

Federal Register

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

**WASHINGTON, DC
 (THREE BRIEFINGS)**

- WHEN:** March 23 at 9:00 am and 1:30 pm
 April 20 at 9:00 am
- WHERE:** Office of the Federal Register Conference Room, 800 North Capitol Street NW., Washington, DC (3 blocks north of Union Station Metro)
- RESERVATIONS:** 202-523-4538

DALLAS, TX

- WHEN:** March 30 at 9:00 am
- WHERE:** Conference Room 7A23
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 Dallas, TX 75242
- RESERVATIONS:** 1-800-366-2998



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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.

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Proposed Rules

Federal Register

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Wednesday, March 22, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

RIN 3206-AG40

Federal Employees Health Benefits Program; HMO Plan Applications

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) is issuing proposed regulations that would clarify the policy under which it invites applications from comprehensive medical plans (HMO's) to participate in the Federal Employees Health Benefits (FEHB) Program. This clarification is necessary in order to ensure that OPM and the HMO's are providing the best possible service to FEHB enrollees.

DATES: Comments must be received on or before May 22, 1995.

ADDRESSES: Written comments may be sent to Lucretia F. Myers, Assistant Director for Insurance Programs, Retirement and Insurance Group, Office of Personnel Management, P.O. Box 57, Washington, DC 20044; delivered to OPM, Room 4351, 1900 E Street NW., Washington, DC.; or FAXed to (202) 606-0633.

FOR FURTHER INFORMATION CONTACT: Mary Ann Mercer, (202) 606-0004.

SUPPLEMENTARY INFORMATION: On December 5, 1994, OPM published an interim regulation in the **Federal Register** (59 FR 62283) to clarify the policy under which it invites applications from comprehensive medical plans (HMO's) to participate in the FEHB Program. This year, OPM made a determination not to invite new plan applications, with a limited exception, for contract year 1996.

OPM received numerous written comments and phone calls concerning the regulation. All of the commenters object that OPM did not give HMO's sufficient notice of its determination not to accept applications for the 1996

contract year. They contend that many HMO's had already expended a substantial amount of time in preparation for the application process and that OPM's decision, therefore, has caused them undue hardship.

After careful consideration of the comments received, OPM has concluded that its timeframes had, in fact, been too compressed to allow for a thorough review of all the consequences of the decision not to invite applications. As a result, OPM has decided to accept both applications and benefit change proposals for contract year 1996. In addition, OPM is issuing this regulation as proposed rulemaking in order to provide the public with a longer comment period. Because the deadline for submission of applications is already past, OPM is extending the application due date for the 1996 contract year from January 31 to March 31, 1995.

E.O. 12866, Regulatory Review

This rule has been reviewed by OMB in accordance with E.O. 12866.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily affect OPM's administrative procedures.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professions, Hostages, Iraq, Kuwait, Lebanon, Reporting and recordkeeping requirements, Retirement.

Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM proposes to amend 5 CFR part 890 as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority citation for part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; § 890.803 also issued under 50 U.S.C. 403p, 22 U.S.C. 4069c and 4069c-1; subpart L also issued under sec. 599C of Pub. L. 101-513, 104 Stat. 2064, as amended.

2. In § 890.203, paragraph (a)(1) is revised, paragraphs (a)(2) through (a)(4)

are redesignated as paragraphs (a)(3) through (a)(5) respectively; newly designated paragraph (a)(5) is amended by revising the last sentence; a new paragraph (a)(2) is added; and a heading is added for paragraph (b) to read as follows:

§ 890.203 Application for approval of, and proposal of amendments to, health benefits plans.

(a) *New plan applications.* (1) The Director of OPM shall consider applications to participate in the FEHB Program from comprehensive medical plans (CMP's) at his or her discretion. If the Director of OPM determines that it is beneficial to enrollees and the Federal Employees Health Benefits Program to invite new plans to join the Program, OPM will publish a notice in the **Federal Register**.

(2) When invited to participate, CMP's should apply for approval by writing to the Office of Personnel Management, Washington, DC 20415. Application letters must be accompanied by any descriptive material, financial data, or other documentation required by OPM. Plans must submit the letter and attachments in the OPM-specified format by January 31, or another date specified by OPM, of the year preceding the contract year for which applications are being accepted. Plans must submit evidence demonstrating they meet all requirements for approval by March 31 of the year preceding the contract year for which applications are being accepted. Plans that miss either deadline cannot be considered for participation in the next contract year. All newly approved plans must submit benefit and rate proposals to OPM by May 31 of the year preceding the contract year for which applications are being accepted in order to be considered for participation in that contract year. OPM may make counter-proposals at any time.

* * * * *

(5) * * * The extent of the data and documentation to be submitted by a plan so certified by HHS, as well as by a non-certified plan, for a particular review cycle may be obtained by writing directly to the Office of Insurance Programs, Retirement and Insurance Group, Office of Personnel Management, Washington, DC 20415.

(b) *Participating plans.* * * *

[FR Doc. 95-7031 Filed 3-21-95; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE**Grain Inspection, Packers and Stockyards Administration****7 CFR Parts 800 and 810**

RIN 0580-AA14

United States Standards for Barley

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

ACTION: Proposed rule.

SUMMARY: In its periodic review of existing regulations, the Grain Inspection, Packers and Stockyards Administration (GIPSA) proposes to amend the United States Standards for Barley by: Modifying the classification system of barley to better reflect current marketing practices by establishing two classes, "Malting barley and Barley"; revising procedures to permit applicants the option of requesting either the malting standards or barley standards for malting types; revising the standards for Two-rowed Malting barley by removing the "U.S. Choice" grade designation and also combining the grading factors and limits for two- and six-rowed malting types onto a single grade chart; Amending the definition for suitable malting type to include other proprietary malting varieties used by private malting and brewing companies; revising the dockage certification procedure by reporting results in half and whole percent with a fraction less than one-half percent being disregarded; amending the definition of thins to require the use of a single sieve ($\frac{5}{64} \times \frac{3}{4}$ slotted-hole) only in the proposed class Barley and removing the grading limits from the standards; however, the level of thins will continue to be reported on the inspection certificate; revising the standards by removing the grading limits for damaged kernels, heat damaged kernels, and foreign material in the proposed class Barley; and eliminating the numerical grade restriction for badly stained and materially weathered from the standards. GIPSA further proposes to amend the inspection plan tolerances based on these proposed changes.

The objective of this review is to ensure that the barley standards are serving their intended purpose, are clear, and are consistent with GIPSA policy and authority.

DATES: Comments must be submitted on or before May 22, 1995.

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

All comments received will be made available for public inspection at Room 0624 South Building, 1400 Independence Avenue, SW, Washington, D.C., during regular business hours (7 CFR 1.27 (b)).

FOR FURTHER INFORMATION CONTACT: George Wollam, address as above, telephone (202) 720-0292; FAX (202) 720-4628.

SUPPLEMENTARY INFORMATION:**Executive Order 12866**

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

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. The United States Grain Standards Act provides in section 87g that no State or subdivision may require or impose any requirements or restrictions concerning the inspection, weighing, or description of grain under the Act. Otherwise, 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 this rule.

Regulatory Flexibility Act Certification

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

Information Collection Requirements

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the information collection requirements contained in the rule to be amended have been previously approved by OMB under control number 0580-0013.

Background

During December 1991, the Federal Grain Inspection Service (FGIS), which

is now part of GIPSA, distributed a discussion paper concerning the U.S. Standards for Barley. This paper addressed several issues relating to the standards and served as a starting point for discussions with producers, trade associations, processors, maltsters, brewers, handlers, and merchandisers to better understand their views on changes needed to improve existing standards. FGIS received positive feedback from the grain industry regarding the barley discussion paper; in fact, several industry officials suggested that FGIS develop and distribute similar documents before amending other marketing standards.

FGIS received a total of 13 written comments concerning the discussion paper: 1 from a malting company; 1 from a barley trade association that represents the major U.S. malting and brewing companies; 1 from a barley feed processor; 1 from a major feed grain association; 7 from producer organizations and associations; 1 from a grain handler; and 1 from a grain inspection/weighing association.

FGIS also reviewed the barley discussion paper with the FGIS Advisory Committee and the Grain Quality Workshop in January 1992. In addition, FGIS personnel participated in an industry sponsored forum in Pasco, Washington in May 1993 to gather further information on the need for changes to the barley standards. FGIS also considered ideas received during the normal course of business, recommendations from internal management and program reviews, and various other sources.

Based on the comments received and other available information, GIPSA is proposing eight changes to the barley standards that reflect current market needs and also serve to improve the effectiveness of the standards. The proposed amendments include: (1) Modifying the classification system of barley to better reflect current marketing practices by establishing two classes, "Malting barley and Barley"; (2) revising procedures to permit applicants the option of requesting either the malting standards or barley standards for malting types; (3) revising the standards for Two-rowed Malting barley by removing the "U.S. Choice" grade designation and also combining the grading factors and limits for two- and six-rowed malting types onto a single grade chart; (4) amending the definition for suitable malting type to include other proprietary malting varieties used by private malting and brewing companies; (5) revising the dockage certification procedure by reporting results in half and whole percent with

a fraction less than one-half percent being disregarded; (6) amending the definition of thins to require the use of a single sieve ($\frac{5}{64} \times \frac{3}{4}$ slotted-hole) only in the proposed class "Barley" and removing the grading limits from the standards; however, the level of thins will continue to be reported on the inspection certificate; (7) revising the standards by removing the grading limits for damaged kernels, heat-damaged kernels, and foreign material in the proposed class "Barley"; and (8) eliminating the numerical grade restriction for badly stained and materially weathered from the standards. Furthermore, this proposal amends inspection plan tolerances based on the proposed revisions to the standards.

Barley Classification

GIPSA proposes to amend the barley classification system in 7 CFR 810.202, paragraph (c), by establishing two classes of barley. Specifically, a new class "Malting barley" will be divided into three subclasses, Six-rowed Malting barley, Six-rowed Blue Malting barley, and Two-rowed Malting barley. Additionally, the new class "Barley" will be divided into three subclasses, Six-rowed barley, Two-rowed barley, and Barley. GIPSA believes these changes will assist in simplifying the barley standards.

The present barley classification system was introduced into the standards during the 1974 revisions. Prior to 1974, barley was classed based on production areas (i.e., east of the Rocky Mountains and Alaska was classed "Barley" and barley grown west of the Rocky Mountains was classed "Western barley"). The 1974 review of the standards determined that the production area was not the best method for identifying barley classes. Accordingly, the classing procedure was revised and kernel characteristics were established as the basis for this determination. Present-day standards divide barley into the three classes; Six-rowed barley, Two-rowed barley, and Barley. The class Six-rowed barley is divided into three subclasses; Six-rowed Malting barley, Six-rowed Blue Malting barley, and Six-rowed barley. The class Two-rowed barley is divided into two subclasses; Two-rowed Malting barley and Two-rowed barley. The class Barley has no subclasses.

GIPSA believes that the existing barley classing system may not reflect current marketing practices. That is, barley produced in the United States is used primarily as livestock feed or for malting. Consequently, GIPSA believes that the barley classing system should

be structured in a manner consistent with current trading practices. Therefore, GIPSA proposes to revise the classification system for barley by establishing two classes; Malting barley and Barley. The Malting class will be divided into three subclasses, Six-rowed Malting barley, Six-rowed Blue Malting barley, and Two-rowed Malting barley. The Barley class will be divided into three subclasses, Six-rowed barley, Two-rowed barley, and Barley.

Applying the Malting Standards

GIPSA proposes to amend the subclass definitions for Six-rowed barley and Two-rowed barley in 7 CFR part 810.202, paragraphs (c)(1)(iii) and (c)(2)(ii) by deleting the reference to Malting barley. This change is needed to permit applicants the option of requesting either the malting standards or the barley standards for malting types.

The present standards require official personnel to initially apply the Malting barley requirements and assign grades covered in 7 CFR 810.206 only if the sample fails to meet the malting criteria. This policy is based on the subclass definitions for Six- and Two-rowed barley. The subclass definitions for Six- and Two-rowed barley state, in part, that barley not meeting the applicable subclass requirement for malting shall be graded using the 7 CFR 810.206 grade chart.

GIPSA believes the present practice of initially applying the malting standards hampers inspection efficiency and may create market disruptions for malting varieties that are used for other purposes. Labeling barley as malting when it is being marketed for another use causes confusion and could lead to unnecessary marketing complications.

Therefore, GIPSA proposes to amend the subclass definitions for Six- and Two-rowed barley to provide the inspection system greater flexibility in meeting the market needs. This proposed amendment will also bring existing standards more in line with today's marketing practices for Malting barley.

U.S. "Choice Grade Designations"

GIPSA proposes to revise 7 CFR 810.205 by removing the U.S. No. 1 "Choice" grade designation from the chart. The factors and limits pertaining to the "Choice" grade will be retained. This revision is being sought to bring more consistency between the standards for two- and six-rowed malting types.

The current Two-rowed Malting barley standard includes a U.S. No. 1 "Choice" grade designation. The Six-rowed Malting barley standard does not

include a similar grade. The differences between No. 1 "Choice" Two-rowed Malting barley and No. 1 Two-rowed Malting barley are reflected in the test weight, skinned and broken kernels, and the thin barley grade units.

GIPSA believes that the factors and limits for the "Choice" grade designation are important to producers, maltsters, and brewers. Furthermore, GIPSA believes that the quality requirements in the standards for Six- and Two-rowed Malting barley should be more consistent in order to eliminate confusion in the marketplace and to provide more meaningful information to our customers. Therefore, GIPSA proposes to delete the U.S. No. 1 "Choice" grade designation from 7 CFR 810.205 for Two-rowed Malting barley, but retain the factors and limits as the U.S. No. 1 grade.

Malting Barley Grading Charts

GIPSA proposes to revise the grade requirements in 7 CFR 810.204 and 810.205 by: (a) Combining the factors and limits for Two- and Six-rowed Malting barley onto a single grade chart; (b) establishing four numerical grades for all Malting barley; (c) establishing separate grade limits for test weight, suitable malting types, sound barley, skinned and broken kernels, and thin barley for two- and six-rowed malting types; (d) applying the current damaged kernels grade limits in Six-rowed Malting barley to Two-rowed Malting barley and also establishing a new 5.0 percent damaged kernels limit to correspond with the proposed four grade categories; (e) applying the present limits for mold damage and injured-by-mold in Two-rowed Malting barley to Six-rowed Malting barley; and (f) applying the current grade limits for other grains and wild oats to both Six- and Two-rowed Malting barley.

In the present malting standards, separate grade charts exist for two- and six-rowed malting types. Additionally, the factor requirements differ based on the subclass. For example, the current malting standards impose limits for other grains, wild oats, mold-damage, and injured-by-mold, but not consistently for all malting types. These differences reflect the traditional variances between the production areas and markets dealing with Six- and Two-rowed Malting barley. GIPSA believes that the malting standards should be revised to more consistently apply factor requirements between two- and six-rowed types. GIPSA believes also that the proposed revisions to combine 7 CFR 810.204 and 810.205 simplify the malting standards and make them more user friendly.

Suitable Malting Type

GIPSA proposes to amend the definition of suitable malting type in 7 CFR Part 810.202, paragraph (t), to expand the list of approved malting varieties. The proposed definition will include other proprietary malting types used by various maltsters and brewers. This change will bring existing standards more in line with today's processing practices of the malting and brewing industries. Current standards require a specified level of suitable malting type before the Malting barley designation is assigned. GIPSA presently relies on The American Malting Barley Association (AMBA) to determine which malting varieties are considered suitable. Varieties other than the AMBA-designated varieties are bought and sold as Malting barley in the marketplace. For instance, several breweries are involved in the development of Malting barley types to meet various end-product specifications (Ref. 1). In many instances, these varietal types are not tested and approved by AMBA; although such varieties meet all quality requirements of the brewery.

Furthermore, AMBA revises its list of approved malting types annually by adding new varieties and deleting outdated ones. Many malting varieties that are removed from AMBA's list continue to be produced, marketed, and processed. If a previously approved malting type was offered for official inspection, the current grading system would not permit the assignment of a malting grade designation because the variety would not meet the suitable malting type criteria.

Consequently, GIPSA proposes to amend the suitable malting type definition to include varieties recommended by AMBA and other proprietary malting types.

Dockage Certification

GIPSA proposes to amend the dockage certification procedure in 7 CFR 810.104, paragraph (b). It is proposed that dockage in barley be reported in half and whole percent with a fraction less than one-half percent being disregarded. For example, at a level of 0.0 to 0.49 percent, no dockage would be reported; and 0.50 to 0.99 percent would be reported as 0.5 percent dockage. Persons interested in actual dockage percentage may request that this information be reported in the remarks section of the certificate. GIPSA believes that the change in reporting dockage will provide a more accurate description of non-barley material.

Dockage in barley consists of dust, chaff, small weed seed, very small pieces of broken barley, and coarse grains larger than barley. Present standards certify dockage in whole percents with fractions of a percent being disregarded. For example, at a level of 0.0 to 0.99 percent, no dockage is reported; and 1.0 to 1.99 percent is reported as 1.0 percent dockage. GIPSA believes that this method of reporting dockage often understates dockage levels. GIPSA believes that reporting dockage in half and whole percent increments provides a more accurate description of non-barley material, thereby, enabling handlers and end-users to make more informed decisions regarding quality, storability, and end-product yield. In addition, providing information concerning the actual dockage percentage in the remarks section of the certificate is currently available upon request. Consequently, GIPSA proposes to revise 7 CFR 810.104 (b) to certify barley dockage in half and whole percent with a fraction less than one-half percent being disregarded.

Thin Barley

GIPSA proposes to revise the sieve requirement for determining thin barley in 7 CFR 810.202, paragraph (u). It is proposed that thin barley be determined using the $\frac{5}{64} \times \frac{3}{4}$ slotted-hole sieve in the proposed class Barley and the factor thin as a grade determining factor be removed. The amount of thin kernels will continue to be reported on the official certificate as a non-grade determining factor. GIPSA also proposes to amend 7 CFR 800.162 of the regulations under the United States Grain Standards Act by adding a paragraph to require that thin be reported on each inspection certificate when the grade is reported for the proposed class Barley. GIPSA is not proposing changes to the thin determinations in the standards for Malting barley.

Present standards define thin barley as Six-rowed barley which passes through a $\frac{5}{64} \times \frac{3}{4}$ slotted-hole sieve or Two-rowed barley which passes through a $\frac{55}{64} \times \frac{3}{4}$ slotted-hole sieve. In addition, for the class Barley, which consists of a mixture of six-rowed and two-rowed barley types, thin is defined as barley passing through the $\frac{5}{64} \times \frac{3}{4}$ slotted-hole sieve. Thin is a grade determining factor in all classes and subclasses of Barley.

The issue of sieve size for determining thin kernels has been a topic of discussion for many years, and GIPSA recognizes the need for uniformity in applying procedures. Concerns over the level of thins is directly related to the

processing technique employed by the end-user. There are generally two processing strategies employed by processors which take into account the levels of thins. One involves the removal of thins before processing, and the other involves processing the grain with thins. Many buyers and sellers of barley often establish contractually the amount of thins considered appropriate.

The factor thin in the standards is a measurement of kernel size more than an indicator of overall quality in barley. A measurement of kernel size distribution may be more important to the barley industry than simply the percent of thins. GIPSA recognizes that the percent of thins is a factor used by the industry to determine market value. GIPSA has not found research that correlates barley quality to the level of thin kernels. That is, at what level do thins in barley impact on the overall nutritional quality or value. GIPSA believes that the end-user is in the best position to determine the appropriate level of thins and the market value of the grain.

GIPSA reviewed discount schedules for thins in barley from various grain companies. GIPSA's survey revealed that discounts for thins are assessed at levels ranging from 15 to 20 percent with higher discounts for thins over 20 percent. The marketplace, through discounting practices, makes adjustments for thin levels; in many instances, without regard to the official system. In brief, the industry establishes the value of barley including thins based on the end-users' needs rather than the levels as defined in the official standards.

Therefore, GIPSA proposes to amend 7 CFR 810.206 by deleting the factor thins and its corresponding grade limits for the proposed class Barley. It is further proposed to amend 7 CFR 800.162 by requiring that the level of thins be reported on each certificate representing an inspection for grade. This proposed reporting requirement, which is similar to the certification procedure for moisture, provides the marketplace with the flexibility to establish more meaningful quality limits for thins based on the specific needs of end-users. In addition, GIPSA proposes to revise 7 CFR 810.202(u) of the standards to require the use of the $\frac{5}{64} \times \frac{3}{4}$ slotted-hole sieve for thin determinations in the proposed class Barley. This proposed change would streamline the inspection process and promote uniformity in determining thins. Moreover, GIPSA believes that using a single sieve to determine thins is the best approach in order to standardize the inspection process.

Sound Barley

GIPSA proposes to revise 7 CFR 810.206 by removing the factors and limits for damaged kernels, heat-damaged kernels, and foreign material in the proposed class Barley. The standards will rely on the factor "sound barley" to relate the overall amount of damaged kernels, heat-damaged kernels, foreign material, other grains, and wild oats. In addition, applicants interested in the percentage and composition of damaged kernels, heat-damaged kernels, foreign material, other grains, and wild oats may request this information be reported on the inspection certificate.

Sound barley is the sum of the percentages of damaged kernels, foreign material, other grains, and wild oats subtracted from 100 percent. Sound barley is a grading factor in all classes and subclasses of barley. Revising the manner in which the factors sound barley, heat-damaged kernels, damaged kernels, foreign material, other grains, and wild oats influence the grade designation could simplify the standards and improve their usefulness. GIPSA believes that the factor sound barley provides adequate information without the need to establish grading limits for its component factors.

GIPSA believes that the malting barley standards should continue to provide a breakdown of non-barley material (i.e., damaged kernels, foreign material, other grains, and wild oats) due to the impact these factors have on the malting process. GIPSA believes further that the malting and brewing industries need precise information on the overall amount of sound barley as well as information as to the level of damaged barley, non-barley material, and other grains.

GIPSA believes that the standards for the proposed class Barley should be revised to rely on the factor "sound" to determine quality, provided other information concerning non-barley material and damaged kernels is available to interested parties upon request. GIPSA reviewed inspection information from its Grain Inspection Monitoring System database to determine how the factors and limits for sound barley, damaged kernels, heat-damaged kernels, and foreign material influence the final grade. GIPSA's analysis revealed that sound barley was the grade determining factor approximately 83 percent of the time when compared to component factors that define sound (i.e., damaged kernels, heat-damaged kernels, and foreign material). Consequently, GIPSA believes that it is unnecessary to have limits for the component factors. GIPSA believes

that the proposed revisions to 7 CFR 810.206 will streamline and simplify the standards while providing customers useful information needed to facilitate marketing.

Badly Stained or Materially Weathered Barley

GIPSA proposes that the grade limitation for barley that is badly stained or materially weathered in 7 CFR 810.206 be eliminated. Currently, barley that is badly stained or materially weathered is graded not higher than U.S. No. 4. In addition, it is further proposed to remove the definition for stained barley from 7 CFR 810.202(s). The determination of badly stained or materially weathered is seldom necessary because this condition also affects the level of sound kernels. In brief, factor limits for the other damages adequately conveys quality; therefore, this criterion is rarely used.

Miscellaneous Changes

GIPSA proposes to revise the format of the grade charts in the standards for Malting barley and Barley. These revisions serve to improve the readability of the grade tables.

Inspection Plan Tolerances

Shiplots, unit trains, and lash barge lots are inspected by a statistically based inspection plan (55 FR 24030; June 13, 1990). Inspection tolerances, commonly referred to as breakpoints, are used to determine acceptable quality. The proposed changes to the barley standards require revisions to some breakpoints. Therefore, GIPSA proposes to amend the breakpoint for dockage from 0.47 to 0.23. GIPSA also proposes to establish new range limits as specified by contracts and new breakpoints for heat-damaged kernels, damaged kernels, foreign material, thin barley, other grains, and wild oats in the standards.

Proposed Action

GIPSA proposes to revise § 800.86, Inspection of shiplot, unit train, and lash barge grain in single lots, paragraph (c)(2), Table 1, by combining the factors and limits from Table 2 onto a single table and amending the title. GIPSA also proposes to: (1) Delete the U.S. No. 1 "Choice" grade designation from the malting standards and create four numerical grade categories; (2) establish a minimum 43.0 pound test weight limit with a breakpoint of -0.5 for No. 4 Six-rowed Malting barley; (3) establish a minimum 95.0 percent suitable malting type limit with a breakpoint of -1.3 for No. 4 Six-rowed Malting barley; (4) establish a minimum 87.0 percent

sound barley limit with a breakpoint of 1.9 for No. 4 Six-rowed Malting barley; (5) apply current limits for damaged kernels to Two-rowed Malting barley and establish a maximum 5.0 percent damaged kernels grade limit with a breakpoint of 1.3 for barley meeting the No. 4 malting grade requirements; (6) establish foreign material limits at 0.5 percent with a breakpoint of 0.1, 1.0 percent with a breakpoint of 0.4, 2.0 percent with a breakpoint 0.5, and 3.0 percent with a breakpoint of 0.6, in grade Nos. 1, 2, 3, and 4, respectively; (7) apply current limits for wild oats to Six-rowed Malting barley; (8) apply present limits for other grains to two-rowed malting types and establish a maximum 4.0 percent grade limit with a breakpoint of 1.0 for barley meeting the No. 3 malting grade requirements; (9) establish a maximum 10.0 percent skinned and broken kernel limit with a breakpoint of 1.6 for No. 4 Six-rowed Malting barley; and (10) establish a maximum 15.0 percent thin barley grade limit with a breakpoint of 0.9 for No. 4 Six-rowed Malting barley. GIPSA also proposes to incorporate other malting factor grade limits and breakpoints (i.e., injured-by-frost, injured-by-heat, frost-damaged, heat-damaged, and kernel texture) from Table 4 onto Table 1 without any change in requirements.

GIPSA further proposes to reserve Table 2 for future use. In addition, the grade limits and breakpoints for damaged kernels, heat-damaged kernels, foreign material, and thin barley are deleted from Table 3; however, these factors are being moved to Table 4. Also, the footnote that limits barley which is badly stained or materially weathered to grade not higher than U.S. No. 4 is deleted.

Additionally, GIPSA proposes to amend Table 4 by establishing a breakpoint of 0.23 for dockage at any level. GIPSA also proposes to allow buyers and sellers of barley, excluding malting types, to specify contractually the appropriate level of heat-damaged kernels, damaged kernels, foreign material, thin barley, other grains, and wild oats. FGIS proposes to include range limits with breakpoints for these factors in Table 4 as follows:

TABLE 4.—FACTORS, RANGE LIMITS, AND BREAKPOINTS FOR BARLEY

Factor	Range limit	Break-point
Heat damage	0.0-0.5	0.1
Do	0.6-1.0	0.2
Do	1.1-2.5	0.3
Do	2.6-3.0	0.4
Do	3.1-3.5	0.5
Do	Above 3.5	0.6

TABLE 4.—FACTORS, RANGE LIMITS, AND BREAKPOINTS FOR BARLEY—Continued

Factor	Range limit	Break-point
Damage kernels	0.0–1.0	0.3
Do	1.1–2.0	0.4
Do	2.1–3.0	0.5
Do	3.1–4.0	0.6
Do	4.1–5.0	0.7
Do	Above 5.0	0.9
Foreign material	0.0–0.5	0.1
Do	0.6–1.5	0.2
Do	1.6–2.5	0.3
Do	2.6–3.5	0.4
Do	3.6–4.5	0.5
Do	Above 4.5	0.6
Thin barley	0.0–2.5	0.5
Do	2.6–4.5	0.6
Do	4.6–6.5	0.7
Do	6.6–8.5	0.8
Do	8.6–11.0	0.9
Do	Above 11.0	1.0
Other grains	0.0–0.5	0.4
Do	0.6–1.5	0.5
Do	1.6–2.5	0.6
Do	2.6–3.5	0.7

TABLE 4.—FACTORS, RANGE LIMITS, AND BREAKPOINTS FOR BARLEY—Continued

Factor	Range limit	Break-point
Do	3.6–4.5	0.8
Do	4.6–5.5	0.9
Wild Oats	0.0–0.5	0.4
Do	0.6–1.5	0.5
Do	1.6–2.5	0.6
Do	2.6–3.5	0.7
Do	3.6–4.5	0.8
Do	Above 4.5	1.0

GIPSA also proposes to amend section § 800.162 by redesignating paragraph (b) Cargo shipments as (c) and adding a new paragraph (b) Barley.

Reference

(1) U.S. Department of Agriculture in cooperation with the Colorado Agricultural Statistics Service; "1992 Colorado Barley Varieties." Published by the Colorado Agricultural Statistics Service; Lakewood, Colorado.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Export, Grain.

7 CFR Part 810

Export, Grain.

For reasons set forth in the preamble, 7 CFR part 800 and 7 CFR part 810 are proposed to be amended as follows:

PART 800—GENERAL REGULATIONS

1. The authority citation for Part 800 continues to read as follows:

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

2. Section 800.86 (c)(2) Table 2 is removed and reserved and Tables 1, 3, and 4 are revised to read as follows:

§ 800.86 Inspection of shiplot, unit train, and lash barge grain in single lots.

* * * * *

(c) * * *

(2) * * *

TABLE 1.—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR MALTING BARLEY

Grade	Minimum limits of—													
	Test weight (pounds)		Suitable malting types (percent)				Sound barley ¹ (percent)		Kernel texture (percent)					
	Six-rowed	Two-rowed	Six-rowed	Two-rowed	Six-rowed	Two-rowed	Six-rowed	Two-rowed	Six-rowed only					
	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP		
U.S. No. 1	47.0	–0.5	50.0	–0.5	95.0	–1.3	97.0	–1.0	97.0	–1.0	98.0	–0.8	90.0	–1.3
U.S. No. 2	45.0	–0.5	48.0	–0.5	95.0	–1.3	97.0	–1.0	94.0	–1.4	98.0	–0.8	90.0	–1.3
U.S. No. 3	43.0	–0.5	48.0	–0.5	95.0	–1.3	95.0	–1.3	90.0	–1.6	96.0	–1.1	90.0	–1.3
U.S. No. 4	43.0	–0.5	48.0	–0.5	95.0	–1.3	95.0	–1.3	87.0	–1.9	93.0	–1.1	90.0	–1.3

Grade	Maximum limits of—															
	Damaged ¹ kernels (percent)		Foreign material (percent)		Wild oats (percent)		Other grains (percent)		Skinned and broken kernels (percent)		Thin barley (percent)					
	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	Six-rowed	Two-rowed				
U.S. No. 1	2.0	0.8	0.5	0.1	1.0	0.6	2.0	0.8	4.0	1.1	5.0	1.3	7.0	0.6	5.0	0.4
U.S. No. 2	3.0	0.9	1.0	0.4	1.0	0.6	3.0	0.9	6.0	1.4	7.0	1.3	10.0	0.9	7.0	0.5
U.S. No. 3	4.0	1.1	2.0	0.5	2.0	0.8	4.0	1.0	8.0	1.5	10.0	1.8	15.0	0.9	10.0	0.9
U.S. No. 4	5.0	1.3	3.0	0.6	3.0	0.9	5.0	1.3	10.0	1.6	10.0	1.8	15.0	0.9	10.0	0.9

Grade	Frost-damaged (percent)		Injured-by-frost (percent)		Heat-damaged (percent)		Injured-by-heat (percent)		Mold-damaged (percent)		Injured-by-mold (percent)	
	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP	GL	BP
U.S. Nos. 1, 2, 3, & 4	0.4	0.05	1.9	0.1	0.1	0.1	0.2	0.04	0.4	0.05	1.9	0.1

¹ Injured-by-frost and injured-by-mold kernels are not considered damaged kernels or count as a deduction against sound barley.

Note: Malting barley shall not be infested in accordance with §810.107 (b) and shall not contain any special grades as defined in §810.206. Six- and Two-rowed barley varieties not meeting the above requirements shall be graded in accordance with standards established for the class Barley.

