLING CODE 6560–50–U

[FRL–5162–8]

Committee Meetings of the Grand Canyon Visibility Transport Commission

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of meeting.

SUMMARY: The United States Environmental Protection Agency (U.S. EPA) is announcing a meeting of the Public Advisory Committee (PAC) of the Grand Canyon Visibility Transport Commission (Commission).

The PAC will meet from 10:00 a.m., MST on Thursday, March 9, to 12:00 Noon on Saturday, March 11, at the Woodlands Plaza Hotel, 1175 West Route 66, Flagstaff, Arizona. Activities on Thursday, March 9, will include a briefing on technical documents produced by the Commission's various committees, and a field trip to a visibility monitoring station at the Grand Canyon. Friday, March 10 and Saturday, March 11, will be devoted to a workshop during which the PAC will review the Commission's emissions inventory, emissions management scenarios, economic and demographic projections, and methodologies for assessing social, environmental, equity, and administrative impacts of emissions management scenarios.

The Commission was established by the EPA on November 13, 1991 (see 56 FR 57522, November 12, 1991). All meetings are open to the public. These meetings are not subject to provisions of the Federal Advisory Committee Act, Public Law 92–463, as amended.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Leary, Project Manager for the Grand Canyon Visibility Transport Commission, Western Governor's Association, 600 17th Street, Suite 1705, South Tower, Denver, Colorado 80202; telephone number (303) 623–9378; facsimile machine number (303) 534–7309.

Dated: February 23, 1995.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 95–5016 Filed 3–2–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5164–3]

Science Advisory Board; Notification of Public Advisory Committee Meetings

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that several committees of the Science Advisory

Board (SAB) will meet on the dates and times described below. All times noted are Eastern Time. Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB Office, unless otherwise specified. All meetings are open to the public, however, due to limited space, seating at meetings will be on a first-come basis.

1. Executive Committee (EC)

The Science Advisory Board's Executive Committee will conduct a public teleconference meeting on Monday, March 20, 1995, between the hours of 1 p.m. and 3 p.m. The meeting will be coordinated through a conference call connection at the Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Additional instructions about how to participate in the conference call (in person or via telephone) can be obtained by calling Ms. Constance Valentine at (202) 260–6552 or FAX (202) 260–7118 no later than March 13.

This is the first conference call meeting conducted by the Executive Committee. It stems from a recommendation of the Board's self-study committee that the SAB explore methods for speeding final action on reports from the Board's various committees. By conducting the final review of reports via conference call that take place between the quarterly face-to-face meetings of the Executive Committee, the production for final SAB reports can be shortened by as much as several weeks.

In this meeting the Executive Committee plans to review three reports from two of its Committees: (1) Environmental Health Committee—(a) Review of the Agency's Reproductive Toxicity Risk Assessment Guidelines and (b) Commentary on the Benchmark Dose; and (2) Drinking Water Committee—Review of the Agency's Arsenic in Drinking Water Document. Copies of these documents are available from Ms. Valentine at the above phone numbers.

Any member of the public wishing further information concerning the meeting or wishing to submit comments should contact Mr. A. Robert Flaak, Acting Designated Federal Official for the Executive Committee, Science Advisory Board (1400F), U.S. Environmental Protection Agency, Washington DC 20460; telephone (202) 260–6552; FAX (202) 260–7118; or via the INTERNET at FLAAK.ROBERT@EPAMAIL.EPA.GOV.

2. Research Strategies Advisory Committee (RSAC)

The Research Strategies Advisory Committee (RSAC) of the SAB will meet on March 17, 1995, at the Holiday Inn, 550 C Street SW., Washington, DC. The meeting will begin at 8:30 a.m. and end no later than 5 p.m.

The Research Strategies Advisory Committee routinely reviews broad issues related to the planning and management of research activities within the Agency. At this meeting, RSAC will receive briefings on the FY 1996 President's Budget Request for the Office of Research and Development (ORD), the status of several management and reorganization initiatives within ORD, and the Agency's Research Strategic Planning activities. Based on these presentations, RSAC will offer recommendations to the Agency and develop its agenda for formal reviews later in this fiscal year.

Members of the public desiring additional information about the meeting, including a draft agenda, should contact Mrs. Constance Valentine, Staff Secretary, Science Advisory Board (1400F), US EPA, 401 M Street SW., Washington DC 20460, by telephone at (202) 260–6552 or fax at (202) 260–7118. Anyone wishing to submit written comments must forward at least 35 copies of their comments to Dr. Edward S. Bender, Designated Federal Official, at the above address, no later than March 13 for distribution to the Committee and the interested public. Dr. Bender may also be contacted via the INTERNET at: BENDER.EDWARD@EPAMAIL.EPA.GOV.

3. Radionuclide Cleanup Standards Subcommittee (RCSS) of the Radiation Advisory Committee (RAC)

The Radionuclide Cleanup Standards Subcommittee (RCSS) of the Science Advisory Board's (SAB's) Radiation Advisory Committee (RAC), will continue its review of the technical basis of the Agency's Cleanup Standards for Radionuclides with a public teleconference meeting on Monday, March 27, 1995 from 11 am to 1 p.m. The RCSS formally began this review at its first public meeting on the topic on October 27 and 28, 1994 (See Federal Register Vol. 59, No. 191, Tuesday, October 4, 1994, pages 50600–50601), and had a follow-up review meeting on January 26 and 27, 1995 (See Federal Register Vol. 60, No. 5, January 9, 1995, pp. 2386–2387). This teleconference meeting is open to the public, but the number of lines available is limited and available on a first-come basis. Additional instructions about how to participate in the conference call can be obtained by calling Ms. Diana Pozun at (202) 260–6552 or FAX (202) 260–7118 no later than March 21, 1995.

The draft documents that are the subject of this review are available from the originating EPA office (see below) and are not available from the SAB Office. These draft documents are: (1) Radiation Site Cleanup Regulations: Technical Support Document for the Development of Radionuclide Cleanup Levels for Soil, Review Draft, September, 1994. and (2) Radiation Site Cleanup Regulations: Technical Support Document for the Development of Radionuclide Cleanup Levels for Soil, Appendices, September 1994.

To discuss technical aspects of the draft documents, please contact Dr. Anthony B. Wolbarst, Chief, Remedial Guidance Section, Office of Radiation and Indoor Air (ORIA) (6603J), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, tel. (202) 233–9392. To simply obtain copies of the draft documents, please contact Ms. Virginia Stradford, Secretary, at (202) 233–9350, FAX (202) 233–9650. The background documents that support this review, as well as the draft documents listed above are available in the Agency's Air and Radiation Docket. Please address written inquiries as follows: USEPA, Attn: Air and Radiation Docket, Mail Stop 6102, Air Docket No. A–93–27, Room M1500, First Floor, Waterside Mall, 401 M Street SW, Washington, DC 20460. The docket may be inspected from 8 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays, in Room M1500. A reasonable fee may be charged for copies of docket materials. Inquiries regarding access to the public information docket should be directed to Ms. Lynn Johnson, ORIA Staff at (202) 233–9383.

The charge to the SAB is as follows:

(a) Is the methodology used by the Office of Radiation and Indoor Air (ORIA) for evaluating source terms for radioactively contaminated sites, for modeling transport to people, and for estimating risk to individuals and populations acceptable for providing a technical basis for writing a cleanup standard?

(b)(1) Are the assumptions for the combined residential/agricultural land use scenario, and the pathways model, reasonable and suitable for assessing risk at radioactively contaminated sites?

(2) Are the assumptions for the combined industrial/commercial land use scenario, and the pathways model, reasonable and suitable for assessing risk at radioactively contaminated sites?

(c) Is RESRAD version 5.01 suitable for modeling radiation risk to individuals at radioactively contaminated sites?

Members of the public who wish to make a brief oral presentation at this teleconference should contact Mrs. Diana L. Pozun, Staff Secretary, RCSS, (tel. 202–260–6552; FAX 202–260–7118) no later than March 21, 1995, in order to advise the Agency of your desire to participate in the teleconference and to have time reserved on the agenda for public comments. For a copy of the teleconference draft agenda, please contact Ms. Pozun at the numbers given above. For questions regarding technical issues to be discussed, please contact Dr. K. Jack Kooyoomjian, Designated Federal Official, Science Advisory Board (1400F), US EPA, 401 M Street SW., Washington DC 20460, by telephone at (202) 260–2560, FAX at (202) 260–7118, or via the INTERNET at: KOOYOOMJIAN.JACK @EPAMAIL.EPA.GOV.

4. Clean Air Scientific Advisory Committee (CASAC)

The Clean Air Scientific Advisory Committee (CASAC) of the Science Advisory Board (SAB) will meet on March 21 and 22, 1995 at the Omni Europa Hotel, 1 Europa Drive, Chapel Hill, North Carolina 27514. Phone: (919) 968–4900. The meeting will begin at 9 am and end no later than 5 pm on both days. The Committee will meet to review and provide advice on the scientific and technical adequacy of two EPA draft documents under preparation for use by the Agency in decision-making on possible retention or revision of the current National Ambient Air Quality Standards (NAAQS) for Ozone. The documents to be reviewed are (a) the revised Air Quality Criteria for Ozone and Related Photochemical Oxidants (Ozone Criteria Document, CASAC Review Draft, February, 1995; prepared by the Environmental Criteria and Assessment Office of the U.S. EPA Office of Research and Development—ECAO) and (b) the Review of National Ambient Air Quality Standards for Ozone: Assessment of Scientific and Technical Information—Draft Staff Paper (the Staff Paper; prepared by the U.S. EPA Office of Air Quality Planning and Standards—OAQPS).

Ozone Criteria Document

The Revised version of the draft Ozone Criteria Document (CASAC Review Draft, February 1995) incorporates revisions made in response both to public comments on a December 1993 External Review Draft (EPA/600/AP–93/004a, b, c) of the document and to CASAC comments on that earlier draft from a July 1994 review meeting. In its review of the Ozone Criteria Document, the CASAC will focus on several key subjects, including the following:

(a) *Acute Ozone Exposure Effects on Human Health:* Has the new data on acute ozone exposure effects (1 to 2 hour and 6 to 8 hour exposures) been adequately characterized in the revised Criteria Document? What is the public health significance of these findings from humans exposed to ozone concentrations lower than or equal to the current standard while undergoing intermittent, moderate exercise? To what extent does the data from acute exposure studies support the potential for possible chronic irreversible effects?

(b) *Chronic Effects of Ozone in Laboratory Animals:* Recently, information has been developed from chronic exposures (in diurnal or seasonal exposure patterns) of laboratory animals to near-ambient levels of ozone. How can the chronic effects data from laboratory animal studies be credibly interpreted with regard to whether long-term exposure to ozone leads to development or exacerbation of chronic lung disease? Do the recent dosimetry model results discussed in the Criteria Document allow for application of this information to risk assessment for human population groups?

(c) *Characterization of Ozone Vegetation Effects:* Characterization of ozone exposure parameters associated with effects on plants remains controversial. Has the Ozone Criteria Document adequately assessed and interpreted the available scientific literature on this subject (especially relative to agricultural crops, tree growth and reproduction, and subsequent impacts on natural ecosystems)? Of crucial interest is the relative importance of peak versus mid-level ozone concentrations in eliciting responses in plants.

Ozone Staff Paper

The February 1995 Draft Ozone Staff Paper draws upon scientific evaluations contained in the above-mentioned Ozone Criteria Document and other information (e.g., estimated human exposures and risks) to assess health effects due to ozone. The draft Staff Paper includes preliminary staff conclusions and recommendations for further consideration of alternative primary NAAQS for ozone. A subsequent draft of the Ozone Staff Paper will include information and assessments of ecological effects. The key issues listed above, of interest in review of the Draft Ozone Criteria Document, are also important in the review of the Draft Ozone Staff Paper. In addition, CASAC will review the results of the Agency's (OAQPS) human exposure and health risk analyses.

Availability of Documents

Copies of the revised Draft Ozone Criteria Document will be mailed to parties who submitted comments to EPA on the earlier December 1993 External Review Draft. A limited number of copies of the Criteria Document will also be available to interested parties at the March 21–22, 1995 CASAC meeting. Copies will also be available for public inspection in the EPA Air Docket (401 M St., S.W., Washington, DC). Following the March 21–22, 1995 meeting, further revisions to reflect that review and final editorial changes will be made to produce a final version of the document in time for EPA publication in 1995. For more information regarding the draft Criteria Document, contact Diane Ray (Phone: 919–541–3637; FAX: 919–541–1818).

Single copies of the Ozone Staff Paper may be obtained from Dr. David J. McKee, Air Quality Standards and Strategies Division, Office of Air Quality Planning and Standards (MD–15), U.S. EPA, Research Triangle Park, NC 27711. Dr. McKee can also be reached by phone at (919) 541–5288 or by FAX at (919) 541–0237. The Office of Air Quality Planning and Standards (OAQPS) will accept written comments from the public on all aspects of their draft of the Ozone Staff Paper. Written comments will be accepted by Dr. McKee through April 15, 1995. Comments should be sent to Dr. McKee at the previously stated address.

Single copies of the draft exposure analyses, and a draft health risk assessment report are available by contacting Mr. Harvey Richmond, U.S. EPA, MD–15, Research Triangle Park, NC 27711. Mr. Richmond can also be reached by phone at (919) 541–5271 or by FAX at (919) 541–0824. OAQPS will accept written comments from the public on all aspects of their draft exposure and risk analyses reports. Please forward comments to Mr. Richmond through April 15, 1995 at the previously stated OAQPS address.

Members of the public desiring additional information about the meeting should contact Mr. Randall Bond, Designated Federal Official, Clean Air Scientific Advisory Committee, Science Advisory Board (1400), U.S. EPA, 401 M Street, SW., Washington, DC 20460, by telephone at (202) 260–8414 or by FAX at (202) 260–1889, or via the INTERNET at

BOND.RANDALL@EPAMAIL.EPA.GOV. Those individuals requiring a copy of the draft Agenda and the charge to the committee should contact Ms. Lori Anne Gross at (202) 260–8414 or by FAX at (202) 260–1889 or via the INTERNET at GROSS.LORI@EPAMAIL.EPA.GOV. Additional information concerning the Science Advisory Board, its structure, function, and composition, may be found in The Annual Report of the Staff Director which is available by contacting Ms. Gross at the previously stated address.

Members of the public who wish to make a brief oral presentation to the Committee concerning the scientific issues contained in the draft document(s) must contact Mr. Bond in writing (by letter or by FAX—see previously stated information) no later than 12 noon Eastern Time, Friday, March 10, 1995 in order to be included on the Agenda. Public comments will be limited to five minutes per speaker or organization. The request should identify the name of the individual who will make the presentation, the organization (if any) they will represent, any requirements for audio visual equipment (e.g. overhead projector, 35mm projector, chalkboard, etc.), and provide at least 35 copies of an outline of the issues to be addressed or the presentation itself.

5. Providing Oral or Written Comments at SAB Meetings

The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. In general, each individual or group making an oral presentation will be limited to a total time of five minutes. For conference call meetings, opportunities for oral comment will be limited to no more than five minutes per speaker and no more than fifteen minutes total. Written comments (at least 35 copies) received in the SAB Staff Office sufficiently prior to a meeting date, may be mailed to the relevant SAB committee or subcommittee prior to its meeting; comments received too close to the meeting date will normally be provided to the committee at its meeting. Written comments may be provided to the relevant committee or subcommittee up until the time of the meeting.

Dated: February 22, 1995.

Samuel Rondberg,

Acting Staff Director, Science Advisory Board.

[FR Doc. 95–5279 Filed 3–2–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5164–2]

Meeting of the Small Town Environmental Planning Task Force

On March 28 and 29, 1995, the Small Town Environmental Planning Task Force (STTF) will conduct its fourth meeting. The purpose of the meeting is to review and discuss the Agency's responses to their recommendations paper presented at the October 1994 meeting, discuss the progress of the various work groups, discusss current proposals which focus on regulatory reform and consultation, and activities necessary to comply with the provisions of the Small Town Environmental Planning Act (42 U.S.C. 6908).

The Task Force is charged with identifying regulations developed pursuant to Federal environmental laws which pose significant compliance problems for small towns; identifying the means to improve the working relationship between the Environmental Protection Agency and small towns; reviewing proposed regulations for the protection of environmental and public health and suggesting revisions that could improve the ability of small towns to comply with such regulations; and identifying the means to promoting regionalization of environmental treatment systems and infrastructure serving small towns to improve the economic conditions of such systems and infrastructure.

The meeting will be held at the Days Inn, located at 1201 K Street NW., Washington, DC 20005. The meeting will begin at 8 a.m. on March 28th and conclude at 3:30 p.m. on March 29th.

The Designated Federal Officer (DFO) for this Committee is Christine Zawlocki. She is the point of contact for information concerning any Committee matters and can be reached by calling (202) 260–0244 or by writing to: U.S. EPA, 401 M Street SW. (1502), Washington, DC 20460.

This is an open meeting and all interested persons are invited to attend. Meeting minutes will be available within thirty days after the meeting and can be obtained by written request from the DFO. Members of the public are requested to call the DFO at the above number if planning to attend so that arrangements can be made to comfortably accommodate attendees as much as possible.

Christine Zawlocki,

Designated Federal Official, Office of Regional Operations and State/Local Relations.

[FR Doc. 95–5277 Filed 3–2–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–S164–4]

Proposed Settlement Under Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative settlement and opportunity for public comment.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing to enter into an administrative settlement to resolve claims under the Comprehensive Environmental Response, Compensation & Liability Act of 1980 (CERCLA), as amended. Notice is being published to inform the public of the proposed settlement and of the opportunity to comment. This settlement is intended to resolve liabilities of five parties for certain response costs incurred by EPA at the Rockaway Borough Well Field Superfund Site.

DATES: Comments must be provided by not later than April 3, 1995.

ADDRESSES: Comments should be addressed to the U.S. Environmental Protection Agency, Office of Regional Counsel, New Jersey Superfund Branch, 17th floor, 290 Broadway, New York, New York 10007–1866 and should refer to: In the Matter of the Rockaway Borough Well Field Superfund Site, U.S. EPA Index No. II CERCLA–94–0123.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency, Office of Regional Counsel, New Jersey Superfund Branch, 17th floor, 290 Broadway, New York, New York 10007–1866, (212) 264–3415, Attention: Bruce Aber, Esq.

SUPPLEMENTARY INFORMATION: In accordance with Section 122(i)(1) of CERCLA, notice is hereby given of a proposed administrative settlement concerning the Rockaway Borough Well Field Superfund Site which is located in Rockaway, New Jersey. Section 122(h) of CERCLA provides EPA with authority to consider, compromise, and settle certain claims for costs incurred by the United States.

Klockner & Klockner, a general partnership, Multi-form Metals, Inc., Ferraz Corporation, Roned Realty Company, a limited partnership, and Lusardi's Cleaners, Inc. will pay a total of $859,365 under this agreement to reimburse EPA for certain response costs incurred at the Rockaway Borough Well Field Superfund Site.

A copy of the proposed administrative settlement agreement, as well as

background information relating to the settlement, may be obtained in person or by mail from EPA's Region II Office of Regional Counsel, New Jersey Superfund Branch, 17th floor, 290 Broadway, New York, New York 10007–1866.

Proposed Settlement under Section 122(h) of CERCLA—Rockaway Borough Well Field Superfund Site.

Dated: February 7, 1995.

William J. Muszynski,

Deputy Regional Administrator.

[FR Doc. 95–5278 Filed 3–2–95; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee for Injury Prevention and Control (ACIPC); Family and Intimate Violence Prevention Subcommittee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following subcommittee meeting.

Name: ACIPC Family and Intimate Violence Prevention Subcommittee.

Time and Date: 1 p.m.–5 p.m., March 20, 1995.

Place: Holiday Inn at Lenox/Buckhead, 3377 Peachtree Road, NE, Atlanta, Georgia 30326.

Status: Open to the public, limited only by the space available.

Purpose: The subcommittee provides advice and makes recommendations to the ACIPC regarding feasible goals for prevention and control of family and intimate violence. The subcommittee makes recommendations regarding policies, strategies, objectives and priorities; and advises on the development of a national plan for family and intimate violence and the development of new technologies and their subsequent application.

Matters To Be Discussed: The subcommittee will discuss communications and definitional issues for the Family and Intimate Violence Prevention Program.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Ms. Denise Johnson, Acting Team Leader, Family and Intimate Violence Prevention Team, Division of Violence Prevention, Mailstop K–60, National Center for Injury Prevention and Control, CDC, 4770 Buford Highway, NE, Atlanta, Georgia 30341–3724, telephone 404/488–4410.

Dated: February 27, 1995.

William H. Gimson,

Acting Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–5239 Filed 3–2–95; 8:45 am]

BILLING CODE 4163–18–M

Advisory Committee for Injury Prevention and Control; Meeting

In accordance with section 19(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following committee meeting.

Name: Advisory Committee for Injury Prevention and Control (ACIPC).

Times and Dates: 1 p.m.–3:30 p.m., March 20, 1995; 8:30 a.m.–3:30 p.m., March 21, 1995.

Place: Holiday Inn at Lenox/Buckhead, 3377 Peachtree Road, NE, Atlanta, George 30326.

Status: Closed 1 p.m.–2 p.m., March 20, and 8:30 a.m.–9 a.m., March 21; Open 2 p.m.–3:30 p.m., March 20, and 9 a.m.–3:30 p.m., March 21.

Purpose: The committee will continue to make recommendations on policy, strategy, objectives, and priorities including the balance and mix of intramural and extramural research; advise on the implementation of a national plan for injury prevention and control, the development of new technologies and their application; and review progress toward injury prevention and control.

Matters To Be Discussed: The meeting will convene in closed session from 1 p.m. to 2 p.m. on March 20, 1995. The purpose of this closed session is for the Science and Program Review Work Group to consider injury control research grant applications recommended for further consideration by CDC's Injury Research Grant Review Committee. On March 21, 1995, from 8:30 a.m. to 9 a.m., the meeting will convene in closed session in order for the full committee to vote on a funding recommendation. These portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c) (4) and (6), title 5 U.S.C., and the Determination of the Acting Associate Director for Policy Coordination, CDC, pursuant to Pub. L. 92–463. Following the closed sessions, the committee will discuss (1) programmatic oversight, (2) proposed program review, (3) issues concerning NCIPC's extramural research grants program, (4) an update from the Director, NCIPC, (5) updates on injury issues from other Federal agencies, (6) a report on the current and future issues in motor vehicle injury control, and (7) a report from the ACIPC Family and Intimate Violence Prevention Subcommittee, and issues/activities relating to family and intimate violence.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Mr. Tom Bartenfield, Acting Executive Secretary, ACIPC, NCIPC, Mailstop K–60, CDC, 4770 Buford Highway, NE, Atlanta, Georgia 30341–3724, telephone 404/488–4690.

Dated: February 27, 1995.

William H. Gimson,

Acting Association Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–5240 Filed 3–2–95; 8:45 am]

BILLING CODE 4163–18–M

National Institutes of Health

National Center for Human Genome Research; Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting:

Name of Committee: Genome Research Review Committee.

Date: March 14, 1995.

Time: 10 a.m. to adjournment.

Place: Embassy Suites Hotel, Chevy Chase Pavilion, Washington, D.C.

Contact Person: Ms. Linda Engel, Chief, Office of Scientific Review, National Center for Human Genome Research, National Institutes of Health, Building 38A, Room 604, Bethesda, Maryland 20892, (301) 402–0838

Purpose/Agenda: To review and evaluate grant applications and/or contract proposals.

The meeting will be closed in accordance with the provisions set forth in secs. 552(c)(4) and 552(c)(6), Title 5, U.S.C. Applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.172, Human Genome Research)

Date: February 17, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95–5231 Filed 3–2–95; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Heart, Lung, and Blood Special Emphasis Panel (SEP) meeting:

Name of SEP: Program Project: Coronary Atherosclerosis in Female Monkeys.

Date: March 16–17, 1995.

Time: 7:30 p.m.

Place: The Hawthorne Inn & Conference Center, Winston-Salem, North Carolina.

Contact Person: Anthony M. Coelho, Jr., Ph.D., 5333 Westbard Avenue, Room 548, Bethesda, Maryland 20892, (301) 594–7485.

Purpose/Agenda: To review and evaluate grant applications.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Programs Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: February 24, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95–5233 Filed 3–2–95; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Meeting

Notice is hereby given of the meeting of the National High Blood Pressure Education Program Coordinating Committee, sponsored by the National Heart, Lung, and Blood Institute on March 30, 1995, from 4:00 p.m. to 6:00 p.m., at the J.W. Marriott Hotel, 1331 Pennsylvania Avenue, Washington, D.C. 20004 (202) 393–2000.

The entire meeting is open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating groups in the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

For the detailed program information, agenda, list of participants, and meeting summary, contact: Dr. Edward J. Roccella, Coordinator, National High Blood Pressure Education Program, Office of Prevention, Education and Control, National Heart, Lung, and Blood Institute, National Institutes of Health, 31 Center Drive MSC 2480 Bethesda, Maryland 20892, (301) 496–0554.

Dated: February 20, 1995.

Claude Lenfant,

Director, NHLBI.

[FR Doc. 95–5236 Filed 3–2–95; 8:45 am]

BILLING CODE 4140–01–P

National Institute of Mental Health; Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Extramural Science Advisory Board of the National Institute of Mental Health (NIMH) for April 1995.

The entire meeting will be open to the public for discussion of the NIMH grant portfolio. Attendance by the public will be limited to space available. If individuals who plan to attend need special assistance, such as sign language interpretation or other reasonable accommodations, or need other information pertaining to the meeting, notify the contact person named below in advance of the meeting.

Committee Name: Extramural Science Advisory Board, NIMH.

Contact: Andrea Baruchin, Ph.D., Executive Secretary, Parklawn Building, Room 17C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–4335.

Meeting Dates and Time: April 24, 1995; 8:30 a.m.—Recess; April 25, 1995; 8:30 a.m.—adjourment.

Place: Conference Room 10, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892.

Purpose/Agenda: To discuss the Intitute's portfolio.

(Catalog of Federal Domestic Assistance Program Numbers 93.126, Small Business Innovation Research; 93.176, ADAMHA Small Instrumentation Program Grants; 93.242, Mental Health Research Grants; 93.281, Mental Research Scientist Development Award and Research Scientist Development Award for Clinicians; 93.282, Mental Health Research Service Awards for Research Training; and 93.921, ADAMHA Science Education Partnership Award)

Dated: February 24, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95–5235 Filed 3–2–95; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Biological and Physiological Sciences.

Date: March 15, 1995.

Time: 2:30 p.m.

Place: NIH, Westwood Building, Room 209, Telephone Conference.

Contact Person: Dr. Nicholas Mazarell, Scientific Review Admin., 5333 Westbard Ave., Room 209, Bethesda, MD 20892, (301) 594–7098.

Name of SEP: Clinical Sciences.

Date: March 15, 1995.

Time: 10:45 a.m.

Place: NIH, Westwood Building, Room 219, Telephone Conference.

Contact Person: Dr. Lawrence Pinkus, Scientific Review Admin., 5333 Westbard Ave., Room 219, Bethesda, MD 20892, (301) 594–7315.

Name of SEP: Biological and Physiological Sciences.

Date: March 16, 1995.

Time: 1:00 p.m.

Place: NIH, Westwood Building, Room 209, Telephone Conference.

Contact Person: Dr. Michael Lang, Scientific Review Administrator, 5333 Westbard Ave., Room 209, Bethesda, MD 20892, (301) 594–7332.

Name of SEP: Clinical Sciences.

Date: March 22, 1995.

Time: 10:00 a.m.

Place: Holiday Inn, Alexandria, VA.

Contact Person: Dr. Priscilla Chen, Scientific Review Admin., 5333 Westbard Ave., Room 219, Bethesda, MD 20892, (301) 594–7287.

Name of SEP: Clinical Sciences.

Date: March 29, 1995.

Time: 2:00 p.m.

Place: NIH, Westwood Building, Room 219, Telephone Conference.

Contact Person: Dr. Priscilla Chen, Scientific Review Admin., 5333 Westbard Ave., Room 219, Bethesda, MD 20892, (301) 594–7287.

Name of SEP: Multidisciplinary Sciences.

Date: March 29, 1995.

Time: 11:00 a.m.

Place: NIH, Westwood Building, Room 2A10, Telephone Conference.

Contact Person: Dr. Eileen Bradley, Scientific Review Administrator, 5333 Westbard Ave., Room 2A10, Bethesda, MD 20892, (301) 594–7188.

Name of SEP: Behavioral and Neurosciences.

Date: April 4, 1995.

Time: 12:00 noon.

Place: NIH, Westwood Building, Room 319C, Telephone Conference.

Contact Person: Dr. Anita Sostek, Scientific Review Administrator, 5333 Westbard Ave., Room 319C, Bethesda, MD 20892, (301) 594–7358.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the grant review cycle.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 24, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95–5232 Filed 3–2–95; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Multidisciplinary Sciences.

Date: March 20, 1995.

Time: 1:00 p.m.

Place: NIH, Westwood Building, Room 2A07B, Telephone Conference.

Contact Person: Dr. Nada Vydelingum, Scientific Review Administrator, 5333 Westbard Ave., Room 2A07B, Bethesda, MD 20892, (301) 594–7350.

Name of SEP: Behavioral and Neurosciences.

Date: March 24, 1995.

Time: 9:00 a.m.

Place: Ramada Inn, Rockville, MD.

Contact Person: Dr. Luigi Giacometti, Scientific Review Administrator, 5333 Westbard Ave., Room 325B, Bethesda, MD 20892, (301) 594–7132.

Name of SEP: Biological and Physiological Sciences.

Date: March 28–29, 1995.

Time: 9:00 a.m.

Place: Georgetown Holiday Inn, Washington, DC.

Contact Person: Dr. Cheryl Corsaro, Scientific Review Administrator, 5333 Westbard Ave., Room 425A, Bethesda, MD 20892, (301) 594–7336.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the application and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the grant review cycle.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 24, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95–5234 Filed 3–2–95; 8:45 am]

BILLING CODE 4140–01–M

Social Security Administration

Rescission of Social Security Acquiescence Ruling 87-1(6)

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Rescission of Social Security Acquiescence Ruling 87-1(6)—*Webb* v. *Richardson*, 472 F.2d 529 (6th Cir. 1972).

SUMMARY: In accordance with 20 CFR 404.985(e) and 422.406(b)(2), the Commissioner of Social Security gives notice of the rescission of Social Security Acquiescence Ruling 87-1(6).

EFFECTIVE DATE: March 3, 1995.

FOR FURTHER INFORMATION CONTACT: Gary Sargent, Litigation Staff, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, (410) 965-1695.

SUPPLEMENTARY INFORMATION: A Social Security Acquiescence Ruling explains how we will apply a holding in a decision of a United States Court of Appeals that we determine conflicts with our interpretation of a provision of the Social Security Act or regulations when the Government has decided not to seek further review of the case or is unsuccessful on further review.

As provided by 20 CFR 404.985(e)(2), a Social Security Acquiescence Ruling may be rescinded as obsolete if a circuit court overrules or limits itself on an issue that was the basis of an Acquiescence Ruling.

On January 6, 1987, we issued Acquiescence Ruling 87-1(6) to reflect the holding in *Webb* v. *Richardson*, 472 F.2d 529 (6th Cir. 1972), that the tribunal that ultimately allows an individual's retirement, survivor's or disability insurance (title II) claim may approve an attorney's fee covering services provided during the entire appeal process (at both the administrative level of review and before the Federal courts) and that such approved fee is limited to 25 percent of the past-due benefits.

On September 14, 1994, the United States Court of Appeals for the Sixth Circuit issued a judgment in *Horenstein* v. *Secretary of Health and Human Services*, 35 F.3d 261 (6th Cir. 1994) (en banc), in which it overruled *Webb* and joined seven other circuit courts by holding that a tribunal may award attorneys' fees only for the services performed before the tribunal. The Sixth Circuit also held that only fee awards for services performed in Federal courts, not awards for services performed before the Secretary, are limited to 25 percent of past-due benefits. The Sixth Circuit recognized that section 206(b)(1) of the Social Security Act (the Act) establishes a separate standard for awarding attorneys' fees for services performed in cases before the Federal courts and that those fees may not exceed 25 percent of the total past-due benefits. The Sixth Circuit also recognized that Congress made specific provision under section 206(a)(1) of the Act for awarding reasonable attorneys' fees for services performed before the Secretary at the administrative level, and that these fees are not limited by past-due benefits. Furthermore, the circuit court found that in cases involving court remands the court will set attorneys' fees, limited to 25 percent of past-due benefits, for services performed before it and that the Secretary will separately set reasonable attorneys' fees for the services performed at the administrative level.

Because the Sixth Circuit's judgment in *Horenstein* overruled the holding in *Webb* that resulted in our issuance of Acquiescence Ruling 87-1(6), we are rescinding that Acquiescence Ruling.

(Catalog of Federal Domestic Assistance Programs Nos. 93.802 Social Security—Disability Insurance; 93.803 Social Security - Retirement Insurance; 93.805 Social Security - Survivors Insurance; 93.806 Special Benefits for Disabled Coal Miners.)

Dated: December 28, 1994.

Shirley S. Chater,

Commissioner of Social Security.

[FR Doc. 95–5241 Filed 3–2–95; 8:45 am]

BILLING CODE 4190–29–F

Substance Abuse and Mental Health Services Administration

Current List of Laboratories Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies and Laboratories That Have Withdrawn From the Program

AGENCY: Substance Abuse and Mental Health Services Administration, HHS (Formerly: National Institute on Drug Abuse, ADAMHA, HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services notifies Federal agencies of the laboratories currently certified to meet standards of Subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (59 FR 29916, 29925). A similar notice listing all currently certified laboratories will be published during the first week of each month, and updated to include laboratories which subsequently apply for and complete the certification process. If any listed laboratory's certification is totally suspended or

revoked, the laboratory will be omitted from updated lists until such time as it is restored to full certification under the Guidelines.

If any laboratory has withdrawn from the National Laboratory Certification Program during the past month, it will be identified as such at the end of the current list of certified laboratories, and will be omitted from the monthly listing thereafter.

FOR FURTHER INFORMATION CONTACT: Mrs. Giselle Hersh, Division of Workplace Programs, Room 13A–54, 5600 Fishers Lane, Rockville, Maryland 20857; Tel.: (301) 443–6014.

SUPPLEMENTARY INFORMATION:

Mandatory Guidelines for Federal Workplace Drug Testing were developed in accordance with Executive Order 12564 and section 503 of Pub. L. 100–71. Subpart C of the Guidelines, ''Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies,'' sets strict standards which laboratories must meet in order to conduct urine drug testing for Federal agencies. To become certified an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification a laboratory must participate in a quarterly performance testing program plus periodic, on-site inspections.

Laboratories which claim to be in the applicant stage of certification are *not* to be considered as meeting the minimum requirements expressed in the HHS Guidelines. A laboratory must have its letter of certification from SAMHSA, HHS (formerly: HHS/NIDA) which attests that it has met minimum standards.

In accordance with Subpart C of the Guidelines, the following laboratories meet the minimum standards set forth in the Guidelines:

ACCU-LAB, Inc., 405 Alderson St., Schofield, WI 54476,800–627–8200 (formerly: Alpha Medical Laboratory, Inc., Employee Health Assurance Group, ExpressLab, Inc.)

Aegis Analytical Laboratories, Inc., 624 Grassmere Park Rd., Suite 21, Nashville, TN 37211, 615–331–5300

Alabama Reference Laboratories, Inc., 543 South Hull St., Montgomery, AL 36103,800–541–4931/205–263–5745

American Medical Laboratories, Inc., 14225 Newbrook Dr., Chantilly, VA 22021, 703–802–6900

Associated Pathologists Laboratories, Inc., 4230 South Burnham Ave., Suite 250, Las Vegas, NV 89119–5412, 702–733–7866

Associated Regional and University Pathologists, Inc. (ARUP), 500 Chipeta Way, Salt Lake City, UT 84108, 801–583–2787

Baptist Medical Center—Toxicology Laboratory, 9601 I–630, Exit 7, Little Rock, AR 72205–7299, 501–227–2783 (formerly: Forensic Toxicology Laboratory Baptist Medical Center)

Bayshore Clinical Laboratory, 4555 W. Schroeder Dr., Brown Deer, WI 53223, 414–355–4444/800–877–7016

Cedars Medical Center, Department of Pathology, 1400 Northwest 12th Ave., Miami, FL 33136, 305–325–5810

Centinela Hospital Airport Toxicology Laboratory, 9601 S. Sepulveda Blvd., Los Angeles, CA 90045, 310–215–6020

Clinical Reference Lab, 11850 West 85th St., Lenexa, KS 66214, 800–445–6917

CORNING Clinical Laboratories, South Central Divison, 2320 Schuetz Rd., St. Louis, MO 63146, 800–288–7293 (formerly: Metropolitan Reference Laboratories, Inc.)

CORNING Clinical Laboratories, 8300 Esters Blvd., Suite 900, Irving, TX 75063, 800–526–0947 (formerly: Damon Clinical Laboratories, Damon/MetPath)

CORNING MetPath Clinical Laboratories, 1355 Mittel Blvd., Wood Dale, IL 60191, 708–595–3888 (formerly: MetPath, Inc.)

CORNING MetPath Clinical Laboratories, One Malcolm Ave., Teterboro, NJ 07608, 201–393–5000 (formerly: MetPath, Inc.)

CORNING National Center for Forensic Science, 1901 Sulphur Spring Rd., Baltimore, MD 21227, 410–536–1485 (formerly: Maryland Medical Laboratory, Inc., National Center for Forensic Science)

CORNING Nichols Institute, 7470–A Mission Valley Rd., San Diego, CA 92108–4406, 800–446–4728/619–686–3200 (formerly: Nichols Institute, Nichols Institute Substance Abuse Testing (NISAT))

Cox Medical Centers, Department of Toxicology, 1423 North Jefferson Ave., Springfield, MO 65802, 800–876–3652/417–836–3093

Dept. of the Navy, Navy Drug Screening Laboratory, Great Lakes, IL, Building 38–H, Great Lakes, IL 60088–5223, 708–688–2045/708–688–4171

Diagnostic Services Inc., dba DSI, 4048 Evans Ave., Suite 301, Fort Myers, FL 33901, 813–936–5446/800–735–5416

Doctors Laboratory, Inc., P.O. Box 2658, 2906 Julia Dr., Valdosta, GA 31604, 912–244–4468

Drug Labs of Texas, 15201 I–10 East, Suite 125, Channelview, TX 77530, 713–457–3784

Drug Proof, Division of Laboratory of Pathology of Seattle, Inc., 1229 Madison St., Suite 500, Nordstrom Medical Tower, Seattle, WA 98104, 800–898–0180 / 206–386–2672 (formerly: Laboratory of Pathology of Seattle, Inc.)

DrugScan, Inc., P.O. Box 2969, 1119 Mearns Rd., Warminster, PA 18974, 215–674–9310

Eagle Forensic Laboratory, Inc., 950 N. Federal Highway, Suite 308, Pompano Beach, FL 33062, 305–946–4324

ElSohly Laboratories, Inc., 5 Industrial Park Dr., Oxford, MS 38655, 601–236–2609

General Medical Laboratories, 36 South Brooks St., Madison, WI 53715, 608–267–6267

Harrison Laboratories, Inc., 9930 W. Highway 80, Midland, TX 79706, 800–725–3784/915–563–3300 (formerly: Harrison & Associates Forensic Laboratories)

HealthCare/MetPath, 24451 Telegraph Rd., Southfield, MI 48034, 800–444–0106 ext. 650 (formerly: HealthCare/Preferred Laboratories)

Holmes Regional Medical Center Toxicology Laboratory, 5200 Babcock St., N.E., Suite 107, Palm Bay, FL 32905, 407–726–9920

Jewish Hospital of Cincinnati, Inc., 3200 Burnet Ave., Cincinnati, OH 45229, 513–569–2051

LabOne, Inc., 8915 Lenexa Dr., Overland Park, Kansas 66214, 913–888–3927 (formerly: Center for Laboratory Services, a Division of LabOne, Inc.)

Laboratory Specialists, Inc., 113 Jarrell Dr., Belle Chasse, LA 70037, 504–392–7961

Marshfield Laboratories, 1000 North Oak Ave., Marshfield, WI 54449, 715–389–3734/800–222–5835

MedExpress/National Laboratory Center, 4022 Willow Lake Blvd., Memphis, TN 38175, 901–795–1515

Medical College Hospitals Toxicology Laboratory, Department of Pathology, 3000 Arlington Ave., Toledo, OH 43699–0008, 419–381–5213

Medlab Clinical Testing, Inc., 212 Cherry Lane, New Castle, DE 19720, 302–655–5227

MedTox Laboratories, Inc., 402 W. County Rd. D, St. Paul, MN 55112, 800–832–3244/612–636–7466

Methodist Hospital of Indiana, Inc., Department of Pathology and Laboratory Medicine, 1701 N. Senate Blvd., Indianapolis, IN 46202, 317–929–3587

Methodist Medical Center Toxicology Laboratory, 221 N.E. Glen Oak Ave., Peoria, IL 61636, 800–752–1835/309–671–5199

MetPath Laboratories, 4900 Perry Hwy., Pittsburgh, PA 15229, 412–931–7200 (formerly: Med-Chek Laboratories, Inc., Med-Chek/Damon)

National Health Laboratories Incorporated, 2540 Empire Dr.,

Winston-Salem, NC 27103–6710, Outside NC: 919–760–4620/800–334–8627 / Inside NC: 800–642–0894
National Health Laboratories Incorporated, d.b.a. National Reference Laboratory, Substance Abuse Division, 1400 Donelson Pike, Suite A–15, Nashville, TN 37217, 615–360–3992/800–800–4522
National Health Laboratories Incorporated, 13900 Park Center Rd., Herndon, VA 22071, 703–742–3100
National Psychopharmacology Laboratory, Inc., 9320 Park W. Blvd., Knoxville, TN 37923, 800–251–9492
National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 805–322–4250
Northwest Toxicology, Inc., 1141 E. 3900 South, Salt Lake City, UT 84124, 800–322–3361
Oregon Medical Laboratories, P.O. Box 972, 722 East 11th Ave., Eugene, OR 97440–0972, 503–687–2134
Pathology Associates Medical Laboratories, East 11604 Indiana, Spokane, WA 99206, 509–926–2400
PDLA, Inc. (Princeton), 100 Corporate Court, So. Plainfield, NJ 07080, 908–769–8500/800–237–7352
PharmChem Laboratories, Inc., 1505–A O'Brien Dr., Menlo Park, CA 94025, 415–328–6200/800–446–5177
PharmChem Laboratories, Inc., Texas Division, 7606 Pebble Dr., Fort Worth, TX 76118, 817–595–0294 (formerly: Harris Medical Laboratory)
Physicians Reference Laboratory, 7800 West 110th St., Overland Park, KS 66210, 913–338–4070/800–821–3627 (formerly: Physicians Reference Laboratory Toxicology Laboratory)
Poisonlab, Inc., 7272 Clairemont Mesa Rd., San Diego, CA 92111, 619–279–2600/800–882–7272
Puckett Laboratory, 4200 Mamie St., Hattiesburgh, MS 39402, 601–264–3856/800–844–8378
Regional Toxicology Services, 15305 N.E. 40th St., Redmond, WA 98052, 206–882–3400
Roche Biomedical Laboratories, Inc., 1120 Stateline Rd., Southaven, MS 38671, 601–342–1286
Roche Biomedical Laboratories, Inc., 69 First Ave., Raritan, NJ 08869, 800–437–4986
Roche CompuChem Laboratories, Inc., A Member of the Roche Group, 3308 Chapel Hill/Nelson Hwy., Research Triangle Park, NC 27709, 919–549–8263/800–833–3984 (Formerly: CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory)
Roche CompuChem Laboratories, Inc., Special Division, A Member of the Roche Group, 3308 Chapel Hill/Nelson Hwy., Research Triangle Park, NC 27709, 919–549–8263 (Formerly: CompuChem Laboratories, Inc.—Special Division)
Scientific Testing Laboratories, Inc., 463 Southlake Blvd., Richmond, VA 23236, 804–378–9130
Scott & White Drug Testing Laboratory, 600 S. 25th St., Temple, TX 76504, 800–749–3788
S.E.D. Medical Laboratories, 500 Walter NE, Suite 500, Albuquerque, NM 87102, 505–848–8800
Sierra Nevada Laboratories, Inc., 888 Willow St., Reno, NV 89502, 800–648–5472
SmithKline Beecham Clinical Laboratories, 7600 Tyrone Ave., Van Nuys, CA 91045, 818–376–2520
SmithKline Beecham Clinical Laboratories, 801 East Dixie Ave., Leesburg, FL 34748, 904–787–9006 (formerly: Doctors & Physicians Laboratory)
SmithKline Beecham Clinical Laboratories, 3175 Presidential Dr., Atlanta, GA 30340, 404–934–9205 (formerly: SmithKline Bio-Science Laboratories)
SmithKline Beecham Clinical Laboratories, 506 E. State Pkwy., Schaumburg, IL 60173, 708–885–2010 (formerly: International Toxicology Laboratories)
SmithKline Beecham Clinical Laboratories, 400 Egypt Rd., Norristown, PA 19403, 800–523–5447 (formerly: SmithKline Bio-Science Laboratories)
SmithKline Beecham Clinical Laboratories, 8000 Sovereign Row, Dallas, TX 75247, 214–638–1301 (formerly: SmithKline Bio-Science Laboratories)
South Bend Medical Foundation, Inc., 530 N. Lafayette Blvd., South Bend, IN 46601, 219–234–4176
Southwest Laboratories, 2727 W. Baseline Rd., Suite 6, Tempe, AZ 85283, 602–438–8507
St. Anthony Hospital (Toxicology Laboratory), P.O. Box 205, 1000 N. Lee St., Oklahoma City, OK 73102, 405–272–7052
Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 301 Business Loop 70 West, Suite 208, Columbia, MO 65203, 314–882–1273
Toxicology Testing Service, Inc., 5426 N.W. 79th Ave., Miami, FL 33166, 305–593–2260
TOXWORX Laboratories, Inc., 6160 Variel Ave., Woodland Hills, CA 91367, 818–226–4373 (formerly: Laboratory Specialists, Inc.; Abused Drug Laboratories; MedTox Bio-Analytical, a Division of MedTox Laboratories, Inc.)
UNILAB, 18408 Oxnard St., Tarzana, CA 91356, 800–492–0800/818–343–8191 (formerly: MetWest-BPL Toxicology Laboratory)

The following laboratory withdrew from the Program on February 1, 1995: Occupational Toxicology Laboratories, Inc., 2002 20th St., Suite 204A, Kenner, LA 70062, 504–465–0751.

Richard Kopanda,

Acting Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 95–5247 Filed 3–2–95; 8:45 am]

BILLING CODE 4160–20–U

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N–95–3894]

Notice of Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comment on the subject proposals.

ADDRESSES: Interested persons are invited to submit comment regarding these proposals. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals for the collections of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its

proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (7) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 22, 1995.

David S. Cristy,

Acting Director, Information Resources, Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Section 8 Housing Quality Standards Mail Survey.

Office: Policy Development and Research.

Description of the Need for the Information and its Proposed Use: This resident mail survey will test the use of such a survey as an additional assessment instrument to determine whether local Public Housing Authorities (PHAs) are complying with Section 8 Housing Quality Standards, established by Congress to ensure the lease of decent, safe, and sanitary units to holders of Section 8 Existing Housing Vouchers and Certificates.

Form Number: None.

Respondents: Individuals or Households and State, Local, or Tribal Government.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Survey	2,000		1		.25		500

Total Estimated Burden Hours: 500.

Status: New.

Contact: Jacqueline A. Kruszek, HUD, (202) 708–4370; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: February 22, 1995.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Deed-in-Lieu of Foreclosure (Corporate Mortgagors or Mortgagors Owning More Than One Property).

Office: Housing.

Description of the Need for the Information and Its Proposed Use: Mortgagees must obtain written consent from local HUD Field Offices to accept a deed-in-lieu of foreclosure when the mortgagor is a corporate mortgagor or a mortgagor owning more than one property. Mortgagees must provide HUD with specific information.

Form Number: None.

Respondents: Individuals or Households.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information Collection	600		1		.5		300

Total Estimated Burden Hours: 300.

Status: Extension, no changes.

Contact: Joseph E. Baum, HUD, (202) 708–1719; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: February 22, 1995.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Assessing Service Quality: Housing/FHA Consolidated Single Family Processing Center.

Office: Policy Development and Research.

Description of the Need for the Information and Its Proposed Use: This survey seeks to measure and test methods that can provide HUD with valid and reliable information from mortgagees (mortgage lending institutions) on issues related to service quality and customer satisfaction.

Form Number: None.

Respondents: Businesses or Other For-Profit.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Survey	300		1		.23		70

Total Estimated Burden Hours: 70.

Status: New.

Contact: Kenneth P. Voytek, HUD, (202) 708–4504; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: February 17, 1995.

[FR Doc. 95–5260 Filed 3–2–95; 8:45 am]

BILLING CODE 4210–01–M

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–95–1917; FR–3778–N–26]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact William Molster, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW.,

Washington, DC 20410; telephone (202) 708–1226; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized an underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A–10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to William Molster at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the Federal Register, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: GSA: Leslie Carrington, Federal Property Resources Services, GSA, 18th and F Streets NW, Washington, DC 20405; (202) 208–0619; U.S. Navy: John J. Kane, Deputy Division Director, Dept. of Navy, Real Estate Operations, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332–2300; (703) 325–0474; Dept. of Energy: Tom Knox, Realty Specialist, AD223.1, 1000 Independence Avenue SW., Washington, DC 20585; (202) 586–1191; (These are not toll-free numbers).

Dated: February 24, 1995.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 03/03/95

Suitable/Available Properties

Buildings (by State)

Hawaii

Bldg. S87, Radio Trans. Fac.
Lualualei, Naval Station, Eastern Pacific
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 779240011
Status: Unutilized Comment: 7566 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only.

Bldg. 466, Radio Trans. Fac.
Lualualei, Naval Station, Eastern Pacific
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 779240012
Status: Unutilized Comment: 100 sq. ft., 1-story, needs rehab, most recent use—gas station, off-site use only.

Bldg. T33 Radio Trans Facility
Naval Computer & Telecommunications Area
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 779310003
Status: Unutilized Comment: 1536 sq. ft., 1 story, access restrictions, needs rehab, most recent use—storage, off-site use only.

Bldg. 64, Radio Trans Facility
Naval Computer & Telecommunications Area
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 779310004
Status: Unutilized Comment: 3612 sq. ft., 1 story, access restrictions, needs rehab, most recent use—storage, off-site use only.

Maine

Naval Air Station
Transmitter Site
Old Bath Road
Brunswick, Co: Cumberland ME 04053–
Landholding Agency: Navy
Property Number: 779010110
Status: Underutilized Comment: 7,270 sq. ft., 1 story bldg, most recent use—storage, structural deficiencies.

Bldg. 373, Topsham Annex
Naval Air Station
Topsham Co: Sagadahoc ME
Landholding Agency: Navy
Property Number: 779320024
Status: Excess Comment: 1300 sq. ft., 1 story, most recent use—public works maintenance shop, on 2.55 acres

Land (by State)

Georgia

Naval Submarine Base
Grid R–2 to R–3 to V–4 to V–1
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010229
Status: Underutilized Comment: 111.57 acres; areas may be environmentally protected; secured area with alternate access.

Texas

Peary Point #2
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5000
Landholding Agency: Navy
Property Number: 779030001
Status: Excess Comment: 43.48 acres; 60% of land under lease until 8/93. GSA Number: 7–N–TX–402–V.

Suitable/Unavailable Properties

Buildings (by State)

Maine

Bldg. 376, Naval Air Station
Topsham Annex
Topsham Co: Sagadahoc ME

Landholding Agency: Navy
Property Number: 779320011
Status: Unutilized Comment: 4530 sq. ft., 2-story, most recent use—quarters, needs rehab.

Maryland

Bldg. 230
Naval Communication Detachment
9190 Commo Road
Cheltenham Co: Prince George MD 20397–5520
Landholding Agency: Navy
Property Number: 779330010
Status: Unutilized Comment: 12,384 sq. ft., 4-story, needs rehab, potential utilities, includes 37 acres of land.

Ohio

Naval & Marine Corps Res. Cntr
315 East LaClede Avenue
Youngstown OH
Landholding Agency: Navy
Property Number: 779320012
Status: Unutilized Comment: 3067 sq. ft. 2 story, possible asbestos.

Texas

Bldg. 2435
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010161
Status: Underutilized Comment: 1730 sq. ft.; 1 story residence.

Bldg. 2436
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010162
Status: Underutilized
Comment: 3352 sq. ft.; 1 story residence.

Bldg. 2460
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010163
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2462
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010164
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2464
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010165
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2466
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010166
Status: Underutilized
Comment: 1576 sq. ft.; 1 story residence.

Bldg. 2467
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010167
Status: Underutilized
Comment: 3532 sq. ft.; 1 story residence.

Bldg. 2468
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010168
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2472
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010169
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2476
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010170
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2482
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010171
Status: Underutilized
Comment: 1760 sq. ft.; 1 story residence.

Bldg. 2495
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010172
Status: Underutilized
Comment: 1760 sq. ft.; 1 story residence.

Bldg. 2514
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010173
Status: Underutilized
Comment: 1730 sq. ft.; 1 story residence.

Bldg. 2518
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010174
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2520
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010175
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2522
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010176
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2526
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010177
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2423
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010178
Status: Underutilized
Comment: 3532 sq. ft.; 1 story residence.

Bldg. 2427
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010179
Status: Underutilized
Comment: 3532 sq. ft.; 1 story residence.

Bldg. 2431
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010180
Status: Underutilized
Comment: 3532 sq. ft.; 1 story residence.

Bldg. 2424
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010181
Status: Underutilized
Comment: 3352 sq. ft.; 1 story residence.

Bldg. 2433
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010182
Status: Underutilized
Comment: 3352 sq. ft.; 1 story residence.

Bldg. 2428
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010183
Status: Underutilized
Comment: 3352 sq. ft.; 1 story residence.

Bldg. 2429
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010184
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.

Bldg. 2454
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–

Landholding Agency: Navy
Property Number: 779010185
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.
Bldg. 2477
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010186
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.
Bldg. 2485
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010187
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.
Bldg. 2499
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010188
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.
Bldg. 2503
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010189
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.
Bldg. 2507
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010190
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.
Bldg. 2513
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010190
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.
Bldg. 2521
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010192
Status: Underutilized
Comment: 3152 ft.; 1 story residence.
Bldg. 2451
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010193
Status: Underutilized
Comment: 1758 ft.; 1 story residence.
Bldg. 2458
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010194
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.
Bldg. 2461
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010195
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.
Bldg. 2473
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010196
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.
Bldg. 2478
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010197
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.
Bldg. 2480
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010198
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.
Bldg. 2484
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010199
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.
Bldg. 2486
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010200
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.
Bldg. 2487
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010201
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.
Bldg. 2488
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010202
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.
Bldg. 2494
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010203
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.
Bldg. 2500
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010204
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.
Bldg. 2502
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010205
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.
Bldg. 2506
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010206
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.
Bldg. 2508
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010207
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.
Bldg. 2525
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010208
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.
Bldg. 2452
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010209
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.
Bldg. 2475
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010210
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.
Bldg. 2479
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010211
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.
Bldg. 2497
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010212
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.
Bldg. 2501
Laguna Housing Area

NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010213
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2505
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010214
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2515
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010215
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2517
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010216
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2519
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010217
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2523
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010218
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2465
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010219
Status: Underutilized
Comment: 1576 sq. ft.; 1 story residence.

Bldg. 2493
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010220
Status: Underutilized
Comment: 1576 sq. ft.; 1 story residence.

Bldg. 2510
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010221
Status: Underutilized
Comment: 1576 sq. ft.; 1 story residence.

Bldg. 2474
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010222
Status: Underutilized
Comment: 3528 sq. ft.; 1 story residence.

Bldg. 2481
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010223
Status: Underutilized
Comment: 3528 sq. ft.; 1 story residence.

Bldg. 2509
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010224
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2511
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010225
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2512
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010226
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2527
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010227
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Virginia

Naval Medical Clinic
6500 Hamptons Blvd.
Norfolk Co: Norfolk VA 23508–
Landholding Agency: Navy
Property Number: 779010109
Status: Underutilized
Comment: 3665 sq. ft.; 1 story, possible asbestos, most recent use-laundry.

West Virginia

Naval & Marine Corps Res. Ctr.
N. 13th St & Ohio River
Wheeling Co: Ohio WV 26003–
Landholding Agency: Navy
Property Number: 779010077
Status: Excess
Comment: 32000 sq. ft.; 1 floor; most recent use-offices; 15% of total space occupied; needs rehab; land leased from city-expires September 1990.

Land (by State)

Alaska

Nome Site
Lot 10, Block 67
E. Fifth Avenue
Nome Co: Nome AK 99762–
Landholding Agency: GSA
Property Number: 549510007
Status: Excess
Comment: 17000 sq. ft., trailer site, no known utility hook up
GSA Number: 9-A-AK-619E

Florida

Naval Public Works Center
Naval Air Station
Pensacola Co: Escambia FL 32508–
Location: Southeast corner of Corey station-next to family housing.
Landholding Agency: Navy
Property Number: 779010157
Status: Underutilized
Comment: 22 acres.

Georgia

Naval Submarine Base
Grid AA–1 to AA–4 to EE–7 to FF–2
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010255
Status: Underutilized
Comment: 495 acres; 86 acre portion located in floodway; secured area with alternate access.

Virginia

Naval Base
Norfolk Co: Norfolk VA 23508–
Location: Northeast corner of base, near Willoughby housing area.
Landholding Agency: Navy
Property Number: 779010156
Status: Underutilized
Comment: 60 acres; most recent use—sandpit; secured area with alternate access.

Suitable/To Be Excessed

Buildings (by State)

California

Bldg. 100
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010259
Status: Unutilized
Comment: 2628 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access, use—office space.

Bldg. 102
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010260
Status: Unutilized
Comment: 580 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access, most recent use—office.

Bldg. 103
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010261
Status: Unutilized
Comment: 3675 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access, most recent use—dinning hall.

Bldg. 109
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–

Landholding Agency: Navy
Property Number: 779010262
Status: Unutilized
Comment: 1045 sq. ft.; 2 story permanent bldg; possible asbestos; secure facility with alternate access, most recent use—barracks.

Bldg. 110
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010263
Status: Unutilized
Comment: 4439 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access, most recent use—storage.

Bldg. 113
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010264
Status: Unutilized
Comment: 100 sq. ft.; 1 story permanent bldg; secured facilities with alternate access, most recent use—storage.

Bldg. 138
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010265
Status: Unutilized
Comment: 110 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access, most recent use—filling station.

Bldg. 144
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010266
Status: Unutilized
Comment: 4320 sq. ft.; 1 story semi-permanent bldg; possible asbestos; secure facility with alternate access, most recent use—bowling alley.

Bldg. 145
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010267
Status: Unutilized
Comment: 4000 sq. ft.; 1 story semi-permanent bldg; possible asbestos; secure facility with alternate access, most recent use—recreation building.

Land (by State)

Illinois

Libertyville Training Site
Libertyville Co: Lake IL 60048–
Landholding Agency: Navy
Property Number: 779010073
Status: Excess
Comment: 114 acres; possible radiation hazard; existing FAA use license.

Michigan

Marine Corps Reserve Center
3109 Collingwood Parkway
Flint MI 48502–
Landholding Agency: Navy
Property Number: 779240019
Status: Excess
Comment: 5 acres, previously had four bldgs on it.

Unsuitable Properties

Buildings (by State)

Alaska

Sand Shed, Map Grid 45024
Naval Air Station
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779120004
Status: Unutilized
Reason: Secured Area.

LORAN Station, Map Grid 09L11
Naval Air Station
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779120006
Status: Unutilized
Reason: Secured Area.

Bldg. 10196
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310021
Status: Unutilized
Reason: Secured Area.

Bldg. 10517
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310022
Status: Unutilized
Reason: Secured Area.

Bldg. 10518
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310023
Status: Unutilized
Reason: Secured Area.

Bldg. 10535
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310024
Status: Unutilized
Reason: Secured Area.

Bldg. 10538
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310025
Status: Unutilized
Reason: Secured Area.

Bldg. 10539
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310026
Status: Unutilized
Reason: Secured Area.

Bldg. 10540
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310027
Status: Unutilized
Reason: Secured Area.

Bldg. 10603
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310028
Status: Unutilized
Reason: Secured Area.

Generator Bldg.
Naval Security Group Activity
Adak Island AK
Landholding Agency: Navy
Property Number: 779430017
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

California

Bldg. 105
Naval FPS, CVB Detachment
Moneterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010159
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 165
Naval FPS, CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010160
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 146
Naval Facilities Point Sur
CVB Detachment
Moneterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010268
Status: Unutilized
Reason: Other
Comment: sewer treatment facility.

Bldg. 31104
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–
Landholding Agency: Navy
Property Number: 779340003
Status: Unutilized
Reason: Secured Area.

Bldg. 31107
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–
Landholding Agency: Navy
Property Number: 77942001
Status: Unutilized
Reason: Secured Area.

Bldg. 15951
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–6001
Landholding Agency: Navy
Property Number: 77943006
Status: Unutilized
Reason: Secured Area, Extensive deterioration, Within 2000 ft. of flammable or explosive material.

Bldg. 31539
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–
Landholding Agency: Navy
Property Number: 779430016
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration.

Connecticut

Bldgs. 25 and 26

Prospect Hill Road
Windsor Co: Hartford CT 06095–
Landholding Agency: Energy
Property Number: 419440003
Status: Excess
Reason: Secured Area.

Florida

East Martello Bunker #1
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 779010101
Status: Excess
Reason: Within airport runway clear zone.

Georgia

Naval Submarine Base-Kings Bay
1011 USS Daniel Boone Avenue
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010107
Status: Unutilized
Reason: Secured Area.

Guam

Bldg. 96
U.S. Naval Ship Repair Facility
PSC 455 Co: Box 191, FPO AP GU 96540–1400
Landholding Agency: Navy
Property Number: 779240018
Status: Unutilized
Reason: Extensive deterioration.

Hawaii

Bldg. 126, Naval Magazine
Waikele Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 779230012
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material, Other
Comment: Extensive Deterioration.

Bldg. Q75, Naval Magazine
Lualualei Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 779230013
Status: Unutilized
Reason: Secured Area.
Comment: Extensive Deterioration.

Bldg. 7, Naval Magazine
Lualualei Branch
Lualualei Co: Oahu Hi 96792–
Landholding Agency: Navy
Property Number: 779230014
Status: Unutilized
Reason: Secured Area, Other.
Comment: Extensive Deterioration.

Facility 189, Naval Air Facil.
Midway Island
Pearl Harbor HI 96516–
Landholding Agency: Navy
Property Number: 779310045
Status: Unutilized
Reason: Extensive deterioration, Secured Area.

Facility 342, Naval Air Facil.
Midway Island
Pearl Harbor HI 96516–
Landholding Agency: Navy
Property Number: 779310046
Status: Unutilized
Reason: Extensive deterioration, Secured Area.

Facility 343, Naval Air Facil.
Midway Island
Pearl Harbor HI 96516–
Landholding Agency: Navy
Property Number: 779310047
Status: Unutilized
Reason: Extensive deterioration, Secured Area

Facility S6194
Naval Air Facility
Midway Island
Pearl Harbor, HI 96516–
Landholding Agency: Navy
Property Number: 779310048
Status: Unutilized
Reason: Extensive deterioration, Secured Area.

Facility S7124
Naval Air Facility
Midway Island
Pearl Harbor HI 96516–
Landholding Agency: Navy
Property Number: 779310049
Status: Unutilized
Reason: Extensive deterioration, Secured Area.

Facility 5985
Naval Station Pearl Harbor
Honolulu Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779310086
Status: Excess
Reason: Extensive deterioration.

Bldg. 6, Pearl Harbor
Richardson Recreational Area
Honolulu Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779410003
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 10, Pearl Harbor
Richardson Recreational Area
Honolulu Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779410004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 463—Storage Warehouse
Barbers Point
Honolulu Co: Honolulu HI 96862–5050
Landholding Agency: Navy
Property Number: 779430019
Status: Excess
Reason: Extensive deterioration.

Bldg. 93, Naval Station
Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779440027
Status: Unutilized
Reason: Extensive deterioration.

Illinois

Bldg. 605
Argonne National Laboratory
Argonne Co: DuPage IL 60439–
Landholding Agency: Energy
Property Number: 419440001
Status: Excess
Reason: Extensive deterioration.

Bldg. 928
Naval Training Center
Great Lakes
Great Lakes Co: Lake IL 60088–
Landholding Agency: Navy
Property Number: 779010120
Status: Underutilized
Reason: Secured Area.