Table 2 [Reserved]

TABLE 3.—GRADE LIMITS (GL) AND BREAKPOINTS (BP) FOR BARLEY

Grade	Minimum limits of—				Maximum limits of broken kernels (percent)	
	Test weight (pounds)		Sound barley (percent)		GL	BP
U.S. No. 1	47.0	-0.5	97.0	-1.1	4.0	1.0
U.S. No. 2	45.0	-0.5	94.0	-1.4	8.0	1.0
U.S. No. 3	43.0	-0.5	90.0	-1.6	12.0	1.8
U.S. No. 4	40.0	-0.5	85.0	-2.2	18.0	1.8
U.S. No. 5	36.0	-0.5	75.0	-2.2	28.0	2.4

TABLE 4.—BREAKPOINTS FOR BARLEY SPECIAL GRADES AND FACTORS

Special grade or factor	Grade or range limit	Breakpoint
Dockage	As specified by contract or load order grade	0.23
Two-rowed Barley	Not more than 10.0% of Six-rowed in Two-rowed	1.8
Six-rowed Barley	Not more than 10.0% of Two-rowed in Six-rowed	1.8
Smutty	More than 0.20%	0.06
Garlicky	3 or more in 500 grams	2 1/3
Ergoty	More than 0.10%	0.13
Infested	Same as in § 810.107	0
Blighted	More than 4.0%	1.1
Heat-damaged kernels	0.0 - 0.5	0.1
	0.6 - 1.0	0.2
	1.1 - 2.5	0.3
	2.6 - 3.0	0.4
	3.1 - 3.5	0.5
	Above 3.5	0.6
Damaged kernels	0.0 - 1.0	0.3
	1.1 - 2.0	0.4
	2.1 - 3.0	0.5
	3.1 - 4.0	0.6
	4.1 - 5.0	0.7
Foreign material	Above 5.0	0.9
	0.0 - 0.5	0.1
	0.6 - 1.5	0.2
	1.6 - 2.5	0.3
	2.6 - 3.5	0.4
Thin barley	3.6 - 4.5	0.5
	Above 4.5	0.6
	0.0 - 2.5	0.5
	2.6 - 4.5	0.6
	4.6 - 6.5	0.7
Other grains	6.6 - 8.5	0.8
	8.6 - 11.0	0.9
	Above 11.0	1.0
	0.0 - 0.5	0.4
	0.6 - 1.5	0.5
Wild oats	1.6 - 2.5	0.6
	2.6 - 3.5	0.7
	3.6 - 4.5	0.8
	4.6 - 6.0	0.9
	Above 6.0	1.0
Moisture	As specified by contract or load order grade	0.5

* * * * *

3. Section 800.162, paragraph (b) is revised and (c) is added to read as follows:

§ 800.162 Certification of grade; special requirements.

* * * * *

(b) *Barley.* Each official certificate for grade shall show, in addition to the requirements of paragraphs (a) and (c) of this section, the percent of thin barley.

(c) *Cargo shipments.* Each official certificate for grade representing a cargo shipment shall show, in addition to the requirements of paragraphs (a) and (b) of this section, the results of all official grade factors defined in the Official

United States Standards for Grain for the type of grain being inspected.
* * * * *

PART 810—OFFICIAL UNITED STATES STANDARDS FOR GRAIN

4. The authority citation for Part 810 continues to read as follows:

Authority: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

5. and 6. Section 810.104, paragraph (b), is amended by revising the first and second sentences to read as follows:

Subpart A—General Provisions

* * * * *

§ 810.104 Percentages.

* * * * *

(b) *Recording.* The percentage of dockage in flaxseed, rye, and sorghum are reported in whole percent with fractions of a percent being disregarded. Dockage in barley and triticale is reported in whole and half percent with a fraction less than one-half percent being disregarded. * * *

7. Section 810.202, paragraph (c) is revised; paragraph (s) is removed; paragraph (t) is revised and redesignated as (s); paragraph (u) is revised and redesignated as (t); paragraph (v) is redesignated as (u) to read as follows:

§ 810.202 Definition of other terms.

* * * * *

(c) *Classes.* There are two classes of barley: Malting barley and Barley.

(1) *Malting barley.* Barley of a six-rowed or two-rowed malting type. The class Malting barley is divided into the following three subclasses:

(i) *Six-rowed Malting barley.* Barley that has a minimum of 95.0 percent of

a six-rowed suitable malting type that has 90.0 percent or more of kernels with white aleurone layers that contains not more than: 1.9 percent injured-by-frost kernels, 0.4 percent frost-damaged kernels, 0.2 percent injured-by-heat kernels, 0.1 percent heat-damaged kernels, 1.9 percent injured-by-mold kernels, and 0.4 percent mold-damaged kernels. Six-rowed Malting barley shall not be infested, blighted, ergoty, garlicky, or smutty as defined in § 810.107(b) and § 810.206.

(ii) *Six-Rowed Blue Malting barley.* Barley that has a minimum of 95.0 percent of a six-rowed suitable malting type that has 90.0 percent or more of kernels with blue aleurone layers that contains not more than: 1.9 percent injured-by-frost kernels, 0.4 percent frost-damaged kernels, 0.2 percent injured-by-heat kernels, 0.1 percent heat-damaged kernels, 1.9 percent injured-by-mold kernels, and 0.4 percent mold-damaged kernels. Six-rowed Blue Malting barley shall not be infested, blighted, ergoty, garlicky, or smutty as defined in § 810.107(b) and § 810.206.

(iii) *Two-rowed Malting barley.* Barley that has a minimum of 95.0 percent of a two-rowed suitable malting type that contains not more than: 1.9 percent injured-by-frost kernels, 0.4 percent frost-damaged kernels, 0.2 percent injured-by-heat kernels, 0.1 percent heat-damaged kernels, 1.9 percent injured-by-mold kernels, and 0.4 percent mold-damaged kernels. Two-rowed Malting barley shall not be infested, blighted, ergoty, garlicky, or smutty as defined in § 810.107(b) and § 810.206.

(2) *Barley.* Any barley of a six-rowed or two-rowed type. The class Barley is divided into the following three subclasses:

(i) *Six-rowed barley.* Any Six-rowed barley with white hulls that contains not more than 10.0 percent of two-rowed varieties.

(ii) *Two-rowed barley.* Any Two-rowed barley with white hulls that contains not more than 10.0 percent of six-rowed varieties.

(iii) *Barley.* Any barley that does not meet the requirements for the subclasses Six-rowed barley or Two-rowed barley.

* * * * *

(s) *Suitable malting type.* Varieties of malting barley that are recommended by the American Malting Barley Association and any other proprietary malting type(s) used by the malting and brewing industry. The recommended varieties are listed in FGIS instructions.

(t) *Thin barley.* Thin barley shall be defined for the appropriate class as follows:

(1) *Malting barley.* Six-rowed Malting barley that passes through a 5/64 x 3/4 slotted-hole sieve and Two-rowed Malting barley which passes through a 5.5/64 x 3/4 slotted-hole sieve in accordance with procedures prescribed in FGIS instructions.

(2) *Barley.* Six-rowed barley, Two-rowed barley, or barley that passes through a 5/64 x 3/4 slotted-hole sieve in accordance with procedures prescribed in FGIS instructions.

* * * * *

8. Section 810.204 is revised to read as follows:

§ 810.204 Grades and grade requirements for malting barley.

Grading factors	Grades U.S. Nos.			
	1	2	3	4
Minimum limits of:				
Test weight:				
Six-rowed	47.0	45.0	43.0	43.0
Two-rowed	50.0	48.0	48.0	48.0
Minimum percent limits of:				
Suitable malting types:				
Six-rowed	95.0	95.0	95.0	95.0
Two-rowed	97.0	97.0	95.0	95.0
Sound Barley: ¹				
Six-rowed	97.0	94.0	90.0	87.0
Two-rowed	98.0	98.0	96.0	93.0
Kernel Texture:				
Six-rowed (only)	90.0	90.0	90.0	90.0
Maximum percent limits of:				
Damaged kernels total ¹	2.0	3.0	4.0	5.0
Malting factors:				
Frost damage	0.4	0.4	0.4	0.4
Injured-by-frost	1.9	1.9	1.9	1.9
Heat damage	0.1	0.1	0.1	0.1
Injured-by-heat	0.2	0.2	0.2	0.2
Mold damage	0.4	0.4	0.4	0.4
Injured-by-mold	1.9	1.9	1.9	1.9

Grading factors	Grades U.S. Nos.			
	1	2	3	4
Foreign material	0.5	1.0	2.0	3.0
Wild oats	1.0	1.0	2.0	3.0
Other grains	2.0	3.0	4.0	5.0
Skinned and broken kernels:				
Six-rowed	4.0	6.0	8.0	10.0
Two-rowed	5.0	7.0	10.0	10.0
Thin barley:				
Six-rowed	7.0	10.0	15.0	15.0
Two-rowed	5.0	7.0	10.0	10.0
Stones	0.2	0.2	0.2	0.2
Maximum count limits of: ²				
Other material:				
Animal filth	9	9	9	9
Castor beans	1	1	1	1
Cockleburs	7	7	7	7
Crotalaria seeds	2	2	2	2
Glass	1	1	1	1
Stones	7	7	7	7
Unknown foreign substance	3	3	3	3

¹ Injured-by-frost and injured-by-mold kernels are not considered damaged kernels or count as a deduction against sound barley.

² Determined on a representative sample before the removal of dockage, except for stones. Determine stones on a dockage-free sample.

Malting barley shall not be infested in accordance with §810.107(b) and shall not contain any special grades as defined in §810.206. Six- and Two-rowed barley varieties not meeting the above requirements shall be graded in accordance with standards established for the class Barley.

9. Section 810.205 is removed and §810.206 is redesignated as 810.205 and revised to read as follows:

§810.205 Grades and Grade Requirements for Barley.

Grading factor	Grades U.S. Nos.				
	1	2	3	4	5
Minimum limits of:					
Test weight	47.0	45.0	43.0	40.0	36.0
Minimum percent limits of:					
Sound barley ¹	97.0	94.0	90.0	85.0	75.0
Maximum percent limits of:					
Broken kernels	4.0	8.0	12.0	18.0	28.0
Stones	0.2	0.2	0.2	0.2	0.2
Maximum count limits of: ²					
Other material:					
Animal filth	9	9	9	9	9
Castor beans	1	1	1	1	1
Cockleburs	7	7	7	7	7
Crotalaria seeds	2	2	2	2	2
Glass	1	1	1	1	1
Stones	7	7	7	7	7
Unknown foreign substance	3	3	3	3	3

¹ Injured-by-frost and injured-by-mold kernels are not considered damaged kernels or count as a deduction against sound barley.

² Determined on a representative sample before the removal of dockage, except for stones. Determine stones on a dockage-free sample.

U.S. Sample grade shall be barley that: (a) does not meet the requirements for the grades U.S. Nos. 1, 2, 3, 4, or 5; (b) has a musty, sour, or commercially objectionable foreign odor; or (c) is heating or of distinctly low quality.

§810.20 [Redesignated as §810.206]

10. Section 810.207 is redesignated as 810.206.

Dated: March 15, 1995.

James R. Baker,

Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 95-6905 Filed 3-21-95; 8:45 am]

BILLING CODE 3410-EN-P

Agricultural Marketing Service

7 CFR Part 1220

[No. LS-94-003]

RIN 0581-AB18

Soybean Promotion and Research: Amend the Order To Adjust Representation on the United Soybean Board and Adjust Number of Board Meetings Required

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would adjust the number of members for certain States on the United Soybean Board (Board) to reflect changes in production levels that have occurred since the Board was appointed in 1991 and decrease the number of required Board meetings from four a year to three a year.

DATES: Written comments must be received by April 21, 1995.

ADDRESSES: Send two copies of comments to Ralph L. Tapp, Chief; Marketing Programs Branch; Livestock and Seed Division; Agricultural Marketing Service (AMS), USDA, Room

2624-S; P.O. Box 96456; Washington, D.C. 20090-6456. Comments will be available for public inspection during regular business hours at the above office in Room 2624, South Agricultural Building, 14th and Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch, 202/720-1115.

SUPPLEMENTARY INFORMATION:

Executive Orders 12866 and 12778, and Regulatory Flexibility Act

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

This proposed rule has been reviewed under Executive Order No. 12778, Civil Justice Reform. It is not intended to have a retroactive effect.

The Soybean Promotion, Research, and Consumer Information Act (Act) provides that administrative proceedings must be exhausted before parties may file suit in court. Under § 1971 of the Act, a person subject to the Soybean Promotion and Research Order (Order) may file with the Secretary a petition stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order is not in accordance with law and requesting a modification of the Order or an exemption from the Order. The petitioner has the opportunity for a hearing on the petition. After a hearing the Secretary will rule on the petition. The statute provides that the district court of the United States in any district in which the person resides or carries on a business has jurisdiction to review a ruling on the petition if a complaint for that purpose is filed not later than 20 days after the date of the entry of the ruling.

Further, section 1974 of the Act provides, with certain exceptions, that nothing in the Act may be construed to preempt or supersede any other program organized and operated under the laws of the United States or any State relating to soybean promotion, research, consumer information, or industry information. One exception in the Act concerns assessments collected by Qualified State Soybean Boards (QSSBs). This exception provides that, in order to ensure adequate funding of the operations of QSSBs under the Act, no State law or regulation may limit or have the effect of limiting the full amount of assessments that a QSSB in that State may collect, and which is authorized to be credited under the Act. Another exception concerns certain referenda conducted during specified periods by a State relating to the

continuation or termination of a QSSB or State soybean assessment.

This action has also been reviewed under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This proposed rule would adjust representation on the Board to reflect changes in production levels that have occurred since the Board was appointed in 1991. The Administrator of AMS has determined that this rule will not have a significant economic impact on a substantial number of small business entities.

Background

The Act (7 U.S.C. 6301-6311) provides for the establishment of a coordinated program of promotion and research designed to strengthen the soybean industry's position in the marketplace, and to maintain and expand domestic and foreign markets and uses for soybeans and soybean products. The program is financed by an assessment of 0.5 of one percent of the net market price of soybeans sold by producers. Pursuant to the Act, an Order was made effective July 9, 1991. The Order established a Board of 60 members. For purposes of establishing the Board, the United States was divided into 31 geographic units. Representation on the Board from each unit was determined by the level of production in each unit. The Secretary appointed the initial Board on July 11, 1991.

Section 1220.201(c) of the Order provides that at the end of each three (3) year period, the Board shall review soybean production levels in the geographic units throughout the United States. The Board may recommend to the Secretary modification in the levels of production necessary for Board membership for each unit. At its September 1994 meeting, the Board voted to recommend to the Secretary that no modification be made.

Section 1220.201(d) of the Order provides that at the end of each three (3) year period, the Secretary must review the volume of production of each unit and adjust the boundaries of any unit and the number of Board members from each such unit as necessary to conform with the criteria set forth in § 1220.201(e): (1) To the extent practicable, States with annual average soybean production of less than 3,000,000 bushels shall be grouped into geographically contiguous units, each of which has a combined production level equal to or greater than 3,000,000 bushels, and each such group shall be entitled to at least one member on the Board; (2) units with at least 3,000,000 bushels, but fewer than 15,000,000 bushels shall be entitled to one Board

member; (3) units with 15,000,000 bushels or more but fewer than 70,000,000 bushels shall be entitled to two Board members; (4) units with 70,000,000 bushels or more but fewer than 200,000,000 bushels shall be entitled to three Board members; and (5) units with 200,000,000 bushels or more shall be entitled to four Board members.

Current representation on the Board is based on average production levels for the years 1985-89 (excluding the crops in years in which production was the highest and in which production was the lowest) as reported by the National Agricultural Statistics Service (NASS) of the U.S. Department of Agriculture.

Proposed representation on the Board is based on average production levels for the years 1989-93 (excluding the crops in years in which production was the highest and in which production was the lowest) as reported by NASS.

This proposed rule would adjust representation on the Board as follows:

State	Current representation	Proposed representation
Florida	1	0
Georgia	2	1
South Carolina ..	2	1
Wisconsin	1	2
Maryland	1	2

Florida would join the Eastern Region unit, and be represented by its Board representative.

The 1994 nomination and appointment process was in progress while this proposed rule was being developed. Therefore, Board adjustment as proposed by this rulemaking would be effective, if adopted, with the 1995 nominations and appointments.

Section 1220.212(a) of the Order provides that the Board shall meet at least four times a year, and more often if necessary for the Board to carry out its responsibilities. The Board, which operates under a 5 percent administrative cap, has recommended to the Secretary that in order to reduce its administrative costs and comply with the 5 percent cap, § 1220.212(a) be amended to reduce the number of required yearly Board meetings to three. This proposed amendment would reduce the required minimum number of Board meetings from four to three a year.

List of Subjects in 7 CFR Part 1220

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Soybeans and soybean products, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that title 7 of the CFR part 1220 be amended as follows:

PART 1220—SOYBEAN PROMOTION, RESEARCH, AND CONSUMER INFORMATION

1. The authority citation for 7 CFR Part 1220 continues to read as follows:

Authority: 7 U.S.C. 6301-6311.

2. Section 1220.201 is amended by revising the section heading and paragraph (a), removing paragraph (f), and redesignating paragraph (g) as paragraph (f) as follows:

§ 1220.201 Membership of board.

(a) For the purposes of nominating and appointing producers to the Board, the United States shall be divided into 30 geographic units and the number of Board members from each unit, subject to paragraphs (d) and (e) of this section shall be as follows:

Unit	No. of members
Illinois	4
Iowa	4
Minnesota	3
Indiana	3
Missouri	3
Ohio	3
Arkansas	3
Nebraska	3
Mississippi	2
Kansas	2
Louisiana	2
South Dakota	2
Tennessee	2
North Carolina	2
Kentucky	2
Michigan	2
Virginia	2
Maryland	2
Wisconsin	2
Georgia	1
South Carolina	1
Alabama	1
North Dakota	1
Delaware	1
Texas	1
Pennsylvania	1
Oklahoma	1
New Jersey	1
Eastern Region (New York, Massachusetts, Connecticut, Florida, Rhode Island, Vermont, New Hampshire, Maine, West Virginia, District of Columbia, and Puerto Rico)	1
Western Region (Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, California, Hawaii, and Alaska)	1

* * * * *

2. In § 1220.212, paragraph (a) is revised to read as follows:

§ 1220.212 Duties.

* * * * *

(a) To meet not less than three times annually, or more often if required for the Board to carry out its responsibilities pursuant to this subpart.

* * * * *

Dated: March 15, 1995.

Lon Hatamiya,

Administrator.

[FR Doc. 95-6915 Filed 3-21-95; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94-NM-36-AD]

Airworthiness Directives; Aerospatiale Model ATR72-100 and -200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain Model ATR72-100 and -200 series airplanes, that would have required a one-time dye penetrant inspection to detect cracking in certain hinge pins of the nose landing gear (NLG), and replacement of cracked pins with crack-free pins. That proposal was prompted by reports of cracking of certain hinge pins in the NLG. This action revises the proposed rule by shortening the compliance time to perform the inspection of the hinge pins of the NLG. The actions specified by this proposed AD are intended to prevent collapse of the NLG due to cracking of the hinge pins.

DATES: Comments must be received by May 1, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-36-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 Aerospatiale, 316 Route de Bayonne,

31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Sam Grober, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-1187; 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-36-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-36-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Aerospatiale Model ATR72-100 and -200 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on May

18, 1994 (59 FR 25846). That NPRM would have required a one-time dye penetrant inspection to detect cracking in certain hinge pins in the nose landing gear (NLG), and replacement of cracked pins with crack-free pins. That NPRM was prompted by a report that cracking has been found on the hinge pins during routine overhaul of the NLG. That condition, if not corrected, could result in collapse of the NLG due to cracking of the hinge pins.

Since the issuance of that NPRM, the FAA has received a comment from the manufacturer that has caused the FAA to reconsider the proposed compliance time to perform the inspection of the hinge pins of the NLG. Aerospatiale requests that the proposed compliance time of 10,000 landings be shortened to 1,000 landings for airplanes that have accumulated 10,000 or more total landings, and 1,500 landings for airplanes that have accumulated less than 10,000 total landings. Aerospatiale suggests that the proposed compliance time may be too long for these airplanes to fly with a potential for the NLG to collapse due to cracking of the hinge pins. The commenter's suggested compliance time would allow older airplanes that are at greater risk to be inspected earlier, while newer airplanes that pose a lower risk would be inspected later. Further, this staggered compliance time would allow the manufacturer additional time to produce an adequate number of replacement pins.

The FAA concurs. The FAA has reconsidered the compliance time for performing the inspection of the hinge pins of the NLG and finds that the compliance time must be shortened based upon the degree of urgency associated with addressing the subject unsafe condition and the availability of replacement pins. Therefore, the FAA finds that to ensure safety of the fleet, the compliance time for paragraph (a) must be shortened. For airplanes that have accumulated 10,000 or more total landings, the compliance time has been shortened to 1,000 landings; and for airplanes that have accumulated less than 10,000 total landings, the compliance time has been shortened to 1,500 landings. (This change has necessitated the reitemization of the paragraphs. Paragraphs (b) and (c) were formerly identified in the proposal as paragraphs (a)(1) and (a)(2).)

Since this change in the proposed compliance times expands the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

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

The FAA estimates that 28 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 6 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$10,080, or \$360 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: AEROSPATIALE: Docket 94-NM-36-AD.

Applicability: Model ATR72-100 and -200 series airplanes equipped with hinge pins installed at the nose landing gear (NLG) that are manufactured by Nardi, have part number D56867, and have serial numbers beginning with the letter "N"; 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 (e) 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 collapse of the NLG due to cracking of the hinge pins, accomplish the following:

(a) Perform a dye penetrant inspection to detect cracking in the hinge pins of the NLG in accordance with Avions de Transport Regional Service Bulletin ATR72-32-1021, dated January 17, 1994, at the time specified in either paragraph (a)(1) or (a)(2) or this AD, as applicable.

(1) For airplanes that have accumulated 10,000 total landings or more as of the effective date of this AD: Within 1,000 landings after the effective date of this AD.

(2) For airplanes that have accumulated less than 10,000 total landings as of the effective date of this AD: Within 1,500 landings after the effective date of this AD.

(b) If no cracking is found, prior to further flight, reinstall that hinge pin in accordance with Avions de Transport Regional Service Bulletin ATR72-32-1021, dated January 17, 1994.

(c) If cracking is found, prior to further flight, install a new hinge pin or a pin that has been previously inspected and found to be crack-free, in accordance with the Avions de Transport Regional Service Bulletin ATR72-32-1021, dated January 17, 1994.

(d) As of the effective date of this AD, no hinge pin manufactured by Nardi having part number D56867 and any serial number beginning with the letter "N," shall be installed on the NLG of any airplane, unless that pin has been previously inspected and has been found to be crack-free, in accordance Avions de Transport Regional Service Bulletin ATR72-32-1021, dated January 17, 1994.

(e) 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.

(f) 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 March 16, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 95-6999 Filed 3-21-95; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 855

RIN 0701-AA42

Civil Aircraft Use of United States Air Force Airfields

AGENCY: Department of the Air Force, DOD.

ACTION: Proposed rule.

SUMMARY: The Department of the Air Force is proposing to revise its regulations on civil aircraft use of United States Air Force airfields to reflect current policies and statutes. This revision establishes responsibilities and prescribes procedures for requesting and granting civil aircraft access to Air Force airfields. The public is invited to participate in this rulemaking by submitting comments to the point of contact listed under ADDRESSES. On September 24, 1993, the Air Force published, at 58 FR 49951, what is now subpart A of this proposed rule for comment. That proposed rule is hereby canceled and comments will be accepted on the version contained in this proposed rule in place of that previous version.

DATES: Comments must be received no later than May 22, 1995.

ADDRESSES: Comments should be submitted to HQ USAF/XOBC, Attn: Mrs. R.A. Young, 1480 Air Force Pentagon, Room 5C966, Washington DC 20330-1480.

FOR FURTHER INFORMATION CONTACT: Mrs. R.A. Young, 703 697-5967.

SUPPLEMENTARY INFORMATION: The Department of the Air Force has determined that this proposed rule is not a major rule because it will not have an annual adverse effect on the economy of \$100 million or more. The Assistant Secretary of the Air Force (Manpower, Reserve Affairs, Installations & Environment) has certified that this rule is exempt from the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612 because this rule does not have a significant economic impact on small entities as defined by the Act, and does not impose any obligatory information requirements beyond internal Air Force use. This proposed rule revises and replaces Air Force Regulation (AFR) 55-20, Use of United States Air Force Installations By Other Than United States Department of Defense Aircraft, 10 April 1987.

List of Subjects in 32 CFR Part 855

Aircraft, Federal buildings and facilities.

Therefore, 32 CFR part 855 is proposed to be revised to read as follows:

PART 855—CIVIL AIRCRAFT USE OF UNITED STATES AIR FORCE AIRFIELDS

Subpart A—General Provisions

Sec.

- 855.1 Policy.
- 855.2 Responsibilities.
- 855.3 Applicability.

Subpart B—Civil Aircraft Landing Permits

- 855.4 Scope.
- 855.5 Responsibilities and authorities.
- 855.6 Aircraft exempt from the requirement for a civil aircraft landing permit.
- 855.7 Conditions for use of Air Force airfields.
- 855.8 Application procedures.
- 855.9 Permit renewal.
- 855.10 Purpose of use.
- 855.11 Insurance requirements.
- 855.12 Processing a permit application.
- 855.13 Civil fly-ins.
- 855.14 Unauthorized landings.
- 855.15 Detaining an aircraft.
- 855.16 Landing, parking, and storage fees.
- 855.17 Aviation fuel and oil purchases.
- 855.18 Supply and service charges.

Subpart C—Agreements for Civil Aircraft Use of Air Force Airfields

- 855.19 Joint-use Agreements.
- 855.20 Procedures for sponsor.
- 855.21 Air Force procedures.
- 855.22 Other agreements.

Table 1—Purpose of Use/Verification/Approval Authority/Fees

Table 2—Aircraft Liability Coverage Requirements

Table 3—Landing Fees

Table 4—Parking and Storage Fees

Attachment 1 to Part 855—Definitions

Attachment 2 to Part 855—Weather Alternate List

Attachment 3 to Part 855—Landing Permit Application Instructions

Attachment 4 to Part 855—Sample Joint-Use Agreement

Attachment 5 to Part 855—Sample Temporary Agreement.

Authority: 49 U.S.C. 44502 and 47103.

Subpart A—General Provisions

§ 855.1 Policy.

The Air Force establishes and uses its airfields to support the scope and level of operations necessary to carry out missions worldwide. The Congress funds airfields in response to Air Force requirements, but also specifies that civil aviation access is a national priority to be accommodated when it does not jeopardize an installation's military utility. The Air Force engages in dialogue with the civil aviation

community and the Federal Aviation Administration to ensure mutual understanding of long-term needs for the national air transportation system and programmed military force structure requirements. To implement the national policy and to respond to requests for access, the Air Force must have policies that balance such requests with military needs. Civil aircraft access to Air Force airfields on foreign territory requires host nation approval.

(a) The Air Force will manage two programs that are generally used to grant civil aircraft access to its airfields: civil aircraft landing permits and joint-use agreements. Other arrangements for access will be negotiated as required for specific purposes.

(1) Normally, landing permits will be issued only for civil aircraft operating in support of official Government business. Other types of use may be authorized if justified by exceptional circumstances.

(2) The Air Force will consider only proposals for joint use that do not compromise operations, security, readiness, safety, environment, and quality of life. Further, only proposals submitted by authorized local Government representatives eligible to sponsor a public airport will be given the comprehensive evaluation required to conclude a joint-use agreement.

(3) Any aircraft operator with an inflight emergency may land at any Air Force airfield without prior authorization. An inflight emergency is defined as a situation that makes continued flight hazardous.

(b) Air Force requirements will take precedence on Air Force airfields over all civil aircraft operations, whether they were previously authorized or not.

(c) Civil aircraft use of Air Force airfields in the United States will be subject to Federal laws and regulations. Civil aircraft use of Air Force airfields in foreign countries will be subject to U.S. Federal laws and regulations that have extraterritorial effect and to applicable international agreements with the country in which the Air Force installation is located.

§ 855.2 Responsibilities.

(a) As the program manager for joint use, the Civil Aviation Branch, Bases and Units Division, Directorate of Operations (HQ USAF/XOOBC), ensures that all impacts have been considered and addressed before forwarding a joint-use proposal or agreement to the Deputy Assistant Secretary for Installations (SAF/MI), who holds decision authority. All decisions are subject to the environmental impact analysis process as directed by the Environmental Planning Division of the

Directorate of Environmental Quality (HQ USAF/CEVP) and the Deputy Assistant Secretary for Environment, Safety, and Occupational Health (SAF/MIQ). The Air Force Real Estate Agency (AFREA/MI) handles the leases for Air Force-owned land or facilities that may be included in an agreement for joint use.

(b) HQ USAF/XOOBC determines the level of decision authority for landing permits. It delegates decision authority for certain types of use to major commands and installation commanders.

(c) HQ USAF/XOOBC makes the decisions on all requests for exceptions or waivers to this part and related Air Force instructions. The decision process includes consultation with other affected functional area managers when required. Potential impacts on current and future Air Force policies and operations strongly influence such decisions.

(d) Major commands, direct reporting units, and field operating agencies may issue supplements to establish command-unique procedures permitted by and consistent with this part.

§ 855.3 Applicability.

This part applies to all regular United States Air Force (USAF), Air National Guard (ANG), and United States Air Force Reserve (USAFR) installations with airfields. This part also applies to civil aircraft use of Air Force ramps at civil airports hosting USAF, ANG, and USAFR units.

Subpart B—Civil Aircraft Landing Permits

§ 855.4 Scope.

Air Force airfields are available for use by civil aircraft so far as such use does not interfere with military operations or jeopardize the military utility of the installation. Air Force requirements take precedence over authorized civil aircraft use. This part carries the force of U.S. law, and exceptions are not authorized without prior approval from the Civil Aviation Branch, Bases and Units Division, Directorate of Operations, (HQ USAF/XOOBC), 1480 Air Force Pentagon, Washington DC 20330-1480. Proposed exceptions or waivers are evaluated as to current and future impact on Air Force policy and operations.

§ 855.5 Responsibilities and authorities.

(a) The Air Force:

(1) Determines whether civil aircraft use of Air Force airfields is compatible with current and planned military activities.

(2) Normally authorizes civil aircraft use of Air Force airfields only in support of official government business. If exceptional circumstances warrant, use for other purposes may be authorized.

(3) Acts as clearing authority for civil aircraft use of Air Force airfields, subject to the laws and regulations of the U.S., or to applicable international agreements with the country in which the Air Force installation is located.

(4) Reserves the right to suspend any operation that is inconsistent with national defense interests or deemed not in the best interests of the Air Force.

(5) Will terminate authority to use an Air Force airfield if the:

(i) User's liability insurance is canceled.

(ii) User lands for other than the approved purpose of use or is otherwise in violation of this part or clearances and directives hereunder.

(6) Will not authorize use of Air Force airfields:

(i) In competition with civil airports by providing services or facilities that are already available in the private sector.

Note: Use to conduct business with or for the US Government is not considered as competition with civil airports.

(ii) Solely for the convenience of passengers or aircraft operator.

(iii) Solely for transient aircraft servicing.

(iv) By civil aircraft that do not meet US Department of Transportation operating and airworthiness standards.

(v) That selectively promotes, benefits, or favors a specific commercial venture unless equitable consideration is available to all potential users in like circumstances.

(vi) For unsolicited proposals in procuring government business or contracts.

(vii) Solely for customs-handling purposes.

(viii) When the air traffic control tower and base operations are closed or when a runway is restricted from use by all aircraft.

Note: Requests for waiver of this provision must address liability responsibility, emergency response, and security.

(7) Will not authorize civil aircraft use of Air Force ramps located on civil airfields.

Note: This section does not apply to use of aero club facilities located on Air Force land at civil airports, or civil aircraft chartered by US military departments and authorized use of terminal facilities and ground handling services on the Air Force ramp. Only the DD Form 2400, Civil Aircraft Certificate of Insurance, and DD Form 2402, Civil Aircraft

Hold Harmless Agreement, are required for use of Air Force ramps.

(b) Civil aircraft operators must:

(1) Have an approved DD Form 2401, Civil Aircraft Landing Permit, before operating at Air Force airfields, except for emergency use and as indicated in paragraphs (d)(2) and (d)(2)(iii)(E) of this section, and § 855.6, and § 855.13(b)(1)(ii).

(2) Ensure that pavement load-bearing capacity will support the aircraft to be operated at the Air Force airfield.

(3) Have aircraft equipped with operating two-way radio equipment to obtain landing clearance from the air traffic control tower.

(4) Obtain final approval for landing from the installation commander or a designated representative (normally base operations) at least 24 hours prior to arrival.

(5) Not assume that the landing clearance granted by an air traffic control tower facility is a substitute for either the approved civil aircraft landing permit or approval from the installation commander or a designated representative (normally base operations).

(6) Obtain required diplomatic or overflight clearance before operating in foreign airspace.

(7) Pay applicable costs and fees.

(8) File a flight plan before departing the Air Force airfield.

(c) The installation commander or a designated representative:

(1) Exercises administrative and security control over both the aircraft and passengers while on the installation.

(2) May require civil users to delay, reschedule, or reroute aircraft arrivals or departures to preclude interference with military activities.

(3) Cooperates with customs, immigration, health, and other public authorities in connection with civil aircraft arrival and departure.

(d) Decision Authority: The authority to grant civil aircraft use of Air Force airfields is vested in:

(1) Directorate of Operations, Bases and Units Division, Civil Aviation Branch (HQ USAF/XOOBC). HQ USAF/XOOBC may act on any request for civil aircraft use of an Air Force airfield. Decision authority for the following will not be delegated below HQ USAF:

(i) Use of multiple Air Force airfields except as designated in paragraph (d)(2) of this section.

(ii) Those designated as 2 under Approval Authority in Table 1.

(iii) Any unusual or unique purpose of use not specifically addressed in this part.

(2) Major Command, Field Operating Agency, Direct Reporting Unit, or Installation Commander. With the exception of those uses specifically delegated to another decision authority, major commands (MAJCOMs), field operating agencies (FOAs), direct reporting units (DRUs) and installation commanders or designated representatives have the authority to approve or disapprove civil aircraft landing permit applications (DD Forms 2400, Civil Aircraft Certificate of Insurance; 2401; Civil Aircraft Landing Permit, and 2402, Civil Aircraft Hold Harmless Agreement) at airfields for which they hold oversight responsibilities. Additionally, for expeditious handling of short notice requests, they may grant requests for one-time, official government business flights that are in the best interest of the US Government and do not violate other provisions of this part. As a minimum, for one-time flights authorized under this section, the aircraft owner or operator must provide the decision authority with insurance verification and a completed DD Form 2402 before the aircraft operates into the Air Force airfield. Air Force authority to approve civil aircraft use of Air Force airfields on foreign soil may be limited. Commanders outside the US must be familiar with base rights agreements or other international agreements that may render inapplicable, in part or in whole, provisions of this part. Decision authority is delegated for specific purposes of use and/or locations as follows:

(i) Commander, 611th Air Operations Group (AOG). The Commander, 611th AOG or a designated representative may approve commercial charters, on a case-by-case basis, at all Air Force airfields in Alaska, except Eielson and Elmendorf AFBs, if the purpose of the charter is to transport goods and/or materials, such as an electric generator or construction materials for a community center, for the benefit of remote communities that do not have adequate civil airports.

(ii) Commander, Air Mobility Command (AMC). The Commander, AMC or a designated representative may approve permits that grant landing rights at Air Force airfields worldwide in support of AMC contracts.

(iii) US Defense Attache Office (USDAO). The USDAO, acting on behalf of HQ USAF/XOOBC, may grant a request for one-time landing rights at an Air Force airfield provided:

(A) The request is for official government business of either the US or the country to which the USDAO is accredited.

(B) The Air Force airfield is located within the country to which the USDAO is accredited.

(C) Approval will not violate any agreement with the host country.

(D) The installation commander concurs.

(E) The USDAO has a properly completed DD Form 2402 on file and has verified that the insurance coverage meets the requirements of Table 2, before the aircraft operates into the Air Force airfield.

§ 855.6 Aircraft exempt from the requirement for a civil aircraft landing permit.

(a) Any aircraft owned by:

(1) Any other US Government agency.

(2) US Air Force aero clubs established as prescribed in AFI 34-117, Air Force Aero Club Program, and AFMAN 3-132, Air Force Aero Club Operations¹.

Note: This includes aircraft owned by individuals but leased by an Air Force aero club.

(3) Aero clubs of other US military services.

Note: This includes aircraft owned by individuals but leased by Army or Navy aero clubs.

(4) A US state, county, municipality, or other political subdivision, when operating to support official business at any level of government.

(b) Any civil aircraft under:

(1) Lease or contractual agreement for exclusive US Government use on a long-term basis and operated on official business by or for a US Government agency; for example, the Federal Aviation Administration (FAA), Department of the Interior, or Department of Energy.

Note: The government must hold liability responsibility for all damages or injury associated with operation of the aircraft.

(2) Lease or contractual agreement to the Air Force for Air Force Civil Air Patrol (CAP) liaison purposes and operated by an Air Force CAP liaison officer on official Air Force business.

(3) CAP control for a specific mission directed by the Air Force.

(4) Coast Guard control for a specific mission directed by the Coast Guard.

Note: For identification purposes, the aircraft will be marked with a sticker near the port side door identifying it as a Coast Guard Auxiliary aircraft. The pilot will always be in uniform and normally have a copy of a Coast Guard Auxiliary Patrol Order. If the aircraft

¹ Copies of the publications are available, at cost, from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

is operating under "verbal orders of the commander," the pilot can provide the telephone number of the cognizant Coast Guard commander.

(5) Contractual agreement to any US, state, or local government agency in support of operations involving safety of life or property as a result of a disaster.

(6) Government furnished property or bailment contract for use by a contractor, provided the federal, state, or local government has retained liability responsibilities.

(7) Civil aircraft transporting critically ill or injured individuals or transplant organs to or from an Air Force installation.

(8) Historic aircraft being delivered for Air Force museum exhibits under the provisions of AFI 84-103, Museum System.²

§ 855.7 Conditions for use of Air Force airfields.

The Air Force authorizes use of its airfields for a specific purpose by a named individual or company. The authorization cannot be transferred to a second or third party and does not extend to use for other purposes. An approved landing permit does not obligate the Air Force to provide supplies, equipment, or facilities other than the landing, taxiing, and parking areas. The aircraft crew and passengers are only authorized activities at the installation directly related to the purpose for which use is granted. All users are expected to submit their application (DD Forms 2400, 2401, and 2402) at least 30 days before intended use and, except for use as a weather alternate, CRAF alternate, or emergency landing site, must contact the appropriate installation commander or a designated representative for final landing approval at least 24 hours before arrival. Failure to comply with either time limit may result in denied landing rights.

§ 855.8 Application procedures.

To allow time for processing, the application (DD Forms 2400, 2401, and 2402) and a self-addressed, stamped envelope should be submitted at least 30 days before the date of the first intended landing. The verification required for each purpose of use must be included with the application. The name of the user must be the same on all forms. Original, hand scribed signatures, not facsimile elements, are required on all forms. Landing Permit Application Instructions are at Attachment 3. The user is responsible for reviewing this part and accurately

completing the forms before submitting them to the approving authority.

§ 855.9 Permit renewal.

When a landing permit expires, DD Forms 2400 and 2401 must be resubmitted for continued use of Air Force airfields.

Note: Corporations must resubmit the DD Form 2402 every five years.

§ 855.10 Purpose of use.

The purposes of use normally associated with civil aircraft operations at Air Force airfields are listed in Table 1. Requests for use for purposes other than those listed will be considered and may be approved if warranted by unique circumstances. A separate DD Form 2401 is required for each purpose of use. (Users can have multiple DD Forms 2401 that are covered by a single DD Form 2400 and DD Form 2402.)

§ 855.11 Insurance requirements.

Applicants must provide proof of third-party liability insurance on a DD Form 2400, with the amounts stated in U.S. dollars. The policy number, effective date, and expiration date are required. The statement "until canceled" may be used in lieu of a specific expiration date. The geographic coverage must include the area where the Air Force airfield of proposed use is located. If several aircraft or aircraft types are included under the same policy, a statement such as "all aircraft owned," "all aircraft owned and/or operated," "all non-owned aircraft," or "all aircraft operated," may be used in lieu of aircraft registration numbers. To meet the insurance requirements, either split limit coverage for bodily injury (individuals outside the aircraft), property damage, and passengers, or a single limit coverage is required. The coverage will be at the expense of the user with an insurance company acceptable to the Air Force. Coverage must be current during the period the Air Force airfield will be used. The liability required is computed on the basis of aircraft maximum gross takeoff weight (MGTO) and passenger or cargo configuration. Minimum coverage will not be less than the amount indicated in Table 2.

(a) Any insurance presented as a single limit of liability or a combination of primary and excess coverage will be an amount equal to or greater than the each accident minimums indicated in Table 2 for bodily injury (individuals outside the aircraft), property damage, and passengers.

(b) The policy will specifically provide that:

(1) The insurer waives any right of subrogation it may have against the U.S. by reason of any payment made under the policy for injury, death, or property damage that might arise, out of or in connection with the insured's use of any Air Force airfield.

(2) The insurance afforded by the policy applies to the liability assumed by the insured under DD Form 2402.

(3) If the insurer or the insured cancels or reduces the amount of insurance afforded under the listed policy before the expiration date indicated on DD Form 2400, the insurer will send written notice of policy cancellation or coverage reduction to the Air Force approving authority at least 30 days before the effective date of the cancellation or reduction. The policy must state that any cancellation or reduction will not be effective until at least 30 days after such notice is sent.

§ 855.12 Processing a permit application.

Upon receipt of an application (DD Forms 2400, 2401, and 2402) for use of an Air Force airfield, the decision authority:

(a) Determines the availability of the airfield and its capability to accommodate the purpose of use requested.

(b) Determines the validity of the request and ensures all entries on DD Forms 2400, 2401, and 2402 are in conformance with this part.

(c) Approves DD Form 2401 (with conditions or limitations noted) by completing all items in Section II—For Use by Approving Authority as follows:

(1) Period of Use (Block 7): The "From" date will be either the first day of approved use or the first day of insurance coverage. The "From" date cannot precede the first day of insurance coverage shown on the DD Form 2400. The "Thru" date is determined by the insurance expiration date and/or the purpose of use. For example, the period of use for participants in an Air Force open house will be determined by both insurance coverage and open house dates. The permit would be issued only for the duration of the open house but must not precede or exceed the dates of insurance coverage. Many insurance policies terminate at noon on the expiration date. Therefore, if the insurance expiration is used to determine the permit expiration date, the landing permit will expire one day before the insurance expiration date shown on the DD Form 2400. If the insurance expiration date either exceeds 2 years or is indefinite (for example, "until canceled"), the landing permit will

²See footnote 1 to § 855.6.

expire 2 years from the issue date or first day of coverage.

(2) Frequency of Use (Block 8) is normally "as required" but may be more specific, such as "one time."

(3) Identification Number (Block 9): Installation commanders or a designated representative assign a permit number comprised of the last three letters of the installation's International Civil Aviation Organization identifier code, the last two digits of the calendar year, a number sequentially assigned, and the letter suffix that indicates the purpose of use (Table 1); for example, ADW 95-01C. MAJCOMs, FOAs, DRUs, and USDAOs use a three-position organization abbreviation, such as AMC 95-02K.

(4) DD Form 2400 (Dated and Filed) (Block 11a): This block should contain the date from Block 1 (Date Issued) on the DD Form 2400 and the identification of the unit or base where the form was approved; i.e., 30 March 1995, HQ USAF/XOOBC.

(5) DD Form 2402 (Dated and Filed) (Block 11b): This block should contain the date from Block 4 (Date Signed) on the DD Form 2402 and the identification of the unit or base where the form was approved; i.e., 30 March 1995, HQ USAF/XOOBC.

(6) SA-ALC/SFR, 1014 Andrews Road, Building 1621, Kelly AFB TX 78241-5603 publishes the list of companies authorized to purchase Air Force fuel on credit. Block 12 should be marked "yes" only if the permit holder's name appears on the SA-ALC list.

(7) Landing Fees, Block 13, should be marked as indicated in Table 1.

(8) Permit Amendments: New entries or revisions to an approved DD Form 2401 may be made only by or with the consent of the approving authority.

(d) Provides the applicant with written disapproval if:

(1) Use will interfere with operations, security, or safety.

(2) Adequate civil facilities are collocated.

(3) Purpose of use is not official government business and adequate civil facilities are available in the proximity of the requested Air Force airfield.

(4) Use will constitute competition with civil airports or air carriers.

(5) Applicant has not fully complied with this part.

(e) Distributes the approved DD Form 2401 before the first intended landing, when possible, as follows:

(1) Retains original.

(2) Returns two copies to the user.

(3) Provides a copy to HQ USAF/XOOBC. NOTE: HQ USAF/XOOBC will provide a computer report of current landing permits to the MAJCOMs, FOAs, DRUs, and installations.

§ 855.13 Civil fly-ins.

(a) Civil aircraft operators may be invited to a specified Air Force airfield for:

(1) A base open house to perform or provide a static display.

(2) A flying safety seminar.

(b) Civil fly-in procedures:

(1) The installation commander or a designated representative:

(i) Requests approval from the MAJCOM, FOA, or DRU with an information copy to HQ USAF/XOOBC/XOOO and SAF/PAC.

(ii) Ensures that DD Form 2402 is completed by each user.

Note: DD Forms 2400 and 2401 are not required for fly-in participants if flying activity consists of a single landing and takeoff with no spectators other than flightline or other personnel required to support the aircraft operations.

(2) The MAJCOM, FOA, or DRU ensures HQ USAF/XOOBC/XOOO and SAF/PAC are advised of the approval or disapproval for the fly-in.

(3) Aerial performance by civil aircraft requires MAJCOM or FOA approval and an approved landing permit as specified in AFI 35-201, Community Relations.³ Regardless of the aircraft's historic military significance, DD Forms 2400, 2401, and 2402 must be submitted and approved before the performance. The permit can be approved at MAJCOM, FOA, DRU, or installation level. Use will be authorized only for the period of the event. Fly-in procedures do not apply to aircraft transporting passengers (revenue or non-revenue) or demonstration flights associated with marketing a product.

§ 855.14 Unauthorized landings.

(a) *Unauthorized landing procedures.* The installation commander or a designated representative will identify an unauthorized landing as either an emergency landing, an inadvertent landing, or an intentional landing. An unauthorized landing may be designated as inadvertent or intentional whether or not the operator has knowledge of the provisions of this part, and whether or not the operator filed a flight plan identifying the installation as a destination. Aircraft must depart the installation as soon as practical. On all unauthorized landings, the installation commander or a designated representative:

(1) Informs the operator of Subpart B procedures and the requirement for notifying the Federal Aviation Administration (FAA) as specified in Section 6 of the FAA Airman's Information Manual.

(2) Notifies the Federal Aviation Flight Standards District Office (FSDO) by telephone or telefax, followed by written notification using FAA Form 8020-9, 8020-11, or 8020-17, as appropriate. A copy of the written notification must be provided to HQ USAF/XOOBC.

(3) Ensures the operator completes a DD Form 2402, and collects applicable charges. (In some instances, it may be necessary to arrange to bill the user for the appropriate charges.) DD Form 2402 need not be completed for commercial carriers if it is known that the form is already on file at HQ USAF/XOOBC.

(4) In a foreign country, notifies the local US Defense Attache Office (USDAO) by telephone or telefax and, where applicable, the appropriate USDAO in the country of aircraft registry, followed by written notification with an information copy to HQ USAF/XOOBC and the civil aviation authority of the country or countries concerned.

(b) *Emergency landings.* Any aircraft operator who experiences an inflight emergency may land at any Air Force airfield without prior authorization (approved DD Form 2401 and 24 hours prior notice). An inflight emergency is defined as a situation that makes continued flight hazardous.

(1) The Air Force will use any method or means to clear an aircraft or wreckage from the runway to preclude interference with essential military operations after coordinating with the FSDO and National Transportation Safety Board. Removal efforts will minimize damage to the aircraft or wreckage; however, military or other operational factors may be overriding.

(2) An operator making an emergency landing:

(i) Is not charged a landing fee.

(ii) Pays all costs for labor, material, parts, use of equipment and tools, and so forth, to include, but not limited to:

(A) Spreading foam on the runway.

(B) Damage to runway, lighting, and navigation aids.

(C) Rescue, crash, and fire control services.

(D) Movement and storage of aircraft.

(E) Performance of minor maintenance.

(F) Fuel or oil (AFM 67-1, vol 1, part three, chapter 1, Air Force Stock Fund and DPSC Assigned Item Procedures).⁴

(c) *Inadvertent unauthorized landings.* (1) The installation commander or a designated representative may determine a landing to be inadvertent if the aircraft operator:

(i) Landed due to flight disorientation.

(ii) Mistook the Air Force airfield for a civil airport.

³See footnote 1 to § 855.6.

⁴See footnote 1 to § 855.6.

(2) Normal landing fees must be charged and an unauthorized landing fee may be assessed to compensate the government for the added time, effort, and risk involved in the inadvertent landing. Only the unauthorized landing fee may be waived by the installation commander or a designated representative if, after interviewing the pilot-in-command and appropriate government personnel, it is determined that flying safety was not significantly impaired. The pilot-in-command may appeal the imposition of an unauthorized landing fee for an inadvertent landing to the MAJCOM, FOA, or DRU whose decision will be final. A subsequent inadvertent landing will be processed as an intentional unauthorized landing.

(d) *Intentional unauthorized landings.* (1) The installation commander may categorize an unauthorized landing as intentional when there is unequivocal evidence that the pilot deliberately:

(i) Landed without an approved DD Form 2401 on board the aircraft.

(ii) Landed for a purpose not approved on the DD Form 2401.

(iii) Operated an aircraft not of a model or registration number on the approved DD Form 2401.

(iv) Did not request or obtain the required final approval from the installation commander or a designated representative at least 24 hours before aircraft arrival.

(v) Did not obtain landing clearance from the air traffic control tower.

(vi) Landed with an expired DD Form 2401.

(vii) Obtained landing authorization through fraudulent methods, or

(viii) Landed after having been denied a request to land from any Air Force authority, including the control tower.

(2) Normal landing fees and an unauthorized landing fee must be charged. Intentional unauthorized landings increase reporting, processing, and staffing costs; therefore, the unauthorized landing fee for paragraph (d)(1)(i) through (d)(1)(vi) of this section will be increased by 100 percent. The unauthorized landing fee will be increased 200 percent for paragraph (d)(1)(vii) and (d)(1)(viii) of this section.

(3) Intentional unauthorized landings may be prosecuted as a criminal trespass, especially if a debarment letter has been issued. Repeated intentional unauthorized landings prejudice the user's FAA operating authority and jeopardize future use of Air Force airfields.

§ 855.15 Detaining an aircraft.

(a) An installation commander in the United States, its territories, or its

possessions may choose to detain an aircraft for an intentional unauthorized landing until:

(1) The unauthorized landing has been reported to the FAA, HQ USAF/XOOBC, and the appropriate US Attorney.

(2) All applicable charges have been paid.

(b) If the installation commander wishes to release the aircraft before the investigation is completed, he or she must obtain bond, promissory note, or other security for payment of the highest charge that may be assessed.

(c) The pilot and passengers will not be detained longer than is necessary for identification, although they may be permitted to remain in a lounge or other waiting area on the base at their request for such period as the installation commander may determine (normally not to exceed close of business hours at the home office of the entity owning the aircraft, if the operator does not own the aircraft). No person, solely due to an intentional unauthorized landing, will be detained involuntarily after identification is complete without coordination from the appropriate US Attorney, the MAJCOM, FOA, or DRU, and HQ USAF/XOOBC.

§ 855.16 Landing, parking, and storage fees.

(a) All fees are normally due and collectible at the time of use of the Air Force airfield. The DD Form 1131, Cash Collection Voucher, is used to deposit the fees with the base accounting and finance officer. In some instances, it may be necessary to bill the user for charges incurred. Landing, parking, and storage fees (Tables 3 and 4) are determined by aircraft maximum gross takeoff weight (MGTOW). The installation commander or a designated representative may permit parking and storage on a nonexclusive, temporary, or intermittent basis, when compatible with military requirements. The time that an aircraft spends on an installation is at the discretion of the installation commander or a designated representative but should be linked to the purpose of use authorized. At those locations where there are Air Force aero clubs, parking and storage privileges may be permitted in the area designated for aero club use without regard for the purpose of use authorized, if consistent with aero club policies. Any such permission may be revoked upon notice, based on military needs and the installation commander's discretion.

(b) Landing fees are not charged when the aircraft is operating in support of official government business or for any purpose, the cost of which is subject to

reimbursement by the US Government. Parking and Storage Fees (Table 4) are charged if an aircraft must remain beyond the period necessary to conduct official government business and for all non-official government business operations.

§ 855.17 Aviation fuel and oil purchases.

When a user qualifies under the provisions of AFM 67-1, vol 1, part three, chapter 1, Air Force Stock Fund and DPSC Assigned Item Procedures,⁵ purchase of Air Force fuel and oil may be made on a cash or credit basis. An application for credit authority can be filed by submitting an Authorized Credit Letter to SA-ALC/SFRL, 1014 Andrews Road, Building 1621, Kelly AFB TX 78241-5603.

§ 855.18 Supply and service charges.

Supplies and services furnished to a user will be charged for as prescribed in AFM 67-1, volume 1, part one, chapter 10, section N, Basic Air Force Supply Procedures, and AFR 177-102, paragraph 28.24, Commercial Transactions at Base Level.⁶ A personal check with appropriate identification, cashier's check, money order, or cash are acceptable means of payment. Charges for handling foreign military sales cargo are prescribed in AFR 170-3, Financial Management and Accounting for Security Assistance and International Programs.⁷

Subpart C—Agreements for Civil Aircraft Use of Air Force Airfields

§ 855.19 Joint-use agreements.

An agreement between the Air Force and a local government agency is required before a community can establish a public airport on an Air Force airfield.

(a) Joint use of an Air Force airfield will be considered only if there will be no cost to the Air Force and no compromise of mission capability, security, readiness, safety, or quality of life. Further, only proposals submitted by authorized representatives of local government agencies eligible to sponsor a public airport will be given the comprehensive evaluation required to conclude a joint use agreement. All reviewing levels will consider and evaluate such requests on an individual basis.

(b) Generally, the Air Force is willing to consider joint use at an airfield if it does not have pilot training, nuclear storage, or a primary mission that requires a high level of security. Civil

⁵ See footnote 1 to § 855.6.

⁶ See footnote 1 to § 855.6.

⁷ See footnote 1 to § 855.6.

operations must begin within 5 years of the effective date of an agreement. Operational considerations will be based on the premise that military aircraft will receive priority handling (except in emergencies), if traffic must be adjusted or resequenced. The Air Force normally will not consider personnel increases solely to support civil operations but, if accommodated, all costs must be fully reimbursed by the joint-use sponsor. The Air Force will not provide personnel to install, operate, maintain, alter, or relocate navigation equipment or aircraft arresting systems for the sole use of civil aviation. Changes in equipment or systems to support the civil operations must be funded by the joint-use sponsor. The Air Force must approve siting, design, and construction of the civil facilities.

§ 855.20 Procedures for sponsor.

To initiate consideration for joint use of an Air Force airfield, a formal proposal must be submitted to the installation commander by a local government agency eligible to sponsor a public airport. The proposal must include:

- (a) Type of operation.
- (b) Type and number of aircraft to be located on or operating at the airfield.
- (c) An estimate of the number of annual operations for the first 5 years.

§ 855.21 Air Force procedures.

(a) Upon receipt of a joint-use proposal, the installation commander, without precommitment or comment, will send the documents to the Air Force Representative (AFREP) at the Federal Aviation Administration (FAA) Regional Office within the geographical area where the installation is located. AFI 13-201, Air Force Airspace Management,⁸ lists the AFREPs and their addresses. The installation commander must provide an information copy of the proposal to HQ USAF/XOOBC, 1480 Air Force Pentagon, Washington DC 20330-1480.

(b) The AFREP provides comments to the installation commander on airspace, air traffic control, and other related areas, and informs local FAA personnel of the proposal for joint use.

(c) The installation, the numbered Air Force, and the major command (MAJCOM) will then evaluate the proposal. The MAJCOM will send the comments and recommendations from all reviewing officials to HQ USAF/XOOBC.

(d) Factors considered in evaluating joint use include, but are not limited to:

(1) Impact on current and programmed military activities at the installation.

(2) Compatibility of proposed civil aviation operations with present and planned military operations.

(3) Compatibility of communications systems.

(4) Instrument capability of crew and aircraft.

(5) Runway and taxiway configuration. (Installations with single runways normally will not be considered for joint use.)

(6) Security. The possibility for sabotage, terrorism, and vandalism increases with joint use; therefore, joint use will not be considered:

- (i) If military and civil aircraft would be collocated in hangars or on ramps.
- (ii) If access to the civil aviation facilities would require routine transit through the base.

(7) Fire, crash, and rescue requirements.

(8) Availability of public airports to accommodate the current and future air transportation needs of the community through construction or expansion.

(9) Availability of land for civil airport complex. NOTE: The majority of land required for a terminal and other support facilities must be located outside the installation perimeter or at a site that will allow maximum separation of military and civil activities. If the community does not already own the needed land, it must be acquired at no expense to the Air Force. The Air Force may make real property that is not presently needed, but not excess, available by lease under 10 U.S.C 2667. An application for lease of Air Force real property must be processed through the chain of command to the Air Force Real Estate Agency, 172 Luke Avenue, Suite 104, Building 5683, Bolling AFB DC 20332-5113, as prescribed in AFI 32-9003, Granting Temporary Use of Air Force Real Property.⁹ All real property outleases require payment of fair market consideration and normally are processed through the Corps of Engineers. The General Services Administration must be contacted regarding availability of excess or surplus Federal real property and an application submitted through FAA for an airport use public benefit transfer under 49 U.S.C. 47151-47153.

(10) Sponsor's resources to pay a proportionate share of costs for runway operation and maintenance and other jointly used facilities or otherwise provide compensation that is of direct benefit to the Government.

(e) When the Air Force determines that joint use may be compatible with its defense mission, the environmental impact analysis process must be completed before a final decision can be made. The Air Force will act as lead agency for the preparation of the environmental analysis (32 CFR part 989, Environmental Impact Analysis Process). The local government agency representatives, working in coordination with Air Force personnel at the installation and other concerned local or Federal officials, must identify the proposed action, develop conceptual alternatives, and provide planning, socioeconomic, and environmental information as specified by the appropriate MAJCOM and HQ USAF/CEVP. The information must be complete and accurate in order to serve as a basis for the preparation of the Air Force environmental documents. All costs associated with the environmental studies required to complete the environmental impact analysis process must be paid by the joint use sponsor. Information on environmental analysis requirements is available from HQ USAF/CEVP, 1260 Air Force Pentagon, Washington DC 20330-1260.

(f) HQ USAF/XOOBC can begin negotiating a joint-use agreement after the environmental impact analysis process is completed. The agreement must be concluded on behalf of the Air Force by SAF/MII as the approval authority for use of Air Force real property for periods exceeding 5 years. The joint-use agreement will state the extent to which the provisions of Subpart B of this part, Civil Aircraft Landing Permits, apply to civil aircraft operations.

(1) Joint-use agreements are tailored to accommodate the needs of the community and minimize the impact on the defense mission. Although each agreement is unique, attachment 4 of this part provides basic terms that are frequently included in such agreements.

(2) Agreements for joint use at Air Force airfields on foreign soil are subject to the requirements of AFI 51-701, Negotiating, Concluding, Reporting, and Maintaining International Agreements.¹⁰

(g) HQ USAF/XOOBC and SAF/MII approval is required to amend existing joint use agreements. The evaluation and decision processes followed in concluding an initial joint-use proposal must be used to amend existing joint-use agreements.

§ 855.22 Other agreements.

(a) Temporary use of Air Force runways occasionally is needed for

⁸See footnote 1 to § 855.6.

⁹See footnote 1 to § 855.6.

¹⁰See footnote 1 to § 855.6.

extended periods when a local civil airport is unavailable or to accommodate special events or projects. Such use requires agreement between the Air Force and the local airport authority or other equivalent responsible entity.

(b) The local proponent and Air Force personnel should draft and submit an agreement to the MAJCOM Director for Operations, or equivalent level, for review and comment. The agreement must address all responsibilities for handling aircraft, cargo, and passengers,

and hold the Air Force harmless of all liabilities. The agreement will not exceed 3 years. Although each agreement will be unique, attachment 5 of this part provides one example. The draft agreement, with all comments and recommendations, must be sent to HQ USAF/XOOBC for final approval.