Bldg. 28
Naval Training Center
Great Lakes
Great Lakes Co: Lake IL 60088–
Landholding Agency: Navy
Property Number: 779010123
Status: Unutilized
Reason: Secured Area.

Bldg. 25
Naval Training Center
Great Lakes
Great Lakes Co: Lake IL 60088–
Landholding Agency: Navy
Property Number: 779010126
Status: Unutilized
Reason: Secured Area.

South Wing—Building No. 62
Great Lakes Co: Lake IL 60088–5000
Landholding Agency: Navy
Property Number: 779110001
Status: Underutilized
Reason: Secured Area.

Bldg. 235
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310039
Status: Unutilized
Reason: Secured Area.

Bldg. 2B
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310040
Status: Unutilized
Reason: Secured Area.

Bldg. 90
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310041
Status: Unutilized
Reason: Secured Area.

Bldg. 232
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310042
Status: Unutilized
Reason: Secured Area.

Bldg. 233
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310043
Status: Unutilized
Reason: Secured Area.

Bldg. 234
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310044
Status: Unutilized
Reason: Secured Area.

Maine

Bldg. 293, Naval Air Station
Brunswick Co: Cumberland ME 04011–

Landholding Agency: Navy
Property Number: 779240015
Status: Excess
Reason: Secured Area.

Bldg. 384
Naval Air Station Topsham
Brunswick Co: Sagadahoc ME
Landholding Agency: Navy
Property Number: 779340001
Status: Unutilized
Reason: Extensive deterioration.

New Mexico

Bldgs. 9252, 9268
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87185–
Landholding Agency: Energy
Property Number: 419430002
Status: Unutilized
Reason: Extensive deterioration.

New York

Bldg. 93
Brookhaven National laboratory
Upton Co: Suffolk NY 11973–
Landholding Agency: Energy
Property Number: 419510006
Status: Unutilized
Reason: Extensive deterioration.

North Carolina

Bldg. SH–7
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410017
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. SH–11
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410018
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. SH–13
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410019
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. SH–16
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410020
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. SH–17
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410021
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. SH–21
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410022
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. SH–31
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 7794410023
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. SSH–10
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410024
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. AS–209
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410025
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. AS–589
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410026
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. AS–590
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410027
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. AS–4138
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410028
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. AS–4139
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410029
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 867
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410030
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 939
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410031
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 940
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410032
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. H–38
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410033
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. SM–173
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410034
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 1744
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410035
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. PT–42
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779420002
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. S–93
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779420003
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. TC–910
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779420004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. S–942
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779420005
Status: Unutilized
Reason: Extensive deterioration.

Bldg. S–1213
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779420006
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 79
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420008

Status: Excess
Reason: Secured Area.

Bldg. 281
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420009
Status: Excess
Reason: Secured Area, Extensive deterioration.

Bldg. 282
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420010
Status: Excess
Reason: Secured Area, Extensive deterioration.

Bldg. 88
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420011
Status: Excess
Reason: Secured Area, Extensive deterioration.

Bldg. 98
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420012
Status: Excess
Reason: Secured Area, Extensive deterioration.

Bldg. 99
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420013
Status: Excess
Reason: Secured Area, Extensive deterioration.

Bldg. 1234
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420014
Status: Excess
Reason: Secured Area, Extensive deterioration.

Bldg. 1235
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420015
Status: Excess
Reason: Secured Area, Extensive deterioration.

Bldg. 1246
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420016
Status: Excess
Reason: Secured Area, Extensive deterioration.

Bldg. 1390
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420017
Status: Excess
Reason: Secured Area, Extensive deterioration.

Bldg. 1710
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420018
Status: Excess
Reason: Secured Area, Extensive deterioration.

Bldg. 1742
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420019
Status: Excess
Reason: Secured Area, Extensive deterioration.

Bldg. 1743
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420020
Status: Excess
Reason: Secured Area, Extensive deterioration.

Bldg. 1744
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420021
Status: Excess
Reason: Secured Area, Extensive deterioration.

Bldg. 1745
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420022
Status: Excess
Reason: Secured Area, Extensive deterioration.

Bldg. 3450
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420023
Status: Excess
Reason: Secured Area, Extensive deterioration.

Bldg. 8067
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420024
Status: Excess
Reason: Secured Area, Extensive deterioration.

Bldg. 3546
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420025
Status: Excess
Reason: Secured Area, Extensive deterioration.

Bldg. 9017
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430001
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 9019
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430002
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 9021
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430003
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 9023
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430004
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 9035
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430005
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Structure #AS582
New River Air Station
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779430015
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. AS–299, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779430020
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 854, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779430021
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 883, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779430022
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. TC–174, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779430023
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. TC–179, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy

Property Number: 779430024
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 935, Cherry Point
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779430025
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Facility 1972, Cherry Point
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779430026
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 3248
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779440009
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. AS 552, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440010
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. AS 587, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440011
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. TT38, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440012
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 49, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440013
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. AS 147, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440014
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. BB 166, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440015
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. SM 183, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440016
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. BB 222, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440017
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 451, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440018
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 630, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440019
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. S 745, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440020
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 805, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440021
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. AS 866, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440022
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 954, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440023
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 1808, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440024
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 1810, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440025
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Structure #SVL 142
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779510021
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Structure #FC 363
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779510022
Status: Unutilized
Reason: Secured Area.

Structure #AS 583
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779510023
Status: Unutilized
Reason: Secured Area.

Structure #1966
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779510024
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Structure #2322
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779510025
Status: Unutilized
Reason: Secured Area.

Ohio

Bldg. 16
RMI Environmental Services
Ashtabula Co: Ashtabula OH 44004–
Landholding Agency: Energy
Property Number: 419440002
Status: Excess
Reason: Other
Comment: Contamination: radioactive materials.

Rhode Island

Bldg. 32
Naval Underwater Systems Center
Gould Island Annex
Middletown Co: Newport RI 02840–
Landholding Agency: Navy
Property Number: 779010273
Status: Excess
Reason: Secured Area.

Texas

Bldg. 2426
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010279
Status: Underutilized
Reason: Floodway.

Bldg. 2432
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010280
Status: Underutilized
Reason: Floodway.

Bldg. 2476
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010281
Status: Underutilized
Reason: Floodway.

Bldg. 2498
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–

Landholding Agency: Navy
Property Number: 779010282
Status: Underutilized
Reason: Floodway.

Bldg. 2504
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010283
Status: Underutilized
Reason: Floodway.

Bldg. 1730
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010284
Status: Underutilized
Reason: Floodway.

Bldg. 2422
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010285
Status: Underutilized
Reason: Floodway.

Bldg. 2425
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010286
Status: Underutilized
Reason: Floodway.

Bldg. 2430
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010287
Status: Underutilized
Reason: Floodway.

Bldg. 2434
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010288
Status: Underutilized
Reason: Floodway.

Bldg. 2449
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010289
Status: Underutilized
Reason: Floodway.

Bldg. 2450
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010290
Status: Underutilized
Reason: Floodway.

Bldg. 2453
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010291
Status: Underutilized
Reason: Floodway.

Bldg. 2455
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010292
Status: Underutilized
Reason: Floodway.

Bldg. 2456
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010293
Status: Underutilized
Reason: Floodway.

Bldg. 2463
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010294
Status: Underutilized
Reason: Floodway.

Bldg. 2483
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010295
Status: Underutilized
Reason: Floodway.

Bldg. 2516
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010296
Status: Underutilized
Reason: Floodway.

Bldg. 2524
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010297
Status: Underutilized
Reason: Floodway.

Bldg. 2528
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010298
Status: Underutilized
Reason: Floodway.

Washington

Bldg. 57
Naval Supply Center Puget Sound
Manchester Co: Kitsap WA 98353–
Landholding Agency: Navy
Property Number: 779010091
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 47 (Report 1)
Naval Supply Center, Puget Sound
Manchester Co: Kitsap WA 98353–
Landholding Agency: Navy
Property Number: 779010230
Status: Unutilized
Reason: Secured Area.

Bldg. 14
Naval Undersea Warfare Center Div., Keyport
Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 779440001
Status: Unutilized
Reason: Secured Area.

Bldg. 39
Naval Undersea Warfare Center
Co: Kitsap WA 98345–
Landholding Agency: Navy
Property Number: 779510020
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Land (by State)

California

Naval Air Station, Miramar
San Diego Co: San Diego CA 92145–5005
Landholding Agency: Navy
Property Number: 779440026
Status: Underutilized
Reason: Within airport runway clear zone, Other.
Comment: Inaccessible.

Florida

Boca Chica Field
Naval Air Station
Key West Co: Monroe FL 23040–
Landholding Agency: Navy
Property Number: 779010097
Status: Unutilized
Reason: Floodway.

East Martello Battery #2
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 779010275
Status: Excess
Reason: Within airport runway clear zone.

Georgia

Naval Submarine Base
Grid G–5 to G–10 to Q–6 to P–2
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010228
Status: Underutilized
Reason: Secured Area.

Maryland

5,635 sq. ft. of Land
Solomon's Annex
Solomon's MD
Landholding Agency: Navy
Property Number: 779230001
Status: Excess
Reason: Other
Comment: Drainage Ditch.

Puerto Rico

Destino Tract
Eastern Maneuver Area
Vieques PR 00765–
Landholding Agency: Navy
Property Number: 779240016
Status: Excess
Reason: Other
Comment: Inaccessible.

Punta Figueras—Naval Station
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 779240017
Status: Excess
Reason: Floodway.

Washington

Land (Report 2), 234 acres
Naval Supply Center, Puget Sound
Manchester Co: Kitsap WA 98353–
Landholding Agency: Navy
Property Number: 779010231
Status: Unutilized
Reason: Secured Area.

[FR Doc. 95–5113 Filed 3–2–95; 8:45 am]
BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–4210–05; N–50437]

Notice of Realty Action: Lease/ Conveyance for Recreation and Public Purposes

AGENCY: Bureau of Land Management.

ACTION: Recreation and public purpose lease/conveyance.

SUMMARY: The following described public land in Clark County, Nevada has been examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). The State of Nevada proposes to use the land for a Mens Correctional Facility.

Mount Diablo Meridian, Nevada

T. 16 S., R. 57 E.,
Sec. 31: Lots 5–16 and the NE¼, E½NW¼;
Sec. 32: Lots 1–12 and the N½.

Containing 1,280 acres, more or less.

The land is not required for any federal purpose. The lease/conveyance is consistent with current Bureau planning for this area and would be in the public interest. The lease/patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

and will be subject to:

1. Those rights for powerline purposes which have been granted to Nevada Power Company by Permit No. NEV–043546 the under the Act of October 21, 1976 (43USC1761).

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the Federal Register, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws and disposals under the mineral material disposal laws.

For a period of 45 days from the date of publication of this notice in the Federal Register, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126.

CLASSIFICATION COMMENTS: Interested parties may submit comments involving the suitability of the land for a prison facility. 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 local planning and zoning, or if the use is consistent with State and Federal programs.

APPLICATION COMMENTS: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, 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 prison facility.

Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the land described in this Notice will become effective 60 days from the date of publication in the Federal Register. The lands will not be offered for lease/ conveyance until after the classification becomes effective.

Dated: February 13, 1995.

Micheal F. Dwyer,

District Manager, Las Vegas, NV.

[FR Doc. 95–5194 Filed 3–2–95; 8:45 am]

BILLING CODE 4310–HC–M

[NV–930–4210–05; N–59106]

Notice of Realty Action: Lease/ Conveyance for Recreation and Public Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Recreation and public purpose lease/conveyance.

SUMMARY: The following described public land in Henderson, Clark Country, Nevada has been examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*) The City of Henderson proposes to use the land for a public park.

Mount Diablo Meridian, Nevada

T. 22 S., R. 63 E.,
Sec. 9: E½W½NW¼NW¼.

Containing 10.00 acres, more or less.

The land is not required for any federal purpose. The lease/conveyance is consistent with current Bureau planning for this area and would be in the public interest. The lease/patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

and will be subject to:

1. An easement 40.00 feet in width along all boundarys in favor of the City of Henderson for roads, public utilities and flood control purposes.

2. Those rights for waterline purposes which have been granted to B.M.I. by Permit No. N–1521 the under the Act of December 5, 1924 (43STAT0672).

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the Federal Register, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws and disposals under the mineral material disposal laws.

For a period of 45 days from the date of publication of this notice in the Federal Register, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126.

CLASSIFICATION COMMENTS: Interested parties may submit comments involving the suitability of the land for a public park facility. 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 local planning and zoning, or if the use

is consistent with State and Federal programs.

APPLICATION COMMENTS: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, 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 public park facility.

Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the land described in this Notice will become effective 60 days from the date of publication in the Federal Register. The lands will not be offered for lease/conveyance until after the classification becomes effective.

Dated: February 13, 1995.

Micheal F. Dwyer,

District Manager, Las Vegas, NV.

[FR Doc. 95–5192 Filed 3–2–95; 8:45 am]

BILLING CODE 4310–HC–M

[NV–930–1430–01; N–59150]

Notice of Realty Action: Non-Competitive Sale of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Non-competitive sale of public lands in Clark County, Nevada.

SUMMARY: The following described public land in Las Vegas, Clark County, Nevada has been examined and found suitable for sale utilizing non-competitive procedures, at not less than the fair market value. Authority for the sale is section 203 and section 209 of the Federal Land Policy and Management Act of 1976 (FLPMA).

Mount Diablo Meridian, Nevada

T. 20 S., R. 60 E.,
Sec. 6: E½SE¼SE¼SW¼SE¼.

Containing 1.25 acres, more or less.

This parcel of land, situated in Las Vegas is being offered as a direct sale to the Las Vegas Valley Water District.

This land is not required for any federal purposes. The sale is consistent with current Bureau planning for this area and would be in the public interest.

In the event of a sale, conveyance of the available mineral interests will occur simultaneously with the sale of the land. The mineral interests being offered for conveyance have no known mineral value. Acceptance of a direct sale offer will constitute an application for conveyance of those mineral interests. The applicant will be required to pay a $50.00 nonreturnable filing fee for conveyance of the available mineral interests.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. Oil, gas, sodium, potassium and saleable minerals.

and will be subject to an easement 30.00 feet in width along the east boundary for roads to include a 25 foot spandrel as the southeast corner, public utilities and flood control purposes in accordance with the transportation plan for Clark County.

1. Those rights for public road purposes which have been granted to Clark County by Permit No. N–43902 under the Act of October 21, 1976 (43 U.S.C. 1761).

2. Those rights for public road purposes which have been granted to Clark County by Permit No. N–46505 under the Act of October 21, 1976 (43 U.S.C. 1761).

Upon publication of this notice in the Federal Register, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for sales and disposals under the mineral disposal laws. This segregation will terminate upon issuance of a patent or 270 days from the date of this publication, whichever occurs first.

For a period of 45 days from the date of publication of this notice in the Federal Register, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The Bureau of Land Management may accept or reject any or all offers, or withdraw any land or interest in the land from sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA, or other applicable laws. The lands will not be offered for sale until at least 60 days after the date of publication of this notice in the Federal Register.

Dated: February 21, 1995.

Michael F. Dwyer,

District Manager, Las Vegas, NV.

[FR Doc. 95–5193 Filed 3–2–95; 8:45 am]

BILLING CODE 4310–HC–M

[OR–050–1600–00:G5–073]

Central Oregon Urban Interface Plan Amendment for the Brothers-LaPine Resource Management Plan, Crook, Deschutes, and Klamath Counties, OR

AGENCY: Bureau of Land Management, Interior.

ACTION: Supplemental Notice of Intent to prepare an amendment to the Brothers-LaPine Resource Management Plan.

1. Description of the proposed planning action: To amend the Brothers-LaPine Resource Management Plan (RMP) completed in July 1989. A Notice of Intent proposing an amendment to the Brothers-LaPine Resource Management Plan was published in the Federal Register in March, 1992. The proposed planning action is a reinitiation of the 1992 proposal and is now scheduled to move at a more rapid pace. The planning amendment will be based upon exiting statutory requirements and policies and will carry out the requirements of the Federal Land Policy and Management Act of 1976 (FLPMA). The amendment will provide the basis for modifying the Land Tenure section of the Resource Management Plan to provide specific direction for land exchanges and classifications involving the Recreation and Public Purposes Act. In addition, issues will include identification of limited, seasonal, and closed areas to vehicle use; non-motorized trail designations; establishment of shooting buffer zones; policy regarding forest and woodland management; collection of special forest and range products; mineral material sites; public safety; and management for healthy and diverse ecosystems. The amendment will consider special management designations of unique ecological areas including old growth juniper woodlands and will evaluate the direction of grazing management in specific allotments.

2. Identification of the geographic area involved: The planning area involved within the Brothers-LaPine RMP amendment includes approximately 184,000 acres of public lands in the ''Urban Interface'' adjacent to the communities of Bend, Redmond, Sisters, and LaPine. The planning area is located in portions of Crook, Deschutes, and Klamath Counties.

3. General types of issues anticipated. The proposed amendment would address possible changes in the following sections of the RMP: Area of Critical Environmental Concern (ACEC) designations, forestry, land tenure,

mineral materials, range, recreation, special status species, and wildlife.

4. Disciplines to be represented and used to prepare the RMP amendment will be the following: botany, cultural resources, fire management, fisheries, forestry, geology, hydrology, realty and rights-of-way, law enforcement and natural resource protection, range, recreation, soils, volunteer coordination, and wildlife.

5. The kind and extent of public opportunities provided: Three public scoping meetings will be held in the spring of 1995 and will be announced in local newspapers, news media, and a mailed scoping document. Public participation will be carried out through participation in several document review and comment periods to be announced in the Federal Register and local newspapers. Oregon State and local government notification and Tribal consultation and coordination will be continued. Interested parties will receive a mailer; the approximate mailing date is March 7, 1995. Additional copies will be available at: Prineville District Office, 185 E. Fourth Street, Prineville, Oregon 97754, phone 503–447–4115.

6. Times, dates, and locations scheduled or anticipated for public meetings, hearings, conferences, or gatherings will be published in the local newspapers such as The Bulletin, The Central Oregonian, The Oregonian, The Redmond Spokesman, The Pioneer, The Nugget, and others. Public input through written comments will be emphasized.

7. Name, title, address, and telephone number of the Bureau of Land Management official who may be contacted for further information: Jim Kenna, Area Manager, 185 E. Fourth Street, Prineville, Oregon 97754, phone 503–447–8757.

8. Location and availability of documents relevant to the planning process: Documents will be available for public review at the Prineville District Office, 185 E. Fourth Street, Prineville, Oregon 97754 and in the public room at the Oregon State Office, 1515 Bldg. SW Fifth Ave. Rm. 1050, Portland, Oregon 97201, phone 503–952–6000.

Dated: February 21, 1995.

Donald L. Smith,

Acting District Manager, Prineville District Office.

[FR Doc. 95–5090 Filed 3–2–95; 8:45 am]

BILLING CODE 4310–33–M

Fish and Wildlife Service

Receipt of Application(s) for Permit

The following applicant has applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.)

PRT–798958

Applicant: Peter Houde, Department of Biology, New Mexico State University, Las Cruces, New Mexico.

The applicant requests a permit to include take activities for the salvage of various endangered and threatened species for the purpose of specific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

ADDRESSES: Written data or comments should be submitted to the Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103, and must be received by the Assistant Regional Director within 30 days for the date of this publication.

Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom on Information Act, by any party who submits a written request for a copy of such documents to the above office within 30 days of the date of publication of this notice. (See **ADDRESSES** above.)

Susan MacMullin,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 95–5189 Filed 3–2–95; 8:45 am]

BILLING CODE 4310–55–M

Receipt of Applications(s) for Permit

The following applicant has applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)

PRT–799158

Applicant: Victoria J. Byre, Oklahoma Museum of Natural History, Norman, Oklahoma.

The applicant requests a permit to include take activities for the black-capped vireo (*Vireo atricapillus*) and the Interior Least Tern (*Sterna antillarum athalassos*) for the purpose of scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

PRT–799160

Applicant: Dr. J. Scott Altenbach, University of New Mexico, Albuquerque, New Mexico.

The applicant requests a permit to include take activities for the lesser long-nosed bat (*Leptonycteris curasoae*) and Mexican long-nosed bat (*Leptonycteris nivalis*) for the purpose of scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

PRT–799157

Applicant: Dr. Albert E. Bivings, Headquarters, U.S. Army Forces Command, AFPI–ENE, Fort McPherson, Georgia.

The applicant requests a permit to include take activities for the Northern aplomado falcon (*Falco femoralis septentrionalis*) for the purpose of scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

ADDRESSES: Written data or comments should be submitted to the Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103, and must be received by the Assistant Regional Director within 30 days of the date of this publication.

Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the above office within 30 days of the date of publication of this notice. (See **ADDRESSES** above.)

James A. Young,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 95–5190 Filed 3–2–95; 8:45 am]

BILLING CODE 4310–55–M

Receipt of Application(s) for Permit

The following applicant has applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)

PRT–799102

Applicant: Susan P. Rust, Stewardship Services, San Antonio, Texas.

The applicant requests a permit to include take activities for the golden-checked warbler (*Dendroica chrysoparia*) and black-capped vireo (*Vireo atricapillus*) for the purpose of

scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

ADDRESSES: Written data or comments should be submitted to the Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103, and must be received by the Assistant Regional Director within 30 days from the date of this publication.

Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the above office within 30 days of the date of publication of this notice. (See **ADDRESSES** above.)

James A. Young,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 95–5191 Filed 3–2–95; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Lake Mead National Recreation Area, Arizona and Nevada; Notice of Availability of Final Environmental Impact Statement

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (P.L. 91–190, as amended), the National Park Service, Department of Interior, has prepared a final environmental impact statement (FEIS) that describes and analyzes a proposed action and four alternatives for burro management within Lake Mead National Recreation Area (NRA), Mohave County, Arizona, and Clark County, Nevada.

The draft Environmental Impact Statement for Burro Management was released for public review on June 28, 1994 (59 FR 123), and the public comment period closed August 31, 1994. During this period written comments were received. The FEIS contains responses to the comments received and modifications to the text as needed in response to the comments.

The goal of the proposed action, designated in the FEIS as ''Alternative B: Resource Based Management'', is the cessation of environmental change caused by burros, and the protection of the natural, cultural, and recreational resources of Lake Mead NRA. It intends to allow the restoration of damaged park lands and the protection and preservation of native ecosystems not yet altered by burros. Burros would be removed, using live-removal techniques, fencing, sterilization and/or birth control, from portions of the park that have been so severely overutilized by burros in the past that habitat recovery is not possible with any level of burro use. Burros would also be removed within areas that have threatened, endangered, sensitive, or unique resources, or where burros cause a threat to public safety. Burros would not be allowed to expand into areas that are currently burro free. Burro presence would be tolerated in certain areas of the park where reducing the burro populations to zero is not prudent or feasible at this time, due to presence of burro populations on adjacent Bureau of Land Management administered lands, few or non-existent barriers, and the lack of practical and cost effective control methods for these areas of the park. Lands within the park near the Muddy Mountains and Gold Butte, Nevada and Arizona; portions of the Grand Wash not designated as critical tortoise habitat; and lands within the park south of the Eldorado Jeep Trail, Arizona, would be areas where burros may remain, managed to NPS standards and prescriptions, in cooperation with the Bureau of Land Management.

The alternatives under consideration, in addition to the proposed action, include ''No-Action or Status Quo'' (which is the continuance of the level of management that currently exists within the NRA), ''No Management of Burros'', ''Managing a Population of Burros for Perpetuity'', and ''Total Removal of All Burros''. Major impact topics assessed for the proposed action and alternatives include natural resources, socioeconomic resources, cultural resources, and burros.

SUPPLEMENTARY INFORMATION: The no-action period on this final environmental impact statement for burro management will extend for 30 days after a notice of its availability is published by the Environmental Protection Agency in the Federal Register.

Inquiries about the document should be addressed to: Superintendent, Lake Mead National Recreation Area, 601 Nevada Highway, Boulder City, Nevada, 89005; or by calling the park at (702) 293–8949.

For copies of the FEIS, or for further information, please contact the Superintendent at the above address or telephone number. Copies of the document are available at park headquarters and at area libraries.

Dated: February 22, 1995.

Stanley T. Albright,

Regional Director, Western Region.

[FR Doc. 95–5195 Filed 3–2–95; 8:45 am]

BILLING CODE 4310–70–P

Mississippi River Coordinating Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces an upcoming meeting of the Mississippi River Coordinating Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Public Law 92–463).

MEETING DATE AND TIME: Wednesday, April 5, 1995; 6:30 p.m. to 9:30 p.m.

ADDRESSES: Metropolitan Council Chambers, 230 East Fifth Street, Saint Paul, Minnesota.

An agenda for the meeting will be available by March 15, 1995, from the Superintendent of the Mississippi National River and Recreation Area at the address below. Public statements about matters related to the Mississippi National River and Recreation Area will be taken at the meeting.

SUPPLEMENTARY INFORMATION: The Mississippi River Coordinating Commission was established by P.L. 100–696, November 18, 1988.

FOR FURTHER INFORMATION CONTACT: Superintendent JoAnn Kyral, Mississippi National River and Recreation Area, 175 East Fifth Street, Suite 418, St. Paul, MN 55101 (612–290–4160).

Dated: February 23, 1995.

William W. Schenk,

Regional Director.

[FR Doc. 95–5196 Filed 3–2–95; 8:45 am]

BILLING CODE 4310–70–P

Bid Sale of Property

AGENCY: National Park Service, Interior

ACTION: Notice.

SUMMARY: This notice announces the request for sealed bids for the sale of Cuyahoga Valley NRA Tract 109–38, aka 1509 Boston Mills Road, Peninsula, Ohio. Freehold interest in the property is to be conveyed, including restrictive covenants attached to the deed. The minimum acceptable bid is $70,000 plus a $100.00 non-refundable processing fee. The fair market appraisal may be inspected at Park Headquarters, 15610 Vaughn Road, Brecksville, Ohio. Monies must be submitted separately for the bid and non-refundable fee by certified

check, post office money order, bank draft or cashier's check made payable to the United State of America for the full amount of the bid and non-refundable fee and sent to Superintendent, Cuyahoga Valley NRA, 15610 Vaughn Road, Brecksville, Ohio 44141. The property will be available for inspection from 2:00 to 4:00 p.m. on April 29, 1995. Bids will be received until 2:00 p.m. on May 3, 1995.

FOR FURTHER INFORMATION CONTACT: Superintendent John P. Debo, Cuyahoga Valley National Recreation Area, 15610 Vaughn Road, Brecksville, OH 44141 (216–526–5256).

SUPPLEMENTARY INFORMATION: This notice is being published in accordance with 36 CFR 17.4, July 1, 1992.

Dated: February 27, 1995

Roy F. Beasley, Jr.,

Acting Superintendent, Cuyahoga Valley NRA.

[FR Doc. 95–5197 Filed 3–2–95; 8:45 am]

BILLING CODE 4310–70–P

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 399]

Cost Recovery Percentage

AGENCY: Interstate Commerce Commission.

ACTION: Publication of the Cost Recovery Percentage for 1995.

SUMMARY: The provisions of 49 U.S.C. 10709(d)(5)(A) require the Commission to calculate an annual cost recovery percentage (CRP), a revenue-to-variable cost (r/vc) ratio reflecting a hypothetical rate ceiling that would permit railroads, in the aggregate, to recover their costs of doing business. If the CRP falls between 170% and 180%, it becomes the jurisdictional threshold for determining whether railroad traffic is market dominant and hence subject to maximum rate regulation. If it exceeds 180%, then the market dominance threshold is set at 180%. Because the calculated CRP for 1995 exceeds 180%, the jurisdictional threshold applicable to calendar year 1995 is 180%.

EFFECTIVE DATE: This decision is effective April 2, 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: 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, N.W., Washington, DC 20423, or telephone (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Pursuant to 5 U.S.C. 605(b), we conclude that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. No new regulatory requirements are imposed, directly or indirectly, on such entities. The purpose of our regulation is to calculate the threshold revenue-variable cost ratio for market dominance determinations as required by law. No new reporting requirements will be placed on the railroad industry. The economic impact on small entities, if any, will not likely be significant within the meaning of the Regulatory Flexibility Act.

This action will not significantly affect either the quality of the human environment or energy conservation.

Authority: 49 U.S.C. 10321, 10709; 5 U.S.C. 553.

Decided: February 10, 1995.

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

Vernon A. Williams,

Secretary.

[FR Doc. 95–5261 Filed 3–2–95; 8:45 am]

BILLING CODE 7035–01–P

Docket No. AB–3 (Sub-No. 121X)]

Missouri Pacific Railroad Company—Abandonment Exemption—in Morris and Dickinson Counties, KS

Missouri Pacific Railroad Company (MP) has filed a verified notice under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon a 26.57-mile rail line between milepost 425.0, near Council Grove, and milepost 451.57, near Herington, in Morris and Dickinson Counties, KS.

MP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in complainant's favor within the last 2 years; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 and 1152.50(d)(1) (notice to government agencies), and 49 CFR 1105.12 (newspaper publication) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether employees are adequately protected, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

This exemption will be effective April 2, 1995, unless stayed or a statement of intent to file an offer of financial assistance (OFA) is filed. Petitions to stay that do not involve environmental issues,[1] statements of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29[3] must be filed by March 13, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 23, 1995. An original and 10 copies of any such filing must be sent to the Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423. In addition, one copy must be served on Joseph D. Anthofer, 1416 Dodge Street, Rm. 830, Omaha, NE 68179.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

MP has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Commission's Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by March 8, 1995. A copy of the EA may be obtained by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

[1] The Commission will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Commission in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Commission may take appropriate action before the exemption's effective date.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

[3] The Commission will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

Decided: February 28, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–5301 Filed 3–2–95; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on January 19, 1995, Abbott Laboratories, IMP, Attn: Plant Manager, U.S. Highway 301 N., Rocky Mount, North Carolina 27801, made a written request to the Drug Enforcement Administration to be registered as an importer of Meperidine (9230) a basic class of controlled substance in Schedule II.

The firm will import the Meperidine to produce vials for a patient controlled analgesia pump.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objection to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than (30 days from publication).

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated: February 24, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 95–5266 Filed 3–2–95; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment Standards Administration

Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S–3014, Washington, DC 20210.

Modification to General Wage 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

New Jersey
NJ950002 (FEB. 10, 1995)
NJ950003 (FEB. 10, 1995)
New York
NY950010 (FEB. 10, 1995)
NY950015 (FEB. 10, 1995)
NY950016 (FEB. 10, 1995)
NY950017 (FEB. 10, 1995)
NY950025 (FEB. 10, 1995)
NY950033 (FEB. 10, 1995)
NY950039 (FEB. 10, 1995)
NY950041 (FEB. 10, 1995)
NY950043 (FEB. 10, 1995)
NY950045 (FEB. 10, 1995)
NY950060 (FEB. 10, 1995)
NY950072 (FEB. 10, 1995)

Volume II

Pennsylvania
PA950004 (FEB. 10, 1995)
PA950035 (FEB. 10, 1995)
PA950051 (FEB. 10, 1995)
PA950054 (FEB. 10, 1995)
Virginia
VA950015 (FEB. 10, 1995)
VA950017 (FEB. 10, 1995)
VA950080 (FEB. 10, 1995)
VA950085 (FEB. 10, 1995)
West Virginia
WV950002 (FEB. 10, 1995)

Volume III

None

Volume IV

Indiana
IN950004 (FEB. 10, 1995)

Volume V

Iowa
IA950004 (FEB. 10, 1995)
IA950016 (FEB. 10, 1995)
IA950031 (FEB. 10, 1995)
Kansas
KS950009 (FEB. 10, 1995)

Volume VI

Arizona
AZ950001 (FEB. 10, 1995)
AZ950002 (FEB. 10, 1995)
AZ950011 (FEB. 10, 1995)
AZ950012 (FEB. 10, 1995)
AZ950013 (FEB. 10, 1995)
AZ950014 (FEB. 10, 1995)
AZ950015 (FEB. 10, 1995)
AZ950016 (FEB. 10, 1995)
AZ950017 (FEB. 10, 1995)
California
CA950001 (FEB. 10, 1995)
CA950002 (FEB. 10, 1995)
CA950004 (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, D.C. 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 24th Day of February 1995.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 95–5057 Filed 3–2–95; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Elementary, Secondary and Informal Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Elementary, Secondary and Informal Education (#59).

Dates and Times: March 30 and 31, 1995 from 8:30 a.m. to 5:00 p.m.

Place: Holiday Inn, 4610 N. Fairfax Drive, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Hyman Field, Section Head, Division of Elementary, Secondary and Informal Education, room 885, National Science Foundation, 4201 Wilson Blvd. Arlington, VA 22230, Tel: (703) 306–1620.

Purpose of Meeting: To propose advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Informal Science Education proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Dated: February 28, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–5303 Filed 3–2–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Elementary, Secondary and Informal Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Elementary, Secondary and Informal Education (#59)

Dates and Times: March 13 and 14, 1995 from 8:30 a.m. to 5:00 p.m.

Place: 8th Floor, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA

Type of Meeting: Closed

Contact Person: Dr. Donald E. Jones, Program Officer, Division of Elementary, Secondary and Informal Education, Room 885, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230, Tel: (703) 306–1620.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Small Business Innovative Research (SBIR) proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Dated: February 28, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–5302 Filed 3–2–95; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–281]

Virginia Electric and Power Company; Surry Power Station, Unit No. 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from Facility Operating License No. DPR–37, issued to Virginia Electric and Power Company (the licensee), for operation of the Surry Power Station, Unit No. 2 (SPS2) located in Surry County, Virginia.

Environmental Assessment

Identification of the Proposed Action

This Environmental Assessment has been prepared to address potential environment issues related to the

licensee's application of February 14, 1995. The proposed action would exempt the licensee from the requirements of 10 CFR Part 50, Appendix J, Paragraph III.D.1.(a), to the extent that a one-time interval extension for the Type A test (containment integrated leak rate test) by approximately 15 months from the February 1995 refueling outage to the May 1996 refueling outage would be granted.

The Need for the Proposed Action

The proposed action is needed to permit the licensee to defer the Type A test from the February 1995 refueling outage to the May 1996 refueling outage, thereby saving the cost of performing the test and eliminating the test period from the critical path time of the outage.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the proposed one-time exemption would not increase the probability or consequences of accidents previously analyzed and the proposed one-time exemption would not affect facility radiation levels or facility radiological effluents. The licensee will continue to be required to conduct the Type B and C local leak rate tests which historically have been shown to be the principal means of detecting containment leakage paths with the Type A tests confirming the Type B and C test results. It is also noted that the licensee, as a condition of the proposed exemption, will perform the visual containment inspection although it is only required by Appendix J to be conducted in conjunction with Type A tests. The NRC staff considers that these inspections, though limited in scope, provide an important added level of confidence in the continued integrity of the containment boundary. The NRC staff also notes that the containment is maintained at a subatmospheric pressure which provides a means for continuously monitoring potential containment leakage paths during power operation. The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the NRC staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Surry Power Station, Unit No. 2.

Agencies and Persons Consulted

In accordance with its stated policy, the NRC staff consulted with the Virginia State official regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated February 14, 1995, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Dated at Rockville, Maryland, this 28th day of February 1995.

For the Nuclear Regulatory Commission.

Richard P. Croteau,

Acting Director Project Directorate II–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–5358 Filed 3–2–95; 8:45 am]

BILLING CODE 7590–01–M

Licensing Support System Advisory Review Panel

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of public meeting.

SUMMARY: The Licensing Support System Advisory Review Panel (LSSARP) will hold its next meeting on March 22 and 23, 1995, at the Department of Energy's Yucca Mountain Site Characterization Project Office, room 450, Bank of America Building, 101 Convention Center Drive, Las Vegas, Nevada. The entire meeting will be open to the public pursuant to the Federal Advisory Committee Act (Pub. L. 94–463, 86 Stat. 770–776).

AGENDA: The meeting will be held from 1:00 p.m. to 5:00 p.m. on Wednesday, March 22 and from 9:00 a.m. to 4:30 p.m. on Thursday, March 23, 1995. The agenda will consist of briefings and discussions on the following topics:

1. Header Working Group Update.
2. Technical Working Group Report on Review of LSS Requirements Document.
3. Current LSS Activity at DOE.
4. Inclusion/Exclusion Criteria for DOE's Records Management System.
5. Location of the LSS Facility.
6. Topic Selection for Use of LSS on Pilot Project Basis.
7. Progress Toward Development of an NRC/DOE Memorandum of Agreement.
8. Comments Received on Draft Participant Compliance Document.
9. Future Meeting Schedule.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission (NRC) established the LSSARP in 1989 to provide advice and recommendations to the NRC and to the Department of Energy (DOE) on topics, issues, and activities related to the design, development and operation of an electronic information management system known as the Licensing Support System (LSS). This system will contain information relevant to the Commission's future licensing proceeding for a geologic repository for the disposal of high-level radioactive waste. Membership on the Panel consists of representatives of the State of Nevada, Nye County, Nevada, a coalition of effected units of local Government in Nevada, the National Congress of American Indians, a coalition of organizations representing the nuclear industry, DOE, NRC and other agencies of the Federal government which have experience with large electronic information management systems.

FOR FURTHER INFORMATION CONTACT:

John C. Hoyle, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555: telephone 301–415–1969.

PUBLIC PARTICIPATION: Interested persons may make oral presentations to the Panel or file written statements. Requests for oral presentations should be made to the contact person listed below as far in advance as practicable so that appropriate arrangements can be made.

Dated: February 27, 1995.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 95–5248 Filed 3–2–95; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–35420; International Series Release No. 787; File No. SR-Phlx–95–06]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to British Pound Strike Price Intervals

February 27, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 30, 1995, the Philadelphia Stock Exchange, Inc. (''Phix'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to revise its strike price policy respecting foreign currency options on the British pound by changing from a $.025 interval to a $.01 interval in the nearest three expiration months and $.02 in the next three nearest expiration months. In addition to reducing the strike price interval from 2½ cents to 1 and 2 cents, the Exchange also proposes to reduce the strike price interval for long-term British pound options, which have 12 to 36 months until expiration,[3] from $.05 to $.04. The strike price interval applicable to long-term foreign currency options is determined by doubling the strike price interval of regular options (12 months or less until expiration). The text of the proposed rule change is available at the Office of the Secretary, the Exchange, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Section (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 Exchange's strike price interval policies are administered pursuant to Rule 1012, Series of Options Open for Trading. Currently, British pound options are listed at 2½ cent intervals; long-term options are listed at 5 cent intervals. Pursuant to Phlx Rule 1012, six expiration months are currently listed in regular foreign currency options, with one, two, three, six, nine, and twelve months until expiration. Additionally, two long-term options are currently listed (in June and December) with 18 and 24 months until expiration. Fluctuations in the spot price of the British pound result in additional listings at 2½ cent intervals.

The Exchange proposes to revise its strike price policy respecting foreign currency options on the British pound by changing from a $.025 interval to a $.01 interval in the nearest three expiration months and $.02 in the next three nearest expiration months. In addition to reducing the strike price interval from 2½ cents to 1 and 2 cents, the Exchange also proposed to reduce the strike price interval for long-term British pound options, which have 12 to 36 months until expiration, from $.05 to $.04. The purpose of the proposed rule change is to respond to changes in the world-wide market marketplace for the British pound. The Exchange notes that lower volatility respecting the British pound had created a customer need for narrower strike price intervals. Lower volatility signifies less movement in the currency such that it currently trades in a more narrow range, perhaps without moving to the next (2½ cent) strike price interval. The Exchange notes that the strike price interval for a non-volatile foreign currency option, including the British Pound, has previously been decreased.[4]

In addition, the Exchange seeks to remain competitive and consistent with the contract terms applicable to foreign currency futures and options on such futures traded on the Chicago Mercantile Exchange (''CME''). Recently, the CME determined to list certain options on British pound futures (the three near months) at $.01 intervals.

The Exchange believes that the proposed reduction in the strike price interval should provide investors and traders of British pound options with the ability to more closely tailor investment and hedging strategies to British pound trading levels and movement. Accordingly, the Exchange believes that the proposed rule change is consistent with Section 6 of the Act, in general, and furthers the objectives of Section 6(b)(5), in particular, in that it is designed to promote just and equitable principles of trade by enabling more effective management of foreign currency risk respecting the British pound.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or (B) Institute proceedings to

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1993).

[3] *See* Phlx Rule 1012(a)(ii). *See also* Securities Exchange Act Release No. 30672 (May 6, 1992), 57 FR 20546 (May 13, 1992) (File No. SR-Phlx–91–30).

[4] *See e.g.*, Securities Exchange Act Release Nos. 25685 (May 10, 1988), 53 FR 17534 (May 17, 1988) (French franc from $.05 to $.025 strike price intervals) (File No. SR-Phlx–86–14), and 24103 (February 13, 1987), 52 FR 5605 (February 25, 1987) (British Pound from $.05 to $.025 strike price intervals) (File No. SR-Phlx–86–14).

determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PHLX. All submissions should refer to File No. SR–Phlx–95–06 and should be submitted by March 24, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–5276 Filed 3–2–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–26237]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

February 24, 1995.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 20, 1995, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Entergy Corporation, et al., (70–8105)

Entergy Corporation ("Entergy"), 225 Baronne Street, New Orleans, Louisiana, a registered holding company, and its wholly owned nonutility subsidiary company, Entergy Enterprises, Inc. ("Enterprises"), Three Financial Centre, Little Rock, Arkansas, have filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b), 13(b), 32 and 33 of the Act and rules 45, 53, 87, 90 and 91 thereunder.

Entergy proposes through December 31, 1997 to invest up to $350 million in Enterprises for its use in providing preliminary development activities, consulting services, management and administrative support services, operations and maintenance services and engaging in certain related transactions.

Pursuant to Commission orders, dated January 11, 1983 (HCAR 22818), January 13, 1984 (HCAR No. 23200), January 15, 1985 (HCAR 23569), July 25, 1991 (HCAR No. 25353), July 13, 1992 (HCAR No. 25580), and September 3, 1992 (HCAR No. 25617), Enterprises was organized and has been engaged in the analysis and development of various investment opportunities for the Entergy system, as well as the marketing of management, operating, technical and training expertise developed by Entergy system companies to nonaffiliates.[1] The Commission also authorized Enterprises to form an energy management service company, Entergy Systems and Service, Inc. (HCAR No. 25718, December 28, 1992) and to provide certain consulting services to affiliated utilities in Argentina (HCAR Nos. 25705 and 25706, December 14, 1992).

As part of a restructuring plan, Entergy entered into a series of agreements ("Settlement Agreements") with four of its five retail rate regulators, the Arkansas Public Service Commission, the Council of the City of New Orleans, the Louisiana Public Service Commission and the Mississippi Public Service Commission concerning,[2] in part, transfer pricing for the provision of services and other affiliate transactions between Entergy's regulated utilities[3] and Entergy's nonutility businesses. Entergy has filed an Application-Declaration seeking the Commission's approval under the Act to implement provisions of the Settlement Agreements (S.E.C. File No. 70–8529).

Pursuant to the initial order of the Commission issued in this File (HCAR No. 25848 (dated July 8, 1993) (the "Order")), Enterprises is currently authorized, and proposes to continue, to conduct preliminary development activities ("Preliminary Development Activities") related to possible investments by Entergy. Enterprises' Preliminary Development Activities may include: (1) Project due diligence and design review; (2) marketing studies; (3) investigating sites; (4) research, preliminary engineering and licensing activities; (5) applying for required permits and regulatory approval; (6) acquiring options and rights; (7) drafting, negotiation and execution of contractual commitments with owners of existing facilities; governmental authorities, equipment vendors, construction firms, power purchasers, thermal energy users and other project participants; (8) negotiation of financing commitments with lenders and equity co-investors (including the provision of guarantees and other credit enhancements); (9) legal, accounting and financial analysis;

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[5] 17 CFR 200.30–3(a)(12) (1994).

[1] The Entergy system consists of Entergy and (1) five retail electric public-utility subsidiary companies, Arkansas Power & Light Company, Gulf States Utilities Company, Louisiana Power & Light Company, Mississippi Power & Light Company and New Orleans Public Service Inc. (collectively, "System Operating Companies"), (2) a wholesale generating company that sells power to the System Operating Companies, System Energy Resources, Inc. ("System Entergy"), (3) a wholesale generating company that sells power to nonaffiliates, Entergy Power, Inc., (4) a service company subsidiary, Entergy Services, Inc. ("ESI"), (5) a nuclear management service company, Entergy Operations, Inc. ("EOI"), (6) Enterprises, (7) a fuel supply company, System Fuels, Inc. ("SFI"), (8) an energy management services company, Entergy Systems and Service, Inc., (9) two companies formed to own Entergy's interests in certain Argentine utility companies, Entergy S.A. and Entergy Argentina S.A., and (10) various direct and indirect subsidiary companies of Entergy formed to own Entergy's interests in "eligible facilities" within the meaning of Section 33 of the Act.

[2] The System Operating Companies' retail rate regulator in Texas is precluded from agreeing to the terms of the Settlement Agreements because Texas has regulations governing affiliate transactions.

[3] "Regulated utility" includes the system's five utility companies, System Energy, EOI, ESI, SFI, and any similar subsidiary Entergy may create in the future.

(10) preparing and submitting bids and proposals; and (11) any other activities necessary to identify and analyze investment opportunities.

Enterprises would continue its Preliminary Development Activities with respect to potential investments by Entergy in the following types of businesses and activities (hereinafter, ''Permitted Investments''): (1) exempt wholesale generators (''EWGs'') and foreign utility companies (''FUCOs'') under the Act; (2) qualifying facilities (''QFs'') under the Public Utility Regulatory Policies Act of 1978, as amended (''PURPA''); (3) non-exempt domestic and foreign generation, transmission and distribution facilities, including but not limited to ''inside the fence'' generating projects and other power production facilities, provided, however, that any nonexempt domestic facility would be part of the integrated utility system; (4) technologies relating to energy efficiency; (5) the development of alternative energy sources; and (6) other exempt or nonutility business investments permissible under the Act. Except with respect to investments in EWGs, FUCOs and any other Permitted Investment for which Commission approval is not required under the Act or rules thereunder, neither Entergy nor Enterprises would make any Permitted Investment without obtaining further Commission approval. In addition, the financing of any such Permitted Investment would, to the extent jurisdictional, be subject to further Commission authorization.

The Order also authorizes Enterprises to provide various consulting services (''Consulting Services'') to nonassociate companies in the areas of electric power generation, transmission and distribution and operations ancillary thereto. Enterprises proposes to continue to provide such Consulting Services to nonassociate companies. The Consulting Services may include: (1) Management expertise, such as strategic planning, organization, policy matters and management services; (2) technical expertise, such as design engineering, availability engineering, construction management planning and procedures, and financial, system and operational planning; (3) operating expertise, particularly with respect to generating, transmission and distribution facilities; (4) environmental expertise, such as environmental licensing and compliance, negotiation of permits and environmental planning; (5) training expertise, particularly in the areas of operations and management; (6) technical and procedural resources, such as are embedded in computer systems, programs and manuals; (7) fuel procurement, delivery and storage expertise; (8) expertise related to marketing and brokering of power resources; and (9) expertise relating to demand side management or other energy management services. Enterprises also would continue to market expertise in the bulk power business of its associate company, Entergy Power Inc., including: (1) Management services related to generating projects, transmission facilities and thermal energy facilities, particularly in the areas of strategic planning, feasibility studies, and policy and organizational matters; (2) technical services related to such projects and facilities, particularly in the areas of design, engineering, procurement and construction; and (3) training services related to such projects and facilities, particularly in areas of operations and maintenance. Enterprises also proposes to provide Consulting Services to associate companies, including associate EWGs, FUCOs and QFs. Enterprises will not, without further authorization from the Commission, provide Consulting Services to Retail Electric Companies.

The Order also authorizes Enterprises to provide, and Enterprises proposes to continue to provide, certain management and administrative support services to associate companies which are not Retail Electric Companies. Administrative services consist of corporate and project development and planning, portfolio management, and administrative services, including legal, financial, accounting and internal auditing (''Administrative Services''). Enterprises would continue to charge its associate companies for the fully allocated direct and indirect cost of services provided, determined in accordance with Rules 90 and 91 under the Act. Enterprises also would continue to utilize a project-based accounting system to account properly for and allocate the cost of providing such services to its associate companies.

The Commission reserved jurisdiction in its Order over Enterprises' provision of Administrative Services to associate companies that are EWGs or FUCOs under Sections 32 and 33, respectively, of the Act. The Commission adopted final rules in September 1993 concerning investments in EWGs (HCAR No. 25886) (September 3, 1993), and Entergy and Enterprises state that they are in compliance with such rules. In addition, Entergy and Enterprises agree to comply with the terms and conditions of all applicable rules under the Act relating to the provision of services to EWGs and FUCOs, including without limitation Rule 87 as it may be amended. Accordingly, Entergy and Enterprises request the Commission to release jurisdiction over the provision of Administrative Services by Enterprises to associate companies that are EWGs and FUCOs.

Enterprises also proposes to offer directly or indirectly through one or more special purpose subsidiary companies of Entergy or Enterprises (''O&M Sub''), various operations and maintenance services (''O&M Services'') to developers, owners and operators of domestic and foreign power projects, including power projects that Enterprises may develop on its own or in collaboration with third parties. O&M Services would include development, engineering, design, construction and construction management, pre-operational start-up, testing and commissioning, long-term operations and maintenance, fuel procurement, management and supervision, technical and training, administrative support, and any other managerial or technical services required to operate and maintain electric power facilities.

Enterprises would provide the O&M Services using its own workforce and the personnel and resources of the Retail Electric Companies obtained pursuant to the Service Agreements with such companies, as they may be amended by order of the Commission. Under the terms of the Settlement Agreements, the Retail Electric Companies would be reimbursed for the fully allocated cost of any services provided to Enterprises or any O&M Sub, plus 5%. O&M Subs would be domestic or foreign corporations, partnerships or other entities (depending upon the legal and regulatory requirements of a particular project). Enterprises will provide information to the Commission concerning the formation of an O&M Sub that is not an EWG or FUCO, and will represent that no Retail Electric Company has subsidized the operations of Enterprises or any O&M Sub and that any transfer of personnel from any Retail Electric Company to, and the rendering of O&M Services by, Enterprises or the O&M Sub are in compliance with applicable rules, regulations and orders of the Commission. Enterprises proposes to provide Consulting Services and O&M Services to its nonassociate and associate companies (excluding the Retail Electric Companies) at fair market prices. In this respect, Enterprises requests an exemption pursuant to Section 13(b) of the Act from the requirements of Rules 90 and 91 thereunder, provided one or more of the

following conditions are satisfied with respect to associate companies:

(1) An associated power project is an EWG or a FUCO which derives no part of its income, directly or indirectly, from the generation, transmission, or distribution of electric energy for sale within the United States;

(2) An associated power project is an EWG which sells electricity at market-based rates which have been approved by the Federal Energy Regulatory Commission (''FERC'') or the appropriate state public utility commission, provided that the purchaser is not a Retail Electric Company;

(3) An associated power project is a QF which sells electricity exclusively at rates negotiated at arm's length to one or more industrial or commercial customers purchasing such electricity for their use and not for resale, and/or to an electric utility company, other than a Retail Electric Company, at the purchaser's ''avoided cost'' determined in accordance with the regulations under PURPA; or

(4) An associated power project is an EWG or a QF that sells electricity at rates based upon its cost of service, as approved by FERC or any state public utility commission having jurisdiction, provided that the purchaser of such electricity is not a Retail Electric Company.

Enterprises also proposes to continue to market and license to nonaffiliated third parties intellectual properties developed by Entergy system companies. The Settlement Agreements provide that if a nonutility business markets a product that was developed by a Retail Electric Company and is actually used by a Retail Electric Company, all profits on the sale of the product shall be divided evenly between the Retail Electric Company responsible for developing the product and the nonutility business responsible for marketing the product after deducting all incremental costs associated with making the product available for sale, including all costs of marketing the product. However, in the event that a product developed by a Retail Electric Company to be used in its utility business is not actually so used, and subsequently is marketed by a nonutility business to third parties, such Retail Electric Company shall be entitled to recover all of its costs to develop the product before any profits from marketing shall be divided.

Entergy proposes, through December 31, 1997, to invest up to $350 million in Enterprises (and continuing beyond December 31, 1997 in accordance with the terms of any debt incurred or guarantee issued prior to such date) in connection with Enterprises' authorized business activities. Entergy's investments in Enterprises may take the form of: (1) Additional purchases of Enterprises' common stock, no par value, for a purchase price of $1,000 per share; (2) capital contributions; (3) loans (and the conversion of any such loans to capital contributions); and (4) guarantees of indebtedness or other obligations incurred by Enterprises or its associate companies. Any loans to Enterprises by Entergy would mature no later than December 31, 2004, and would bear interest at a rate not to exceed the prime rate in effect on the date of the loan at a bank designated by Entergy.

Entergy and Enterprises also request authority through December 31, 1997, to issue guarantees in an aggregate amount that, when added to investments in Enterprises and any O&M Sub, will not exceed $350 million. Guarantees may be required for Enterprises' Preliminary Development Activities, which might include undertaking reimbursement obligations or acting as surety on bonds, letters of credit, evidences of indebtedness, equity commitments, performance and other obligations. Guarantees may also be required for Enterprises other business activities or to satisfy the requirements of lenders and other project participants under financing documents and other agreements to which Enterprises, an O&M Sub or another associate company of Entergy (other than a Retail Electric Company) becomes a party. The terms and conditions of guarantees would be established at arm's length based upon market conditions.

Entergy and Enterprises also request authorization through December 31, 1997 to organize and provide funding to O&M Subs, through any one or combination of: (1) Purchases of capital stock; (2) capital contributions; (3) loans; or (4) guarantees of the securities or other obligations of an O&M Sub. Any investments in an O&M Sub would be included in the $350 million investment authority requested by Entergy.

Enterprises would use the proceeds from Entergy's investments to: (1) Provide working capital in connection with Enterprises' Preliminary Development Activities, Consulting Services, Administrative Services, O&M Services, and other authorized business activities; (2) to pay its associate companies for services rendered to Enterprises; and (3) for other general corporate purposes. Entergy and Enterprises currently estimate that approximately $100 million of the $350 million of investment authority would be applied to meeting Enterprises' foregoing capital needs. Enterprises currently estimates that, of the proposed additional investments by Entergy, up to $79 million (but in any case not more than $86 million) would be used for Preliminary Development Activities, and up to $26 million (but in any case not more than $30 million) would be used for Administrative Services. None of the funds will be used to acquire securities or an interest in the business of an EWG, FUCO, or QF.

Columbus Southern Power Company, (70–8573)

Columbus Southern Power Company (''CSPCo''), 215 North Front Street, Columbus, Ohio 43215, Kentucky Power Company (''KPCo''), 1701 Central Avenue, P.O. Box 1428, Ashland, Kentucky 41101 and Ohio Power Company (''OPCo''), 301 Cleveland Avenue, S.W., Canton, Ohio 44702 (collectively, the (''Companies''), electric utility subsidiary companies of American Electric Power Company, Inc., a registered holding company, have filed an application-declaration under Sections 6(a), 7, 9, 10 and 12(b) of the Act and Rules 45 and 54 thereunder.

The Companies propose to issue and sell Junior Subordinated Debentures (''Debentures'') through December 31, 1997. Each series of Debenture will mature in not more than 50 years in aggregate principal amounts of up to the following: (1) $80 million for CSPCo; (2) $65 million for KPCo; and (3) $90 million for OPCo. The Debentures may be sold by competitive bidding or through negotiation with underwriters or agents. The Debentures will be offered for sale at an initial public offering price resulting in a yield to maturity which shall not exceed by more than 3.0% the yield to maturity on United States Treasury bonds of comparable maturity at the time of pricing of the Debentures. The commission payable to agents or underwriters will not exceed 3.5% of the principal amount of the Debentures sold.

The Companies may have the right to defer payment of interest on the Debentures for up to five years. However, the Companies may not declare and pay dividends on its outstanding stock if payments under the Debentures are deferred. The payment of principal, premium and interest on the Debentures will be subordinated in right of payment to the prior payment in full of its senior indebtedness. The Companies will agree to specific redemption provisions, if any, at the time of the pricing of the Debentures.

If the Companies determine that it is not advisable to sell the Debentures directly to the public, each may organize a separate special purpose subsidiary as either: (1) a limited liability company under the Limited

Liability Company Act (''LLC Act'') of the State of Ohio in the case of CSPCo and OPCo, and of the State of Kentucky in the case of KPCo or of the State of Delaware or other jurisdiction considered advantageous in the case of any of the Companies; or (2) a limited partnership under the Revised Uniform Limited Partnership Act of the State of Ohio in the case of CSPCo and OPCo, and of the State of Kentucky in the case of KPCo or of the State of Delaware or other jurisdiction considered advantageous in the case of any of the Companies (''Special Purpose Subsidiary''). In the event that any Company organizes its Special Purpose Subsidiary as a limited liability company, it may also organize a second special purpose wholly owned subsidiary under the General Corporation Law of the State of Ohio, the State of Kentucky, or the State of Delaware or other jurisdiction (''Investment Sub''), for the purpose of acquiring and holding Special Purpose Subsidiary common stock to comply with the requirement under the applicable LLC Act that a limited liability company have at least two members. If any Company organizes its Special Purpose Subsidiary as a limited partnership, it may also organize an Investment Sub for the purpose of acting, or may itself act, as the general partner of the Special Purpose Subsidiary and may acquire, either directly or indirectly through such Investment Sub, a limited partnership interest in such Special Purpose Subsidiary to ensure that such Special Purpose Subsidiary will have a limited partner to the extent required by applicable law.

The Special Purpose Subsidiaries propose to issue and sell at any time or from time-to-time, in one or more series through December 31, 1997, preferred securities (''Preferred Securities''), up to: (1) $75 million aggregate par or stated value or liquidation preference of Preferred Securities, with a par or stated value or liquidation preference of up to $100 per security in the case of CSPCo; (2) $60 million aggregate par or stated value or liquidation preference of Preferred Securities, with a par or stated value or liquidation preference of up to $100 per security in the case of KPCo; (3) $85 million aggregate par or stated value or liquidation preference of Preferred Securities, with a par or stated value or liquidation preference of up to $100 per security in the case of OPCo.

Each Company and/or its respective Investment Sub will acquire all of the common stock or all of the general partnership interests of its Special Purpose Subsidiary for an amount up to 5% of the total equity capitalization from time-to-time of such Special Purpose Subsidiary (''Equity Contribution''). Each Company may issue and sell to its Special Purpose Subsidiary the Debentures, at any time or from time-to-time in one or more series and such Special Purpose Subsidiary will apply both the Equity Contribution made to it and the proceeds and from the sale of Preferred Securities by it from time-to-time to purchase the Company's Debentures. The payment rate, terms, redemption and other similar provisions of the Preferred Securities will correspond to those of the Debentures purchased from the Company.

Each Company may also guarantee (''Guarantee''): (1) Payment of dividends or distributions on the Preferred Securities of its Special Purpose Subsidiary if and to the extent such Special Purpose Subsidiary has declared dividends or distributions out of funds legally available therefor; (2) payments to the Preferred Securities holders of amounts due upon liquidation of such Special Purpose Subsidiary or redemption of the Preferred Securities of such Special Purpose Subsidiary; and (3) certain additional amounts that may be payable in respect of such Preferred Securities.

It is expected that each Company's interest payments on the Debentures issued by it will be deductible for federal income tax purposes and that its Special Purpose Subsidiary will be treated as a partnership for federal income tax purposes. If Preferred Securities are issued, any series may be redeemable at the option of the Special Purpose Subsidiary issuing such series, with the consent or at the direction of the Company, at a price equal to their par or stated value or liquidation preference, plus any accrued and unpaid dividends or distributions, upon the occurrence of certain events. The Preferred Securities of any series may also be subject to mandatory redemption upon the occurrence of certain events. Each Company may also have the right in certain cases to exchange the Preferred Securities of its Special Purpose Subsidiary for the Debentures of the Company.

In the event that any Special Purpose Subsidiary is required to withhold or deduct certain amounts in connection with dividend, distribution or other payments, it may also have the obligation to ''gross up'' such payments so that the holders of the Preferred Securities issued by such Special purpose Subsidiary will receive the same payment after such withholding or deduction as they would have received if no such withholding or deduction were required. If any Special Purpose Subsidiary is required to pay taxes with respect to income derived from interest payments on the Debentures issued to it, the Company may be required to pay such additional interest on the Debentures as shall be necessary in order that net amounts received and retained by the Special Purpose Subsidiary, after the payment of such taxes, shall result in its having such funds as it would have had in the absence of such payment of taxes.

In the event of any voluntary or involuntary liquidation, dissolution or winding up of any Special Purpose Subsidiary, the holders of the Preferred Securities will be entitled to receive, out of the assets available for distribution to its shareholders or partners, before any distribution of assets to the common shareholders or general partner of the Special Purpose Subsidiary, an amount equal to the par or stated value or liquidation preference of such Preferred Securities plus any accrued and unpaid dividends or distributions.

Each Company expects to apply the net proceeds of the Debentures to the repayment of outstanding short-term debt, for construction purposes, and for other general corporate purposes, including the redemption or other retirement of outstanding preferred stock and senior securities.

The Columbia Gas System, Inc., (70–8575)

The Columbia Gas System, Inc. (''Columbia''), 20 Montchanin Road, Wilmington, Delaware 19807, a registered gas utility holding company, has filed a declaration under section 12(b) of the act and rule 45 thereunder.

Columbia and Columbia Gas Transmission Corporation (''TCO'') presently are debtors-in-possession under Chapter 11 of the U.S. Bankruptcy Code in U.S. Bankruptcy Court for the District of Delaware.

Columbia proposes to make a loan of no more than $4.3 million to the Employees' Thrift Plan of Columbia Gas System (''Thrift Plan''). Columbia is the plan sponsor of the Thrift Plan, a defined contribution plan which is qualified under sections 401 (a) and (k) of the Internal Revenue Code. Columbia's subsidiary companies (''Subsidiaries'') are Thrift Plan participating employers,[4] whose

[4] The participating employers are the following Subsidiaries: Columbia Gas of Pennsylvania, Inc., Columbia Gas of Ohio, Inc., Columbia Gas of Maryland, Inc., Columbia Gas of Kentucky, Inc., Commonwealth Gas Services, Inc., Columbia Gulf Transmission Company, Columbia Gas

Continued

employees, former employees and beneficiaries constitute the participants. The Thrift Plan is administered by the Thrift Plan Committee, which is appointed by Columbia's board of directors and which is currently comprised of members of senior management of major Columbia companies, including the distribution companies and the transmission companies.

One of the investment options under the Thrift Plan is the Money Market/Investment Contract Fund (''Fund'') offered by Fidelity Investments of Boston, Massachusetts (''Fidelity''). The Fund includes a guaranteed investment contract (''GIC'') issued by Confederation Life Insurance Company of Canada (''Confederation Life''). The Confederation Life GIC was acquired by the Thrift Plan of January 2, 1990 in the amount of $6.5 million.

On August 12, 1994, Canadian governmental authorities seized Confederation Life. In order to protect Confederation Life's U.S. assets, the Insurance Commissioner for the State of Michigan moved to seize all such assets. At the time Confederation Life was seized, a segregated subaccount was established by the Thrift Plan Committee and the Thrift Plan's trustee and was frozen within the Fund.

The Thrift Plan Committee, which is the named fiduciary as well as Plan Administrator of the Thrift Plan, has considered various options and has recommended to the boards of directors for Columbia and TCO that loans be made to the Thrift Plan in order to allow Thrift Plan participants access to their frozen funds as soon as practicable. Subject to the receipt of necessary regulatory and Bankruptcy Court approvals, the boards of directors of Columbia and TCO have considered the Thrift Plan Committee's recommendation and approved loans to the Thrift Plan.

Columbia proposes to make two loans to the Thrift Plan, one to be made by Columbia, subject to the approval of the Bankruptcy Court and the Commission, and one to be made by TCO, subject to the approval of the Bankruptcy Court.[5] The total amount of the loans would be $6.8 million, which represents the accumulated value of the frozen investment in the Confederation Life GIC, including accrued interest, as of the close of business on August 11, 1994 (the date preceding the seizure of Confederation Life's assets). TCO's loan would be approximately $2.5 million, and Columbia's loan would be no more than $4.3 million. The loans would be made unsecured and without interest, would be evidenced by notes and would be non-recourse to participants or assets held in the Thrift Plan. Repayment of the loans would be made only from the proceeds received from Confederation Life (from liquidation and rehabilitation proceedings or otherwise), state guaranty funds, and other sources, including litigation, in connection with the Confederation Life GIC. Should the ultimate recovery of these funds from Confederation Life and other sources be less than 100 percent, full repayment would be waived, and this cost would be borne by Columbia and TCO.