TABLE 1.—PURPOSE OF USE/VERIFICATION/APPROVAL AUTHORITY/FEEES

Purpose of use	Verification	Approval* authority	Fees
<p>Contractor or subcontractor (A). A US or foreign contractor or subcontractor, operating corporate, personal, or leased aircraft in conjunction with fulfilling the terms of a government contract.</p> <p>NOTE: Potential contractors may not land at Air Force airfields to pursue or present an unsolicited proposal for procurement of government business. One time authorization can be provided when an authorized US Government representative verifies that the potential contractor has been specifically invited for a sales presentation or to discuss their product.</p>	<p>Current government contract numbers; the Air Force airfields required for each contract; a brief description of the work to be performed; and the name, telephone number, and address of the government contracting officer must be provided on the DD Form 2401 or a continuation sheet.</p>	<p>1</p>	<p>No.</p>
<p>Demonstration (B). Aircraft, aircraft with components installed, or aircraft transporting components or equipment operating to demonstrate or display a product to US Government representatives with procurement or certification responsibilities. (Authority granted under this section does not include aerobatic demonstrations.)</p>	<p>Demonstration or display must be a contractual requirement or presented at the request of an authorized US Government representative. The name, address, and telephone number of the requesting government representative or contracting officer and contract number must be included on the DD Form 2401.</p>	<p>1</p>	<p>No.</p>
<p>Aerial performance (BB). Aircraft performing aerobatics and or fly-bys at Air Force airfields.</p>	<p>Approval of MAJCOM, FOA, or DRU and FAA as specified in AFI 35–201, Community Relations.</p>	<p>1</p>	<p>No.</p>
<p>Active duty US military and other US uniformed service members entitled to military identification cards (includes members of the US Public Health Service, Coast Guard, and National Oceanic and Atmospheric Administration) (C). Service members, operating their own aircraft, leased aircraft, or other available aircraft for official duty travel (temporary duty, permanent change of station, etc.) or for private, non revenue flights.</p>	<p>Social security number in block 1 on DD Form 2401</p>	<p>1</p>	<p>No.</p>
<p>Reserve Forces (D). Members of the US Reserve Forces (including Reserve Officer Training Corps and National Guard) operating their own aircraft, leased aircraft, or other available aircraft to fulfill their official duty commitment at the installation where their unit is assigned and other installations for temporary duty assignments.</p>	<p>Endorsement from member's commander that validates military status and requirement for use of Air Force airfields listed on the DD Form 2401. The endorsement may be included on the DD Form 2401 or provided separately by letter. When appropriate, travel orders must be on board the aircraft.</p>	<p>1</p>	<p>No.</p>
<p>Dependents of active duty US military personnel, other US uniformed service personnel, (CC), or US Reserve Forces personnel (DD). Dependents operating their own aircraft, leased aircraft, or other available aircraft in conjunction with activities related to entitlements as a dependent of a uniformed service member.</p>	<p>Military identification card number and expiration date and a letter of endorsement from sponsor.</p>	<p>1</p>	<p>No.</p>
<p>US Government civil service employees (E). Civilian employees of the US Government operating their own aircraft, leased aircraft, or other available aircraft for official government business travel.</p>	<p>Supervisor's endorsement in block 4 of the DD Form 2401. Individual must have a copy of current travel orders or other official travel certification available for verification if requested by an airfield manager or a designated representative.</p>	<p>1</p>	<p>No.</p>
<p>Retired US military members and other retired US uniformed service members with a military identification card authorizing use of the commissary, base exchange, and or military medical facilities (G). Retired Service members, operating their own aircraft, leased aircraft, or other available aircraft in conjunction with activities related to retirement entitlements authorized by law or regulation.</p>	<p>Copy of retirement orders on file with the approving authority.</p>	<p>1</p>	<p>No.</p>
<p>Dependents of retired US military personnel and other retired US uniformed service personnel (GG). Dependents of retired Service members operating their own aircraft, leased aircraft, or other available aircraft in conjunction with activities related to entitlements authorized by law or regulation as a dependent of a retired Service member.</p>	<p>Military identification card number and expiration date, sponsor's retirement orders, and letter of endorsement from sponsor.</p>	<p>1</p>	<p>No.</p>

TABLE 1.—PURPOSE OF USE/VERIFICATION/APPROVAL AUTHORITY/FEEES—Continued

Purpose of use	Verification	Approval* authority	Fees
Civil Air Patrol (CAP) (H). CAP members operating personal or CAP aircraft for official CAP activities.	Endorsement of the application by HQ CAP-USAF/XOO, 105 South Hansell Street, Maxwell AFB AL 36112-6332.	1	No.
Aero club members (I). Individuals operating their own aircraft at the Air Force airfield where they hold active aero club membership.	Membership validation by the aero club manager on the DD Form 2401.	6	No.
Weather alternate (J). An Air Force airfield identified on a scheduled air carrier's flight plan as an alternate airport as prescribed by Federal Aviation Regulations (FARs) or equivalent foreign government regulations. The airfield can only be used if weather conditions develop while the aircraft is in flight that preclude landing at the original destination. Aircraft may not be dispatched from the point of departure to an Air Force airfield designated as an approved weather alternate. NOTE: Only those airfields identified on the list at Attachment 2 are available for use as weather alternates.	Certification of scheduled air carrier status, such as the US Department of Transportation Fitness Certificate.	1	Yes.
Air Mobility Command (AMC) contract or charter (K). An air carrier transporting passengers or cargo under the terms of an AMC contract. (Landing permits for this purpose are processed by HQ AMC/XOKA, 402 Scott Drive, Unit 3A1, Scott AFB IL 62225-5302.).	International flights must have an AMC Form 8, Civil Aircraft Certificate, on board the aircraft. Domestic flights must have either a Certificate of QUICK-TRANS (Navy), a Certificate of Courier Service Operations (AMC), or a Certificate of Intra-Alaska Operations (AMC) on board the aircraft.	3	No.
CRAF alternate (KK). An Air Force airfield used as an alternate airport by air carriers that have contracted to provide aircraft for the Civil Reserve Air Fleet (CRAF).	Participant in the CRAF program and authorized by contract.	2	Yes.
US Government contract or charter operator (L). An air carrier transporting passengers or cargo for a US Government department or agency other than US military departments.	The chartering agency and name, address, and telephone number of the government official procuring the transportation must be listed in block 4 of the DD Form 2401. An official government document, such as an SF 1169, US Government Transportation Request, must be on board the aircraft to substantiate that the flight is operating for a US Government department or agency.	1	No.
Contractor or subcontractor charter (M). Aircraft chartered by a US or foreign contractor or subcontractor to transport personnel or cargo in support of a current government contract.	The contractor or subcontractor must provide written validation to the decision authority that the charter operator will be operating on their behalf in fulfilling the terms of a government contract, to include current government contract numbers and contract titles or brief description of the work to be performed; the Air Force airfields required for use, and the name, telephone number, and address of the government contracting officer.	1	No.
DOD charter (N). Aircraft transporting passengers or cargo within the United States for the military departments to accommodate transportation requirements that do not exceed 90 days.	Military Air Transportation Agreement (MATA) approved by the Military Transportation Management Command (MTMC) (this includes survey and approval by HQ AMC/XOB, 402 Scott Drive, Suite 132, Scott AFB IL 62225-5363). An SF 1169 or SF 1103, US Government Bill of Lading, must be on board the aircraft to validate the operation is for the military departments as specified in AFJI 24-211, Defense Traffic Management Regulation. (Passenger charters arranged by the MTMC are assigned a commercial air movement (CAM) or civil air freight movement number each time a trip is awarded. Installations will normally be notified by message at least 24 hours before a pending CAM.)	1	No.
Media (F). Aircraft transporting representatives of the media for the purpose of gathering information about a US Government operation or event. (Except for the White House Press Corps, use will be considered on a case-by-case basis. For example, authorization is warranted if other forms of transportation preclude meeting a production deadline or such use is in the best interest of the US Government. DD Forms 2400 and 2402 should be on file with HQ USAF/XOOBC to ensure prompt telephone approval for validated requests.)	Except for White House Press Corps charters, concurrence of the installation commander, base operations officer, and public affairs officer.	2	Note 1.
Commercial aircraft certification testing required by the FARs that does not involve use of Air Force testing hardware (P).	Application must cite the applicable FAR, describe the test, and include the name and telephone number of the FAA certification officer.	2	Yes.

TABLE 1.—PURPOSE OF USE/VERIFICATION/APPROVAL AUTHORITY/FEEES—Continued

Purpose of use	Verification	Approval* authority	Fees
Commercial development testing at Air Force flight test facilities (Q).	Copy of letter from HQ AFMC/DOR, 4225 Logistics Avenue, Suite 2, Wright Patterson AFB OH 45433-5714, validating approval and compliance with AFI 99-101, Development, Test, and Evaluation.	2	Yes.
Commercial charter operations (R). Aircraft transporting passengers or cargo for hire for other than US military departments. NOTE: Federal Aviation Administration (FAA) certification is required for airfields used by carriers certified under FAR, Part 121 (passenger aircraft that exceed 30 passenger seats). HQ USAF/XOOBC will request that FAA issue an airport operating certificate under FAR, Part 139, as necessary. Exceptions to the requirement for certification are Air Force airfields used for: a. Emergencies. b. Weather alternates. c. Air taxi operations under FAR, Part 135. NOTE: This is currently under review. Anticipate a change that will eliminate the air taxi exemption. d. Air carrier operations in support of contract flights exclusively for the US military departments.	Unavailability of: a. a suitable civil airport, b. aircraft that could operate into the local civil airport, or c. other modes of transportation that would reasonably satisfy the transportation requirement.	5	Yes.
Commercial air crew training flights (S). Aircraft operated by commercial air carrier crews for the purpose of maintaining required proficiency.	Memorandum of Understanding approved by HQ USAF/XOOBC that establishes conditions and responsibilities in conducting the training flights.	2	Yes.
Private, non-revenue-producing flights (T). Aircraft operating for a variety of reasons, such as transporting individuals to meet with government representatives or participate in government sponsored ceremonies and similar events. At specified locations, the purpose of use may be to gain access to collocated private sector facilities as authorized by lease, agreement, or contract.	The verification will vary with the purpose for use. For example, when use is requested in conjunction with events such as meetings or ceremonies, the applicant must provide the name and telephone number of the government project officer.	4	Note 2.
Provisional airfield (U). An Air Force airfield used by civil aircraft when the local civil airport is temporarily unavailable, or by a commercial air carrier operating at a specific remote location to provide commercial air transportation for local military members under the provisions of a lease or other legal instrument.	Memorandum of Understanding, Letter of Agreement, or lease that establishes responsibilities and conditions for use.	2	Yes.
Foreign government charter (V). Aircraft chartered by a foreign government to transport passengers or cargo.	Application must include name and telephone number of the foreign government representative responsible for handling the charter arrangements.	2	Note 3.
Flights transporting foreign military sales (FMS) material (W). (Hazardous, oversized, or classified cargo only.)	FMS case number, requisition numbers, delivery term code and information as specified below: a. Description of cargo (nomenclature and or proper shipping name). The description of hazardous cargo must include the Department of Transportation exemption number, hazard class, number of pieces, and net explosive weight. b. Name, address, and telephone number of individual at Air Force base that is coordinating cargo handling and or other required terminal services. c. Cargo to be loaded or off loaded must be equipped with sufficient cargo pallets and or tiedown materials to facilitate handling. Compatible 463L pallets and nets will be exchanged on a one-for-one basis for serviceable units. Nonstandard pallets and nets cannot be exchanged; however, they will be used to buildup cargo loads after arrival of the aircraft. Aircraft arriving without sufficient cargo loading and tiedown devices must be floor loaded and the aircraft crew will be responsible for purchasing the necessary ropes, chains, and so forth. d. US Government FMS case management agency to which costs for services rendered are chargeable. e. Name, address, and telephone number of freight forwarder. f. Name, address, and telephone number of shipper.	2	Note 3.
Certified flight record attempts (X). Aircraft operating to establish a new aviation record.	Documentation that will validate National Aeronautic Association or Federation Aeronautique Internationale sanction of the record attempt.	2	Yes.

TABLE 1.—PURPOSE OF USE/VERIFICATION/APPROVAL AUTHORITY/FEEES—Continued

Purpose of use	Verification	Approval* authority	Fees
Political candidates (Y). (For security reasons only) Aircraft either owned or chartered explicitly for a Presidential or Vice Presidential candidate, including not more than one accompanying overflow aircraft for the candidate's staff and press corps. Candidate must be a Presidential or Vice Presidential candidate who is being furnished protection by the US Secret Service. Aircraft clearance is predicated on the Presidential or Vice Presidential candidate being aboard one of the aircraft (either on arrival or departure). Normal landing fees will be charged. To avoid conflict with US statutes and Air Force operational requirements, and to accommodate expeditious handling of aircraft and passengers, the installation commander will: a. Provide minimum official welcoming party. b. Not provide special facilities. c. Not permit political rallies or speeches on the installation. d. Not provide official transportation to unauthorized personnel, such as the press or local populace.	The Secret Service must confirm that use has been requested in support of its security responsibilities.	2	Yes.
Aircraft either owned or personally chartered for transportation of the President, Vice President, a past President of the United States, the head of any US federal department or agency, or a member of the Congress (Z).	Use by other than the President or Vice President must be for official government business. All requests will be coordinated with the Office of Legislative Liaison (SAF/LL) as prescribed in AFI 90-401, Air Force Relations with Congress.	2	No.

*APPROVING AUTHORITY:

1 = Can be approved at all levels.

2 = HQ USAF/XOBC.

3 = HQ AMC/XOKA.

4 = Except as specifically delegated in §§ 855.5(d)(2) and 855.5(d)(2)(iii), must be approved by HQ USAF/XOBC.

5 = Except as specifically delegated in § 855.5(d)(2)(i), must be approved by HQ USAF/XOBC.

6 = Policy concerning private aircraft use of aero club facilities varies from base to base, primarily due to space limitations and military mission requirements. Therefore, applications for use of aero club facilities must be processed at base level.

NOTE 1: Landing fees are charged for White House Press Corps flights. Landing fees are not charged if the Air Force has invited media coverage of specific events.

NOTE 2: Landing fees are charged if flight is not operating in support of official government business.

NOTE 3: Landing fees are charged unless US Government charters have reciprocal privileges in the foreign country.

TABLE 2.—AIRCRAFT LIABILITY COVERAGE REQUIREMENTS

Aircraft maximum gross takeoff weight (MGTOw)	Coverage for	Bodily injury	Property damage	Passenger
12,500 pounds and under	Each Person	\$100,000	.....	\$100,000.
	Each Accident	\$300,000	\$100,000	\$100,000 multiplied by the number of passenger seats.
More than 12,500 pounds	Each Person	\$100,000	.....	\$100,000.
	Each Accident	\$1,000,000	\$1,000,000	\$100,000 multiplied by 75% multiplied by the number of passenger seats.

TABLE 3.—LANDING FEES

Aircraft maximum gross takeoff weight (MGTOw)	Normal fee	Unauthorized fee	Intentional fee	Minimum fee	United States, territories, and possessions	Overseas
	\$1.50 per 1,000 lbs MGTOw or fraction thereof.	.....	.....	\$20.00	X	
	\$1.70 per 1,000 lbs MGTOw or fraction thereof.	.....	.....	\$25.00 .....	.....	X
Up to and including 12,500 lbs.	.....	\$100.00	.....	.....	X	X
12,501 to 40,000 lbs .....	.....	\$300.00	.....	.....	X	X

TABLE 3.—LANDING FEES—Continued

Aircraft maximum gross takeoff weight (MGTOW)	Normal fee	Unauthorized fee	Intentional fee	Minimum fee	United States, territories, and possessions	Overseas
Over 40,000 lbs	\$600.00	..... Increase unauthorized fee by 100% or 200%.	..... .....	X X	X X

TABLE 4.—PARKING AND STORAGE FEES

Fee per aircraft for each 24-hour period or less	Minimum fee	Charge begins	Ramp	Hangar
\$1.00 per 100,000 lbs MGTOW or fraction thereof	\$20.00	6 hours after landing	X	
\$2.00 per 100,000 lbs MGTOW or fraction thereof	\$20.00	Immediately .....	.....	X

Attachment 1 to Part 855—Definitions

Aircraft. Any contrivance now known or hereafter invented, used, or designated for navigation of or flight in navigable airspace as defined in the Federal Aviation Act.

Airfield. An area prepared for the accommodation (including any buildings, installations, and equipment), landing, and take-off of aircraft.

Authorized Credit letter. A letter of agreement that qualified operators must file with the Air Force to purchase Air Force aviation fuel and oil on a credit basis under the provisions of AFM 67-1, vol 1, part three, chapter 1, Air Force Stock Fund and DPSC Assigned Item Procedures.

Civil Aircraft. Any United States or foreign-registered aircraft owned by non-governmental entities, and foreign government-owned aircraft that are operated for commercial purposes.

Civil Aviation. All civil aircraft of any national registry, including:

- Commercial Aviation. Civil aircraft that transport passengers or cargo for hire.
- General Aviation. Civil aircraft that do not transport passengers or cargo for hire.

Civil Reserve Air Fleet (CRAF). US registered aircraft, certificated under FAR Part 121, obligated by contract to provide aircraft and crews to the Department of Defense (DOD) during contingencies or war.

DD Form 2400, Civil Aircraft Certificate of Insurance. A certificate that shows the amount of third-party liability insurance carried by the user and assures the United States Government of advance notice if changes in coverage occur.

DD Form 2401, Civil Aircraft Landing Permit. A license which, when validated by an Air Force approving authority, authorizes the civil aircraft owner or operator to use Air Force airfields.

DD Form 2402, Civil Aircraft Hold Harmless Agreement. An agreement, completed by the user, which releases the United States Government from all liabilities incurred in connection with civil aircraft use of Air Force airfields.

Government Aircraft. Aircraft owned, operated, or controlled for exclusive, long-term use by any department or agency of either the United States or a foreign government; and aircraft owned by any

United States state, county, municipality or other political subdivision; or any aircraft for which a government has the liability responsibility. In the context of this Part, it includes foreign registered aircraft, which are normally commercially operated, that have been wholly chartered for use by foreign government heads of state for official state visits.

Government Furnished or Bailed Aircraft. US Government-owned aircraft provided to a government contractor for use in conjunction with a specific contractual requirement.

Installation Commander. The individual responsible for all operations performed by an installation.

Loaned Aircraft. US Government-owned aircraft made available for use by another US Government agency. This does not include aircraft leased or loaned to non-governmental entities. Such aircraft will be considered as civil aircraft for purposes of this part.

Military Aircraft. Aircraft used exclusively in the military services of the US or a foreign government and bearing appropriate military and national markings or carrying appropriate identification.

Official Government Business. Activities that support or serve the needs of US federal agencies located at or in the immediate vicinity of an Air Force installation, including nonappropriated fund entities. For elected or appointed federal, state, and local officeholders, official business is activity performed in fulfilling duties as a public official.

Scheduled Air Carrier. An air carrier that holds a scheduled air carrier certificate and provides scheduled service year round between two or more points.

Unauthorized Landing. A landing at an Air Force airfield by a civil aircraft without prior authority (approved DD Form 2401 and 24 hours prior notice).

User. The person, corporation, or other responsible entity operating civil aircraft at Air Force airfields.

Attachment 2 to Part 855—Weather Alternate List Air Force Airfields Designated for Weather Alternate use by Scheduled Air Carriers

- Altus AFB OK
- Andersen AFB Guam
- Cannon AFB NM

- Dobbins ARB GA
- Dyess AFB TX
- Eareckson AFS AK*
- Eglin AFB FL
- Eielson AFB AK
- Ellsworth AFB SD
- Elmendorf AFB AK
- Fairchild AFB WA
- Grand Forks AFB ND
- Hill AFB UT
- Howard AFB PN
- Kadena AFB OKINAWA
- Kelly AFB TX
- Kunsan AFB KOREA
- Langley AFB VA
- Laughlin AFB TX
- Malmstrom AFB MT
- McChord AFB WA
- McConnell AFB KS
- Minot AFB ND
- Mt Home AFB ID
- Nellis AFB NV
- Offutt AFB NE
- Osan AFB KOREA
- Plant 42, Palmdale CA
- Travis AFB CA
- Tyndall AFB FL

Yokota AFB Japan

*Formerly Shemya AFB

Attachment 3 to Part 855—Landing Permit Application Instructions

A3.1. DD Form 2400, Civil Aircraft Certificate of Insurance: The insurance company or its authorized agent must complete and sign the DD Form 2400. Corrections to the form made using a different typewriter, pen, or whiteout must be initialed by the signatory. THE FORM CANNOT BE COMPLETED BY THE AIRCRAFT OWNER OR OPERATOR. Upon expiration, the DD Form 2400 must be resubmitted along with DD Form 2401 for continued use of Air Force airfields. The DD Form 2400 may be submitted to the decision authority by either the user or insurer.

(Approved by the Office of Management and Budget under control number 0701-0050)

A3.1.1. Block 1, Date Issued. The date the DD Form 2400 is completed by the signatory.

A3.1.2. Block 2a and 2b, Insurer Name, Address. The name and address of the insurance company.

A3.1.3. Block 3a and 3b. Insured Name, Address. The name and address of the aircraft owner and or operator. (The name of the user must be the same on all the forms.)

A3.1.4. Block 4a, Policy Number(s). The policy number must be provided. Binder numbers or other assigned numbers will not be accepted in lieu of the policy number.

A3.1.5. Block 4b, Effective Date. The first day of current insurance coverage.

A3.1.6. Block 4c, Expiration Date. The last day of current insurance coverage. The DD Form 2400 is valid until one day before the insurance expiration date. A DD Form 2400 with the statement "until canceled," in lieu of a specific expiration date, is valid for two years from the issue date.

A3.1.7. Block 5, Aircraft Liability Coverage. The amount of split limit coverage. All boxes in block 5 must be completed to specify the coverage for: each person (top line, left to right) outside the aircraft (bodily injury) and each passenger; and the total coverage per accident (second line, left to right) for: persons outside the aircraft (bodily injury), property damage, and passengers. IF BLOCK 5 IS USED, BLOCK 6 SHOULD NOT BE USED. All coverages must be stated in US dollars. ALL SEATS THAT CAN BE USED FOR PASSENGERS MUST BE INSURED. See Table 2 for required minimum coverage.

A3.1.8. Block 6, Single Limit. The maximum amount of coverage per accident. IF BLOCK 6 IS USED, BLOCK 5 SHOULD NOT BE USED. The minimum coverage required for a combined single limit is determined by adding the minimums specified in the "each accident" line of Table 2. All coverages must be stated in US dollars. ALL SEATS THAT CAN BE USED FOR PASSENGERS MUST BE INSURED.

A3.1.9. Block 7, Excess Liability. The amount of coverage which exceeds primary coverage. All coverages must be stated in US dollars.

A3.1.10. Block 8, Provisions of Amendments or Endorsements of Listed Policy(ies). Any modification of this block by the insurer or insured invalidates the DD Form 2400.

A3.1.11. Block 9a, Typed Name of Insurer's Authorized Representative. Individual must be an employee of the insurance company, an agent of the insurance company, or an employee of an insurance broker.

A3.1.12. Block 9b, Signature. The form must be signed in blue ink so that hand scribed, original signatures are easy to identify. Signature stamps or any type of facsimile signature cannot be accepted.

A3.1.13. Block 9c, Title. Self-explanatory.

A3.1.14. Block 9d, Telephone Number. Self-explanatory.

A3.1.15. THE REVERSE OF THE FORM MAY BE USED IF ADDITIONAL SPACE IS REQUIRED.

A3.2. DD Form 2401, Civil Aircraft Landing Permit. A separate DD Form 2401 must be submitted for each purpose of use (Table 1). (Approved by the Office of Management and Budget under control number 0701-0050).

A3.2.1. Block 1a. The name of the owner or operator. (The name of the user must be the same on all the forms.)

A3.2.2. Block 1b. This block should only be completed if the applicant is a subsidiary, division, etc. of another company.

A3.2.3. Block 1c. Business or home address, whichever is applicable, of applicant.

A3.2.4. Block 2. List the airfields where the aircraft will be operating. The statement "Any US Air Force Installation Worldwide" is acceptable for users performing AMC and White House Press Corps charters. "All Air Force airfields in the CONUS" is acceptable, if warranted by official government business, for all users.

A3.2.5. Block 3. Self-explanatory. (Users will not necessarily be denied landing rights if pilots are not instrument rated and current.)

A3.2.6. Block 4. Provide a brief explanation of purpose for use. The purposes normally associated with use of Air Force airfields are listed in Table 1. If use for other purposes is requested, it may be approved if warranted by unique circumstances. (The verification specified for each purpose of use must be included with the application.)

A3.2.7. Block 5. EXCEPT AS NOTED FOR BLOCK 5C, ALL ITEMS MUST BE COMPLETED.

A3.2.8. Block 5a and Block 5b. Self-explanatory.

A3.2.9. Block 5c. If the DD Form 2400, Certificate of Insurance, indicates coverage for "any aircraft of the listed model owned and or operated," the same statement can be used in block 5c in lieu of specific registration numbers.

A3.2.10. Block 5d. The capacity provided must reflect only the number of crew required to operate the aircraft. The remaining seats are considered passenger seats.

A3.2.11. Block 5e. Self-explanatory.

A3.2.12. Block 5d. A two-way radio is required. Landing rights will not necessarily be denied for lack of strobe lights, a transponder, or IFR capabilities.

A3.2.13. Block 6a. Self-explanatory.

A3.2.14. Block 6b. If the applicant is an individual, this block should not be completed.

A3.2.15. Block 6c. This block should contain a daytime telephone number.

A3.2.16. Block 6d. The form must be signed in blue ink so that hand scribed, original signatures are easy to identify. Signature stamps or any type of facsimile signature cannot be accepted.

A3.2.17. Block 6e. Self-explanatory.

A3.2.18. THE REVERSE OF THE FORM MAY BE USED IF ADDITIONAL SPACE IS REQUIRED.

BLOCKS 7A THROUGH 14C ARE NOT COMPLETED BY THE APPLICANT.

A3.2.19. Blocks 7a and 7b. The expiration date of a permit is determined by the insurance expiration date or the purpose of use. For example, the dates of an air show will determine the expiration date of a permit approved for participation in the air show. If the insurance expiration is used to determine the permit expiration date, the landing permit will expire one day before the insurance expiration date shown on the DD Form 2400, or 2 years from the date the permit is issued when the insurance

expiration date either exceeds 2 years or is indefinite (for example, "until canceled").

A3.2.20. APPROVED PERMITS CANNOT BE CHANGED WITHOUT THE CONSENT OF THE APPROVING AUTHORITY.

A3.2.21. DD FORMS 2400 AND 2401 MUST BE RESUBMITTED TO RENEW A LANDING PERMIT. (Corporations must resubmit the DD Form 2402 every five years.)

A3.3. DD Form 2402, Civil Aircraft Hold Harmless Agreement. A form submitted and accepted by an approving authority for an individual remains valid and need not be resubmitted to the same approving authority, unless canceled for cause. Forms submitted by companies, organizations, associations, etc. must be resubmitted at least every five years.

(Approved by the Office of Management and Budget under control number 0701-0050).

A3.3.1. Block 2a(1). This block should contain the user's name if the applicant is a company. If the hold harmless agreement is intended to cover other entities of a parent company, their names must also be included in this block.

A3.3.2. Block 2a(2). This block should contain the user's address if the applicant is a company.

A3.3.3. Block 2b(1). This block should contain the name of the individual applying for a landing permit or the name of a corporate officer that is authorized to legally bind the corporation from litigation against the Air Force.

A3.3.4. Block 2b(2). This block should contain the address of the individual applying for a landing permit. A company address is only required if it is different from the address in block 2a(2).

A3.3.5. Block 2b(3). The form must be signed in blue ink so that hand scribed, original signatures are easy to identify. Signature stamps or any type of facsimile signature cannot be accepted.

A3.3.6. Block 2b(4). This block should only be completed when the applicant is a company, organization, association, etc.

A3.3.7. Block 3a(1). If the applicant is a company, organization, association, etc., the form must be completed and signed by the corporate secretary or a second corporate officer (other than the officer executing DD Form 2402) to certify the signature of the first officer. As necessary, the US Air Force also may require that the form be authenticated by an appropriately designated third official.

A3.3.8. Block 3a(2). The form must be signed in blue ink so that hand scribed, original signatures are easy to identify.

Signature stamps or any type of facsimile signature cannot be accepted.

A3.3.9. Block 3a(3). Self-explanatory.

A3.3.10. Block 4. Self-explanatory.

Attachment 4 to Part 855—Sample Joint-Use Agreement

Joint-Use Agreement Between an Airport Sponsor and the United States Air Force

This Joint Use Agreement is made and entered into this _____ day of _____, 19____, by and between the Secretary of the Air Force, for and on behalf of the United States of America ("Air Force") and an airport sponsor ("Sponsor")

a public body eligible to sponsor a public airport.

Whereas, the Air Force owns and operates the runways and associated flight facilities (collectively "flying facilities") located at Warbucks Air Force Base, USA ("WAFB"); and

Whereas, Sponsor desires to use the flying facilities at WAFB to permit operations by general aviation aircraft and commercial air carriers (scheduled and nonscheduled) jointly with military aircraft; and

Whereas, the Air Force considers that this Agreement will be in the public interest, and is agreeable to joint use of the flying facilities at WAFB; and

Whereas, this Agreement neither addresses nor commits any Air Force real property or other facilities that may be required for exclusive use by Sponsor to support either present or future civil aviation operations and activities in connection with joint use; and

Whereas, the real property and other facilities needed to support civil aviation operations are either already available to or will be diligently pursued by Sponsor;

Now, Therefore, it is agreed:

1. Joint Use

a. The Air Force hereby authorizes Sponsor to permit aircraft equipped with two-way radios capable of communicating with the WAFB Control Tower to use the flying facilities at WAFB, subject to the terms and conditions set forth in this Agreement and those Federal Aviation Regulations (FAR) applicable to civil aircraft operations. Civil aircraft operations are limited to 20,000 per calendar year. An operation is a landing or a takeoff. Civil aircraft using the flying facilities of WAFB on official Government business as provided in Air Force Instruction (AFI) 10-1001, Civil Aircraft Landing Permits, are not subject to this Agreement.

b. Aircraft using the flying facilities of WAFB under the authority granted to Sponsor by this Agreement shall be entitled to use those for landings, takeoffs, and movement of aircraft and will normally park only in the area made available to Sponsor and designated by them for that purpose.

c. Government aircraft taking off and landing at WAFB will have priority over all civil aircraft at all times.

d. All ground and air movements of civil aircraft using the flying facilities of WAFB under this Agreement, and movements of all other vehicles across Air Force taxiways, will be controlled by the WAFB Control Tower. Civil aircraft activity will coincide with the WAFB Control Tower hours of operation. Any additional hours of the WAFB Control Tower or other essential airfield management, or operational requirements beyond those needed by the Air Force, shall be arranged and funded (or reimbursed) by Sponsor. These charges, if any, shall be in addition to the annual charge in paragraph 2 and payable not less frequently than quarterly.

e. No civil aircraft may use the flying facilities for training.

f. Air Force-owned airfield pavements made available for use under this Agreement shall be for use on an "as is, where is" basis.

The Air Force will be responsible for snow removal only as required for Government mission accomplishment.

g. Dust or any other erosion or nuisance that is created by, or arises out of, activities or operations by civil aircraft authorized use of the flying facilities under this Agreement will be corrected by Sponsor at no expense to the Air Force, using standard engineering methods and procedures.

h. All phases of planning and construction of new runways and primary taxiways on Sponsor property must be coordinated with the WAFB Base Civil Engineer. Those intended to be jointly used by Air Force aircraft will be designed to support the type of military aircraft assigned to or commonly transient through WAFB.

i. Coordination with the WAFB Base Civil Engineer is required for planning and construction of new structures or exterior alteration of existing structures that are owned or leased by Sponsor.

j. Sponsor shall comply with the procedural and substantive requirements established by the Air Force, and Federal, State, interstate, and local laws, for the flying facilities of WAFB and any runway and flight facilities on Sponsor property with respect to the control of air and water pollution; noise; hazardous and solid waste management and disposal; and hazardous materials management.

k. Sponsor shall implement civil aircraft noise mitigation plans and controls at no expense to and as directed by the Air Force, pursuant to the requirements of the WAFB Air Installation Compatible Use Zone (AICUZ) study; the FAA Part 150 study; and environmental impact statements and environmental assessments, including supplements, applicable to aircraft operations at WAFB.

l. Sponsor shall comply, at no expense to the Air Force, with all applicable FAA security measures and procedures as described in the Airport Security Program for WAFB.

m. Sponsor shall not post any notices or erect any billboards or signs, nor authorize the posting of any notices or the erection of any billboards or signs at the airfield of any nature whatsoever, other than identification signs attached to buildings, without prior written approval from the WAFB Base Civil Engineer.

n. Sponsor shall neither transfer nor assign this Agreement without the prior written consent of the Air Force.

2. Payment

a. For the purpose of reimbursing the Air Force for Sponsor's share of the cost of maintaining and operating the flying facilities of WAFB as provided in this Agreement, Sponsor shall pay, with respect to civil aircraft authorized to use those facilities under this Agreement, the sum of (specify sum) annually. Payment shall be made quarterly, in equal installments.

b. All payments due pursuant to this Agreement shall be payable to the order of the Treasurer of the United States of America, and shall be made to the Accounting and Finance Officer, WAFB, within thirty (30) days after each quarter.

Quarters are deemed to end on December 31, March 31, June 30, and September 30.

Payment shall be made promptly when due, without any deduction or setoff. Interest at the rate prescribed by the Secretary of the Treasury of the United States shall be due and payable on any payment required to be made under this Agreement that is not paid within ten (10) days after the date on which such payment is due and end on the day payment is received by the Air Force.

3. Services

Sponsor shall be responsible for providing services, maintenance, and emergency repairs for civil aircraft authorized to use the flying facilities of WAFB under this Agreement at no cost to the Air Force. If Air Force assistance is required to repair an aircraft, Sponsor shall reimburse the Air Force for all expenses of such services. Any required reimbursement shall be paid not less frequently than quarterly. These charges are in addition to the annual charge specified in paragraph 2.

4. Fire Protection and Crash Rescue

a. The Air Force maintains the level of fire fighting, crash, and rescue capability required to support the military mission at WAFB. The Air Force agrees to respond to fire, crash, and rescue emergencies involving civil aircraft outside the hangars or other structures within the limits of its existing capabilities, equipment, and available personnel, only at the request of Sponsor, and subject to subparagraphs b, c, and d below. Air Force fire fighting, crash, and rescue equipment and personnel shall not be routinely located in the airfield movement area during nonemergency landings by civil aircraft.

b. Sponsor shall be responsible for installing, operating, and maintaining, at no cost to the Air Force, the equipment and safety devices required for all aspects of handling and support for aircraft on the ground as specified in the FARs and National Fire Protection Association procedures and standards.

c. Sponsor agrees to release, acquit, and forever discharge the Air Force, its officers, agents, and employees from all liability arising out of or connected with the use of or failure to supply in individual cases, Air Force fire fighting and or crash and rescue equipment or personnel for fire control and crash and rescue activities pursuant to this Agreement. Sponsor further agrees to indemnify, defend, and hold harmless the Air Force, its officers, agents, and employees against any and all claims, of whatever description, arising out of or connected with such use of, or failure to supply Air Force fire fighting and or crash and rescue equipment or personnel.

d. Sponsor will reimburse the Air Force for expenses incurred by the Air Force for fire fighting and or crash and rescue materials expended in connection with providing such service to civil aircraft. The Air Force may, at its option, with concurrence of the National Transportation Safety Board, remove crashed civil aircraft from Air Force-owned pavements or property and shall follow existing Air Force directives and or

instructions in recovering the cost of such removal.

e. Failure to comply with the above conditions upon reasonable notice to cure or termination of this Agreement under the provisions of paragraph 7 may result in termination of fire protection and crash and rescue response by the Air Force.

f. The Air Force commitment to assist Sponsor with fire protection shall continue only so long as a fire fighting and crash and rescue organization is authorized for military operations at WAFB. The Air Force shall have no obligation to maintain or provide a fire fighting, and crash and rescue organization or fire fighting and crash and rescue equipment; or to provide any increase in fire fighting and crash and rescue equipment or personnel; or to conduct training or inspections for purposes of assisting Sponsor with fire protection.

5. Liability and Insurance

a. Sponsor will assume all risk of loss and or damage to property or injury to or death of persons by reason of civil aviation use of the flying facilities of WAFB under this Agreement, including, but not limited to, risks connected with the provision of services or goods by the Air Force to Sponsor or to any user under this Agreement. Sponsor further agrees to indemnify and hold harmless the Air Force against, and to defend at Sponsor expense, all claims for loss, damage, injury, or death sustained by any individual or corporation or other entity and arising out of the use of the flying facilities of WAFB and or the provision of services or goods by the Air Force to Sponsor or to any user, whether the claims be based in whole, or in part, on the negligence or fault of the Air Force or its contractors or any of their officers, agents, and employees, or based on any concept of strict or absolute liability, or otherwise.

b. Sponsor will carry a policy of liability and indemnity insurance satisfactory to the Air Force, naming the United States of America as an additional insured party, to protect the Government against any of the aforesaid losses and or liability, in the sum of not less than (specify sum) bodily injury and property damage combined for any one accident. Sponsor shall provide the Air Force with a certificate of insurance evidencing such coverage. A new certificate must be provided on the occasion of policy renewal or change in coverage. All policies shall provide that: (1) no cancellation, reduction in amount, or material change in coverage thereof shall be effective until at least thirty (30) days after receipt of notice of such cancellation, reduction, or change by the installation commander at WAFB, (2) any losses shall be payable notwithstanding any act or failure to act or negligence of Sponsor or the Air Force or any other person, and (3) the insurer shall have no right of subrogation against the United States.

6. Term of Agreement

This Agreement shall become effective immediately and shall remain in force and effect for a term of 25 years, unless otherwise renegotiated or terminated under the provisions of paragraph 7, but in no event

shall the Agreement survive the termination or expiration of Sponsor's right to use, by license, lease, or transfer of ownership, of the land areas used in connection with joint use of the flying facilities of WAFB.

7. Renegotiation and Termination

a. If significant change in circumstances or conditions relevant to this Agreement should occur, the Air Force and Sponsor may enter into negotiations to revise the provisions of this Agreement, including financial and insurance provisions, upon sixty (60) days written notice to the other party. Any such revision or modification of this Agreement shall require the written mutual agreement and signatures of both parties. Unless such agreement is reached, the existing agreement shall continue in full force and effect, subject to termination or suspension under this section.

b. Notwithstanding any other provision of this Agreement, the Air Force may terminate this Agreement: (1) at any time by the Secretary of the Air Force, giving ninety (90) days written notice to Sponsor, provided that the Secretary of the Air Force determines, in writing, that paramount military necessity requires that joint use be terminated, or (2) at any time during any national emergency, present or future, declared by the President or the Congress of the United States, or (3) in the event that Sponsor ceases operation of the civil activities at WAFB for a period of one (1) year, or (4) in the event Sponsor violates any of the terms and conditions of this Agreement and continues and persists therein for thirty (30) days after written notification to cure such violation. In addition to the above rights, the Air Force may at any time suspend this agreement if violations of its terms and conditions by Sponsor create a significant danger to safety, public health, or the environment at WAFB.

c. The failure of either the Air Force or Sponsor to insist, in any one or more instances, upon the strict performance of any of the terms, conditions, or provisions of this Agreement shall not be construed as a waiver or relinquishment of the right to the future performance of any such terms, conditions, or provisions. No provision of this Agreement shall be deemed to have been waived by either party unless such waiver be in writing signed by such party.

8. Notices

a. No notice, order, direction, determination, requirement, consent, or approval under this Agreement shall be of any effect unless it is in writing and addressed as provided herein.

b. Written communication to Sponsor shall be delivered or mailed to Sponsor addressed: The Sponsor, 9000 Airport Blvd, USA.

c. Written communication to the Air Force shall be delivered or mailed to the Air Force addressed: Commander, WAFB, USA.

9. Other Agreements Not Affected

This Agreement does not affect the WAFB-Sponsor Fire Mutual Aid Agreement.

In Witness Whereof, the respective duly authorized representatives of the parties hereto have executed this Agreement on the date set forth below opposite their respective signatures.

United States Air Force.

Date: _____

By: _____
Deputy Assistant Secretary of the Air Force
(Installations)

Date: _____

By: _____
Sponsor Representative

Attachment 5 to Part 855—Sample Temporary Agreement Letter of Agreement, for Temporary Civil Aircraft Operations at Warbucks AFB, USA

This letter of agreement establishes policies, responsibilities, and procedures for commercial air carrier operations at Warbucks AFB, USA, (WAFB) for the period (date) through (date) Military requirements will take precedence over civil aircraft operations. Should a conflict arise between air carrier and Air Force operational procedures, Air Force procedures will apply.

Authorized Users

The following air carriers are authorized use, provided they have a civil aircraft landing permit approved at HQ USAF/XOOBC for such use: Flyaway Airlines, Recreation Airlines, Economy Airlines, PacAir Transport

Schedules

The Bunker International Airport (BIA) manager or air carrier station managers will ensure that the WAFB Airfield Manager is provided current airline schedules during the approved period of use. Every effort will be made to avoid disruption of the air carriers' schedules; however, it is understood that the installation commander will suspend or change flight plans when required to preclude interference with military activities or operations.

Passenger and Luggage Handling

The BIA terminal will be used for passenger loading and unloading. Security checks will be performed at the terminal before loading passengers on buses. Luggage on arriving aircraft will be directly offloaded onto vehicles and delivered to the BIA terminal. Each arriving and departing bus or vehicle caravan will be accompanied by a credentialed representative of the airline or BIA to ensure its integrity enroute. Buses or vehicles transporting passengers to board an aircraft will not depart WAFB until the passengers are airborne. Unless an emergency exists, arriving passengers will not deplane until the buses are available for transportation to the BIA terminal. All checked luggage will be picked up at BIA and delivered directly to the departing aircraft. Buses will proceed directly to the aircraft at WAFB alert ramp. Luggage on arriving aircraft will be directly offloaded onto a vehicle parked on the WAFB alert ramp. WAFB will be notified, in advance, if a local funeral home requires access for pickup or delivery of deceased persons.

Aircraft Handling and Ground Support Equipment

Air Force-owned fuel will not be provided. The air carriers will provide their own

ground support equipment. Refueling equipment from BIA will be prepositioned at WAFB on the alert ramp. The Air Force shall not be responsible for any damage or loss to such equipment, and BIA expressly assumes all risks of any such loss or damage and agrees to indemnify and hold the United States harmless against any such damage or loss. No routine aircraft maintenance will be accomplished at WAFB. Emergency repairs and or maintenance are only authorized to avoid extended parking and storage of civil aircraft at WAFB.

Customs and Security

The installation commander will exercise administrative and security control over both the aircraft and passengers on WAFB. Customs officials will be transported to and from the base by air carrier representatives. The installation commander will cooperate with customer, health, and other public officials to expedite arrival and departure of the aircraft. Air carrier representatives will notify the WAFB Airfield Manager, in advance, of armed security or law enforcement officers arriving or departing on a flight. BIA officials and air carrier representatives must provide the WAFB Airfield Manager a list of employees, contractors, and vehicles requiring flightline access. Temporary passes will be issued to authorized individuals and vehicles.

Fire, Crash, and Rescue Services

BIA will provide technical information and training for WAFB Fire Department personnel prior to (date). Fire, Crash, and Rescue Services will be provided in an emergency, but fire trucks will not routinely park on the flightline for aircraft arrivals and departures. BIA will reimburse WAFB for all such services.

Liability and Indemnification

The Air Force shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the use of WAFB by BIA under this Agreement, or for damages to the property of BIA or injuries to the person of BIA's officers, agents, servants, employees, or invitees. BIA agrees to assume all risks of loss or damage to property and injury or death to persons by reason of or incident to the use of WAFB under this Agreement and expressly waives any and all claims against the United States for any such loss, damage, personal injury, or death caused by or occurring as a consequence of such use. BIA further agrees to indemnify, save, and hold the United States, its officers, agents, and employees harmless from and against all claims, demands, or actions, liabilities, judgments, costs, and attorneys fees, arising out of, claimed on account of, or in any manner predicated upon personal injury, death or property damage resulting from, related to, caused by, or arising out of the use of WAFB under this Agreement.

Fees

Landing and parking fees will be charged in accordance with to AFI 10-1001, Civil Aircraft Landing Permits. Charges will be made in accordance with the appropriate Air Force Instructions for any services or

supplies required from WAFB. The WAFB Airfield Manager will be responsible for consolidating all charges which will be billed to BIA not later than (date) by the Accounting and Finance Office.

In Witness Whereof, the respective duly authorized representatives of the parties hereto have executed this Agreement on the date set forth below opposite their respective signatures.

BIA Representative
(Name and Title)

Date _____

WAFB Representative
(Name and Title)

Date _____

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 95-6888 Filed 3-21-95; 8:45 am]

BILLING CODE 3910-01-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-95-003]

RIN 2115-AA97

Safety Zone: Heritage of Pride Fireworks Display, Hudson River, New York

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a permanent safety zone for the annual Heritage of Pride fireworks display located in the Hudson River, New York. This safety zone would in effect annually on the last Sunday in June from 9:30 p.m. until 11:30 p.m., unless extended or terminated sooner by the Captain of the Port, New York. The safety zone would close all waters of the Hudson River within a 300 yard radius from the center of the fireworks platform located 330 yards off the Manhattan pierhead line between Pier 45 and Pier 49.

DATES: Comments must be received on or before May 22, 1995.

ADDRESSES: Comments should be mailed to U.S. Coast Guard Group, New York, Bldg. 108, Governors Island, New York 10004-5096, or may be delivered to the Planning and Readiness Division, Bldg. 108, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Any person wishing to visit the office must contact the Maritime Planning Staff at (212) 668-7934 to obtain advance clearance due to the fact that Governors Island is a military installation with limited access.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) K. Messenger, Maritime Planning Staff, Coast Guard Group, New York (212) 668-7934.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments.

Persons submitting comments should include their names and addresses, identify this notice (CGD01-95-003) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard plans no public hearing; however, persons may request a public hearing by writing to the Maritime Planning Staff at the address under "ADDRESSES". If it is determined that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The drafters of this notice are LTJG K. Messenger, Project Manager, Captain of the Port, New York and LCDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

Background and Purpose

For the last several years, Heritage of Pride Inc., has submitted an Application for Approval of Marine Event for a fireworks program in the waters of the Hudson River. This regulation would establish a safety zone in the waters of the Hudson River on the last Sunday in June from 9:30 p.m. until 11:30 p.m., unless extended or terminated sooner by the Captain of the Port New York. This safety zone would preclude all vessels from transiting within a 300 yard radius of the fireworks platform anchored 330 yards off the Manhattan pierhead line between Pier 45 and Pier 49. It is needed to protect mariners from the hazards associated with fireworks exploding in the area.

This permanent regulation would provide notice to mariners that this event occurs annually at the same location, on the same day and time, allowing them to plan transits accordingly. This regulation will be announced annually via Safety marine

Information Broadcasters and by locally issued notices.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This safety zone would close a portion of the Hudson River to all vessel traffic annually on the last Sunday in June between 9:30 p.m. and 11:30 p.m., unless extended or terminated sooner by the Captain of the Port New York. Although this regulation would prevent traffic from transiting this area, the effect of this regulation would not be significant for several reasons. Due to the limited duration of the event; the late hour of the event; the extensive, advance advisories that will be made; that traffic can safely transit to the west of this safety zone; and that this event has been held annually for the past several years without incident or complaint, the Coast guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under Section 3 of the Small Business Act (15 U.S.C. 632). For reasons set forth in the above Regulatory Evaluation, the Coast Guard expects the impact of this proposal to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposal will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

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

Environment

The Coast Guard has considered the environmental impact of this proposal and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is included in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Proposed Regulations

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. Section 165.170 is added to read as follows:

§ 165.170 Safety Zone; Heritage of Pride Fireworks Display, Hudson River, New York.

(a) *Location.* All waters south of the Hudson River within a 300 yard radius from the center of a fireworks platform anchored 330 yards off the Manhattan pierhead line between Pier 45 and Pier 49.

(b) *Effective period.* This section is in effect annually on the last Sunday in June from 9:30 p.m. until 11:30 p.m., unless extended or terminated sooner by the Captain of the Port, New York. The effective period will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or

other means, the operator of a vessel shall proceed as directed.

Dated: March 8, 1995.

T.H. Gilmour,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 95-6949 Filed 3-21-95; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD01-95-012]

RIN 2115-AA97

Safety Zone: Annual Burlington Independence Day Celebration Fireworks Display, Burlington Bay, Vermont

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a permanent safety zone for the annual Burlington Independence Day Celebration fireworks display located in Burlington Bay, Burlington, Vermont. The safety zone would be in effect annually on the third of July from 7:45 p.m. until 10:15 p.m., unless extended or terminated sooner by the Captain of the Port, New York. The proposed safety zone would close all waters of Burlington Bay within a 250 yard radius from the center of the fireworks platform located approximately 250 yards off of Burlington, Vermont, at or near 44°29'33" N latitude and 073°13'33" W longitude.

DATES: Comments must be received on or before May 22, 1995.

ADDRESSES: Comments should be mailed to U.S. Coast Guard Group, New York, Bldg. 108, Governors Island, New York 10004-5096, or may be delivered to the Maritime Planning Staff, Bldg. 108, between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Any person wishing to visit the office must contact the Maritime Planning Staff at (212) 668-7934 to obtain advance clearance due to the fact that Governors Island is a military installation with limited access.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) K. Messenger, Maritime Planning Staff Chief, Coast Guard Group New York (212) 668-7934.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments.

Persons submitting comments should include their names and addresses, identify this notice (CGD01-95-012) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard plans no public hearing; however, persons may request a public hearing by writing to the Maritime Planning Staff at the address under **ADDRESSES**. If it is determined that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The drafters of this notice are LTJG K. Messenger, Project Manager, Captain of the Port, New York and LCDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

Background and Purpose

For the last several years, the Burlington Department of Parks and Recreation has submitted an Application for Approval of Marine Event for a fireworks program in the waters of Burlington Bay. This regulation would establish a safety zone in the waters of Burlington Bay on the third of July from 7:45 p.m. until 10:15 p.m., unless extended or terminated sooner by the Captain of the Port New York. This safety zone would preclude all vessels from transiting within a 250 yard radius of the fireworks platform anchored approximately 250 yards off of Burlington, Vermont, at or near 44°28'33"N latitude and 073°13'33"W longitude. It is needed to protect mariners from the hazards associated with fireworks exploding in the area.

This permanent regulation would provide notice to mariners that this event occurs annually at the same location, on the same day and time, allowing them to plan transits accordingly. This regulation will be announced annually via Safety Marine Information Broadcasts and by locally issued notices.

Regulatory Evaluation

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

Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This safety zone would close a portion of Burlington Bay to all vessel traffic annually on the third of July from 7:45 p.m. until 10:15 p.m., unless extended or terminated sooner by the Captain of the Port New York. Although this regulation would prevent traffic from transiting this area, the effect of this regulation would not be significant for several reasons. Due to the limited duration of the event; the late hour of the event; the extensive, advance advisories that will be made; that traffic can safely transit to the west of this safety zone; and that this event has been held annually for the past several years without incident or complaint, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under Section 3 of the Small Business Act (15 U.S.C. 632).

For reasons set forth in the above Regulatory Evaluation, the Coast Guard expects the impact of this proposal to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposal will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

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

Environment

The Coast Guard has considered the environmental impact of this proposal and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is included in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Proposed Regulations

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. Section 165.166, is added to read as follows:

§ 165.166 Safety Zone; Annual Burlington Independence Day Celebration Fireworks Display, Burlington Bay, Vermont.

(a) *Location.* All waters of Burlington Bay within a 250 yard radius from the center of a fireworks platform anchored approximately 250 yards off of Burlington, Vermont, at or near 44°28'33"N latitude and 073°13'33"W longitude.

(b) *Effective period.* This section is in effect annually on the third of July from 7:45 p.m. until 10:15 p.m., unless extended or terminated sooner by the Captain of the Port New York. The effective period will be announced via Safety Marine Information Broadcasts and locally issued notices.

(c) Regulations.

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: March 6, 1995.

T.H. Gilmour,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 95-6952 Filed 3-21-95; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[OH61-1-6381b; FRL-5175-3]

Approval and Promulgation of Implementation Plans; Ohio**AGENCY:** United States Environmental Protection Agency (USEPA).**ACTION:** Proposed rule.

SUMMARY: The USEPA is taking action to approve, through direct final procedure, Ohio's 1990 base-year ozone precursor emissions inventory for the Toledo and Dayton ozone nonattainment areas as revisions to the ozone portion of the Ohio State Implementation Plan (SIP). The emissions inventories were submitted to satisfy a Federal requirement that States containing ozone nonattainment areas submit inventories of actual ozone precursor emissions for the year 1990. The Ohio ozone nonattainment areas covered by this rulemaking are Toledo (Lucas and Wood Counties) and Dayton (Clark, Greene, Miami, and Montgomery Counties).

In the final rules section of this **Federal Register**, USEPA is approving the State's SIP revision request as a direct final rule without prior proposal because USEPA views this as noncontroversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse or critical comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. USEPA will institute a second comment period on this action only if warranted by revisions to the rulemaking based on comments received. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this action must be received by April 21, 1995.

ADDRESSES: Written comments should be mailed to: William L. MacDowell, Chief, Regulation Development Section, Air Enforcement Branch (AE-17J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and USEPA's analysis of it are available for inspection at: Regulation Development Section, Air Enforcement Branch (AE-17J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Richard Schleyer, Environmental Engineer, Regulation Development Section, Air Enforcement Branch (AE-17J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-5089.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the Rules Section of this **Federal Register**.

Authority: 42 U.S.C. 4201-7601q.

Dated: March 3, 1995.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 95-6994 Filed 3-21-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[MT26-1-6692b; FRL-5163-9]

Clean Air Act Approval and Promulgation of State Implementation Plan for Montana; Butte; PM₁₀ Contingency Measures and Revisions to the Attainment and Maintenance Demonstrations**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: EPA proposes to approve the State implementation plan (SIP) revisions submitted by the State of Montana with a letter dated August 26, 1994. This submittal addresses, for the Butte moderate PM₁₀ nonattainment area, the Federal Clean Air Act requirement to submit contingency measures for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM₁₀) for areas designated as nonattainment for the PM₁₀ National Ambient Air Quality Standards (NAAQS). This submittal also includes revisions to the attainment and maintenance demonstrations for the moderate PM₁₀ nonattainment area SIP for Butte due to the inclusion of new emission limits in a revised air quality permit for Montana Resources, Inc. Since the SIP adequately addresses the requirement for contingency measures and, with the new emission limits for Montana Resources, Inc., still adequately demonstrates attainment and maintenance of the PM₁₀ NAAQS in Butte, EPA proposes to approve these revisions.

In the final rules section of this **Federal Register**, EPA is acting on the State's SIP revisions as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale

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

DATES: Comments on this proposed rule must be received in writing by April 21, 1995.

ADDRESSES: Written comments on this action should be addressed to Amy Platt, 8ART-AP, at the EPA Regional Office listed below. Copies of the State's submittal and documents relevant to this proposed rule are available for inspection during normal business hours at the following locations: Air Programs Branch, Environmental Protection Agency, Region VIII; 999 18th Street, suite 500, Denver, Colorado 80202-2405; and Montana Department of Health and Environmental Sciences, Air Quality Bureau, Cogswell Building, Helena, Montana 59620-0901.

FOR FURTHER INFORMATION CONTACT: Amy Platt at (303) 293-1769.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

Dated: February 17, 1995.

Jack McGraw,

Acting Regional Administrator.

[FR Doc. 95-7005 Filed 3-21-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 52

[CA38-2-6232b; FRL-5171-4]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District (BAAQMD)**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern the control of volatile organic compound (VOC) emissions from coating, cleaning, and manufacturing operations. These revisions also concern gasoline dispensing and the control of VOCs from municipal landfills.

The intended effect of proposing approval of these rules is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the final rules section of this **Federal Register**, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on

this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by April 21, 1995.

ADDRESSES: Written comments on this action should be addressed to: Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812.

FOR FURTHER INFORMATION CONTACT: Erik H. Beck, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901. Telephone: (415) 744-1190. Internet E-mail: beck.erik@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This document concerns Bay Area Air Quality Management District (BAAQMD) rules submitted to EPA by the California Air Resources Board (CARB). The titles and numbers of these rules are listed below along with their adoption and submission dates.

Number	Title	Adoption	Submittal
8-1	General Provisions	6/15/94	9/28/94
8-2	Miscellaneous Operations	6/15/94	9/28/94
8-4	General Surface Coating and Solvent Operations	6/01/94	9/28/94
8-7	Gasoline Dispensing Facilities	6/01/94	9/28/94
8-12	Paper, Fabric, and Film Coating	6/15/94	9/28/94
8-15	Emulsified and Liquid Asphalts	6/01/94	9/28/94
8-20	Graphic Arts Printing and Coating Operations	6/15/94	9/28/94
8-24	Pharmaceutical and Cosmetic Manufacturing Operations	6/15/94	9/28/94
8-30	Semiconductor Manufacturing Operations	6/15/94	9/28/94
8-31	Surface Coating of Plastic Parts and Products	6/01/94	9/28/94
8-32	Wood Products Coating	7/06/94	9/28/94
8-34	Solid Waste Disposal Sites	6/15/94	9/28/94
8-35	Ink, Coating, and Adhesive Manufacturing	6/15/94	9/28/94
8-40	Aeration of Contaminated Soil and Removal of Underground Storage Tanks	6/15/94	9/28/94
8-41	Vegetable Oil Manufacturing Operations	6/01/94	9/28/94
8-45	Mobile Vehicle and Mobile Equipment Coating Operations	11/02/94	12/22/94
8-49	Aerosol Paint Products	8/21/92	9/14/92

For further information, please see the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

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

Dated: March 3, 1995.

David P. Howekamp,
Acting Regional Administrator.

[FR Doc. 95-7009 Filed 3-21-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 70

[UT-001; FRL-5176-6]

Clean Air Act Proposed Full Approval of Operating Permits Program; Approval of Construction Permit Program Under Section 112(l); State of Utah

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed full approval.

SUMMARY: The EPA proposes full approval of the Operating Permits Program submitted by the State of Utah for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources. EPA also proposes approval of the Utah Construction Permit Program under section 112(l) of the Clean Air Act for the purpose of creating Federally enforceable permit conditions for sources of hazardous air pollutants listed pursuant to section 112(b) of the Clean Air Act.

DATES: Comments on this proposed action must be received in writing by April 21, 1995.

ADDRESSES: Comments should be addressed to the contact indicated below. Copies of the State's submittal and other supporting information used in developing these proposed approvals are available for inspection during

normal business hours at the following location: U.S. Environmental Protection Agency, Region 8, 999 18th Street, suite 500, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Laura Farris, 8ART-AP, U.S. Environmental Protection Agency, Region 8, Air Programs Branch, 999 18th Street, suite 500, Denver, Colorado 80202, (303) 294-7539.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

As required under title V of the 1990 Clean Air Act Amendments (sections 501-507 of the Clean Air Act ("the Act")), EPA has promulgated rules which define the minimum elements of an approvable State operating permits program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of State operating

permits programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40 Code of Federal Regulations (CFR) part 70 (part 70). Title V requires States to develop, and submit to EPA, programs for issuing these operating permits to all major stationary sources and to certain other sources.

The Act requires that states develop and submit these programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal program.

II. Proposed Action and Implications

A. Analysis of State Submission

1. Support Materials

The Governor of Utah submitted the State of Utah Title V Operating Permit Program (PROGRAM) to EPA on April 14, 1994. EPA deemed the PROGRAM administratively and technically complete in a letter to the Governor dated May 12, 1994. Additional documentation for the PROGRAM submittal was received on August 25, 1994. The PROGRAM submittal includes a legal opinion from the Attorney General of Utah stating that the laws of the State provide adequate legal authority to carry out all aspects of the PROGRAM, and a description of how the State intends to implement the PROGRAM. The submittal additionally contains evidence of proper adoption of the PROGRAM regulations and a permit fee demonstration.

2. Regulations and Program Implementation

The Utah PROGRAM, including the operating permit regulation (Utah Administrative Code Rule R307-15, Operating Permit Requirements), meets the requirements of 40 CFR parts 70.2 and 70.3 with respect to applicability; parts 70.4, 70.5, and 70.6 with respect to permit content including operational flexibility; part 70.5 with respect to complete application forms and criteria which define insignificant activities; part 70.7 with respect to public participation and minor permit modifications; and part 70.11 with

respect to requirements for enforcement authority.

R307-15-3 contains the PROGRAM definitions. EPA is aware that other Utah regulations may contain similar, but not identical, definitions as those contained in R307-15-3. For purposes of this PROGRAM approval, EPA wishes to clarify that the binding definitions are those contained in R307-15-3.

R307-15-5(5) of the State's permitting regulation lists the insignificant activities that sources do not have to include in their operating permit application. This list includes specific activities and sources which are considered to be insignificant. This provision states that the source's application may not omit information needed to determine applicable requirements or to evaluate the fee amount required.

Utah has the authority to issue a variance from requirements imposed by State law. Section 16-2-113, Utah Code Ann., provides that any person may apply to the board for a variance from its rules. The board may grant the requested variance. "if it determines that the hardship imposed by compliance would outweigh the benefit to the public." This authority is limited by regulation: Utah Administrative Code section R307-1-2.3 provides that the board may grant variances to the extent provided under law, unless prohibited by the Act. Other statutory provisions of State law require that the operating permit program must meet the requirements of title V of the Act. See, section 19-2-104(1)(f) and 19-1-109.1 (c)-(d), Utah Code Ann.

In addition to these limitations, EPA regards Utah's variance provision as wholly external to the PROGRAM submitted for approval under part 70, and consequently is proposing to take no action on this provision of State law. EPA has no authority to approve provisions of State law, such as the variance provision referred to, which are inconsistent with part 70. EPA does not recognize the ability of a permitting authority to grant relief from the duty to comply with a Federally enforceable part 70 permit, except where such relief is granted through procedures allowed by part 70. If the State uses its variance provision strictly to establish a compliance schedule for a source that will be incorporated into a title V permit, then EPA would consider this an acceptable use of a variance provision. However, the routine process for establishing a compliance schedule is through appropriate enforcement action. EPA reserves the right to enforce the terms of the part 70 permit where the permitting authority purports to

grant relief from the duty to comply with a part 70 permit in a manner inconsistent with part 70 procedures.

Part 70 of the Federal operating permit regulation requires prompt reporting of deviations from the permit requirements. Section 70.6(a)(3)(iii)(B) of that regulation requires the permitting authority to define prompt in relation to the degree and type of deviation likely to occur and the applicable requirements. Although the permit program regulations should define prompt for purposes of administrative efficiency and clarity, an acceptable alternative is to define prompt in each individual permit. The EPA believes that prompt should generally be defined as requiring reporting within two to ten days of the deviation. Two to ten days is sufficient time in most cases to protect public health and safety as well as to provide a forewarning of potential problems. For sources with a low level of excess emissions, a longer time period may be acceptable. However, prompt reporting must be more frequent than the semiannual reporting requirement, given this is a distinct reporting obligation under section 70.6(a)(3)(iii)(A) of the Federal operating permit regulation. Where "prompt" is defined in the individual permit but not in the program regulations, EPA may veto permits that do not contain sufficiently prompt reporting of deviations. The Utah PROGRAM will define prompt reporting of deviations in each permit consistent with the degree and type of deviation likely and the applicable requirements (see subsection R307-15-6(1)(c)(iii)(B) of the Utah permitting rule). Deviations from permit requirements due to unavoidable breakdowns shall be reported according to the unavoidable breakdown provisions of the Utah Administrative Code section R307-1-4.7.

R307-15-7(4)(a)(ii) allows for emissions trading within a permitted facility where the State Implementation Plan (SIP) allows for such emissions trades without requiring a permit revision, consistent with 40 CFR 70.4(b)(12)(ii). However, the approved Utah SIP does not provide for such trading at this time.

R307-15-7(5)(a)(v) correctly allows the State to incorporate the terms of a construction permit (i.e., an "approval order") into an operating permit using the administrative permit amendment process. This process will be available when a source requests enhanced procedures in the issuance of its construction permit that are "substantially equivalent" to the operating permit issuance or

modification procedures. "Substantial equivalence" between the construction permit and operating permit issuance procedures necessarily includes, among other things, public and affected state review as well as EPA's 45-day review period and veto authority.

Comments noting deficiencies in the Utah PROGRAM were sent to the State in a letter dated October 28, 1994. The deficiencies were segregated into those that require corrective action prior to interim PROGRAM approval, and those that require corrective action prior to full PROGRAM approval. In a letter dated November 30, 1994, the State committed to complete the corrective actions required for interim PROGRAM approval. The Utah Air Quality Board adopted amendments to R307-15 on February 23, 1995 which adequately addressed all deficiencies identified in the PROGRAM regulations. A letter from the Attorney General's office dated February 27, 1995 transmitted these regulation changes, which become effective April 15, 1995. The changes that addressed the deficiencies in the PROGRAM summary were transmitted to EPA by the State in a letter dated February 28, 1995.

Refer to the Technical Support Document accompanying this rulemaking for a detailed explanation of each PROGRAM deficiency and the corrective actions completed by the State.

3. Permit Fee Demonstration

The State of Utah established an initial fee for regulated air pollutants below the presumptive minimum set in title V, section 502 and part 70, and was required to submit a detailed permit fee demonstration as part of its PROGRAM submittal. The basis of this fee demonstration included a workload analysis, which estimated the annual cost of running the PROGRAM in fiscal year (FY) 1995 to be \$2,386,895 based on the estimated direct and indirect costs of the PROGRAM, and a projected emission inventory for fiscal year 1995. The permit fee established for FY 1995 is \$21.70 per ton of actual emissions of a regulated pollutant, with an emissions cap of 4,000 tons per year per pollutant. This fee structure will be reevaluated each year. After careful review, the State of Utah has determined that these fees would support the Utah PROGRAM costs as required by section 70.9(a) of the Federal operating permit regulation. Upon review of this demonstration, the EPA noted the following concern: State law generally provides authority to assess and collect annual permit fees in an amount sufficient to cover all reasonable direct and indirect costs of

the program. However, section A.1 of the PROGRAM description found in volume 1, part II.A., of the State's title V submittal indicates that the Utah Legislature must authorize permit fees on a yearly basis. If permit fees sufficient to fund all the costs of the PROGRAM are not authorized, and the State is not able to fully implement the PROGRAM, then EPA would be required to disapprove or withdraw the part 70 program, impose sanctions, and implement a Federal permitting program.