Upon issuance of the loans, the participants' segregated subaccounts would be immediately closed, and their previously frozen funds would be transferred to Fidelity's Money Market Fund. Periodically as amounts are received from Confederation Life, state guaranty funds and other sources with regard to the Confederation Life account, the proceeds would be paid to Columbia or TCO, as the case may be, and the amounts of the loans would be reduced accordingly.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–5200 Filed 3–2–95; 8:45 am]

BILLING CODE 8010–01–M

Transmission Corporation, Columbia Gas Development Corporation, Columbia Natural Resources, Inc., Columbia Coal Gasification Corporation, Columbia Energy Services Corporation, Columbia Gas System Service Corporation, Columbia Propane Corporation, Commonwealth Propane, Inc., TriStar Ventures Corporation and Columbia LNG Corporation.

[5] Columbia and TCO assert the TCO's loan is exempted from Commission approval pursuant to rule 49(c).

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 2174]

Extension of the Restriction on the Use of United States Passports for Travel to, in, or Through Lebanon

On January 26, 1987, pursuant to the authority of 22 U.S.C. 211a and Executive order 12295 (31 FR 10603), and in accordance with 22 CFR 51.73(a)(3), all United States passports, with the exception of passports of immediate family members of hostages in Lebanon, were declared invalid for travel to, in, or through Lebanon unless specifically validated for such travel. This action was taken because the situation in Lebanon was so chaotic that American citizens there could not be considered safe from terrorist acts.

Although there continues to be improvement in the security situation, review of the situation there has led me to conclude that Lebanon continues to be an area ''* * * where there is imminent danger to the public health or the physical safety of United States travelers'' within the meaning of 22 U.S.C. 211a and 22 CFR 51.73(a)(3).

Accordingly, all United States passports shall remain invalid for travel to, in, or through Lebanon unless specifically validated for such travel under the authority of the Secretary of State.

This Public Notice shall be effective upon publication in the Federal Register and shall expire at the end of six months unless extended or sooner revoked by Public Notice.

Dated: February 28, 1995.

Warren Christopher,

Secretary of State.

[FR Doc. 95–5306 Filed 3–2–95; 8:45 am]

BILLING CODE 4710–10–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Fitness Determination of Balter Worldwide Corp. d/b/a Sunshine Airlines d/b/a Sunshine Air

AGENCY: Department of Transportation.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 95–2–56, Order to Show Cause.

SUMMARY: The Department of Transportation is proposing to find that Balter Worldwide Corp. d/b/a Sunshine Airlines d/b/a Sunshine Air is fit, willing, and able to provide commuter air service under 49 U.S.C. 41738.

RESPONSES: All interested persons wishing to respond to the Department of Transportation's tentative fitness determinations should file their responses with Janet A. Davis, Air Carrier Fitness Division, X–56, Room 6401, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than March 14, 1995.

FOR FURTHER INFORMATION CONTACT: Janet A. Davis, Air Carrier Fitness Division, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 366–9721.

Dated: February 27, 1995.

Patrick V. Murphy,

Acting Assistant Secretary for Aviation and International Affairs.

[FR Doc. 95–5237 Filed 3–2–95; 8:45 am]

BILLING CODE 4910–62–P

Research of Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given of the exemptions granted in June 1994 thruough December 1994. The modes of transportation involved are identified by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

MODIFICATION AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2582–P	DOT–E 2582 ..	BOC Gases, Murray Hill, NJ.	49 CFR 175.3, Part 173, Subparts D, E, F, G.	To become a party to exemption 2582. (Modes 1, 2, 3, 4.)
3004–P	DOT–E 3004 ..	BOC Gases, Murray Hill, NJ.	49 CFR 173.302, 175.3 ...	To become a party to exemption 3004. (Modes 1, 2.)
3302–P	DOT–E 3302 ..	BOC Gases, Murray Hill, NJ.	49 CFR 173.302, 175.3 ...	To become a party to exemption 3302. (Modes 1, 2, 3, 4.)
3415–X	DOT–E 3115 ..	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.79, 173.92 ...	Authorizes the transport of rocket motors, containing certain Class A or Class B explosives, without overpacking. (Mode 1.)
4039–P	DOT–E 4039 ..	BOC Gases, Murray Hill, NJ.	49 CFR 173.316(a)	To become a party to exemption 4039. (Mode 1.)
4354–X	DOT–E 4354 ..	PPG Industries, Inc., Pittsburgh, PA.	49 CFR 173.119(m), 173.245, 173.288(d), 173.288(e), 173.3(a).	Authorizes the shipment of choloroformates in a DOT specification 6D or 37M cylindrical steel overpack with an inside DOT Specification 2S, 2SL or 2T polyethylene container. (Modes 1, 2, 3.)
4453–X	DOT–E 4453 ..	Mining Services, International (MSI), Salt Lake City, UT.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	Authorizes the use of a non-DOT specification bulk, hopper-type tank for transportation of blasting agent, n.o.s. or ammonium nitrate-fuel oil mixtures. (Modes 1, 3.)
4453–P	DOT–E 4453 ..	H.H. Burt Explosives, Inc., Moab, UT.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To become a party to exemption 4453. (Modes 1, 3.)
4453–P	DOT–E 4453 ..	Florex Explosives, Inc., Cuddy, PA.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To become a party to exemption 4453. (Modes 1, 3.)
4850–P	DOT–E 4850 ..	High Energy International, Fort Worth, TX.	49 CFR 173.100(cc), 175.3.	To become a party to exemption 4850. (Modes 1, 2, 3, 4.)
4850–P	DOT–E 4850 ..	Directional Wireline Services, Inc., Lake Charles, LA.	49 CFR 173.100(cc), 175.3.	To become a party to exemption 4850. (Modes 1, 2, 3, 4.)
4884–X	DOT–E 4884 ..	Praxall, Inc., Danbury, CT	49 CFR 173.119(m), 173.136, 173.247, 173.251, 173.3(a), 173.302(a)(1), 173.304, 175.3, 178.61.	Authorizes the shipment of liquefied and nonliquefied compressed gases and a flammable liquid in stainless steel cylinders complying with DOT Specification 4BS with certain exceptions. (Modes 1, 2, 3, 4.)
4884–P	DOT–E 4884 ..	Balchem Corporation, Slate Hill, NY.	49 CFR 173.119(m), 173.136, 173.247, 173.251, 173.3(a), 173.302(a)(1), 173.304, 175.3, 178.61.	To become a party to exemption 4884. (Modes 1, 2, 3, 4.)
4884–P	DOT–E 4884 ..	MG Industries, Morrisville, PA.	49 CFR 173.119(m), 173.136, 173.247, 173.251, 173.3(a), 173.302(a)(1), 173.304, 175.3, 178.61.	To become a party to exemption 4884. (Modes 1, 2, 3 4.)
5038–P	DOT–E 5038 ..	BOC Gases, Murray Hill, NJ.	49 CFR 173.119, 173.135(a)(6), 173.136(a)(5), 173.247(a)(1), 173.346, 173.620, 173.630, 175.3.	To become a party to exemption 5038. (Modes 1, 2, 3, 4.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
5403–P	DOT–E 5403 ..	HydroChem Industrial Services, Inc., Houston, TX.	49 CFR 173.245(a)(31), 173.248(a)(6), 173.249(a)(6), 173.263(a)(10), 173.264(a)(14), 173.268(b)(3), 173.272(i)(21), 173.289(a)(4), 178.343–2(b), 178.343–5(b)(1)(i), 178.343–5(b)(2)(i).	To become a party to exemption 5403. (Modes 1, 3.)
5600–P	DOT–E 5600 ..	BOC Gases, Murray Hill, NJ.	49 CFR 175.3, Part 173, Subparts D, F, G.	To become a party to exemption 5600. (Modes 1, 2, 3.)
5604–P	DOT–E 5604 ..	BOC Gases, Murray Hill, NJ.	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h), 178.338.	To become a party to exemption 5604. (Modes 1, 3.)
5967–P	DOT–E 5967 ..	Olin Aerospace Company, Redmond, WA.	49 CFR 173.304(a)(2), 175.3, 178.44.	To become a party to exemption 5967. (Modes 1, 2, 4, 5.)
6309–P	DOT–E 6309 ..	Carpenter Co., Richmond, VA.	49 CFR 173.315(a)(1), 174.63(b).	To become a party to exemption 6309. (Modes 1, 2.)
6349–P	DOT–E 6349 ..	BOC Gases, Murray Hill, NJ.	49 CFR 172.203(a), 173.32, 173.318, 176.30(a), 176.76(h), 177.840, 178.338.	To become a party to exemption 6349. (Modes 1, 2, 3.)
6530–P	DOT–E 6530 ..	BOC Gases, Murray Hill, NJ.	49 CFR 173.302(c)	To become a party to exemption 6530. (Modes 1, 2.)
6543–P	DOT–E 6543 ..	BOC Gases, Murray Hill, NJ.	49 CFR 173.119, 173.135(a)(6), 173.136(a)(5), 173.245, 173.247, 173.271, 175.3.	To become a party to exemption 6543. (Modes 1, 2, 3.)
6626–P	DOT–E 6626 ..	BOC Gases, Murray Hill, NJ.	49 CFR 173.34(e)(15)(i), 173.34(e)(15)(iv), 175.3.	To become a party to exemption 6626. (Modes 1, 2, 3, 4, 5.)
6670–P	DOT–E 6670 ..	BOC Gases, Murray Hill, NJ.	49 CFR 173.301(d), 173.302.	To become a party to exemption 6670. (Mode 1.)
6691–P	DOT–E 6691 ..	Plattner Welding Supplies, Inc., Coffeyville, KS.	49 CFR 173.34(e)(15)(i), Part 107, Subpart B, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4.)
6691–P	DOT–E 6691 ..	Walter Smith Welding Supplies, Inc., Kingston, NY.	49 CFR 173.34(e)(15)(i), Part 107, Subpart B, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4.)
6691–P	DOT–E 6691 ..	Plattner Welding Supplies, Inc., Coffeyville, KS.	49 CFR 173.34(e)(15)(i), Part 107, Subpart B, Appendix B.	To become a party to exemption 6691. (Modes 1, 2, 3, 4.)
6765–P	DOT–E 6765 ..	BOC Cases, Murray Hill, NJ.	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h), 177.840, 178.338.	To become a party to exemption 6765. (Modes 1, 3.)
6805–P	DOT–E 6805 ..	BOC Gases, Murray Hill, NJ.	49 CFR 173.301(d), 173.302(a)(3).	To become a party to exemption 6805. (Mode 1.)
7023–P	DOT–E 7023 ..	Ashland Chemical, Inc., Columbus, OH.	49 CFR 173.245(a), 173.263(a), 173.264(a), 173.266, 173.268(f)(5), 173.272(g), 173.272(i)(24), 173.3(a).	To become a party to exemption 7023. (Mode 1.)
7607–X	DOT–E 7607 ..	The Foxboro Company, East Bridgewater, MA.	49 CFR 172.101, 175.3 ...	Authorizes the shipment of hydrogen in certain non-DOT specification, seamless stainless steel cylinders. (Mode 5.)
7616–P	DOT–E 7616 ..	Eastern Idaho Railroad, Twin Falls, ID.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To become a party to exemption 7616. (Mode 2.)
7616–P	DOT–E 7616 ..	Alaska Railroad Corporation, Anchorage, AK.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To become a party to exemption 7616. (Mode 2.)
7835–P	DOT–E 7835 ..	REMAC USA, Inc., Silver Spring, MD.	49 CFR 177.848, Part 107, Appendix (B)(1).	To become a party to exemption 7835. (Mode 1.)
7835–P	DOT–E 7835 ..	Eastern Chemical Waste Systems-Caribe, Inc., Silver Spring, MD.	49 CFR 177.848, Part 107, Appendix (B)(1).	To become a party to exemption 7835. (Mode 1.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7835–P	DOT–E 7835 ..	Gerin Welding Sales, Inc., Santa Clara, CA.	19 CFR 177.848, Part 107, Appendix (B)(1).	To become a party to exemption 7835. (Mode 1.)
7835–P	DOT–E 7835 ..	American Welding Supply, San Jose, CA.	49 CFR 177.848, Part 107, Appendix (B)(1).	To become a party to exemption 7835. (Mode 1.)
7835–P	DOT–E 7835 ..	BOC Gases, Murray Hill, NJ.	49 CFR 177.848, Part 107, Appendix (B)(1).	To become a party to exemption 7835. (Mode 1.)
7887–X	DOT–E 7887 ..	North Coast Rocketry, Inc., Salt Lake City, UT.	49 CFR 172.101, 173.111, 175.3, Part 107, Appendix B.	Authorizes the shipment of packages of toy propellant devices as an OPM–D material and excepted from labeling requirements. (Modes 1, 2, 3, 4.)
7954–X	DOT–E 7954 ..	Air Products and Chemicals, Inc. Allentown, PA.	49 CFR 172.101, 172.504, 172.504, 173.301(d)(2), 173.302(a)(3).	Authorizes the shipment of nonflammable gases in manifolded DOT Specification 3A2400, 3AA2400 or 3AAX2400 cylinders. (Modes 1, 3.)
8006–P	DOT–E 8006 ..	JA–RU, Inc., Jacksonville, FL.	49 CFR 172.400(a), 172.504 Table 2.	To become a party to exemption 8006. (Modes 1, 2, 3, 4.)
8074–P	DOT–E 8074 ..	AGL Welding Supply Co., Inc., Clifton, NJ.	49 CFR 173.34(d), 175.3 .	To become a party to exemption 8074. (Modes 1, 2, 3, 4.)
8091–P	DOT–E 8091 ..	CP Clare Corporation, Wakefield, MA.	49 CFR Parts 100, 177	To be a party to exemption 8091. (Modes 4, 5.)
8215–X	DOT–E 8215 ..	Olin Corporation, Winchester Division, East Alton, IL.	49 CFR 173.101, 173.107, 173.154, 173.184, 173.60, 173.74, 173.78, 173.93.	Authorizes the shipment of certain identified Class A, B and C explosives in non-DOT specification containers. (Modes 1, 2.)
8236–P	DOT–E 8236 ..	Toyota Motor Sales, U.S.A., Inc., Torrance, CA.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8236. (Modes 1, 2, 3, 4.)
8273–P	DOT–E 8273 ..	Toyota Motor Sales, U.S.A., Inc., Torrance, CA.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8273. (Modes 1, 2, 3, 4.)
8445–P	DOT–E 8445 ..	Superior Hazardous Waste Group, Inc., Port Washington, WI.	49 CFR Part 173, Subpart D, E, F, H.	To become a party to exemption 8445. (Mode 1.)
8445–P	DOT–E 8445 ..	MKC Enterprises, Inc., Atlanta, GA.	49 CFR Part 173, Subparts D, E, F, H.	To become a party to exemption 8445. (Mode 1.)
8451–P	DOT–E 8451 ..	Allied-Signal, Inc., Morristown, NJ.	49 CFR 173.65, 173.86(e), 175.3.	To become a party to exemption 8451. (Modes 1, 2, 3.)
8451–P	DOT–E 8451 ..	Gould Laboratories, Pitman, NJ.	49 CFR 173.65, 173.86(e), 175.3.	To become a party to exemption 8451. (Modes 1, 2, 3.)
8451–P	DOT–E 8451 ..	Raymond Engineering, Inc., Middletown, CT.	49 CFR 173.65, 173.86(e), 175.3.	To become a party to exemption 8451. (Modes 1, 2, 3.)
8451–P	DOT–E 8451 ..	Reactives Management Corporation, Chesapeake, VA.	49 CFR 173.65, 173.86(e), 175.3.	To become a party to exemption 8451. (Modes 1, 2, 3.)
8453–P	DOT–E 8453 ..	IRECO, Incorporated, Salt Lake City, UT.	49 CFR 173.114a	Authorizes the use of non-DOT specification cargo tanks and DOT Specification MC–306, MC–307, or Mc–312 stainless steel cargo tanks to transport blasting agent. (Modes 1, 3.)
8526–P	DOT–E 8526 ..	Landair Transport, Romulus, MI.	49 CFR 177.834(L)(2)(i) ..	To become a party to exemption 8526. (Mode 1.)
8582–P	DOT–E 8582 ..	Gateway Western Railway, Fairview Heights, IL.	49 CFR Parts 100–177	To become a party to exemption 8582. (Mode 1.)
8723–P	DOT–E 8723 ..	Florex Explosives, Inc., Cuddy, PA.	49 CFR 172.101, 173.114(a)(h)(3), 173.154, 176.415, 176.83.	To become a party to exemption 8723, (Modes 1, 2.)
8723–P	DOT–E 8723 ..	Intermountain Ireco, Inc., Gillette, WY.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To become a party to exemption 8723. (Modes 1, 2.)
8725–X	DOT–E 8725 ..	CNG Cylinder Company, Long Beach, CA.	49 CFR 173.302(a)	Authorizes the manufacture, marking, and sale of non-DOT Specification fiber reinforced plastic hoop wrapped cylinders, for shipment of certain compressed gases. (Mode 1.)
8915–P	DOT–E 8915 ..	BOC Gases, Murray Hill, NJ.	49 CFR 173.301(d), 173.302(a)(3).	To become a party to exemption 8915. (Modes 1, 3.)
8915–P	DOT–E 8915 ..	Matheson Gas Products, Secaucus, NJ.	49 CFR 173.301(d), 173.302(a)(3).	To become a party to exemption 8915. (Modes 1,3.)
8958–P	DOT–E 8958 ..	BIMEX Corp, Mamaroneck, NY.	49 CFR 172.101, 173.60 .	To become a party to exemption 8958. (Modes 1, 2.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8965–X	DOT–E 8965	Pressed Steel Tank Company, Inc., Milwaukee, WI.	49 CFR 173.302(a), 175.3	Authorizes the manufacture, marking and sale of non-DOT specification fiber reinforced plastic hoop wrapped cylinders for shipment of certain compressed gases. (Modes 1, 2, 3, 4, 5.)
8966–P	DOT–E 8966	Aqua Tri-Irvine, CA	49 CFR 173.263(a)(15), 173.277(a)(1), 178.205.	To become a party to exemption 8966. (Mode 1.)
9034–P	DOT–E 9034	BOC Gases, Murray Hill, NJ.	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To become a party to exemption 9034. (Modes 1, 2, 3, 4, 5.)
9110–P	DOT E–9110	AKZO Nobel, Columbus, MS.	49 CFR 173.163	To become a party to exemption 9110. (Modes 1, 2, 3.)
9248–P	DOT–E 9248	AB&C Group, Inc., Panson, WV.	49 CFR 173.1200, 173.154a.	To become a party to exemption 9248. (Modes 1, 2.)
9275–P	DOT–E 9275	Givenchy, Edison, NJ	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275–P	DOT–E 9275	Compar, Inc., Hawthorne, NY.	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275–P	DOT–E 9275	Halston Borghese, Inc., Jamesburg, NJ.	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275–P	DOT–E 9275	Revlon Consumer Products Corporation, Oxford, NC.	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275–P	DOT–E 9275	Estee Lauder, Melville, NY.	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275–P	DOT–E 9275	Stern Fragrances, Inc., Orange, CT.	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275–P	DOT–E 9275	Puig Perfumes, Inc., Hawthorne, NY.	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275–P	DOT–E 9275	H.L. Fragrances, Inc., Hawthorne, NY.	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275–P	DOT–E 9275	Bulgari Parfums USA, Inc., Piscataway, NJ.	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275–P	DOT–E 9275	Bath & Body Works, Columbus, OH.	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275–P	DOT–E 9275	Cacique, Reynoldsburg, OH.	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275–P	DOT–E 9275	Limited Too, Columbus, OH.	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275–P	DOT–E 9275	Brylane, Indianapolis, IN	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275–P	DOT–E 9275	Victoria Secret Catalog, Columbus, OH.	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275–P	DOT–E 9275	Structure, Columbus, OH	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275–P	DOT–E 9275	Abercrombie & Fitch, Reynoldsburg, OH.	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275–P	DOT–E 9275	Victoria Secret Stores, Reynoldsburg, OH.	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275–P	DOT–E 9275	Express, Columbus, OH	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275–P	DOT–E 9275	Henri Bendel, New York, NY.	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9275–P	DOT–E 9275	Lane Bryant, Reynoldsburg, OH.	49 CFR Parts 100–199	To become a party to exemption 9275. (Modes 1, 2, 3, 4, 5.)
9357–P	DOT–E 9357	Transamerica Leasing, Inc., Purchase, NY.	49 CFR 173.315, 178.245	To become a party to exemption 9357. (Modes 1, 2, 3.)
9416–P	DOT–E 9416	Valent U.S.A. Corporation, Walnut Creek, CA.	49 CFR 173.359	To become a party to exemption 9416. (Modes 1, 2, 3.)
9480–P	DOT–E 9480	BOC Gases, Murray Hill, NJ.	49 CFR 173.302(a)(5)	To become a party to exemption 9480. (Modes 1, 2, 3, 4.)
9498–X	DOT–E 9498	Cominco Fertilizers/A Division of Cominco Ltd., Calgary, Alberta, CN.	49 CFR 173.365, 173.367, 173.370.	To authorize the use of non-DOT specification aluminum cylinders for the transportation of certain liquefied and nonliquefied compressed gases, and certain other hazardous materials. (Modes 1, 2, 3.)
9628–P	DOT–E 9628	Cometals, Inc., New York, NY.	49 CFR 173.154, 173.245(b).	To become a party to exemption 9628. (Mode 1.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9645–X	DOT–E 9645 ..	Bonar Plastics Ltd., Lindsay, Ontario, CN.	49 CFR 173.119, 173.256, 173.266, 178.19, 178.253, Part 173, Subpart F.	Authorizes the manufacture, marking and sale of non-DOT rotationally molded, cross-linked polyethylene or linear low density polyethylene portable tanks enclosed within either a protective steel frame or a foam-filled steel reinforced outer cage. (Modes 1, 2.)
9645–X	DOT–E 9645 ..	Bonar, Inc., Lindsay, Ontario, CN.	49 CFR 173.119, 173.256, 173.266, 178.19, 178.253, Part 173, Subpart F.	Authorizes the manufacture, making and sale of non-DOT rotationally molded, cross-linked polyethylene or linear low density polyethylene portable tanks enclosed within either a protective steel frame or a foam-filled steel reinforced outer cage. (Modes 1, 2.)
9716–X	DOT–E 9716 ..	Comdyne I, Inc., West Liberty, OH.	49 CFR 173.302(a)(1), 173.304(a), (d), 175.3.	Authorize the manufacture, marking and sale of non-DOT specification, fiber reinforced plastic, full composite cylinder for shipment of certain flammable and nonflammable compressed gases. (Modes 1, 2, 3, 4.)
9723–P	DOT–E 9723 ..	Superior Hazardous Waste Group, Inc., Port Washington, WI.	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9723–P	DOT–E 9723 ..	Romic Environmental Technologies Corp., East Palo Alto, CA.	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9723–P	DOT–E 9723 ..	Eastern Chemical Waste Systems-Caribe, Inc., Silver Spring, MD.	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9723–P	DOT–E 9723 ..	REMAC USA, Inc., Silver Spring, MD.	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9723–P	DOT–E 9723 ..	Tonawanda Tank Transport Service Inc., Buffalo, NY.	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9723–P	DOT–E 9723 ..	General Chemical Corporation, Framingham, MA.	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9723–P	DOT–E 9723 ..	Brewer Environmental Industries, Inc., Honolulu, HI.	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9723–P	DOT–E 9723 ..	Dart Trucking Company, Inc., Canfield, OH.	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9723–P	DOT–E 9723 ..	MKC Enterprises, Inc., Atlanta, GA.	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9723–P	DOT–E 9723 ..	Environmental Products & Services, Inc., Syracuse, NY.	49 CFR 177.848(b)	To become a party to exemption 9723. (Mode 1.)
9735–P	DOT–E 9735 ..	''K'' Line America, Inc., Seattle, WA.	49 CFR 176.30(a), 46 CFR 146.29–14(a).	To become a party to exemption 9735. (Mode 3.)
9741–P	DOT–E 9741 ..	Sunbelt Services, Seminole, FL.	49 CFR 173.260(a)(3)	To become a party to exemption 9741. (Modes 1, 2, 3.)
9746–P	DOT–E 9746 ..	BOC Gases, Murray Hill, NJ.	49 CFR 173.264	To become a party to exemption 9746. (Modes 1, 3.)
9769–P	DOT–E 9769 ..	Burlington Environmental, Inc., Seattle, WA.	49 CFR 176.83, 177.848 .	To become a party to exemption 9769. (Modes 1, 2, 3.)
9781–X	DOT–E 9781 ..	Chlorine Institute, Inc., Washington, DC.	49 CFR 173.304(a)(2), 173.34(d), (e).	Authorizes the use of a non-DOT specification full opening head, steel salvage cylinder for overpacking damaged or leaking chlorine cylinders. (Mode 1.)
9781–X	DOT–E 9781 ..	Chlorine Institute, Inc., Washington, DC.	49 CFR 173.304(a)(2), 173.34(d), (e).	Authorizes the use of a non-DOT specification full opening head, steel salvage cylinder for overpacking damaged or leaking chlorine cylinders. (Mode 1.)
9781–X	DOT–E 9781 ..	Chlorine Institute, Inc., Washington, DC.	49 CFR 173.304(a)(2), 173.34(d), (e).	Authorizes the use of a non-DOT specification full opening head, steel salvage cylinder for overpacking damaged or leaking chlorine cylinders. (Mode 1.)
9884–X	DOT–E 9884 ..	Puritan-Bennett Corporation, Indianapolis, IN.	49 CFR 173.316, 178.57–(8)(c), 178.57–2.	Authorizes the manufacture, marking, and sale of a non-DOT specification insulated cylinder conforming with 49 CFR 178.57 except 178.57–2 and 178.57–8(c) and DOT 4L Specification with exceptions. (Mode 1.)
9977–X	DOT–E 9977 ..	Hercules Incorporated, Magna, UT.	49 CFR 173.88(e)(2)(ii), 173.92(a)(i), 173.92(b).	Authorizes the transport of rocket motors in a propulsive state, with igniters installed. (Mode 1.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9990–P	DOT–E 9990 ..	Olin Ordnance, Downey, CA.	49 CFR 173.113	To become a party to exemption 9990. (Mode 1.)
9990–P	DOT–E 9990 ..	GenCorp Aerojet Ordnance, Chino Hills, CA.	49 CFR 173.113	To become a party to exemption 9990 (Mode 1.)
10001–P	DOT–E 10001	Grand Rapids Welding Supply Co., Grand Rapids, MI.	49 CFR 173.316, 173.320	To become a party to exemption 10001. (Mode 1.)
10001–P	DOT–E 10001	BOC Gases, Murray Hill, NJ.	49 CFR 173.316, 173.320	To become a party to exemption 10001. (Mode 1.)
10094–P	DOT–E 10094	Dyno Nobel, Inc., Salt Lake City, UT.	49 CFR 173.154(a)(17)	To become a party to exemption 10094. (Mode 2.)
10101–P	DOT–E 10101	BOC Gases, Murray Hill, NJ.	49 CFR 173.301(c), 173.34(e)(15).	To become a party to exemption 10101. (Mode 1.)
10127–X	DOT–E 10127	Thiokol Corporation, Huntsville, AL.	49 CFR 173.92	Authorizes the transport of a rocket motor with igniter installed and in a packaging not authorized by 49 CFR (Mode 2.)
10141–P	DOT–E 10141	Engelhard Corporation, Carteret, NJ.	49 CFR 173.421(d), 173.421–1(a), Part 107, Subpart B, Appendix B.	To become a party to exemption 10141. (Modes 1, 2, 3, 4.)
10195–X	DOT–E 10195	Catalyst Resources, Inc., Pasadena, TX.	49 CFR 173.119, 173.245, 173.34(e).	Authorizes a 15 year service life for cylinders that are subjected to 5 year internal and external visual inspections when used in dedicated compatible catalyst formulation service. (Modes 1, 2, 3.)
10251–P	DOT–E 10251	Aztec Peroxides, Inc., Elyria, OH.	49 CFR 173.314(c), 179.106–3(c).	To become a party to exemption 10251. (Mode 2.)
10285–X	DOT–E 10285	Western Growers Association, Newport Beach, CA.	49 CFR 173.29, 173.315 .	To authorize shipment of residual amounts of ammonia in DOT specification packagings. (Mode 1.)
10291–X	DOT–E 10291	Tankbouw Rootselaar B.V., Holland.	49 CFR 173.315, 178.245	Authorizes the manufacture, marking, and sale of non-DOT specification IMO Type 5 portable tanks for shipment of certain flammable and nonflammable compressed gases. (Modes 1, 2, 3.)
10307–P	DOT–E 10307	Alcoa Specialty Chemicals, Inc., Westlake, LA.	49 CFR 179.200–18, 179.201–1.	To become a party to exemption 10307. (Mode 2.)
10336–X	DOT–E 10336	Morton International, Inc., Ogden, UT.	49 CFR 173.93(a)(9)	Authorizes the transportation of propellant explosives, solid in packagings larger than those authorized in 49 CFR 173.93. (Mode 1.)
10380–X	DOT–E 10380	Reeled Tubing, Inc., Harvey, LA.	49 CFR 173.320	Authorizes the manufacture, marking, and sale of non-DOT specification cryogenic portable tanks, for transportation of nonflammable gases. (Mode 3.)
10429–P	DOT–E 10429	Nalco Chemical Company/Exxon Energy Chemicals, L.P., Sugar Land, TX.	49 CFR 177.834(h), Part 107 appendix B(1), Part 173, Subpart D and F.	To become a party to exemption 10429. (Mode 1.)
10441–P	DOT–E 10441	Consolidated Waste Industries, Inc., Montclair, CA.	49 CFR 177.848	To become a party to exemption 10441. (Mode 1.)
10441–P	DOT–E 10441	Division Transport/ ENPAK, El Dorado, AR.	49 CFR 177.848	To become a party to exemption 10441. (Mode 1.)
10441–P	DOT–E 10441	Eastern Chemical Waste Systems-Caribe, Inc., Silver Spring, MD.	49 CFR 177.848	To become a party to exemption 10441. (Mode 1.)
10441–P	DOT–E 10441	General Chemical Corporation, Framingham, MA.	49 CFR 177.848	To become a party to exemption 10441. (Mode 1.)
10441–P	DOT–E 10441	Frank's Vacuum Truck Service, Inc., Niagara Falls, NY.	49 CFR 177.848	To become a party to exemption 10441. (Mode 1.)
10441–P	DOT–E 10441	Franklin Environmental Services, Inc., Wrentham, MA.	49 CFR 177.848	To become a party to exemption 10441. (Mode 1.)
10441–P	DOT–E 10441	MKC Enterprises, Inc., Atlanta, GA.	49 CFR 177.848	To become a party to exemption 10441. (Mode 1.)
10441–P	DOT–E 10441	Clean Harbors Environmental Services, Inc., Quincy, MA.	49 CFR 177.848	To become a party to exemption 10441. (Mode 1.)
10441–P	DOT–E 10441	Dart Trucking Company, Inc., Canfield, OH.	49 CFR 177.848	To become a party to exemption 10441. (Mode 1.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10476–X	DOT–E 10476	Syn-Tex B.A.G., Winnipeg, Manitoba, Canada.	49 CFR 172.331, 173.114a, 173.154, 173.164, 173.178, 173.182, 173.204, 173.217, 173.234, 173.245b, 173.365, 173.366, 173.367.	Authorizes the manufacture, marking and sale of large, non-reusable collapsible polypropylene-lined woven polypropylene bulk bags, having a capacity of up to 2204 pounds each and top and bottom outlets, for shipment of flammable, corrosive, oxidizer, blasting agent and poison B solids. (Modes 1, 2, 3.)
10497–P	DOT–E 10497	Martin Marietta, Princeton, NJ.	49 CFR 173.336, 177.834(m), 179.300.	To become a party to exemption 10497. (Modes 1, 3.)
10517–P	DOT–E 10517	Nalco Chemical Company/Exxon Energy Chemicals, L.P., Sugar Land, TX.	49 CFR 173.32(e)(1)(ii)	To become a party to exemption 10517. (Modes 1, 2, 3.)
10575–P	DOT–E 10575	BOC Gases, Murray Hill, NJ.	49 CFR 174.67(i), (j), Part 107, Appendix B, Subpart B.	To become a party to exemption 10575. (Mode 2.)
10589–P	DOT–E 10589	Testing Associates, LA Honda, CA.	49 CFR 173.31(c)(3)	To become a party to exemption 10589. (Mode 2.)
10589–P	DOT–E 10589	Union Tan Car Company, East Chicago, IN.	49 CFR 173.31(c)(3)	To become a party to exemption 10589. (Mode 2.)
10589–P	DOT–E 10589	Physical Acoustics Corporation, Lawrenceville, NJ.	49 CFR 173.31(c)(3)	To become a party to exemption 10589. (Mode 2.)
10623–P	DOT–E 10623	Island Gases Limited, Jupiter, FL.	49 CFR 172.203, 173.318, 173.32, 176.76(h), 178.338.	To become a party to exemption 10623. (Modes 1, 3.)
10645–X	DOT–E 10645	Essex Cryogenics of Missouri, Inc., St. Louis, MO.	49 CFR 173.316; 178.57–8(c).	To authorize the manufacture, marking and sale of one liter non-DOT specification cylinders conforming to specification 4L for use as part of a portable mobile system for the physically impaired. (Mode 1.)
10660–P	DOT–E 10660	Sigma Chemical Company, St. Louis, MO.	49 CFR 172.402(a)(1), 172.403(e), 173.4(a)(1)(i–iii), 173.4(a)(1)(iv).	To become a party to exemption 10660. (Modes 1, 4.)
10660–P	DOT–E 10660	DuPont Radiopharmaceuticals, North Billerica, MA.	49 CFR 172.402(a)(1), 172.403(e), 173.4(a)(1)(i–iii), 173.4(a)(1)(iv).	To become a party to exemption 10660. (Modes 1, 4.)
10688–P	DOT–E 10688	Northern Alps, Inc., d/b/a Willow Air Service, Willow, AK.	49 CFR 175.310	To become a party to exemption 10688. (Mode 5).
10688–P	DOT–E 10688	M&M Aviation, Inc. d/b/a Airlift Alaska, Anchorage, AK.	49 CFR 175.310	To become a party to exemption 10688. (Mode 5).
10692–X	DOT–E 10692	Technical Manufactured Products Jasper, GA.	49 CFR 178.61–11, 178.61–15, 178.61–20, 178.61–5, 178.61–8(c)(2).	To authorize the manufacture, mark and sale of non-DOT specification cylinders constructed of ASTM A240 type 304L stainless steel built to 4BW specification to store and transport liquified petroleum gas. (Mode 1).
10692–X	DOT–E 10692	Technical Manufactured Products, Jasper, GA.	49 CFR 178.61–11, 178.61–15, 178.61–20, 178.61–5, 178.61–8(c)(2).	To authorize the manufacture, mark and sale of non-DOT specification cylinders constructed of ASTM A240 type 304L stainless steel built to 4BW specification to store and transport liquified petroleum gas. (Mode 1.)a party to exemption !.
10692–P	DOT–E 10692	MIller-Leaman, Inc., Port Orange, FL.	49 CFR 178.61–11, 178.61–15, 178.61–20, 178.61–5, 178.61–8(c)(2).	To become a party to exemption 10692. (Mode 1.)
10695–X	DOT–E 10695	3M Company, St. Paul, MN.	49 CFR 172.101, 172.400(b), 172.504(e).	Authorizes the transportation by rail and highway of ethylene oxide packaged in aluminum cartridges within a fiberboard box with a flammable gas (Division 2.1) label instead of both poison gas (Division 2.3) and flammable gas labels. (Modes 1, 2.)
10706–X	DOT–E 10706	Energy & Environmental Technology Company (EETCO), Southfield, MI.	49 CFR 173.119	Authorizes the shipment of a flammable liquid in a non-DOT specification cylindrical steel packaging with a removable end which is bolted on for closure. (Mode 1.)
10709–P	DOT–E 10709	Nalco Chemical Company, Naperville, IL.	49 CFR 173.119(m)	To become a party to exemption 10709. (Modes 1, 2, 3.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10738–P	DOT–E 10738	Rotonics Molding Industries, Gardena, CA.	49 CFR 173.118a, 173.119, 173.256, 173.266, 176.340, 178.19, 178.253.	To manufacture, mark and sell a 300 gallon non-DOT specification, rotationally molded, polyethylene tank equipped with bottom outlet designed to be stackable for use in transporting various classes of material. (Modes 1, 2.)
10741–X	DOT–E 10741	Northern Natural Gas Company, Houston, TX.	49 CFR 178.36–2 thru 178.36–18.	To authorize the use of a non-DOT specification cylinder comparable to a 3AX cylinder for use transporting compressed natural gas. (Mode 1.)
10751–P	DOT–E 10751	Conex, Inc., Derby, IN	49 CFR 177.848	To become a party to exemption 10751. (Mode 1.)
10751–P	DOT–E 10751	Piedmont Explosives, Inc., Statesville, NC.	49 CFR 177.848	To become a party to exemption 10751. (Mode 1.)
10751–P	DOT–E 10751	IRECO of Florida, Inc., Miramar, FL.	49 CFR 177.848	To become a party to exemption 10751. (Mode 1.)
10751–P	DOT–E 10751	Dyna-Blast, Inc., Nortonville, KY.	49 CFR 177.848	To become a party to exemption 10751. (Mode 1.)
10751–P	DOT–E 10751	Alaska-Pacific Powder Company, Anchorage, AK.	49 CFR 177.848	To become a party to exemption 10751. (Mode 1.)
10785–X	DOT–E 10785	Kay-Ray/Sensall, Inc., Mt. Prospect, IL.	49 CFR 173.302, 175.3 ...	Authorizes the manufacture, marking and sale of non-DOT specification containers (radiation detection chamber) in certain non-contacting measurement systems. (Modes 1, 2, 3, 4, 5.)
10789–P	DOT–E 10789	DX Distributors, Inc., Houston, TX.	49 CFR 173.304(a)(2), 173.34(d) and (e).	To become a party to exemption 10789. (Mode 1.)
10798–X	DOT–E 10798	Olin Corporation, Stamford, CT.	49 CFR 174.67(i) and (j), Part 107, Appendix B.	Authorizes tank cars, containing chlorine, to remain standing with unloading connections attached when no product is being transferred. (Mode 2.)
10798–X	DOT–E 10798	Olin Corporation, Stamford, CT.	49 CFR 174.67(i) and (j), Part 107, Appendix B.	Authorizes tank cars, containing chlorine, to remain standing with unloading connections attached when no product is being transferred. (Mode 2.)
10827–X	DOT–E 10827	Shannon Packaging Company, Covina, CA.	49 CFR 173.12(b)(1), 49 CFR Part 107.	To authorize the manufacture, mark and sell of non-DOT specification quad-wall fiberboard boxes equipped with polyethylene film and aluminum foil liner specifically designed for use in transporting lab packs. (Mode 1.)
10916–P	DOT–E 10916	Nalco Chemical Company/Exxon Energy Chemicals, L.P., Sugar Land, TX.	49 CFR Part 173, Subpart F and 178.251–2(a).	To become a party to exemption 10916. (Modes 1, 2, 3.)
10933–P	DOT–E 10933	Division Transport/ ENPAK, El Dorado, AR.	49 CFR 173.12, 174.81, 176.83 and 177.848.	To become a party to exemption 10933. (Modes 1, 2, 3.)
10933–P	DOT–E 10933	Eastern Chemical Waste Systems-Caribe, Inc., Silver Spring, MD.	49 CFR 173.12, 174.81, 176.83 and 177.848.	To become a party to exemption 10933. (Modes 1, 2, 3.)
10933–P	DOT–E 10933	Chemical Waste Management, Inc., Oak Brook, IL.	49 CFR 173.12, 174.81, 176.83 and 177.848.	To become a party to exemption 10933. (Modes 1, 2, 3.)
10933–P	DOT–E 10933	All Chemical Disposal, Inc., San Jose, CA.	49 CFR 173.12, 174.81, 176.83 and 177.848.	To become a party to exemption 10933. (Modes 1, 2, 3.)
10933–P	DOT–E 10933	REMAC USA, Inc., Silver Spring, MD.	49 CFR 173.12, 174.81, 176.83 and 177.848.	To become a party to exemption 10933. (Modes 1, 2, 3.)
10949–P	DOT–E 10949	Environmental Transportation Services, Inc., Oklahoma City, OK.	49 CFR 177.848(c)	To become a party to exemption 10949. (Mode 2.)
10962–X	DOT–E 10962	International Compliance Center (USA), Ltd., Niagara Falls, NY.	49 CFR Part 172, Subparts E & F, Part 177, Subpart C.	To authorize the manufacture, mark and sale of specially designed combination packaging for shipment of limited quantities of various classes of hazardous materials. (Mode 1.)
10965–P	DOT–E 10965	HASA of Arizona, Inc., Eloy, AZ.	49 CFR 173.152(b)(1), 173.217(c).	To become a party to exemption 10965. (Mode 1.)
10984–P	DOT–E 10984	BOC Gases, Murray Hill, NJ.	49 CFR 173.304	To become a party to exemption 10984. (Modes 1, 3.)
11025–X	DOT–E 11025	Mass Systems, Inc., Baldwin Park, CA.	49 CFR 173.302(a)(2), 175.3, 178.44.	To authorize the manufacture, mark and sell of a non-DOT specification welded stainless steel cylinder having 200 cubic inches maximum water capacity and 3800 psi maximum service pressure for transporting various Division 2.2 commodities. (Modes 1, 2, 4, 5.)
11037–P	DOT–E 11037	W. A. Cleary Chemical Corporation, Somerset, NJ.	49 CFR 172.101	To become a party to exemption 11037. (Modes 1, 2, 3, 4, 5.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11037–P	DOT–E 11037	Wilbur-Ellis Company, Fresno, CA.	49 CFR 172.101	To become a party to exemption 11037. (Modes 1, 2, 3, 4, 5.)
11043–P	DOT–E 11043	Hazmat Environmental Group, Inc., Buffalo, NY.	49 CFR 177.848	To become a party to exemption 11043. (Mode 1.)
11043–P	DOT–E 11043	Frank's Vacuum Truck Service, Inc., Niagara Falls, NY.	49 CFR 177.848	To become a party to exemption 11043. (Mode 1.)
11043–P	DOT–E 11043	Chemical Waste Management, Inc., Oak Brook, IL.	49 CFR 177.848	To become a party to exemption 11043. (Modes 1.)
11043–P	DOT–E 11043	Division Transport, El Dorado, AR.	49 CFR 177.848	To become a party to exemption 11043. (Mode 1.)
11043–P	DOT–E 11043	Dart Trucking Company, Inc., Canfield, OH.	49 CFR 177.848	To become a party to exemption 11043. (Mode 1.)
11043–P	DOT–E 11043	Advanced Environmental Technology Corporation, Flanders, NJ.	49 CFR 177.848	To become a party to exemption 11043. (Mode 1.)
11043–P	DOT–E 11043	California Advanced Environmental Technology Corp., Hayward, CA.	49 CFR 177.848	To become a party to exemption 11043. (Mode 1.)
11050–P	DOT–E 11050	Arrow Terminal Company, Industry, PA.	49 CFR 174.67(i)+(j)	To become a party to exemption 11050. (Mode 2.)
11055–P	DOT–E 11055	Hazmat Environmental Group, Inc., Buffalo, NY.	49 CFR 173.226, 174.81, 176.83, 177.848.	To become a party to exemption 11055. (Modes 1, 2, 3.)
11055–P	DOT–E 11055	Chemical Waste Management, Inc., Oak Brook, IL.	49 CFR 173.226, 174.81, 176.83, 177.848.	To become a party to exemption 11055. (Modes 1, 2, 3.)
11090–X	DOT–E 11090	Mobile Ripening Systems, Inc., Jessup, MD.	49 CFR 177.809 and 177.817, Part 107, Subpart B, Appendix B, Part 172, Subpart C, D and E; 173.24(b)(1).	To authorize the controlled release of ethylene, contained in DOT specification cylinders, into a transport vehicle for the purpose of ripening fruits and vegetables. (Mode 1.)
11119–P	DOT–E 11119	G.H. Brown Automotive, Inc., Perkasie, PA.	49 CFR 173.152	To become a party to exemption 11119. (Modes 1, 2.)
11119–P	DOT–E 11119	Auto Refinish Distributors, Inc., Tulsa, OK.	49 CFR 173.152	To become a party to exemption 11119. (Modes 1, 2.)
11135–P	DOT–E 11135	GE Silicones, Waterford, NY.	49 CFR 173.29(b)(ii)	To become a party to exemption 11135. (Mode 2.)
11136–P	DOT–E 11136	International Fireworks Co., Inc., Newton, NJ.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320.	To become a party to exemption 11136. (Mode 4.)
11136–P	DOT–E 11136	Rodney Clark, Anchorage, AK.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320.	To become a party to exemption 11136. (Mode 4.)
11136–P	DOT–E 11136	Lynn C. Johnson, Anchorage, AK.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320.	To become a party to exemption 11136. (Mode 4.)
11136–P	DOT–E 11136	Alfred R. Lupton, Anchorage, AK.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320.	To become a party to exemption 11136. (Mode 4.)
11136–P	DOT–E 11136	Mark O. Holt, Kodiak, AK	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320.	To become a part to exemption 11136. (Mode 4.)
11136–P	DOT–E 11136	FireArt by Griz, Anchorage, AK.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320.	To become a party to exemption 11136. (Mode 4.)
11136–P	DOT–E 11136	J & J Pyrotechnics, Manufacturing, Inc., Moscow, PA.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320.	To become a party to exemption 11136. (Mode 4.)
11139–X	DOT–E 11139	Alaska Pacific Powder Company, Olympia, WA.	49 CFR 173.62, Part 107 Appendix B(1), 172.301(c), 175.320(a).	The authorizes the transportation in commerce, aboard cargo aircraft, in Alaska, Explosives, blasting, type E, Division 1.5D which are described in 49 CFR Section 175.320 as Blasting agent, n.o.s. (Mode 4.)
11139–P	DOT–E 11139	DYNO—Alaska, Olympia, WA.	49 CFR I73.62, Part 107 Appendix B(1), 172.301(c), 175.320(a).	To become a party to exemption 11139. (Mode 4.)
11139–P	DOT–E 11139	DYNO—Northwest, Olympia, WA.	49 CFR 173.62, Part 107 Appendix B(1), 172.301(c), 175.320(a).	To become a party to exemption 11139. (Mode 4.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11139–P	DOT–E 11139	Pacific Powder Company, Olympia, WA.	49 CFR 173.62, Part 107 Appendix B(1), 172.301(c), 175.320(a).	To become a party to exemption 11139. (Mode 4.)
11156–P	DOT–E 11156	ICI Explosives USA, Inc., Dallas, TX.	49 CFR 173.62	To become a party to exemption 11156. (Mode 1.)
11156–P	DOT–E 11156	St. Lawrence Explosives Corp., Adams Center, NY.	49 CFR 173.62	To become a party to exemption 11156. (Mode 1.)
11156–P	DOT–E 11156	Evenson Explosives, Inc., Morris, IL.	49 CFR 173.62	To become a party to exemption 11156. (Mode 1.)
11156–P	DOT–E 11156	Explosives Technologies International, Wilmington, DE.	49 CFR 173.62	To become a party to exemption 11156. (Mode 1.)
11156–P	DOT–E 11156	Dyna-Blast, Inc., Nortonville, KY.	49 CFR 173.62	To become a party to exemption 11156. (Mode 1.)
11156–P	DOT–E 11156	Slurry Explosive Corporation, Columbus, KS.	49 CFR 173.62	To become a party to exemption 11156. (Mode 1.)
11156–P	DOT–E 11156	Slurry Explosive Corporation, Columbus, KS.	49 CFR 173.62	To become a party to exemption 11156. (Mode 1.)
11156–P	DOT–E 11156	Quick Supply Co., Des Moines, IA.	49 CFR 173.62	To become a party to exemption 11156. (Mode 1.)
11156–P	DOT–E 11156	Piedmont Explosives, Inc., Statesville, NC.	49 CFR 173.62	To become a party to exemption 11156. (Mode 1.)
11156–P	DOT–E 11156	Cherokee Products, Inc., Jefferson City, TN.	49 CFR 173.62	To become a party to exemption 11156. (Mode 1.)
11156–P	DOT–E 11156	El Dorado Chemical Company, St. Louis, MO.	49 CFR 173.62	To become a party to exemption 11156. (Mode 1.)
11156–P	DOT–E 11156	Maurer & Scott Sales, Inc., Lehigh Valley, PA.	49 CFR 173.62	To become a party to exemption 11156. (Mode 1.)
11156–P	DOT–E 11156	Buckley Powder Co., Englewood, CO.	49 CFR 173.62	To become a party to exemption 11156. (Mode 1.)
11156–P	DOT–E 11156	MEMSCO, Dawson Springs, KY.	49 CFR 173.62	To become a party to exemption 11156. (Mode 1.)
11184–P	DOT–E 11184	BP Chemicals, Inc., Cleveland, OH.	49 CFR 179.101–1	To become a party to exemption 11184. (Mode 2.)
11189–P	DOT–E 11189	TRW Vehicle Safety Systems, Inc., Washington, MI.	49 CFR 172.101, 173.56, 173.116.	To authorize automotive passive restraint inflators and/or modules, which are capable of passing certain UN test criteria, to be shipped as class 9. (Modes 1, 2, 3, 4, 5.)
11189–P	DOT–E 11189	TEMIC, Aschau, Germany	49 CFR 172.101, 173.56, 173.116.	To become a party to exemption 11189. (Modes 1, 2, 3, 4, 5.)
11189–P	DOT–E 11189	Takata Moses Lake, Inc. (''TML''), Moses Lake, WA.	49 CFR 172.101, 173.56, 173.116.	To become a party to exemption 11189. (Modes 1, 2, 3, 4, 5.)
11189–P	DOT–E 11189	Automotive Systems Laboratory, Inc. (''ASL''), Farmington Hills, MI.	49 CFR 172.101, 173.56, 173.116.	To become a party to exemption 11189. (Modes 1, 2, 3, 4, 5.)
11189–P	DOT–E 11189	Inflation Systems, Inc. (''ISI''), LaGrange, GA.	49 CFR 172.101, 173.56, 173.116.	To become a party to exemption 11189. (Modes 1, 2, 3, 4, 5.)
11189–P	DOT–E 11189	Takata, Inc., Auburn Hills, MI.	49 CFR 172.101, 173.56, 173.116.	To become a party to exemption 11189. (Modes 1, 2, 3, 4, 5.)
11189–P	DOT–E 11189	Toyota Motor Sales, U.S.A., Inc., Torrance, CA.	49 CFR 172.101, 173.56, 173.116.	To become a party to exemption 11189. (Modes 1, 2, 3, 4, 5.)
11189–X	DOT–E 11189	Morton International, Inc., Ogden, UT.	49 CFR 172.101, 173.56, 173.116.	To authorize automotive passive restraint inflators and/or modules, which are capable of passing certain UN test criteria, to be shipped as class 9. (Modes 1, 2, 3, 4, 5.)
11189–P	DOT–E 11189	Honda of America Mfg., Inc., Marysville, OH.	49 CFR 172.101, 173.56, 173.116.	To become a party to exemption 11189. (Modes 1, 2, 3, 4, 5.)
11189–P	DOT–E 11189	Diamond-Star Motors, Normal, IL.	49 CFR 172.101, 173.56, 173.116.	To become a party to exemption 11189. (Modes 1, 2, 3, 4, 5.)
11189–P	DOT–E 11189	Breed Technologies, Inc., Lakeland, FL.	49 CFR 172.101, 173.56, 173.116.	To authorize automotive passive restraint inflators and/or modules, which are capable of passing certain UN test criteria, to be shipped as class 9. (Modes 1, 2, 3, 4, 5.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11215–X	DOT–E 11215	Orbital Sciences Corporation (OSC), Dulles, VA.	49 CFR and 173.62, Part 107, Subpart B, Appendix B; 172.102 note 109; Part 172 Subpart C, D, E, F; Part 173 Subpart E, G.	To authorize the transportation in commerce of certain hazardous materials, contained in a pegasus XL three stage winged solid fuel rocket in captive carry launch (CCL) configuration secured beneath a McDonnell Douglas L–1011 (L–1011) aircraft. The flight of the L–1011 must be in accordance with the range safety procedure of Vandenberg AFB, CA. (Mode 4.)
11251–P	DOT–E 11251	Aztec Peroxides, Inc., Elyria, OH.	49 CFR 173.225	To become a party to exemption 11251. (Mode 2.)
11253–P	DOT–E 11253	Rhone-Poulenc, Shelton, CT.	49 CFR 172.101, Special Provision B14, 173.315 Notes 4 and 24, 49 CFR Section.	To become a party to exemption 11253. (Mode 1.)
11253–P	DOT–E 11253	McKenzie Tank Lines, Inc., Tallahassee, FL.	49 CFR 172.101, Special Provision B14, 173.315 Notes 4 and 24, 49 CFR Section.	To become a party to exemption 11253. (Mode 1.)
11253–P	DOT–E 11253	Cominco Fertilizers Ltd., Calgary, Alberta, CN.	49 CFR 172.101, Special Provision B14, 173.315 Notes 4 and 24, 49 CFR Section.	To become a party to exemption 11253. (Mode 1.)
11253–P	DOT–E 11253	Coulton Chemical Corp., Sylvania, OH.	49 CFR 172.101, Special Provision B14, 173.315 Notes 4 and 24, 49 CFR Section.	To become a party to exemption 11253. (Mode 1.)
11253–P	DOT–E 11253	Hoechst Celanese Corp., Charlotte, NC.	49 CFR 172.101, Special Provision B14, 173.315 Notes 4 and 24, 49 CFR Section.	To become a party to exemption 11253. (Mode 1.)
11253–P	DOT–E 11253	MARSULEX, Inc., North York, Ontario, CN.	49 CFR 172.101, Special Provision B14, 173.315 Notes 4 and 24, 49 CFR Section.	To become a party to exemption 11253. (Mode 1.)
11253–P	DOT–E 11253	Peridot Chemicals (New Jersey), Inc., Newark, NJ.	49 CFR 172.101, Special Provision B14, 173.315 Notes 4 and 24, 49 CFR Section.	To become a party to exemption 11253. (Mode 1.)
11253–P	DOT–E 11253	Ruan Transport Corporation, Des Moines, IA.	49 CFR 172.101, Special Provision B14, 173.315 Notes 4 and 24, 49 CFR Section.	To become a party to exemption 11253. (Mode 1.)
11254–P	DOT–E 11254	Schlumberger Well Services, Houston, TX.	49 CFR 173.62(c), 49 CFR, Packing Method US006, Paragraph C and F.2.	To become a party to exemption 11254. (Mode 3.)
11347–X	DOT–E 11347	Nuclear Containers, Inc., Elizabethton, TN.	49 CFR 178.358	To authorize the manufacture, mark, and sell of DOT Specification 21PF–1B overpacks manufactured in variance with the Specification in 49 CFR 178.358 for the transportation of uranium hexafluoride, fissile (containing 1—5% U–235) in Type A cylinders. (Modes 1, 2, 3.)
		NEW EXEMPTIONS		
10328–N	DOT–E 10328	PPG Industries, Inc., Pittsburgh, PA.	49 CFR 173.119, 179.101–1(a), 179.102–11.	To authorize alternate safety relief valve settings for DOT specification tank cars used for shipment of certain flammable liquids. (Mode 2.)
10395–N	DOT–E 10395	Ceyogenic Services Incorporated, Canton, GA.	49 CFR 173.316(c)	To authorize the manufacture, marking and sale of a DOT Specification 4L cylinder to be used for the transportation of methane, refrigerated liquid, (Division 2.1). (Mode 1.)
11300–N	DOT–E 10441	North State Environmental, South San Francisco, CA.	49 CFR 177.848	To authorize transportation in commerce of cyanides, Division 6.1, in lab packs with Class 8 materials, not to exceed 55 gallons per container, to be transported on the same vehicle. (Mode 1.)
10511–N	DOT–E 10511	Schlumberger Well Services, Houston, TX.	49 CFR 173.304	To authorize shipment of sulfur hexafluoride, classed as a nonflammable gas, in a non-DOT specification device contained in a specially designed shipping vessel. (Modes 1, 2, 3, 4, 5.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10589–N	DOT–E 10589	Monsanto, St. Louis, MO .	49 CFR 173.31(c)(3)	To authorize an alternative method for (acoustic emission test) for retesting and to discontinue internal shell inspection of tank cars. (Mode 2.)
10751–N	DOT–E 10751	Ireco, Incorporated, Salt Lake City, UT.	49 CFR 177.848	To authorize the transportation of oxidizers and high explosives contained in a separate compartment in the same vehicle. (Mode 1.)
10791–N	DOT–E 10791	Con-Quest Products, Inc., Elk Grove Village, IL.	49 CFR 173.12(b)(1)	To authorize the manufacture, mark and sell of a non-DOT specification tri-wall corrugated container with a polyethylene inner base for use as a lab pack outer package for transporting various classes of material. (Mode 1.)
10858–N	DOT–E 10858	Ashland Chemical, Inc., Columbus, OH.	49 CFR 174.67(i)	To authorize tank cars containing various classes of hazardous materials to be exempt from physical presence of unloader during unloading. (Mode 2.)
10903–N	DOT–E 10903	National Medical Waste, Inc., Nashville, TN.	49 CFR 173.197	To authorize shipment of certain regulated medical waste contained in plastic bags overpacked in various size polyethylene carts not to exceed 269 gallon capacity. (Mode 1.)
10920–N	DOT–E 10920	Dodson International Air, Roswell, GA.	49 CFR 172.101, 172.204(c)(3), 173.27(b)(2), (3) and 173.27(f) Table 2, 175.30(e)(1).	To authorize the transportation in commerce of certain Division 1.1, 1.2, 1.3 and 1.4 explosives which are forbidden or exceed quantities authorized for transportation by cargo aircraft only. (Mode 4.)
10950–N	DOT–E 10950	The Fertilizer Institute on behalf of Members Co., Spokane, WA.	49 CFR 173.315(a) Note 17: 2, 6 & 7; 173.315(m).	To authorize the shipment of anhydrous ammonia for agricultural purposes in MC 330, 331 and non-DOT specification cargo tanks (nurse tanks) mounted on specially designed trucks. (Mode 1.)
10954–N	DOT–E 10954	Atlas Bag Company, Inc., Lincolnwood, IL.	49 CFR 173.211, 173.212, 173.213, 173.62.	To authorize the manufacture, mark and sale of non-DOT specification flexible intermediate bulk bags to be used in transporting various classes of hazardous materials. (Mode 2.)
10965–N	DOT–E 10965	HASA, Inc., Santa Clarita, CA.	49 CFR 173.152(b)(1), 173.217(c).	To authorize the transportation of various Division 5.1 products in ten pound or less plastic bottles overpacked with strong outside containers. (Mode 1.)
10986–N	DOT–E 10986	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.302(c)(2) (3) + (4), 173.34(e)(1)(3) (4) + (6).	To authorize ultrasonic retesting of DOT-Specification 3A cylinders used for shipment of liquefied and non-liquefied compressed gases, and mixtures of two or more gases classed as Division 2.1, 2.2 and 2.3 material. (Mode 1.)
10987–N	DOT–E 10987	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.163, 173.192(a), 173.302(a)(1), 173.304(a)(2), 173.34 (d) + (e).	To authorize the use of non-DOT specification salvage cylinders for shipment of certain hazardous materials which are authorized to be shipped in DOT-Specification cylinders. (Mode 1.)
10990–N	DOT–E 10990	Air Transport Association of America, Washington, DC.	49 CFR 173.34(e)	To authorize an alternative maintenance program for DOT-Specification 4DA and 4DS hermetically sealed cylinders charged with bromotrifluoromethane, compressed, Division 2.2 used as components on aircraft fire suppression systems. (Modes 1, 4, 5.)
11029–N	DOT–E 11029	Olin Ordnance, St. Marks, FL.	49 CFR 173.62(a) (b) + (c).	To authorize shipment of propellant explosives in water, classed as Division 1.3, in DOT MC–307, DOT–407, MC312 or DOT 412 cargo tanks having a minimum design pressure of 25 psig. (Mode 1.)
11043–N	DOT–E 11043	Laidlaw Environmental Services, Inc., Columbia, SC.	49 CFR 177.848	To load, transport and store Division 2.3 (Gas) or 6.1 (liquid), Packing Group 1, Zone A material, packed in ''lab-pack'' drums on the same transport vehicle carrying packagings containing various classes of hazardous materials. (Mode 1.)
11055–N	DOT–E 11055	Rollins CHEMPAK, Inc., Wilmington, DE.	49 CFR 173.226, 174.81, 176.83, 177.848.	To authorize the transportation of combination packages of Division 6.1, Packing Group I, Hazard Zone A material to be shipped with other hazardous materials. (Modes 1, 2, 3.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11075–N	DOT–E 11075	Kerr-McGee Chemical Corporation, Oklahoma City, OK.	49 CFR 172.202(e), 172.203(d)(2)(4), 172.310(a)(1), 172.331(b), 173.403(c), 173.425(c)(5), 173.443(a), 174.59, 174.700(e), 174.715(a).	To authorize relief from certain shipping paper, marking, placarding, and other requirements involving full trains of closed gondola cars containing soils and debris having low concentrations of naturally occurring radioactive material. (Mode 2.)
11078–N	DOT–E 11078	Ryder Aviall, Inc., Mt. Juliet, TN.	49 CFR 173.159 (d)(1) & (2).	To authorize the transport of batteries, wet, filled with alkali, electric storage, classed as Class 8, in specially designed packaging meeting UN 1H2 Packing Group III requirements to be shipped as essentially non-regulated. (Modes 1, 2, 4, 5.)
11082–N	DOT–E 11082	Advanced Tissue Sciences, Inc., La Jolla, CA.	49 CFR 173.136(a)(1), 173.137.	To authorize an alternative mechanical type test method to determine corrosivity and specific packaging group. (Modes 1, 2, 3, 4, 5.)
11088–N	DOT–E 11088	Federal Laboratories, Saltsburg, PA.	49 CFR 172.102	To exempt from labelling requirements small packages of various hazardous materials (i.e. tear gas type products) formerly requiring irritant label now reclassed to require a poison or explosive label. (Modes 1, 3, 4, 5.)
11099–N	DOT–E 11099	AMKO Service Company Gnadenhutten, OH.	49 CFR 173.302(c), 173.34(e).	To authorize acoustic emission retesting of DOT-Specification 3A and 3AA compressed gas cylinders (trailer tubes). (Modes 1, 2, 3.)
11132–N	DOT–E 11132	Uniroyal Chemical Company, Inc., Middlebury, CT.	49 CFR 173.224, 49 CFR	To authorize the transport of Division 4.1, flammable solid, in a specially designed composite type packaging in quantities not to exceed 55 pounds. (Mode 1.)
11141–N	DOT–E 11141	McClure Industries, Inc., Portland, OR.	49 CFR 173.197	To authorize shipment of certain regulated medical waste contained in plastic bags overpacked in steel bulk roll-off type containers secured to specially designed trucks. (mode 1.)
11156–N	DOT–E 11156	Austin Powder Company, Cleveland, OH.	49 CFR 173.62	To authorize the transport of ammonium nitrate-fuel oil mixture, classed as Division 1.5 in specially designed multi-wall plastic lined bags meeting UN packaging criteria except not sift-proof. (Mode 1.)
11159–N	DOT–E 11159	Fort Container Systems Inc. Brampton, Ontario, Canada.	49 CFR 178.253, CFR Part 173, Subpart F, 178.19.	To authorize the manufacture, mark and sell of rotationally moulded polyethylene intermediate bulk containers equipped with stackable steel frame, with a capacity of 300 gallons, for shipment of Class 8 material. (Modes 1, 2.)
11163–N	DOT–E 11163	Control Instruments Corporation, Fairfield, NJ.	49 CFR 172.101	To authorize the transport of hydrogen, compressed, Division 2.1 otherwise forbidden on passenger aircraft, as part of a protable monitoring system. (Mode 5.).
11167–N	DOT–E 11167	Eco-Pak, Inc., Elizabeth, TN.	49 CFR 173.240–244	To manufacture, marking and sell a non-DOT specification 250 gallon capacity packaging system, consisting of a inner and outer cylindrical metal container meeting group I packaging criteria, for shipment of all packaging group I materials, solids and liquids. (Modes 1, 2, 3, 4.)
11172–N	DOT–E 11172	Lockheed Engineering & Sciences Company, San Diego, CA.	49 CFR 173.301(h), 173.302 (a)(1)(2) & (3), 175.3.	To authorize the transportation of non-Dot specification (spherically shaped) cylinders, comparable to DOT specification 3A, to transport air, nitrogen, and oxygen in non-liquefied form as part of a submergence rescue system. (Modes 1, 4, 5.)
11178–N	DOT–E 11178	Great Lakes Chemical Corporation, El Dorado, AR.	49 CFR 173.226	To authorize the transportation of bromine, Class 8, in specially designed non-bulk reusable containers constructed of steel equipped with removable head with design pressure of 75 psig. (Mode 1.)
11184–N	DOT–E 11184	Rohm and Haas Company, Philadelphia, PA.	49 CFR 179.101–1	To authorize the transportation of flammable liquids, Class 3 in DOT–105J300 tank cars equipped with either 75 psi or 150 psi safety relief valves. (Mode 2.)
11186–N	DOT–E 11186	Cryenco, Inc., Denver, CO	49 CFR 173.318	To authorize the manufacture, mark and sell of a cryogenic portable tank of SA–240 316L construction, comparable to MC–338, equipped with safety relief valve with 250 psig for use in transporting hazardous materials classed in Division 2.1 and 2.2. (Modes 1, 2, 3.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11190–N	DOT–E 11190	Olin Corporation, Winchester Division, East Alton, IL.	49 CFR 173.62(c)	To authorize the transportation of 1G fiber drums as outer packaging for use in transporting various classes of explosives. (Modes 1, 3, 4.)
11191–N	DOT–E 11191	Alaska Helicopters, Inc., Anchorage, AK.	49 CFR 172.101, 173.241, 173.242, 173.243.	To authorize the bulk transportation of class 3 hazardous materials in quantities greater than those presently authorized by cargo air. (Mode 4.)
11192–N	DOT–E 11192	Bulk Sak, Inc., Malvern, AR.	49 CFR 172.101, 172.331, 173.124, 173.152, 173.154, 173.164, 173.204, 173.213, 173.217, 173.227, 173.240, 173.241, 173.242, 173.244.	To authorize the manufacture, mark and sell of non-DOT specification collapsable, nonreusable, flexible bulk bags for use in transporting various classes of solid hazardous material. (Modes 1, 2, 3.)
11196–N	DOT–E 11196	DHE (Fabrication and Machining), Vereeniging, Republic of So. Africa.	49 CFR 178.245–1(b)	To authorize the transportation of various classes of hazardous material in non-DOT specification steel portable tanks similar to Specification 51 equipped with fittings at the end or on top in one location. (Modes 1, 2, 3.)
11202–N	DOT–E 11202	Newport News Shipbuilding and Dry Dock Company, Newport News, VA.	49 CFR 173, 49 CFR 172	To authorize the intra plant transportation across a public street, of various classes of hazardous materials in quantities not to exceed 55 gallons to be transported as non-regulated. (Mode 1.)
11204–N	DOT–E 11204	Vulcan Chemicals, Birmingham, AL.	49 CFR 174.67(j)	To authorize tank cars equipped with 2″ valve hose under 30 psig pressure to remain connected during unloading of hydrochloric acid, Class *. (Mode 2.)
11206–N	DOT–E 11206	Western Atlas International, Houston, TX.	49 CFR 173.62, Packing Method E–124, PPR–33.	To authorize the transportation of detonating cord, Class 1, in plastic bags as alternative inner packaging overpacked as specified in CFR. (Modes 1, 3, 4, 5.)
11210–N	DOT–E 11210	Owl Scientific, Inc., Woburn, MA.	49 CFR 49 CFR 173.4(a)(2)(ii).	To authorize the manufacture, mark and sell of a specially designed packaging incorporating an inner receptacle, which is thinner than required, for shipment of approximately 16.11 grams of a 5.1 material as non regulated. (Modes 1, 2, 4.)
11220–N	DOT–E 11220	Nalco Chemical Company, Naperville, IL.	49 CFR 173.28(b)(2)	To authorize the reuse of certain stainless steel packagings without leakproofness air test for use in transporting various classes of hazardous materials, Class 1, 8, 9 and Division 5.1, 6.1. (Modes 1, 2, 3.)
11221–N	DOT–E 11221	Matrix Construction, Inc., Anchorage, AK.	49 CFR 172.101, 173.315	To authorize the bulk transportation of Propane, Division 2.1, in DOT–51 specification portable fuel tanks in quantities greater than those presently authorized by cargo air. (Mode 4.)
11226–N	DOT–E 11226	Carpenter Co., Pasadena, TX.	49 CFR 174.67(a) and (j)	To authorize rail cars containing ethylene oxide, Division 2.3, PIH, zone C, to remain connected during unloading without the physical presence of an unloader. (Mode 2.)
11228–N	DOT–E 11228	High Voltage Environmental Applications, Inc., Miami, FL.	49 CFR 173.315	To authorize transportation of a specially designed packaging configuration containing sulfur hexafluoride, Division 2.2. (Mode 1.)
11240–N	DOT–E 11240	Mead Fine Paper, Chillicothe, OH.	49 CFR 173.31(A1)(c)	To authorize a one-time shipment of a DOT-Specification 111A100W1 rail car, which was filled after it was out-of-test, containing corrosive liquid, n.o.s., Class 8. (Mode 2.)
11242–N	DOT–E 11242	Northrop Corporation, Hawthorne, CA.	49 CFR 172.200, 172.300, 172.400, 173.60, 173.62.	To authorize the interfacility transportation of Class 1 explosives packaged in strong wooden boxes and shipped as non-regulated in private owned enclosed vehicles. (Mode 1.)
11248–N	DOT–E 11248	HAZMATPAC, Inc., Houston, TX.	49 CFR 173.3(a), 175.3, 177.848(b), 49 CFR 172 Subpart E & Subpart F, and Subpart H, Part 173, Subpart D, Subpart E, Subpart F.	To authorize the manufacture, mark and sale of specially designed combination type packaging for transporting certain hazardous materials in limited quantities without required labelling and placarding. (Modes 1, 2, 3, 4, 5.)
11251–N	DOT–E 11251	Akzo Chemicals, Inc., Chicago, IL.	49 CFR 173.225	To authorize the transportation of Division 5.2 organic peroxide solid or liquid material in 4H2 combination packaging. (Mode 2.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
11253–N	DOT–E 11253	Boliden Intertrade, Inc. et al., Atlanta, GA.	49 CFR 172.101, Special Provision B14, 173.315 Notes 4 and 24, 49 CFR Section.	To authorize continued use of certain DOT specification MC 331 cargo tanks which are not insulated as required for shipment of Sulfur Doxide liquefied, Division 2.3. (Mode 1.)
11255–N	DOT–E 11255	Arvin Industries, Inc., Columbus, IN.	49 CFR 172, 299–200, 172.203–204, 173.300, 173.306(f)(1), 173.306(f)(2)(iii) and 173.306(f)(3).	To manufacture, mark and sell various gas pressurized shock absorbers, struts and cartridges with relief from certain required test parameters and shipped as consumer commodities, ORM–D, in specially designed packaging. (Modes 1, 2, 3, 4, 5.)
11260–N	DOT–E 11260	VIZ Manufacturing Company, Philadelphia, PA.	49 CFR 173.3069a)(1)	To authorize the transportation of argon, compressed gas, Division 2.2, in low pressure airbag, pressure switches, containing .021 cubic inch of argon at a pressure between 2500 and 3000 psi in specially designed packaging. (Mode 1.)
11263–N	DOT–E 11263	American Coke & Coal Chemicals Institute, Washington, DC.	49 CFR 172.101 (SP8, B45).	To authorize the transportation of solid coal tar pitch compounds, Class 9, in open-top and closed-top sift-proof metal cans in amounts that exceeds reportable quantities. (Mode 1.)
11265–N	DOT–E 11265	American Sterilizer Company, Erie, PA.	49 CFR 172.101, 172.504, 173.323, 174.81 and 77.848.	To authorize the shipment of ethylene oxide contained in aluminum cannisters overpacked in fiberboard boxes to carry a Division 2.1 label instead of a Division 2.3 label. (Modes 1, 2.)
11266–N	DOT–E 11266	Amersham Corporation, Burlington, MA.	49 CFR 173.416(e)	To authorize transportation of certain radioactive materials in a 20–WC overpack that has an alternative inner packaging. (Modes 1, 2, 4.)
11267–N	DOT–E 11267	The University of New Mexico, Albuquerque, NM.	49 CFR Part 173	To authorize the transportation of Space Nuclear Power systems (Topaz II), containing various hazardous material, to be shipped in a specially designed transport container. (Mode 1.)
11270–N	DOT–E 11270	B.F. Goodrich Company, Henry, IL.	49 CFR 174.67(i)(j)	To authorize chlorine filled tank cars to remain connected without the physical presence of an unloader. (Mode 2.)
11274–N	DOT–E 11274	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.306(c)	To authorize the transportation of personally owned fire extinguisher bottles in private owned vehicles shipped under military or civilian permanent change of station orders aboard cargo vessel. (Mode 3.)
11277–N	DOT–E 11277	Bulk Sak, Incorporated, Malvern, AK.	49 CFR Parts 173, Subpart E & F.	To authorize the manufacture, marking and sell of large, non-reusable, collapsible, woven polypropylene bulk bags (coated w/polyethylene film), incorporating four top lifting straps of woven polyester or polypropylene webbing with a minimum breaking strength of 6000 lbs, and having top and bottom outlets, for shipment of certain hazardous materials. (Modes 1, 2, 3.)
11281–N	DOT–E 11281	E.I. du Pont De Nemours & Company, Inc., Wilmington, DE.	49 CFR 172.101/SP B–14,, B–32 and T–38.	To authorize the transportation of certain Class 8 materials and Division 6.1, PIH material in uninsulated MC 312, 330, 331 and DOT 412 cargo tanks and DOT 51 portable tanks of stainless steel construction. (Mode 1.)
11283–N	DOT–E 11283	Zesto Therm, Inc., Cincinnati,OH.	49 CFR 171.2, 172.101, 173.1(b), 173.124(c), 173.144.	To authorize the transportation of flameless heating devices containing small quantities of material classed as Division 4.3 to be transported as consumer commodity, ORM–D. (Modes 1, 2.)
11287–N	DOT–E 11287	DADCO, Detroit, MI	49 CFR 173.306(f)	To provide for alternative testing criteria for gas spring devices containing small quantities of compressed, nonflammable nitrogen gas pressurized from 250 psi to 2175 psi at 70 degree F. (Modes 1, 2, 3, 4, 5.)
11297–N	DOT–E 11297	Reebok International Ltd., Stoughton, MA.	49 CFR (Parts 171–177) of Subtitle B, 175.10, Subchapter C.	This exemption authorizes the transportation of Reebok ''instapump'' inflators equipped with CO2 cartridges, classed in Division 2.2, which are presently forbidden either in the passenger cabin of the aircraft, or the cargo compartment. (Mode 5.)
1321–N	DOT–E 11321	E.I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 172.101 column 7, Special Provision B14 and T38.	To authorize the transportation of uninsulated DOT specification cargo tanks and portable tanks containing titanium tetrachloride which is poisonous by inhalation. (Mode 1.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EMERGENCY EXEMPTIONS				
EE6530–X	DOT–E 6530 ..	Valley Welding Supply Company, Wheeling, WV.	49 CFR 173.302(c)	Authorizes the shipment of hydrogen and mixtures of hydrogen with helium, argon or nitrogen in DOT Specification 3A, 3AA, 3AX or 3AAX steel cylinders. (Modes 1, 2.)
EE6691–X	DOT–E 6691 ..	Valley Welding Supply Company, Wheeling, WV.	49 CFR 173.34(e)(15)(i), Part 107, Subpart B, Appendix B.	Authorizes the use of DOT Specification 3A or 3AA cylinders over 35 years old, which can be retested every 10 years, for transportation of certain flammable and nonflammable gases. (Modes 1, 2, 3, 4.)
EE 6769–X ...	DOT–E 6769 ..	E.I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.314, 173.315	Authorizes the transport of trifluoromethane in DOT specification tank cars cargo tanks. (Modes 1, 2.)
EE 7835–X ...	DOT–E 7835 ..	Solkatronic Chemicals, Inc., Morrisville, PA.	49 CFR 177.848, Part 107, Appendix (B)(1).	Authorizes the transport of compressed gas cylinders bearing the flammable gas label, the oxidizer label, or the poison gas label and tank car tanks bearing the poison gas label on the same vehicle. (Mode 1.)
EE 7909–P ...	DOT–E 7909 ..	ALH Systems, Inc., Elk Grove Village, IL.	49 CFR 172.203, 172.400, 172.402(a)(2), 172.402(a)(3), 173.504(a), 173.345(a), 173.359(c), 173.364(a), 173.370(b), 173.370(d), 173.377(f), 175.3, 175.30, 175.33.	To become a party to exemption 7909. (Modes 1, 2.)
EE 8156–X ...	DOT–E 8156 ..	Valley Welding Supply Company, Wheeling, WV.	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1).	Authorizes the shipment of flammable gases in DOT Specification 39 cylinders up to 225 cubic inches in volume. (Modes 1, 2.)
EE 8458–X ...	DOT–E 8458 ..	Welland Chemical Inc., Newell, PA.	49 CFR 173.31(c) Table 1, 179.202–12(b).	Authorizes the conversion of DOT Specification 105A500W or 112A400W tank cars to a DOT Specification 111A100W2 tank car. (Mode 2.)
EE 8582–X ...	DOT–E 8582 ..	Metro-North Commuter Railroad Company, New York, NY.	49 CFR Parts 100–177	Authorizes the transport of railway track torpedoes and fuses packed in metal kits in motor vehicles by railroad maintenance crews as nonregulated rail carrier equipment. (Mode 1.)
EE 8723–X ...	DOT–E 8723 ..	Mt. State Bit Service, Inc., Morgantown, WV.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	Authorizes the use of non-DOT specification motor vehicles for bulk shipment of certain blasting agents. (Modes 1, 2.)
EE 8723–X ...	DOT–E 8723 ..	Savage Industries, Inc., Salt Lake City, UT.	49 CFR 172.101, 173.114a(h)(3), 173.154, 175.415, 176.83.	Authorizes the use of non-DOT specification motor vehicles for bulk shipment of certain blasting agents. (Modes 1, 2.)
EE 9047–X ...	DOT–E 9047 ..	Valley Welding Supply Company, Wheeling, WV.	49 CFR 173.124(a)(2), 173.124(a)(4), 175.3.	Authorizes the use of copper-bearing (brass) valves in DOT specification cylinders and DOT Specification 5P drums containing ethylene oxide. (Modes 1, 2, 3, 4.)
EE 9145–X ...	DOT–E 9145 ..	Exxon Pipeline Company, Houston, TX.	49 CFR 173.119, 173.304, 173.315.	Authorizes the use of a non-DOT specification container, for shipment of flammable gases. (Mode 1.)
EE 10143–X .	DOT–E 10143	Eurocom Imports, Inc., Irving, TX.	49 CFR 173.306(a), 178.33a.	Authorizes the transport of certain hazardous materials in a container conforming with DOT Specification 2Q exception for size and marking. (Modes 1, 2.)
EE 10184–X .	DOT–E 10184	Valley Welding Supply Company, Wheeling, WV.	49 CFR 173.34(e)(10), 173.34(e)(9).	Authorizes the shipment of a specific gas mixture in DOT Specification 4B, 4BA or 4BW cylinders retested in accordance with the provisions of 49 CFR 173.34 (e)(9) and (e)(10). (Modes 1, 2, 3.)
EE 10334–X .	DOT–E 10334	Chevron Pipe Line Company, Houston, TX.	49 CFR 173.119, 173.304, 173.315.	Authorizes the use of a non-DOT specification container for shipment of flammable liquids and flammable gases. (Mode 1.)
EE 10529–X .	DOT–E 10529	LND, Inc., Oceanside, NY	49 CFR 173.302, 175.3 ...	Authorizes the use of non-DOT specification containers described as hermetically sealed electron tube devices. (Modes 1, 2, 3, 4, 5.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 10645–X .	DOT–E 10645	Essex Cryogenics of Missouri, Inc., St. Louis, MO.	49 CFR 173.316; 178.57–8(c).	Authorizes the manufacturer, marking and sale of insulated non-DOT specification cylinder conforming with 49 CFR 178.57 with exception for shipment of certain nonflammable gases. (Mode 1.)
EE 10650–X .	DOT–E 10650	United Agri Products/ Transbas, Incorporated, Greeley, CO.	49 CFR 174.67(i) and (j), Part 107, Appendix B.	Authorizes tank cars, containing flammable gases, flammable liquids, combustible liquids and other regulated materials (OPM–E), to remain standing with unloading connections attached when no product is being transferred. (Mode 2.)
EE 10693–X .	DOT–E 10693	Vertex Chemical Corporation, St. Louis, MO.	49 CFR 174.67(i) and (j), Part 107, Appendix B.	Authorizes the use of tank cars, containing chlorine, to remain standing with unloading connections attached when no product is being transferred. (Mode 2.)
EE 10784–X .	DOT–E 10784	U. S. Department of the Treasury, Washington, DC.	49 CFR 173.25, 175.85, Part 107, Appendix B to Subpart B, Part 172, Subpart C.	Authorizes the shipment of oxygen in DOT specification 3AA2015 cylinders in the passenger compartment of commercial aircraft. (Mode 5.)
EE 11136–P .	DOT–E 11136	Alaska Pyrotechnics, Inc., Anchorage, AK.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320.	To become a party to exemption 11136 (Mode 4.)
EE 11136–X .	DOT–E 11136	Alaska Pyrotechnics, Inc., Anchorage, AK.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320.	To authorize the air transport of fireworks, 1.3G with the approval, marking, labeling and packaging requirements of Title 49 CFR. (Mode 4.)
EE 11200–P .	DOT–E 11200	Olin Corporation, Stamford, CT.	49 CFR 173.31(a)(4) and 179–300–15.	To become a party to exemption 11200 (Modes 1, 3.)
EE 11200–P .	DOT–E 11200	Astrotech Space Operations, L.P., Titusville, FL.	49 CFR 173.31(a)(4) and 179–300–15.	To become a party to exemption 11200 (Modes 1, 3.)
EE 11251–P .	DOT–E 11251	Aztec Peroxides, Inc., Elyria, OH.	49 CFR 173.225	To become a party to exemption 11251. (Mode 2.)
EE 11253–P .	DOT–E 11253	International Chemical Express, Inc., Surry, B.C. Canada.	49 CFR 172.101, Special Provision B14, 173.315 Notes 4 and 24, 49 CFR Section.	To become a party to exemption 11253. (Mode 1.)
EE 11253–P .	DOT–E 11253	Trimac Transportation System, Calgary, Alberta, Canada.	49 CFR 172.101, Special Provision B14, 173.315 Notes 4 and 24, 49 CFR Section.	To become a party to exemption 11253. (Mode 1.)
EE 11253–P .	DOT–E 11253	Arrow Transportation Company, Portland, OR.	49 CFR 172.101, Special Provision B14, 173, 315 Notes 4 and 24, 49 CFR Section.	To become a party to exemption 11253. (Mode 1.)
EE 11269–N	DOT–E 11269	Sun Refining and Marketing Company, Philadelphia, PA.	49 CFR 176.67(k), 174.9(b).	To authorize the transportation in commerce of a DOT Specification 111A100W1 tank car, containing a residual amount of a Class 3 material, meeting all DOT requirements except that the tank car has defective interior heater coils. (Mode 2.)
EE 9064–N ..	DOT–E 11271	Union Miniere, Antwerpen, Belgium.	.....	To authorize the transportation of germanium tetrachloride in packagings consisting of an inner glass bottle with a maximum capacity of 10 liters, cushioned within a steel drum, which is further cushioned and overpacked in a second steel drum. (Modes 1, 2, 3.)
EE 11272–N	DOT–E 11272	Union Tank Car Company, Chicago, IL.	49 CFR 173.29(a), 173.31(a).	To authorize the transportation in commerce of a DOT Specification 111A100W1 tank car, containing a residue of a Class 3 material, which does not fully comply with all DOT requirements. (Mode 2.)
EE 11279–N	DOT–E 11279	Van Waters & Rogers, Incorporated, Anchorage, AK.	49 CFR 172.101 Column (9B); Part 107, Appendix B, Subpart B(1).	To authorize the one time transportation in commerce of six (6) DOT Specification 4AA480 cylinders containing 150 pounds of anhydrous ammonia, liquefied, Division 2.2, which exceeds the quantity limitations authorized for shipment by cargo aircraft only. (Mode 4.)
EE 11280–N	DOT–E 11280	Amoco Oil Company, Chicago, IL.	49 CFR 173.29(a), 173.31(a) and (b)(3), and 179.200–6.	To authorize the transportation of class DOT 111A tank cars with a shell thickness below the regulatory minimum. (Mode 2.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 11290–N	DOT–E 11290	Olin Corporation, Stamford, CT.	49 CFR 173.31(b)(3), 179.100–12(c), 179.100–13 and, 179.102–2.	To authorize the transportation of a DOT Specification 105A500W tank car, containing a Division 2.3 material, meeting all DOT requirements except that the tank car has a defective safety relief valve which has been equipped with a chlorine ''C'' kit attached. (Mode 2.)
EE 11291–N	DOT–E 11291	Transammonia, Incorporated, Tampa, FL.	49 CFR 179.201–1	To authorize the transportation of DOT Specification 111A100W1 tank cars, containing sulfur, a class 9 material, which does not fully comply with all DOT requirements. (Mode 2.)
EE 11292–N	DOT–E 11292	FMC Corporation, Philadelphia, PA.	49 CFR 172.101 Table, Column (7), Special Provisions T38, T43, T46.	To authorize the one time transportation in commerce of three (3) DOT Specification IM 101 portable tanks, each containing a residual amount of chloropivaloyl chloride, which do not comply with special packaging provisions required for the shipment of a Division 6.1, Poison inhalatiotion hazard (PIH) material. (Mode 1.)
EE 11293–N	DOT–E 11293	All Pure Chemical Company, Inc., Tracy, CA.	49 CFR 173.31(b); 173.31(b)(3), 179.300(b);, 179.300–13(a) and 179.300–14.	To authorize the shipment of a DOT Specification 106A500X multi-unit tank car tank (ton tank), containing a division 2.3 material, meeting all DOT requirements except that the ton tank has a defective unloading valve and a Chlorine Institute ''B'' kit attached. (Mode 1.)
EE 11295–N	DOT–E 11295	Monsanto Company, St. Louis, MO.	49 CFR 172.302(c), 173.29(c)(2); 173.31(a), Part 107, Appendix B to Subpart B.	To authorize the transportation in commerce of a DOT Specification 111A100W1 tank car, containing a residue of a Class 8 material, which does not fully comply with all DOT requirements. (Mode 2.)
EE 11295–N	DOT–E 11295	Lucier Chemicals Industries, Jacksonville Beach, FL.	49 CFR 172.302(c), 173.29(c)(2); 173.31(a), Part 107, Appendix B to Subpart B.	To authorize the transportation in commerce of a DOT Specification 111A100W1 tank cr, containing a residue of a Class 8 material, which does not fully comply with all DOT requirements. (Mode 2.)
EE 11296–N	DOT–E 11296	Ashland Chemical Company, Dublin, OH.	49 CFR 173.306	To authorize the transportation in commerce of certain waste aerosol cans containing flammable gas propellants, including isobutane and propane, overpacked in a removable head DOT Specification 17H or UN1A2 steel drum, or disposal. (Models 1, 2.)
EE 11303–N	DOT–E 11303	Union Pacific Railroad Company, Omaha, NE.	49 CFR 173.29(a); 173.31(a); 173.314(c) and 179.105–4.	To authorizes the transportation in commerce of a DOT Specification 112T340 tank car, containing a Division 2.1 material, meeting all DOT requirements except that the tank car is not equipped with a complete thermal insulation system due to accident. (Mode 2.)
EE 11303–X .	DOT–E 11303	Union Pacific Railroad Company, Omaha, NE.	49 CFR 173.29(a); 173.31(a); 173.314(c) and 179.105–4.	To authorizes the transportation in commerce of a DOT Specification 112T340 tank car, containing a Division 2.1 material, meeting all DOT requirements except that the tank car is not equipped with a complete thermal insulation system due to accident. (Mode 2.)
EE 11305–N	DOT–E 11305	Nichimen America, Inc., New York, NY.	49 CFR 172.301(a)(1) and (c), Part 107, Appendix B to Subpart B, paragraph (1).	To authorizes the one time transportation in commerce of a freight container loaded with 67 DOT Specification 1A1 steel drums which are improperly marked ORM–A, NA2783 instead of the required marking of organophosphorus pesticides, liquid, toxic, n.o.s., UN3018. (Mode 1.)
EE 11308–N	DOT–E 11308	Sun Refining and Marketing Company, Philadelphia, PA.	49 CFR 174.9(b); 174.67(k).	To authorize the transportation in commerce of a DOT Specification 111A100W1 tank car, containing a residual amount of a Class 3 material, meeting all DOT requirements except that the tank car has defective interior heater coils. (Mode 2.)
EE 11309–N	DOT–E 11309	Association of American Railroads, Washington, DC.	49 CFR 173.31(a)(15) and 173.242.	To authorize the shipment of an AAR Specification 211A100W1 tank car, containing a Class 3 material, having a non-reclosing safety relief device. (Mode 2.)
EE 11310–N	DOT–E 11310	Sun Refining and Marketing Company, Philadelphia, PA.	49 CFR 173.29(a) and 174.67(k).	To authorize the transportation of a DOT Specification 111A100W1 tank car, containing a residual amount of a Class 3 material, meeting all DOT requirements except that the tank car has a plugged hole in the tank car tank. (Mode 2.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 11317–N	DOT–E 11317	Hoechst Celanese Corporation, Charlotte, NC.	49 CFR 173.202, 173.203	To authorize the one-time transportation in commerce of certain non-DOT specification metal drums containing corrosive liquids. (Mode 1.)
EE 11318–N	DOT–E 11318	Akzo Nobel Chemicals Inc., Chicago, IL.	49 CFR 172.101 Special Provision B14.	To authorize the continued transportation of certain uninsulated DOT Specification 51 portable tanks that are currently authorized for titanium tetrachloride. (Modes 1, 3.)
EE 11319–N	DOT–E 11319	Elf Atochem North America, Inc., Philadelphia, PA.	49 CFR 173.242	To authorize the transportation of dimethylaminoethyl acrylate in certain DOT Specification IM 101 portable tanks. (Modes 1, 3.)
EE 11333–N	DOT–E 11333	U.S. Department of Defense, Washington, DC.	49 CFR 173.226(b)(3)(iii), 173.226(b)(4)(ii)(A).	To authorize the one-time transportation of three (3) DOT Specification 5C drums containing a Division 6.1 material. (Mode 1.)
EE 11334–N	DOT–E 11334	Dyno Nobel, Incorporated, Salt Lake City, UT.	49 CFR 172.101 table, Column (9B).	To authorize the one-time transportation of a Division 1.1D explosive by cargo aircraft only, which is forbidden by the Hazardous Materials Regulations. (Mode 4.)
EE 11335–N	DOT–E 11335	Trinity Industries, Incorporated, Dallas, TX.	49 CFR 172.302(c), 172.203(a) and 173.31(c)(9), Paras 1 & 2 of Appendix b to Subpart B of Part 107.	To authorize the use of nondestructive testing techniques, in lieu of a hydrostatic test, to qualify repairs of DOT Specification tank car tanks. (Mode 2.)
EE 11336–N	DOT–E 11336	Noranda Minerals, Incorporated, Rouyn-Noranda, Quebec, Canada.	49 CFR 173.29(a) and 173.31(a).	To authorize the transportation of a DOT Specification 111A100W3 tank car, containing a residual amount of a Class 8 material, meeting all DOT requirements except that the tank car has defective bottom outlet valve. (Mode 2.)
EE 11337–N	DOT–E 11337	U.S. Vanadium, Corporation, Hot Springs, AR.	49 CFR 173.242	To authorize the transportation of vanadium pentoxide in non-DOT specification cylindrically shaped non-specification portable tank. (Mode 1.)
EE 11343–N	DOT–E 11343	Sun Refining and Marketing Company, Philadelphia, PA.	49 CFR 174.9(b), 174.67(k).	To authorize the transportation of a DOT Specification 111A100W1 tank car, containing a residual amount of a Class 3 material, meeting all DOT requirements except that the tank car has defective interior heater coils. (Mode 2.)
EE 11347–N	DOT–E 11347	Nuclear Containers, Inc., Elizabethton, TN.	49 CFR 178.358	To authorize the manufacture, mark and sell of DOT Specification 21F–1b overpacks manufactured in variance with the Specification in 49 CFR 178.358 for the transportation of uranium hexafluoride, fissile (containing 1–5% U-235) in Type A cylinders. (Modes 1, 2, 3.)
EE 11349–N	DOT–E 11349	Merichem Company, Houston, TX.	49 CFR 174.9(b), 174.67(k).	To authorize the transportation of a DOT Specification 111A100W1 tank car, containing a residual amount of a Class 8 material, meeting all DOT requirements except that the tank car has defective interior heater coils. (Mode 2.)
EE 11350–N	DOT–E 11350	Sun Company, Incorporated, Philadelphia, PA.	49 CFR 174.9(b), 174.67(k).	To authorize the transportation of a DOT Specification 111A100W1 tank car, containing residual amount of a Class 3 material, meeting all DOT requirements except that the tank car has defective interior heater coils. (Mode 2.)
EE 11354–N	DOT–E 11354	Merichem Company, Houston, TX.	49 CFR 174.9(b) and 174.67(k).	To authorize the transportation of a residual amount of a combustible liquid, n.o.s., in a DOT Specification 111A100W1 tank car, with defective interior heater coils, which will remain capped to prevent leakage while in transportation. (Mode 2.)
EE 11355–N	DOT–E 11355	Button Transportation, Inc., Dixon, CA.	49 CFR 173.315(a), Note 15.	To authorize the transportation of the liquefied petroleum gas (LPG), in DOT Specification MC–331 cargo tank motor vehicles manufactured from quenced and tempered steel which are coated on the inside with a cross linked epoxy-phenolic compound. (Mode 1.)
EE 11368–N	DOT–E 11368	Kalama Chemicals, Inc., Kalama, WA.	49 CFR 173.116(e) and 179.13.	To authorize the shipment of a DOT Specification 111A100W1 tank car, containing a Class 3 material, meeting all DOT requirements except that the tank cars are suspected to have been overloaded. (Mode 2.)
EE 11369–N	DOT–E 11369	Sun Company, Incorporated, Philadelphia, PA.	49 CFR 173.31(c)(9)	To authorize the use of petroleum oil for the hydrostatic test of certain DOT Specification 111A100W1 tank cars. (Mode 2.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 11370–N	DOT–E 11370	Hoechst Celanese Chemical Corporation, Dallas, TX.	49 CFR 173.29(c) and 173.31(a).	To authorize the shipment of a DOT Specification 111A100W1 tank car, containing a residue of a Class 3 material, which does not fully comply with all DOT requirements. (Mode 2.)
		WITHDRAWAL EXEMPTIONS		
3004–P	.....	BOC Gases, Murray Hill, NJ.	49 CFR 173.302, 175.3 ...	To become a party to exemption 3004 (Modes 1, 2.)
3302–P	.....	BOC Gases, Murray Hill, NJ.	49 CFR 173.302, 175.3 ...	To become a party to exemption 3302 (Modes 1, 2, 3, 4.)
4108–X	.....	Mid-South Oxygen Company, Memphis, TN.	49 CFR 173.315(a)	Authorizes shipment of liquefied argon, nitrogen and oxygen in non-DOT specification insulated cargo tanks. (Mode 1.)
5022–X	.....	United Technologies Chemical Corp., San Jose, CA.	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.86, 177.834(l)(1).	Authorizes the shipment of certain Class A and Class B explosives in temperature controlled equipment. (Modes 1, 2.)
6126–X	.....	Aceto Corporation, Lake Success, NY.	49 CFR 173.253(a)	Authorizes the shipment of chloroacetylchloride in a DOT Specification 6D/2S or 2SL composite packaging. (Modes 1, 3.)
6349–P	.....	BOC Gases, Murray Hill, NJ.	49 CFR 172.203(a), 173.32, 173.318, 176.30(a), 176.76(h), 177.840, 178.338.	To become a party to exemption 6349 (Modes 1, 2, 3.)
6530–P	.....	BOC Gases, Murray Hill, NJ.	49 CFR 173.302(c)	To become a party to exemption 6530 (Modes 1, 2.)
6762–X	.....	Aqua Laboratories, Inc., Amesbury, MA.	49 CFR 173.286(b)(2), 175.3.	Authorizes the transport of chemical kits in plastic inside bottles, packed in plastic boxes overpacked in fiberboard boxes. (Modes 1, 2, 3, 4.)
6765–P	.....	BOC Gases, Murray Hill, NJ.	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h), 177.840, 178.338.	To become a party to exemption 6765 (Modes 1, 3.)
7070–X	.....	American Chemical & Refining Company, Inc., Waterbury, CT.	49 CFR 173.365, 175.3, 175.630.	Authorizes the shipment of a poison B solid in a plastic jar overpacked in a metal can equivalent to DOT Specification 2N, packed in a single-faced corrugated fiberboard DOT Specification 12B box. (Modes 4, 5.)
7076–X	.....	Aqua Laboratories, Inc., Amesbury, MA.	49 CFR 173.286(b)	Authorizes the use of a packaging not authorized for transportation of a certain corrosive liquid and flammable liquid. (Modes 1, 2, 3.)
7247–X	.....	U.S. Department of Defense, Falls Church, VA.	49 CFR 146.29–11(c)(19), 146.29–75(b)(2).	Authorizes a bulkhead in the lower hold of a vessel separating military explosives from general cargo to be secured on 4 inch by 6 inch uprights, in lieu of the required 6 by 6 inch uprights. (Mode 3.)
8141–X	.....	Boeing Defense & Space Group, Seattle, WA.	49 CFR 172.101, 173.206, 173.247.	Authorizes the transport of individual cells and modules consisting of three cells containing lithium metal and thionyl chloride. (Modes 1, 3.)
8518–X	.....	Laidlaw Environmental Services, Inc. Columbia, SC.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340–7, 178.342–5, 178.343–5.	Authorizes the manufacture, marking and sale of non-DOT specification cargo tanks complying generally with DOT Specification MC–307/312 except for bottom outlet valve variations, for transportation of flammable or corrosive waste liquids or semisolids. (Mode 1.)
8518–X	.....	Cummings Vacuum Service, Inc., Bakersfield, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340–7, 178.342–5, 178.343–5.	Authorizes the manufacture, marking and sale of non-DOT specification cargo tanks complying generally with DOT Specification MC–307/312 except for bottom outlet valve variations, for transportation of flammable or corrosive waste liquids or semisolids. (Mode 1.)
8645–X	.....	Mining Services International Corporation, (MSI) Salt Lake City, UT.	49 CFR 173.154(a)(18)	To authorize bulk shipment of a thickened solution of an oxidizing material, commercially designated as ''HEF'', in DOT Specification MC–307 or MC–311 insulated cargo tanks at ambient temperature. (Mode 1.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8936–X		Great Lakes Chemical Corporation, El Dorado, AR.	49 CFR 173.357(b)(2)	Authorizes the shipment of a mixture containing 57 percent chloropicrin and 43 percent 1,3-dichloropropene, 1,2-dichloropropane and related hydrocarbons, respectively, by weight, in nonauthorized DOT Specification 5B metal drums. (Modes 1, 2, 3.)
8988–X		Schlumberger Well Services, Houston, TX.	49 CFR 172.101, 173.110, 173.80, 175.30.	Authorizes the transport of charged oil well guns as Class C explosive when the net weight of explosive material in the vehicle or vessel does not exceed 200 pounds. (Modes 1, 3, 4.)
9064–P		Union Miniere, Antwerpen, Belgium.	49 CFR 172.271, 173.245, 173.247, 173.3(a).	To become a party to exemption 9064 (Modes 1, 3.)
9222–P		Wills Trucking, Inc., Richfield, OH.	49 CFR 173.154	To become a party to exemption 9222 (Mode 1.)
9222–P		Wills Trucking, Inc., Richfield, OH.	49 CFR 173.154	Authorizes the use of non-DOT specification metal tanks for transportation of a flammable liquid or flammable solid. (Mode 1.)
9637–X		Connelly Containers, Inc., Bala Cynwyd, PA.	49 CFR 173.245b, 173.365.	To authorize manufacture, marking and sale of non-reusable, fiberboard bulk boxes made of triple-well corrugated fiberboard having a inside lining of 0.006-inch minimum thickness polyethylene film, for transportation of various corrosive solids and poison B solids. (Modes 1, 2.)
9637–X		Connelly Containers, Inc., Bala-Cynwyd, PA.	49 CFR 173.245b, 173.365.	Authorizes the manufacture, marking, and sale of nonreusable, fiberboard bulk boxes made of triple-wall corrugated fiberboard having a inside lining of 0.006-inch minimum thickness polyethylene film for transportation of various corrosive solids and poison B solids. (Modes 1, 2.)
9775–X		Enviropack Company, Arlington, VA.	49 CFR 173.3(c)	Authorize the manufacture, marking and sale of a polyethylene, removable head salvage drum of 85-gallon for overpacking of damaged or leaking packages of hazardous materials of no greater than 55-gallon or for packing hazardous materials that have spilled or leaked, for repackaging or disposal. (Modes 1, 2.)
10184–P		Allied-Signal, Inc., Morristown, NJ.	49 CFR 173.34(e)(10), 173.34(e)(9).	To become a party to exemption 10184 (Modes 1, 2, 3.)
10229–X		United States Can Company, Oak Brook, IL.	49 CFR 173.1200(a)(8), 173.302, 173.304, 173.306 (a), (b), (c), 178.33–2(b).	To authorize manufacture, marking and sale of nonrefillable non-DOT specification inside metal containers, for shipment of nonflammable and flammable gases. (Modes 1, 2, 3, 4.)
10273–X		Georgia-Pacific Corporation, Schenectady, NY.	49 CFR 173.154, 173.217, 173.245b, 173.365.	To authorize manufacture, marking and sale of non-reusable, fiberboard bulk boxes having an inside lining of 0.0065-inchminimum thickness polyethylene film. (Mode 1.)
10357–N		Global Future Technologies, Inc., Tonawanda, NY.	49 CFR 172.504(a)	To authorize shipment of limited quantities of Fireworks, special, classed as explosives B, without placarding transport vehicles or freight containers. (Mode 1.)
10452–N		Container Products, Inc., Southfield, MI.	49 CFR 178.11–12, 178.116–12, 178.15–12, 178.81–13, 178.82–13, 178.98–11, 178.99–11.	To authorize hydrostatic and drop tests to be performed on single DOT Specification series stainless steel drums representative of each capacity to be tested and retained indefinitely. (Modes 1, 2, 3, 4.)
10547–X		Tri-Wall Butler, IN	49 CFR 173.154, 173.245(b), 173.365.	Authorizes the manufacturing, marking and sale of non-reusable, fiberboard bulk boxes made of triple-wall corrugated fiberboard having an inside lining of 0.006-inch minimum thickness polyethylene bulk bag for transportation of various corrosive solids and poison B solids. (Mode 1.)
10650–X		United Agri Products/ Transbas, Incorporated, Greeley, CO.	49 CFR 174.67(i) and (j), Part 107, Appendix B.	To authorize tank cars containing various classes of material to stand with unloading connections attached during unloading without the physical presence of an unloader. (Mode 2.)
10650–X		United Agri Products/ Transbas, Incorporated, Greeley, CO.	49 CFR 174.67(i) and (j), Part 107, Appendix B.	To authorize tank cars containing various classes of material to stand with unloading connections attached during unloading without the physical presence of an unloader. (Mode 2.)