4. Provisions Implementing the Requirements of Other Titles of the Act

a. Authority and/or Commitments for Section 112 Implementation. Utah has demonstrated in its PROGRAM submittal adequate legal authority to implement and enforce all section 112 requirements through the title V permit. This legal authority is contained in Utah's enabling legislation and in regulatory provisions defining "applicable requirements" and stating that the permit must incorporate all applicable requirements. EPA has determined that this legal authority is sufficient to allow Utah to issue permits that assure compliance with all section 112 requirements, and to carry out all section 112 activities. For further rationale on this interpretation, please refer to the Technical Support Document accompanying this rulemaking and the April 13, 1993 guidance memorandum titled "Title V Program Approval Criteria for Section 112 Activities," signed by John Seitz, Director of the Office of Air Quality Planning and Standards.

b. Implementation of Section 112(g). On February 14, 1995 EPA published an interpretive notice (see 60 FR 8333) that postpones the effective date of section 112(g) until after EPA has promulgated a rule addressing that provision. The section 112(g) interpretive notice explains that EPA is still considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the Federal rule so as to allow states time to adopt rules implementing the Federal rule, and that EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until EPA provides for such an additional postponement of section 112(g), Utah must be able to implement section 112(g) during the period between promulgation of the Federal section 112(g) rule and adoption of implementing State regulations. EPA believes that Utah can utilize its construction review program to serve as a procedural vehicle for implementing

section 112(g) and making these requirements Federally enforceable between promulgation of the Federal section 112(g) rule and adoption of implementing State regulations. For this reason, EPA is proposing to approve Utah's construction permitting program found in section R307-1-3 of the State's regulations under the authority of title V and part 70 solely for the purpose of implementing section 112(g) during the transition period to meet the requirements of section 112(g). Since the approval would be for the single purpose of providing a mechanism to implement section 112(g) during the transition period, the approval would be without effect if EPA decides in the final section 112(g) rule that sources are not subject to the requirements of the rule until State regulations are adopted. Also, since the approval would be for the limited purpose of allowing the State sufficient time to adopt regulations, EPA proposes to limit the duration of the approval to 12 months following promulgation by EPA of its section 112(g) rule. Utah's construction permitting program allows permit requirements to be established for all air contaminants (which is defined in R307-1-1 of the Utah Administrative Code and includes all of the hazardous air pollutants (HAPs) listed in section 112(b) of the Act).

c. Program for Straight Delegation of Section 112 Standards. Requirements for approval, specified in 40 CFR § 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of the provisions of 40 CFR part 63, Subpart A, and section 112 standards promulgated by EPA as they apply to part 70 sources, as well as non-part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, EPA is also proposing to grant approval under section 112(l)(5) and 40 CFR part 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from the Federal standards as promulgated. Utah has informed EPA that it intends to accept delegation of section 112 standards through incorporation by reference. This program applies to both existing and future standards.

The radionuclide national emission standard for HAPs (NESHAP) is a section 112 regulation and an applicable requirement under the State PROGRAM. Currently the State of Utah has no part 70 sources which emit radionuclides. However, sources which are not currently part 70 sources may be

defined as major and become part 70 sources under forthcoming Federal radionuclide regulations. In that event, the State will be responsible for issuing part 70 permits to those sources.

d. Approval of Construction Permit Program Under Section 112(l). Also in this action, EPA is proposing to approve Utah's construction permit program in R307-1-3.1 of the State's regulations under the authority provided in section 112(l) of the amended Act for the purpose of creating Federally enforceable permit conditions for sources of HAPs listed pursuant to section 112(b) of the Act. The State's construction permitting rules referenced above were approved by EPA as part of the SIP on February 19, 1980 (45 FR 10761-10765). Approval of the State's construction permit program under section 112(l) is necessary to allow the State to create Federally enforceable limits on the potential to emit of HAPs, because SIP approval of the State's construction permit rules only extends to the control of HAPs which are photochemically reactive organic compounds or particulate matter. Federally enforceable limits on photochemically reactive organic compounds or particulate matter may have the incidental effect of limiting certain HAPs. As a legal matter, no additional program approval by the EPA is required in order for those "criteria" pollutant limits to be recognized as Federally enforceable. However, section 112 of the Act provides the underlying authority for controlling all HAP emissions.

The State's construction permit program applies to new and modified sources which would emit "air contaminants," which is defined in the State's rules as "any particulate matter or any gas, vapor, suspended solid or any combination of them, excluding steam and water vapors." The State has defined "air contaminant" in such a broad manner that it includes HAPs. Consequently, the State's construction permit program provides authority for the State to issue construction permits to sources of HAPs.

The criteria used in approving Utah's construction permit program in the SIP are located in 40 CFR 51.160-164. As detailed in the Technical Support Document accompanying this notice, EPA believes the State's construction permit program meets the requirements of 40 CFR 51.160-164. EPA believes the most significant criteria in 40 CFR Part 51 for creating Federally enforceable limits through construction permits are those in 40 CFR 51.160-162. Further, as discussed in EPA's January 25, 1995 memorandum from John S. Seitz,

Director of the Office of Air Quality Planning and Standards, and Robert I. Van Heuvelen, Director of the Office of Regulatory Enforcement, entitled "Options for Limiting the Potential to Emit of a Stationary Source Under Section 112 and Title V of the Clean Air Act," in order for EPA to consider any construction permit terms Federally enforceable, such permit conditions must be enforceable as a practical matter. Utah's program will allow the State to issue permits that are enforceable as a practical matter. Thus, any permits issued in accordance with the Utah program and which are practically enforceable would be considered Federally enforceable.

In addition to meeting the criteria discussed above, a construction permit program for HAPs must meet the statutory criteria for approval under section 112(l)(5) of the Act. This section allows EPA to approve a program only if it: (1) Contains adequate authority to assure compliance with any section 112 standards or requirements; (2) provides for adequate resources to implement the program; (3) provides for an expeditious schedule for assuring compliance with section 112 requirements; and (4) is otherwise likely to satisfy the objectives of the Act.

The EPA plans to codify the approval criteria for programs limiting the potential to emit of HAPs through amendments to Subpart E of 40 CFR part 63, the regulations promulgated to implement section 112(l) of the Act. EPA believes it has the authority under section 112(l) to approve programs to limit potential to emit HAPs directly under section 112(l) prior to this revision to Subpart E of 40 CFR part 63. Given the timing problems posed by impending deadlines under section 112 and title V, EPA believes it is reasonable to read section 112(l) to allow for approval of programs to limit potential to emit prior to issuance of a rule specifically addressing this issue. The EPA is therefore proposing approval of Utah's construction permit program to limit the potential to emit of HAPs now, so that the State may begin to issue Federally enforceable synthetic minor permits as soon as possible. The EPA also plans to codify programs approved under section 112(l) without further rulemaking once the revisions to Subpart E are promulgated.

As discussed above, Utah's construction permit program in R307-1-3.1 has already been approved in the SIP, and it satisfies the criteria for such programs, including the relevant criteria related to creating Federally enforceable limits in 40 CFR 51.160-162. In addition, Utah's construction permit

program meets the statutory criteria for approval under section 112(l)(5), as follows:

Regarding the statutory criteria of section 112(l)(5) referred to above, EPA believes Utah's construction permit program contains adequate authority to assure compliance with section 112 requirements because the State's program does not provide for the waiver of any section 112 requirement. Sources that become minor through a permit issued pursuant to the State's construction permit program would still be required to meet section 112 requirements applicable to non-major sources.

Regarding the requirement for adequate resources, the State has committed in its SIP to provide adequate resources for all program activities required by the annual State/EPA agreement, which includes construction permitting. Thus, EPA believes the State has adequate resources to support the construction permit program for HAPs, and EPA will monitor the State's implementation of the program to assure that adequate resources continue to be available.

The EPA also believes that the State's rules provide for an expeditious schedule for assuring compliance with section 112 requirements. A source seeking a voluntary limit on its potential to emit is probably doing so to avoid a Federal requirement applicable on a particular date. Nothing in the State's program would allow a source to avoid or delay compliance with the Federal requirement if it fails to obtain the appropriate Federally enforceable limit by the relevant deadline.

Finally, EPA believes it is consistent with the intent of section 112 of the Act for States to provide a mechanism through which sources may avoid classification as a major source by obtaining a Federally enforceable limit on potential to emit.

Accordingly, EPA believes that Utah's construction permit program in R307-1-3.1 of its air quality regulations satisfies the applicable criteria for establishing Federally enforceable limitations for sources of HAPs. Therefore, EPA is proposing approval of Utah's construction permit program in R307-1-3 of the State's rules under section 112(l) of the Act.

Refer to the Technical Support Document accompanying this rulemaking for a detailed explanation of this approval under section 112(l) of the Act.

e. Program for Implementing Title IV of the Act. Utah's PROGRAM contains adequate authority to issue permits which reflect the requirements of Title

IV of the Act, and Utah commits to adopt the rules and requirements promulgated by EPA to implement an acid rain program through the title V permit.

B. Proposed Action

EPA is proposing full approval of the operating permits program submitted to EPA by the State of Utah on April 14, 1994. Among other things, Utah has demonstrated that the PROGRAM will be adequate to meet the minimum elements of a State operating permits program as specified in 40 CFR part 70. EPA also proposes approval of the Utah Construction Permit Program found in section R307-1-3 of the State's regulations under section 112(l) of the Act for the purpose of creating Federally enforceable permit conditions for sources of hazardous air pollutants listed pursuant to section 112(b) of the Act, and, under the authority of title V and 40 CFR part 70, for the purpose of providing a mechanism to implement section 112(g) of the Act during any transition period between EPA's promulgation of a section 112(g) rule and adoption by the State of rules to implement section 112(g).

In Utah's part 70 program submission, the State indicated that it is not seeking approval from EPA to administer the State's part 70 PROGRAM within the exterior boundaries of Indian Reservations in Utah. In this notice, EPA proposes to approve Utah's part 70 PROGRAM for all areas within the State except the following: lands within the exterior boundaries of Indian Reservations (including the Uintah and Ouray, Skull Valley, Paiute, Navajo, Goshute, White Mesa, and Northwestern Shoshoni Indian Reservations) and any other areas which are "Indian Country" within the meaning of 18 U.S.C. 1151 (excepted areas).

In proposing not to extend the scope of Utah's part 70 PROGRAM to sources located in the excepted areas, EPA is not making a determination that the State either has adequate jurisdiction or lacks jurisdiction over such sources. Should the State of Utah choose to seek program approval within these areas, it may do so without prejudice. Before EPA would approve the State's part 70 PROGRAM for any portion of the excepted areas, EPA would have to be satisfied that the State has authority, either pursuant to explicit Congressional authorization or applicable principles of Federal Indian law, to enforce its laws against existing and potential pollution sources within any geographical area for which it seeks program approval and that such approval would constitute sound administrative practice.

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, EPA is also proposing to grant approval under section 112(l)(5) and 40 CFR part 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. This program for delegations applies to sources covered by the part 70 program, as well as non-part 70 sources.

III. Administrative Requirements

A. Request for Public Comments

The EPA is requesting comments on all aspects of this proposed full approval. Copies of the State's submittal and other information relied upon for the proposed title V and section 112(l) approvals are contained in a docket maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of these proposed approvals. The principal purposes of the docket are:

- (1) to allow interested parties a means to identify and locate documents so that they can effectively participate in the approval process, and
- (2) to serve as the record in case of judicial review. The EPA will consider any comments received by April 21, 1995.

B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

C. Regulatory Flexibility Act

EPA's actions under section 502 and section 112(l) of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70 and the creation of Federally enforceable permit conditions for sources of hazardous air pollutants listed pursuant to section 112(b) of the Act. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 70

Environmental protection,
Administrative practice and procedure,

Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

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

Dated: March 14, 1995.

William P. Yellowtail,

Regional Administrator.

[FR Doc. 95-7063 Filed 3-21-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 180

[PP 3E4241/P607; FRL-4941-1]

RIN 2070-AC18

Imazethapyr; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish tolerances with regional registration for the sum of the residues of the herbicide imazethapyr, as its ammonium salt, and its metabolite in or on the raw agricultural commodities lettuce and endive. The Interregional Research Project No. 4 (IR-4) requested this proposed regulation.

DATES: Comments, identified by the document control number, [PP 3E4241/P607], must be received on or before April 21, 1995.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection

Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Hwy., Arlington, VA 22202, (703)-308-8783.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition (PP) 3E4241 to EPA on behalf of the vegetable growers of Florida. The petition requests that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), amend 40 CFR 180.447 by establishing tolerances with regional registration for residues of the herbicide imazethapyr, 2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-5-ethyl-3-pyridine carboxylic acid, as its ammonium salt, and its metabolite, 2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-5-(1-hydroxyethyl-3-pyridine carboxylic acid), free and conjugated, in or on the raw agricultural commodities lettuce (head and leaf) and endive (escarole) at 0.1 part per million (ppm). The petitioner proposed that use of imazethapyr on lettuce and endive be limited to Florida based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

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

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

2. A 1-year feeding study with dogs fed diets containing 0, 1,000, 5,000, or 10,000 part per million (ppm) with a systemic no-observed-effect level (NOEL) of 1,000 ppm (25 milligrams (mg)/kilogram (kg)/day) based on decreased packed cell volume, hemoglobin, and erythrocytes in the blood of female dogs at the 5,000-ppm (125 mg/kg/day) dose level.

3. A 78-week carcinogenicity study in mice fed diets containing 0, 1,000, 5,000 or 10,000 ppm (equivalent to 0, 150, 750, or 1,500 mg/kg/day) with a systemic NOEL of 5,000 ppm based on decreased body weight gain in both sexes at the 10,000-ppm dose level. No carcinogenic effects were observed under the conditions of the study.

4. A 2-year chronic feeding/carcinogenicity study in rats fed diets containing 0, 1,000, 5,000, or 10,000 ppm (equivalent to 0, 50, 250, or 500 mg/kg/day) with no treatment-related systemic or carcinogenic effects observed under the conditions of the study.

5. A multi-generation reproduction study in rats fed diets containing 0, 1,000, 5,000, or 10,000 ppm (equivalent to 0, 50, 250, or 500 mg/kg/day) with no treatment-related systemic or reproductive effects observed under the conditions of the study.

6. Developmental toxicity studies in rats and rabbits with no developmental toxicity observed under the conditions of the studies at dose levels up to and including the highest dose tested (1,125 mg/kg/day in rats and 1,000 mg/kg/day in rabbits).

7. Mutagenicity studies include gene mutation assays in bacteria cells (negative) and Chinese hamster ovary cells (no dose-response); structural chromosomal aberration assays *in vivo* in rat bone marrow cells (negative) and *in vitro* in Chinese hamster ovary cells (positive without activation at levels toxic to cells and negative with activation); and other genotoxic effects (did not induce unscheduled DNA synthesis in rat hepatocytes cultured *in vitro*).

The reference dose (RfD) for imazethapyr is established at 0.25 mg/kg body weight/day. The RfD is based on a NOEL of 25 mg/kg/day established in the 1-year feeding study in dogs and an uncertainty factor of 100. The theoretical maximum residue contribution (TMRC) from existing uses and the proposed uses on lettuce and endive utilizes less than 1 percent of the RfD for the general population and all 22 subgroup populations for which EPA routinely conducts dietary risk assessments. This is a worst-case estimate of dietary exposure which assumes tolerance level residues and treatment of the total production acreage of the commodities. The dietary risk assessment indicates that there is minimal risk from the establishment of the proposed tolerances for lettuce and endive.

The nature of residues in lettuce and endive is adequately understood for the purposes of establishing the proposed tolerances. An adequate analytical method is available for enforcement purposes. The enforcement methodology has been submitted to the Food and Drug Administration for publication in the Pesticide Analytical Manual, Vol. II (PAM II). Because of the long lead time for publication of the method in PAM II, the analytical

methodology is being made available in the interim to anyone interested in pesticide enforcement when requested from: Calvin Furlow, Public Response and Program Resources Branch, Field Operations Divisions (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-5937.

No secondary residues are expected to occur in meat, milk, poultry, or eggs from this action since lettuce and endive are not considered livestock feed commodities.

There are currently no actions pending against the continued registration of this chemical.

Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR 180.447 would protect the public health. Therefore, it is proposed that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 3E4241/P607]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines "significant" as those actions likely to lead to a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as "economically significant"); (2) creating serious inconsistency or

otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

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

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

List of Subjects in 40 CFR Part 180

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

Dated: March 8, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

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

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

2. In § 180.447, by adding new paragraph (d), to read as follows:

§ 180.447 Imazethapyr, ammonium salt; tolerance for residues.

* * * * *

(d) Tolerances with regional registration, as defined in § 180.1(n) of this chapter, are established for the sum of residues of the herbicide imazethapyr, 2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-5-ethyl-3-pyridine carboxylic acid, as its ammonium salt, and its metabolite, 2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-5-(1-hydroxyethyl)-3-pyridine carboxylic acid, both free and conjugated, in or on the following raw agricultural commodities:

Commodity	Parts per million
Endive (escarole)	0.1
Lettuce (head and leaf)	0.1

[FR Doc. 95-6932 Filed 3-21-95; 8:45 am]
BILLING CODE 6560-50-F

40 CFR Part 180

[OPP-300380; FRL-4936-4]

RIN 2070-AC18

Acetic Acid Ethenyl Ester, Polymer with Ethenol and (α)-2-Propenyl-(ω)-Hydroxypoly(Oxy-1,2-Ethanediy); Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to establish an exemption from the requirement of a tolerance for residues of acetic acid ethenyl ester, polymer with ethenol and (α)-2-propenyl-(ω)-hydroxypoly(oxy-1,2-ethanediy) (CAS Reg. No. 137091-12-4), when used as an inert ingredient (component of water-soluble film) in pesticide formulations applied to growing crops only under 40 CFR 180.1001(d). Japan Technical Information Center, Inc., requested this proposed regulation on behalf of Nippon Gohsei (U.S.A.) Co., Ltd.

DATES: Written comments, identified by the document control number, [OPP-300380], must be received on or before April 21, 1995.

ADDRESSES: By mail, submit written comments to Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI).

Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m.,

Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

Kerry Leifer, Registration Support Branch, Registration Division (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 2800 Crystal Drive, North Tower, 6th Floor, Arlington, VA 22202, (703) 308-8323.

SUPPLEMENTARY INFORMATION: Japan Information Center, Inc., 775 South 23rd St., Arlington, VA 22202, on behalf of Nippon Gohsei (U.S.A.) Co., Ltd., submitted pesticide petition (PP) 4EO4403 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 346a(e)), propose to amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for residues of acetic acid ethenyl ester, polymer with ethenol and (α)-2-propenyl-(ω)-hydroxypoly(oxy-1,2-ethanediy) (CAS Reg. No. 137091-12-4), when used as an inert ingredient (component of water-soluble film) in pesticide formulations applied to growing crops only under 40 CFR 180.1001(d).

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

The data submitted in the petition and other relevant material have been evaluated. As part of the EPA policy statement on inert ingredients published in the **Federal Register** of April 22, 1987 (52 FR 13305), the Agency set forth a list of studies which would generally be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. However, where it can be determined without that data that the inert ingredient will present minimal or no risk, the Agency generally does not require some or all of the listed studies to rule on the proposed tolerance or exemption from the requirement of a tolerance for an

inert ingredient. The Agency has decided that no data, in addition to that described below, for acetic acid ethenyl ester, polymer with ethenol and (α)-2-propenyl-(ω)-hydroxypoly(oxy-1,2-ethanediyl) will need to be submitted. The rationale for this decision is described below.

In the case of certain chemical substances that are defined as "polymers," the Agency has established a set of criteria which identify categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) identify polymers that are relatively unreactive and stable compared to other chemical substances as well as polymers that typically are not readily absorbed. These properties generally limit a polymer's ability to cause adverse effects. In addition, these criteria exclude polymers about which little is known. The Agency believes that polymers meeting the criteria noted above will present minimal or no risk. Acetic acid ethenyl ester, polymer with ethenol and (α)-2-propenyl-(ω)-hydroxypoly(oxy-1,2-ethanediyl) conforms to the definition of a polymer given in 40 CFR 723.250(b)(11) and meets the following criteria that are used to identify low-risk polymers.

1. The minimum number-average molecular weight of acetic acid ethenyl ester, polymer with ethenol and (α)-2-propenyl-(ω)-hydroxypoly(oxy-1,2-ethanediyl) is 15,000. Substances with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the intact gastrointestinal tract. Chemicals not absorbed through skin or GI tract generally are incapable of eliciting a toxic response.

2. Acetic acid ethenyl ester, polymer with ethenol and (α)-2-propenyl-(ω)-hydroxypoly(oxy-1,2-ethanediyl) is not a cationic polymer, nor is it reasonably expected to become a cationic polymer in a natural aquatic environment.

3. Acetic acid ethenyl ester, polymer with ethenol and (α)-2-propenyl-(ω)-hydroxypoly(oxy-1,2-ethanediyl) does not contain less than 32.0 percent by weight of the atomic element carbon.

4. Acetic acid ethenyl ester, polymer with ethenol and (α)-2-propenyl-(ω)-hydroxypoly(oxy-1,2-ethanediyl) contains as an integral part of its composition the atomic elements carbon, hydrogen, nitrogen, and oxygen.

5. Acetic acid ethenyl ester, polymer with ethenol and (α)-2-propenyl-(ω)-hydroxypoly(oxy-1,2-ethanediyl) does not contain as an integral part of its composition, except as impurities, any elements other than those listed in 40 CFR 723.250(d)(3)(ii).

6. Acetic acid ethenyl ester, polymer with ethenol and (α)-2-propenyl-(ω)-hydroxypoly(oxy-1,2-ethanediyl) is not a biopolymer, a synthetic equivalent of a biopolymer, or a derivative or modification of a biopolymer that is substantially intact.

7. Acetic acid ethenyl ester, polymer with ethenol and (α)-2-propenyl-(ω)-hydroxypoly(oxy-1,2-ethanediyl) is not manufactured from reactants containing, other than impurities, halogen atoms or cyano groups.

8. Acetic acid ethenyl ester, polymer with ethenol and (α)-2-propenyl-(ω)-hydroxypoly(oxy-1,2-ethanediyl) does not contain a reactive functional group that is intended or reasonably expected to undergo further reaction.

9. Acetic acid ethenyl ester, polymer with ethenol and (α)-2-propenyl-(ω)-hydroxypoly(oxy-1,2-ethanediyl) is neither designed nor reasonably expected to substantially degrade, decompose, or depolymerize.

Based on the information above and review of its use, EPA has found that, when used in accordance with good agricultural practice, this ingredient is useful, and a tolerance is not necessary to protect the public health. Therefore, EPA proposes that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, that contains any of the ingredients listed herein, may request within 30 days after the publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory

Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [OPP-300380]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 2 of Executive Order 12866.

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

List of Subject in 40 CFR Part 180

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

Dated: March 8, 1995.

Stephen L. Johnson,
Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

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

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

2. Section 180.1001(d) is amended in the table therein by adding and alphabetically inserting the inert ingredient, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *
(d) * * *

Inert ingredient	Limits	Uses
* * *	* * *	* * *
Acetic acid ethenyl ester, polymer with ethenol and (α)-2-propenyl-(ω)-hydroxypoly(oxy-1,2-ethanediyl) (CAS Reg. No. 137091-12-4); minimum number average molecular weight 15,000.	Component of water-soluble film.
* * *	* * *	* * *

* * * * *

[FR Doc. 95-6933 Filed 3-21-95; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Parts 180, 185, and 186

[FAP 4H5683/P600; FRL-4935-1]

RIN 2070-AC18

Hexazinone; Pesticide Tolerances and Food/Feed Additive Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the current tolerance for residues of the herbicide hexazinone (3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4-(1*H*,3*H*)-dione and its metabolites (calculated as hexazinone) in or on sugarcane at 0.2 part per million (ppm) by revoking the current tolerance and reestablishing the same tolerance with regional registration and tolerance as described by 40 CFR 180.1(n). EPA also proposes to establish food and feed additive regulations for residues of hexazinone and its metabolites (calculated as hexazinone) in sugarcane molasses at 0.5 ppm. E. I. du Pont de Nemours & Co., Inc., requested these proposed regulations.

DATES: Written comments, identified by the document control number [FAP 4H5683/P600], must be received on or before April 21, 1995.

ADDRESSES: By mail, submit written comments to: Public Response Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne I. Miller, Product Manager (PM) 23, Registration Division (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 237, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703-305-7830).

SUPPLEMENTARY INFORMATION: E.I. du Pont de Nemours & Co., Inc., has requested a regional registration for the use of hexazinone end-use pesticide products for the use site, sugarcane. The company proposed that the use-site exclude the State of Florida, because the product is not efficacious in muck soils at dosages that would be economically viable to growers. The company has stated that the rate needed for weed control in the typically high organic soil of Florida used for the culture of sugarcane would exceed the maximum labelled dosage. In addition, the company also stated that the high rates would not be economically viable considering other less expensive, lower application rate products. Based on the information submitted, the company has proposed a geographically limited registration for use of hexazinone in sugarcane. In this case, the company contends that there is little likelihood for the use of hexazinone in the State of Florida and that its residue data are representative of all sugarcane-growing areas of the United States.

Published information on acres of sugarcane grown in the State of Florida on other than organic soils (Spodosols, Entisols, Mollisols) was 11.1% of a total of 464,191 acres in 1993 (Sugar Y Azucar 89:(1): 39-44). EPA has no data on potential residues of hexazinone when used in the culture of sugarcane commodities from studies with sugarcane cultured in the State of Florida. Residue chemistry data from a Florida study are required to allow the unrestricted use of hexazinone in the culture of sugarcane.

EPA issued a notice, published in the **Federal Register** of July 13, 1994 (59 FR 35179), which announced that E.I. Du Pont de Nemours & Co., Inc., had submitted food additive petition (FAP) 4H5683 to EPA requesting that the Administrator, pursuant to section 409 of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), amend 40 CFR parts 185 and 186 by establishing tolerances for residues of the herbicide hexazinone (3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4-(1*H*,3*H*)-dione) in or on sugarcane molasses at 5.0 ppm and sugarcane bagasse at 0.5 ppm. Sugarcane bagasse is not currently

considered a food or a feed commodity by EPA; therefore, the requested tolerance is not proposed to be established in this document.

There were no comments received in response to the notice of filing. The scientific data submitted with the petition and other relevant material have been evaluated. The toxicological and residue chemistry data considered in support of the proposed actions include the following:

1. Plant and animal metabolism studies.
2. Enforcement methodology for determining residues.
3. A 90-day feeding study with rats, with a NOEL of 50 mg/kg/day and an LEL of 150 mg/kg/day with the effect being decreased body weights in both sexes.
4. A 90-day feeding study with dogs, with a NOEL of 25 mg/kg/day, increase alkaline phosphatase, decreased albumin/globulin, and increased absolute and relative liver weights in both sexes.
5. A 21-day dermal study in rabbits, with a NOEL of 1,000 mg/kg/day, the highest dose tested (HDT).
6. A 12-month chronic feeding study with dogs, with a NOEL of 5.0 mg/kg/day and a lowest effect level (LEL) of 37.5 mg/kg/day with thinness in one male dog, increased alkaline phosphatase in males, decrease albumin and increased globulin in males, pale kidneys in one female, and increased incidence of hepatocellular vacuolation in males, and cytoplasmic inclusions and pigmented Kupffer cells in the livers of females.
7. A 24-month carcinogenicity study in mice that was equivocal for adenomas/carcinomas, with no statistical significance in pair-wise comparison between control and dosed animals; systemic NOEL of 30 mg/kg/day and systemic LEL of 375 mg/kg/day.
8. A developmental toxicity study with rats, with a maternal NOEL of 100 mg/kg/day and maternal LEL of 400 mg/kg/day; a developmental NOEL of 100 mg/kg/day and developmental LEL of 400 mg/kg/day (decreased fetal body weight, increased incidence of fetuses with no kidney papilla, and increased incidence of fetus with unossified sternbrae).
9. A developmental toxicity study in rabbits, with a maternal NOEL of 50 mg/kg/day and a maternal LEL of 125 mg/kg/day (decreased body weight gains, increased resorptions and increased clinical signs); and with a developmental NOEL of 50 mg/kg/day and a developmental LEL of 125 mg/kg/day (decreased body weight and delayed ossifications of extremities).

10. A two-generation reproductive study with rats with a reproductive NOEL of 10 mg/kg/day and an LEL of 100 mg/kg/day and an LEL of 100 mg/kg/day (decreased pup weight in F₁, F_{2a}, and F_{2b} litters) and decreased pup survival at 250 mg/kg/day in F_{2b} litters; systemic NOEL of 10 mg/kg/day and LEL of 100 mg/kg/day (decreased body weight and body weight gains).

11. A chronic feeding/carcinogenicity study in rats with a negative carcinogenic potential and a systemic NOEL of 10 mg/kg/day and an LEL of 50 mg/kg/day (decreased food efficiency and weight gains in females).

12. A gene mutation assay with *Salmonella* strains TA1535, TA1537, TA1538, TA100, and TA98 with and without S-9 activation, negative.

13. A gene mutation (*in vitro*) CHO/HGPRT assay at cytotoxic doses (13.9 mM, without S-9 and 9.9 mM with S-9 activation), negative.

14. A structural chromosome aberration (mammalian cells in culture) cytogenetic assay in Chinese hamster ovary cells with CHO chromosomal aberrations with and without S-9 metabolic activation, positive.

15. A structural chromosome aberration (mammalian cells in culture) cytogenetic assay in rat bone marrow, negative.

16. An unscheduled DNA synthesis study with rats at doses of 1×10^5 to 30 mM, negative.

17. A rat metabolism study with a single dose, resulted in 97% of radioactivity excreted within 7 days (20 percent in feces and 77 percent in urine); the major metabolites were demethylated hydroxylated compounds.

As part of EPA's evaluation of potential human health risks, hexazinone has been the subject of two Peer Reviews by the Office of Pesticides' Carcinogenicity Peer Review Committee. The first Peer Review, dated October 10, 1991, indicated that based on the weight of evidence, hexazinone was classified as a Group C carcinogen, possible human carcinogen. The committee recommended that for the purposes of risk characterization, the EPA reference dose (RfD) approach should be used for quantification of human risk.

E. I. du Pont de Nemours & Co. questioned the finding of the first Peer Review and presented a reevaluation of the mouse carcinogenic study based on contemporary diagnostic nomenclature of the pathology of the neoplasium found. The pathologist classified the hepatocellular carcinomas and hyperplastic nodules as either hepatocellular carcinoma, hepatocellular adenoma, or a focus of

cellular alteration (nonneoplastic). The Peer Review findings were based on a pathological diagnosis that classified all hyperplastic nodules as tumors/adenomas.

A second Peer Review dated May 11, 1994, was conducted based on the reclassification of the pathology. Based on another weight-of-evidence evaluation the Carcinogenicity Peer Review Committee determined that hexazinone should be recategorized as a Group D, not classifiable as to human carcinogenicity. That is, the evidence is inadequate and cannot be interpreted as showing either the presence or absence of a carcinogenic effect. Based on this conclusion, EPA determines that hexazinone does not induce cancer within the meaning of the Delaney Clause.

The Peer Review Committee considered the following facts regarding the toxicology data on hexazinone in a weight-of-evidence determination of carcinogenic potential:

1. Based on the registrant's submission of reevaluated liver sections, hexazinone feed in the diet of CD-1 male and female mice was not associated with any pairwise statistically significant increases in adenomas, carcinomas, or combined adenomas/carcinomas, when the controls were compared to the treated groups. Female mice had a statistically significant dose-related trend ($P = 0.014$) for combined hepatocellular adenoma/carcinoma, but the pairwise comparison of the high-dose group to control was not statistically significant. The incidence of combined hepatocellular adenomas/carcinomas (9%) in females at the highest dose exceeded the range of these tumors in historical controls (0-5%).

Male mice had a statistically significant increasing dose-related trend in foci of cellular alteration in the liver and also a significant increase ($p = 0.004$) in these nonneoplastic lesions in the pairwise comparison of the highest dose and the controls. The HDT, although very high, was not considered by the Committee to have been excessive for assessing the carcinogenic potential of hexazinone in mice.

2. Hexazinone fed in the diet to male and female Sprague-Dawley rats at doses up to 125 mg/kg/day was not associated with statistically significant increases of any neoplasms in either sex.

The dosing in this study was considered to be marginally adequate based on the lack of significant toxicity and enhanced survival.

3. Hexazinone was mutagenic both with and without S-9 activation in an *in vivo* assay for chromosomal aberrations

in Chinese hamster ovary cells (almost at the level of a positive control without activation). The response in a Chinese hamster ovary (CHO) gene mutation assay with activation was equivocal. Hexazinone was negative in the *Salmonella* assay, in an *in vivo* cytogenetic assay, and in a UDS assay.

4. Hexazinone is structurally, but not chemically (lacks aromaticity), related to the 2-triazines, which are usually associated with mammary gland tumors in Sprague-Dawley rats (the same strain used in the hexazinone study). Phenobarbital was considered to be a closer analog, both structurally and chemically, but unlike hexazinone, phenobarbital has no known genotoxicity. Hexazinone may also be viewed as a pyrimidine analog, a property which is thought to be predictive of carcinogenicity.

The Reference Dose (RfD) is established at 0.05 mg/kg/day, based on a NOEL of 5.0 mg/kg/day in the 12-month dog-feeding study and an uncertainty factor of 100. The Anticipated Residue Contribution (ARC) from the current actions is estimated at 7.4×10^{-5} mg/kg of body weight/day for the general population and utilizes less than 15% of the RfD for the U.S. population. The ARC for the most exposed subgroups is 2.0×10^{-2} mg/kg/body weight/day for nonnursing infants (less than 1 year old) and 1.0×10^{-2} mg/kg/body weight/day for children (1 to 6 years old), or 40.0 and 20.0 percent of the RfD, respectively. No appreciable risk is expected from chronic dietary intake because the RfD is not exceeded for either the general population or any subgroup.

The nature of the residue is adequately understood for establishing these tolerances.

An adequate analytical method, gas chromatography with a nitrogen-phosphorus detector, is available for enforcement purposes.

The pesticide is considered useful for the purpose for which these tolerances are sought, and these tolerances will limit dietary exposure to this pesticidal chemical. There are currently no actions pending against the registration of this chemical.

Based on the information and data considered, the Agency has determined that the tolerances and food/feed additive regulations established by amending 40 CFR parts 180, 185, and 186 would protect the public health. Therefore, it is proposed that the tolerances and food/feed additive regulations be established as set forth below.

Any person who has registered or submitted an application for registration

of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCFA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [FAP 4H5683/P600]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

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

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

List of Subjects in 40 CFR Parts 180, 185, 186

Administrative practice and procedure, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Processed foods, Reporting and recordkeeping requirements.

Dated: March 9, 1995.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR parts 180, 185, and 186 be amended as follows:

PART 180—[AMENDED]

1. In part 180:

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

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

b. In § 180.396, the existing text is designated as paragraph (a), and the table therein is amended by removing the entry for sugarcane, and new paragraph (b) is added, to read as follows:

§ 180.396 Hexazinone; tolerances for residues.

(a) * * *

(b) A tolerance with regional registration, as defined in § 180.1(n) and which excludes use of hexazinone on sugarcane in Florida, is established for combined residues of the herbicide hexazinone (3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4(1H,3H)-dione) and its metabolites (calculated as hexazinone) in or on the following raw agricultural commodity:

Commodity	Parts per million
Sugarcane	0.2

PART 185—[AMENDED]

2. In part 185:

a. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 346a and 348.

b. By adding new § 185.3575, to read as follows:

§ 185.3575 Hexazinone; tolerances for residues.

A food additive tolerance with regional registration, as defined in § 180.1(n) and which excludes use of hexazinone on sugarcane in Florida, is established for combined residues of the herbicide hexazinone (3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-

triazine-2,4(1H,3H)-dione) and its metabolites (calculated as hexazinone) in or on the following commodity:

Commodity	Parts per million
Sugarcane, molasses	0.5

PART 186—[AMENDED]

3. In part 186:

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

Authority: 21 U.S.C. 348.

b. By adding new § 186.3575, to read as follows:

§ 186.3575 Hexazinone; tolerances for residues.

A feed additive tolerance with regional registration, as defined in § 180.1(n) and which excludes use of hexazinone on sugarcane in Florida, is established for combined residues of the herbicide hexazinone (3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4(1H,3H)-dione) and its metabolites (calculated hexazinone) in or on the following feed commodity:

Commodity	Parts per million
Sugarcane, molasses	0.5

[FR Doc. 95-6931 Filed 3-21-95; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 4 and 5

[CGD 95-023]

Marine Safety Investigation Process Review

AGENCY: Coast Guard, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Coast Guard conducts marine casualty investigations to determine the causes of casualties. The findings of an investigation may lead to proceedings for the suspension or revocation of a merchant mariner's license, certificate of registry, or document, the assessment of a civil penalty, or to criminal prosecution. The Coast Guard is reviewing its marine safety investigation process to identify possible improvements, and is seeking input from the public.

DATES: Comments must be received on or before May 1, 1995.

ADDRESSES: Comments may be mailed to Mr. W.D. Rabe, Commandant (G-MMI), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be made by telephone at (202) 267-1430, or by fax at (202) 267-1416.

FOR FURTHER INFORMATION CONTACT: Mr. W.D. Rabe, Marine Investigation Division, Office of Marine Safety, Security and Environmental Protection, telephone, (202) 267-1430.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this process by submitting written data, views, or arguments, or verbal comments. Persons submitting comments should include their names and addresses, identify this notice (CGD 95-023) and the specific question to which each comment applies, and give the reason for each comment. Please submit two copies of all written comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

Drafting Information

The principal persons involved in drafting the document are Mr. W.D. Rabe, Project Manager, and Commander P.A. Popko, Assistant Division Chief, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security and Environmental Protection.

Background and Purpose

The marine casualty investigation process is the main feedback loop for Coast Guard prevention programs. This measurement function has never been more important as limited resources must be focused on those activities which will be most effective in minimizing the risks to personnel and the environment.

Under the authority of 46 U.S.C. Chapter 63, the Coast Guard conducts marine casualty investigations. Section 6301 of Title 46, U.S. Code, requires the Secretary to issue regulations for the investigation of marine casualties. This authority has been delegated to the Coast Guard which has promulgated regulations and procedures for the reporting and investigation of marine casualties. These regulations appear in 46 CFR parts 4 and 5. Under current law and regulations, the marine industry has a duty to report marine casualties, as defined in law and regulations, to the

Coast Guard. There is more confusion regarding which casualties must be reported and a general concern that there is little benefit in reporting and investigation many of the "minor" casualties.

The Chief, Office of Marine Safety, Security, and Environmental Protection has established a Quality Action Team (QAT) to review the investigation process. The QAT will examine the process and recommend improvements. It will consider public comment during its review. The review will address collection and analysis of casualty data, casualty reporting requirements, casualty investigation procedures, investigator training and qualification requirements, and the use of investigations for Suspension and Revocation proceedings, civil penalty assessments, and potential criminal prosecutions.

The QAT specifically solicits responses to the following questions:

1. What changes would you recommend to the reporting requirements for marine casualties in 46 CFR part 4?
2. How could the reporting criteria be improved to help eliminate confusion concerning which incidents are reportable to the Coast Guard?
3. How could the Coast Guard satisfy its need for data collection on marine casualties while reducing some of the burden on industry to report casualties?
4. Would electronic or batch reporting of minor casualties be beneficial?
5. What would be the pros and cons of limiting Coast Guard activity on certain casualties to data collection while reserving in depth investigation to those casualties from which important lessons can be learned?
6. What would be the pros and cons of the Coast Guard not investigating those cases which the National Transportation Safety Board is investigating to reduce duplication of effort?

The QAT will consult with the marine industry to obtain insight on where investigation processes can be improved to benefit both the Coast Guard and industry. Small study groups may be formed, if appropriate, and public meetings may be held to get input from a broad interest base. If the Coast Guard decides to hold public meetings, the dates, times, and locations will be announced by a later notice in the **Federal Register**.

Dated: March 15, 1995.

Joseph J. Angelo,

Acting Chief, Office of Marine Safety Security and Environmental Protection.

[FR Doc. 95-6950 Filed 3-21-95; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 15

[ET Docket No. 95-19; FCC 95-46]

Streamlining the Equipment Authorization Procedures for Digital Devices

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This proposal would streamline the equipment authorization requirements for personal computers and personal computer peripherals by relaxing the equipment authorization from certification to a new type of authorization based on a manufacturer's or supplier's declaration of compliance. It would also permit authorization of individual components of personal computers and would require testing laboratories to be accredited by the National Institute of Standards and technology under its National Voluntary Laboratory Accreditation Program. These changes would allow manufacturers and suppliers to market new equipment without having to submit an application for equipment authorization and await FCC approval. This would save industry approximately \$250 million annually and would stimulate the creation of jobs and competition in the computer industry by relaxing regulations that are particularly burdensome for small businesses.

DATES: Comments must be submitted on or before June 5, 1995, and reply comments on or before July 5, 1995.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John A. Reed, Office of Engineering and Technology, (202) 776-1627.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making in ET Docket No. 95-19, adopted February 7, 1995, and released February 7, 1995. The complete text of this Notice of Proposed Rule Making is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington,

DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

PAPERWORK REDUCTION: The following collection of information contained in this proposed rule has been submitted to the Office of Management and Budget for review under Section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3504(h)). Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037. Persons wishing to comment on this collection of information should direct their comments to Timothy Fain, (202) 395-3561, Office of Management and Budget, Room 10102 (NEOB), Washington, DC 20503. A copy of any comments filed with the Office of Management and Budget should also be sent to the following address at the Commission: Federal Communications Commission, Office of Managing Director, Paperwork Reduction Project, Washington, DC 20554. For further information contact Judy Boley, Federal Communications Commission, (202) 418-0210.

OMB Number: None.

Title: Equipment Authorization—
Declaration of Compliance,
Amendment of Parts 2 and 15.

Form: None.

Action: Proposed new collection.

Respondents: Businesses or other for profit.

Frequency of Response: On occasion.

Estimated Annual Response: 4000 respondents, 19 hours per response.

Needs and Uses: Data collection will be used to investigate complaints of harmful interference to radio communications and to verify manufacturer's or supplier's compliance with the rules. The information collected is essential to controlling potential interference to radio communications.

Summary of the Notice of Proposed Rule Making:

1. In the Notice of Proposed Rule Making, the Commission proposes to amend parts 2 and 15 of its rules regarding the equipment authorization and testing requirements for personal computers, personal computer peripherals and individual components of personal computers.

2. Personal computers and personal computer peripheral devices are currently subject to authorization under our certification procedure to ensure that they do not cause interference to radio services such as TV broadcasting,

aeronautical and maritime communications, amateur services, etc. We propose to relax the equipment authorization procedure for personal computers and peripherals from certification to a process based on a manufacturer's or supplier's Declaration of Conformity (DoC). The DoC is similar to the current verification procedure where testing is required to ensure compliance with the standards. The DoC would be packaged with the equipment and would include the following information: (1) Identification of the specific product covered by the declaration; (2) a statement that the product complies with part 15 of the FCC rules; (3) identification of the compliance test report by date and number; and, (4) identification by name, address and telephone number of the manufacturer, importer or other party located within the U.S. that is responsible for ensuring compliance with the rules. Marketing and importation could begin immediately following satisfactory testing and completion of the DoC.

3. In order to provide an additional safeguard that personal computers and peripherals continue to comply with the technical standards, we propose to require laboratories that perform measurements on these products to obtain accreditation by the National Institute of Standards and Technology (NIST) under its National Voluntary Laboratory Accreditation Program (NVLAP). NIST would review the qualifications of the testing personnel, quality control procedures, record keeping and reporting, etc. and send recognized experts to observe the testing. Laboratory accreditation is generally required, either implicitly or explicitly, under most foreign government approval systems.

4. We also propose to permit modular personal computers to be authorized based on tests and DoCs of the individual components, *i.e.*, enclosures, power supplies and mother boards, without further testing of the completed assembly. Currently, personal computers must be tested and authorized based on the specific combination of CPU board, power supply and enclosure used in their fabrication. Every time this configuration is changed, separate testing and authorization is required. Many computers are now assembled from modular components. Thus, this proposal will enable a small manufacturer or retailer to legally assemble computers and will also ensure that components used in the assembly result in a computer that complies with the standards. Comments

are invited on specific test procedures and standards that should be applied to mother boards, power supplies and enclosures.

Initial Regulatory Flexibility Analysis

5. As required by section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IFRA) of the expected impact on small entities of the proposals suggested in this document. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of this Notice of Proposed Rule Making, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. section 601 *et seq.* (1981).

Reason for action: This rule making proceeding is initiated to obtain comments regarding whether and how the Commission should regulate computers, peripheral devices to computers and subassemblies to computers.

Objectives: The Commission seeks to determine the standards, test procedures, and equipment authorization requirements that should be applied to computers as well as to CPU boards, power supplies, and enclosures used in personal computers in order: (1) To reduce regulatory burdens on computer manufacturers; (2) to remove impediments to flexible system design and construction techniques for computer; and (3) to reduce the potential for interference to radio services by improving our ability to ensure that personal computers comply with our standards.

Legal Basis: The proposed action is authorized under sections 4(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307 of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 301, 302, 303(f), 303(r), 304 and 307.

Reporting, Recordkeeping and Other Compliance Requirements: CPU boards, power supplies, and enclosures designed for use in computers are proposed to be included under our standards and equipment authorization requirements. These components, which were not previously subject to our rules, will be included under an equipment authorization procedure similar to our

verification procedure with the addition of a Declaration of Conformity that would be included with each product marketed. In addition, we propose to permit any party to assemble computers from authorized CPU boards, power supplies, and enclosures without further testing provided the instructions accompanying the components are followed during assembly. Computers assembled in this fashion would also be accompanied by a Declaration of Conformity. Alternatively, the computer may be assembled using unauthorized components provided the resulting system is tested and accompanied by a Declaration of Conformity. While the measurement data, where required, must be retained by the responsible party, there is no requirement to file an application with, and obtain authorization from, the Commission prior to marketing or importation. Accordingly, we expect a significant decrease in the overall recordkeeping requirements.

Federal Rules Which Overlap, Duplicate or Conflict With These Rules: None.

Description, Potential Impact and Number of Small Entities Involved: The actions proposed in this proceeding will result in a significant decrease in the amount of testing and Commission authorization of computer systems. Currently, every combination of components used to make a basic computer system must be tested and authorized prior to marketing or importation. This is extremely burdensome, especially on small manufacturers. Under the proposal, as long as authorized components are used to assemble the computers no additional testing or Commission authorization would be required. However, there will be some impact to the entities that manufacture computer CPU boards, power supplies and enclosures. We estimate there are 50–75 manufacturers of CPU boards and a similar number of manufacturers of power supplies. No estimate is available on the potential number of manufacturers of enclosures. Even with this additional impact to the manufacturers of computer CPU boards, power supplies and enclosures, the overall workload will decrease.

Any Significant Alternatives Minimizing the Impact on Small Entities Consistent with Stated Objectives: None.

List of Subjects

47 CFR Part 2

Imports, Radio, Reporting and recordkeeping requirements.

47 CFR Part 15

Computer technology, Reporting and recordkeeping requirements.

Federal Communications Commission,

William F. Caton

Acting Secretary

[FR Doc. 95–6965 Filed 3–21–95; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 63

[IB Docket No. 95–22; DA 95–502; RM–8355; and RM–8392]

Foreign-Affiliated Entities: In the Matter of Market Entry and Regulation

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Federal Communications Commission has granted an extension of time in which to file comments and reply comments to its Notice of Proposed Rulemaking on Market Entry and Regulation of Foreign-Affiliated Entities. The Commission acted in response to Telefonica Larga Distancia de Puerto Rico, Inc.'s (TLD) motion for an extension of time. Because of the broad range of complex legal, economic and policy issues raised in the Notice of Proposed Rulemaking, the Commission recognized the importance of receiving a complete and balanced presentation on the numerous issues, and found that an extension of time would help achieve this objective. The Commission, however, limited the extension of time to two weeks beyond the original due date for both the comments and reply comments. In addition to being concerned about a complete and balanced presentation on the issues, the Commission is equally interested in completing this proceeding in a timely manner, therefore it limited the requested extension to two weeks beyond the original due date.

As a result of the Commission order, the due date for comments in this proceeding has been extended to April 11, 1995, and the due date for the reply comments has been extended May 12, 1995.

DATES: Comments due April 11, 1995; Reply Comments due May 12, 1995.

ADDRESSES: All comments and reply comments concerning this Notice of Proposed Rulemaking should be addressed to: Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference

Center (Room 239) of the Federal Communications Commission, 1919 M St., NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Troy Tanner or Ken Schagrin, International Bureau (202) 418–1470.

SUPPLEMENTARY INFORMATION:

Order

Adopted: March 15, 1995.

Released: March 15, 1995.

By the Chief, International Bureau: 1. Telefonica Larga Distancia de Puerto Rico, Inc. (TLD) requests that the time for filing Comments and Reply Comments to the *Notice of Proposed Rulemaking*¹ be extended four weeks. TRW Inc., IDB Mobile Communications, Inc., and AmericaTel Corporation join TLD in this request.

2. This proceeding seeks comments on a broad range of complex legal, economic and policy issues involving the entry and regulation of foreign-affiliated entities in the U.S. telecommunications market. The issues raised have been the subject of much debate in recent years, and the Commission is interested in receiving a complete and balanced presentation on the numerous issues. While the Commission recognizes the wide range of issues to be addressed, it is also interested in completing this proceeding in a timely manner. Therefore, the Commission will limit the requested extension of time for Comments and Reply Comments to two weeks from the original due dates of March 28, 1995, and April 28, 1995, respectively.

3. Although the Bureau does not routinely grant extension requests, we find that an extension of the deadline for Comments to April 11, 1995, would be beneficial in this proceeding as it would enable the parties to fully develop their positions on the many issues raised in this proceeding. In addition, the Bureau will extend the deadline for filing Reply Comments to May 12, 1995. The parties should note, however, that the Bureau remains committed to completing this proceeding in a timely manner and that no further extensions are contemplated.

4. Accordingly, pursuant to § 0.261 of the Commission's rules, 47 CFR 0.261, it is ordered that the deadline for filing Comments to the Notice of Proposed Rulemaking is extended to April 11, 1995, and the deadline for filing Reply Comments is extended to May 12, 1995.

Federal Communications Commission.

Scott Blake Harris,

Chief, International Bureau.

[FR Doc. 95–7017 Filed 3–21–95; 8:45 am]

BILLING CODE 6712–01–M

¹ *Notice of Proposed Rulemaking*, IB Docket No. 95–22, RM–8355, RM–8392 (Released February 17, 1995), 60 FR 11644, March 2, 1995.

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Chapter V**

[Docket No. 95-16, Notice 2]

Meeting on Regulatory Reform**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.**ACTION:** Notice of public meeting; request for comments.

SUMMARY: This notice announces a public meeting at which NHTSA will seek information from the public on regulatory reform actions the agency should take related to its motor vehicle regulations. This notice also invites written comments on the same subject.

DATES: Public meeting: The meeting will be held on April 7, 1995 at 9:30 a.m. Those wishing to make oral presentations at the meeting should contact Deborah Parker, at the address or telephone number listed below, April 4, 1995.

Written comments: Written comments are due by April 7, 1995.

ADDRESSES: Public meeting: The public meeting will be held at the following location: Room 2230, Nassif Building, 400 7th Street SW., Washington, DC 20590.

Written comments: All written comments should be mailed to the Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 7th Street SW., Washington, DC 20590. Please refer to the docket number when submitting written comments.

FOR FURTHER INFORMATION CONTACT: Deborah Parker, Director, Special Projects Staff, NPS 01.1, NHTSA, 400 7th Street, SW., Washington, DC 20590 (telephone 202-366-4931).

SUPPLEMENTARY INFORMATION: Calling for a new approach to the way Government regulates the private sector President Clinton asked Executive Branch agencies to report to him by June 1, 1995, on ways to improve the regulatory process. Specifically, the President requested that agencies: (1) Cut obsolete regulations; (2) reward agency and regulator performance by rewarding results, not red tape; (3) create grassroots partnerships by meeting, outside of Washington, DC, with those affected by regulations and other interested parties; and (4) use consensual rulemaking, such as regulatory negotiation, more frequently. This public meeting will help NHTSA to comply with the President's directives.

The agency is focussing at this time on items (1) and (4) described above. For item (1), cut obsolete regulations, the President requested that we "conduct a page-by-page review of all * * * agency regulations now in force and eliminate or revise those that are outdated or otherwise in need of reform." The President requested that our review include consideration of at least the following:

- "Is this regulation obsolete?
- Could its intended goal be achieved in more efficient, less intrusive ways?
- Are there better private sector alternatives, such as market mechanisms, that can better achieve the public good envisioned by the regulation?
- Could private business, setting its own standards and being subject to public accountability, do the job as well?
- Could the States or local governments do the job, making Federal regulation unnecessary?"

To assist NHTSA in responding to this directive, the public's views on which *Motor Vehicle*-related regulations (standards, rules, etc., are all used interchangeably for this purpose) should be rescinded or revised are requested (the agency also is reviewing its non-motor vehicle related regulations but they are not the subject of this meeting). Both administratively issued and statutorily mandated regulations are the subject of this review. Suggestions should be accompanied by a rationale for the action and the expected consequences. Recommendations should be based on at least the following considerations:

- Cost-effectiveness.
- Administrative/compliance burdens.
- Whether the standard is performance-oriented, as opposed to design-oriented or is technology-restricting.
- Small business effects.
- Frequency of rulemaking to amend or clarify requirements (including inconsequentiality petitions).
- Availability of voluntary industry standards.
- Obsolete requirements.
- Enforceability of the standard.
- Whether the standard reflects a "common sense" approach to solving the problem.

In considering the consequences of any recommendation please provide the best available information on any effects on safety, consumer costs, regulated party testing/certification costs, small business impacts, competition, etc.

By motor vehicle-related regulations, NHTSA means all those standards/rules

related to safety, fuel economy, theft, consumer information, damageability, and domestic content. The standards themselves and all related record-keeping and procedural requirements are included. Parts 520-594 of Title 49, Transportation, of the Code of Federal Regulations are encompassed.

This will be the second public meeting held on this subject. The first public meeting will be held in conjunction with and immediately after the agency's previously scheduled quarterly technical meeting, in Romulus, Michigan, on March 29, 1995.

With regard to item (4), consensual rulemaking, the agency wants recommendations on which active rulemakings—not those rules already in effect—would be appropriate candidates for the regulatory negotiation process. Bear in mind that these must be rulemakings in which the various interested parties would be willing to negotiate solutions. Currently, the agency is conducting a regulatory negotiation on the subject of optical headlamp aim.

Procedural Matters

As noted at the beginning of this notice, persons wishing to speak at the public meeting should contact Deborah Parker by the indicated date. To facilitate communication, NHTSA will provide auxiliary aids (e.g., sign-language interpreter, braille materials, large print materials and/or a magnifying device) to participants as necessary, during the meeting. Thus, any person desiring assistance of auxiliary aids should contact Ms. Barbara Carnes, NHTSA Office of Safety Performance Standards, telephone (202) 366-1810, no later than April 3, 1995.

Those speaking at the public meeting should limit their presentation to 20 minutes. If the presentation will include slides, motion pictures, or other visual aids, the presenters should bring at least one copy to the meeting so that NHTSA can readily include the material in the public record.

NHTSA staff at the meeting may ask questions of any speaker, and any participant may submit written questions for the NHTSA staff, at its discretion, to address to other meeting participants. There will be no opportunity for participants directly to question each other. If time permits, persons who have not requested time, but would like to make a statement, will be afforded an opportunity to do so.

A schedule of participants making oral presentation will be available at the designated meeting room. NHTSA will place a copy of any written statement in the docket for this notice. A verbatim

transcript of the meeting will be prepared and also placed in the NHTSA docket as soon as possible after the meeting.

Participation in the meeting is not a prerequisite for the submission of written comments. NHTSA invites written comments from all interested parties. It is requested but not required that 10 copies be submitted.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including

purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment

closing date indicated above will be considered. Comments will be available for inspection in the docket.

NHTSA will continue to file relevant information as it becomes available in the docket after the closing date. It is therefore recommended that interested persons continue to examine the docket for new material.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95-7020 Filed 3-17-95; 3:15 pm]

BILLING CODE 4910-59-P

Notices

Federal Register

Vol. 60, No. 55

Wednesday, March 22, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Notice of Meeting

SUMMARY: Notice is hereby give that the Advisory Council on Historic Preservation will meet on Wednesday, March 29, 1995, in Room 5160 at the Department of the Interior Main Building, 1849 C Street NW., Washington DC beginning at 1:30 p.m.

The Council was established by the National Historic Preservation Act of 1966 (16 U.S.C. Section 470) to advise the President and the Congress on matters relating to historic preservation and to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Architect of the Capitol; the Secretaries of the Interior, Agriculture, Housing and Urban Development, and Transportation; the Administrators of the Environmental Protection Agency and General Services Administration; the Chairman of the National Trust for Historic Preservation; the President of the National Conference of State Historic Preservation Officers; a Governor; a Mayor; a Native American; and eight non-Federal members appointed by the President.

The agenda for the meeting includes the following:

- I. Chairman's Welcome/Opening
- II. Discussion of the Draft Policy Statement on Affordable Housing
- III. Discussion of the Proposed Regulations Revisions
- IV. Section 106 Cases
- V. Executive Director's Report
- VI. New Business
- VII. Adjourn

Note: The meetings of the Council are open to the public. If you need special accommodations due to a disability, please contact the Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue NW, Room 809, Washington, DC 202-606-

8503, at least seven (7) days prior the meeting.

FOR FURTHER INFORMATION CONTACT:

Additional information concerning the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue NW, #809, Washington, DC 20004.

Dated: March 17, 1995.

Robert D. Bush,

Executive Director.

[FR Doc. 95-7019 Filed 3-21-95; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Cotton Storage Agreement Fees

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of fees.

SUMMARY: The purpose of this notice is to publish a schedule of fees to be paid to Commodity Credit Corporation (CCC) by cotton warehouse operators requesting to enter into a storage agreement or renew an existing storage agreement in accordance with the regulations governing the Standards for Approval of Warehouses for Cotton or Cotton Linters (7 CFR 1427.1081 *et seq.*).

EFFECTIVE DATE: July 1, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Steven Closson, Warehouse and Inventory Division, Consolidated Farm Service Agency, United States Department of Agriculture, Room 5968-South Building, P.O. Box 2415, Washington, DC 20013, (202) 720-4018.

SUPPLEMENTARY INFORMATION:

Background

In accordance with the provisions of CCC's Charter Act (15 U.S.C. 714 *et seq.*), CCC enters into storage agreements with private cotton warehouse operators to provide for the storage of commodities owned by CCC or pledged as security to CCC for price support loans.

The regulation, 7 CFR 1427.1088, requires that all non-Federally licensed cotton warehouse operators in States that do not have a Cooperative Agreement with CCC for warehouse examinations and who do not have an existing agreement with CCC for storage

and handling of CCC-owned commodities or commodities pledged to CCC as loan collateral, but who desire such an agreement, must pay an application and inspection fee prior to CCC conducting the original warehouse examination. After the initial examination and upon execution of the CSA, such cotton warehouse operator must pay the annual contract fee prorated for the first year and the full contract fee annually thereafter in advance of the renewal date of the agreement.

Section 1427.1088 also provides that the amount of the contract fee will be determined and announced in the **Federal Register**. The fee schedule remains effective until changed by CCC. No fee schedule currently is in effect and CCC has not collected fees although the Standards for Approval and the Cotton Storage Agreement (CSA) provides for the collection of such fees. The Department of Agriculture has determined that the user fees will now be collected under the United States Warehouse Act from cotton warehouse operators licensed there under. A cotton user fee schedule was announced in the **Federal Register** effective October 1, 1994. CCC has now determined that a CSA contract fee will be collected from cotton warehouse operators having a CSA and not licensed under the United States Warehouse Act. This notice will establish the schedule of Contract Fees.

Determination

The fees set forth herein will be collected by CCC from non-Federally licensed warehouse operators in States which do not have a Cooperative Agreement with CCC for the examination of warehouses and who have entered into a CSA with CCC or who are seeking to enter into a CSA with CCC.

Application and Inspection Fees

The Application and Inspection fee will be computed at the rate of \$65 for each 1,000 bales of storage capacity or fraction thereof, but the fee will be not less than \$130 nor more than \$1,300.

Contract Fees

The contract fees are as follows:

TWELVE-MONTH CONTRACT FEE
SCHEDULE

Location capacity (bales)	Contract fees (dollars)
1 to 20,000	\$500
20,001 to 40,000	650
40,001 to 60,000	800
60,001 to 80,000	1,000
80,001 to 100,000	1,250
100,001 to 120,000	1,500
120,001 to 140,000	1,750
140,001 to 160,000	2,000
160,001 +	12,250

¹Plus \$50.00 per 5,000 bale capacity or fraction thereof above 160,000 bales.

Signed at Washington, DC on March 16, 1995.

Bruce R Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc 95-7049 Filed 3-21-95; 8:45 am]

BILLING CODE 3410-05-P

Forest Service

Zaca Mine Project Toiyabe National Forest, Alpine County, California

AGENCY: Forest Service.

ACTION: Cancellation of notice of intent to prepare an environmental impact statement.

SUMMARY: The Department of Agriculture, Forest Service and Alpine County Planning Department have cancelled preparation of an Environmental Impact Statement/Report (EIS/EIR) for the Zaca Mine Project following withdrawal of the proposal by Western States Minerals Corporation. Public comments regarding this project are no longer needed. The Notice of Intent to Prepare an EIS was originally published on February 8, 1995 in the **Federal Register**, Volume 60, NO. 26, pages 7518-7519.

FOR FURTHER INFORMATION CONTACT: Questions regarding this notice may be directed to Maureen Joplin, Project Team Leader, Toiyabe National Forest, 1200 Franklin Way, Sparks, NV, 89431; telephone: 702-355-5394.

SUPPLEMENTARY INFORMATION: Western States Minerals Corporation (WSM) has withdrawn its proposed Plan of Operations (POO) for an open pit/cyanide heap leach gold/silver mine in Alpine County, California. The project would have been located approximately four miles southeast of Markleeville in sections 29, 30, 31 and 32, T10N R21E, M.D.M. Total area of proposed disturbances was 228 acres. Forest Service and Alpine County were in the process of collecting comments from

other agencies and the public when WSM withdrew its proposed plan. WSM offered the following statement:

“Western States Minerals Corporation has decided to discontinue permitting of its wholly owned Zaca Project at this time. This decision is based entirely upon economic reasons. The Company has other Projects that it will develop at this time, because they appear to be more economically viable in the present business climate. Western States Minerals Corporation fully intends to develop the Zaca Project at some future date.”

Dated: March 10, 1995.

Gary Sayer,

Deputy Forest Supervisor, Toiyabe National Forest.

[FR Doc. 95-6961 Filed 3-21-95; 8:45 am]

BILLING CODE 3410-11-M

Rangeland Health; Wasatch-Cache National Forest, Box Elder, Cache, Rich, Tooele, Weber, Morgan, Summit Counties, Utah and Uinta County, Wyoming

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement on a proposal to amend the Wasatch-Cache National Forest Land and Resource Management Plan to add management direction and standards and guidelines for desired future condition of rangelands.