MODIFICATION AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10783–X		Sun Refining and Marketing Company, Philadelphia, PA.	49 CFR 173.29(c)(1) and 174.67(k).	Authorizes the transportation of a DOT Specification 111A100W1 tank car which has defective interior heating coils for shipment of petroleum naphtha. (Mode 2.)
10787–P		Evergreen International Airlines, Inc., McMinnville, OR.	49 CFR 172.101, 172.204(c)(3), 173.27, 173.54(j), 175.30(a)(1), 175.320(b), 175.75, Part 107, Appendix B.	To become a party to exemption 10787 (Mode 4.)
10812–N		Witco Corporation, Marshall, TX.	49 CFR 173.225	To authorize an alternative cargo tank design for shipment of certain organic peroxides classed as flammable liquid. (Mode 1.)
10876–N		Dorton Packaging Ltd., North Yorkshire, EN.	49 CFR 173.213	To manufacture, mark, and sell collapsible, nonreusable polyethylene lined woven bulk bags capacity for use in transporting ammonium nitrate, classed as oxidizer. (Mode 1.)
10931–N		Western Atlas International/Atlas Wireline Service, Houston, TX.	49 CFR 173.24, 173.304(a), 173.34(d), 175.30, 178.37–5.	To authorize the manufacture, mark and sell of DOT specification 3AA cylinder, constructed of titanium alloy with a design pressure of 20,000 psi for use in transporting flammable gas, n.o.s., Division 2.1. (Modes 1, 2, 3, 4.)
11004–N		Degussa Corporation, Ridgefield Park, NJ.	49 CFR 173.240	To authorize the shipment of paraformaldehyde, classed as Division 4.1 in flexible intermediate bulk bags (Specification 13H3). (Modes 1, 2.)
11013–N		Hercules Incorporated, Wilmington, DE.	49 CFR 173.225(c)	To authorize the transportation of Organic Peroxide, Type D, liquid, classed as Division 5.2, in 55 gallon 1H1 plastic drums (Mode 1.)
11014–N		Hercules Incorporated, Wilmington, DE.	49 CFR 173.225(c)	To authorize the transportation of Organic Peroxide, Type D, solid, classed as Division 5.2, in DOT–57 portable tanks. (Mode 1.)
11034–N		Arsynco, Inc., Carlstadt, NJ.	49 CFR 173.34(e)(10)	To authorize the transport of propylene imine, inhibited, classed as Division 6.1, in DOT Specification 4B240 and 4BW240 cylinders. (Modes 1, 2, 3.)
11048–N		R.T. Vanderbilt Company, Inc., Norwalk, CT.	49 CFR 172.102, 173.132(a)(1)(iii).	To authorize the transport of poisonous solids, n.o.s. and dithiocarbamate pesticides, n.o.s., classed as Division 6.1, PIH, Zone C hazard, in UN specification bags and open head steel drums without required markings. (Mode 1.)
11144–N		Sam Nally Shop, Inc., Bardstown, KY.	49 CFR 173.63	To manufacture, mark and sell non-DOT specification containers similar to an IME container for use in transporting detonators, classed as Division 1.1 and 1.4 explosives in open body pickup trucks. (Mode 1.)
11187		Amalgamet Canada, Toronto, Ontario, CN.	49 CFR 172.101 SPN41	To authorize the transportation of titanium tetrachloride, classed as Division 6.2, Hazard Zone B, PIH, in 316L stainless steel containers, comparable to a 1A1 drums. (Modes 1, 2, 3.)
11187–P		Corning Incorporated, Corning, NY.	49 CFR 172.101 SPN41	To become a party to exemption 11187. (Modes 1, 2, 3.)
11238–N		Thiokol Corporation, Brigham City, UT.	49 CFR 172.101, 172.102, Code 109, 173.60(a), 173.61, 173.62.	To authorize the transportation of rocket motors, in propulsive stage containing one or more hazardous materials, classed as Division 1.3, in specially designed packaging. (Mode 1.)
11276–N		CP Clare Corporation, Wakefield, MA.	49 CFR 171.2, 172.200, 172.202, 172.204, 172.25, 172.300, 172.400, 173.164.	To authorize the transportation of miniature switching devices consisting of two subassemblies joined together in sealed glass tubes with limited quantities of mercury, Class 8, to be shipped without required markings and labelling. (Mode 5.)
11325–N		Laidlaw Environmental Services, Inc., Columbia, SC.	49 CFR 177.848	To authorize the loading, transport, and storage of laboratory amounts of Division 6.1, Packing Group 1, Zone A liquids in the same transport vehicle with Class 3, 4, 5 or 8 materials. (Mode 1.)
11357–N		Laidlaw Environmental Services, Inc., Columbia, SC.	49 CFR 173.173, 173.202, 173.203.	To authorize transportation in commerce of paint and paint related material, Class 3, in glass and metal packaging not to exceed 5 gallons equipped with plastic liner and overpacked in strong outer packaging. (Mode 1.)

Application No.	Denials
9061–X	(3) Request by The S.S.I. Group, Ltd. Fairdale, KY to authorize the shipment of a small quantity of a flammable solid labeled Flammable Solid and Dangerous When Wet but without a Flammable Solid W placard on the vehicle denied December 9, 1994.
10277–P	(3) Request by Worthington Cylinder Corporation Columbus, OH to authorize the manufacture, marking, and sale of non-DOT specification cylinder conforming in part with DOT Specification 4BA denied June 29, 1994.
10705–X	(3) Request by Baker Performance Chemicals, Inc. Houston, TX to authorize the transportation of acrolein in non-DOT specification IMCO Type 5 portable tanks with flammable or corrosive material denied September 22, 1994.
10980–N	(3) Request by Daws Manufacturing Company, Inc. Pensacola, FL to authorize the manufacture, mark and sell of jerricans constructed of additional aluminum with a capacity not to exceed 103 gallons for shipment of various Class 3 commodities denied August 1, 1994.
11056–N	(3) Request by Matheson Gas Products Secaucus, NJ to authorize an alternate testing method for DOT-Specification 3A and 3AA cylinders containing more than 150 lbs. of phosgene, classed as Division 6.1 denied October 31, 1994.
11127–N	(3) Request by U.S. Department of Defense Falls Church, VA to authorize the shipment of ammunition packaged prior to October 1, 1992, which is marked, labeled and described on shipping papers in accordance with the regulations in effect on September 30, 1991 denied June 18, 1994.
11138–N	(3) Request by Nippon Riku-Un Sangyo Co., Ltd. Tokyo, Japan to authorize the transport of refrigerant gases, n.o.s., classed as Division 2.2 in non-DOT specification portable tank comparable DOT–51 specification denied August 19, 1994.
11158–N	(3) Request by CEM International Pty Ltd. Coolarro Victoria, Australia to authorize the manufacture, mark and sell of non-DOT specification portable tanks built comparable to a DOT-Specification 51 for use in transporting liquefied petroleum gas, Division 2.1 denied October 27, 1994.
11161–N	(3) Request by Air Products and Chemicals, Inc. Allentown, PA to authorize ultrasonic retesting of DOT-Specification 3AA and 3AAX cylinders used for shipment of material classed as Division 2.1 and 2.2 denied August 12, 1994.
11183–N	(3) Request by Sioux City Foundry Co. Sioux City, IA to authorize an exemption from the U stamp requirements for cargo tank construction denied July 29, 1994.
11208–N	(3) Request by U.S. Department of Defense Falls Church, VA to authorize the transportation of a hazardous material, Class 9, in a 5,300 gallon bulktainer loaded at less than the required 80 percent filling density denied September 19, 1994.
11243–N	(3) Request by Thiokol Corporation Brigham City, UT to authorize UN1A2/Y 300/S drums of 220 liter capacity embossed with a minimum wall thickness of less than 0.96 mm equipped with polyethylene liner to be reused, without reconditioning for the shipment of ammonium perchlorate, Division 5.1 denied August 18, 1994.
11250–N	(3) Request by Mobil Chemical Company Princeton, NJ to authorize the transportation of non-DOT specification cylinders comparable to 4B for use in transporting Class 4 material denied September 14, 1994.

Issued in Washington, DC, on February 22, 1995.

J. Suzanne Hedgepeth,

Chief, Exemption Programs, Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 95–5119 Filed 3–2–95; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

February 24, 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.

Bureau of Alcohol, Tobacco and Firearms (BATF)

OMB Number: 1512–0509

Form Number: ATF F 5300.27

Type of Review: Revision

Title: Federal Firearms and Ammunition Excise Tax Deposit

Description: Businesses and individuals who manufacture or import firearms, shells and cartridges may be required to deposit Federal excise tax. ATF uses this information to identify the taxpayer and the deposit.

Respondents: Individuals or households, Business or other for-profit

Estimated Number of Respondents: 440

Estimated Burden Hours Per Respondent: 9 minutes

Frequency of Response: On occasion, Monthly, Other

Estimated Total Reporting Burden: 1,214 hours

Clearance Officer: Robert N. Hogarth (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, N.W., Washington, DC 20226.

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. 95–5271 Filed 3–2–95; 8:45 am]

BILLING CODE 4810–31–P

Public Information Collection Requirements Submitted to OMB for Review

February 27, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Special Note: All public comments must be received by the Comptroller of the Currency by March 23, 1995.

Comptroller of the Currency (OCC)

OMB Number: 1557–0100

Form Number: FFIEC 009 and FFIEC 009a

Type of Review: Extension

Title: (MA)-Country Exposure Report and Disclosure (12 CFR 20)

Description: The Country Exposure Report and Country Exposure Disclosure require national banks to report quarterly their exposure in foreign countries. This information is

critical in determining and monitoring the soundness of banks.

Respondents: Businesses or other for-profit

Estimated Number of Recordkeepers: 150

Estimated Burden Hours Per Recordkeeper: 27 hours, 30 minutes

Frequency of Response: Quarterly

Estimated Total Recordkeeping Burden: 33,000 hours.

Clearance Officer: John Ference (202) 874–4697, Comptroller of the Currency, 250 E Street, S.W., Washington, DC 20219.

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. 95–5273 Filed 3–2–95; 8:45 am]

BILLING CODE 4810–33–P

Public Information Collection Requirements Submitted to OMB for Review

February 24, 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: 1545–0746

Regulation ID Number: LR–100–78 Final

Type of Review: Extension

Title: Creditability of Foreign Taxes

Description: The information needed is a statement by the taxpayer that it has elected to apply the safe harbor formula of § 1.901–2A(e) of the foreign tax credit regulations. This statement is necessary in order that the IRS may properly determine the taxpayer's tax liability.

Respondents: Individuals or households, Business or other for-profit, Farms

Estimated Number of Respondents: 110

Estimated Burden Hours Per Respondent: 20 minutes

Frequency of Response: Other (nonrecurring)

Estimated Total Reporting Burden: 37 hours

OMB Number: 1545–0755

Regulation ID Number: LR–58–83 Final

Type of Review: Extension

Title: Related Group Election with Respect to Qualified Investments in Foreign Base Company Shipping Operations

Description: This election converted an annual election to an election effective until revoked. The computational information required is necessary to assure that the U.S. shareholder correctly reports any shipping income of its controlled foreign corporations which is taxable to that shareholder.

Respondents: Business or other for-profit

Estimated Number of Respondents: 100

Estimated Burden Hours Per Respondent: 2 hours

Frequency of Response: Other (nonrecurring)

Estimated Total Reporting Burden: 205 hours.

OMB Number: 1545–1222

Form Number: IRS Forms 8628, 8635, and 9161

Type of Review: Extension

Title: Request for Federal Income Tax Forms for ''Plan Only'' Accounts (8628); Order Blank for Federal Income Tax Forms for Libraries (8635); and Order Blank for Federal Income Tax Forms for Miscellaneous Accounts (9161)

Description: These forms allow banks, post offices and libraries to distribute tax forms and publications to taxpayers at convenient locations as a service for the Internal Revenue Service.

Respondents: Business or other for-profit, Not-for-Profit institutions, Farms, Federal Government, State, Local or Tribal Governments

Estimated Number of Respondents: 62,911

Estimated Burden Hours Per Respondent:

Form	Burden Hours
8628 ..	5 minutes.
8635 ..	10 minutes.
9161 ..	10 minutes.

Frequency of Response: Annually

Estimated Total Reporting Burden: 6,507 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, N.W., 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. 95–5272 Filed 3–2–95; 8:45 am]

BILLING CODE 4830–01–P

UNITED STATES INFORMATION AGENCY

Meeting of the Advisory Board for Cuba Broadcasting

The Advisory Board for Cuba Broadcasting will conduct a meeting on Friday, March 10, 1995, at the Metro Dade Government Center in Miami, Florida. The intended agenda is listed below.

Presidential Advisory Board Meeting, March 10, 1995

Agenda

Part One—Closed to the Public; Interagency Working Group Meeting Update

Part Two—Open to the Public

I. Approval of Minutes of January Meeting

II. Update on Radio and T.V. Radio Martí

III. Focus Groups Report

IV. Congressional Liaison: Report 104th Congress

V. Old Business

(a) Guantanamo Survey

(b) Pending Investigations

VI. Feasibility Study on Radio and T.V. Martí Relocation to Miami/Homestead/Key West: Final Report

VII. New Business.

Part one, which will be discussed from 9:00 a.m. to 10:00 a.m. will be closed to the public. Discussion of item one will include information the premature disclosure of which would be likely to frustrate the implementation of a proposed Agency action (5 U.S.C. 522(c)(9)(B)).

Members of the public interested in attending the open portion of the meeting should contact Ms. Angela R. Washington, at the Advisory Board Office. Ms. Washington can be reached at (202) 401–2178.

Determination To Close A Portion Of The Advisory Board Meeting Of March 10, 1995

Based on information provided to me by the Advisory Board for Cuba Broadcasting, I hereby determine that the 9:00 a.m. to 10:00 a.m. portion of this meeting should be closed to the public.

The Advisory Board has requested that part one of the March 10, 1995, meeting be closed to the public. Part one will involve information the premature disclosure of which would likely frustrate implementation of a proposed

Agency action. Closing such deliberations to the public is justified by the Government in the Sunshine Act under 5 U.S.C. 522b(c)(9)(B).

Part one of the agenda consists of a discussion of technical matters, which include TV Marti transmissions, frequencies, alternate channels and new technologies for Radio Martí.

Dated: February 27, 1995.

Joseph Duffey,

Director, United States Information Agency.

[FR Doc. 95–5188 Filed 3–2–95; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review: Application for Benefits, VA Form 21–530

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicab;e; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Trish Fineran, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–6886.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, Room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before April 3, 1995.

Dated: February 21, 1995.

By direction of the Secretary.

Ronald C. Taylor,

Management Analyst.

Reinstatement

1. Application for Benefits, VA Form 21–530.

2. The form is used to file a claim for burial benefits including transportation expenses. The information is used to determine basic eligibility and whether the person who paid the veteran's burial expenses should be paid, or if expenses are unpaid, whether the creditor is to be paid.

3. Individuals or households—Business or other for-profit.

4. 100,000 hours.

5. 20 minutes.

6. On occasion.

7. 300,000 respondents.

[FR Doc. 95–5265 Filed 3–2–95; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review: Compliance Inspection Report, VA Form 26–1839

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) the title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Trish Fineran, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–6886.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, Room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

DATED: February 21, 1995.

By direction of the Secretary.

Ronald C. Taylor,

Management Analyst.

Extension

1. Compliance Inspection Report, VA Form 26–1839.

2. The form is used by fee compliance inspectors to report the acceptability of residential construction and its conformity with standards prescribed by law for new housing proposed as security for guaranteed loans. Because compliance inspections are a common practice in the housing industry, only one burden hour is shown for reporting purposes.

3. Individuals or households.

4. The estimated burden hour per year is 56,250. However, because compliance inspections are a common practice in the housing industry, only 1 hour is being reported for this information collection.

5. 15 minutes.

6. On occasion.

7. 225,000 respondents.

[FR Doc. 95–5268 Filed 3–2–95; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review: Application for Fee Personnel Designation, VA Form 26–6681

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) the title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Trish Fineran, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 (202) 273–6886.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey,

NEOB, Room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by April 3, 1995.

Dated: February 21, 1995.

By direction of the Secretary.

Ronald C. Taylor,

Management Analyst.

Revision

1. Application for Fee Personnel Designation, VA Form 26–6681.
2. The form is used to obtain information on the applicant's professional experience for evaluation by panels for possible VA fee appraiser, compliance inspector, or Lender Appraisal Processing Program designation. The information is used to evaluate the professional expertise of fee applicants.
3. Individuals or households.
4. 2,067 hours.
5. 20 minutes.
6. On occasion.
7. 6,200 respondents.

[FR Doc. 95–5263 Filed 3–2–95; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review: Declaration of Status of Dependents, VA Form 21–686c

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Trish Fineran, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–6886.

FOR FURTHER INFORMATION CONTACT: Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, Room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before April 3, 1995.

Dated: February 21, 1995.

By direction of the Secretary.

Ronald C. Taylor,

Management Analyst.

Extension

1. Declaration of Status of Dependents, VA Form 21–686c.
2. The form is used to confirm marital status and dependency of children.
3. Individuals or households.
4. 56,500 hours.
5. 15 minutes.
6. On occasion.
7. 226,000 respondents.

[FR Doc. 95–5267 Filed 3–2–95; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review: Supplemental Information for Change of Program or Reenrollment After Unsatisfactory Attendance, Conduct or Progress, VA Form 22–8873

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Trish Fineran, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–6886.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, Room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before April 3, 1995.

Dated: February 21, 1995.

By direction of the Secretary.

Ronald C. Taylor,

Management Analyst.

Extension

1. Supplemental Information for Change of Program or Reenrollment After Unsatisfactory Attendance, Conduct or Progress, VA Form 22–8873.
2. The information is used to determine suitability of a training program or evaluate the reasons regarding a veteran's unsatisfactory progress or conduct.
3. Individuals or households.
4. 11,000 hours.
5. 30 minutes.
6. On occasion.
7. 22,000 respondents.

[FR Doc. 95–5264 Filed 3–2–95; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review: Wood Destroying Insect Information—Existing Construction, VA Form 26–8850

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Trish Fineran, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–6886.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, Room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 30 days of this notice.

Dated: February 21, 1995.

By direction of the Secretary.

Ronald C. Taylor,

Management Analyst.

Reinstatement

1. Wood Destroying Insect Information—Existing Construction, VA Form 26–8850.

2. The form is completed by pest control operators to report the presence, if any, of wood destroying insects and any resulting damage to properties proposed for guaranteed financing. The information is used to determine whether the property is acceptable and the effect, if any, the damage may have on the reasonable value of the property.

3. Individuals or households—Business or other for-profit.

4. The estimated burden hour per year is 87,651. However, because the requirement for wood destroying insect inspections is common practice in the housing industry, only 1 hour is being reported for this information collection.

5. 20 minutes.

6. On occasion.

7. 262,953 respondents.

[FR Doc. 95–5269 Filed 3–2–95; 8:45 am]

BILLING CODE 8320–01–M

Veterans' Advisory Committee on Environmental Hazards, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Pub. L. 92–463 that a meeting of the Veterans' Advisory Committee on Environmental Hazards will be held on Tuesday and Wednesday, April 25–26, 1995, in room 724 on both days, at 801 I Street, N.W., Washington, D.C. 20001. The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m.

The purpose of the meeting is to review information relating to the health effects of exposure to ionizing radiation.

The meeting is open to the public to the capacity of the room. For those wishing to attend, contact Ms. Vanessa Fulcher, Department of Veterans Affairs Central Office, 810 Vermont Avenue, N.W., Washington, D.C. 20420, phone (202) 523–3911, prior to April 17, 1994.

Members of the public may direct questions or submit prepared statements for review by the Committee in advance of the meeting, in writing only, to Mr. Frederic L. Conway, Deputy Assistant General Counsel, (026B), Department of Veterans Affairs Central Office, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Submitted material must be received at least five days prior to the meeting. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Dated: February 24, 1995.

By direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 95–5270 Filed 3–2–95; 8:45 am]

BILLING CODE 8320–01–M

Advisory Committee on Former Prisoners of War, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 that a meeting of the Advisory Committee on Former Prisoners of War will be held at the Department of Veterans Affairs Central Office, 810 Vermont Avenue, NW, Washington, DC 20420, from April 26, 1995, through April 28, 1995. The meeting will convene at 9:00 a.m. each day and will be open to the public. Seating is limited and will be available on a first-come, first-served basis.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of benefits under Title 38, United States Code, for veterans who are former prisoners of war, and to make recommendations on the need of such veterans for compensation, health care and rehabilitation.

The Committee will receive briefings and hold discussions on various issues affecting health care and benefits delivery, including, but not limiting to, the following: education and training of VA personnel involved with former prisoners of war; the status of privately and publicly funded research affecting former prisoners of war; past and current legislative issues affecting former prisoners of war; the various disabilities and sequelae of long-term captivity; and the procedures involved in processing claims for service-connected disabilities submitted by former prisoners of war.

Members of the public may direct questions or submit prepared statements for review by the Committee in advance of the meeting, in writing only, to Mr. J. Gary Hickman, Director, Compensation and Pension Service (21), Department of Veterans Affairs, 810 Vermont Avenue, N.W., Washington, DC, 20420. Submitted material must be received at least five business days prior to the meeting. Members of the public may be asked to clarify submitted material prior to consideration by the Committee.

A report of the meeting and a roster of Committee members may be obtained from Mr. Hickman.

Dated: February 24, 1995.

By Direction of the Secretary:

Heyward Bannister,

Committee Management Officer.

[FR Doc. 95–5262 Filed 3–2–95; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 60, No. 42
Friday, March 3, 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).

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

TIME AND DATE: 2:00 pm, Wednesday, March 29, 1995.

PLACE: SC–5, United States Capitol Building, Washington, DC 20510.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

1. Report on financial status of the Foundation fund
   A. Review of investment policy and current portfolio
2. Report on results of Scholarship Review Panel
   A. Discussion and consideration of scholarship candidates
   B. Selection of 1995 Goldwater Scholars

CONTACT PERSON FOR MORE INFORMATION: Gerald J. Smith, Executive Secretary, Telephone: (703) 756–6012.

Gerald J. Smith,

Executive Secretary.

[FR Doc. 95–5436 Filed 3–1–95; 3:17 pm]

BILLING CODE 4738–91–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: March 14, 1995, 2:00 P.M. (Eastern Time).

PLACE: Conference Room on the Ninth Floor of the EEOC Office Building, 1801 ''L'' Street NW., Washington, DC 20507.

STATUS: Part of the meeting will be open to the public and part of the meeting will be closed.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Votes.
2. EEOC Enforcement Responsibilities Regarding National Origin Discrimination, Including Presentations by Invited Representatives from Affected Communities.

Closed Session

Litigation Authorization: General Counsel Recommendations.

Note: Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the Federal Register, the Commission also provides a recorded announcement a full week in advance on future Commission sessions.) Please telephone (202) 663–7100 (voice) and (202) 663–4074 (TDD) at any time for information on these meetings.

CONTACT PERSON FOR MORE INFORMATION: Frances M. Hart, Executive Officer on (202) 663–4070.

This Notice Issued March 1, 1995.

Frances M. Hart,

Executive Officer, Executive Secretariat.

[FR Doc. 95–5415 Filed 3–1–95; 2:58 pm]

BILLING CODE 6750–06–M

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting, Tuesday, March 7, 1995

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Tuesday, March 7, 1995, which is scheduled to commence at 9:30 a.m., in room 856, at 1919 M Street, N.W., Washington, D.C.

Item No., Bureau, and Subject

1—Common Carrier—Title: Rochester Telephone Corporation, Petition for Waivers to Implement its Open Market Plan. Summary: The Commission will consider action concerning Rochester Telephone's Petition for Waivers to Implement its Open Market Plan.

2—Mass Media—Title: Review of the Commission's Regulations Governing Television Broadcasting (MM Docket No. 91–221). Summary: The Commission will consider action concerning the network station ownership rule and the secondary affiliation rule.

3—Wireless Telecommunications—Title: Eligibility Requirements for the Specialized Mobile Radio Service and Radio Services in the 220–222 MHz Land Mobile Band and Use of Radio Dispatch Communications (GN Docket No. 94–90). Summary: The Commission will consider action concerning eligibility restrictions for holding specialized mobile radio and commercial 220 MHz licenses and the prohibition on the provision of dispatch service by mobile service common carriers.

Additional information concerning this meeting may be obtained from Audrey Spivack or Maureen Peratino, Office of Public Affairs, telephone number (202) 418–0500.

Dated: February 28, 1995.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–5367 Filed 3–1–95; 11:12 am]

BILLING CODE 6712–01–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 3:02 p.m. on Tuesday, February 28, 1995, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Recommendations regarding administrative enforcement proceedings.

Matters relating to the probable failure of a certain insured depository institution.

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 sevens days' notice to the public; that no public notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.

Dated: February 28, 1995.

Federal Deposit Insurance Corporation.

Patti C. Fox,

Acting Deputy Executive Secretary.

[FR Doc. 95–5366 Filed 3–01–95; 11:11 am]

BILLING CODE 6714–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, March 8, 1995.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 1, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–5357 Filed 3–1–95; 11:10 am]

BILLING CODE 6210–01–P

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Board of Directors Meeting

ACTION: The Pennsylvania Avenue Development Corporation announces the date of their forthcoming quarterly meeting of the Board of Directors.

DATE: A regular, open meeting will be held Wednesday, March 22, 1995, at 10:00 a.m., followed by a closed Executive Session.

ADDRESS: The meeting will be held at the Pennsylvania Avenue Development Corporation, Suite 1220 North 1331 Pennsylvania Avenue, N.W., Washington, D.C.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with 36 Code of Federal Regulations Part 901, and is open to the public, with the exception of the Executive Session.

Dated: February 28, 1995.

Lester M. Hunkele III,

Executive Director.

[FR Doc. 95–5437 Filed 3–1–95; 3:18 pm]

BILLING CODE 7630–01–M

Corrections

Federal Register
Vol. 60, No. 42
Friday, March 3, 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 DEFENSE

Office of the Secretary

Base Closure and Realignments

Correction

In notice document 95–5175 beginning on page 11414 in the issue of Wednesday, March 1, 1995, make the following correction:

On page 11607, at the bottom of the page, the FR Doc. line was omitted and should read as set forth below:

[FR Doc. 95-5175 Filed 2–28–95; 12:01 pm]

BILLING CODE 5000–04–C

BILLING CODE 1505–01–D

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-101 (Sub-No. 12X)]

Duluth, Missabe and Iron Range Railway Company—Abandonment Exemption—St. Louis County, MN

Correction

In notice document 95–4032 beginning on page 9397 in the issue of Friday, February 17, 1995, the Docket Number should appear as set forth above.

BILLING CODE 1505–01–D

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-272 and 50-311]

Public Service Electric and Gas Company; Salem Nuclear Generating Station, Units 1 and 2; Exemption

Correction

In notice document 95–4170 beginning on page 9700 in the issue of Tuesday, February 21, 1995, make the following correction:

On page 9701, in the third column, in the last paragraph, in the fifth line, insert ''not'' after ''will''.

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 11 and 121

[Docket No. 28060; Amdt. No. 1-39, 11-38; SFAR 38-2]

RIN 2120-AF59

Public Aircraft Definition and Exemption Authority

Correction

In rule document 95–1744 beginning on page 5074 in the issue of Wednesday, January 25, 1995, make the following corrections:

§ 11.25 [Corrected]

1. On page 5075, in the third column, in § 11.25(b)(6)(i)(B), in the third line, ''safety'' should read ''safe''.

2. On the same page, in the same column, in amendatory instruction 6., in the first line ''SAFAR'' should read ''SFAR''.

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[INTL-933-86]

RIN 1545-AL98

Computation of Foreign Taxes Deemed Paid Under Section 902 Pursuant to a Pooling Mechanism for Undistributed Earnings and Foreign Taxes

Correction

In proposed rule document 95–173 beginning on page 2049 in the issue of Friday, January 6, 1995, make the following correction:

§ 1.902-2 [Corrected]

On page 2063, in the first column, the heading for § 1.902-2 should read as set forth below:

§1.902-2 Treatment of deficits in post-1986 undistributed earnings and pre-1987 accumulated profits of a first-, second-, or third-tier corporation for purposes of computing an amount of foreign taxes deemed paid under § 1.902-1.

BILLING CODE 1505–01–D

Federal Register

Friday
March 3, 1995

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Public and Indian Housing

NOFA for the Rental Voucher Program and Rental Certificate Program; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N–95–3874; FR–3849–N–01]

NOFA for the Rental Voucher Program and Rental Certificate Program

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

ACTION: Notice of fund availability (NOFA) for FY 95 and procedures for allocating funds and approving housing agency (HA) applications.

SUMMARY: The purpose of the rental voucher and the rental certificate programs is to assist eligible families to pay the rent for decent, safe, and sanitary housing. This notice states the FY 95 fund allocations available for award for all subprograms of the rental voucher and rental certificate programs. The Department has decided in the interest of convenience and timeliness to publish all information on each subprogram of the Section 8 rental voucher and certificate programs in one NOFA for FY 95. Please review the table of contents in this NOFA and then refer to the separate sections of this NOFA for specific information on each subprogram. For ease of reference, the term ''HUD Office'' will be used throughout this NOFA to mean the HUD State Office, HUD Area Office and the HUD Native American Programs Office. If a particular type of HUD Office needs to be identified, e.g., the HUD Native American Programs Office, the appropriate office name will be used.

This notice also:

(1) Invites Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs), herein referred to as housing agencies (HAs), to submit applications for housing assistance funds;

(2) Provides instructions to HAs governing the submission of applications; and

(3) Describes procedures for rating, ranking, and approving HA applications.

DATES: Refer to Section I.(B) of this NOFA for a summary of the deadline dates for applications for all subprogram applications.

ADDRESSES: See section I.(B) of this NOFA.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Director, Operations Branch, Rental Assistance Division, Office of Public and Indian Housing, Room 4220, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410–8000, telephone (202) 708–0477. Hearing- or speech-impaired individuals may call HUD's TDD number (202) 708–4594. (These telephone numbers are not toll-free.) Copies of this NOFA will be made available on tape or large print for those with impaired vision that request them. Inquiries requesting clarification of items in this NOFA or requesting application materials should be directed to the Public Housing Director in the HUD Office serving the HA's jurisdiction.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB), under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520), and have been assigned OMB control number 2577–0169.

Table of Contents

I. NOFA General
(A) Authority
(B) Subprogram Funding and Summary of Application Deadline Dates
(C) Family Self-Sufficiency (FSS) Program Requirement
(D) Application Submission Requirements—General
(E) Selection Criteria—General
(F) Local Government Comments
(G) Corrections to Deficient Applications—General
(H) HUD Corrections to Rating and Ranking FY 94 Applications
(I) Notification of Funds Awarded
II. Fair Share Allocations
(A) Fair Share Application Deadline Date
(B) Fair Share Allocation Amounts
(C) Fair Share Application Submission Requirements
(D) Fair Share Application Rating Process
(E) Corrections to Deficient Fair Share Applications
(F) Fair Share Application Selection Process
III. Family Unification/Foster Care Program
(A) Family Unification Application Deadline Date
(B) Purpose and Substantive Description of Family Unification Program
(C) Family Unification Allocation Amounts
(D) Family Unification Application Submission Requirements
(E) Family Unification Application Rating Process
(F) Corrections to Deficient Family Unification Applications
(G) Family Unification Application Selection Process
IV. Family Self-Sufficiency (FSS) Service Coordinators
(A) FSS Service Coordinators Application Deadline Date
(B) Purpose and Substantive Description of Funding for FSS Service Coordinators
(C) FSS Service Coordinators Allocation Amounts
(D) FSS Service Coordinators Application Submission Requirements
(E) Corrections to Deficient FSS Service Coordinators Applications
(F) Application Selection Process for FSS Service Coordinators
V. Section 8 Counseling
(A) Application Deadline Date for Section 8 Counseling
(B) Purpose and Substantive Description of Section 8 Counseling
(C) Allocation Amounts for Section 8 Counseling
(D) Application Submission Requirements for Section 8 Counseling
(E) Corrections to Deficient Applications for Section 8 Counseling
(F) Application Selection Process for Section 8 Counseling
VI. NOFA for Mainstream Housing Opportunities for Persons With Disabilities (Mainstream Program)
(A) Mainstream program Application Deadline Date
(B) Purpose and Substantive Description or Mainstream Program
(C) Mainstream Program Allocation Amounts
(D) Application Submission Requirements for Mainstream Program in Conjunction With Submission of Designated Housing Allocation Plans
(E) Application Submission Requirements for General Mainstream Program for Persons With Disabilities
(F) Corrections to Deficient Applications
(G) Mainstream Program Application Selection Process
VII. Subprogram for Persons With HIV/AIDS
(A) Application Deadline Date for Persons With HIV/AIDS Subprogram
(B) Purpose and Substantive Description of Subprogram for Persons With HIV/AIDS
(C) Allocation Amounts for Persons With HIV/AIDS
(D) Application Submission Requirements for Persons With HIV/AIDS Subprogram
(E) Corrections to Deficient Applications for Persons With HIV/AIDS Subprogram
(F) Application Selection Process for Persons With HIV/AIDS Subprogram
VIII. Subprogram for Homeless Families
(A) Application Deadline Date for Homeless Families Subprogram
(B) Purpose and Substantive Description of Homeless Families Subprogram
(C) Allocation Amounts for Homeless Families Subprogram
(D) Application Submission Requirements for Homeless Families Subprogram
(E) Corrections to Deficient Applications for Homeless Families Subprogram
(F) Application Selection Process for Homeless Families Subprogram
IX. Other Allocations
(A) Relocation, Demolition and Disposition (HOPE I, II, Section 5(h), Section 18. HOPE VI and ''OPT-OUTS''
(B) Rental Voucher and Rental Certificate Renewals
(C) Section 23 Conversions
(D) Section 8 Amendments
(E) Housing Agency Portability Fees
(F) Headquarters Reserve
(G) Property Disposition
(H) FY 94 NOFA for Homeless Person With Disabilities

(I) FY 94 NOFA for Homeless Veterans With Severe Psychiatric or Substance Abuse Disorders
(J) FY 94 NOFA for Family Unification
(K) FY 94 NOFA for FSS Service Coordinators
X. Other Matters
(A) Environmental Impact
(B) Federalism Impact
(C) Impact on the Family
(D) Section 102 of the HUD Reform Act: Documentation and Public Access Requirements
(E) Section 103 of the HUD Reform Act
(F) Prohibition Against Lobbying Activities
(G) Section 112 of the HUD Reform Act

I. NOFA General

(A) Authority

The regulations governing the rental certificate and the rental voucher programs are published at 24 CFR parts 882 and 887, respectively, and 24 CFR Part 982. The regulations for allocating housing assistance budget authority under section 213(d) of the Housing and Community Development Act of 1974 are published at 24 CFR part 791, subpart D.

(B) Subprogram Funding and Summary of Application Deadline Dates

The application deadline for each subprogram under this NOFA is 3:00 p.m., local time. The local HUD Office is the official place of receipt for all applications on the date shown below except for applications for Section 8 Counseling (see Section V. of this NOFA). The local HUD Native American Programs Office is the place of official receipt for IHA applications except for applications for Section 8 Counseling (see Section V. of this NOFA). An IHA also must submit, at the same time, a copy of its application to the local HUD State or Area Office that has jurisdiction over the portion of the State in which the IHA is located. Local HUD Offices are responsible for notifying their HAs of the exact address and room number where applications are to be submitted.

Subprogram area	Number of units (approximate)	Deadline dates
Fair Share Allocations.	35,000	May 2, 1995.
Mainstream Housing.	2,500	June 1, 1995.
Homeless Families (Non-competitive Process).	12,000	Do.
Persons with AIDS (Non-competitive Process).	3,000	Do.
Section 8 Counseling.	N/A	May 2, 1995.
FSS Service Coordinators.	N/A	May 17, 1995.
Family Unification.	2,000	Do.

The above-stated application deadlines are firm as to date and hour. In the interest of fairness to all competing HAs, HUD will treat as ineligible for consideration any application that is not received before the application 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. HUD will not accept, at any time during the NOFA competition, application materials sent via facsimile (FAX) transmission.

Other allocations of Section 8 funds, including the FY 94 funding and those allocations without specific application deadlines, are listed in Section IX. of the NOFA.

(C) Family Self-Sufficiency (FSS) Program Requirement

Unless specifically exempted by HUD, all rental voucher or rental certificate funding reserved in FY 95 (except funding for renewals or amendments) will be used to establish the minimum size of an HA's FSS program.

(D) Application Submission Requirements—General

(1) General

The provisions of this section I apply to all subprograms covered by this NOFA. Applications must meet the requirements of this section I as well as the requirements for each subprogram as shown in the pertinent section of this NOFA for the subprogram. Refer to the subprogram section for the specific application submission requirements.

Except as provided for Indian Housing Authorities or unless otherwise specified for a subprogram, only an original application and one copy should be submitted. It is not necessary to submit additional copies of the application.

(2) Application Procedures for HUD-Designated Housing Agencies with Major Program Findings

HUD will establish a pass or fail threshold for all HAs and those HAs that fail the threshold will not be eligible to apply without a contract administrator. Some housing agencies currently administering the Section 8 rental voucher and certificate programs have, at the time of publication of this NOFA, major program management findings that are open and unresolved or other significant program compliance problems (e.g., HA has not implemented mandatory FSS program). HUD will not accept applications for additional funding from these HAs as contract administrators if, on the application deadline date, the findings are not closed to HUD's satisfaction. If these HAs want to apply for any of the subprograms listed in this NOFA, the HA must submit an application that designates another housing agency, non-profit agency, or contractor, that is acceptable to HUD and includes an agreement with the other housing agency or contractor to administer the new funding increment on behalf of the HA. The Office of Public Housing in the local HUD Office will notify, immediately after the publication of this NOFA, those HAs that are not eligible to apply. Applications submitted by these HAs without an agreement from another housing agency or contractor, approved by HUD, to serve as contract administrator will be rejected. Other agencies may be notified by HUD at other times as HUD deems appropriate.

(3) Forms

Application forms may be obtained from the local HUD Office. Applications for all of the subprograms must include, unless otherwise specifically excepted:

(a) Form HUD–52515.

An Application for Existing Housing, Form HUD–52515, must be completed in accordance with the rental voucher and certificate program regulations. An application for rental vouchers or certificates must include the information in Section H, Average Monthly Tenant Payment, of Form HUD–52515 in order for HUD to calculate the amount of Section 8 budget authority necessary to fund the requested number of units. HAs may obtain a copy of Form HUD–52515 from the local HUD Office. (Not applicable to subprograms for Family Self-Sufficiency Coordinators or Section 8 Counseling.)

(b) Certification Regarding Drug-Free Workplace.

The Drug-Free Workplace Act of 1988 requires grantees of Federal Agencies to certify that they will provide a drug-free workplace. Thus, each HA must certify (even though it has done so previously) that it will comply with the drug-free workplace requirements in accordance with CFR part 24, subpart F. HAs may obtain a copy of this form from the local HUD Office.

(c) Certification Regarding Lobbying.

Section 319 of the Department of the Interior Appropriations Act, Public Law 101–121, approved October 23, 1989, (31 U.S.C. 1352) (the ''Byrd Amendment'') generally prohibits recipients of Federal contracts, grants and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Governments in connection with a specific contract, grant or loan.

The Department's regulations on these restrictions on lobbying are codified at 24 CFR part 87. To comply with 24 CFR 87.110, any HA submitting an application under this announcement for more than $100,000 of budget authority must submit a certification and, if applicable, a Disclosure of Lobbying Activities (SF–LLL). 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. HAs may obtain a copy of the certification and the Form SF–LLL from the local HUD Office.

(d) Application Requirements for Subprograms.

HAs must also comply with the additional application requirements for each subprogram identified in the section of the NOFA for the specific subprogram.

(e) HA Eligibility.

All HAs that meet the eligibility requirements for the various subprograms, other than those HAs notified under the provisions of paragraph I.(D)(2) of this NOFA and those with certain civil rights or program violations or deficiencies as specified in section I.(G)(2), are eligible to apply for funding.

(E) Selection Criteria—General

Each subprogram section of this NOFA has specific selection criteria to evaluate the applications submitted. Refer to the specific subprogram section in this NOFA for the selection criteria.

(F) Local Government Comments

Section 213 of the Housing and Community Development Act of 1974 requires that HUD independently determine that there is a need for the housing assistance requested in applications, and solicit and consider comments relevant to this determination from the chief executive officer of the unit of general local government. The HUD Office will obtain Section 213 comments from the unit of general local government in accordance with 24 CFR part 791, subpart C, Applications for Housing Assistance in Areas Without Housing Assistance Plans. Comments submitted by the unit of general local government must be considered before an application can be approved. The Section 213 requirements do not apply to applications for the FSS Service Coordinators and Section 8 Counseling subprograms.

For purposes of expediting the application process, the HA should encourage the chief executive officer of the unit of general local government to submit a letter with the HA application commenting on the HA application in accordance with Section 213. Since HUD cannot approve an application until the 30-day comment period is closed, the Section 213 letter should not only comment on the application, but also state that HUD may consider the letter to be the final comments and that no additional comments will be forthcoming from the unit of general local government.

(G) Corrections to Deficient Applications—General

(1) Acceptable Applications—General

To be eligible for processing, an application must be received by the appropriate HUD Office no later than the date and time specified in Section I.(B) of this NOFA. The HUD Office will initially screen all applications and notify HAs of technical deficiencies by letter.

If an application has technical deficiencies, the HA will have 14 calendar days from the date of the issuance of the HUD notification letter to submit the missing or corrected information to the HUD Office. Curable technical deficiencies relate only to items that do not improve the substantive quality of the application relative to the rating factors. The 14 calendar day technical correction period does not apply to NOFAs for Section 8 Counseling, Mainstream Housing Opportunities, Persons with HIV/AIDS and Homeless Families.

All HAs must submit corrections within 14 calendar days from the date of the HUD letter notifying the applicant of any such deficiency. Information received after 3 p.m. local time (i.e., the time in the appropriate HUD Office), of the fourteenth calendar day of the correction period will not be accepted and the application will be rejected as incomplete.

(2) Unacceptable Applications—General

(a) After the 14-calendar day technical deficiency correction period, the HUD Office will disapprove HA applications that it determines are not acceptable for processing. The HUD Office notification of rejection letter must state the basis for the decision.

(b) Applications that fall into any of the following categories will not be processed:

(i) There is a pending civil rights suit against the HA instituted by the Department of Justice or there is a pending administrative action for civil rights violations instituted by HUD (including a charge of discrimination under the Fair Housing Act).

(ii) There has been an adjudication of a civil rights violation in a civil action brought against the HA by a private individual, unless the HA is operating in compliance with a court order, or implementing a HUD approved resident selection and assignment plan or compliance agreement designed to correct the areas of noncompliance.

(iii) There are outstanding findings of noncompliance with civil rights statutes, Executive Orders, or regulations, as a result of formal administrative proceedings, or the Secretary has issued a charge against the applicant under the Fair Housing Act, unless the applicant is operating under a conciliation or compliance agreement designed to correct the areas of non-compliance.

(iv) HUD has denied application processing under Title VI of the Civil Rights Act of 1964, the Attorney General's Guidelines (28 CFR 50.3), and the HUD Title VI regulations (24 CFR 1.8) and procedures (HUD Handbook 8040.1), or under section 504 of the Rehabilitation Act of 1973 and HUD regulations (24 CFR 8.57).

(v) The HA has serious unaddressed, outstanding Inspector General audit findings, Fair Housing and Equal Opportunity monitoring review findings, or HUD Office management review findings for one or more of its Rental Voucher, Rental Certificate, or Moderate Rehabilitation Programs, or, in the case of an HA that is not currently administering a Rental Voucher, Rental Certificate, or Moderate Rehabilitation Program, for its Public Housing Program or Indian Housing Program. The only exception to this category is if the HA has been identified under the policy established in section I.(D)(2) of this NOFA and the HA makes application with a designated contract administrator.

(vi) The HA is involved in litigation and HUD determines that the litigation may seriously impede the ability of the HA to administer an additional increment of rental vouchers or rental certificates.

(vii) An HA application that does not comply with the requirements of 24 CFR 882.204(a) or 887.55(b) and this notice,

including the drug-free workplace certification and the anti-lobbying certification/disclosure requirements, after the expiration of the 14-calendar day technical deficiency correction period will be rejected from processing.

(viii) An HA application submitted after the deadline date for the subprogram of rental vouchers or certificates will be rejected from processing.

(ix) An HA must have achieved 90 percent lease-up of units in its HUD-approved budget for the HA fiscal year prior to application for funding in each of its rental voucher and certificate programs. Applications from HAs that have failed to achieve the 90 percent lease-up will be rejected from processing.

(H) HUD Corrections to Rating and Ranking FY 94 Applications

HUD is aware that a few HA applications submitted under the FY 94 NOFAs were not funded due to HUD field staff incorrectly rating and ranking some HAs' applications. Although the number of errors were limited, HUD believes that the errors must be corrected; therefore, HUD Offices that failed to fund certain HA applications for FY 1994 funding due to these errors by the HUD Office may correct those errors as follows:

(1) The HUD Office will reconstruct the FY 94 ranking process to include the application(s) missing from the original ranking process due to the error; and

(2) The HUD Office will determine the number of units and Section 8 budget authority that would have been awarded to the application(s) subject to the FY 94 funds available at the time and the funding selection process utilized in the FY 94 competition.

The HUD Office will correct the error by funding the FY 94 applications from the FY 95 fair share allocation for the same allocation area prior to the FY 95 competition. The funds for the allocation area remaining after correcting the FY 94 ranking error will be available for the FY 95 competition. The correction of the FY 94 error for an HA will not affect the HA's ability to compete for the remaining FY 95 funds and the FY 95 application will be considered as though no error had been made.

(I) Notification of Funds Awarded

(1) After the HUD Offices have reviewed, rated, and ranked applications, and the HUD Offices have approved the applications, each HUD Office must submit to Headquarters a list of all approved applications for each subprogram in this NOFA. The application approval list is due in Headquarters (ATTENTION: Rental Assistance Division, Office of Public and Indian Housing) on the tenth working day following the date set by Headquarters for completion of application ranking and selections.

(2) The HUD Offices must provide the following information for each application approved:

(a) The name and address of the HA;

(b) The project number, and the number of rental vouchers and the number of rental certificates, as applicable, approved for the HA; and

(c) The amount of contract authority and budget authority, stated separately for rental vouchers and rental certificates.

The Field Offices of Native American Programs (FONAPs) also must send to Headquarters Office of Native American Programs a list of all approved IHA applications for each subprogram in this NOFA.

II. Fair Share Allocations

(A) Fair Share Application Deadline Date

The deadline date for applications for the Fair Share allocation is listed in Section I.(B) of the NOFA.

(B) Fair Share Allocation Amounts

(1) Housing Needs Formula

In FY 95, approximately $1.2 billion of budget authority for the rental voucher and certificate programs is available for fair share formula allocation. Of this amount, approximately $600 million is for rental vouchers and approximately $600 million is for rental certificates. This budget authority is being allocated to each HUD Office under this NOFA, using the housing needs factors established in accordance with 24 CFR 791.402. In addition, approximately $151 million is retained in a Headquarters Reserve that will not be allocated by formula.

(2) Metropolitan/Non-Metropolitan Mix

Separate housing needs factors were developed for the metropolitan and non-metropolitan allocation areas within each HUD Office jurisdiction. On a nationwide basis, approximately 90 percent of the FY 1995 ''fair share'' budget authority for the Rental Voucher Program and Rental Certificate Program is designated for allocation to metropolitan areas. The metropolitan housing needs factors were applied to the housing assistance budget authority available for metropolitan areas and the non-metropolitan housing needs factors were applied to the housing assistance budget authority available for non-metropolitan areas.

The allocation areas were established by the HUD State and Area Offices to ensure sufficient competition among HAs (including State and regional or multi-county HAs) operating housing programs within the HUD-established allocation areas.

(3) Program Type

This notice announces the fair share allocation of housing assistance budget authority (See Attachment 1) for the Rental Voucher Program and for the Rental Certificate Program to each allocation area, based on the housing needs factors. The allocation of housing assistance budget authority to each allocation area, however, is the total for both programs. The allocations have been structured to give HUD Offices flexibility in approving HA applications for funding of rental vouchers or rental certificates. This Notice also provides an estimate of the total number of rental vouchers and rental certificates that could be funded from the housing assistance available in the allocation area based on the national average cost of rental assistance for a two-bedroom unit. The actual number of units assisted within each HUD Office will vary from the estimates prepared by Headquarters for each HUD Office since the actual costs of rental assistance for each HA vary from the average.

(4) Reimbursement for Portability Units

The Department has decided that it is appropriate to use up to 50 percent of the fair share allocation for each allocation area as reimbursement to HAs for the costs associated with families that have moved under the portability procedures of the programs. Each HA must designate, in an attachment to Form HUD–52515, the number of units that it is requesting as reimbursement for portability billings or absorptions. A receiving HA that currently bills an initial HA for the cost of rental assistance for a family and receives funding under this NOFA for reimbursement of the rental assistance must discontinue billing the initial HA upon execution of the amendment to the annual contributions contract (ACC). The initial HA will then be able to reissue the rental assistance to another family on the initial HA's waiting list.

Attachment 2 to this NOFA provides a suggested format for the receiving HA to list the number of units and to certify to the number of families assisted under the portability provisions. In order to be eligible for reimbursement for portability, the HA must have billed, during the most recent month prior to

the HA application to HUD for reimbursement, another HA for the cost of the families' rental assistance, including administrative fees, or have absorbed the families into its own program at any time during the last HA fiscal year. A receiving HA may apply for the number of rental vouchers or certificates for which the HA billed another HA during the most recent month prior to application or the number of rental vouchers or certificates for families absorbed at any time during the HA fiscal year.

HUD will, for each allocation area, fund HAs with the highest ratio of rental vouchers or certificates billed and families absorbed in the HA's total rental voucher and certificate program. HUD will divide the total number of rental vouchers and certificates billed and families absorbed by the total number of rental vouchers and certificates on the most recent HUD-approved budget in an HA's program. The resulting percentage (rounded to four decimal places) will be used to rank HAs for funding. Receiving HAs will be ranked in descending order based on the percentage of portable rental vouchers and certificates. When funds are not available to fund the last ranked HAs with the same percentage, the HUD Office will distribute the balance of the funds evenly to the HAs with the same percentage.

(5) Potential Additional Funding

If additional rental voucher or rental certificate funding becomes available for fair share use during FY 95, the Department plans to distribute any additional funding to HUD Offices using the same percentage distribution as reflected in Attachment 1 to this NOFA. Any additional funding will be used under the competitive requirements of this NOFA to fund HA applications which were approvable but not funded, or approved and funded at less than 100 percent of the requested amount.

(C) Fair Share Application Submission Requirements

(1) All the items in Section I.(D), Application Submission Requirements—General, of this NOFA must be included in the application submitted to the HUD Office.

(2) The application should include a narrative description of how the application meets, or will meet, the application selection criteria. Failure to submit a narrative description is not cause for application rejection; however, the HUD Office can only rate and rank the application based on information the HUD Office has on-hand.

(3) Attachment 1 to this notice lists the HUD Offices and an estimate of the number of rental vouchers and certificates and budget authority available for each allocation area within the HUD State or Area Office jurisdiction. HAs should limit their applications for the ''fair share'' program to a reasonable number of rental vouchers and rental certificates, based on the capacity of the HA to lease-up within 12 months of ACC execution. The number of rental vouchers or certificates on the HA application, excluding those designated as portability reimbursements, may not exceed the lesser of: (a) ten percent (10%) of the total rental vouchers and rental certificates on the most recent HUD-approved budget for the HA; or (b) 50 percent of the number of units available for the allocation area.

(4) Each HA that intends to apply for rental vouchers or certificates as reimbursement for families that exercised their rights to portability must attach the portability certification (See Attachment 2 to this NOFA) to its fair share application (Form HUD–52515). Otherwise, the HA application will be considered only for fair share funding. HAs must provide the following portability information to be considered for this special funding:

(i) List the number of units by bedroom size for all rental vouchers and certificates for which the receiving HA billed another HA and for all families that an HA absorbed into its program.

(ii) List the number of rental vouchers and certificates by bedroom size that the HA is requesting under the fair share funding.

(iii) Provide the certification as to the number of rental vouchers or certificates for which the receiving HA is billing under portability or the number of families it has absorbed.

(5) HAs may submit only one application (Form HUD–52515) for an allocation area and must submit a separate application for each allocation area. The total number of rental vouchers or certificates for which an HA applies may not exceed the lesser of ten percent of its program size or 50 percent of the rental vouchers and certificates available for the allocation area.

(6) The HUD Office will reduce the number of rental vouchers and certificates requested in any application that exceeds the established application limit to the lesser of ten percent of the total rental vouchers and rental certificates on the latest HUD-approved budget or 50 percent of the units available for the allocation area.

(D) Fair Share Application Rating Process

The HUD Office must use the Selection Criteria shown below for the rating of applications submitted in response to this NOFA. The maximum score under the selection criteria for fair share funding is 120.

(1) Selection Criterion 1: Unmet Housing Needs (50 points)

(a) Description: This criterion assesses the unmet housing need in the primary area specified in the HA's application compared to the unmet housing need for the allocation area. Unmet housing need is defined as the number of very low-income renter households with housing problems based on 1990 Census, minus the number of Federally-assisted housing units provided since the 1990 Census.

In awarding points under this criterion, HUD will, to the extent practicable, consider all units provided since the 1990 Census under the Section 8 Rental Voucher and Certificate programs, any other Section 8 programs, the Public and Indian Housing programs, the Section 202 program, and the Farmers Home Administrations's Section 515 Rural Rental Housing program.

(b) Rating and Assessment: The number of points assigned is based on the percentage of the allocation area's unmet housing need that is within the HA's primary area. State or Regional Housing Agencies will receive points based on the areas they intend to serve with this allocation, e.g., the entire allocation area or the localities within the allocation area specified in the application. The HUD Office will assign one of the following point totals:

- 50 points. If the HA's percentage of unmet housing need is greater than 50 percent of the allocation area's unmet need.
- 45 points. If the HA's percentage of unmet housing need is equal to or less than 50 percent but greater than 40 percent of the allocation area's unmet need.
- 40 points. If the HA's percentage of unmet housing need is equal to or less than 40 percent but greater than 30 percent of the allocation area's unmet need.
- 35 points. If the HA's percentage of unmet housing need is equal to or less than 30 percent but greater than 20 percent of the allocation area's unmet need.
- 30 points. If the HA's percentage of unmet housing need is equal to or less than 20 percent but greater than 10 percent of the allocation area's unmet need.

• 25 points. If the HA's percentage of unmet housing need is equal to or less than 10 percent but greater than 5 of the allocation area's unmet need.

• 20 points. If the HA's percentage of unmet housing is equal to or less than 5 percent (but greater than zero) of the allocation area's unmet need.

• 0 points. If the HA has no unmet housing need (zero percent). The HUD Office will not consider for funding any HA application receiving zero (0) points.

In accordance with Notice PIH 91–45, the HUD Office will notify the Farmers Home Administration (FmHA) of applications it receives and ask that FmHA provide advisory comments concerning the market for additional assisted housing or the possible impact the proposed units may have on FmHA projects. Applications for which FmHA has provided comments expressing concerns about market need or the continued stability of existing FmHA projects, with which HUD agrees, will receive zero points for this criterion.

(2) Selection Criterion 2: Efforts of HA to Provide Area-Wide Housing Opportunities for Families (60 points)

(a) Description: Many HAs have undertaken voluntary efforts to provide area-wide housing opportunities for families. The efforts described in response to this selection criterion must be beyond those required by federal law or regulation such as the portability provisions of the Section 8 rental voucher and certificate programs. HAs in metropolitan and non-metropolitan areas are eligible for points under this criterion. The HUD Office will assign points to HAs that have established cooperative agreements with other HAs or created a consortium of HAs in order to facilitate the transfer of families and their rental assistance between HA jurisdictions. In addition, the HUD Office will assign points to HAs that have established relationships with non-profit groups to provide families with additional counseling, or have directly provided counseling, to increase the likelihood of a successful move by the families to areas that do not have large concentrations of poverty.

(b) Rating and Assessment: The HUD Office will assign point values for any of the following assessments for which the HA qualifies and add the points for all the assessments (maximum of 60 points) to determine the total points for this Selection Criterion:

• 10 points—Assign 10 points if the HA documents that it participates in an area-wide rental voucher and certificate exchange program where all HAs absorb portable Section 8 families.

• 10 Points—Assign 10 points if the HA certifies that its administrative plan does not include a ''residency preference'' for selection of families to participate in its rental voucher and certificate programs or the HA certifies that it will eliminate immediately any ''residency preference'' currently in its administrative plan.

• 10 Points—Assign 10 points if the HA documents that it has established a contractual relationship with a non-profit agency or the local governmental entity to provide housing counseling for families that want to move to low-poverty or non-minority areas. The five HAs approved for the FY 93 Moving to Opportunity (MTO) for Fair Housing Demonstration and any other HAs that receive counseling funds from HUD in settlement of litigation involving desegregation may qualify for points under this assessment, but these HAs must identify all activities undertaken, other than those funded and required under the MTO Demonstration or the court-ordered plans, to expand housing opportunities.

• 10 Points—Assign 10 points if the HA documents that it requested from HUD, and HUD approved, the authority to utilize exceptions to the fair market rent limitations as allowed under 24 CFR 882.106(a)(4) to allow families to select units in low-poverty or non-minority areas.

• 10 Points—Assign 10 points if the HA documents that it participates with other HAs in using a metropolitan wide or combined waiting list for selecting participants in the program.

• 10 Points—Assign 10 points if the HA documents that it has implemented other initiatives that have resulted in expanding housing opportunities in areas that do not have undue concentrations of poverty or minority families.

(3) Selection Criterion 3: Local Initiatives (10 points)

(a) Description: The application must describe the extent to which the HA demonstrates locally initiated efforts in support of its Rental Voucher and Rental Certificate Program or comparable tenant-based rental assistance programs. Evaluation of a locality's contribution is measured competitively by the extent to which a locality is able to provide services or cash contributions or demonstrate its intention to provide this kind of support in the future, as compared to services or contributions provided by other localities of like program size.

(b) Rating and Assessment: The HUD Office will assign one of two point-values, as follows:

• 10 points: The State or locality provides significant local support (e.g., financial, manpower for inspection services) to its Rental Voucher or Rental Certificate Program.

• 0 points: The State or locality does not provide support to the HA's Rental Voucher or Rental Certificate Program.

(E) Corrections to Deficient Fair Share Applications

(1) Acceptable Applications

See Section I.(G)(1) of this NOFA.

(2) Unacceptable Applications

See Section I.(G)(2) of this NOFA.

(F) Fair Share Application Selection Process

(1) Maximum Funding Allowed

Excluding rental vouchers or certificates for portability reimbursements, the HUD Office may approve maximum funding for an HA under this NOFA that does not exceed the lesser of 10 percent of the HA rental vouchers and rental certificates on the latest HUD-approved budget or 50 percent of the number of rental vouchers and certificates available in the allocation area, whichever is less.

(2) Funding Procedure

The HUD Office must develop a procedure for approving applications (including applications rated by the Native American Programs Office) in rank order until all the housing assistance budget authority is used. The HUD Office may elect to approve applications for 100 percent of the rental vouchers or certificates requested, or the maximum number allowed for each HA under this NOFA (not to exceed the lesser of ten percent of the HA's program size or 50 percent of rental vouchers and certificates available for the allocation area), in all applications that score above a HUD Office-determined funding cut-off. The HUD Office may elect to approve all applications using a lower percentage, but may not approve applications at less than 80 percent of the rental vouchers and certificates requested in all applications that score above the HUD Office-determined funding cut-off.

The HUD Office may elect to divide applications into two categories and to approve a different percentage of requested rental vouchers and certificates for applications in each of the two ranking categories, but not less than 80 percent of the rental vouchers and certificates requested in all applications. The higher percentage of rental vouchers and certificates requested would be approved for all

applications in the higher category and a lower percentage of rental vouchers and certificates requested would be approved for all applications in the lower category. The HUD Office must approve the same percentage (at least 80 percent) of each application within each of the two ranking categories.

Where a HUD Office funds applications at 100 percent or 80 percent of the rental vouchers and certificates requested according to rank order, only to find it has some number of rental vouchers or certificates left but not enough to fund the next fundable application, the next rated application, or applications receiving the same score, can be funded to the extent of the number of rental vouchers or certificates available provided that each application receives the same percentage even though it is less than 80 percent.

If an HA applies for a specific program (i.e., rental vouchers or rental certificates) and funding for the specified program is not available in the metropolitan allocation area or non-metropolitan allocation area, the HUD Office will award the available form of assistance, even though not specifically requested by the applicant.

The HUD State or Area Office must promptly notify the applicable Native American Programs Office for each allocation area as to the status of any applications from IHAs and, if applicable, the amount of budget authority to be made available for IHA applications that were rated high enough to receive funding. The HUD State or Area Office must promptly notify Headquarters (Attention: Budget Division, Office of Public and Indian Housing) of any IHA to be awarded funding so that the funds may be re-assigned to the appropriate Native American Programs Office.

(3) Reallocations of Funds

Each HUD Office must make every reasonable effort to use all available funds. It may be necessary, however, to reallocate funds from one HUD Office to another when the funds are not likely to be used in the HUD Office to which they were initially assigned. In such cases, the following procedures shall be followed:

(a) *Reallocations within the Same State.* If the allocation of funds to a HUD Office cannot be awarded within the office jurisdiction during Fiscal Year 1995, funds will be reallocated to another HUD Office within the same State where they can be used during Fiscal Year 1995.

(b) *Reallocations Between States.* If a HUD Office cannot use funds within the same State, those funds will be re-allocated to another HUD Office for use in a State where they can be used during Fiscal Year 1995.

(c) *Reallocations Between Metropolitan and Non-metropolitan Areas.* The HUD Office must follow the original fund assignments for metropolitan and non-metropolitan areas. If there are not enough approvable applications for the designated metropolitan or non-metropolitan budget authority, the HUD Office may switch the budget authority between a metropolitan and non-metropolitan area within the same State, provided that an offsetting switch can be made in another State within the HUD Office. If an offsetting switch cannot be made and the metropolitan or non-metropolitan amounts require changes to the fund assignments, the approval of the Budget Division, Office of Management and Policy, Office of Public and Indian Housing, must be obtained before switching budget authority between a metropolitan and a non-metropolitan area.

(d) *Requests for Reallocations.* A request for approval of a reallocation between States or between metropolitan and non-metropolitan areas must explain the reasons that funds cannot be used in the original State, or metropolitan and non-metropolitan area, the amount being withdrawn, the program type, and the metropolitan/non-metropolitan mix, and the amount to be reallocated. These requests must be submitted to Headquarters (ATTENTION: Budget Division, Office of Management and Policy, Office of Public and Indian Housing) for approval.

III. Family Unification/Foster Care Program

(A) Family Unification Application Deadline Date

The Deadline date for the Family Unification Program application is listed in Section I.(B) of the NOFA.

(B) Purpose and Substantive Description of Family Unification Program

(1) Authority

Section 8(x) of the U.S. Housing Act of 1937, 42 U.S.C. 1437f(x). The regulations governing the section 8 rental certificate program are codified at 24 CFR parts 882 and 982. This NOFA announces the availability of Family Unification funding under the VA, HUD-Independent Agencies Appropriations Act of 1995 (Pub.L. 103–327, approved September 28, 1994).

(2) Background

The Family Unification Program is a program under which Section 8 rental assistance is provided to families for whom the lack of adequate housing is a primary factor which would result in:

(a) The imminent placement of the family's child, or children, in out-of-home care, or

(b) The delay in the discharge of the child, or children, to the family from out-of-home care.

The purpose of the Family Unification Program is to promote family unification by providing rental assistance to families for whom the lack of adequate housing is a primary factor in the separation, or the threat of imminent separation, of children from their families.

Rental certificates awarded under the Family Unification Program are to be administered by HAs under HUD's regulations for the Section 8 rental certificate program (24 CFR parts 882 and subpart E of part 982). The HA may issue a rental voucher (24 CFR part 887 and subpart E of part 982) to a family selected for participation in the Family Unification Program if the family requests a rental voucher and the HA has one available.

(3) Eligibility of HAs

HAs currently administering a rental voucher or certificate program in the following sixteen states are eligible to apply except those HAs determined unacceptable under section I.(D)(2) of this NOFA: California, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Texas, and Virginia. Applications were limited to HAs in eleven States by Congress under the VA, HUD-Independent Agencies Appropriations Act of 1992, and the Senate Committee Report for the VA, HUD-Independent Agencies Act of 1993 allowed HUD to expand the program to five additional States. The selection of the five additional States was based on the caseload of families with children in foster care within the States. The information concerning families with children in foster care was provided to HUD by the Administration for Children and Families at the U.S. Department of Health and Human Services (HHS).

(4) Program Guidelines

(a) Definitions: For purposes of the Family Unification Demonstration Program:

(i) Family Unification eligible family means a family that:

(*A*) The public child welfare agency has certified is a family for whom the

lack of adequate housing is a primary factor in the imminent placement of the family's child, or children, in out-of-home care, or in the delay of discharge of a child, or children, to the family from out-of-home care; and

(*B*) The HA has determined is eligible for Section 8 rental assistance.

(ii) The lack of adequate housing means a situation in which a family:

(*A*) Is living in substandard housing or homeless, as defined in 24 CFR 982.212 and 982.213, or

(*B*) Is, or will be, involuntarily displaced from a housing unit because of actual or threatened violence against a family member under the circumstances described in 24 CFR 982.211.

(iii) Public child welfare agency (PCWA) means the public agency that is responsible under applicable State or Tribal law for determining that a child is at imminent risk of placement in out-of-home care or that a child in out-of-home care under the supervision of the public agency may be returned to his or her family.

(b) HA Responsibilities.

HAs must:

(i) Accept families certified by the PCWA as eligible for the Family Unification Program. If the HA has a closed waiting list, it must reopen the waiting list to accept Family Unification applicant families. The HA is not required to review its waiting list for eligible families. The HA upon receipt of the PCWA list of families currently in the PCWA caseload must compare the names with those of families already on the HA's Section 8 waiting list. Any family on the HA's Section 8 waiting list that matches with the PCWA's list must be assisted in order of their position on the waiting list in accordance with HA admission policies;

(ii) Determine if any applicants on its waiting list are living in temporary shelters or on the street, and refer such applicants to the PCWA;

(iii) Determine if families referred by the PCWA are eligible for Section 8 assistance and place eligible families on the Section 8 waiting list;

(iv) Amend the administrative plan in accordance with applicable program regulations and requirements;

(v) Administer the rental assistance in accordance with applicable program regulations and requirements; and

(vi) Assure the quality of the evaluation that HUD intends to conduct on the Family Unification Program, and cooperate with and provide requested data to the HUD office or HUD-approved contractor responsible for program evaluation.

(c) Public Child Welfare Agency (PCWA) Responsibilities. Public child welfare agencies must:

(i) Establish and implement a system to identify Family Unification eligible families within the agency's caseload and to review referrals from the HA;

(ii) Provide written certification to the HA that a family qualifies as a Family Unification eligible family;

(iii) Commit sufficient staff resources to ensure that Family Unification eligible families are identified and certified in a timely manner; and

(iv) Cooperate with the evaluation that HUD intends to conduct on the Family Unification Program, and submit a certification with the HA's application for Family Unification funding that the PCWA will agree to cooperate with and provide requested data to the HUD office or HUD-approved contractor having responsibility for program evaluation.

(d) Section 8 Rental Certificate Assistance.

The Family Unification Program provides assistance under the Section 8 rental assistance programs. Although HUD is providing a special allocation of rental certificates, the HA may use both rental vouchers and certificates to assist families under this program.

HAs must administer this program in accordance with HUD's regulations governing the Section 8 rental certificate and rental voucher programs. The HA may issue a rental voucher to a family selected to participate in the Family Unification Program if the family requests a rental voucher and the HA has one available. If Section 8 assistance for a family under this program is terminated, the rental assistance must be reissued to another Family Unification eligible family during the five-year term of the ACC for the Section 8 rental certificates provided under this program.

(C) Family Unification Allocation Amounts

This NOFA announces the availability of up to $76 million for the Family Unification Program which will support assistance for about 2,000 families. Each HA may apply for funding for a maximum of 50 units.

The amounts allocated under this NOFA will be awarded under a national competition based on demonstrated need for such assistance and a lottery for selection from all approvable applications. The Family Unification Program is exempt from the fair share allocation requirements of section 213(d) of the Housing and Community Development Act of 1974, and from 24 CFR part 791, subpart D, the HUD regulation implementing section 213(d).

(D) Family Unification Application Submission Requirements

(1) Letter of Intent and Narrative

All the items in this Section and Section I.(D), Application Submission Requirements—General, must be included in the application submitted to the HUD Office. The application must include an explanation of how the application meets, or will meet, Threshold Criteria 1 through 4 in Section III.(E)(2) below.

The application must also include a letter of intent from the PCWA stating its commitment to provide resources and support for the Family Unification Program. The PCWA letter of intent must explain:

(i) The method used to identify eligible families,

(ii) The process to certify eligible families,

(iii) The PCWA assistance to families to locate suitable housing,

(iv) The staff resources committed to the program, and

(v) PCWA experience with the administration of similar programs including cooperation with an HA.

The PCWA serving the jurisdiction of the HA is responsible for providing the information for Threshold Criterion 4, PCWA Statement of Need for Family Unification Program, to the HA for submission with the HA application. The application must include a statement by the PCWA describing the need for a Family Unification Program. This should include a discussion of the case-load of the PCWA and information about homelessness, family violence resulting in involuntary displacement, number and characteristics of families who are experiencing the placement of children in out-of-home care as a result of inadequate housing, and the PCWA's experience in obtaining housing through HUD assisted housing programs and other sources for families lacking adequate housing. A State-wide Public Child Welfare Agency must provide information on Threshold Criterion 4, PCWA Statement of Need for Family Unification Program, to all HAs that request data; otherwise, HUD will not consider applications from any HAs with the State-wide PCWA as a participant in its program. The HA must state in its cover letter to the application whether it will accept a reduction in the number of rental certificates and the minimum number of rental certificates it will accept since the funding is limited and HUD may only have enough funds to approve a smaller amount than

the number of rental certificates requested.

(2) Evaluation Certifications

The HA and the PCWA in separate certifications must state that the HA and Public Child Welfare Agency agree to cooperate with HUD and provide requested data to the HUD office or HUD-approved contractor delegated the responsibility for the program evaluation. No specific language for this certification is prescribed by HUD.

(E) Family Unification Application Rating Process

(1) General

The HUD Office is responsible for rating the applications, and HUD Headquarters is responsible for selection of applications (including applications rated by the Native American Programs Office) that will receive assistance under the Family Unification Program. The HUD Office will initially screen all applications and determine any technical deficiencies based on the application submission requirements.

Each application submitted in response to the NOFA must receive, in order to be eligible for funding, at least 30 points for Threshold Criterion 1: Unmet Housing Needs; at least 10 points for Threshold Criterion 2: Efforts of HA to Provide Area-Wide Housing Opportunities for Families; and must meet the requirements for Threshold Criterion 3: Coordination between HA and Public Child Welfare Agency, and Threshold Criterion 4: Public Child Welfare Agency Statement of Need for Family Unification Program.

(2) Threshold Criteria

(a) Selection Criterion 1: Unmet Housing Needs (50 points).

(i) Description: This criterion assesses the unmet housing need in the primary area specified in the HA's application compared to the unmet housing need for the allocation area. Unmet housing need is defined as the number of very low-income renter households with housing problems based on 1990 Census, minus the number of Federally-assisted housing units provided since the 1990 Census.

In awarding points under this criterion, HUD will, to the extent practicable, consider all units provided since the 1990 Census under the Section 8 Rental Voucher and Certificate programs, any other Section 8 programs, the Public and Indian Housing programs, the Section 202 program, and the Farmers Home Administration's Section 515 Rural Rental Housing program.

(ii) Rating and Assessment: The number of points assigned is based on the percentage of the allocation area's unmet housing need that is within the HA's primary area. State or Regional Housing Agencies will receive points based on the areas they intend to serve with this allocation, e.g., the entire allocation area or the localities within the allocation area specified in the application. The HUD Office will assign one of the following point totals:

- 50 points. If the HA's percentage of unmet housing need is greater than 50 percent of the allocation area's unmet need.
- 45 points. If the HA's percentage of unmet housing need is equal to or less than 50 percent but greater than 40 percent of the allocation area's unmet need.
- 40 points. If the HA's percentage of unmet housing need is equal to or less than 40 percent but greater than 30 percent of the allocation area's unmet need.
- 35 points. If the HA's percentage of unmet housing need is equal to or less than 30 percent but greater than 20 percent of the allocation area's unmet need.
- 30 points. If the HA's percentage of unmet housing need is equal to or less than 20 percent but greater than 10 percent of the allocation area's unmet need.
- 25 points. If the HA's percentage of unmet housing need is equal to or less than 10 percent but greater than 5 of the allocation area's unmet need.
- 20 points. If the HA's percentage of unmet housing is equal to or less than 5 percent (but greater than zero) of the allocation area's unmet need.
- 0 points. If the HA has no unmet housing need (zero percent). The HUD Office will not consider for funding any HA application receiving zero (0) points.

In accordance with Notice PIH 91–45, the HUD Office will notify the Farmers Home Administration (FmHA) of applications it receives and ask that FmHA provide advisory comments concerning the market for additional assisted housing or the possible impact the proposed units may have on FmHA projects. Applications for which FmHA has provided comments expressing concerns about market need or the continued stability of existing FmHA projects, with which HUD agrees, will receive zero points for this criterion.

(b) Selection Criterion 2: Efforts of HA to Provide Area-Wide Housing Opportunities for Families (60 points).

(i) Description: Many HAs have undertaken voluntary efforts to provide area-wide housing opportunities for families. The efforts described in response to this selection criterion must be beyond those required by federal law or regulation such as the portability provisions of the Section 8 rental voucher and certificate programs. HAs in metropolitan and non-metropolitan areas are eligible for points under this criterion. The HUD Office will assign points to HAs that have established cooperative agreements with other HAs or created a consortium of HAs in order to facilitate the transfer of families and their rental assistance between HA jurisdictions. In addition, the HUD Office will assign points to HAs that have established relationships with non-profit groups to provide families with additional counseling, or have directly provided counseling, to increase the likelihood of a successful move by the families to areas that do not have large concentrations of poverty.

(ii) Rating and Assessment: The HUD Office will assign point values for any of the following assessments for which the HA qualifies and add the points for all the assessments (maximum of 60 points) to determine the total points for this Selection Criterion:

- 10 points—Assign 10 points if the HA documents that it participates in an area-wide rental voucher and certificate exchange program where all HAs absorb portable Section 8 families.
- 10 points—Assign 10 points if the HA certifies that its administrative plan does not include a ''residency preference'' for selection of families to participate in its rental voucher and certificate programs or the HA certifies that it will eliminate immediately any ''residency preference'' currently in its administrative plan.
- 10 points—Assign 10 points if the HA documents that it has established a contractual relationship with a non-profit agency or the local governmental entity to provide housing counseling for families that want to move to low-poverty or non-minority areas. The five HAs approved for the FY 93 Moving to Opportunity (MTO) for Fair Housing Demonstration and any other HAs that receive counseling funds from HUD in settlement of litigation involving desegregation may qualify for points under this assessment, but these HAs must identify all activities undertaken, other than those funded and required under the MTO Demonstration or the court-ordered plans, to expand housing opportunities.
- 10 points—Assign 10 points if the HA documents that it requested from HUD, and HUD approved, the authority to utilize exceptions to the fair market rent limitations as allowed under 24 CFR 882.106(a)(4) to allow families to

select units in low-poverty or non-minority areas.

• 10 points—Assign 10 points if the HA documents that it participates with other HAs in using a metropolitan wide or combined waiting list for selecting participants in the program.

• 10 points—Assign 10 points if the HA documents that it has implemented other initiatives that have resulted in expanding housing opportunities in areas that do not have undue concentrations of poverty or minority families.

(c) Threshold Criterion 3: Coordination Between HA and Public Child Welfare Agency to Identify and Assist Eligible Families.

The application must describe the method that the HA and the public child welfare agency will use to identify and assist Family Unification eligible families. The application must include a letter of intent from the PCWA stating its commitment to provide resources and support for the program. The PCWA letter of intent and other information must be comprehensive and must include an explanation of the method used to identify eligible families, of the PCWA's certification process for determining Family Unification eligible families, of the responsibilities of each agency, of the PCWA assistance provided to families in locating housing units, of the PCWA staff resources committed to the program, of the past PCWA experience administering a similar program, and of the PCWA/HA cooperation in administering a similar program.

(d) Threshold Criterion 4: Public Child Welfare Agency Statement of Need for Family Unification Program.

The application must include a statement by the PCWA describing the need for a program providing assistance to families for whom lack of adequate housing is a primary factor in the placement of the family's children in out-of-home care, or in the delay of discharge of the children to the family from out-of-home care in the area to be served, as evidenced by the caseload of the public child welfare agency. The PCWA must adequately demonstrate that there is a need in the HA's jurisdiction for the Family Unification program which is not being met through existing programs. The narrative must include specific information relevant to the area to be served, about homelessness, family violence resulting in involuntary displacement, number and characteristics of families who are experiencing the placement of children in out-of-home care or the delayed discharge of children from out-of-home care as the result of inadequate housing, and the PCWA's past experience in obtaining housing through HUD assisted programs and other sources for families lacking adequate housing.

(F) Corrections to Deficient Family Unification Applications

(1) Acceptable Applications

See Section I.(G)(1) of this NOFA.

(2) Unacceptable Applications

See Section I.(G)(2) of this NOFA.

(G) Family Unification Application Selection Process

After the HUD Office has screened HA applications and disapproved any applications unacceptable for further processing (See Section I.(G)(2) of this NOFA), the HUD Office will review and rate all approvable applications, utilizing the Threshold Criteria and the point assignments listed in this NOFA. Each HUD Office will send to HUD Headquarters the following information on each application that passes the Threshold Criteria:

(1) Name and address of the HA;

(2) Name and address of the Public Child Welfare Agency;

(3) State Office, Area Office, or Native American Programs Office contact person and telephone number.

(4) The number of rental certificates in the HA application and minimum number of rental certificates specified in the HA application and the corresponding budget authority acceptable to the HA; and

(5) A completed fund reservation worksheet for the number of rental certificates requested in the application.

All Field Offices of Native American Programs also must send to Headquarters Office of Native American Programs the information listed in Section III.(G) (1)–(5) for each IHA application that passes the threshold criteria.

Headquarters will select eligible HAs to be funded based on a lottery. All HAs identified by the HUD Offices as meeting the Threshold Criteria identified in the NOFA will be eligible for the lottery selection process. As HAs are selected, the costs of funding the applications will be counted against the total funds available for the Family Unification program. In order to achieve geographic diversity, HUD Headquarters will limit the number of applications selected for funding under the lottery for any State to ten percent of the budget authority made available under this NOFA.

Applications will be funded in full for the number of rental certificates requested by the HA in accordance with the NOFA. However, when remaining rental certificate funds are insufficient to fund the last HA application in full, HUD Headquarters may fund that application to the extent of the funding available and the applicant's willingness to accept a reduced number of rental certificates. Applicants that do not wish to have the size of their programs reduced may indicate in their applications that they do not wish to be considered for a reduced award of funds. HUD Headquarters will skip over these applicants if assigning the remaining funding would result in a reduced funding level.

IV. Family Self-Sufficiency (FSS) Service Coordinators

(A) FSS Service Coordinators Applications Deadline Date

The deadline date for the Family Self-Sufficiency (FSS) Service Coordinators subprogram is listed in Section I.(B) of the NOFA.

(B) Purpose and Substantive Description of Funding for FSS Service Coordinators

The FY 1995 HUD Appropriations Act (Pub. L. 103–327 approved September 28, 1994) makes available administrative fees under section 23(h) of the U.S. Housing Act of 1937 for the Section 8 FSS program. Section 23(h) establishes a fee for the costs incurred in administering the Section 8 FSS program and requires the Secretary to revise the fee upon submission by the General Accounting Office (GAO) of a report determining the additional costs to HAs under FSS programs. In April 1992, the GAO issued its report; however, the report indicated that it was premature to make a recommendation for changes in the fee. As a result, the Department determined to make a sufficient fee available under this NOFA, to enable the smaller HAs (i.e., those with programs of less than 1,500 total rental vouchers and certificates) with required FSS programs of at least 25 slots, to hire up to one FSS program coordinator for one year at a reasonable cost, as determined by the HA and HUD, based on salaries for similar positions in the locality.

(1) Eligible Activity

Funds are available under this NOFA to employ or otherwise retain the services of up to one FSS program coordinator for one year. A part-time FSS program coordinator may be retained where appropriate. Under the FSS program, HAs are required to use Section 8 rental assistance together with public and private resources to provide supportive services to enable

participating families to achieve economic independence and self-sufficiency. Effective delivery of supportive services is a critical element in a successful program.

(a) Program Coordinator Role.

HAs administering the FSS program use program coordinating committees (PCCs) to assist them to secure resources for and implement the FSS program. The program coordinating committee is made up of representatives of local government, job training and employment agencies, local welfare agencies, educational institutions, child care providers, nonprofit service providers, and businesses.

An FSS program coordinator works with the PCC, and with local service providers to assure that program participants are linked to the supportive services they need to achieve self-sufficiency. The FSS program coordinator may ensure, through case management, that the services included in participants' contracts of participation are provided on a regular, ongoing and satisfactory basis, and that participants are fulfilling their responsibilities under the contracts.

(b) Staffing Guidelines.

Under normal circumstances, a full-time FSS program coordinator should be able to serve approximately 50 FSS participants, depending on the coordinator's case management functions.

(c) Eligibility of HAs.

All HAs funded under the FY 94 NOFA that wish to obtain funding for another year do not need to re-apply. HUD will automatically fund the FY 94 recipients at 103 percent of the FY 94 amount unless the HA submits a new application or notifies HUD not to fund the HA for an FSS Service Coordinator. All HAs which did not receive FSS coordinator funding in FY 94 and that currently administer a rental voucher and certificate program of less than 1,500 total rental vouchers and certificates and that received FY 1992 FSS incentive award funding, or FY 1993 and later rental voucher or certificate funding (other than renewal funding), and as a result are required to administer an FSS program of at least 25 FSS slots are eligible to apply. HAs with less than 1,500 total rental vouchers and certificates and with FSS programs of fewer than 25 slots may also apply, if they apply jointly with one or more other eligible HAs so that between or among the HAs they administer at least 25 FSS slots. If eligible applicants apply jointly, their combined total program size may exceed 1,500 total rental vouchers and certificates, but the $40,000 maximum amount that may be requested still applies. Joint applicants must specify a lead coapplicant which will receive and administer the FSS program coordinator funding. A state or regional (i.e., multi-county jurisdiction) HA that administers a program of more than 1,500 rental vouchers and certificates may apply if it is required to administer an FSS program of fewer than 1,500 FSS slots.

HUD has limited eligibility under this NOFA to HAs with less than 1,500 total Section 8 rental vouchers and certificates and to state and multi-county regional HAs that are required to administer FSS programs of at least 25 but fewer than 1,500 FSS slots, because the $17.3 million appropriated for FSS program coordinators is insufficient to fund all HAs administering FSS programs. HUD determined that HAs administering large Section 8 programs are more likely than smaller HAs to have access to other resources for FSS program administration. State HAs indicated an interest in FY 94 in submitting applications for funding under the FSS Service Coordinators NOFA regardless of the 600 total program size limitation in FY 94. In response, HUD has decided to allow a state or multi-county regional HA that administers an FSS program in more than one location to submit an application if the state or multi-county regional HA is required to administer an FSS program of at least 25 but fewer than 1,500 FSS slots.

HUD is requiring that applicants under this NOFA administer FSS programs of at least 25 FSS slots (based on FY 1992 FSS incentive award funding or FY 1993 and later rental voucher and certificate funding (other than renewal funding)) to ensure that the limited program coordinator funds are used in a cost-effective manner. The Department expects that FSS programs of less than 25 FSS slots can be managed within HA resources.

(2) Eligible Applicants With HUD Approved Exceptions to Mandatory Minimum Size

If HUD has approved either a full or partial exception to implementing an FSS program of the mandatory minimum size for an eligible applicant with less than 1,500 rental vouchers and certificates, solely because of a lack of funds for reasonable administrative costs, the approval of the exception is hereby automatically rescinded, since funding for an FSS program coordinator is now available under this NOFA.

(C) FSS Service Coordinators Allocation Amounts

For FY 1995, the HUD Appropriations Act made $17.3 million available for HA administrative fees for Section 8 FSS Service Coordinators. Of this amount, up to $8.7 million will be provided to those HAs that received FY 94 funds in response to the NOFA published on August 29, 1994. This is the second fiscal year of funding for FSS Service Coordinators. All HAs that received funding for FSS Service Coordinators funding under the FY 94 NOFA will receive 103 percent of the amount awarded under the FY 94 NOFA without submitting a new application in response to this NOFA, unless the HA notifies the HUD Office that it does not want additional funding. Any previously funded HA has the flexibility to submit a new application in response to this NOFA in order to change the funded amount up to the maximums established in this NOFA. Any other HA with less than 1,500 total rental vouchers and certificates may submit an application for initial funding under this subprogram.

An eligible HA may apply for a maximum of $40,000 to support up to one FSS program coordinator for one year. An eligible state HA or multi-county regional HA may apply for a maximum of $40,000. HUD may fund applications at less than the requested amount, based on the HUD Office application review.

(D) FSS Service Coordinators Application Submission Requirements

Each application for funding under this NOFA must contain the following items:

(1) Request for FSS Service Coordinator Funds

All applications must contain the following information stated in a letter from the Executive Director of the HA to the Director of the Office of Public Housing in the local HUD Office or to the Administrator of the Native American Programs Office (see sample letter format, Attachment 6A):

(a) The total number of currently enrolled FSS families.

(b) The total number of required FSS slots (based on FY 1992 incentive award funding and FY 1993 and later rental voucher and certificate funding).

(c) The annual salary proposed for the FSS program coordinator, plus any fringe benefits. Do not include costs of training, transportation, clerical support, equipment, supplies, or other administrative costs or overhead. The service coordinator salary should be set as follows:

(i) Determine the salary level, taking into consideration salaries for comparable jobs, modified by the hours worked.

(ii) Set the annual salary, including any fringe benefits that pertain to the job.

(d) Evidence that demonstrates salary comparability with similar positions in the local jurisdiction.

(e) Joint applicants must indicate which HA will be the lead applicant and will receive and administer the FSS program coordinator funding.

(2) Required Certification Form

The HA must submit the Certification Regarding Fair Housing and Equal Opportunity included as Attachment 6B to this NOFA.

(E) Corrections to Deficient FSS Service Coordinators Applications

(1) Acceptable Applications

See Section I.(G)(1) of this NOFA.

(2) Unacceptable Applications

See Section I.(G)(2) of this NOFA.

(F) Application Selection Process for FSS Service Coordinators

The funds available under this subprogram are not being awarded on a competitive basis. The Department anticipates that there may be sufficient funds available under the NOFA to fund all applications that meet the NOFA requirements. Applications will be reviewed by the HUD Office to determine whether or not they are technically adequate based on the NOFA requirements.

Upon completion of the HUD Office review, a list of all technically adequate applications, each applicant's total program size and FSS program size, and the amount approved for each applicant will be forwarded by the HUD Office to the Rental Assistance Division in HUD Headquarters which will then allocate the available funding among approvable applications. All technically adequate applications will be funded to the extent funds are available. If HUD receives applications for funding greater than the amount made available under this NOFA, HUD will fund applications from the smallest HAs first (i.e., those HAs with the smallest combined rental voucher and certificate programs, or, in the case of state and multi-county regional HAs, smallest FSS program size) and will not fund applications from the larger HA applicants. The size of a State or multi-county regional HA's program will be determined based on the number of FSS slots it plans to administer with the funds for the FSS Coordinator.

V. Section 8 Counseling

(A) Application Due Date for Section 8 Counseling

Applications for Section 8 Counseling are to be submitted directly to HUD Headquarters at the following address: Mr. Laurence Pearl, Office of Program Standards and Evaluation, Fair Housing and Equal Opportunity, Room 5226, 451 Seventh Street, SW, Washington, DC 20410. The deadline date for applications for the subprogram for Section 8 Counseling is listed in Section I.(B) of the NOFA.

(B) Purpose and Substantive Description of Section 8 Counseling

(1) General

This NOFA announces the availability of approximately $150 million for HA administrative fees for Section 8 Counseling to facilitate a wide range of housing options for rental voucher and certificate holders and program participants. HUD has determined that families assisted under the Section 8 program frequently have a lack of knowledge of the rental market and this has limited the housing options of these families. HUD has decided to set-aside a portion of the FY 95 Section 8 funding (See Attachment 5) for administrative fees for housing agencies (HAs) to establish counseling services programs to assist families in expanding housing opportunities for families. The set-aside is designed to provide eligible families with information about a wide range of housing options in neighborhoods throughout a metropolitan area so that the families may make informed decisions about the selection of housing units. This goal will be accomplished by a combination of intensive counseling and outreach to landlords. Each HA funded under this NOFA for Section 8 Counseling must use the counseling funds only for those families eligible under this NOFA and may not counsel families for which the HA is funded from other sources, e.g., funds provided by HUD to assist and to counsel families benefiting from the settlement of litigation or involving desegregation.

(2) Housing Agency/Non-Profit Organization Partnership

The HA identified on Attachment 5 is designated as the lead HA for the metropolitan area for which funds are allocated. The lead HA must form a partnership with other HAs within the metropolitan area that have a high proportion of families living in poverty concentrated census tracts and with a non-profit organization (NPO) in order to undertake the housing counseling services on a metropolitan-wide basis unless the HAs believe they can perform the housing counseling. The lead HA will submit an application to HUD on behalf of all the HAs participating in the Section 8 Counseling provided by the NPO or in some cases the HAs and, the lead HA will be responsible for budgeting and financial management activities. HUD will allow HAs to undertake the housing counseling services without an NPO only if the HA can demonstrate in its application that the HA has the capability and the experience to perform the required services on a metropolitan-wide basis. HUD will not consider requests for ''pre-approval'' of HA capability and experience to perform these services under this set-aside. An HA without sufficient capability and experience that submits an application without an NPO must modify its application (i.e., add an NPO) during the 30 calendar day correction period or the HA will not be funded under this set-aside.

(3) Housing Counseling Services

The housing counseling services to be provided must be consistent with current program rules and, at a minimum, must include the services identified below; however, it is not necessary that each of these services be provided to every family:

(i) Outreach to private landlords in low-poverty neighborhoods (i.e., neighborhoods where the concentration of families at or below the poverty is less than 10 percent) throughout the metropolitan area, and counseling and referral services for eligible families consistent with a policy of avoiding unduly concentrating assisted families in a particular neighborhood;

(ii) Review eligible families for credit, housekeeping and criminal backgrounds to ensure suitability for counseling services;

(iii) Conduct home visits and escort families to potential units selected by the families;

(iv) Assist families in negotiating rent incentives and inducements from landlords during housing search;

(v) Coordinate support services and provide counseling on opportunities for educational, child care, medical care and employment after families move to new units;

(vi) Monitor activities for compliance with fair housing laws; and,

(vii) Monitor rents in low poverty neighborhoods and compare with the Section 8 fair market rents (FMRs) every six months to determine the impact of the FMRs on the range of housing opportunities on families.

HUD encourages HAs to undertake additional housing counseling activities that have the potential of expanding housing opportunities for eligible families. HUD will provide funds, in excess of the amount listed in Attachment 5, from the $10 million set-aside retained for this purpose to lead HAs contingent upon documentation of satisfactory performance based on application and administrative guidance, and review and approval by HUD, that propose innovative housing counseling services. HUD will determine the amount of additional funds based on the proposed services to be provided.

(4) Eligible Families

A family is eligible to receive housing counseling services under this set-aside if the family is a current participant in the rental voucher or certificate programs or if the family has received a rental voucher or certificate from the HA to search for a unit. A family is also eligible if it receives rental assistance under the subprograms of this NOFA for Persons with HIV/AIDS, Mainstream Housing, and Homeless Families.

An HA must provide housing counseling services to eligible families, that are current participants or if the family has received a rental voucher or rental certificate from the HA to search for a unit, in the order set forth below:

(a) Families that currently receive income from work;

(b) Families that currently are work-ready, i.e., enrolled in an education or job training program; and then,

(c) All other eligible families. The other eligible families may be ranked at the HA's discretion to meet the HA's goals for policies established by the HA in its administrative plan.

(5) Program Record Keeping Requirements

In addition to the normal documentation required for the Section 8 program, each HA must maintain separate records for this set-aside as follows:

(a) the amount of time that staff devote to Section 8 counseling activities;

(b) a general description of the amount of landlord outreach effort for the set-aside to include the names and addresses of landlords contacted; the types of units under their control or management; whether the landlord has accepted Section 8 previously, and the outcome of the outreach effort;

(c) the average costs of the housing counseling services per counseled family;

(d) periodic surveys to measure the satisfaction of counseled families (customer satisfaction form to be provided by HUD);

(e) a summary of the racial, ethnic and income composition of families counseled under the set-aside and correlated with the number and location of units shown to each family and the neighborhood in which the family successfully leases a unit;

(f) information on the employment or educational training status of families at the time of counseling and any problems encountered;

(g) a record of all housing referrals to landlords and the results of these referrals; and

(h) periodic surveys to measure the satisfaction of landlords participating in this program for families that received housing counseling services (landlord satisfaction forms to be provided by HUD).

Each HA must maintain its records to show that NPO, or in some cases the HA, counselled only those families eligible for these services.

(C) Allocation Amounts for Section 8 Counseling

The availability of HA administrative fees is based on a formula allocation and is not a competition for funding. Each lead HA must submit an approvable application that identifies all the HAs participating in the Section 8 Counseling program to receive the administrative fee funding identified in Attachment 5. The award of Section 8 Counseling funds is contingent upon documentation of satisfactory performance based on application and administrative guidance, and review and approval by HUD.

Section 8 Counseling funds of $115 million have been allocated to the metropolitan areas with the highest concentrations of persons living in poverty-concentrated census tracts, i.e., census tracts where 30 percent or more of the persons live below the poverty level according to the 1990 census.

HUD allocated the $115 million Section 8 Counseling funds to the metropolitan areas using the Fair Share factors. The remaining $10 million will be awarded to eligible HAs, i.e., only those HAs listed on Attachment 5, as bonus funding to supplement the funding for those HAs and NPOs that have demonstrated successes in operating counseling programs of this type and that intend to undertake counseling with unique features such as innovative methods of counseling, metropolitan-wide housing search assistance, and other varied combinations of services. HUD encourages HAs to propose unique methods for increasing the housing opportunities for Section 8 rental voucher and certificate holders and participant families.

(D) Application Submission Requirements for Section 8 Counseling

Each lead HA must submit the items identified in Section I.(D) of the NOFA, Application Submission Requirements - General, and this section of the NOFA for Section 8 Counseling.

(1) HA Application

Each HA listed in Attachment 5 to this NOFA may submit an application for Section 8 Counseling as the lead HA for the metropolitan area. All other HAs intending to participate in the Section 8 Counseling program must be identified and must submit a letter of support for the lead HA's application.

(2) Counseling Services

The application must describe the HA's proposed counseling program over the five-year ACC term and must include a complete, specific statement outlining the proposed methods of housing counseling, landlord recruitment and data collection. HAs must describe the methods proposed to provide housing counseling services that increase housing opportunities for rental voucher and certificate holders and participant families beyond those normally provided under the Section 8 program. HAs should also identify goals for the housing counseling services, including those performed by an NPO subcontractor, against which their success may be measured.

The application must include information concerning the site at which the housing counseling will be conducted. An HA may provide the housing counseling services through a subcontract with an NPO to perform these functions on its behalf or, under certain circumstances, provide the services itself. Counseling services provided either by the HA or by a non-profit organization (NPO) must contain, at a minimum, the services described in Section V.(B)(3) of this NOFA.

Any HA that proposes to undertake housing counseling services in excess of those required under this set-aside must separately identify the additional activities and additional funds requested for the innovative services as well as the proposed cost of the additional services during the five-year ACC term. HUD has not established a maximum amount per HA to be provided from the $10 million of the funding for this set-aside that has been retained for innovative services.

(3) Counseling Subcontractor

The HA must submit a letter from the NPO with which it intends to subcontract with its application that describes the services, unless the HA decides to undertake the counseling services itself. The letter from the NPO must explain in detail the services to be performed on behalf of the HA and the experience or qualifications of the subcontractor to perform the services. The NPO letter will explain the timing and method of payment from the HA. In order for HUD to evaluate the cost of the proposed services, the HA and the NPO subcontractor must include information on the indirect cost arrangement to be established between the HA and the NPO. The NPO must submit documentation as a part of the application that verifies the 501(c)(3) (IRS Code) status of the NPO and its legal authority to operate throughout the metropolitan area. If the HA intends to perform the counseling services itself, the HA must provide the details of its capability to undertake the proposed counseling as required by section V.(D)(2) of this NOFA.

(4) Eligible Families

The application must describe the order of priorities for families to receive counseling services. Section V.(B)(4) of this NOFA establishes the first order of priorities of families to receive counseling. HAs have the discretion to establish preferences within the order of priorities and add priorities to the end of the list identified by HUD. The application must also include the number of Section 8 rental voucher and certificate holders as well as current Section 8 participants that are anticipated to be eligible for housing counseling under this set-aside and the subprograms of this NOFA for Persons with HIV/AIDS, Mainstream Housing, and Homeless Families.

(5) Management and Staffing Plans and Budget

The HA must submit a management plan, staffing plan and complete a five-year budget for the housing counseling program that, at a minimum meets the requirements of Section V.(B)(3) of this NOFA. The staffing plan should include a brief resume of each principal of the NPO and a list of its Board of Directors or other governing body.

If the HA proposes services beyond those required in Section V.(B)(3) of this NOFA, the application must include a separate and comprehensive, five-year budget that reflects all minimum and extra services to be provided. This budget is not in lieu of, but is in addition to, the budget for the minimum services.

(6) Application Revisions After Submission to HUD

HUD will provide the applicant an opportunity to revise its application after submission to HUD in response to specific written comments from HUD. The HA will have a thirty calendar day period from the date of HUD's letter to satisfy all issues with HUD. Applicants will be allowed to respond to HUD comments more than once during the thirty day correction period so long as the negotiations are completed by the thirty calendar day deadline.

(E) Corrections to Deficient Applications for Section 8 Counseling

(1) Acceptable Applications

See Section V.(D)(6) of this NOFA for the applicable provisions.

(2) Unacceptable Applications

The 14 calendar day technical correction period does not apply to this NOFA. See Section VIII.(D)(6) of this NOFA for the applicable provisions.

(F) Application Selection Process for Section 8 Counseling

(1) General

The funds available under this NOFA are being awarded on a formula basis as listed in Attachment 5 of the NOFA. An HA must submit an application to receive the Section 8 counseling funds. Applications will be reviewed by HUD Headquarters to determine whether or not they are technically adequate and responsive to the application submission criteria based on the NOFA requirements. An application must receive a minimum score of 40 points under the threshold criteria shown below in order to be approvable for funding. To expedite the review of applications and the award of funds under this subprogram, HUD Headquarters may initiate its review of any application received prior to the deadline established for submission.

HUD will allocate the available funding to the HAs identified in technically adequate and responsive applications. If HUD receives applications for funding less than the amount made available for an area under this NOFA, due to failure of an applicant to apply or due to technically inadequate applications, HUD will make these funds available to other applicants.

(2) Application Threshold Criteria

(a) Threshold Criterion 1: Proposed Methodology for Housing Counseling Services (40 points).

HUD Headquarters will assign up to 40 points for the proposed methodologies for conducting the housing counseling program, landlord outreach and program evaluation. The highest assessment of points is limited to those applications where the applicant provides an excellent understanding of the services to be performed and proposed innovative techniques to achieve the goals of the set-aside.

(b) Threshold Criterion 2: Experience and Capability of NPO/HA (35 points).

HUD Headquarters will assign up to 35 points for an application where the NPO/HA providing the housing counseling services has the capability and experience to successfully undertake the housing counseling services. No points will be awarded for an application that shows the service provider has minimal experience or experience only in the normal Section 8 Equal Opportunity Housing Plan activities.

VI. NOFA for Mainstream Housing Opportunities for Persons With Disabilities (Mainstream Program)

(A) Mainstream Program Application Deadline Date

The deadline date for Mainstream Program applications is listed in Section I.(B) of the NOFA.

(B) Purpose and Substantive Description of Mainstream Program

(1) Purpose

The Secretary has established a Mainstream Housing Opportunities for Persons with Disabilities Program (Mainstream Program) to provide rental vouchers and certificates to enable persons with disabilities to rent affordable private housing of their choice, in a nonsegregated environment.

Federal housing assistance for persons with disabilities has generally been provided under project-based programs targeted for groups with special needs (i.e., housing exclusively for persons with disabilities or housing exclusively for the elderly and disabled populations). This approach partly reflects the disparity between the needs of persons with disabilities and the availability of decent, affordable and accessible housing in an integrated setting. In addition, persons with disabilities often face difficulties in locating suitable and accessible housing on the private market and linking their

housing environment with any supportive services that they may want or need.

The Mainstream Program will reach communities that have concentrations of persons with disabilities in need of housing assistance, including those living in housing of an institutional nature. The Department expects the program to be of particular interest to HAs with public housing reserved for occupancy by elderly families and disabled families that wish to provide nonpublic housing options to some of their disabled residents.

(a) Application Options. HUD will award funding for rental vouchers and/or certificates under the Mainstream Program through two application options: (1) An application option open only to HAs that submit an allocation plan to designate public housing for occupancy by elderly families, and that also administer a Section 8 rental certificate, rental voucher or moderate rehabilitation program; and (2) an application option for general use rental assistance for persons with disabilities, open to all HAs which currently administer a Section 8 rental certificate, rental voucher or moderate rehabilitation program. Eligible HAs may apply for assistance under either or both application options.

Under the first application option, HUD will make available approximately 1,250 rental vouchers and certificates to support approvable HA allocation plans to designate housing for elderly families. The rental vouchers and certificates will enable HAs to meet the designated housing regulatory requirement to make available sufficient housing resources to provide assistance to at least the number of nonelderly disabled families that would have been housed by the HA if occupancy in the designated public housing project were not restricted to elderly households. Applicants who choose to apply under this option should be familiar with the Public Housing Designated Housing rule, published in the Federal Register April 13, 1994 (24 CFR part 945). HUD intends to fund all approvable applications under the designated housing allocation plan application option, unless HUD receives applications for more funding than available for this option. In that case, HUD will select applications for funding by lottery.

Under the second application option, for general use rental assistance for persons with disabilities, HUD will make available approximately 1,250 Section 8 rental vouchers and certificates for HAs to increase the supply of mainstream housing opportunities available to persons with disabilities. HUD will select HA applications for funding under the general use application option by lottery.

(b) Limit on Rental Assistance Requested. An eligible HA applying under the general use application option may apply for up to 150 rental vouchers and/or certificates. An HA applying in conjunction with submission of a designated housing allocation plan may apply for only the number of units needed to meet the requirements of the allocation plan to provide housing resources for persons who otherwise would have received public housing, up to a maximum of 150 rental vouchers and certificates.

(2) Guidelines

(a) Definitions.

Allocation plan. A HUD-approved allocation plan required of HAs seeking to designate a project for occupancy by elderly families. See 24 CFR 945.203.

Disabled Family. A family whose head, spouse or sole member is a person with disabilities. The term ''disabled family'' may include two or more persons with disabilities living together, and one or more persons with disabilities living with one or more persons who are determined to be essential to the care or well-being of the person or persons with disabilities. A disabled family may include persons with disabilities who are elderly.

Person with disabilities. A person who—

(a) Has a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423), or

(b) Is determined to have a physical, mental or emotional impairment that:

(i) is expected to be of long-continued and indefinite duration;

(ii) substantially impedes his or her ability to live independently; and

(iii) is of such a nature that such ability could be improved by more suitable housing conditions, or

(c) Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).

The term ''person with disabilities'' does not exclude persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome (HIV).

Section 8 Counseling. Services to increase access by program participants to housing units in a variety of neighborhoods and to assist participants in locating and obtaining a unit suited to their needs. See Section V of this NOFA.

Supportive services. Assistance that addresses the needs of eligible persons, provides appropriate services or assists such persons in obtaining appropriate services, including health care, mental health treatment, substance and alcohol abuse services, child care services, case management services, counseling, supervision, education, job training and placement, and other services essential for achieving and maintaining independent living. Inpatient acute hospital care does not qualify as a supportive service.

Supportive service provider (or service provider). A person or organization (including peer support and consumer-run organizations) licensed or otherwise qualified to provide supportive services either for profit or not for profit that has been in existence for at least one year and delivers some or all of the above services to a client population.

(b) Eligible HAs.

(i) Rental assistance in conjunction with designated housing allocation plans. HAs that submit an allocation plan to designate public housing for occupancy by elderly families, and that also administer a Section 8 rental certificate, rental voucher or moderate rehabilitation program.

(ii) General use rental assistance for persons with disabilities. HAs which currently administer a Section 8 rental certificate, rental voucher or moderate rehabilitation program.

(iii) Additional Eligibility Requirements. See sections I(D)(2) and I(G)(2) of this NOFA.

(c) Eligible Participants.

(i) Rental assistance in conjunction with designated housing allocation plans. Only persons with disabilities and disabled families who live in public housing that has been designated for occupancy by the elderly, or disabled families who are on the HA's public housing waiting list, may receive a rental voucher or certificate awarded under the application option in conjunction with designated housing allocation plans. Nonelderly persons with disabilities and disabled families who live in public housing designated for the elderly in accordance with an allocation plan submitted in response to this NOFA, need not be listed on the Section 8 waiting list in order to be offered and receive Section 8 rental assistance as an incentive for a voluntary transfer from the designated project. These families may be admitted to the Section 8 program as a special admission (24 CFR 982.203).

(ii) General use rental assistance for persons with disabilities. Only persons

with disabilities and disabled families may receive a rental voucher or certificate awarded under the general use application option. However, in selecting disabled applicants from the Section 8 waiting list, HAs must provide assistance on a priority basis to nonelderly disabled persons who reside in public housing reserved for occupancy by elderly families and disabled families, or who are on the public housing waiting list and will not be housed because a public housing project has been designated for elderly families.

(d) Rental Voucher and Certificate Assistance.

(i) Section 8 regulations. HAs must administer the Mainstream Program in accordance with HUD regulations governing the Section 8 rental voucher and certificate programs.

(ii) Section 8 admissions requirements. Section 8 assistance must be provided to eligible applicants in conformity with applicable rules governing the Section 8 program including the federal preference rules, and in accordance with the terms of the HA's designated housing allocation plan where applicable, and with HUD-approved administrative and equal opportunity housing plans.

If there is an insufficient pool of persons with disabilities and disabled families on the HA Section 8 waiting list, an HA may conduct outreach to encourage eligible persons to apply for the general use Mainstream Program. Outreach may include contacting independent living centers, disabled advocacy organizations, and medical, mental health, and social service providers for referrals of persons receiving such services who would benefit from the general use Mainstream Program.

If the HA's Section 8 waiting list is closed, and if the HA has insufficient applicants on its Section 8 waiting list to use all awarded Mainstream Program rental vouchers and certificates, the HA may open the waiting list to only those who qualify for the Mainstream Program.

(iii) Turnover. When a rental voucher or rental certificate under this program becomes available for reissue (e.g., the individual or family initially selected for the program drops out of the program or is unsuccessful in the search for a unit), the rental assistance may be used only for another individual or family eligible for assistance under this program during the five-year term of the ACC for the Mainstream Program.

(e) HA Responsibilities. In addition to normal HA responsibilities under the Section 8 programs and under HUD regulations for nondiscrimination based on handicap (24 CFR 8.28), HAs that receive rental voucher or certificate funding under the Mainstream Program must:

(i) assist program participants to gain access to supportive services available within the community, and to identify public or private funding sources for accessibility features, when participants request such assistance;

(ii) not deny persons who qualify for rental assistance under the Mainstream Program other housing opportunities for which they are eligible;

(iii) not deny other housing opportunities, or otherwise restrict access to HA programs, to eligible applicants who choose not to participate in the Mainstream Program; and

(iv) not require eligible applicants to accept supportive services in order to participate in the Mainstream Program.

(C) Mainstream Program Allocation Amounts

This NOFA announces the availability of up to $85.7 million of budget authority that will support approximately 2,500 rental vouchers or certificates for the Mainstream Program. The Mainstream Program includes an option for HAs to apply for rental vouchers and certificates in conjunction with submission of an allocation plan to designate public housing for elderly families. HUD will make available approximately $42.9 million of the $85.7 million total, to support approximately 1,250 rental vouchers and certificates, for the application option to support designated housing allocation plans. Remaining funding of approximately $42.9 million will support approximately 1,250 rental vouchers and certificates for general use rental assistance for persons with disabilities and disabled families. In the event HUD receives insufficient approvable applications for the designated housing allocation plan option, the surplus funding will be made available to the general use Mainstream Program applicants.

(D) Application Submission Requirements for Mainstream Program in Conjunction With Submission of Designated Housing Allocation Plans

Note that a separate application is required for each application option under the Mainstream Program. An HA may request only the number of rental vouchers and certificates supported by the designated housing allocation plan, not to exceed 150. Each application must include the items identified in Section I.(D) of the NOFA, Application Submission Requirements—General, and items in this section of the NOFA for the Mainstream Program in support of designated housing allocation plans.

(1) Approvable Designated Housing Allocation Plan

The application must include an approvable allocation plan to designate housing for the elderly in accordance with 24 CFR 945.203.

(2) Description of Need for Mainstream Program Rental Vouchers and Certificates

The application must include a description of how the rental assistance is necessary to meet the requirement of 24 CFR 945.203(6)(iv) to provide assistance to at least the number of nonelderly disabled families that would have been housed by the HA if occupancy in units in the designated project were not restricted to elderly families. HAs may not request more than the number of rental voucher and certificates necessary to meet the above obligation, up to a maximum of 150.

(3) Description of Program Implementation

The application must include a narrative description of how the HA will operate its Mainstream Program. The description must include:

(a) Eligibility. A description of which portions of the eligible population the HA will serve (i.e., nonelderly disabled families on the public housing waiting list, nonelderly disabled families currently residing in housing designated for the elderly, or both).

(b) HA Assistance in Obtaining Accessibility Features. A description of how the HA will carry out its responsibilities under 24 CFR 8.28 to assist recipients in locating units with needed accessibility features. A description of the assistance the HA will provide to identify public or private funding sources (including any HA resources) for accessibility features such as ramps, grab bars, visual smoke alarms and fire detectors, accessible electrical controls, thermostats, and door hardware, and structural changes to dwelling units or common areas.

(c) Section 8 Counseling. A description of the assistance the HA will provide to eligible applicants to locate suitable housing in the private market. See Section V of this NOFA.

(E) Application Submission Requirements for General Mainstream Program for Persons With Disabilities

Note that a separate application is required for each application option under the Mainstream Program. An HA may request up to a maximum of 150

rental vouchers and certificates under the general use Mainstream Program. Each application must include the items identified in Section I.(D) of the NOFA, Application Submission Requirements—General, and items in this section of the NOFA for the general use Mainstream Program.

(1) Description of Need for Mainstream Program Rental Assistance

The application must demonstrate a significant need for Mainstream Program rental vouchers and certificates, and demonstrate that the demand for such housing would equal or exceed the requested number of units.

(2) Mainstream Program Operating Plan

The application must include a description of an adequate plan for operating a program to serve eligible persons with disabilities, including a description of how the HA will carry out its responsibilities under 24 CFR 8.28 to assist recipients in locating units with needed accessibility features.

(3) Supportive Services Plan

The application must describe an adequate plan to assist recipients of Mainstream Program rental assistance, should they request such assistance, to gain access to supportive services available within the community. The application must demonstrate that the HA has identified service providers who will assist recipients to overcome impediments to success in the Mainstream Program. Such provider may include nonprofit organizations able to fund accessibility renovation and supportive services providers able to assist recipients to meet such lease obligations as adequate housekeeping and timely rental payments.

(F) Corrections to Deficient Applications

(1) Acceptable Applications

See Section I.(G)(1) of this NOFA.

(2) Unacceptable Applications

See Section I.(G)(2) of this NOFA.

(G) Mainstream Program Application Selection Process

(1) Application Option in Support of Designated Housing Allocation Plans

(a) HUD Office Review. Upon receipt, the Office of Public Housing in the HUD Office will screen HA applications and stop processing any applications found unacceptable for further processing. Immediately after screening an acceptable application, the Offices of Public Housing and Fair Housing and Equal Opportunity in the HUD Office will review the applicant's designated housing allocation plan in accordance with 24 CFR 945.203.

If, within the 45-day or 90-day review period provided under 24 CFR 945.203(e)(2), the HUD Office finds an allocation plan approvable, subject to receipt of the requested rental assistance, the Offices of Public Housing and Fair Housing and Equal Opportunity will review the rest of the Mainstream Program application to determine if the application is technically adequate and responsive to the requirements of the NOFA. If the HUD Office determines that an allocation plan is approvable, and that the remainder of the Mainstream Program application is technically adequate and responsive, it will recommend to HUD Headquarters that the application be funded.

If the HUD Office disapproves an allocation plan submitted in response to this NOFA, the HA's application under the Mainstream Program will be rejected and the HA will not be eligible for the rental vouchers and certificates available under this Mainstream Program NOFA. However, the HA may continue to pursue its plans to designate housing for elderly families if it can identify other additional housing resources that it will need to meet the designated housing allocation plan requirements under 24 CFR 945.203.

(b) Funding. Headquarters will fund all applications that are recommended for funding by the HUD Offices, unless HUD receives approvable applications for more funds than allocated for the designated housing allocation plan application option. If HUD receives approvable applications for more funding than is available for the allocation plan option, HUD will select applicants to be funded by lottery. All HAs identified by the HUD Offices as having submitted technically adequate and responsive applications will be included in the lottery. As HAs are selected, the cost of funding the applications will be subtracted from the funds available. In order to achieve geographic diversity, HUD Headquarters will limit the number of applications selected for funding from any state to 10 percent of the budget authority available for the designated housing allocation plan application option.

(2) Application Option for General Use Mainstream Program

After the HUD Office has screened HA applications and disapproved any applications found unacceptable for further processing (see Section I.(G)(2) of this NOFA), the HUD Office will review all acceptable applications to ensure that they are technically adequate and responsive to the requirements of the NOFA. Each HUD Office will send to HUD Headquarters the following information on each application that is found technically adequate and responsive:

(a) Name and address of the HA;

(b) HUD Office contact person and telephone number;

(c) The completed fund reservation worksheet, indicating the number of units requested in the HA application and approved by the HUD Office during the course of its review, and the corresponding budget authority.

Headquarters will select eligible HAs to be funded by lottery. All HAs identified by the HUD Offices as having submitted technically adequate and responsive applications will be included in the lottery. As HAs are selected, the cost of funding the applications will be subtracted from the funds available. In order to achieve geographic diversity, HUD Headquarters will limit the number of applications selected for funding from any state to 10 percent of the budget authority available for the general use Mainstream Program.

Applications will be funded for the total number of units requested by the HA and approved by the HUD Office in accordance with the NOFA. However, when remaining budget authority is insufficient to fund the last selected HA application in full, HUD Headquarters will fund that application to the extent of the funding available.

(3) Program Type

If an HA application specifically requests funding for either rental vouchers or rental certificates, and funding for the specified program is not available, HUD will award the available form of assistance, notwithstanding the program type specified in the HA application.

VII. NOFA for Persons With HIV/AIDS

(A) Application Deadline Date for Persons With HIV/AIDS Subprogram

The Deadline Date for applications for the subprogram for Persons with HIV/AIDS is listed in Section I.(B) of the NOFA.

(B) Purpose and Substantive Description of Subprogram for Persons With HIV/AIDS

(1) General

The two subprograms for Persons with HIV/AIDS and for Homeless Families together provide approximately $514 million in budget authority for an estimated 15,000 rental vouchers and certificates for homeless

families. Approximately $103 million, or 3,000 rental vouchers, will be set-aside for persons with HIV/AIDS and their families who are homeless or who are at risk of homelessness. Approximately $411 million, or approximately 12,000 rental vouchers and certificates, will be made available to provide rental assistance to homeless families living in transitional housing or emergency shelters. Section 8 budget authority for each of these subprograms is allocated by formula as described in this section and in section VIII of this NOFA.

The Department recognizes that the HIV/AIDS epidemic has had a wide-spread and perverse impact on the ability of communities to provide the appropriate housing and care for their residents who are living with HIV/AIDS. The findings of the National Commission on AIDS in *Housing and the HIV/AIDS Epidemic* (issued in June 1992) state that there is ''frequently desperate need for safe shelter that provides not only protection and comfort, but also a base in which and from which to receive services, care and support.'' Since 1992, the Department has provided assistance to communities to address these needs under the Housing Opportunities for Persons with AIDS (HOPWA) program. The HOPWA program supports community planning and coordination of public and private efforts and supports programs that provide housing and supportive services for low-income persons living with HIV/AIDS and their families. This set-aside of rental vouchers is intended to complement the community efforts already underway by providing permanent housing resources and ensuring coordination of housing and health-care programs with HAs, governmental agencies and community-based organizations.

The set-aside of rental vouchers for persons with HIV/AIDS and their families is an initiative of the Department that will help communities establish a continuum of care for this population by creating additional permanent housing options. This initiative combines rental voucher assistance to selected HAs in conjunction with State and local governments that have been implementing planning efforts and programs that provide housing and services for persons with HIV/AIDS under the Housing Opportunities for Persons with AIDS (HOPWA) program.

This notice stipulates the roles of the HA, the HOPWA grantee and community-based organizations which provide assistance to persons with HIV/AIDS and their families. These community planning and program efforts generally involve experienced non-profit housing and service providers engaged in connecting housing assistance for persons with HIV/AIDS to appropriate case management, comprehensive health services and other supportive services for clients. Community-based organizations will undertake outreach efforts to identify eligible people with HIV/AIDS in need of permanent housing. The assistance will be given on a priority basis to persons with HIV/AIDS who are homeless and on a lower priority basis to persons with HIV/AIDS who are at risk of homelessness. Community-based organizations will also assist these clients in finding and securing permanent housing and provide or assist clients in accessing appropriate supportive services.

The Department expects that HOPWA grantees and HAs will be able to initiate their programs within 120 days after approval of their application. To expedite the administration of this program, the area's HOPWA formula grantee should consider how HOPWA funds might be used in support of this set-aside of rental vouchers, including technical assistance and resource identification activities to assist in the delivery of this housing resource.

(2) Guidelines

Under this initiative HAs will provide Section 8 rental vouchers to persons with HIV/AIDS in conjunction with program planning and comprehensive supportive services from other sources which are coordinated by the HOPWA grantee. The initiative will be implemented at the local level through partnerships of grantees of the HOPWA program, HAs and community-based organizations. The roles and responsibilities of each participating entity are detailed in this notice. The application must be submitted jointly by an area's HOPWA grantee and one or more eligible HAs that the HOPWA grantee designates and that agree to administer the rental vouchers for use in conjunction with services provided by community-based organizations. The application must designate the number of rental vouchers for the area or subarea to be administered by each HA. HAs identified by HUD with certain civil rights or major program violations are ineligible to apply.

Rental vouchers under this subprogram will be administered in conjunction with existing community planning processes for housing assistance and supportive services for persons with HIV/AIDS. This connection will provide greater program efficiencies, reduce the need for additional planning mechanisms, ensure coordination of the program with other current related efforts and help ensure an appropriate response to the person's or family's individual housing and related service needs. The HOPWA grantee must ensure that the supportive service component will be made available for the term of the Section 8 funding.

(a) Definitions.

The definition of family for the purposes of this set-aside is a definition similar to that established for the Housing Opportunities for Persons with AIDS (HOPWA) program at 24 CFR 574.3.

''Family'' means a household composed of two or more related persons. The term family also includes one or more eligible persons living with another person or persons who are determined to be important to their care or well being, and the surviving member or members of any family described in this definition who were living in a unit assisted under this program with the person with AIDS at the time of his or her death.

While the Department expects that most families who apply for this set-aside will be single persons, the families of eligible persons may also be assisted. This NOFA uses the term ''person'' frequently, although the eligible population for this set-aside, as with the regular rental assistance programs, includes the family of any person selected to participate in the set-aside.

(b) HOPWA Grantee Responsibilities. The grantee for the 1995 HOPWA formula allocation, or its designated representative, will have responsibilities that include:

(i) planning for the use of this set-aside in coordination with HAs and existing HIV/AIDS housing and services programs and providers in the entitlement area, including participation by persons living with HIV/AIDS and their families;

(ii) establishing participation agreements with HAs to implement this initiative; if more than one HA in an area will be participating, deciding how to suballocate available funding for the service area between or among the participating HAs;

(iii) establishing participation agreements with community-based organizations as service providers to implement this initiative; these agreements can be used to implement a plan for the provision of supportive services, including outreach to identify eligible persons and assistance in locating and securing suitable housing, ongoing case management, health-care

and other services; these services will be funded from sources other than this program; and

(iv) coordinating the submission of an application to HUD for its service area that designates the participating HA(s) and community-based organizations and is responsive to the criteria established in the Application Submission Requirements of this notice.

(c) HA Responsibilities. HAs are responsible for administering the rental voucher program in accordance with HUD regulations and requirements, including:

(i) conducting initial and periodic Housing Quality Standards inspections and contracting with landlords;

(ii) reviewing the Section 8 waiting list to determine if there are any individuals already on the waiting list who may be eligible for the Section 8 set-aside for persons with HIV/AIDS who are homeless or at risk or homelessness and referring them to service providers;

(iii) after proper verification of Section 8 eligibility of individuals referred by the service providers, adding individuals to the Section 8 waiting list and issuing rental vouchers;

(iv) amending its administrative plan and equal opportunity housing plan to provide for a preference for persons with HIV/AIDS to participate in the Section 8 set-aside for persons with HIV/AIDS in a number equal to the number of rental vouchers provided under this subprogram for the area;

(v) provide technical assistance to service providers and others in understanding and utilizing this Section 8 set-aside; and

(vi) maintaining records and providing information for evaluation purposes, as required by HUD.

(d) Service Provider Responsibilities. Community-based organizations that provide housing and/or services may agree to undertake responsibilities which include:

(i) providing outreach to identify participants who are eligible for the Section 8 set-aside for persons with HIV/AIDS who are homeless or at risk of homelessness;

(ii) assisting HAs in verifying income and other eligibility criteria;

(iii) referring eligible individuals to the HAs for determination of Section 8 eligibility and placement on the Section 8 waiting list;

(iv) providing or assisting clients in arranging for supportive services and health care as needed, such as case management, counseling, day care, outpatient health services, in-home nursing care, hospitalization and hospice care;

(v) providing housing search assistance, assistance in securing housing, move-in assistance and housing counseling as appropriate; and

(vi) maintaining records and providing information for evaluation purposes, as required by HUD.

(e) Participant Eligibility. Eligible person means a person with acquired immunodeficiency syndrome (AIDS) or infection with the human immunodeficiency virus (HIV) and his or her family who qualify as very low-income. Assistance will be provided on a priority basis to eligible persons who are homeless and on a lower priority basis to eligible persons who are at risk of homelessness. Programs may target assistance to eligible persons based on additional criteria of need, such as need for higher levels of care or disabling conditions, but not persons institutionalized or hospitalized.

(f) Rental Voucher Assistance. HAs must administer this program in accordance with HUD's regulations governing the Section 8 rental voucher and certificate programs. The HA may issue a rental certificate instead of a rental voucher to an individual selected to participate in the initiative if the individual requests a rental certificate and the HA has one available. If Section 8 assistance for a participant under this demonstration ends during the five-year term of the ACC for the Section 8 rental vouchers provided under this demonstration, the rental assistance must be reissued to another eligible person with HIV/AIDS. In order to receive rental assistance provided under this Section 8 set-aside, a person or family must:

(i) have been identified by a participating service provider as meeting the program criteria and referred to a participating HA and placed on its Section 8 waiting list; or

(ii) have been identified by the HA from the Section 8 waiting list as an eligible person and referred to a participating service provider.

(C) Allocation Amounts for Persons With HIV/AIDS

This NOFA provides approximately $103 million for approximately 3,000 rental vouchers set aside for persons with HIV/AIDS and their families who are homeless or at risk of homelessness. The rental vouchers are allocated to 66 areas that have had the greatest number of reported cases of AIDS and in which community planning, housing assistance and supportive services are being provided by the governmental agency that is administering the Housing Opportunities for Persons with AIDS (HOPWA) program in the area. This notice allocates rental voucher budget authority based on the HOPWA formula allocation established by the AIDS Housing Opportunities Act (42 U.S.C. 12901). That formula provides a mechanism to provide assistance to areas that have the highest numbers of reported cases of AIDS and to metropolitan areas that have a higher-than-average incidence of AIDS within their population. The Act also recognizes the need for the coordinated response to AIDS within the metropolitan area or within a State. In FY 95, HOPWA formula allocations were made to 66 grantees, including 43 qualifying cities in Eligible Metropolitan Statistical Areas (EMSA) and 23 States for areas outside of these EMSAs. Rental vouchers under this subprogram are allocated based on this formula for the areas listed in Attachment 3, arranged by HUD Offices.

(D) Application Submission Requirements for Persons With HIV/AIDS Subprogram

Each HA must submit the items identified in Section I.(D) of the NOFA, Application Submission Requirements—General, and this section of the NOFA for Persons with HIV/AIDS. If more than one HA is designated by the HOPWA grantee to administer the rental vouchers, each HA must submit the required information under Section VII.(D)(1).

(1) Need for Subprogram for Persons with AIDS

The application must describe the need for a rental assistance program targeted to persons with HIV/AIDS and their families who are homeless or at risk of homelessness as evidenced by data which show the unmet need in the area to be served.

(2) Program Implementation

The application must describe the timely implementation of a plan that will result in eligible participants finding permanent housing. The plan must have all of the following elements and must link all the elements in a consistent framework:

(a) the participating HA(s) and participating community-based organizations providing services are identified;

(b) the proposed outreach and selection efforts ensure that the targeted population in the area to be served is served;

(c) the plan provides housing search assistance that will help eligible persons obtain appropriate housing; and

(d) the plan describes an evaluation component that will result in an

evaluation of program effectiveness by the HOPWA grantee, the participating HA, and the participating community-based organizations undertaking housing-related activities.

(3) Linkage to Supportive Services

The application must demonstrate that supportive services will be made available to meet the needs of the targeted population. This is evidenced by:

(a) the identification of participating community-based organization(s);

(b) the identification of supportive services that are appropriate to the needs of the population proposed to be served;

(c) a description of procedures to ensure that participants have access to these services; and

(d) a plan for monitoring and evaluating the supportive services provided to eligible persons to ensure that services are appropriate to their changing needs on an individual basis.

(4) Application Revisions After Submission to HUD

HUD will provide the applicant an opportunity to revise its application after submission to HUD in response to specific written comments from HUD. The joint applicants will have a thirty calendar day period from the date of HUD's letter to satisfy all issues with HUD. Applicants will be allowed to respond to HUD comments more than once during the thirty calendar day correction period so long as the negotiations are completed by the thirty calendar day deadline.

(E) Corrections to Deficient Applications for Persons With HIV/AIDS Subprogram

(1) Acceptable Applications

See Section VII.(D)(4) of this NOFA for the applicable provisions.

(2) Unacceptable Applications

The 14 calendar day technical correction period does not apply to this NOFA. See Section VII.(D)(4) of this NOFA for the applicable provisions.

(F) Application Selection Process for Persons With HIV/AIDS Subprogram

The funds available under this NOFA are being awarded on a formula basis as listed in Attachment 3 of the NOFA. Applications will be reviewed by the HUD Office to determine whether or not they are technically adequate and responsive to the application submission criteria based on the NOFA requirements. To expedite the review of applications and the award of funds under this subprogram, the HUD Office may initiate its review of any application received prior to the deadline established for submission.

The Office of Public Housing in the HUD Office will initially screen all applications to determine if an application is complete, technically adequate and responsive to the general application selection requirements. The Community Planning and Development (CPD) Office for the area will review the application to determine if an application is responsive to the criteria for need, program implementation, and quality of supportive services. If an application is found to be unresponsive to a criterion, the HUD Office will notify the applicant of its finding and permit the applicant to revise the application as provided in Section VII.(D)(4).

The HUD Office of Public Housing will approve applications that are technically adequate and responsive applications. If a local HA and HOPWA grantee do not submit a joint application by the deadline date specified in the NOFA, or if its application is disapproved, the allocation for that HOPWA jurisdiction will be reallocated to another HOPWA jurisdiction within the same State. If no other HOPWA grantee within the same State applied, the allocation will be reallocated to HOPWA grantees in other States.

VIII. Subprogram for Homeless Families

(A) Application Deadline Date for Homeless Families Subprogram

The deadline date for applications for the set-aside of rental vouchers and certificates for Homeless Families is listed in Section I.(B) of the NOFA.

(B) Purpose and Substantive Description of the Homeless Families Subprogram

(1) General

The two subprograms for Homeless Families and for Persons with HIV/AIDS together provide approximately $514 million in budget authority for an estimated 15,000 rental vouchers and certificates for homeless Americans. Approximately $411 million, or 12,000 rental vouchers and certificates, will be made available to provide rental assistance to homeless families living in transitional housing or emergency shelters. Approximately $103 million, or 3,000 rental vouchers and certificates will be set-aside for persons with HIV/AIDS and their families who are homeless or who are at risk of homelessness. These allocations of Section 8 budget authority will each be allocated by formula as described in the NOFA.

Communities across the country are developing or refining comprehensive homeless assistance strategies following the continuum of care approach. The fundamental components of a continuum of care system include: an emergency shelter/needs assessment to identify an individual's or family's needs; transitional housing and appropriate supportive services to help those individuals and families who are not prepared to make the transition to permanent housing and independent living; and permanent housing or permanent supportive housing. Permanent housing resources are essential to the success of efforts to alleviate homelessness. Homeless individuals and families who lack these resources become trapped in emergency shelters and transitional housing, occupying space and using limited resources that could benefit other homeless persons.

This program is designed to support local homeless assistance strategies by providing Section 8 rental vouchers and certificates to assist homeless families who are currently living in transitional housing or emergency shelters and are immediately ready for permanent housing. The program is also designed to ensure that the homeless families moving to permanent housing will receive appropriate assistance in finding housing, moving into the permanent housing, adjusting to their new surroundings, and obtaining needed services, such as day care. These services will help the formerly homeless families remain in permanent housing and avoid future homelessness.

The program depends on a partnership between the HA, the ESG jurisdiction, and homeless provider organizations. Homeless provider organizations identified to participate in the set-aside program must be chosen through a community-wide process. The ESG jurisdiction and the homeless provider organizations will be responsible for providing housing counseling, follow-up and other supportive services to participating families as needed for stabilization in permanent housing. The homeless provider organizations will identify the homeless families currently living in transitional housing or emergency shelters that are immediately ready for permanent housing. The homeless provider organizations will certify to the HA that the families meet the ''immediately ready for permanent housing'' definition. The HA will provide rental assistance based on the criteria established in this NOFA.

(2) Definitions

(a) Emergency Shelter Grant Jurisdictions.

An ESG jurisdiction is a State, metropolitan city or urban county that is eligible to receive a FY 95 grant under the Emergency Shelter Grants Program, as described in 24 CFR 576.43.

(b) Homeless Provider Organizations.

An organization, including non-profits and others, that delivers housing search assistance and other services to homeless persons and families.

(c) Immediately Ready for Permanent Housing.

A family, that prior to receipt of rental assistance under this NOFA, has received an intensive needs assessment to determine if the family is immediately ready for permanent housing. Specifically, a family that is immediately ready for permanent housing has:

(i) needs that were appropriately addressed through a transitional housing program; or

(ii) needs that can be addressed by receiving appropriate services and/or treatment in permanent housing; and

(iii) the life skills needed to succeed in the rental assistance program.

(3) ESG Grantee Responsibilities

The ESG grantee is responsible for initiating the community-wide process and forming the partnership with the HA as well as identifying and involving homeless provider organizations. The ESG grantee is responsible for coordinating the joint application with the HA. The ESG grantee as part of the ongoing partnership is responsible for ensuring that eligible homeless participants are being served in the program. The ESG grantee is also responsible for ensuring that housing search assistance and stabilization services are being provided by the homeless provider organizations.

(4) Housing Agency Responsibilities

HAs are responsible for administering the rental voucher program in accordance with HUD regulations and requirements, including:

(a) conducting initial and periodic Housing Quality Standards inspections and contracting with landlords;

(b) reviewing the Section 8 waiting list to determine if there are any individuals already on the Section 8 waiting list who may be eligible for the Section 8 set-aside for Homeless Families and referring them to homeless provider organizations;

(c) after proper verification of Section 8 eligibility of individuals referred by the homeless provider organization, adding individuals to the Section 8 waiting list and issuing rental vouchers or certificates;

(d) amending its administrative plan and equal opportunity housing plan to provide for a preference for Homeless Families referred by homeless provider organizations that meet the ''immediately ready for permanent housing'' requirement to participate in the Section 8 set-aside for Homeless Families in a number equal to the number of rental vouchers and certificates provided under this subprogram for the area;

(e) providing technical assistance to homeless provider organizations and others in understanding and utilizing this Section 8 set-aside; and

(f) maintaining records and providing information for evaluation purposes, as required by HUD.

(5) Homeless Provider Organization Responsibilities

The homeless provider is responsible for identifying and referring eligible families that are immediately ready for permanent housing and for providing housing counseling and the family stabilization services. HUD does not define those services in this NOFA although the services should be adequate to meet the needs of the families during their search for permanent housing and the ensuing adjustment period after moving into permanent housing. These services may include move-in assistance, housing counseling, services to help the family adjust to new surroundings and connecting to community-based services and/or treatment, and any other services needed to allow the family to remain in permanent housing.

(C) Allocation Amounts for Homeless Families Subprogram

The Department will make available approximately $411 million in budget authority to support an estimated 12,000 rental vouchers and certificates. The Department has decided to allocate the rental assistance budget authority for the Homeless Families subprogram to each jurisdiction that is eligible to receive an Emergency Shelter Grant (ESG) program allocation for FY 95. Attachment 4 to this NOFA lists the ESG jurisdictions and the allocation of budget authority for use in each jurisdiction based on the FY 95 ESG formula. The ESG formula was modified to ensure that 75 percent of the budget authority is allocated for use in ESG metropolitan cities and urban counties and 25 percent of the budget authority is allocated for use by states in other jurisdictions not receiving a direct formula allocation under this NOFA.

(D) Application Submission Requirements for Homeless Families Subprogram

The HA, in conjunction with the ESG jurisdiction, must submit the items identified in Section I(D) of the NOFA, Application Submission Requirements—General, and must include the descriptions required by this section and explained in further detail in the Application Selection section.

(1) Joint Application

HUD will make a set-aside of rental assistance budget authority for Homeless Families only if there is a joint application by the housing agency (HA) and the ESG jurisdiction that describes the partnership among the HA, the ESG jurisdiction and homeless provider organizations and describes the community-wide process for involving homeless provider organizations in the program. The application must demonstrate evidence of an agreement between the ESG jurisdiction and the HA(s) spelling out the responsibilities of the respective parties to achieve the objective of this NOFA. Homeless provider organizations help the ESG jurisdiction identify and refer homeless families to the HA and provide needed housing counseling and supportive services. At the time of application, participating homeless provider organizations may be identified, but this is not required. Any HA that has the legal authority to operate a rental assistance program within the ESG jurisdiction may submit, in conjunction with the ESG jurisdiction, an application in order to receive the available rental vouchers or certificates.

(2) Application Content

Each ESG jurisdiction must initiate, as a part of the application preparation, a community-wide process to involve homeless provider organizations in the development and implementation of the set-aside program. Each applicant must:

(a) Describe the Community-wide Process.

Describe the community-wide process used to involve homeless provider organizations in the planning and implementation of the rental assistance program. The application must also describe how participating homeless provider organizations, that will enter into agreements to provide services, have been or will be identified through a request for proposals process or other form of selection.

(b) Identify Eligible Homeless Families.

The method that will be used to identify and refer to the HA homeless

families currently living in emergency shelters or transitional housing within the ESG jurisdiction, who are ''immediately ready for permanent housing'' as defined in this NOFA.

(c) Section 8 Waiting List.

The method that the homeless provider organizations and the HA will use to verify and ensure that each identified family meets the ''immediately ready'' criteria and is either on the Section 8 waiting list or will be added to the waiting list.

(d) Involvement of Homeless Provider Organizations.

Describe the agreements with homeless provider organizations that will ensure each family receiving Section 8 rental assistance under this NOFA will receive the following:

(i) Housing search assistance, assistance in securing housing, move-in assistance and housing counseling, as appropriate;

(ii) Stabilization services for a minimum of six months to assist the family in adjusting to their new surroundings and connecting to community-based services and/or treatment, as appropriate; and

(iii) Other community-based services and/or treatment as needed to allow the family to remain in permanent housing.

(e) Project-Based Assistance. The method that will be used to determine what amount, if any, of the rental certificate funding is proposed to be used for project-based rental assistance for Single Room Occupancy (SRO) in accordance with 24 CFR part 882, subpart G, Project-Based Certificate Assistance rules.

(3) Application Revisions After Submission to HUD

HUD will provide the applicant an opportunity to revise its application after submission to HUD in response to specific written comments from HUD. The joint applicants will have a thirty calendar day period from the date of HUD's letter to satisfy all issues with HUD. Applicants will be allowed to respond to HUD comments more than once during the thirty day correction period so long as the negotiations are completed by the thirty calendar day deadline.

(E) Corrections to Deficient Applications for Homeless Families Subprogram

(1) Acceptable Applications

See Section VIII.(D)(3) of this NOFA for the applicable provisions.

(2) Unacceptable Applications

The 14 day technical correction period does not apply to this NOFA. See Section VIII.(D)(3) of this NOFA for the applicable provisions.

(F) Application Selection Process for Homeless Families Subprogram

The funds available under this NOFA are being allocated on a formula basis as listed in Attachment 4 of the NOFA. Applications will be reviewed by the HUD Office to determine whether or not they are technically adequate and responsive to the application submission criteria based on the NOFA requirements. To expedite the review of applications and the award of funds under this subprogram, the HUD Office may initiate its review of any application received prior to the deadline established for submission.

The Office of Public Housing in the HUD Office will initially screen all applications to determine if an application is complete, technically adequate and responsive to the general application selection requirements. The Community Planning and Development (CPD) Office will review the application to determine if an application is responsive to the application submission requirements including consistency with the locality's homeless assistance strategy, adequacy of community-wide process, and the procedures for assisting homeless families. If an application is found to be unresponsive, the HUD Office will notify the applicant of its finding and permit the applicant to revise the application as provided in Section VIII.(D)(3).

The HUD Office of Public Housing will approve HA applications that are technically adequate and responsive. If any local HA and ESG jurisdiction does not submit a joint application by the due date specified in the NOFA, or if its application is disapproved, the allocation for that ESG jurisdiction will be reallocated to the State in which the jurisdiction is located. If a State does not apply by the due date, or if its application is disapproved, the allocation for that State will be reallocated to other States receiving allocations.

IX. Other Allocations

In addition to the budget authority for ''fair share'' rental vouchers and rental certificates, additional budget authority (including carryover budget authority) is available for allocation in Fiscal Year 1995 for rental vouchers and rental certificates for the following purposes:

(A) Relocation, Demolition and Disposition and Replacement Housing (HOPE I, II, Section 5(h), Section 18, and HOPE VI and ''OPT–OUTS''

Headquarters will assign funds directly to the HUD Offices to assist families living in public housing projects that are being demolished or disposed of with HUD approval; to provide replacement housing in connection with Section 18, HOPE VI, or Section 5(h) activities; or relocation assistance to families affected by HOPE I, HOPE II, and Section 5(h) activities; or assistance to non-purchasing families affected by HOPE II activities. Headquarters will also assign funds directly to HUD Offices to assist families living in a Section 8 New Construction or Substantial Rehabilitation, or Loan Management Set-Aside Projects, where the Section 8 Housing Assistance Payments Contract ends. HUD Office requests for funding under this category will be approved on a first-come, first-served basis. HUD Office requests should include all data pertinent to determining the eligibility of the request for funding under the appropriate program and the amount of funds required. Replacement housing assistance will be provided in the form of 5-year rental voucher or rental certificate funding. (Approximately 9,425 units and $323 million in budget authority.)

(B) Rental Voucher and Rental Certificate Renewals

Headquarters will allocate funds directly to the HUD Offices for the renewal of rental voucher and rental certificate funding increments expiring in Fiscal Year 1995. Renewal funding will be provided in-kind (i.e., rental voucher funding for expiring rental voucher increments, and rental certificate funding for expiring rental certificate increments). (Approximately 126,000 units and $2.9 billion in budget authority.)

(C) Section 23 Conversions

Headquarters will allocate rental certificate funds directly to the HUD Offices for tenant-based rental assistance to residents of Section 23 leased housing for which leases are expiring. HUD Office requests for funding under this category will be approved on a first-come, first-served basis. HUD Offices must include all data necessary to determine the amount of funds required. (Approximately 320 units and $6.5 million in budget authority.)

(D) Section 8 Amendments

Headquarters will allocate Rental Certificate Program cost amendments to provide budget authority increases to HA rental certificate programs. Headquarters will allocate the funds on an as needed basis. (Approximately $185 million in budget authority.)

(E) Housing Agency Portability Fees

Headquarters will allocate these funds to pay special preliminary fees to HAs under Rental Voucher and Rental Certificate Program portability provisions. The Department issued a HUD Notice PIH 92–14 (PHA), dated April 22, 1992, that describes administrative procedures for requesting the special preliminary fees. These funds will be allocated to the HAs on a first-come, first-served basis. (Approximately $9.5 million in budget authority.)

(F) Headquarters Reserve

Headquarters will retain in the Headquarters Reserve sufficient funding to meet the requirements for the following purposes: (1) Natural disasters, (2) other housing emergencies, (3) litigation, and (4) desegregation of public housing. (Approximately 4,300 units and $151 million in budget authority.)

(G) Property Disposition

Headquarters will assign funds directly to the HUD Offices to assist families living in a HUD-owned property when it is sold. HUD Office requests for funding under this category will be approved on a first-come, first-served basis. (Approximately 900 units and $30 million in budget authority.)

(H) FY 94 NOFA for Homeless Persons With Disabilities

HUD published a NOFA for a FY 94 Section 8 Rental Voucher Set-Aside for Homeless Persons with Disabilities on February 1, 1994. The February 1, 1994 NOFA is independent of any subprogram funding published in this NOFA. HUD expects to issue the funds shortly to the HUD State and Area Offices for reservation of those funds for the HAs selected under the February 1, 1994 NOFA.

(I) FY 94 NOFA for Homeless Veterans With Severe Psychiatric or Substance Abuse Disorders

HUD published a NOFA for the FY 94 Section 8 Rental Voucher Set-Aside for Homeless Veterans with Severe Psychiatric or Substance Abuse Disorders on July 14, 1994. The July 14, 1994 NOFA is independent of any subprogram funding published in this NOFA. HUD expects to issue the funds shortly to the HUD State and Area Offices for reservation of those funds for the HAs selected under the July 14, 1994 NOFA.

(J) FY 94 NOFA for Family Unification

HUD published a NOFA for the FY 94 Family Unification Program on August 29, 1994. The August 29, 1994 NOFA is independent of any subprogram funding published in this NOFA. HUD expects to issue the funds shortly to the HUD State and Area Offices for reservation of those funds for the HAs selected under the August 29, 1994 NOFA.

(K) FY 94 NOFA for FSS Service Coordinators

HUD published a NOFA for the Family Self-Sufficiency (FSS) Service Coordinators for the Section 8 Rental Certificate and Rental Voucher Programs on August 29, 1994. The August 29, 1994 NOFA is independent of any subprogram funding published in this NOFA. HUD expects to issue the funds shortly to the HUD State and Area Offices for reservation of those funds for the HAs selected under the August 29, 1994 NOFA.

X. Other Matters

(A) Environmental Impact

A Finding of No Significant Impact with respect to the environment for all funding available under this NOFA has been made in accordance with the Department's regulations at 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). 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 General Counsel, Department of Housing and Urban Development, room 10276, 451 Seventh Street, SW., Washington, DC 20410.

(B) Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism,* has determined that the policies 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. This notice is a funding notice and does not substantially alter the established roles of the Department, the States, and local governments, including HAs.

(C) Impact on the Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family,* has determined that this notice does not have potential for significant impact on family formation, maintenance, and general well-being within the meaning of the Executive Order and, thus, is not subject to review under the Order. This is a funding notice and does not alter program requirements concerning family eligibility.

(D) Section 102 of the 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 calendar 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 quarterly Federal Register notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the Federal Register on January 16, 1992 (57 FR 1942), for further information on these requirements.)

(E) 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) (Reform Act) is 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 (TDD/Voice). (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 HUD Office Counsel, or Headquarters counsel for the program to which the question pertains.

(F) 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) (the ''Byrd Amendment'') and the implementing regulations at 24 CFR part 87. These authorities prohibit recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. Under 24 CFR part 87, applicants, recipients, and subrecipients of assistance exceeding $100,000 must certify that no Federal funds have been or will be spent on lobbying activities in connection with the assistance. IHAs established by an Indian tribe as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but IHAs established under State law are not excluded from the statute's coverage.

(G) 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. 3537b). Section 13 contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the Federal Register on May 17, 1991 (56 FR 22912). 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 about the rule should be forwarded to the Director, 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 (TDD/Voice) (this is not a toll-free number.) Forms necessary for compliance with the rule may be obtained from the local HUD office.

Dated: February 6, 1995.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210–33–P

ATTACHMENT 1

FISCAL YEAR 1995 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION

New England

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
Massachusetts State Office			
METROPOLITAN ALLOCATION AREAS			
Western Massachusetts	5,554,473	126	BERKSHIRE county towns of: Adams town, Cheshire town Dalton town, Hinsdale town, Lanesborough town, Lee town Lenox town, Pittsfield city, Richmond town, Stockbridge town FRANKLIN county towns of: Sunderland town, HAMPDEN county towns of: Agawam town, Chicopee city, East Longmeadow to Hampden town, Holyoke city, Longmeadow town, Ludlow town Monson town, Montgomery town, Palmer town, Russell town Southwick town, Springfield city, Westfield city West Springfield t, Wilbraham town, HAMPSHIRE county towns of: Amherst town, Belchertown town, Easthampton town Granby town, Hadley town, Hatfield town, Huntington town Northampton city, Southampton town, South Hadley town Ware town, Williamsburg town
CENTRAL	3,999,396	90	MIDDLESEX county towns of: Ashby town, WORCESTER county towns of: Ashburnham town, Fitchburg city, Gardner city Leominster city, Lunenburg town, Templeton town Westminster town, Winchendon town, HAMPDEN county towns of: Holland town, WORCESTER county towns of: Auburn town Barre town, Boylston town, Brookfield town, Charlton town Clinton town, Douglas town, Dudley town, East Brookfield to Grafton town, Holden town, Leicester town, Millbury town Northborough town, Northbridge town, North Brookfield t Oakham town, Oxford town, Paxton town, Princeton town Rutland town, Shrewsbury town, Southbridge town, Spencer town Sterling town, Sturbridge town, Sutton town, Uxbridge town Webster town, Westborough town, West Boylston town West Brookfield to, Worcester city
Boston	24,389,590	549	BRISTOL county towns of: Berkley town, Dighton town Mansfield town, Norton town, Taunton city, ESSEX county towns of: Amesbury town, Beverly city, Danvers town, Essex town Gloucester city, Hamilton town, Ipswich town, Lynn city Lynnfield town, Manchester town, Marblehead town Middleton town, Nahant town, Newbury town, Newburyport city Peabody city, Rockport town, Rowley town, Salem city Salisbury town, Saugus town, Swampscott town, Topsfield town Wenham town, MIDDLESEX county towns of: Acton town Arlington town, Ashland town, Ayer town, Bedford town Belmont town, Boxborough town, Burlington town, Cambridge city Carlisle town, Concord town, Everett city, Framingham town Holliston town, Hopkinton town, Hudson town, Lexington town Lincoln town, Littleton town, Malden city, Marlborough city Maynard town, Medford city, Melrose city, Natick town Newton city, North Reading town, Reading town, Sherborn town Shirley town, Somerville city, Stoneham town, Stow town Sudbury town, Townsend town, Wakefield town, Waltham city Watertown town, Wayland town, Weston town, Wilmington town Winchester town, Woburn city, NORFOLK county towns of: Bellingham town, Braintree town, Brookline town, Canton town Cohasset town, Dedham town, Dover town, Foxborough town

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
			Franklin town, Holbrook town, Medfield town, Medway town Millis town, Milton town, Needham town, Norfolk town Norwood town, Plainville town, Quincy city, Randolph town Sharon town, Stoughton town, Walpole town, Wellesley town Westwood town, Weymouth town, Wrentham town, PLYMOUTH county towns of: Carver town, Duxbury town, Hanover town Hingham town, Hull town, Kingston town, Marshfield town Norwell town, Pembroke town, Plymouth town, Rockland town Scituate town, Wareham town, SUFFOLK county towns of: Boston city, Chelsea city, Revere city, Winthrop town WORCESTER county towns of: Berlin town, Blackstone town Bolton town, Harvard town, Hopedale town, Lancaster town Mendon town, Milford town, Millville town, Southborough town Upton town
Northeast	3,484,993	78	ESSEX county towns of: Andover town, Boxford town Georgetown town, Groveland town, Haverhill city, Lawrence city Merrimac town, Methuen town, North Andover town West Newbury town, MIDDLESEX county towns of: Billerica town Chelmsford town, Dracut town, Dunstable town, Groton town Lowell city, Pepperell town, Tewksbury town, Tyngsborough town Westford town
Southeast	5,102,683	113	BARNSTABLE county towns of: Barnstable town, Brewster town Chatham town, Dennis town, Eastham town, Harwich town Mashpee town, Orleans town, Sandwich town, Yarmouth town BRISTOL county towns of: Easton town, Raynham town, NORFOLK county towns of: Avon town, PLYMOUTH county towns of: Abington town, Bridgewater town, Brockton city East Bridgewater t, Halifax town, Hanson town, Lakeville town Middleborough town, Plympton town, West Bridgewater t Whitman town, BRISTOL county towns of: Acushnet town Dartmouth town, Fairhaven town, Freetown town New Bedford city, PLYMOUTH county towns of: Marion town Mattapoisett town, Rochester town, BRISTOL county towns of: Attleboro city, Fall River city, North Attleborough Rehoboth town, Seekonk town, Somerset town, Swansea town Westport town
NONMETROPOLITAN ALLOCATION AREAS			
Nonmetropolitan Statewide	1,038,305	25	BARNSTABLE county towns of: Bourne town, Falmouth town Provincetown town, Truro town, Wellfleet town, BERKSHIRE county towns of: Alford town, Becket town, Clarksburg town Egremont town, Florida town, Great Barrington t, Hancock town Monterey town, Mount Washington t, New Ashford town New Marlborough to, North Adams city, Otis town, Peru town Sandisfield town, Savoy town, Sheffield town, Tyringham town Washington town, West Stockbridge t, Williamstown town Windsor town, DUKES, FRANKLIN county towns of: Ashfield town Bernardston town, Buckland town, Charlemont town, Colrain town Conway town, Deerfield town, Erving town, Gill town Greenfield town, Hawley town, Heath town, Leverett town Leyden town, Monroe town, Montague town, New Salem town Northfield town, Orange town, Rowe town, Shelburne town Shutesbury town, Warwick town, Wendell town, Whately town HAMPDEN county towns of: Blandford town, Brimfield town

FISCAL YEAR 1995 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
			Chester town, Granville town, Tolland town, Wales town HAMPSHIRE county towns of: Chesterfield town, Cummington town Goshen town, Middlefield town, Pelham town, Plainfield town Westhampton town, Worthington town, NANTUCKET, WORCESTER county towns of: Athol town, Hardwick town, Hubbardston town New Braintree town, Petersham town, Phillipston town Royalston town, Warren town
Connecticut State Office METROPOLITAN ALLOCATION AREAS SOUTHWEST METRO CT	6,399,627	134	FAIRFIELD county towns of: Bridgeport town, Easton town Fairfield town, Monroe town, Shelton town, Stratford town Trumbull town, NEW HAVEN county towns of: Ansonia town Beacon Falls town, Derby town, Milford town, Oxford town Seymour town, FAIRFIELD county towns of: Bethel town Brookfield town, Danbury town, New Fairfield town Newtown town, Redding town, Ridgefield town, Sherman town LITCHFIELD county towns of: Bridgewater town, New Milford town Roxbury town, Washington town, FAIRFIELD county towns of: Darien town, Greenwich town, New Canaan town, Norwalk town Stamford town, Weston town, Westport town, Wilton town LITCHFIELD county towns of: Bethlehem town, Thomaston town Watertown town, Woodbury town, NEW HAVEN county towns of: Middlebury town, Naugatuck town, Prospect town, Southbury town Waterbury town, Wolcott town
SOUTH-SOUTHEAST METRO CT	4,987,791	104	MIDDLESEX county towns of: Clinton town, Killingworth town NEW HAVEN county towns of: Bethany town, Branford town Cheshire town, East Haven town, Guilford town, Hamden town Madison town, Meriden town, New Haven town, North Branford tow North Haven town, Orange town, Wallingford town West Haven town, Woodbridge town, MIDDLESEX county towns of: Old Saybrook town, NEW LONDON county towns of: Bozrah town East Lyme town, Franklin town, Griswold town, Groton town Ledyard town, Lisbon town, Montville town, New London town North Stonington t, Norwich town, Old Lyme town, Preston town Salem town, Sprague town, Stonington town, Waterford town WINDHAM county towns of: Canterbury town, Plainfield town WINDHAM county towns of: Thompson town
HARTFORD MSA	6,868,283	143	HARTFORD county towns of: Avon town, Berlin town Bloomfield town, Bristol town, Burlington town, Canton town East Granby town, East Hartford town, East Windsor town Enfield town, Farmington town, Glastonbury town, Granby town Hartford town, Manchester town, Marlborough town New Britain town, Newington town, Plainville town Rocky Hill town, Simsbury town, Southington town South Windsor town, Suffield town, West Hartford town Wethersfield town, Windsor town, Windsor Locks town LITCHFIELD county towns of: Barkhamsted town, Harwinton town New Hartford town, Plymouth town, Winchester town, MIDDLESEX county towns of: Cromwell town, Durham town, East Haddam town East Hampton town, Haddam town, Middlefield town Middletown town, Portland town, NEW LONDON county towns of: Colchester town, Lebanon town, TOLLAND county towns of:

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
			Andover town, Bolton town, Columbia town, Coventry town Ellington town, Hebron town, Mansfield town, Somers town Stafford town, Tolland town, Vernon town, Willington town WINDHAM county towns of: Ashford town, Chaplin town Windham town
NONMETROPOLITAN ALLOCATION AREAS			
NONMETROPOLITAN CT	597,442	14	HARTFORD county towns of: Hartland town, LITCHFIELD county towns of: Canaan town, Colebrook town, Cornwall town Goshen town, Kent town, Litchfield town, Morris town Norfolk town, North Canaan town, Salisbury town, Sharon town Torrington town, Warren town, MIDDLESEX county towns of: Chester town, Deep River town, Essex town, Westbrook town NEW LONDON county towns of: Lyme town, Voluntown town, TOLLAND county towns of: Union town, WINDHAM county towns of: Brooklyn town, Eastford town, Hampton town, Killingly town Pomfret town, Putnam town, Scotland town, Sterling town Woodstock town
New Hampshire State Office			
METROPOLITAN ALLOCATION AREAS			
METROPOLITAN Maine/New Hampshire/Vermont	5,796,540	149	PENOBSCOT county towns of: Bangor city, Brewer city Eddington town, Glenburn town, Hampden town, Hermon town Holden town, Kenduskeag town, Milford town, Old Town city Orono town, Orrington town, Penobscot Indian I, Veazie town WALDO county towns of: Winterport town, ANDROSCOGGIN county towns of: Auburn city, Greene town, Lewiston city, Lisbon town Mechanic Falls tow, Poland town, Sabattus town, Turner town Wales town, CUMBERLAND county towns of: Cape Elizabeth tow Casco town, Cumberland town, Falmouth town, Freeport town Gorham town, Gray town, North Yarmouth tow, Portland city Raymond town, Scarborough town, South Portland cit Standish town, Westbrook city, Windham town, Yarmouth town YORK county towns of: Buxton town, Hollis town, Limington town Old Orchard Beach, YORK county towns of: Berwick town Eliot town, Kittery town, South Berwick town, York town ROCKINGHAM county towns of: Brentwood town, East Kingston town Epping town, Exeter town, Greenland town, Hampton town Hampton Falls town, Kensington town, New Castle town Newfields town, Newington town, Newmarket town North Hampton town, Portsmouth city, Rye town, Stratham town STRAFFORD county towns of: Barrington town, Dover city Durham town, Farmington town, Lee town, Madbury town Milton town, Rochester city, Rollinsford town Somersworth city, ROCKINGHAM county towns of: Seabrook town South Hampton town, ROCKINGHAM county towns of: Atkinson town Chester town, Danville town, Derry town, Fremont town Hampstead town, Kingston town, Newton town, Plaistow town Raymond town, Salem town, Sandown town, Windham town HILLSBOROUGH county towns of: Pelham town, HILLSBOROUGH county towns of: Bedford town, Goffstown town, Manchester city Weare town, MERRIMACK county towns of: Allenstown town Hooksett town, ROCKINGHAM county towns of: Auburn town Candia town, Londonderry town, HILLSBOROUGH county towns of:

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
			Amherst town, Brookline town, Greenville town, Hollis town Hudson town, Litchfield town, Mason town, Merrimack town Milford town, Mont Vernon town, Nashua city, New Ipswich town Wilton town, CHITTENDEN county towns of: Burlington city Charlotte town, Colchester town, Essex town, Hinesburg town Jericho town, Milton town, Richmond town, St. George town Shelburne town, South Burlington c, Williston town Winooski city, FRANKLIN county towns of: Fairfax town Georgia town, St. Albans city, St. Albans town, Swanton town GRAND ISLE county towns of: Grand Isle town, South Hero town
NONMETROPOLITAN ALLOCATION AREAS			
NONMETRO Maine/New Hampshire/Vermont	4,873,101	145	ANDROSCOGGIN county towns of: Durham town, Leeds town Livermore town, Livermore Falls to, Minot town, AROOSTOOK CUMBERLAND county towns of: Baldwin town, Bridgton town Brunswick town, Harpswell town, Harrison town, Naples town New Gloucester tow, Pownal town, Sebago town, FRANKLIN HANCOCK, KENNEBEC, KNOX, LINCOLN, OXFORD, PENOBSCOT county towns of: Alton town, Argyle unorg., Bradford town Bradley town, Burlington town, Carmel town, Carroll plantation Charleston town, Chester town, Clifton town, Corinna town Corinth town, Dexter town, Dixmont town, Drew plantation East Central Penob, East Millinocket t, Edinburg town Enfield town, Etna town, Exeter town, Garland town Greenbush town, Greenfield town, Howland town, Hudson town Kingman unorg., Lagrange town, Lakeville town, Lee town Levant town, Lincoln town, Lowell town, Mattawamkeag town Maxfield town, Medway town, Millinocket town, Mount Chase town Newburgh town, Newport town, North Penobscot un Passadumkeag town, Patten town, Plymouth town Prentiss plantatio, Seboeis plantation, Springfield town Stacyville town, Stetson town, Twombly unorg. Webster plantation, Whitney unorg., Winn town, Woodville town PISCATAQUIS, SAGADAHOC, SOMERSET, WALDO county towns of: Belfast city, Belmont town, Brooks town, Burnham town Frankfort town, Freedom town, Islesboro town, Jackson town Knox town, Liberty town, Lincolnville town, Monroe town Montville town, Morrill town, Northport town, Palermo town Prospect town, Searsmont town, Searsport town Stockton Springs t, Swanville town, Thorndike town, Troy town Unity town, Waldo town, WASHINGTON, YORK county towns of: Acton town, Alfred town, Arundel town, Biddeford city Cornish town, Dayton town, Kennebunk town, Kennebunkport town Lebanon town, Limerick town, Lyman town, Newfield town North Berwick town, Ogunquit town, Parsonsfield town Saco city, Sanford town, Shapleigh town, Waterboro town Wells town, BELKNAP, CARROLL, CHESHIRE, COOS, GRAFTON HILLSBOROUGH county towns of: Antrim town, Bennington town Deering town, Francestown town, Greenfield town, Hancock town Hillsborough town, Lyndeborough town, New Boston town Peterborough town, Sharon town, Temple town, Windsor town MERRIMACK county towns of: Andover town, Boscawen town Bow town, Bradford town, Canterbury town, Chichester town Concord city, Danbury town, Dunbarton town, Epsom town

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
			Franklin city, Henniker town, Hill town, Hopkinton town Loudon town, Newbury town, New London town, Northfield town Pembroke town, Pittsfield town, Salisbury town, Sutton town Warner town, Webster town, Wilmot town, ROCKINGHAM county towns of: Deerfield town, Northwood town, Nottingham town STRAFFORD county towns of: Middleton town, New Durham town Strafford town, SULLIVAN, ADDISON, BENNINGTON, CALEDONIA CHITTENDEN county towns of: Bolton town, Buels gore Huntington town, Underhill town, Westford town, ESSEX FRANKLIN county towns of: Bakersfield town, Berkshire town Enosburg town, Fairfield town, Fletcher town, Franklin town Highgate town, Montgomery town, Richford town, Sheldon town GRAND ISLE county towns of: Alburg town, Isle La Motte town North Hero town, LAMOILLE, ORANGE, ORLEANS, RUTLAND WASHINGTON, WINDHAM, WINDSOR
Rhode Island State Office			
METROPOLITAN ALLOCATION AREAS			
PROVIDENCE, RHODE ISLAND	5,926,951	150	WASHINGTON county towns of: Hopkinton town, Westerly town BRISTOL county towns of: Barrington town, Bristol town Warren town, KENT county towns of: Coventry town East Greenwich tow, Warwick city, West Greenwich tow West Warwick town, NEWPORT county towns of: Jamestown town Little Compton tow, Tiverton town, PROVIDENCE county towns of: Burrillville town, Central Falls city, Cranston city Cumberland town, East Providence ci, Foster town Glocester town, Johnston town, Lincoln town North Providence t, North Smithfield t, Pawtucket city Providence city, Scituate town, Smithfield town Woonsocket city, WASHINGTON county towns of: Charlestown town Exeter town, Narragansett town, North Kingstown to Richmond town, South Kingstown to
NONMETROPOLITAN ALLOCATION AREAS			
PROVIDENCE, RHODE ISLAND, NONMETROPOLITAN	397,355	8	NEWPORT county towns of: Middletown town, Newport city Portsmouth town, WASHINGTON county towns of: New Shoreham town
New York/New Jersey			
Buffalo Area Office			
METROPOLITAN ALLOCATION AREAS			
ALBANY-SCHENECTADY-TROY/GLENS FALLS, NY MSA'S	4,755,320	148	ALBANY, MONTGOMERY, RENSSELAER, SARATOGA, SCHENECTADY SCHOHARIE, WARREN, WASHINGTON
BUFFALO-NIAGARA FALLS/JAMESTOWN, NY MSA'S	8,249,275	259	ERIE, NIAGARA, CHAUTAUQUA
SYRACUSE/UTICA-ROME/BINGHAMTON/ELMIRA, NY MSA	6,848,600	214	BROOME, CAYUGA, CHEMUNG, HERKIMER, MADISON, ONEIDA, ONONDAGA OSWEGO, TIOGA
ROCHESTER, NEW YORK MSA	5,237,366	165	GENESEE, LIVINGSTON, MONROE, ONTARIO, ORLEANS, WAYNE
NONMETROPOLITAN ALLOCATION AREAS			
NORTHEAST, NEW YORK	1,716,382	59	CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, JEFFERSON, LEWIS ST. LAWRENCE
SOUTHEAST, NEW YORK	1,554,613	53	CHENANGO, COLUMBIA, CORTLAND, DELAWARE, GREENE, OTSEGO TOMPKINS
SOUTHWEST, NEW YORK	1,057,272	37	ALLEGANY, CATTARAUGUS, SCHUYLER, SENECA, STEUBEN, WYOMING YATES

FISCAL YEAR 1995 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
New York State Office			
METROPOLITAN ALLOCATION AREAS			
New York PMSA	158,942,685	3089	BRONX, KINGS, NEW YORK, PUTNAM, QUEENS, RICHMOND, ROCKLAND WESTCHESTER
DUTCHESS AND ORANGE COUNTIES, NEW YORK	3,532,062	69	DUTCHESS, ORANGE
NASSAU COUNTY, NEW YORK	4,332,329	84	NASSAU
SUFFOLK COUNTY, NEW YORK	4,259,791	83	SUFFOLK
NONMETROPOLITAN ALLOCATION AREAS			
SULLIVAN AND ULSTER COUNTIES, NEW YORK	1,066,370	26	SULLIVAN, ULSTER
New Jersey State Office			
METROPOLITAN ALLOCATION AREAS			
Bergen-Passaic NJ	8,042,920	158	BERGEN, PASSAIC
Jersey City NJ	8,434,934	166	HUDSON
Newark NJ	14,512,011	285	ESSEX, MORRIS, SUSSEX, UNION, WARREN
Southern New Jersey	8,152,090	160	ATLANTIC, CAPE MAY, BURLINGTON, CAMDEN, GLOUCESTER, SALEM CUMBERLAND
Central New Jersey	9,544,991	187	HUNTERDON, MIDDLESEX, SOMERSET, MONMOUTH, OCEAN, MERCER
Mid-Atlantic			
Maryland State Office			
METROPOLITAN ALLOCATION AREAS			
MARYLAND METROPOLITAN	13,475,786	362	ALLEGANY, ANNE ARUNDEL, BALTIMORE, CARROLL, HARFORD, HOWARD QUEEN ANNE'S, BALTIMORE CITY, WASHINGTON, CALVERT, CHARLES FREDERICK, CECIL
NONMETROPOLITAN ALLOCATION AREAS			
MARYLAND NONMETROPOLITAN	1,072,185	33	CAROLINE, DORCHESTER, GARRETT, KENT, ST. MARY'S, SOMERSET TALBOT, WICOMICO, WORCESTER
West Virginia State Office			
METROPOLITAN ALLOCATION AREAS			
METRO WEST VIRGINIA	2,139,454	89	KANAWHA, PUTNAM, CABELL, WAYNE, WOOD, BROOKE, HANCOCK MARSHALL, OHIO, MINERAL, BERKELEY, JEFFERSON
NONMETROPOLITAN ALLOCATION AREAS			
NONMETRO NORTH	1,098,821	53	BARBOUR, CALHOUN, DODDRIDGE, GILMER, GRANT, HAMPSHIRE, HARDY HARRISON, JACKSON, LEWIS, MARION, MONONGALIA, MORGAN PENDLETON, PLEASANTS, PRESTON, RANDOLPH, RITCHIE, ROANE TAYLOR, TUCKER, TYLER, UPSHUR, WETZEL, WIRT
NONMETRO SOUTH	1,027,245	51	BOONE, BRAXTON, CLAY, FAYETTE, GREENBRIER, LINCOLN, LOGAN MCDOWELL, MASON, MERCER, MINGO, MONROE, NICHOLAS, POCAHONTAS RALEIGH, SUMMERS, WEBSTER, WYOMING
Pennsylvania State Office			
METROPOLITAN ALLOCATION AREAS			
Philadelphia, PA PMSA	18,699,776	507	BUCKS, CHESTER, DELAWARE, MONTGOMERY, PHILADELPHIA
ALLENTOWN-BETHLEHEM-EASTON MSA	2,526,731	68	CARBON, LEHIGH, NORTHAMPTON
HARRISBURG-LEBANON-CARLISLE MSA	2,526,468	68	CUMBERLAND, DAUPHIN, LEBANON, PERRY
LANCASTER MSA/YORK MSA	3,108,490	84	LANCASTER, YORK
SCRANTON/WILKES-BARRE/HAZLETON MSA	3,364,117	91	COLUMBIA, LACKAWANNA, LUZERNE, WYOMING
WILLIAMSPORT/STATE COLLEGE/READING/NEWBURGH	3,053,444	82	LYCOMING, CENTRE, BERKS, PIKE
WILMINGTON-NEWARK MSA/DOVER MSA	2,132,861	58	NEW CASTLE, KENT

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
NONMETROPOLITAN ALLOCATION AREAS			
NON-METRO PENNSYLVANIA & DELAWARE	2,492,912	94	SUSSEX, ADAMS, BRADFORD, CLINTON, FRANKLIN, JUNIATA, MIFFLIN MONROE, MONTOUR, NORTHUMBERLAND, SCHUYLKILL, SNYDER, SULLIVAN SUSQUEHANNA, TIOGA, UNION, WAYNE
Pittsburgh Area Office			
METROPOLITAN ALLOCATION AREAS			
METRO 1	5,554,940	206	ALLEGHENY
METRO 2	6,558,079	243	BEAVER, BUTLER, FAYETTE, WASHINGTON, WESTMORELAND, BLAIR, ERIE CAMBRIA, SOMERSET, MERCER
NONMETROPOLITAN ALLOCATION AREAS			
NONMETRO WESTERN PENNSYLVANIA	2,025,500	93	ARMSTRONG, BEDFORD, CAMERON, CLARION, CLEARFIELD, CRAWFORD ELK, FOREST, FULTON, GREENE, HUNTINGDON, INDIANA, JEFFERSON LAWRENCE, MC KEAN, POTTER, VENANGO, WARREN
Virginia State Office			
METROPOLITAN ALLOCATION AREAS			
All Metro Areas	11,600,051	357	ALBEMARLE, FLUVANNA, GREENE, CHARLOTTESVILLE CITY, CLARKE CULPEPER, PITTSYLVANIA, DANVILLE CITY, SCOTT, WASHINGTON BRISTOL CITY, KING GEORGE, AMHERST, BEDFORD, CAMPBELL BEDFORD CITY, LYNCHBURG CITY, GLOUCESTER, ISLE OF WIGHT JAMES CITY, MATHEWS, YORK, CHESAPEAKE CITY, HAMPTON CITY NEWPORT NEWS CITY, NORFOLK CITY, POQUOSON CITY PORTSMOUTH CITY, SUFFOLK CITY, VIRGINIA BEACH CITY WILLIAMSBURG CITY, CHARLES CITY, CHESTERFIELD, DINWIDDIE GOOCHLAND, HANOVER, HENRICO, NEW KENT, POWHATAN, PRINCE GEORGE COLONIAL HEIGHTS CITY, HOPEWELL CITY, PETERSBURG CITY RICHMOND CITY, BOTETOURT, ROANOKE, ROANOKE CITY, SALEM CITY WARREN, FAUQUIER, SPOTSYLVANIA, STAFFORD, FREDERICKSBURG CITY
NONMETROPOLITAN ALLOCATION AREAS			
All Nonmetro Areas	3,162,131	130	ACCOMACK, ALLEGHANY, AMELIA, APPOMATTOX, AUGUSTA, BATH, BLAND BRUNSWICK, BUCHANAN, BUCKINGHAM, CAROLINE, CARROLL, CHARLOTTE CRAIG, CUMBERLAND, DICKENSON, ESSEX, FLOYD, FRANKLIN FREDERICK, GILES, GRAYSON, GREENSVILLE, HALIFAX, HENRY HIGHLAND, KING AND QUEEN, KING WILLIAM, LANCASTER, LEE, LOUISA LUNENBURG, MADISON, MECKLENBURG, MIDDLESEX, MONTGOMERY, NELSON NORTHAMPTON, NORTHUMBERLAND, NOTTOWAY, ORANGE, PAGE, PATRICK PRINCE EDWARD, PULASKI, RAPPAHANNOCK, RICHMOND, ROCKBRIDGE ROCKINGHAM, RUSSELL, SHENANDOAH, SMYTH, SOUTHAMPTON, SURRY SUSSEX, TAZEWELL, WESTMORELAND, WISE, WYTHE, ROCKBRIDGE ALLEGHANY, ALLEGHANY, GREENSVILLE, SOUTHAMPTON, CARROLL ROCKINGHAM, ROCKBRIDGE, HENRY, WISE, MONTGOMERY, HALIFAX AUGUSTA, AUGUSTA, FREDERICK
District of Columbia Office			
METROPOLITAN ALLOCATION AREAS			
Washington, DC	19,565,931	384	DISTRICT OF COLUMBIA, MONTGOMERY, PRINCE GEORGE'S, ARLINGTON FAIRFAX, LOUDOUN, PRINCE WILLIAM, ALEXANDRIA CITY FAIRFAX CITY, FALLS CHURCH CITY, MANASSAS CITY MANASSAS PARK CITY
Southeast			
Georgia State Office			

FISCAL YEAR 1995 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
METROPOLITAN ALLOCATION AREAS			
METROPOLITAN ALLOCATION AREA 1	5,962,232	182	BARTOW, CARROLL, CATOOSA, CHEROKEE, COBB, COWETA, DADE DOUGLAS, FAYETTE, FULTON, HARRIS, HENRY, PAULDING, PICKENS SPALDING, WALKER
METROPOLITAN ALLOCATION AREA 2	3,916,494	119	BARROW, CLARKE, CLAYTON, DEKALB, FORSYTH, GWINNETT, MADISON NEWTON, OCONEE, ROCKDALE, WALTON
METROPOLITAN ALLOCATION AREA 3	5,754,755	174	BIBB, BRYAN, CHATHAM, CHATTAHOOCHEE, COLUMBIA, DOUGHERTY EFFINGHAM, HOUSTON, JONES, LEE, MCDUFFIE, MUSCOGEE, PEACH RICHMOND, TWIGGS
NONMETROPOLITAN ALLOCATION AREAS			
NONMETROPOLITAN ALLOCATION AREA 1	4,626,950	207	APPLING, ATKINSON, BACON, BAKER, BALDWIN, BANKS, BEN HILL BERRIEN, BLECKLEY, BRANTLEY, BROOKS, BULLOCH, BURKE, BUTTS CALHOUN, CAMDEN, CANDLER, CHARLTON, CHATTOOGA, CLAY, CLINCH COFFEE, COLQUITT, COOK, CRAWFORD, CRISP, DAWSON, DECATUR DODGE, DOOLY, EARLY, ECHOLS, ELBERT, EMANUEL, EVANS, FANNIN FLOYD, FRANKLIN, GILMER, GLASCOCK, GLYNN, GORDON, GRADY GREENE, HABERSHAM, HALL, HANCOCK, HARALSON, HART, HEARD, IRWIN JACKSON, JASPER, JEFF DAVIS, JEFFERSON, JENKINS, JOHNSON LAMAR, LANIER, LAURENS, LIBERTY, LINCOLN, LONG, LOWNDES LUMPKIN, MCINTOSH, MACON, MARION, MERIWETHER, MILLER, MITCHELL MONROE, MONTGOMERY, MORGAN, MURRAY, OGLETHORPE, PIERCE, PIKE POLK, PULASKI, PUTNAM, QUITMAN, RABUN, RANDOLPH, SCHLEY SCREVEN, SEMINOLE, STEPHENS, STEWART, SUMTER, TALBOT TALIAFERRO, TATTNALL, TAYLOR, TELFAIR, TERRELL, THOMAS, TIFT TOOMBS, TOWNS, TREUTLEN, TROUP, TURNER, UNION, UPSON, WARE WARREN, WASHINGTON, WAYNE, WEBSTER, WHEELER, WHITE, WHITFIELD WILCOX, WILKES, WILKINSON, WORTH
Alabama State Office			
METROPOLITAN ALLOCATION AREAS			
METROPOLITAN ALLOCATION AREA 1	1,326,175	51	DALE, HOUSTON, AUTAUGA, ELMORE, MONTGOMERY, RUSSELL
METROPOLITAN ALLOCATION AREA 2	1,222,367	48	BALDWIN, MOBILE
METROPOLITAN ALLOCATION AREA 3	3,199,895	123	CALHOUN, BLOUNT, JEFFERSON, ST. CLAIR, SHELBY, TUSCALOOSA
METROPOLITAN ALLOCATION AREA 4	1,493,636	58	LAWRENCE, MORGAN, COLBERT, LAUDERDALE, ETOWAH, LIMESTONE MADISON
NONMETROPOLITAN ALLOCATION AREAS			
ALABAMA STATE NONMETRO	2,364,388	120	BARBOUR, BIBB, BULLOCK, BUTLER, CHAMBERS, CHEROKEE, CHILTON CHOCTAW, CLARKE, CLAY, CLEBURNE, COFFEE, CONECUH, COOSA COVINGTON, CRENSHAW, CULLMAN, DALLAS, DEKALB, ESCAMBIA FAYETTE, FRANKLIN, GENEVA, GREENE, HALE, HENRY, JACKSON, LAMAR LEE, LOWNDES, MACON, MARENGO, MARION, MARSHALL, MONROE, PERRY PICKENS, PIKE, RANDOLPH, SUMTER, TALLADEGA, TALLAPOOSA, WALKER WASHINGTON, WILCOX, WINSTON
Caribbean Office			
METROPOLITAN ALLOCATION AREAS			
METRO ALLOCATION AREA #1	1,296,414	50	FLORIDA MUNICIPIO, HORMIGUEROS MUNICIPIO, CEIBA MUNICIPIO LUQUILLO MUNICIPIO, COMERIO MUNICIPIO, BARCELONETA MUNICIPIO GUAYANILLA MUNICIPIO, PENUELAS MUNICIPIO, NAGUABO MUNICIPIO SABANA GRANDE MUNICIPIO, VILLALBA MUNICIPIO, ANASCO MUNICIPIO MOROVIS MUNICIPIO, AGUAS BUENAS MUNICIPIO LAS PIEDRAS MUNICIPIO, NARANJITO MUNICIPIO, GURABO MUNICIPIO CAMUY MUNICIPIO, LOIZA MUNICIPIO, JUNCOS MUNICIPIO

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
			DORADO MUNICIPIO, HATILLO MUNICIPIO, MOCA MUNICIPIO COROZAL MUNICIPIO
METRO ALLOCATION AREA #2	1,713,813	66	VEGA ALTA MUNICIPIO, CATANO MUNICIPIO, SAN GERMAN MUNICIPIO SAN LORENZO MUNICIPIO, CIDRA MUNICIPIO, AGUADA MUNICIPIO YABUCOA MUNICIPIO, CANOVANAS MUNICIPIO, FAJARDO MUNICIPIO CABO ROJO MUNICIPIO, MANATI MUNICIPIO, YAUCO MUNICIPIO TOA ALTA MUNICIPIO, JUANA DIAZ MUNICIPIO, RIO GRANDE MUNICIPIO CAYEY MUNICIPIO, HUMACAO MUNICIPIO, VEGA BAJA MUNICIPIO
METRO ALLOCATION AREA #3	1,917,666	73	AGUADILLA MUNICIPIO, TRUJILLO ALTO MUNICIPIO TOA BAJA MUNICIPIO, GUAYNABO MUNICIPIO, ARECIBO MUNICIPIO MAYAGUEZ MUNICIPIO, CAGUAS MUNICIPIO
METRO ALLOCATION AREA #4	4,290,873	164	CAROLINA MUNICIPIO, PONCE MUNICIPIO, BAYAMON MUNICIPIO SAN JUAN MUNICIPIO
NONMETROPOLITAN ALLOCATION AREAS			
NON-METROPOLITAN ALLOCATION AREA	1,854,316	70	ADJUNTAS MUNICIPIO, AIBONITO MUNICIPIO, ARROYO MUNICIPIO BARRANQUITAS MUNICIPIO, CIALES MUNICIPIO, COAMO MUNICIPIO CULEBRA MUNICIPIO, GUANICA MUNICIPIO, GUAYAMA MUNICIPIO ISABELA MUNICIPIO, JAYUYA MUNICIPIO, LAJAS MUNICIPIO LARES MUNICIPIO, LAS MARIAS MUNICIPIO, MARICAO MUNICIPIO MAUNABO MUNICIPIO, OROCOVIS MUNICIPIO, PATILLAS MUNICIPIO QUEBRADILLAS MUNICIPIO, RINCON MUNICIPIO, SALINAS MUNICIPIO SAN SEBASTIAN MUNICIPIO, SANTA ISABEL MUNICIPIO UTUADO MUNICIPIO, VIEQUES MUNICIPIO, VIRGIN ISLANDS
South Carolina State Office			
METROPOLITAN ALLOCATION AREAS			
UPPER STATE METRO	2,459,008	88	ANDERSON, CHEROKEE, GREENVILLE, PICKENS, SPARTANBURG, YORK
MID-STATE METRO	2,188,474	77	FLORENCE, LEXINGTON, RICHLAND, AIKEN, EDGEFIELD, SUMTER
LOWER STATE METRO	2,030,188	72	HORRY, BERKELEY, CHARLESTON, DORCHESTER
NONMETROPOLITAN ALLOCATION AREAS			
STATEWIDE NON-METRO	2,105,827	92	ABBEVILLE, ALLENDALE, BAMBERG, BARNWELL, BEAUFORT, CALHOUN CHESTER, CHESTERFIELD, CLARENDON, COLLETON, DARLINGTON, DILLON FAIRFIELD, GEORGETOWN, GREENWOOD, HAMPTON, JASPER, KERSHAW LANCASTER, LAURENS, LEE, MCCORMICK, MARION, MARLBORO, NEWBERRY OCONEE, ORANGEBURG, SALUDA, UNION, WILLIAMSBURG
North Carolina State Office			
METROPOLITAN ALLOCATION AREAS			
Charlotte-Gastonia	2,764,745	94	CABARRUS, GASTON, LINCOLN, MECKLENBURG, ROWAN, UNION
Greensboro--Winston-Salem--High Point	2,920,623	101	ALAMANCE, DAVIDSON, DAVIE, FORSYTH, GUILFORD, RANDOLPH, STOKES YADKIN
Raleigh-Durham-Chapel Hill	2,827,641	97	CHATHAM, DURHAM, FRANKLIN, JOHNSTON, ORANGE, WAKE
Metro West	2,063,163	71	BUNCOMBE, MADISON, CUMBERLAND, ALEXANDER, BURKE, CALDWELL CATAWBA
Metro East	2,519,155	85	WAYNE, PITT, ONSLOW, CURRITUCK, EDGECOMBE, NASH, BRUNSWICK NEW HANOVER
NONMETROPOLITAN ALLOCATION AREAS			
Non-metro West	2,256,186	99	ALLEGHANY, ANSON, ASHE, AVERY, CASWELL, CHEROKEE, CLAY CLEVELAND, GRAHAM, GRANVILLE, HAYWOOD, HENDERSON, IREDELL JACKSON, LEE, MCDOWELL, MACON, MITCHELL, MONTGOMERY, MOORE PERSON, POLK, RICHMOND, ROCKINGHAM, RUTHERFORD, STANLY, SURRY SWAIN, TRANSYLVANIA, VANCE, WARREN, WATAUGA, WILKES, YANCEY
Non-metro East	2,494,511	106	BEAUFORT, BERTIE, BLADEN, CAMDEN, CARTERET, CHOWAN, COLUMBUS

FISCAL YEAR 1995 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
			CRAVEN, DARE, DUPLIN, GATES, GREENE, HALIFAX, HARNETT HERTFORD, HOKE, HYDE, JONES, LENOIR, MARTIN, NORTHAMPTON PAMLICO, PASQUOTANK, PENDER, PERQUIMANS, ROBESON, SAMPSON SCOTLAND, TYRRELL, WASHINGTON, WILSON
Mississippi State Office			
METROPOLITAN ALLOCATION AREAS			
Metropolitan Allocation Area 1	2,455,168	89	HANCOCK, HARRISON, JACKSON, FORREST, LAMAR, HINDS, MADISON RANKIN, DESOTO
NONMETROPOLITAN ALLOCATION AREAS			
Nonmetropolitan Allocation Area 1	3,584,292	174	ADAMS, ALCORN, AMITE, ATTALA, BENTON, BOLIVAR, CALHOUN CARROLL, CHICKASAW, CHOCTAW, CLAIBORNE, CLARKE, CLAY, COAHOMA COPIAH, COVINGTON, FRANKLIN, GEORGE, GREENE, GRENADA, HOLMES HUMPHREYS, ISSAQUENA, ITAWAMBA, JASPER, JEFFERSON JEFFERSON DAVIS, JONES, KEMPER, LAFAYETTE, LAUDERDALE LAWRENCE, LEAKE, LEE, LEFLORE, LINCOLN, LOWNDES, MARION MARSHALL, MONROE, MONTGOMERY, NESHOBA, NEWTON, NOXUBEE OKTIBBEHA, PANOLA, PEARL RIVER, PERRY, PIKE, PONTOTOC PRENTISS, QUITMAN, SCOTT, SHARKEY, SIMPSON, SMITH, STONE SUNFLOWER, TALLAHATCHIE, TATE, TIPPAH, TISHOMINGO, TUNICA UNION, WALTHALL, WARREN, WASHINGTON, WAYNE, WEBSTER, WILKINSON WINSTON, YALOBUSHA, YAZOO
Jacksonville Area Office			
METROPOLITAN ALLOCATION AREAS			
Metropolitan Area No 1	11,568,095	311	DADE
Metropolitan Area No 2	2,988,359	80	PALM BEACH, MARTIN, ST. LUCIE
Metropolitan Area No 3	6,688,032	180	HERNANDO, HILLSBOROUGH, PASCO, PINELLAS
Metropolitan Area No 4	9,496,268	257	CLAY, DUVAL, NASSAU, ST. JOHNS, MARION, FLAGLER, VOLUSIA ALACHUA
Metropolitan Area No 5	4,458,259	119	LAKE, ORANGE, OSCEOLA, SEMINOLE, BREVARD
Metropolitan Area No 6	4,128,714	112	ESCAMBIA, SANTA ROSA, OKALOOSA, BAY, GADSDEN, LEON
Metropolitan Area No 7	3,811,169	102	POLK, MANATEE, SARASOTA, COLLIER, LEE, CHARLOTTE
Metropolitan Area No 8	3,506,246	94	BROWARD
NONMETROPOLITAN ALLOCATION AREAS			
Nonmetro Area No 1	1,772,971	67	BAKER, BRADFORD, CALHOUN, CITRUS, COLUMBIA, DESOTO, DIXIE FRANKLIN, GILCHRIST, GLADES, GULF, HAMILTON, HARDEE, HENDRY HIGHLANDS, HOLMES, INDIAN RIVER, JACKSON, JEFFERSON, LAFAYETTE LEVY, LIBERTY, MADISON, MONROE, OKEECHOBEE, PUTNAM, SUMTER SUWANNEE, TAYLOR, UNION, WAKULLA, WALTON, WASHINGTON
Kentucky State Office			
METROPOLITAN ALLOCATION AREAS			
METROPOLITAN ALLOCATION AREA 1	4,027,908	152	BOURBON, CLARK, FAYETTE, JESSAMINE, MADISON, SCOTT, WOODFORD BULLITT, JEFFERSON, OLDHAM
METROPOLITAN ALLOCATION AREA 2	2,029,009	77	BOONE, CAMPBELL, KENTON, CHRISTIAN, HENDERSON, GALLATIN, GRANT BOYD, CARTER, GREENUP, DAVIESS, PENDLETON
NONMETROPOLITAN ALLOCATION AREAS			
NORTHEAST NONMETROPOLITAN ALLOCATION AREA	388,677	19	BATH, BRACKEN, ELLIOTT, FLEMING, JOHNSON, LAWRENCE, LEWIS MARTIN, MASON, MENIFEE, MONTGOMERY, MORGAN, POWELL, ROBERTSON ROWAN
SOUTH CENTRAL NONMETROPOLITAN ALLOCATION AREA	533,713	27	ADAIR, ANDERSON, CASEY, CLINTON, CUMBERLAND, FRANKLIN, GARRARD GREEN, HARRISON, LINCOLN, MCCREARY, NICHOLAS, PULASKI, RUSSELL

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
			TAYLOR, WAYNE
SOUTHEAST NONMETROPOLITAN ALLOCATION AREA	957,183	45	BELL, BREATHITT, CLAY, ESTILL, FLOYD, HARLAN, JACKSON, KNOTT KNOX, LAUREL, LEE, LESLIE, LETCHER, MAGOFFIN, OWSLEY, PERRY PIKE, ROCKCASTLE, WHITLEY, WOLFE
MIDWEST NONMETROPOLITAN ALLOCATION AREA	539,508	28	ALLEN, BARREN, BUTLER, EDMONSON, HANCOCK, HART, LOGAN, MCLEAN METCALFE, MONROE, OHIO, SIMPSON, UNION, WARREN, WEBSTER
FAR WEST NONMETROPOLITAN ALLOCATION AREA	514,061	23	BALLARD, CALDWELL, CALLOWAY, CARLISLE, CRITTENDEN, FULTON GRAVES, HICKMAN, HOPKINS, LIVINGSTON, LYON, MCCRACKEN MARSHALL, MUHLENBERG, TODD, TRIGG
NORTH CENTRAL NONMETROPOLITAN ALLOCATION AREA	594,360	30	BOYLE, BRECKINRIDGE, CARROLL, GRAYSON, HARDIN, HENRY, LARUE MARION, MEADE, MERCER, NELSON, OWEN, SHELBY, SPENCER, TRIMBLE WASHINGTON
Knoxville Area Office			
METROPOLITAN ALLOCATION AREAS			
METRO ALLOCATION AREA 1	3,400,874	133	HAMILTON, MARION, CARTER, HAWKINS, SULLIVAN, UNICOI WASHINGTON, ANDERSON, BLOUNT, KNOX, LOUDON, SEVIER, UNION
NONMETROPOLITAN ALLOCATION AREAS			
NONMETRO ALLOCATION AREA 1	923,928	44	BLEDSOE, BRADLEY, CAMPBELL, CLAIBORNE, COCKE, CUMBERLAND FENTRESS, GRAINGER, GREENE, GRUNDY, HAMBLEN, HANCOCK JEFFERSON, JOHNSON, MCMINN, MEIGS, MONROE, MORGAN, PICKETT POLK, RHEA, ROANE, SCOTT, SEQUATCHIE
Tennessee State Office			
METROPOLITAN ALLOCATION AREAS			
JACKSON-MEMPHIS ALLOCATION AREA	3,764,984	133	MADISON, FAYETTE, SHELBY, TIPTON
CLARKSVILLE-NASHVILLE ALLOCATION AREA	3,032,093	105	MONTGOMERY, CHEATHAM, DAVIDSON, DICKSON, ROBERTSON, RUTHERFORD SUMNER, WILLIAMSON, WILSON
NONMETROPOLITAN ALLOCATION AREAS			
NONMETROPOLITAN TENNESSEE ALLOCATION AREA	1,613,572	78	BEDFORD, BENTON, CANNON, CARROLL, CHESTER, CLAY, COFFEE CROCKETT, DECATUR, DEKALB, DYER, FRANKLIN, GIBSON, GILES HARDEMAN, HARDIN, HAYWOOD, HENDERSON, HENRY, HICKMAN, HOUSTON HUMPHREYS, JACKSON, LAKE, LAUDERDALE, LAWRENCE, LEWIS, LINCOLN MCNAIRY, MACON, MARSHALL, MAURY, MOORE, OBION, OVERTON, PERRY PUTNAM, SMITH, STEWART, TROUSDALE, VAN BUREN, WARREN, WAYNE WEAKLEY, WHITE
Midwest			
Illinois State Office			
METROPOLITAN ALLOCATION AREAS			
METRO I CHICAGO	34,560,102	870	COOK
METRO II CHICAGO COLLAR COUNTIES	7,285,341	184	LAKE, KANE, KENDALL, GRUNDY, WILL, MCHENRY, DUPAGE, DEKALB
METRO III ROCKFORD-ROCK ISLAND	2,835,295	72	BOONE, OGLE, WINNEBAGO, HENRY, ROCK ISLAND
METRO IV BLOOMINGTON-CHAMPAIGN-DECATUR-KANKAK	3,314,920	83	MCLEAN, CHAMPAIGN, MACON, KANKAKEE
METRO V PEORIA-SPRINGFIELD	2,773,221	69	PEORIA, TAZEWELL, WOODFORD, MENARD, SANGAMON
METRO VI ST.LOUIS-IL PORTION	2,634,471	67	CLINTON, JERSEY, MADISON, MONROE, ST. CLAIR
NONMETROPOLITAN ALLOCATION AREAS			
NON-METRO NORTH	1,931,796	88	ADAMS, BROWN, BUREAU, CARROLL, CASS, DE WITT, FORD, FULTON HANCOCK, HENDERSON, IROQUOIS, JO DAVIESS, KNOX, LA SALLE, LEE LIVINGSTON, LOGAN, MARSHALL, MASON, MCDONOUGH, MERCER, PIATT PUTNAM, SCHUYLER, STARK, STEPHENSON, VERMILION, WARREN WHITESIDE

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
NON-METRO SOUTH	2,079,529	97	ALEXANDER, BOND, CALHOUN, CHRISTIAN, CLARK, CLAY, COLES CRAWFORD, CUMBERLAND, DOUGLAS, EDGAR, EDWARDS, EFFINGHAM FAYETTE, FRANKLIN, GALLATIN, GREENE, HAMILTON, HARDIN, JACKSON JASPER, JEFFERSON, JOHNSON, LAWRENCE, MACOUPIN, MARION, MASSAC MONTGOMERY, MORGAN, MOULTRIE, PERRY, PIKE, POPE, PULASKI RANDOLPH, RICHLAND, SALINE, SCOTT, SHELBY, UNION, WABASH WASHINGTON, WAYNE, WHITE, WILLIAMSON
Cincinnati Area Office			
METROPOLITAN ALLOCATION AREAS			
CINCINNATI OFFICE - METROPOLITAN	9,776,154	327	BUTLER, GREENE, MIAMI, MONTGOMERY, CLERMONT, HAMILTON, WARREN BROWN
NONMETROPOLITAN ALLOCATION AREAS			
CINCINNATI OFFICE - NONMETROPOLITAN	434,703	18	ADAMS, CLINTON, DARKE, HIGHLAND, PREBLE
Cleveland Area Office			
METROPOLITAN ALLOCATION AREAS			
AKRON-CANTON MSA AREA	3,995,845	136	PORTAGE, SUMMIT, CARROLL, STARK
CLEVELAND-LORAIN-ELYRIA MSA AREA	9,340,187	317	ASHTABULA, CUYAHOGA, GEAUGA, LAKE, LORAIN, MEDINA
OTHER CLEVELAND OFFICE MSA AREA	5,779,081	195	CRAWFORD, RICHLAND, JEFFERSON, FULTON, LUCAS, WOOD, COLUMBIANA MAHONING, TRUMBULL
NONMETROPOLITAN ALLOCATION AREAS			
CLEVELAND OFFICE - NONMETROPOLITAN	1,671,319	67	ASHLAND, DEFIANCE, ERIE, HANCOCK, HARRISON, HENRY, HOLMES HURON, OTTAWA, PAULDING, SANDUSKY, SENECA, TUSCARAWAS, WAYNE WILLIAMS, WYANDOT
Ohio State Office			
METROPOLITAN ALLOCATION AREAS			
COLUMBUS OFFICE - METROPOLITAN	6,856,298	240	ALLEN, AUGLAIZE, BELMONT, CLARK, DELAWARE, FAIRFIELD, FRANKLIN LAWRENCE, LICKING, MADISON, PICKAWAY, WASHINGTON
NONMETROPOLITAN ALLOCATION AREAS			
COLUMBUS OFFICE - NONMETROPOLITAN NORTH	1,237,512	54	CHAMPAIGN, COSHOCTON, GUERNSEY, HARDIN, KNOX, LOGAN, MARION MERCER, MONROE, MORROW, MUSKINGUM, NOBLE, PUTNAM, SHELBY UNION, VAN WERT
COLUMBUS OFFICE - NONMETROPOLITAN SOUTH	1,296,995	55	ATHENS, FAYETTE, GALLIA, HOCKING, JACKSON, MEIGS, MORGAN PERRY, PIKE, ROSS, SCIOTO, VINTON
Michigan State Office			
METROPOLITAN ALLOCATION AREAS			
ANN ARBOR,FLINT,SAGINAW-BAY-MIDLAND MSAs	6,040,086	177	WASHTENAW, LENAWEE, LIVINGSTON, GENESEE, SAGINAW, BAY, MIDLAND
WAYNE COUNTY	13,844,897	408	WAYNE
DETROIT PMSA LESS WAYNE COUNTY	5,292,388	155	LAPEER, MACOMB, MONROE, OAKLAND, ST. CLAIR
NONMETROPOLITAN ALLOCATION AREAS			
DETROIT OFFICE NON-METRO	676,418	30	ALCONA, ALPENA, ARENAC, GLADWIN, HURON, IOSCO, MONTMORENCY OGEMAW, OSCODA, PRESQUE ISLE, SANILAC, SHIAWASSEE, TUSCOLA
Grand Rapids Area Office			
METROPOLITAN ALLOCATION AREAS			
GRAND RAPIDS-MUSKEGON-HOLLAND, LANSING MSAs	4,402,103	144	KENT, MUSKEGON, OTTAWA, ALLEGAN, INGHAM, CLINTON, EATON
BERRIAN,CALHOUN,KALAMAZOO,JACKSON CO	2,981,145	97	BERRIEN, CALHOUN, KALAMAZOO, JACKSON, VAN BUREN
NONMETROPOLITAN ALLOCATION AREAS			
GRAND RAPIDS OFFICE NON-METRO	2,711,452	114	ALGER, ANTRIM, BARAGA, BARRY, BENZIE, BRANCH, CASS, CHARLEVOIX CHEBOYGAN, CHIPPEWA, CLARE, CRAWFORD, DELTA, DICKINSON, EMMET

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
			GOGEBIC, GRAND TRAVERSE, GRATIOT, HILLSDALE, HOUGHTON, IONIA IRON, ISABELLA, KALKASKA, KEWEENAW, LAKE, LEELANAU, LUCE MACKINAC, MANISTEE, MARQUETTE, MASON, MECOSTA, MENOMINEE MISSAUKEE, MONTCALM, NEWAYGO, OCEANA, ONTONAGON, OSCEOLA OTSEGO, ROSCOMMON, ST. JOSEPH, SCHOOLCRAFT, WEXFORD
Indiana State Office			
METROPOLITAN ALLOCATION AREAS			
INDIANAPOLIS OFFICE - METROPOLITAN NORTH	5,227,887	174	ELKHART, ADAMS, ALLEN, DE KALB, HUNTINGTON, WELLS, WHITLEY LAKE, PORTER, HOWARD, TIPTON, CLINTON, TIPPECANOE, ST. JOSEPH
INDIANAPOLIS OFFICE - METROPOLITAN SOUTH	2,191,046	74	MONROE, DEARBORN, POSEY, VANDERBURGH, WARRICK, CLARK, FLOYD HARRISON, SCOTT, OHIO
INDIANAPOLIS OFFICE - METROPOLITAN CENTRAL	5,660,962	191	BOONE, HAMILTON, HANCOCK, HENDRICKS, JOHNSON, MADISON, MARION MORGAN, SHELBY, DELAWARE, CLAY, VERMILLION, VIGO
NONMETROPOLITAN ALLOCATION AREAS			
INDIANAPOLIS OFFICE - NONMETROPOLITAN NORTH	1,637,941	68	BENTON, BLACKFORD, CARROLL, CASS, FOUNTAIN, FULTON, GRANT HENRY, JASPER, JAY, KOSCIUSKO, LAGRANGE, LA PORTE, MARSHALL MIAMI, MONTGOMERY, NEWTON, NOBLE, PULASKI, RANDOLPH, STARKE STEUBEN, WABASH, WARREN, WAYNE, WHITE
INDIANAPOLIS OFFICE - NONMETROPOLITAN SOUTH	1,197,079	52	BARTHOLOMEW, BROWN, CRAWFORD, DAVIESS, DECATUR, DUBOIS FAYETTE, FRANKLIN, GIBSON, GREENE, JACKSON, JEFFERSON JENNINGS, KNOX, LAWRENCE, MARTIN, ORANGE, OWEN, PARKE, PERRY PIKE, PUTNAM, RIPLEY, RUSH, SPENCER, SULLIVAN, SWITZERLAND UNION, WASHINGTON
Wisconsin State Office			
METROPOLITAN ALLOCATION AREAS			
Metropolitan Allocation Area #1	4,414,804	139	CALUMET, OUTAGAMIE, WINNEBAGO, DOUGLAS, CHIPPEWA, EAU CLAIRE BROWN, LA CROSSE, ST. CROIX, SHEBOYGAN, MARATHON, PIERCE
Metropolitan Allocation Area #2	4,454,855	140	ROCK, KENOSHA, DANE, RACINE
Metropolitan Allocation Area #3	8,603,659	269	MILWAUKEE, OZAUKEE, WASHINGTON, WAUKESHA
NONMETROPOLITAN ALLOCATION AREAS			
Nonmetropolitan Allocation Area #1	1,624,162	70	COLUMBIA, CRAWFORD, DODGE, GRANT, GREEN, IOWA, JEFFERSON LAFAYETTE, RICHLAND, SAUK, VERNON, WALWORTH, ADAMS, DOOR FOND DU LAC, GREEN LAKE, KEWAUNEE, MANITOWOC, MARQUETTE WAUSHARA
Nonmetropolitan Allocation Area #2	1,673,331	72	ASHLAND, BARRON, BAYFIELD, BUFFALO, BURNETT, CLARK, DUNN, IRON JACKSON, JUNEAU, MONROE, PEPIN, POLK, PRICE, RUSK, SAWYER TAYLOR, TREMPEALEAU, WASHBURN, WOOD, FLORENCE, FOREST LANGLADE, LINCOLN, MARINETTE, OCONTO, ONEIDA, PORTAGE, SHAWANO VILAS, WAUPACA, MENOMINEE
Minnesota State Office			
METROPOLITAN ALLOCATION AREAS			
GREATER MINNESOTA METRO	2,907,293	82	OLMSTED, ST. LOUIS, BENTON, STEARNS, SHERBURNE, WRIGHT, CLAY HOUSTON, POLK
MINNEAPOLIS/ST. PAUL METRO	8,192,286	231	ANOKA, CARVER, CHISAGO, DAKOTA, HENNEPIN, ISANTI, RAMSEY SCOTT, WASHINGTON
NONMETROPOLITAN ALLOCATION AREAS			
SOUTHERN NON-METRO	1,227,622	52	BLUE EARTH, BROWN, COTTONWOOD, DODGE, FARIBAULT, FILLMORE FREEBORN, GOODHUE, JACKSON, LE SUEUR, LINCOLN, LYON, MARTIN MOWER, MURRAY, NICOLLET, NOBLES, PIPESTONE, REDWOOD, RICE ROCK, SIBLEY, STEELE, WABASHA, WASECA, WATONWAN, WINONA

FISCAL YEAR 1995 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION — PAGE 15

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
NORTHERN NON-METRO	1,323,287	56	AITKIN, BECKER, BELTRAMI, BIG STONE, CARLTON, CASS, CHIPPEWA CLEARWATER, COOK, CROW WING, DOUGLAS, GRANT, HUBBARD, ITASCA KANABEC, KANDIYOHI, KITTSON, KOOCHICHING, LAC QUI PARLE, LAKE LAKE OF THE WOODS, MCLEOD, MAHNOMEN, MARSHALL, MEEKER MILLE LACS, MORRISON, NORMAN, OTTER TAIL, PENNINGTON, PINE POPE, RED LAKE, RENVILLE, ROSEAU, STEVENS, SWIFT, TODD TRAVERSE, WADENA, WILKIN, YELLOW MEDICINE
Southwest			
Texas State Office			
METROPOLITAN ALLOCATION AREAS			
DALLAS PMSA	8,429,601	269	COLLIN, DALLAS, DENTON, ELLIS, HUNT, KAUFMAN, ROCKWALL HENDERSON
EAST TEXAS METRO	7,795,476	249	ARCHER, WICHITA, HOOD, JOHNSON, PARKER, TARRANT, BELL, CORYELL GREGG, HARRISON, UPSHUR, GRAYSON, BOWIE, SMITH, MCLENNAN
WEST TEXAS METRO	7,679,693	243	TAYLOR, POTTER, RANDALL, EL PASO, LUBBOCK, ECTOR, MIDLAND TOM GREEN
NEW MEXICO METRO	2,649,553	83	BERNALILLO, SANDOVAL, VALENCIA, DONA ANA, LOS ALAMOS, SANTA FE
NONMETROPOLITAN ALLOCATION AREAS			
NORTH TEXAS NONMETRO	2,921,381	130	ANDERSON, ANDREWS, ARMSTRONG, BAILEY, BAYLOR, BORDEN, BOSQUE BREWSTER, BRISCOE, BROWN, CALLAHAN, CAMP, CARSON, CASS, CASTRO CHEROKEE, CHILDRESS, CLAY, COCHRAN, COKE, COLEMAN COLLINGSWORTH, COMANCHE, CONCHO, COOKE, COTTLE, CRANE CROCKETT, CROSBY, CULBERSON, DALLAM, DAWSON, DEAF SMITH, DELTA DICKENS, DONLEY, EASTLAND, ERATH, FALLS, FANNIN, FISHER, FLOYD FOARD, FRANKLIN, FREESTONE, GAINES, GARZA, GLASSCOCK, GRAY HALE, HALL, HAMILTON, HANSFORD, HARDEMAN, HARTLEY, HASKELL HEMPHILL, HILL, HOCKLEY, HOPKINS, HOWARD, HUDSPETH, HUTCHINSON IRION, JACK, JEFF DAVIS, JONES, KENT, KIMBLE, KING, KNOX LAMAR, LAMB, LAMPASAS, LIMESTONE, LIPSCOMB, LOVING, LYNN MCCULLOCH, MARION, MARTIN, MASON, MENARD, MILAM, MILLS MITCHELL, MONTAGUE, MOORE, MORRIS, MOTLEY, NAVARRO, NOLAN OCHILTREE, OLDHAM, PALO PINTO, PANOLA, PARMER, PECOS, PRESIDIO RAINS, REAGAN, RED RIVER, REEVES, ROBERTS, RUNNELS, RUSK SAN SABA, SCHLEICHER, SCURRY, SHACKELFORD, SHERMAN, SOMERVELL STEPHENS, STERLING, STONEWALL, SUTTON, SWISHER, TERRELL, TERRY THROCKMORTON, TITUS, UPTON, VAN ZANDT, WARD, WHEELER WILBARGER, WINKLER, WISE, WOOD, YOAKUM, YOUNG
NEW MEXICO NONMETRO	1,359,742	64	CATRON, CHAVES, CIBOLA, COLFAX, CURRY, DEBACA, EDDY, GRANT GUADALUPE, HARDING, HIDALGO, LEA, LINCOLN, LUNA, MCKINLEY MORA, OTERO, QUAY, RIO ARRIBA, ROOSEVELT, SAN JUAN, SAN MIGUEL SIERRA, SOCORRO, TAOS, TORRANCE, UNION
Houston Area Office			
METROPOLITAN ALLOCATION AREAS			
SOUTHEAST TEXAS	4,055,806	121	HARDIN, JEFFERSON, ORANGE, BRAZORIA, BRAZOS, GALVESTON
HOUSTON PMSA	12,997,692	390	CHAMBERS, FORT BEND, HARRIS, LIBERTY, MONTGOMERY, WALLER
NONMETROPOLITAN ALLOCATION AREAS			
HOUSTON AREA NONMETRO	1,238,368	54	ANGELINA, AUSTIN, BURLESON, COLORADO, GRIMES, HOUSTON, JASPER LEON, MADISON, MATAGORDA, NACOGDOCHES, NEWTON, POLK, ROBERTSON SABINE, SAN AUGUSTINE, SAN JACINTO, SHELBY, TRINITY, TYLER WALKER, WASHINGTON, WHARTON

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
Arkansas State Office			
METROPOLITAN ALLOCATION AREAS			
ARKANSAS METRO AREAS	2,895,595	109	BENTON, WASHINGTON, CRAWFORD, SEBASTIAN, FAULKNER, LONOKE PULASKI, SALINE, CRITTENDEN, JEFFERSON, MILLER
NONMETROPOLITAN ALLOCATION AREAS			
NONMET Nonmetro Arkansas	2,567,709	126	ARKANSAS, ASHLEY, BAXTER, BOONE, BRADLEY, CALHOUN, CARROLL CHICOT, CLARK, CLAY, CLEBURNE, CLEVELAND, COLUMBIA, CONWAY CRAIGHEAD, CROSS, DALLAS, DESHA, DREW, FRANKLIN, FULTON GARLAND, GRANT, GREENE, HEMPSTEAD, HOT SPRING, HOWARD INDEPENDENCE, IZARD, JACKSON, JOHNSON, LAFAYETTE, LAWRENCE LEE, LINCOLN, LITTLE RIVER, LOGAN, MADISON, MARION MISSISSIPPI, MONROE, MONTGOMERY, NEVADA, NEWTON, OUACHITA PERRY, PHILLIPS, PIKE, POINSETT, POLK, POPE, PRAIRIE, RANDOLPH ST. FRANCIS, SCOTT, SEARCY, SEVIER, SHARP, STONE, UNION VAN BUREN, WHITE, WOODRUFF, YELL
Louisiana State Office			
METROPOLITAN ALLOCATION AREAS			
South-Western Louisiana Metro Areas	2,195,446	80	LAFOURCHE, TERREBONNE, LAFAYETTE, ST. MARTIN, CALCASIEU ACADIA, ST. LANDRY
Baton Rouge Metro Area	1,488,820	56	ASCENSION, EAST BATON ROUGE, LIVINGSTON, WEST BATON ROUGE
New Orleans Metro Area	6,256,538	232	JEFFERSON, ORLEANS, PLAQUEMINES, ST. BERNARD, ST. CHARLES ST. JOHN THE BAPTIST, ST. TAMMANY, ST. JAMES
North-Central Louisiana Met	2,008,446	74	BOSSIER, CADDO, WEBSTER, OUACHITA, RAPIDES
NONMETROPOLITAN ALLOCATION AREAS			
Nonmetropolitan Louisiana All	2,064,307	107	ALLEN, ASSUMPTION, AVOYELLES, BEAUREGARD, BIENVILLE, CALDWELL CAMERON, CATAHOULA, CLAIBORNE, CONCORDIA, DE SOTO EAST CARROLL, EAST FELICIANA, EVANGELINE, FRANKLIN, GRANT IBERIA, IBERVILLE, JACKSON, JEFFERSON DAVIS, LA SALLE, LINCOLN MADISON, MOREHOUSE, NATCHITOCHES, POINTE COUPEE, RED RIVER RICHLAND, SABINE, ST. HELENA, ST. MARY, TANGIPAHOA, TENSAS UNION, VERMILION, VERNON, WASHINGTON, WEST CARROLL WEST FELICIANA, WINN
Oklahoma State Office			
METROPOLITAN ALLOCATION AREAS			
WESTERN METRO	3,287,654	124	GARFIELD, COMANCHE, CANADIAN, CLEVELAND, LOGAN, MCCLAIN OKLAHOMA, POTTAWATOMIE
EASTERN METRO	2,041,773	76	CREEK, OSAGE, ROGERS, TULSA, WAGONER, SEQUOYAH
NONMETROPOLITAN ALLOCATION AREAS			
WESTERN NON-METRO	1,238,685	61	ALFALFA, BEAVER, BECKHAM, BLAINE, CADDO, CARTER, CIMARRON COTTON, CUSTER, DEWEY, ELLIS, GARVIN, GRADY, GRANT, GREER HARMON, HARPER, JACKSON, JEFFERSON, JOHNSTON, KAY, KINGFISHER KIOWA, LINCOLN, LOVE, MAJOR, MARSHALL, MURRAY, NOBLE, PAYNE PONTOTOC, ROGER MILLS, SEMINOLE, STEPHENS, TEXAS, TILLMAN WASHITA, WOODS, WOODWARD
EASTERN NON-METRO	1,141,539	58	ADAIR, ATOKA, BRYAN, CHEROKEE, CHOCTAW, COAL, CRAIG, DELAWARE HASKELL, HUGHES, LATIMER, LE FLORE, MCCURTAIN, MCINTOSH, MAYES MUSKOGEE, NOWATA, OKFUSKEE, OKMULGEE, OTTAWA, PAWNEE PITTSBURG, PUSHMATAHA, WASHINGTON
San Antonio Area Office			

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
METROPOLITAN ALLOCATION AREAS			
Metro Area A	8,829,980	270	BASTROP, CALDWELL, HAYS, TRAVIS, WILLIAMSON, BEXAR, COMAL GUADALUPE, WILSON
Metro Area B	5,436,299	168	CAMERON, NUECES, SAN PATRICIO, WEBB, HIDALGO, VICTORIA
NONMETROPOLITAN ALLOCATION AREAS			
SAN ANTONIO AREA NONMETRO	1,488,104	69	ARANSAS, ATASCOSA, BANDERA, BEE, BLANCO, BROOKS, BURNET CALHOUN, DEWITT, DIMMIT, DUVAL, EDWARDS, FAYETTE, FRIO GILLESPIE, GOLIAD, GONZALES, JACKSON, JIM HOGG, JIM WELLS KARNES, KENDALL, KENEDY, KERR, KINNEY, KLEBERG, LA SALLE LAVACA, LEE, LIVE OAK, LLANO, MCMULLEN, MAVERICK, MEDINA, REAL REFUGIO, STARR, UVALDE, VAL VERDE, WILLACY, ZAPATA, ZAVALA
Great Plains			
Iowa State Office			
METROPOLITAN ALLOCATION AREAS			
EASTERN IOWA METROPOLITAN ALLOCATION AREA	2,706,460	93	BLACK HAWK, DUBUQUE, JOHNSON, LINN, SCOTT
WESTERN IOWA METROPOLITAN ALLOCATION AREA	2,057,662	71	DALLAS, POLK, WARREN, POTTAWATTAMIE, WOODBURY
NONMETROPOLITAN ALLOCATION AREAS			
EASTERN IOWA NON METROPOLITAN ALLOCATION AREA	1,899,646	86	ALLAMAKEE, APPANOOSE, BENTON, BREMER, BUCHANAN, BUTLER, CEDAR CERRO GORDO, CHICKASAW, CLAYTON, CLINTON, DAVIS, DELAWARE DES MOINES, FAYETTE, FLOYD, FRANKLIN, GRUNDY, HANCOCK, HARDIN HENRY, HOWARD, IOWA, JACKSON, JEFFERSON, JONES, KEOKUK KOSSUTH, LEE, LOUISA, LUCAS, MAHASKA, MARSHALL, MITCHELL MONROE, MUSCATINE, POWESHIEK, TAMA, VAN BUREN, WAPELLO WASHINGTON, WAYNE, WINNEBAGO, WINNESHIEK, WORTH
WESTERN IOWA NON METROPOLITAN ALLOCATION AREA	1,611,914	71	ADAIR, ADAMS, AUDUBON, BOONE, BUENA VISTA, CALHOUN, CARROLL CASS, CHEROKEE, CLARKE, CLAY, CRAWFORD, DECATUR, DICKINSON EMMET, FREMONT, GREENE, GUTHRIE, HAMILTON, HARRISON, HUMBOLDT IDA, JASPER, LYON, MADISON, MARION, MILLS, MONONA, MONTGOMERY O'BRIEN, OSCEOLA, PAGE, PALO ALTO, PLYMOUTH, POCAHONTAS RINGGOLD, SAC, SHELBY, SIOUX, STORY, TAYLOR, UNION, WEBSTER WRIGHT
Kansas/Missouri State Office			
METROPOLITAN ALLOCATION AREAS			
WESTERN MISSOURI METROPOLITAN ALLOCATION AREA	4,698,917	166	CASS, CLAY, CLINTON, JACKSON, LAFAYETTE, PLATTE, RAY, JASPER NEWTON, ANDREW, BUCHANAN, CHRISTIAN, GREENE, WEBSTER
KANSAS METROPOLITAN ALLOCATION AREA	4,081,071	144	JOHNSON, LEAVENWORTH, MIAMI, WYANDOTTE, DOUGLAS, SHAWNEE BUTLER, HARVEY, SEDGWICK
NONMETROPOLITAN ALLOCATION AREAS			
KANSAS NON METROPOLITAN ALLOCATION AREA	2,363,632	101	ALLEN, ANDERSON, ATCHISON, BARBER, BARTON, BOURBON, BROWN CHASE, CHAUTAUQUA, CHEROKEE, CHEYENNE, CLARK, CLAY, CLOUD COFFEY, COMANCHE, COWLEY, CRAWFORD, DECATUR, DICKINSON DONIPHAN, EDWARDS, ELK, ELLIS, ELLSWORTH, FINNEY, FORD FRANKLIN, GEARY, GOVE, GRAHAM, GRANT, GRAY, GREELEY, GREENWOOD HAMILTON, HARPER, HASKELL, HODGEMAN, JACKSON, JEFFERSON JEWELL, KEARNY, KINGMAN, KIOWA, LABETTE, LANE, LINCOLN, LINN LOGAN, LYON, MCPHERSON, MARION, MARSHALL, MEADE, MITCHELL MONTGOMERY, MORRIS, MORTON, NEMAHA, NEOSHO, NESS, NORTON OSAGE, OSBORNE, OTTAWA, PAWNEE, PHILLIPS, POTTAWATOMIE, PRATT RAWLINS, RENO, REPUBLIC, RICE, RILEY, ROOKS, RUSH, RUSSELL SALINE, SCOTT, SEWARD, SHERIDAN, SHERMAN, SMITH, STAFFORD

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
			STANTON, STEVENS, SUMNER, THOMAS, TREGO, WABAUNSEE, WALLACE WASHINGTON, WICHITA, WILSON, WOODSON
WESTERN MISSOURI NON METROPOLITAN ALLOCATION	1,203,109	57	ATCHISON, BARRY, BARTON, BATES, BENTON, CALDWELL, CAMDEN CARROLL, CEDAR, CHARITON, DADE, DALLAS, DAVIESS, DEKALB GENTRY, GRUNDY, HARRISON, HENRY, HICKORY, HOLT, JOHNSON LACLEDE, LAWRENCE, LINN, LIVINGSTON, MCDONALD, MERCER, MILLER MORGAN, NODAWAY, PETTIS, POLK, PULASKI, PUTNAM, ST. CLAIR SALINE, STONE, SULLIVAN, TANEY, VERNON, WORTH
Nebraska State Office			
METROPOLITAN ALLOCATION AREAS			
NEBRASKA METROPOLITAN ALLOCATION AREA	2,944,389	99	DAKOTA, CASS, DOUGLAS, SARPY, WASHINGTON, LANCASTER
NONMETROPOLITAN ALLOCATION AREAS			
NEBRASKA NON METROPOLITAN ALLOCATION AREA	1,644,603	68	ADAMS, ANTELOPE, ARTHUR, BANNER, BLAINE, BOONE, BOX BUTTE BOYD, BROWN, BUFFALO, BURT, BUTLER, CEDAR, CHASE, CHERRY CHEYENNE, CLAY, COLFAX, CUMING, CUSTER, DAWES, DAWSON, DEUEL DIXON, DODGE, DUNDY, FILLMORE, FRANKLIN, FRONTIER, FURNAS GAGE, GARDEN, GARFIELD, GOSPER, GRANT, GREELEY, HALL, HAMILTON HARLAN, HAYES, HITCHCOCK, HOLT, HOOKER, HOWARD, JEFFERSON JOHNSON, KEARNEY, KEITH, KEYA PAHA, KIMBALL, KNOX, LINCOLN LOGAN, LOUP, MCPHERSON, MADISON, MERRICK, MORRILL, NANCE NEMAHA, NUCKOLLS, OTOE, PAWNEE, PERKINS, PHELPS, PIERCE PLATTE, POLK, RED WILLOW, RICHARDSON, ROCK, SALINE, SAUNDERS SCOTTS BLUFF, SEWARD, SHERIDAN, SHERMAN, SIOUX, STANTON THAYER, THOMAS, THURSTON, VALLEY, WAYNE, WEBSTER, WHEELER YORK
St. Louis Area Office			
METROPOLITAN ALLOCATION AREAS			
Metropolitan Allocation Area	6,414,750	227	BOONE, FRANKLIN, JEFFERSON, LINCOLN, ST. CHARLES, ST. LOUIS WARREN, ST. LOUIS CITY
NONMETROPOLITAN ALLOCATION AREAS			
Nonmetropolitan Allocation Area	1,857,316	99	ADAIR, AUDRAIN, BOLLINGER, BUTLER, CALLAWAY, CAPE GIRARDEAU CARTER, CLARK, COLE, COOPER, CRAWFORD-SULLIVAN (PART), DENT DOUGLAS, DUNKLIN, GASCONADE, HOWARD, HOWELL, IRON, KNOX, LEWIS MACON, MADISON, MARIES, MARION, MISSISSIPPI, MONITEAU, MONROE MONTGOMERY, NEW MADRID, OREGON, OSAGE, OZARK, PEMISCOT, PERRY PHELPS, PIKE, RALLS, RANDOLPH, REYNOLDS, RIPLEY STE. GENEVIEVE, ST. FRANCOIS, SCHUYLER, SCOTLAND, SCOTT SHANNON, SHELBY, STODDARD, TEXAS, WASHINGTON, WAYNE, WRIGHT
Rocky Mountain			
Colorado State Office			
METROPOLITAN ALLOCATION AREAS			
Northern Colorado Front Range Metro	2,471,626	78	BOULDER, LARIMER, WELD
Southern Colorado Front Range Metro	1,975,398	63	PUEBLO, EL PASO
Montana/Wyoming Metro	1,134,457	37	YELLOWSTONE, CASCADE, NATRONA, LARAMIE
North/South Dakota Metro	2,148,209	68	BURLEIGH, MORTON, CASS, GRAND FORKS, PENNINGTON, LINCOLN MINNEHAHA
Utah Metro	4,152,680	132	UTAH, DAVIS, SALT LAKE, WEBER
Denver, Colorado PMSA	5,497,689	175	ADAMS, ARAPAHOE, DENVER, DOUGLAS, JEFFERSON
NONMETROPOLITAN ALLOCATION AREAS			

FISCAL YEAR 1995 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
Colorado/Utah Nonmetro	2,272,947	91	ALAMOSA, ARCHULETA, BACA, BENT, CHAFFEE, CHEYENNE, CLEAR CREEK CONEJOS, COSTILLA, CROWLEY, CUSTER, DELTA, DOLORES, EAGLE ELBERT, FREMONT, GARFIELD, GILPIN, GRAND, GUNNISON, HINSDALE HUERFANO, JACKSON, KIOWA, KIT CARSON, LAKE, LA PLATA LAS ANIMAS, LINCOLN, LOGAN, MESA, MINERAL, MOFFAT, MONTEZUMA MONTROSE, MORGAN, OTERO, OURAY, PARK, PHILLIPS, PITKIN PROWERS, RIO BLANCO, RIO GRANDE, ROUTT, SAGUACHE, SAN JUAN SAN MIGUEL, SEDGWICK, SUMMIT, TELLER, WASHINGTON, YUMA, BEAVER BOX ELDER, CACHE, CARBON, DAGGETT, DUCHESNE, EMERY, GARFIELD GRAND, IRON, JUAB, KANE, MILLARD, MORGAN, PIUTE, RICH SAN JUAN, SANPETE, SEVIER, SUMMIT, TOOELE, UINTAH, WASATCH WASHINGTON, WAYNE
Montana/Wyoming Nonmetro	2,320,111	92	BEAVERHEAD, BIG HORN, BLAINE, BROADWATER, CARBON, CARTER CHOUTEAU, CUSTER, DANIELS, DAWSON, DEER LODGE, FALLON, FERGUS FLATHEAD, GALLATIN, GARFIELD, GLACIER, GOLDEN VALLEY, GRANITE HILL, JEFFERSON, JUDITH BASIN, LAKE, LEWIS AND CLARK, LIBERTY LINCOLN, MCCONE, MADISON, MEAGHER, MINERAL, MISSOULA MUSSELSHELL, PARK, PETROLEUM, PHILLIPS, PONDERA, POWDER RIVER POWELL, PRAIRIE, RAVALLI, RICHLAND, ROOSEVELT, ROSEBUD SANDERS, SHERIDAN, SILVER BOW, STILLWATER, SWEET GRASS, TETON TOOLE, TREASURE, VALLEY, WHEATLAND, WIBAUX, ALBANY, BIG HORN CAMPBELL, CARBON, CONVERSE, CROOK, FREMONT, GOSHEN HOT SPRINGS, JOHNSON, LINCOLN, NIOBRARA, PARK, PLATTE SHERIDAN, SUBLETTE, SWEETWATER, TETON, UINTA, WASHAKIE, WESTON
North/South Dakota Nonmetro	2,158,084	78	ADAMS, BARNES, BENSON, BILLINGS, BOTTINEAU, BOWMAN, BURKE CAVALIER, DICKEY, DIVIDE, DUNN, EDDY, EMMONS, FOSTER GOLDEN VALLEY, GRANT, GRIGGS, HETTINGER, KIDDER, LAMOURE LOGAN, MCHENRY, MCINTOSH, MCKENZIE, MCLEAN, MERCER, MOUNTRAIL NELSON, OLIVER, PEMBINA, PIERCE, RAMSEY, RANSOM, RENVILLE RICHLAND, ROLETTE, SARGENT, SHERIDAN, SIOUX, SLOPE, STARK STEELE, STUTSMAN, TOWNER, TRAILL, WALSH, WARD, WELLS, WILLIAMS AURORA, BEADLE, BENNETT, BON HOMME, BROOKINGS, BROWN, BRULE BUFFALO, BUTTE, CAMPBELL, CHARLES MIX, CLARK, CLAY, CODINGTON CORSON, CUSTER, DAVISON, DAY, DEUEL, DEWEY, DOUGLAS, EDMUNDS FALL RIVER, FAULK, GRANT, GREGORY, HAAKON, HAMLIN, HAND HANSON, HARDING, HUGHES, HUTCHINSON, HYDE, JACKSON, JERAULD JONES, KINGSBURY, LAKE, LAWRENCE, LYMAN, MCCOOK, MCPHERSON MARSHALL, MEADE, MELLETTE, MINER, MOODY, PERKINS, POTTER ROBERTS, SANBORN, SHANNON, SPINK, STANLEY, SULLY, TODD, TRIPP TURNER, UNION, WALWORTH, YANKTON, ZIEBACH
Pacific/Hawaii			
Hawaii State Office			
METROPOLITAN ALLOCATION AREAS			
HONOLULU, HI MSA	7,374,050	111	HONOLULU
NONMETROPOLITAN ALLOCATION AREAS			
NONMETRO AREA	3,254,052	58	HAWAII, KAUAI, MAUI, PACIFIC ISLANDS
Los Angeles Area Office			
METROPOLITAN ALLOCATION AREAS			
KERN - SAN LUIS OBISPO COUNTIES	5,222,935	107	KERN, SAN LUIS OBISPO
LOS ANGELES COUNTY	87,151,828	1788	LOS ANGELES

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
ORANGE COUNTY	11,087,557	227	ORANGE
RIVERSIDE - SAN BERNARDINO COUNTIES	12,775,164	262	RIVERSIDE, SAN BERNARDINO
SAN DIEGO COUNTY	16,286,759	334	SAN DIEGO
SANTA BARBARA - VENTURA COUNTIES	6,085,594	124	SANTA BARBARA, VENTURA
NONMETROPOLITAN ALLOCATION AREAS			
SOUTHERN CALIFORNIA NON-METRO COUNTIES	703,466	22	IMPERIAL, INYO, MONO
Arizona State Office			
METROPOLITAN ALLOCATION AREAS			
METRO AREA	10,653,620	338	MOHAVE, MARICOPA, PINAL, PIMA, YUMA
NONMETROPOLITAN ALLOCATION AREAS			
NONMETRO AREA	1,437,638	51	APACHE, COCHISE, COCONINO, GILA, GRAHAM, GREENLEE, LA PAZ NAVAJO, SANTA CRUZ, YAVAPAI
Sacramento Area Office			
METROPOLITAN ALLOCATION AREAS			
METRO AREA 1	7,810,014	217	SACRAMENTO, SAN JOAQUIN
METRO AREA 2	1,713,520	48	YOLO, SUTTER, YUBA
METRO AREA 3	2,242,334	62	BUTTE, SHASTA
METRO AREA 4	894,722	25	EL DORADO, PLACER
NONMETROPOLITAN ALLOCATION AREAS			
NONMETRO AREA	1,299,352	42	ALPINE, AMADOR, CALAVERAS, COLUSA, GLENN, LASSEN, MODOC NEVADA, PLUMAS, SIERRA, SISKIYOU, TEHAMA, TRINITY, TUOLUMNE
California State Office			
METROPOLITAN ALLOCATION AREAS			
METRO AREA 1	13,029,952	265	FRESNO, MADERA, MERCED, STANISLAUS, TULARE
METRO AREA 2	15,670,439	320	ALAMEDA, CONTRA COSTA
METRO AREA 3	17,261,385	352	MARIN, SAN FRANCISCO, SAN MATEO
METRO AREA 4	12,686,117	259	MONTEREY, SANTA CLARA, SANTA CRUZ
METRO AREA 5	4,751,061	96	SONOMA, NAPA, SOLANO
METRO AREA 6	6,201,289	127	CLARK, NYE, WASHOE
NONMETROPOLITAN ALLOCATION AREAS			
NONMETRO AREA	2,594,053	76	DEL NORTE, HUMBOLDT, KINGS, LAKE, MARIPOSA, MENDOCINO SAN BENITO, CHURCHILL, DOUGLAS, ELKO, ESMERALDA, EUREKA HUMBOLDT, LANDER, LINCOLN, LYON, MINERAL, PERSHING, STOREY WHITE PINE, CARSON CITY
Northwest/Alaska			
Alaska State Office			
METROPOLITAN ALLOCATION AREAS			
METROPOLITAN ALLOCATION AREA 1	954,880	22	ANCHORAGE
NONMETROPOLITAN ALLOCATION AREAS			
NONMETROPOLITAN ALLOCATION AREA 1	1,228,199	31	ALEUTIAN EAST, ALEUTIAN WEST, BETHEL, BRISTOL BAY, DILLINGHAM FAIRBANKS NORTH STAR, HAINES, JUNEAU, KENAI PENINSULA KETCHIKAN GATEWAY, KODIAK ISLAND, LAKE & PENINSULA MATANUSKA-SUSITNA, NOME, NORTH SLOPE, NORTHWEST ARCTIC PR.WALES-OUTER KETCHIKAN, SITKA, SKAGWAY-YAKUTAT-ANGOON SOUTHEAST FAIRBANKS, VALDEZ-CORDOVA, WADE HAMPTON WRANGELL-PETERSBURG, YUKON-KOYUKUK
Oregon State Office			

FISCAL YEAR 1995 SECTION 8 CERTIFICATE AND VOUCHER ALLOCATION

	DOLLARS	UNITS	COMPONENT PARTS OF ALLOCATION AREA
METROPOLITAN ALLOCATION AREAS			
Id-Or-Wa Metro	11,135,929	345	ADA, CANYON, LANE, JACKSON, CLACKAMAS, COLUMBIA, MULTNOMAH WASHINGTON, YAMHILL, CLARK, MARION, POLK
NONMETROPOLITAN ALLOCATION AREAS			
Id-Or-Wa Nonmetro.	4,386,716	173	ADAMS, BANNOCK, BEAR LAKE, BENEWAH, BINGHAM, BLAINE, BOISE BONNER, BONNEVILLE, BOUNDARY, BUTTE, CAMAS, CARIBOU, CASSIA CLARK, CLEARWATER, CUSTER, ELMORE, FRANKLIN, FREMONT, GEM GOODING, IDAHO, JEFFERSON, JEROME, KOOTENAI, LATAH, LEMHI LEWIS, LINCOLN, MADISON, MINIDOKA, NEZ PERCE, ONEIDA, OWYHEE PAYETTE, POWER, SHOSHONE, TETON, TWIN FALLS, VALLEY WASHINGTON, BAKER, BENTON, CLATSOP, COOS, CROOK, CURRY DESCHUTES, DOUGLAS, GILLIAM, GRANT, HARNEY, HOOD RIVER JEFFERSON, JOSEPHINE, KLAMATH, LAKE, LINCOLN, LINN, MALHEUR MORROW, SHERMAN, TILLAMOOK, UMATILLA, UNION, WALLOWA, WASCO WHEELER, KLICKITAT, SKAMANIA
Washington State Office			
METROPOLITAN ALLOCATION AREAS			
SEATTLE METROPOLITAN ALLOCATION AREA 1	18,431,637	497	WHATCOM, KITSAP, THURSTON, BENTON, FRANKLIN, ISLAND, KING SNOHOMISH, SPOKANE, PIERCE, YAKIMA
NONMETROPOLITAN ALLOCATION AREAS			
NONMETROPOLITAN ALLOCATION AREA 1	2,718,117	101	ADAMS, ASOTIN, CHELAN, CLALLAM, COLUMBIA, COWLITZ, DOUGLAS FERRY, GARFIELD, GRANT, GRAYS HARBOR, JEFFERSON, KITTITAS LEWIS, LINCOLN, MASON, OKANOGAN, PACIFIC, PEND OREILLE SAN JUAN, SKAGIT, STEVENS, WAHKIAKUM, WALLA WALLA, WHITMAN

Attachment 2

NOFA for Fair Share
SUGGESTED FORMAT FOR PORTABILITY CERTIFICATION

Dear Director, Office of Public Housing or Native American Programs Office:

This letter is to request rental vouchers and certificates as reimbursement for Portability units from the Fair Share funding for FY 95.

The Housing Agency has submitted a Form HUD-52515, Application for Existing Housing, in response to a NOFA published on [insert date of publication], 1995, and included in its application is a request for reimbursement of rental vouchers and certificates for families that have moved into the Housing Agency's jurisdiction under portability procedures. The Housing Agency hereby requests reimbursement out of the FY 95 Fair Share allocation for (insert the County or MSA Allocation Area) for the number of rental vouchers and certificates by bedroom size shown below:

REIMBURSEMENT REQUEST	Zero BR	One BR	Two BR	Three BR	Four BR	TOTALS
Rental Vouchers						
Rental Certificates						
TOTALS						

The Housing Agency certifies that the following information, on the number of rental vouchers and certificates for which the Housing Agency billed another housing agency during the most recent month prior to application and has absorbed into its program during the Housing Agency's most recently ended fiscal year, is true and accurate:

HA PROGRAM STATUS	Zero BR	One BR	Two BR	Three BR	Four BR	TOTALS
Absorbed Rental Vouchers						
Billed Rental Vouchers						
Absorbed Rental Certificates						
Billed Rental Certificates						
TOTALS						

The Housing Agency acknowledges that HUD has a right to inspect its records to verify the accuracy of the information provided in this letter.

Name of HA _____

Signature of HA Representative _____

Attachment 3

NOFA for Persons with HIV/AIDS

SERVICE AREA (State or Locality):	BUDGET AUTHORITY	UNITS
New England Region CONNECTICUT, MAINE, MASSACHUSETTS, NEW HAMPSHIRE, RHODE ISLAND, and VERMONT		
STATE OF CONNECTICUT (outside of the Hartford EMSA)	$ 714,000	21
HARTFORD CT MSA	395,000	12
COMMONWEALTH OF MASSACHUSETTS (outside of the Boston EMSA)	599,000	19
BOSTON, MA-NH PMSA	1,142,000	30
New York, New Jersey Region NEW JERSEY and NEW YORK		
STATE OF NEW JERSEY (outside of 5 EMSAs)	722,000	19
Paterson for the BERGEN-PASSAIC, NJ PMSA	779,000	16
JERSEY CITY, NJ PMSA	1,259,000	30
Woodbridge for the MIDDLESEX-SOMERSET-HUNTERDON NJ PMSA	368,000	8
NEWARK, NJ PMSA	3,205,000	76
STATE OF NEW YORK (outside of 2 EMSAs)	1,392,000	56
Islip for the NASSAU-SUFFOLK, NY PMSA	750,000	15
NEW YORK, NY PMSA	25,607,000	584
Mid-Atlantic Region DELAWARE, DISTRICT OF COLUMBIA, MARYLAND, PENNSYLVANIA, VIRGINIA, and WEST VIRGINIA		
WASHINGTON, DC-MD-VA-WV PMSA	2,861,000	67
BALTIMORE, MD PMSA	1,639,000	55
COMMONWEALTH OF PENNSYLVANIA (outside of the Philadelphia EMSA)	785,000	34
PHILADELPHIA, PA-NJ PMSA	1,981,000	59
COMMONWEALTH OF VIRGINIA (outside of the Washington DC EMSA)	706,000	25
Southeast Region ALABAMA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, PUERTO RICO, SOUTH CAROLINA, and TENNESSEE		
STATE OF ALABAMA	551,000	24
STATE OF FLORIDA (outside of 6 EMSAs)	1,582,000	63
FORT LAUDERDALE, FL PMSA	1,945,000	57
JACKSONVILLE, FL MSA	489,000	19
MIAMI, FL PMSA	4,855,000	135
ORLANDO, FL MSA	542,000	17
TAMPA-ST. PETERSBURG-CLEARWATER, FL MSA	1,028,000	38
WEST PALM BEACH-BOCA RATON, FL MSA	953,000	27
STATE OF GEORGIA (outside of the Atlanta EMSA)	601,000	27

ATLANTA, GA MSA	1,615,000	53
STATE OF MISSISSIPPI	362,000	15
STATE OF NORTH CAROLINA	978,000	36
COMMONWEALTH OF PUERTO RICO (outside of the San Juan EMSA)	962,000	40
SAN JUAN-BAYAMON, PR PMSA	2,472,000	108
STATE OF SOUTH CAROLINA	766,000	29
STATE OF TENNESSEE	684,000	27

Midwest Region ILLINOIS, INDIANA, MICHIGAN, MINNESOTA, OHIO, and WISCONSIN

CHICAGO, IL PMSA	2,196,000	62
STATE OF MICHIGAN (outside of the Detroit EMSA)	349,000	11
DETROIT, MI PMSA	806,000	28
STATE OF INDIANA	633,000	24
MINNEAPOLIS-ST PAUL MN-WI MSA	380,000	13
STATE OF OHIO (outside of the Cleveland-Lorain-Elvyria EMSA)	860,000	36
CLEVELAND-LORAIN-ELVYRIA OH PMSA	333,000	13
STATE OF WISCONSIN (outside of the Minneapolis-St Paul MSA)	399,000	15

Southwest Region ARKANSAS, LOUISIANA, NEW MEXICO, OKLAHOMA, and TEXAS

STATE OF LOUISIANA (outside of the New Orleans EMSA)	494,000	23
NEW ORLEANS, LA MSA	787,000	34
STATE OF OKLAHOMA	416,000	21
STATE OF TEXAS (outside of 5 EMSAs)	973,000	40
DALLAS, TX PMSA	1,376,000	52
FT WORTH-ARLINGTON, TX PMSA	320,000	13
HOUSTON, TX PMSA	2,873,000	111
AUSTIN-SAN MARCOS, TX MSA	645,000	23
SAN ANTONIO, TX MSA	426,000	18

Great Plains Region IOWA, KANSAS, MISSOURI, and NEBRASKA

KANSAS CITY, MO-KS MSA	505,000	21
ST. LOUIS, MO-IL MSA	529,000	24

Rocky Mountain Region COLORADO, MONTANA, NORTH DAKOTA, SOUTH DAKOTA, UTAH, and WYOMING

DENVER, CO PMSA	705,000	27

Pacific/Hawaii Region ARIZONA, CALIFORNIA, HAWAII, and NEVADA		
PHOENIX-MESA, AZ MSA	508,000	20
STATE OF NEVADA	395,000	13
STATE OF CALIFORNIA (outside of 8 EMSAs)	1,323,000	44
OAKLAND, CA PMSA	960,000	24
SACRAMENTO, CA PMSA	359,000	12
SAN FRANCISCO, CA PMSA	7,588,000	161
SAN JOSE, CA PMSA	369,000	8
Santa Ana for ORANGE COUNTY, CA PMSA	671,000	16
LOS ANGELES, CA PMSA	5,973,000	146
RIVERSIDE-SAN BERNARDINO, CA PMSA	681,000	22
SAN DIEGO, CA MSA	1,277,000	38
Northwest/Alaska Region ALASKA, IDAHO, OREGON, and WASHINGTON		
PORTLAND-VANCOUVER, OR-WA PMSA	444,000	17
SEATTLE-BELLEVUE-EVERETT, WA PMSA	958,000	30
PERSONS WITH AIDS SUBPROGRAM TOTAL	**$ 102,800,000**	**3,000**

ATTACHMENT 4A

FY 95 SECTION 8 SUBPROGRAM FOR HOMELESS FAMILES
BUDGET AUTHORITY AND ESTIMATED NUMBER OF UNITS
STATE ALLOCATIONS

Name of State	Budget Authority	Approximate Number of Units
Alabama	$2,424,000	95
Alaska	139,000	2
Arizona	900,000	28
Arkansas	1,725,000	76
California	7,894,000	193
Colorado	1,394,000	23
Connecticut	1,467,000	29
Delaware	118,000	4
Florida	3,052,000	69
Georgia	2,775,000	96
Hawaii	202,000	3
Idaho	599,000	18
Illinois	3,787,000	157
Indiana	2,757,000	98
Iowa	2,239,000	83
Kansas	1,348,000	51
Kentucky	2,176,000	88
Louisiana	2,521,000	99
Maine	942,000	27
Maryland	760,000	20
Massachusetts	3,193,000	45
Michigan	4,113,000	137
Minnesota	1,788,000	64
Mississippi	2,306,000	87
Missouri	2,046,000	88
Montana	567,000	21
Nebraska	936,000	39
Nevada	330,000	8
New Hampshire	705,000	17
New Jersey	2,048,000	44
New Mexico	879,000	32
New York	4,306,000	107
North Carolina	3,645,000	119
North Dakota	470,000	21
Ohio	4,598,000	167
Oklahoma	1,431,000	61
Oregon	1,115,000	35
Pennsylvania	4,077,000	113
Puerto Rico	3,713,000	139
Rhode Island	436,000	10
South Carolina	2,372,000	73
South Dakota	546,000	22
Tennessee	2,131,000	82
Texas	6,824,000	256
Utah	642,000	20
Vermont	437,000	13
Virginia	2,148,000	68
Washington	1,404,000	37
West Virginia	1,451,000	61
Wisconsin	2,712,000	94
Wyoming	267,000	8
TOTAL	$102,855,000	3,343

ATTACHMENT 4B

SECTION 8 SUBPROGRAM FOR HOMELESS FAMILIES
BUDGET AUTHORITY AND ESTIMATED NUMBER OF UNITS
CITY/URBAN COUNTY ALLOCATIONS

Name of Jurisdiction	Budget Authority	Approximate Number of Units
Alabama		
BIRMINGHAM	$1,235,000	48
MOBILE	505,000	22
MONTGOMERY	431,000	16
JEFFERSON COUNTY	463,000	18
STATE TOTAL	$2,634,000	105
Alaska		
ANCHORAGE	297,000	7
STATE TOTAL	$297,000	7
Arizona		
MESA	401,000	13
PHOENIX	1,930,000	65
TUCSON	986,000	33
MARICOPA COUNTY	509,000	17
PIMA COUNTY	394,000	13
STATE TOTAL	$4,220,000	141
Arkansas		
LITTLE ROCK	340,000	13
STATE TOTAL	$340,000	13
California		
ANAHEIM	488,000	10
BAKERSFIELD	327,000	11
BERKELEY	474,000	10
FRESNO	947,000	32
LONG BEACH	1,040,000	21
LOS ANGELES	10,760,000	215
OAKLAND	1,287,000	27
OXNARD	370,000	7
PASADENA	316,000	10
POMONA	338,000	7
RIVERSIDE	390,000	11
SACRAMENTO	771,000	21
SAN BERNARDINO	427,000	12
SAN DIEGO	2,113,000	54
SAN FRANCISCO	3,129,000	54
SAN JOSE	1,313,000	24
SANTA ANA	865,000	17
STOCKTON	535,000	16
COMPTON	388,000	8
EL MONTE	388,000	8
GLENDALE	390,000	8
INGLEWOOD	305,000	6
CONTRA COSTA COUNTY	459,000	10
FRESNO COUNTY	743,000	25
IKERN COUNTY	897,000	29
LOS ANGELES COUNTY	4,830,000	96
ORANGE COUNTY	617,000	12
RIVERSIDE COUNTY	1,173,000	32
SACRAMENTO COUNTY	925,000	26
SAN BERNARDINO COUNTY	1,079,000	30
SAN DIEGO COUNTY	765,000	19
SAN JOAQUIN COUNTY	455,000	13
SAN LUIS OBISPO COUNTY	330,000	8
SAN MATEO COUNTY	449,000	8
SANTA CLARA COUNTY	394,000	7
SONOMA COUNTY	319,000	7
VENTURA COUNTY	362,000	7
STATE TOTAL	$41,158,000	917
Colorado		
COLORADO SPRINGS	401,000	14
DENVER	1,621,000	49
STATE TOTAL	$2,022,000	63
Connecticut		
BRIDGEPORT	589,000	12
HARTFORD	674,000	16
NEW BRITAIN	286,000	7
NEW HAVEN	624,000	14
WATERBURY	340,000	9
STATE TOTAL	$2,513,000	58
Delaware		
WILMINGTON	423,000	12
NEW CASTLE COUNTY	366,000	10
STATE TOTAL	$789,000	22
District of Columbia	2,899,000	60
Florida		
FORT LAUDERDALE	373,000	9
HIALEAH	635,000	15
JACKSONVILLE	1,187,000	40
MIAMI	1,772,000	41
MIAMI BEACH	359,000	8
ORLANDO	327,000	9
ST. PETERSBURG	438,000	14
TALLAHASSEE	290,000	9
TAMPA	678,000	21
BREVARD COUNTY	323,000	10
BROWARD COUNTY	912,000	22
DADE COUNTY	2,633,000	60
ESCAMBIA COUNTY	390,000	16
HILLSBOROUGH COUNTY	811,000	25
ORANGE COUNTY	682,000	19
PALM BEACH COUNTY	962,000	24
PASCO COUNTY	423,000	13
PINELLAS COUNTY	498,000	16
POLK COUNTY	559,000	21
SEMINOLE COUNTY	330,000	9
VOLUSIA COUNTY	420,000	13
STATE TOTAL	$15,002,000	415
Georgia		
ATLANTA	1,714,000	50
AUGUSTA	308,000	12
COLUMBUS	399,000	16
MACON	308,000	12
SAVANNAH	434,000	15
COBB COUNTY	370,000	11
DE KALB COUNTY	639,000	18
FULTON COUNTY	359,000	10
GWINNETT COUNTY	297,000	9
STATE TOTAL	$4,828,000	153

SECTION 8 SUBPROGRAM FOR HOMELESS FAMILIES
BUDGET AUTHORITY AND ESTIMATED NUMBER OF UNITS
CITY/URBAN COUNTY ALLOCATIONS

Hawaii		
HONOLULU	1,902,000	30
STATE TOTAL	$1,902,000	30
Illinois		
CHICAGO	15,406,000	377
EAST ST. LOUIS	377,000	14
EVANSTON	290,000	7
PEORIA	344,000	13
ROCKFORD	330,000	12
CICERO	295,000	7
COOK COUNTY	1,840,000	45
DU PAGE COUNTY	542,000	13
LAKE COUNTY	377,000	9
MADISON COUNTY	524,000	19
ST. CLAIR COUNTY	330,000	12
STATE TOTAL	$20,655,000	530
Indiana		
EVANSVILLE	509,000	21
FORT WAYNE	474,000	17
GARY	693,000	23
HAMMOND	401,000	13
INDIANAPOLIS	1,510,000	51
SOUTH BEND	485,000	16
TERRE HAUTE	334,000	14
STATE TOTAL	$4,406,000	156
Iowa		
DES MOINES	674,000	22
SIOUX CITY	334,000	13
STATE TOTAL	$1,008,000	35
Kansas		
KANSAS CITY	431,000	15
TOPEKA	338,000	13
WICHITA	516,000	18
STATE TOTAL	$1,285,000	46
Kentucky		
LEXINGTON--FAYETTE	390,000	15
LOUISVILLE	1,654,000	68
COVINGTON	301,000	11
JEFFERSON COUNTY	474,000	19
STATE TOTAL	$2,819,000	113
Louisiana		
BATON ROUGE	854,000	34
HOUMA	295,000	13
NEW ORLEANS	2,659,000	96
SHREVEPORT	581,000	23
JEFFERSON PARISH	754,000	27
STATE TOTAL	$5,143,000	193
Maine		
PORTLAND	323,000	8
STATE TOTAL	$323,000	8
Maryland		
BALTIMORE	3,978,000	113
ANNE ARUNDEL COUNTY	351,000	10
BALTIMORE COUNTY	696,000	20
MONTGOMERY COUNTY	696,000	14
PRINCE GEORGES COUNTY	886,000	18
STATE TOTAL	$6,607,000	175
Massachusetts		
BOSTON	3,215,000	70
CAMBRIDGE	488,000	11
FALL RIVER	449,000	12
LAWRENCE	330,000	9
LOWELL	344,000	9
LYNN	438,000	10
NEW BEDFORD	455,000	14
SPRINGFIELD	667,000	19
WORCESTER	750,000	19
NEWTON	327,000	7
QUINCY	323,000	7
SOMERVILLE	459,000	10
STATE TOTAL	$8,245,000	196
Michigan		
DEARBORN	351,000	11
DETROIT	7,760,000	237
FLINT	811,000	30
GRAND RAPIDS	617,000	21
KALAMAZOO	301,000	11
LANSING	305,000	10
PONTIAC	286,000	9
SIGINAW	444,000	16
GENESSEE COUNTY	416,000	15
OAKLAND COUNTY	574,000	18
WAYNE COUNTY	516,000	16
STATE TOTAL	$12,381,000	393
Minnesota		
MINNEAPOLIS	2,217,000	63
ST. PAUL	1,235,000	35
HENNEPIN COUNTY	477,000	14
ST. LOUIS COUNTY	879,000	36
STATE TOTAL	$4,808,000	148
Mississippi		
JACKSON	557,000	20
STATE TOTAL	$557,000	20
Missouri		
KANSAS CITY	1,636,000	59
ST. JOSEPH	334,000	16
ST. LOUIS	3,792,000	140
ST. LOUIS COUNTY	990,000	36
STATE TOTAL	$6,752,000	250
Nebraska		
OMAHA	912,000	32
STATE TOTAL	$912,000	32
Nevada		
LAS VEGAS	434,000	12
CLARK COUNTY	503,000	13
STATE TOTAL	$937,000	25

SECTION 8 SUBPROGRAM FOR HOMELESS FAMILIES
BUDGET AUTHORITY AND ESTIMATED NUMBER OF UNITS
CITY/URBAN COUNTY ALLOCATIONS

New Jersey		
ATLANTIC CITY	305,000	7
CAMDEN	531,000	13
ELIZABETH	384,000	8
JERSEY CITY	1,205,000	26
NEWARK	1,805,000	37
PATERSON	542,000	10
TRENTON	524,000	12
BAYONNE	316,000	7
BERGEN COUNTY	1,751,000	33
BURLINGTON COUNTY	297,000	7
CAMDEN COUNTY	377,000	9
ESSEX COUNTY	973,000	20
HUDSON COUNTY	836,000	18
MONMOUTH COUNTY	470,000	9
MORRIS COUNTY	316,000	6
OCEAN COUNTY	330,000	7
UNION COUNTY	854,000	17
STATE TOTAL	$11,816,000	246
New Mexico		
ALBUQUERQUE	721,000	24
STATE TOTAL	$721,000	24
New York		
ALBANY	617,000	18
BINGHAMTON	388,000	14
BUFFALO	2,877,000	100
NEW YORK CITY	30,768,000	643
NIAGARA FALLS	463,000	16
ROCHESTER	1,558,000	47
SCHENECTADY	409,000	12
SYRACUSE	1,016,000	34
TROY	323,000	10
UTICA	503,000	19
ISLIP TOWN	334,000	6
MOUNT VERNON	308,000	5
TONAWANDA TOWN	286,000	10
YONKERS	609,000	11
ROCKLAND COUNTY	305,000	6
ERIE COUNTY	416,000	14
MONROE COUNTY	290,000	9
NASSAU COUNTY	2,217,000	38
SUFFOLK COUNTY	617,000	10
WESTCHESTER COUNTY	821,000	14
STATE TOTAL	$45,125,000	1,037
North Carolina		
CHARLOTTE	628,000	21
GREENSBORO	295,000	11
RALEIGH	312,000	10
STATE TOTAL	$1,235,000	42
Ohio		
AKRON	1,173,000	39
CANTON	509,000	20
CINCINNATI	2,236,000	79
CLEVELAND	4,349,000	148
COLUMBUS	1,227,000	44
DAYTON	1,127,000	39
SPRINGFIELD	344,000	12
TOLEDO	1,266,000	45
YOUNGSTOWN	804,000	34
LAKEWOOD	305,000	10
CUYAHOGA COUNTY	481,000	16
FRANKLIN COUNTY	316,000	11
HAMILTON COUNTY	524,000	19
MONTGOMERY COUNTY	370,000	13
STATE TOTAL	$15,031,000	528
Oklahoma		
OKLAHOMA CITY	875,000	36
TULSA	667,000	24
STATE TOTAL	$1,542,000	60
Oregon		
PORTLAND	1,506,000	48
CLACKAMAS COUNTY	319,000	10
WASHINGTON COUNTY	284,000	9
STATE TOTAL	$2,109,000	68
Pennsylvania		
ALLENTOWN	431,000	13
ALTOONA	349,000	16
ERIE	600,000	25
HARRISBURG	401,000	13
JOHNSTOWN	301,000	15
LANCASTER	290,000	9
PHILADELPHIA	9,166,000	231
PITTSBURGH	3,021,000	113
READING	516,000	17
SCRANTON	563,000	22
WILKES–BARRE	319,000	13
YORK	284,000	10
CHESTER	286,000	7
UPPER DARBY TOWNSHIP	323,000	8
ALLEGHENY COUNTY	2,544,000	95
BEAVER COUNTY	657,000	25
BERKS COUNTY	412,000	14
BUCKS COUNTY	355,000	9
CHESTER COUNTY	416,000	10
DELAWARE COUNTY	589,000	15
LANCASTER COUNTY	505,000	16
LUZERNE COUNTY	757,000	30
MONTGOMERY COUNTY	531,000	13
WASHINGTON COUNTY	761,000	28
WESTMORELAND COUNTY	682,000	26
YORK COUNTY	394,000	14
STATE TOTAL	$25,453,000	807
Puerto Rico		
AGUADILLA MUNICIPIO	381,000	21
ARECIBO MUNICIPIO	589,000	22
CAGUAS MUNICIPIO	711,000	32
CAYEY MUNICIPIO	297,000	13
MAYAGUEZ MUNICIPIO	589,000	32
PONCE MUNICIPIO	1,202,000	46
SAN JUAN MUNICIPIO	2,152,000	82
BAYAMON MUNICIPIO	973,000	37
CAROLINA MUNICIPIO	778,000	30
GUAYNABO MUNICIPIO	401,000	15
HUMACAO MUNICIPIO	327,000	12
TOA BAJA MUNICIPIO	463,000	18
TRUJILLO ALTO MUNICIPIO	290,000	11
VEGA BAJA MUNICIPIO	351,000	13
STATE TOTAL	$9,504,000	384
Rhode Island		
PAWTUCKET	319,000	8
PROVIDENCE	1,005,000	27
WOONSOCKET	197,000	5
STATE TOTAL	$1,521,000	40

SECTION 8 SUBPROGRAM FOR HOMELESS FAMILIES
BUDGET AUTHORITY AND ESTIMATED NUMBER OF UNITS
CITY/URBAN COUNTY ALLOCATIONS

South Carolina		
GREENVILLE COUNTY	362,000	15
STATE TOTAL	$362,000	15
Tennessee		
CHATTANOOGA	351,000	14
KNOXVILLE	370,000	15
MEMPHIS	1,725,000	66
NASHVILLE–DAVIDSON	879,000	30
STATE TOTAL	$3,325,000	124
Texas		
AMARILLO	334,000	14
ARLINGTON	316,000	10
AUSTIN	1,023,000	28
BEAUMONT	319,000	13
BROWNSVILLE	538,000	19
CORPUS CHRISTI	717,000	26
DALLAS	2,457,000	74
EL PASO	1,658,000	59
FORT WORTH	1,019,000	33
HOUSTON	4,570,000	141
LAREDO	589,000	22
LUBBOCK	459,000	17
MC ALLEN	344,000	14
SAN ANTONIO	2,759,000	93
WACO	305,000	11
BEXAR COUNTY	334,000	11
FORT BEND COUNTY	286,000	9
HARRIS COUNTY	1,285,000	40
HIDALGO COUNTY	1,131,000	47
TARRANT COUNTY	488,000	16
STATE TOTAL	$20,931,000	698
Utah		
PROVO	286,000	12
SALT LAKE CITY	707,000	27
SALT LAKE COUNTY	553,000	21
STATE TOTAL	$1,546,000	59
Virginia		
NEWPORT NEWS	297,000	9
NORFOLK	850,000	27
PORTSMOUTH	301,000	10
RICHMOND	775,000	25
ROANOKE	295,000	12
VIRGINIA BEACH	390,000	12
ARLINGTON COUNTY	301,000	6
FAIRFAX COUNTY	700,000	14
STATE TOTAL	$3,909,000	116
Washington		
SEATTLE	1,944,000	51
SPOKANE	624,000	21
TACOMA	416,000	13
KING COUNTY	819,000	22
PIERCE COUNTY	548,000	17
SNOHOMISH COUNTY	401,000	11
STATE TOTAL	$4,752,000	134
West Virginia		
CHARLESTON	351,000	15
HUNTINGTON	388,000	18
STATE TOTAL	$739,000	33
Wisconsin		
MADISON	334,000	10
MILWAUKEE	2,852,000	88
RACINE	316,000	11
STATE TOTAL	$3,502,000	109
NATIONAL TOTAL	$308,565,000	8,828

ATTACHMENT 5

FY 95 SECTION 8 COUNSELING FUNDS

	METROPOLITAN STATISTICAL AREA	LEAD HOUSING AGENCY	SECTION 8 BUDGET AUTHORITY
1	NEW YORK, NY	NEW YORK CITY HOUSING AUTHORITY	$10,000,000
2	LOS ANGELES–LONG BEACH, CA	HOUSING AUTHORITY OF CITY OF LOS ANGELES	$10,000,000
3	CHICAGO, IL	COOK COUNTY HOUSING AUTHORITY	$8,350,000
4	BOSTON, MA	BOSTON HOUSING AUTHORITY	$4,959,000
5	PHILADELPHIA, PA	PHILADELPHIA HOUSING AUTHORITY	$4,684,000
6	WASHINGTON, DC	PRINCE GEORGE'S COUNTY HOUSING AUTHORITY	$3,969,000
7	DETROIT, MI	MICHIGAN STATE HOUSING DEVELOPMENT AGENCY	$3,623,000
8	OAKLAND, CA	OAKLAND HOUSING AUTHORITY	$2,855,000
9	MIAMI, FL	DADE COUNTY SPECIAL HOUSING PROGRAMS	$2,844,000
10	NEWARK, NJ	NEWARK HOUSING AUTHORITY	$2,752,000
11	SAN DIEGO, CA	SAN DIEGO CITY HOUSING COMMISSION	$2,679,000
12	HOUSTON, TX	HOUSTON HOUSING AUTHORITY	$2,549,000
13	BALTIMORE, MD	BALTIMORE CITY HOUSING AUTHORITY	$2,121,000
14	DALLAS, TX	DALLAS HOUSING AUTHORITY	$1,945,000
15	CLEVELAND–LORAIN–ELY, OH	CUYAHOGA METROPOLITAN HOUSING AUTHORITY	$1,835,000
16	RIVERSIDE–SAN BERNARDINO, CA	RIVERSIDE HOUSING AUTHORITY	$1,810,000
17	ATLANTA, GA	DEKALB COUNTY HOUSING AUTHORITY	$1,803,000
18	PITTSBURGH, PA	PITTSBURGH HOUSING AUTHORITY	$1,793,000
19	MINNEAPOLIS–ST. PAUL, MN	METROPOLITAN COUNCIL	$1,745,000
20	MILWAUKEE–WAUKESHA, WI	MILWAUKEE HOUSING AUTHORITY	$1,697,000
21	ST. LOUIS, MO–IL	ST. LOUIS COUNTY HOUSING AUTHORITY	$1,443,000
22	PROVIDENCE, RI	PROVIDENCE HOUSING AUTHORITY	$1,380,000
23	BUFFALO–NIAGARA FALLS, NY	BUFFALO RENTAL ASSISTANCE COUNCIL	$1,377,000
24	PHOENIX–MESA, AZ	PHOENIX HOUSING DEPARTMENT	$1,322,000
25	CINCINNATI, OH–KY–IN	CINCINNATI METROPOLITAN HOUSING AUTHORITY	$1,244,000
26	NEW ORLEANS, LA	HOUSING AUTHORITY OF NEW ORLEANS	$1,207,000
27	TAMPA–ST. PETERSBURG, FL	TAMPA HOUSING AUTHORITY	$1,187,000
28	DENVER, CO	DENVER HOUSING AUTHORITY	$1,185,000
29	SACRAMENTO, CA	SACRAMENTO HOUSING & REDEVELOPMENT	$1,169,000
30	HARTFORD, CT	HARTFORD HOUSING AUTHORITY	$1,148,000
31	SAN JUAN–BAYAMON, PR	SAN JUAN HOUSING AUTHORITY	$1,109,000
32	ROCHESTER, NY	ROCHESTER HOUSING AUTHORITY	$1,040,000
33	NORFOLK–VIRGINIA BEACH, VA	NORFOLK REDEVELOPMENT AND HOUSING AUTHORITY	$965,000
34	COLUMBUS, OH	COLUMBUS METROPOLITAN HOUSING AUTHORITY	$954,000
35	SAN ANTONIO, TX	SAN ANTONIO HOUSING AUTHORITY	$944,000
36	FORT LAUDERDALE, FL	FT. LAUDERDALE HOUSING AUTHORITY	$934,000
37	INDIANAPOLIS, IN	INDIANAPOLIS PUBLIC HOUSING DIVISION	$895,000
38	KANSAS CITY, KS–MO	KANSAS CITY, KANSAS, HOUSING AUTHORITY	$871,000
39	AUSTIN–SAN MARCOS, TX	AUSTIN HOUSING AUTHORITY	$863,000
40	FORT WORTH–ARLINGTON, TX	FORT WORTH HOUSING AUTHORITY	$792,000
41	SPRINGFIELD, MA	SPRINGFIELD HOUSING AUTHORITY	$774,000
42	ORLANDO, FL	ORLANDO HOUSING AUTHORITY	$751,000
43	FRESNO, CA	FRESNO CITY HOUSING AUTHORITY	$747,000
44	DAYTON–SPRINGFIELD, OH	DAYTON METROPOLITAN HOUSING AUTHORITY	$712,000
45	MEMPHIS, TN–AR–MS	MEMPHIS HOUSING AUTHORITY	$628,000
46	SYRACUSE, NY	SYRACUSE HOUSING AUTHORITY	$616,000
47	CHARLOTTE–GASTONIA, NC	CHARLOTTE HOUSING AUTHORITY	$607,000
48	NASHVILLE, TN	NASHVILLE HOUSING AUTHORITY	$585,000
49	RICHMOND–PETERSBURG, VA	RICHMOND REDEVELOPMENT & HOUSING AUTHORITY	$573,000
50	STOCKTON–LODI, CA	COUNTY OF SAN JOAQUIN HOUSING AUTHORITY	$539,000
51	LOUISVILLE, KY–IN	LOUISVILLE HOUSING AUTHORITY	$534,000
52	TUCSON, AZ	CITY OF TUCSON COMMUNITY SERVICES DEPARTMENT	$523,000
53	EL PASO, TX	EL PASO HOUSING AUTHORITY	$520,000
54	JACKSONVILLE, FL	JACKSONVILLE DHUD	$516,000
55	GRAND RAPIDS–MUSKEGON–HOLLAND, MI	GRAND RAPIDS HOUSING COMMISSION	$504,000
56	OKLAHOMA CITY, OK	OKLAHOMA CITY HOUSING AUTHORITY	$494,000
57	AKRON, OH	AKRON METROPOLITAN HOUSING AUTHORITY	$485,000
58	TOLEDO, OH	TOLEDO METROPOLITAN HOUSING AUTHORITY	$475,000
59	BAKERSFIELD, CA	KERN COUNTY HOUSING AUTHORITY	$426,000
60	BIRMINGHAM, AL	BIRMINGHAM HOUSING AUTHORITY	$420,000
61	GARY, IN	GARY HOUSING AUTHORITY	$404,000
62	TULSA, OK	TULSA HOUSING AUTHORITY	$391,000
63	YOUNGSTOWN–WARREN, OH	YOUNGSTOWN HOUSING AUTHORITY	$359,000
64	ALBUQUERQUE, NM	ALBUQUERQUE HOUSING AUTHORITY	$357,000
65	LANSING–EAST LANSING, MI	LANSING HOUSING AUTHORITY	$340,000
66	CHARLESTON–N. CHARLESTON, SC	HOUSING AUTHORITY OF THE CITY OF CHARLESTON	$330,000
67	KALAMAZOO–BATTLE CREEK, MI	BATTLE CREEK HOUSING AUTHORITY	$324,000

68	LEXINGTON, KY	LEXINGTON HOUSING AUTHORITY	$313,000
69	FLINT, MI	FLINT HOUSING AUTHORITY	$313,000
70	KNOXVILLE, TN	KNOXVILLE HOUSING AUTHORITY	$303,000
71	SAGINAW–BAY CITY–MIDLAND, MI	SAGINAW HOUSING AUTHORITY	$294,000
72	BATON ROUGE, LA	BATON ROUGE CITY HOUSING AUTHORITY	$288,000
73	VISALIA–TULARE–PORTERVILLE, CA	TULARE COUNTY HOUSING AUTHORITY	$277,000
74	LITTLE ROCK–N. LITTLE ROCK, AR	LITTLE ROCK HOUSING AUTHORITY	$273,000
75	JACKSON, MS	JACKSON HOUSING AUTHORITY	$242,000
76	CORPUS CHRISTI, TX	CORPUS CHRISTI HOUSING AUTHORITY	$230,000
77	MOBILE, AL	MOBILE HOUSING AUTHORITY	$228,000
78	PONCE, PR	PONCE HOUSING AUTHORITY	$219,000
79	SHREVEPORT–BOSSIER CITY, LA	SHREVEPORT HOUSING AUTHORITY	$219,000
80	SAVANNAH, GA	SAVANNAH HOUSING AUTHORITY	$201,000
81	TALLAHASSEE, FL	TALLAHASSEE HOUSING AUTHORITY	$192,000
82	BROWNSVILLE–HARLINGEN–SAN BENITO, TX	BROWNSVILLE HOUSING AUTHORITY	$192,000
83	BEAUMONT–PORT ARTHUR, TX	BEAUMONT HOUSING AUTHORITY	$187,000
84	MC ALLEN–EDINBURG–MISSION, TX	EDINBURG HOUSING AUTHORITY	$187,000
85	HUNTINGTON–ASHLAND, WV–KY–OH	HUNTINGTON HOUSING AUTHORITY	$182,000
86	MACON, GA	MACON HOUSING AUTHORITY	$180,000
87	COLUMBUS, GA–AL	COLUMBUS HOUSING AUTHORITY	$173,000
88	GAINESVILLE, FL	GAINESVILLE HOUSING AUTHORITY	$171,000
89	MONTGOMERY, AL	MONTGOMERY HOUSING AUTHORITY	$160,000
		NATIONAL TOTAL	$115,000,000

Attachment 6A

FSS Service Coordinators Sample Letter Format
REQUEST FOR FSS PROGRAM COORDINATOR FUNDS
SAMPLE LETTER FORMAT

Dear Director, Office of Public Housing: (or Administrator, Native American Programs Office:)

This is to request approval to hire a Family Self-Sufficiency (FSS) program coordinator for one year, for the X housing agency (HA) FSS program.

1. Total Number of Currently Enrolled FSS Families: _____.

2. Total Number of Required FSS Program Slots (based on rental vouchers and certificates approved under FY 1992 incentive award funding and under FY 1993 and later rental voucher and certificate program funding):

_____.

3. Service Coordinator Salary:

a. Salary level, based on salaries for comparable jobs (modified by number of hours worked) _____.

b. Annual Salary plus Fringe Benefits:

_____ Hours/Week; _____ $/Hour; _____ Fringe Rate (%);

Annual Salary _____.

4. Attachment: Evidence demonstrating salary comparability to similar positions in the local jurisdiction.

If there are any questions, please contact _____ at _____.

Sincerely,

Executive Director

Attachments

ATTACHMENT 6B

FAIR HOUSING AND EQUAL OPPORTUNITY CERTIFICATIONS

The housing agency (HA) certifies that, in administering the activities of Family Self-Sufficiency program coordinators:

(1) The HA will comply with Title VI of the Civil Rights Act of 1964 and related HUD regulations (24 CFR Part 1), which state that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives financial assistance; and will take any measures necessary to effectuate this agreement.

(2) The HA will comply with the Fair Housing Act and related HUD regulations (24 CFR Part 100), which prohibit discrimination in housing on the basis of race, color, religion, sex, handicap, familial status, or national origin, and administer its programs and activities relating to housing in a manner to affirmatively further fair housing.

(3) The HA will comply with Section 504 of the Rehabilitation Act of 1973 and related HUD regulations (24 CFR Part 8), which state that no otherwise qualified individual with handicaps in the United States shall, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(4) The HA will comply with the provisions of the Age Discrimination Act of 1975 and related HUD regulations (24 CFR Part 146), which state that no person in the United States shall on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under a program or activity receiving Federal financial assistance.

(5) The HA will comply with the provisions of Title II of the Americans with Disabilities Act and related Department of Justice regulations (28 CFR Part 35) which state that subject to the provisions of Title II, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs or activities of a public entity, or be subjected to discrimination by any such entity.

Name of HA

_____

Signature and Title of HA Representative Date

_____ _____

[FR Doc. 95–5184 Filed 2–28–95; 8:45 am]
BILLING CODE 4210–33–C

Federal Register

Friday
March 3, 1995

Part III

Department of Education

34 CFR Part 75
Direct Grant Programs; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 75

RIN 1880–AA61

Direct Grant Programs

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the Education Department General Administrative Regulations (EDGAR) to permit the Department to consider for funding, under appropriate discretionary grant programs administered by the Department, unsolicited grant applications. The Secretary takes this action as part of the Department's overall effort at re-invention. The authority to consider unsolicited applications allows the Department to respond to truly exceptional applications of national significance that might not conform to the Department's announced annual competitions.

EFFECTIVE DATE: These regulations take effect April 3, 1995.

FOR FURTHER INFORMATION CONTACT: Greg Vick, Grants Division, GCS, U.S. Department of Education, (Room 3636, ROB–3), 600 Independence Avenue, S.W., Washington, D.C., 20202–4700. Telephone: (202) 708–8199. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time Monday through Friday.

SUPPLEMENTARY INFORMATION: The Secretary amends EDGAR to make a change in the procedures for selecting applications for new grants. The Secretary continues to believe that the vast majority of discretionary grant funds should be awarded on the basis of competition, and that for some of these competitions the Department should establish funding priorities in order to focus limited resources on critical issues and problems. However, the Secretary is also concerned that the constraints of the Department's grant schedules and funding priorities may preclude the Department's consideration of truly exceptional applications representing novel approaches to issues facing the nation or other groundbreaking ideas or methods appropriate to Department of Education programs.

Under these amendments to EDGAR, the Department will continue to use existing procedures for announcing grant competitions and selecting applications for new grants. On what the Secretary expects to be rare occasions, the Secretary will also consider unsolicited applications that were not submitted in response to an application notice published in the Federal Register. However, the Secretary does not consider unsolicited applications under a program if the program office has published a notice in the Federal Register indicating that unsolicited applications will not be considered for that year.

Any unsolicited applications that meet the requirements for existing or upcoming competitions of the Department will be considered under those competitions. Applications that could have been considered under competitions for which deadlines have passed will not be considered for funding as unsolicited applications unless the Secretary determines on an individual basis that, because of an exceptional circumstance, consideration of an application is warranted. Inability to meet a deadline for submitting an application under a grant competition, by itself, is not such a circumstance.

Analysis of Comments and Changes

The Secretary published a notice of proposed rulemaking (NPRM) on December 9, 1994 (59 FR 63878). Two comments were received on the NPRM. Except for minor editorial and technical revisions, the Secretary has made no changes in these regulations since publication of the NPRM. A note has been added following § 75.222 informing applicants of the address to which unsolicited applications should be sent to assure prompt consideration. An analysis of the comments follows.

Comment: One commenter expressed support for the amendments permitting the Secretary to consider unsolicited applications.

Discussion: None.

Changes: None.

Comment: One commenter questioned the source of the money to fund unsolicited applications and recommended an annual competition without priorities, format requirements, or regulations, to fund unsolicited applications.

Discussion: Funding for unsolicited applications will come from available, but unobligated, funds for the program under which the application is considered for selection. An unsolicited application would be considered only if it would not have an adverse impact on the funds available for other awards planned for the program. Since the unsolicited applications would not be competing against each other, but would be considered on an individual basis to determine if they are of exceptional quality, the Secretary believes limiting the consideration of unsolicited applications to an annual competition would be unnecessarily restrictive.

Changes: None.

Paperwork Reduction Act of 1980

These regulations have been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

List of Subjects in 34 CFR Part 75

Education Department, Grant programs—education, Grant administration, Incorporation by reference.

(Catalog of Federal Domestic Assistance Number does not apply)

Dated: February 27, 1995.

Richard W. Riley,

Secretary of Education.

The Secretary amends part 75 of title 34 of the Code of Federal Regulations as follows:

PART 75—DIRECT GRANT PROGRAMS

1. The authority citation for part 75 is revised to read as follows:

Authority: 20 U.S.C. 1221e–3 and 3474, unless otherwise noted.

2. Section 75.219 is amended by removing the word ''or'' at the end of paragraph (a), removing the period at the end of paragraph (b)(3) and adding, in its place, ''; or'' and adding a new paragraph (c) to read as follows:

§ 75.219 Exceptions to the procedures under § 75.217.

* * * * *

(c) The Secretary receives an unsolicited application that meets the requirements of § 75.222.

3. Section 75.222 is redesignated as § 75.221.

4. A new § 75.222 is added to read as follows:

§ 75.222 Procedures the Department uses under § 75.219(c).

If the Secretary receives an unsolicited application, the Secretary may consider the application under the following procedures unless the Secretary has published a notice in the Federal Register stating that the program that would fund the application would not consider unsolicited applications:

(a)(1) The Secretary determines whether the application could be funded under a competition planned or conducted for the fiscal year under which funds would be used to fund the application.

(2)(i) If the application could be funded under a competition described in paragraph (a)(1) of this section and the deadline for submission of applications has not passed, the Secretary refers the application to the appropriate competition for consideration under the procedures in § 75.217.

(ii)(A) If the application could have been funded under a competition described in paragraph (a)(1) of this section and the deadline for submission of applications has passed, the Secretary may consider the application only in exceptional circumstances, as determined by the Secretary.

(B) If the Secretary considers an application under paragraph (a)(2)(ii) of this section, the Secretary considers the application under paragraphs (b) through (e) of this section.

(iii) If the application could not be funded under a competition described in paragraph (a)(1) of this section, the Secretary considers the application under paragraphs (b) through (e) of this section.

(b) If an application may be considered under paragraphs (a)(2)(ii) or (iii) of this section, the Secretary determines if—

(1) There is a substantial likelihood that the application is of exceptional quality and national significance for a program administered by ED;

(2) The application meets the requirements of all applicable statutes and codified regulations that apply to the program; and

(3) Selection of the project will not have an adverse impact on the funds available for other awards planned for the program.

(c) If the Secretary determines that the criteria in paragraph (b) of this section have been met, the Secretary assembles a panel of experts that does not include any employees of the Department to review the application.

(d) The experts—

(1) Evaluate the application based on the selection criteria; and

(2) Determine whether the application is of such exceptional quality and national significance that it should be funded as an unsolicited application.

(e) If the experts highly rate the application and determine that the application is of such exceptional quality and national significance that it should be funded as an unsolicited application, the Secretary may fund the application.

Note to § 75.222: To assure prompt consideration, applicants submitting unsolicited applications should send the application, marked ''Unsolicited Application'' on the outside, to the Chief, Application Control Center, U.S. Department of Education, Washington, DC 20202–4725.

(Authority: 20 U.S.C. 1221e–3 and 3474)

[FR Doc. 95–5222 Filed 3–2–95; 8:45 am]

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Federal Register

Friday
March 3, 1995

Part IV

The President

Proclamation 6773—Women's History Month

Federal Register
Vol. 60, No. 42
Friday, March 3, 1995

Presidential Documents

Title 3—

The President

Proclamation 6773 of March 1, 1995

Women's History Month, 1995

By the President of the United States of America

A Proclamation

Women have made inestimable contributions to our country throughout our Nation's history. Some have names we recognize. Clara Barton. Harriet Tubman. Susan B. Anthony. Eleanor Roosevelt. And Rosa Parks. But women's history is also about the countless women whose names we do not know—the millions of women of courage and commitment who have served this society as doctors and scientists, teachers and factory workers, marathoners and mothers. At home and in schools, in offices and congregations, in our Armed Forces and our communities, women have helped to build this Nation and keep it strong. It is in their honor that we pause to celebrate Women's History Month each year.

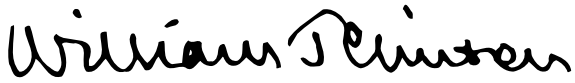
The story of women's accomplishments in America is long and proud. Patriots such as Dolly Madison and Harriet Beecher Stowe put their concern for country ahead of their own well-being in order to advance the principles of justice and freedom upon which this Nation was founded. Writers and artists such as Emily Dickinson, Georgia O'Keeffe, and Martha Graham enlivened our culture, extended our horizons, and expanded our appreciation of the world around us. And in recent decades, women have made enormous strides. The pioneers such as Jane Addams, founder of Chicago's Hull House and our first woman Nobel Prize winner, and Frances Perkins, our first woman Cabinet Officer, have paved the way for ever growing numbers of women running businesses and universities, serving as governors and diplomats, conducting orchestras and exploring space, helping to lead our land toward a new century.

Yet barriers remain. Women now work for pay in greater numbers, in more occupations, and for more years of their lives than ever before, but too many must still settle for compensation far below what it should be, and too many still find their potential curbed by glass ceilings. And women still struggle every day, in tests of resourcefulness and devotion, to balance the demands of work and family. If freedom and opportunity are truly to be the law of the land, we must sustain and renew our commitment to the principle of equality that is our American heritage and work to remove the obstacles that stand in the way.

Women's History Month offers us an opportunity to celebrate the contributions of all of the women who have enriched our Nation. I encourage Americans to learn about women's history—this month and throughout the year. Only by studying the history of America's women—their triumphs and their struggles—can we understand the history of America.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the month of March 1995 as ''Women's History Month.'' I ask all Americans to observe this month with appropriate programs, ceremonies, and activities, and to remember year-round the many and varied contributions that women make each day.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of March, in the year of our Lord nineteen hundred and ninety-five, and of the Independence of the United States of America the two hundred and nineteenth.



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Reader Aids

Federal Register

Vol. 60, No. 42

Friday, March 3, 1995

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	**202–523–5227**
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Corrections to published documents	**523–5237**
Document drafting information	**523–3187**
Machine readable documents	**523–3447**

Code of Federal Regulations

Index, finding aids & general information	**523–5227**
Printing schedules	**523–3419**

Laws

Public Laws Update Service (numbers, dates, etc.)	**523–6641**
Additional Information	**523–5230**

Presidential Documents

Executive orders and proclamations	**523–5230**
Public Papers of the Presidents	**523–5230**
Weekly Compliation of Presidential Documents	**523–5230**

The United States Government Manual

General Information	**523–5230**

Other Services

Data base and machine readable specifications	**523–3447**
Guide to Record Retention Requirements	**523–3187**
Legal staff	**523–4534**
Privacy Act Compilation	**523–3187**
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TDD for the hearing impaired	**523–5229**

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FEDERAL REGISTER PAGES AND DATES, MARCH

11017–11608.....1
11609–11896.....2
11897–12102.....3

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
6772.....11609
6773.....12101

5 CFR

362.....11017
Proposed Rules:
Ch. XIV.....11057

7 CFR

51.....11242
58.....11246
354.....11897
1942.....11019
Proposed Rules:
51.....11918
58.....11919

9 CFR

77.....11898

12 CFR

Proposed Rules:
7.....11924
31.....11924

13 CFR

Proposed Rules:
120.....11941
122.....11941

14 CFR

11.....12034
25.....11194
39.....11020, 11611, 11613, 11615, 11617, 11619, 11621, 11623
61.....11254
71.....11625
121.....11194, 12034
135.....11194
1241.....11022
Proposed Rules:
39.....11635, 11637, 11942, 11944, 11945
71.....11057

15 CFR

Proposed Rules:
905.....11947

17 CFR

239.....11876
270.....11876, 11887
274.....11876
400.....11022
401.....11022
402.....11022
403.....11022
404.....11022
405.....11022
450.....11022
Proposed Rules:
239.....11890
270.....11890
274.....11890

20 CFR

Proposed Rules:
200.....11639

21 CFR

173.....11899
450.....11026
510.....11027
558.....11027, 11028

24 CFR

15.....11901
243.....11828
290.....11844
760.....11828
813.....11626
886.....11844
889.....11828
890.....11836
905.....11626
908.....11626
913.....11626
3500.....11194
Proposed Rules:
888.....11870

26 CFR

1.....11028, 11906
Proposed Rules:
1.....11059, 11060, 11195, 11950, 12034

28 CFR

0.....11906

29 CFR

1910.....11194
1915.....11194
1926.....11194

30 CFR

Proposed Rules:
925.....11640

32 CFR

Proposed Rules:
209.....11642

33 CFR

100.....11629
Proposed Rules:
402.....11643

34 CFR

3.....11907

75.....12096

40 CFR

58.....11907
63.....11029
180.....11029, 11032
721.....11033
Proposed Rules:
148.....11702
194.....11060
266.....11702
268.....11702
271.....11702

42 CFR

485.....11632
486.....11632

43 CFR

Public Land Orders:
7117.....11045
7118.....11046
7119.....11633
7120.....11633

44 CFR

152.....11236

47 CFR

73 .....11909, 11910, 11911
Proposed Rules:
2.....11644
63.....11644

48 CFR

701.....11911
703.....11911
715.....11911
724.....11911
731.....11911
752.....11911
927.....11812
952.....11812
970.....11812
1837.....11634
Proposed Rules:
Ch. I.....11198
933.....11646
970.....11646

49 CFR

1.....11046
218.....11047
571.....11913
575.....11913
Proposed Rules:
234.....11649

50 CFR

204.....11050
672.....11915
673.....11054
675.....11915
676.....11916
Proposed Rules:
17.....11768
222.....11951
663.....11062