DATES: Comments concerning the scope of the analysis should be received in writing by April 20, 1995.

ADDRESSES: Send written comments to William P. LeVere, Deputy Forest Supervisor, 8236 Federal Building, 125 South State St., Salt Lake City, Utah 84138.

FOR FURTHER INFORMATION CONTACT: Reese Pope, Planning Staff Officer, (801) 524-5188.

SUPPLEMENTARY INFORMATION: The Wasatch-Cache National Forest is proposing to amend the Wasatch-Cache National Forest Land and Resource Management Plan to add management direction and standards and guidelines for desired future condition of rangelands. The desired future condition of four range types will be defined: Riparian, uplands, alpine, and aspen. Riparian areas will be managed for mid-to-late seral ecological conditions to maintain or restore biological, physical, and aesthetic values of riparian ecosystems. Uplands will be managed for mid-to-late seral

status to maintain watershed conditions. Alpine areas will be managed for protective ground cover with a diversified vegetative cover.

Management of aspen will be to maintain and improve aspen sites and associated vegetation. Specific utilization standards and stubble heights will be set to move toward desired rangeland conditions.

A scoping document has been sent to 700 individuals and organizations and local and state government agencies. Preliminary issues identified by the interdisciplinary team include effects on threatened, endangered, and sensitive species, effects on riparian areas and upland watershed conditions, effects to local economies, effects on rangeland from livestock and wildlife, effects on recreational values and visual resources and effects on range condition on important wildlife habitat. Two preliminary alternatives have been identified. The proposed action which would amend the Forest Plan with new management direction for rangelands and the No Action which would continue setting direction in individual allotment management plans.

The public is invited to submit comments or suggestions to the address above. The responsible official is William LeVere, Deputy Forest Supervisor. A draft EIS is expected to be filed in May of 1995 and the final EIS filed in August of 1995.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the **Federal Register**. It is very important that those interested in the proposed action participate at that time. To be the most helpful, comments on the draft environmental impact statement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see The Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal court decisions have established that reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon v.*

Hodel, (9th Circuit, 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final.

Dated: March 14, 1995.

William P. LeVere,

Deputy Forest Supervisor.

[FR Doc. 95-6974 Filed 3-21-95; 8:45 am]

BILLING CODE 3410-11-M

Timber Bridge Research Joint Venture Agreements; Solicitation of Applications and Application Guidelines

Program Description

Purpose

The Federal Highway Administration and the USDA, Forest Service, Forest Products Laboratory (FPL), are working cooperatively under Public Law 102-240, The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, on research for the development of wood in transportation structures.

The FPL is now inviting proposals for specific areas of the research under the authority of the Food Security Act of 1985 (7 U.S.C. 3318(b) and will award competitive Research Joint Venture Agreements for cooperative research related to wood in transportation structures. The specific research areas are stated within this announcement.

Eligibility

Proposals may be submitted by any Federal Agency, university, private business, non profit organization, or any research or engineering entity.

An applicant must qualify as a responsible applicant in order to be eligible for an award. To qualify as responsible, an applicant must meet the following standards:

(a) Adequate financial resources for performance, the necessary experience, organizational and technical qualifications, and facilities, or a firm commitment, arrangement, or ability to obtain same (including any to be obtained through subagreement (s)) or contracts;

(b) Ability to comply with the proposed or required completion schedule for the project;

(c) Adequate financial management system and audit procedures that provide efficient and effective accountability and control of all funds, property, and other assets;

(d) Satisfactory record of integrity, judgment, and performance, including, in particular, any prior performance under grants, agreements, and contracts from the Federal government; and

(e) Otherwise be qualified and eligible to receive an award under the applicable laws and regulations.

Available Funding

Available funding is shown under the specific research areas, below. The FPL will reimburse the cooperator not-to-exceed eighty percent (80%) of the total cost of the research. The proposing entity may contribute the indirect costs as its portion of the total cost of the research.

Indirect costs will be reimbursed to State Cooperative Institutions. State Cooperative Institutions are designated by the following:

(a) The Act of July 2, 1862 (7 U.S.C. 301 and the following), commonly known as the First Morrill Act;

(b) The Act of August 30, 1890 (7 U.S.C. 321 and the following), commonly known as the Second Morrill Act, including the Tuskegee Institute;

(c) The Act of March 2, 1887 (7 U.S.C. 361a and the following), commonly known as the Hatch Act of 1887;

(d) The Act of May 8, 1914 (7 U.S.C. 341 and the following), commonly known as the Smith-Lever Act;

(e) The Act of October 10, 1962 (16 U.S.C. 582a and the following), commonly known as the McIntire-Stennis Act of 1962; and

(f) Sections 1429 through 1439 (Animal Health and Disease Research), sections 1474 through 1483 (Rangeland Research) of Public Law 95-113, as amended by Public Law 97-98.

Definitions

(a) Grants, Agreements, and Licensing Officer means the Grants, Agreements, and Licensing Officer of the FPL and any other officer or employee of the Department of Agriculture to whom the authority involved may be delegated.

(b) Awarding Official means the Grants, Agreements, and Licensing Officer and any other officer or employee of the Department of Agriculture to whom the authority to issue or modify awards has been delegated.

(c) Budget Period means the interval of time (usually twelve months) into which the project period is divided for budgetary and reporting purposes.

(d) Department or USDA means the U.S. Department of Agriculture.

(e) Research Joint Venture Agreement means the award by the Grants, Agreements, and Licensing Officer or his/her designee to a cooperator to assist

in meeting the costs of conducting, for the benefit of the public, an identified project which is intended and designed to establish, discover, elucidate, or confirm information or the underlying mechanisms relating to a research problem area identified herein.

(f) Cooperator means the entity designated in the Research Joint Venture Agreement award document as the responsible legal entity to whom a Research Joint Venture Agreement is awarded.

(g) Methodology means the project approach to be followed to carry out the project.

(h) Peer Review Group means an assembled group of experts or consultants qualified by training and/or experience in particular scientific or technical field to give expert advice on the technical merit of grant applications in those fields.

(i) Principal Investigator means an individual who is responsible for the scientific and technical direction of the project, as designated by the cooperator in the application and approved by the Grants, Agreements, and Licensing Officer.

(j) Project means the particular activity within the scope of one or more of the research areas identified herein.

(k) Project Period means the total time approved by the Grants, Agreements, and Licensing Officer for conducting the proposed project as outlined in an approved application or the approved portions thereof.

(l) Research means any systematic study directed toward new or fuller knowledge of the subject field.

Areas: Proposals are currently being solicited in the following areas:

(a) Problem Area I: Copper Naphthenate Preservative for Bridge Applications. To develop a method for the separation and analysis of naphthenic acid components of copper naphthenate preservatives and to determine the relative efficacy of these components to decay fungi. Total estimated cost of the research: \$60,000; estimated Federal funding: \$48,000.

(b) Problem Area II: Development of Crash-Tested Bridge Railings. To develop and evaluate by full-scale crash testing two bridge railing systems, each including the bridge railing and the approach railing transition, for glued laminated timber bridges constructed of longitudinal girders and transverse deck panels. Total estimated cost of the research: \$242,500; estimated Federal funding: \$194,000.

(c) Problem Area III: Manual for Timber Bridge Inspection. To develop a comprehensive, stand-alone reference on the inspection of timber highway

bridges, including superstructures and substructures, which will present the knowledge, skills, and tools needed by bridge personnel to complete an effective inspection of timber bridges. Total estimated cost of the research: \$72,500; estimated Federal funding: \$58,000.

(d) Problem Area IV: Moisture Protection for Timber Members: To develop, refine, and/or evaluate a variety of coatings and coverings for protecting bridge members from moisture. Total estimated cost of the research: \$43,750; estimated Federal funding: \$35,000.

For additional information, contact John G. Bachhuber, USDA, Forest Service, Forest Products Laboratory, One Gifford Pinchot Drive, Madison, WI 53705-2398.

Proposal Preparation

Application Materials

An Application Kit and a copy of this solicitation will be made available upon request. The kit contains detailed information on each Problem Area, required forms, certifications, and instructions for preparing and submitting agreement applications. Copies of the Application Kit and this solicitation may be requested from: Joanne M. Bosch, Grants and Agreements, USDA, Forest Service, Forest Products Laboratory, One Gifford Pinchot Drive, Madison, WI 53705-2398, Telephone Number (608) 231-9205.

Proposal Submission

What to Submit

An original and five copies of a proposal must be submitted. Each copy of each proposal must be stapled securely in the upper left-hand corner (Do not bind). All copies of the proposal must be submitted in one package.

Where and When to Submit

Proposals must be received by the Grants, Agreements, and Licensing Officer by 2 p.m. June 2, 1995, and should be sent or delivered to the following address: Grants, Agreements, and Licensing Officer, USDA, Forest Service, Forest Products Laboratory, One Gifford Pinchot Drive, Madison, WI 53705-2398, Telephone (608) 231-9282.

Proposal Review, Evaluation, and Disposition

Proposal Review

All proposals received will be acknowledged. Prior to technical examination, a preliminary review will be made for responsiveness to this solicitation. Proposals that do not fall

within solicitation guidelines will be eliminated from competition; one copy will be returned to the applicant and the remainder will be destroyed. All accepted proposals will be reviewed by the Grants, Agreements, and Licensing Officer, qualified officers or employees of the Department, and by peer panel(s) of scientists or others who are recognized specialists in the areas covered by the proposals. Peer panels will be selected and organized to provide maximum expertise and objective judgment in the evaluation of proposals.

Evaluation Criteria

The peer review panel(s) will take into account the following criteria in carrying out its review of responsive proposals submitted:

- (a) Scientific merit of proposal.
 - (1) Conceptual adequacy of hypothesis;
 - (2) Clarity and delineation of objectives;
 - (3) Adequacy of the description of the undertaking and suitability and feasibility of methodology;
 - (4) Demonstration of feasibility through preliminary data;
 - (5) Probability of success of project;
 - (6) Novelty, uniqueness, and originality.
- (b) Qualifications of proposed project personnel and adequacy of facilities.
 - (1) Training and demonstrated awareness of previous and alternative approaches to the problem identified in the proposal and performance record and/or potential for future accomplishments;
 - (2) Time allocated for specific attainment of objectives;
 - (3) Institutional experience and competence in subject area; and
 - (4) Adequacy of available or obtainable support personnel, facilities, and instrumentation.

Proposal Disposition

When the peer review panel(s) has completed its deliberations, the USDA program staff, based on the recommendations of the peer review panel(s), will recommend to the Awarding Official that the project be (a) approved for support from currently available funds or (b) declined due to insufficient funds or unfavorable review.

USDA reserves the right to negotiate with the Principal Investigator and/or the submitting entity regarding project revisions (e.g., reduction in scope of work), funding level, or period of support prior to recommending any project for funding.

A proposal may be withdrawn at any time before a final funding decision is

made. One copy of each proposal that is not selected for funding (including those that are withdrawn) will be retained by USDA for one year, and remaining copies will be destroyed.

Supplementary Information

Grant Awards

Within the limit of funds available for such purpose, the awarding official shall make awards to those responsible eligible applicants whose proposals are judged most meritorious under the evaluation criteria and procedures set forth in this solicitation and application guidelines.

The date specified by the awarding officials as the beginning of the project period shall not be later than September 1, 1995.

All funds awarded shall be expended only for the purpose for which the funds are awarded in accordance with the approved application and budget, the terms and conditions of any resulting award, and the applicable Federal cost principles.

Obligation of the Federal Government

Neither the approval of any application nor the award of any Research Joint Venture Agreement commits or obligates the United States in any way to provide further support of a project or an portion thereof.

Other Conditions

The FPL may, with respect to any class of awards, impose additional conditions prior to or at the time of any award, when in the FPL's judgment, such conditions are necessary to assure or protect advancement of the approved project, the interests of the public, or the conservation of Research Joint Venture Agreement funds.

Done at Madison, WI, on March 13, 1995.

Susan L. LeVan,

Acting Director.

[FR Doc. 95-6959 Filed 3-21-95; 8:45 am]

BILLING CODE 3410-11-M

Natural Resources Conservation Service

East Wenatchee Watershed, Washington; Notice

AGENCY: Natural Resources Conservation Service.

ACTION: Notice of deauthorization of federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83-566, and the Natural Resources Conservation Service Guidelines (7 CFR 622), the Natural

Resources Conservation Service gives notice of the deauthorization of Federal funding for the East Wenatchee Watershed project, Douglas County, Washington, effective on February 10, 1995.

FOR FURTHER INFORMATION CONTACT: Lynn A. Brown, State Conservationist, Natural Resources Conservation Service, W. 316 Boone Avenue, Suite #450, Spokane, Washington 99201-2348, telephone: (509) 353-2337.

Dated: March 13, 1995.

Lynn A. Brown,
State Conservationist.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

[FR Doc. 95-6960 Filed 3-21-95; 8:45 am]

BILLING CODE 3410-16-M

Rural Utilities Service

Municipal Interest Rates for Second Quarter of 1995

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of municipal interest rates on advances from insured electric loans for the second quarter of 1995.

SUMMARY: The Rural Utilities Service hereby announces the interest rates for advances on municipal rate loans with interest rate terms beginning during the second calendar quarter of 1995.

DATES: These interest rates are effective for interest rate terms that commence during the period beginning April 1, 1995, and ending June 30, 1995.

FOR FURTHER INFORMATION CONTACT: Patrick Shea, Financial Analyst, U.S. Department of Agriculture, Rural Utilities Service, room 2230-s, 14th Street & Independence Avenue SW., Washington, DC 20250-1500. Telephone: 202-720-0736. FAX: 202-720-4120.

SUPPLEMENTARY INFORMATION: The Rural Utilities Service (RUS) hereby announces the interest rates on advances made during the second calendar quarter of 1995 for municipal rate electric loans. Pursuant regulations originally published by the Rural Electrification Administration (REA) at 7 CFR 1714.5, the interest rates on advances from municipal rate loans are based on indexes published in the "Bond Buyer" for the four weeks prior to the first Friday of the last month before the beginning of the quarter.

The Federal Crop Insurance Reform and Department of Agriculture

Reorganization Act of 1994 (Pub. L. 103-354, 101 Stat. 3178), signed by President Clinton on October 13, 1994, provides for the establishment of RUS as successor to REA with respect to various programs, including the electric loan program established by the Rural Electrification Act of 1936 (7 U.S.C. 901 *et seq.*). On October 20, 1994, the Secretary of Agriculture issued the Secretary's Memorandum 1010-1, establishing RUS and abolishing REA. Therefore, RUS is publishing this notice implementing a rule originally published by REA.

In accordance with 7 CFR 1714.5, the interest rates are established as shown in the following table for all interest rate terms that begin at any time during the second calendar quarter of 1995.

Interest rate term ends in (year)	Interest rate (0.000 percent)
2016 or later	6.000
2015	6.000
2014	6.000
2013	6.000
2012	6.000
2011	5.875
2010	5.875
2009	5.750
2008	5.750
2007	5.625
2006	5.500
2005	5.500
2004	5.375
2003	5.375
2002	5.375
2001	5.250
2000	5.125
1999	5.125
1998	5.000
1997	4.875
1996	4.625

Dated: March 13, 1995.

Wally Beyer,
Administrator, Rural Utilities Service.
[FR Doc. 95-7048 Filed 3-21-95; 8:45 am]
BILLING CODE 3410-15-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Materials Processing Equipment Technical Advisory Committee; Notice of Closed Meeting

A meeting of the Materials Processing Equipment Technical Advisory Committee will be held April 18, 1995, 9:00 a.m., in the Herbert C. Hoover Building, Room 1617M(2), 14th Street & Pennsylvania Avenue NW., Washington, D.C. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical

questions that affect the level of export controls applicable to materials processing and related technology.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. export control program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on January 6, 1994, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, D.C. 20230. For further information, contact Lee Ann Carpenter on (202) 482-2583.

Dated: March 17, 1995.

Lee Ann Carpenter,
Director, Technical Advisory Committee Unit.
[FR Doc. 95-7018 Filed 3-21-95; 8:45 am]
BILLING CODE 3510-DT-M

Minority Business Development Agency

Business Development Center Applications: San Francisco/Oakland

AGENCY: Minority Business Development Agency.

ACTION: Correction.

SUMMARY: On page 12738, in the issue dated Wednesday, March 8, 1995, solicitation for the operation of the Minority Business Development Center (MBDC) is corrected to read, "San Francisco/Oakland".

The MBDC will provide service in the San Francisco/Oakland, California Metropolitan Area. The award number of the MBDC will be 09-10-95015-01.

FOR FURTHER INFORMATION CONTACT: Steven Saho at (415) 744-3001.

11.800 Minority Business Development Center
(Catalog of Federal Domestic Assistance)

Dated: March 16, 1995.

Frances B. Douglas,

*Alternate Federal Register Liaison Officer,
Minority Business Development Agency.*
[FR Doc. 95-6995 Filed 3-21-95; 8:45 am]

BILLING CODE 3510-21-M

National Institute of Standards and Technology

Inventions, Government-Owned; Availability for Licensing

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Government owned inventions available for licensing.

SUMMARY: The inventions listed below are owned by the U.S. Government, as represented by the Department of Commerce, and are available for licensing in accordance with 35 U.S.C. 207 and 37 CFR Part 404 to achieve expeditious commercialization of results of federally funded research and development.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on these inventions may be obtained by writing to: Marcia Salkeld, National Institute of Standards and Technology, Office of Technology Commercialization, Physics Building, Room B-256, Gaithersburg, MD 20899; Fax 301-869-2751. Any request for information should include the NIST Docket No. and Title for the relevant invention as indicated below.

SUPPLEMENTARY INFORMATION: The inventions available for licensing are:

NIST Docket No. 93-051

Title: Process For The Chemical Preparation of Bismuth Telluride and Bismuth Telluride Composite Thermoelectric Materials

Description: An aqueous chemical route to a bismuth telluride precursor is described. Bismuth telluride is readily generated from the precursor by hydrogen reduction at 275 deg C, and exhibits a particle size of about 100nm. This process provides fine-particle, polycrystalline bismuth telluride from commonly available chemicals in yields exceeding 90%.

NIST Docket No. 93-059

Title: Strut Structure and Rigid Joint Therefor

Description: This NIST invention is a system of mechanical joints and clamps for assembling lightweight struts into a rigid structure. The system is designed to hold several large objects, such as telescope

mirrors, in precise and stable positions relative to each other.

NIST Docket No. 94-005

Title: Particle Calorimeter With Normal Metal Base Layer

Description: NIST researchers have designed a microcalorimeter based x-ray detector using a normal-metal absorber and a normal-insulator-superconductor tunnel junction thermometer. The detector has very fast response time, on the order of 10 to 100 microseconds, and is capable of detecting a minimum energy of 1 eV.

NIST Docket No. 94-008

Title: Josephson D/A Converter With Fundamental Accuracy

Description: The invention is a superconducting integrated circuit that uses a digital input to rapidly select any one of several thousand quantized output voltages. The voltages are generated directly by microwave synchronized Josephson junctions and are as accurate as the externally generated microwave frequency. The circuit makes fast voltage comparisons and the digital synthesis of ultra-accurate AC waveforms possible. These AC waveform's amplitude derives directly from the internationally accepted definition of the volt.

NIST Docket No. 94-019

Title: Transparent Carbon Nitride Films, Process For Making Carbon Nitride Films And Compositions Of Matter Comprising Transparent Carbon Nitride Films

Description: This invention is a novel process to produce transparent, hard carbon nitride films. The films are useful on lenses, windows, and mirrors where durability is often limited by scratches or other means of surface damage.

Dated: March 15, 1995.

Samuel Kramer,

Associate Director.

[FR Doc. 95-7057 Filed 3-21-95; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

[I.D. 030695A]

Atlantic Sea Scallop Fishery; Scoping Meetings; SEIS

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

ACTION: Notice of intent to prepare a supplemental environmental impact statement (SEIS); scoping meetings; request for comments.

SUMMARY: NMFS announces the intention of the New England Fishery Management Council (Council) to prepare an SEIS for proposed Amendment 5 to the Atlantic Sea Scallop Fishery Management Plan (FMP). NMFS informs the public herewith of the opportunity to participate in the further development of Amendment 5 to the FMP. All persons affected by, or otherwise interested in, the proposed amendment are invited to participate in determining the scope of significant issues to be considered in the SEIS by submitting written comments. The scoping process also will identify issues that are not significant and eliminate them from detailed study.

DATES: See SUPPLEMENTARY INFORMATION for dates and times of scoping meetings. Written comments must be received by April 19, 1995.

ADDRESSES: See SUPPLEMENTARY INFORMATION for meeting locations. Send written comments on the scoping process and scope of the SEIS to Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1097.

FOR FURTHER INFORMATION CONTACT: Douglas G. Marshall, Executive Director, 617-231-0422; FAX: 617-565-8937.

SUPPLEMENTARY INFORMATION: The Council will discuss Amendment 5 at regularly scheduled meetings. The public will be notified (by a **Federal Register** notice) of the specific agendas at least 2 weeks prior to Council meetings. There is a preliminary document available from the Council that briefly describes the alternatives currently under consideration.

One of these alternatives is consolidation. Consolidation means allowing days at sea (DAS) or other units of fishing activity to be redistributed among fewer boats, so the remaining vessels have more opportunity to fish. It has already been discussed at the following Council meetings:

October 26, 1994, Danvers, MA;
December 8, 1994, Danvers, MA;
January 12, 1994, Danvers, MA; and
February 16, 1995, Danvers, MA.

The currently scheduled scoping meetings are as follows:

1. March 31, 1995, 4 p.m., Holiday Inn, Maine Route 3, Ellsworth, ME;
2. April 3, 1995, 4 p.m., Seaport Inn, 110 Middle St., Fairhaven, MA;

3. April 4, 1995, 7 p.m., Little Washington, Department of Environmental, Health and Natural Resources, 1424 Carolina Avenue, Washington, NC; and

4. April 5, 1995, 5 p.m., Grand Hotel, Oceanfront and Philadelphia Avenue, Cape May, NJ.

Atlantic sea scallop stocks are over-exploited and at low levels of abundance. Amendment 4 to the FMP was implemented on March 1, 1994 (59 FR 12, January 19, 1994), and was intended to eliminate overfishing through an incremental effort reduction program, gear modifications such as ring and mesh size increases, and other measures. It was also expected that the number of limited access vessels would remain stable for the duration of the 7-year schedule.

Amendment 4 to the FMP states that vessels with a DAS allocation of 150 days per year will yield revenues that are insufficient, on average, to cover the fixed costs for vessels larger than 50 gross registered tons. A DAS allocation of 150 days is projected for year 4 or 5 of the 7-year schedule, depending on the initial fishing mortality rate. The amendment further states that if recruitment falls to what is considered to be average or below average levels, many vessel operations will become uneconomic, regardless of the management in place at that time. During 1994, the first year of effort reduction under Amendment 4, recruitment has been below average. The result has been a request by scallop advisors to redistribute DAS among the remaining vessels. The amendment will not do this until the pause in DAS reductions, which is scheduled for the third year. The consolidation of DAS is expected to allow the remaining vessels to remain economically viable.

The Council's Scallop Industry Advisory Committee believes that consolidation is needed as soon as possible to minimize financial failures caused by present and future reductions in DAS and poor scallop stock conditions.

The Council is in the process of identifying management alternatives to achieve these goals. The current range of options includes, but is not limited to, a private program to buy back vessels, a government buy-back program, limits on total allowable catch with individual transferrable quotas, transferrable DAS, a use-it-or-lose-it provision under which vessels that do not use their DAS or quota allocation will lose their scallop permits, and a prohibition on shellstocking.

The Council expects that proposed regulations implementing the

recommendations of the industry advisors may have significant economic and social effects. The Council recognizes that these effects will extend beyond the individuals, families and communities that principally depend on scallops to other fisheries in the region, due to the displacement of fishing effort caused by the scallop regulations. This displacement could also potentially affect the status of these other fishery stocks. For this reason the Council has determined that it will hold scoping meetings to determine whether or not an SEIS is appropriate.

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

Dated: March 15, 1995.

David S. Crestin,

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

[FR Doc. 95-6847 Filed 3-21-95; 8:45 am]

BILLING CODE 3510-22-F

[I.D. 031595B]

North Pacific Fishery Management Council; Committee Meeting

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

ACTION: Notice of meeting.

SUMMARY: The industry implementation team for the Sablefish and Halibut Individual Fishing Quota (IFQ) Program will hold a meeting, on April 5-6, 1995, at the NMFS Regional office, 709 W. 9th Street, Juneau, AK.

The agenda for the meeting will include the following subjects:

1. Amount of IFQ fish that can be retained onboard in a particular area,
2. Clarification of "prelanding written clearance" and "preclearance reports" requirements,
3. Coordination of the IFQ Program and Research Plan,
4. Vessel and use caps,
5. Certified mail requirement,
6. Sub-leasing of quota shares or IFQs,
7. Shipping report problems,
8. Clarification that vessel caps do not include Community Development Quota allocations,
9. Transshipment reports, and
10. Overage provision.

The Implementation Team will provide a written report of the meeting to the North Pacific Fishery Management Council at its meeting the week of April 17, 1995, in Anchorage.

FOR FURTHER INFORMATION CONTACT: Jane DiCosimo, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 271-2809.

SUPPLEMENTARY INFORMATION: These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Helen Allen, (907) 271-2809, at least 5 working days prior to the meeting date.

Dated: March 16, 1995.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management,

National Marine Fisheries Service.

[FR Doc. 95-7003 Filed 3-21-95; 8:45 am]

BILLING CODE 3510-22-F

[I.D. 031595A]

Pacific Fishery Management Council; Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council (Council) and its advisory entities will hold meetings, April 3-7, 1995, at the Red Lion Hotel Columbia River, Portland, OR; telephone: (503) 283-2111.

Council Meetings

On April 4, the Council will meet in a closed session (not open to the public) to discuss personnel matters and litigation from 8:00-8:30 a.m. The open session will begin at 8:30 a.m. on April 4, and each day thereafter at 8:00 a.m., and may continue into the evening hours, if necessary, to complete business.

The following items are included on the Council's agenda:

A. Call To Order

1. Opening remarks, introductions, roll call; and
2. Approval of proposed agenda.

B. Salmon Management

1. Tentative adoption of 1995 ocean salmon management measures for Salmon Technical Team analysis;
2. Methodology reviews;
3. Clarification of tentative 1995 measures, if necessary;
4. Update of Council salmon management cycle; and
5. Final action on 1995 measures, including specification of a halibut to chinook ratio in the 1995 troll fishery.

C. Habitat Issues

Consider recommendation of the habitat steering group.

D. Groundfish Management

1. Status of Federal regulations implementing Council actions;
2. 1995 harvest guideline for sablefish;
3. Status of fisheries and inseason trip limit adjustments;
4. Rockfish sport bag limit off Washington;
5. Oregon data collection activities;
6. Review of surveys and assessments for Dover sole, thornyheads and sablefish;
7. Plans for NMFS groundfish research in Newport, OR;
8. Review of overfishing definition;
9. Review of groundfish management cycle; and
10. Groundfish management team reports on new issues.

E. Administrative Matters and Other Matters

1. Budget Committee report;
2. Status of legislation;
3. June meeting agenda;
4. Operating procedures;
5. Shark baiting in the Monterey Bay National Marine Sanctuary;
6. Management of the Dungeness crab fishery; and
7. Summary of research indicating reduced zooplankton productivity off California.

Other Meetings

The Scientific and Statistical Committee will meet on April 3, at 9:00 a.m., and April 4, at 8:00 a.m., to address scientific issues on the Council agenda.

The Salmon Technical Team will meet, as necessary (irregular hours), throughout the week, April 3-7, to prepare impact analyses of the proposed salmon management measures for 1995.

The Groundfish Management Team will meet on April 3, at 8:00 a.m., to address groundfish management items on the Council agenda.

The Groundfish Advisory Subpanel will meet on April 3, at 1:00 p.m., on April 4, at 8:00 a.m., and on April 5 (if necessary) at 7:00 a.m., to address groundfish management items on the Council agenda.

The Salmon Advisory Subpanel will meet on April 3, at 9:00 a.m., and at 8:00 a.m. each day thereafter through April 7, to address salmon management items on the Council agenda.

The Habitat Steering Group will meet on April 3, at 10:00 a.m., to consider activities affecting the habitat of fish stocks managed by the Council.

The Committee on Council Procedures will meet on April 3, at 1:00 p.m., to recommend revisions to the Council's operating procedures.

The Budget Committee will meet on April 3, at 3:00 p.m., to review the status of the fiscal year 1995 Council budget and discuss funding priorities for fiscal year 1996.

The Observer/Data Collection Program Steering Committee will meet on April 3, at 7:00 p.m., to review proposed Oregon State data collection program and related issues.

The Enforcement Consultants will meet on April 4, at 7:00 p.m., to address enforcement issues related to Council agenda items.

The Groundfish Permit Review Board will meet on April 7, at 8:00 a.m., for orientation of new members and to hear appeals. The hearing on appeals will begin at 10:00 a.m.

Detailed agendas for the above advisory meetings will be available from the Council after March 23, 1995.

FOR FURTHER INFORMATION CONTACT: Lawrence D. Six, Executive Director, Pacific Fishery Management Council, 2130 SW. Fifth Avenue, Suite 224, Portland, OR 97201; telephone: (503) 326-6352.

SUPPLEMENTARY INFORMATION: This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Michelle Perry Sailer at (503) 326-6352, at least 5 days prior to the meeting date.

Dated: March 16, 1995.

David S. Crestin,

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

[FR Doc. 95-7002 Filed 3-21-95; 8:45 am]

BILLING CODE 3510-22-F

[I.D. 031095D]

Marine Mammals

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

ACTION: Receipt of application for a public display permit (P585).

SUMMARY: Notice is hereby given that Mr. Emil Popescu, 1829 La Vante Avenue, Las Vegas, NV 89109, has applied in due form for a public display permit.

DATES: Written comments must be received on or before April 21, 1995.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West

Highway, Room 13130, Silver Spring, MD 20910, (301/713-2289); and

Director, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213 (310/980-4015).

Written data or views, or requests for a public hearing on this application should be submitted to the Chief, Permits Division, F/PR1, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate.

Concurrent with the publication of this notice in the **Federal Register**, copies of this application are being forwarded to the Marine Mammal Commission and the Committee of Scientific Advisors.

SUPPLEMENTARY INFORMATION: The subject permit is requested to import three captive Patagonian sea lions (*Otaria byronia*), under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The animals are to be held by Mr. Popescu (Animal and Plant Health Inspection Service License No. 88-C-112) at the Bonnie Springs Ranch Zoo, Old Nevada, NV 89004 (Animal and Plant Health Inspection Service License No. 88-C-013). The Bonnie Springs Ranch Zoo is open to the public on a regularly scheduled basis without admission charge. Mr. Popescu will offer an educational program that is based on the standards of both the American Zoo and Aquarium Association and the Alliance of Marine Mammal Parks and Aquariums. The display program for the animals will be conducted primarily at the Bonnie Springs Ranch Zoo, but a display will also take place in the Riviera Hotel.

Dated: March 16, 1995.

Art Jeffers,

Acting Chief, Division of Permits & Documentation, National Marine Fisheries Service.

[FR Doc. 95-7001 Filed 3-21-95; 8:45 am]

BILLING CODE 3510-22-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amendment of Export Visa Requirements for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Sri Lanka

March 17, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs amending visa requirements.

EFFECTIVE DATE: March 17, 1995

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The existing export visa arrangement between the Governments of the United States and the Democratic Socialist Republic of Sri Lanka is being amended to no longer require an export visa for cotton and man-made fiber textile products in part-Categories 340-O/640-O, produced or manufactured in Sri Lanka and exported from Sri Lanka on and after March 14, 1995. Goods exported during the period March 14, 1995 through April 13, 1995 shall not be denied entry if visased as 340-O/640-O.

Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 17, 1995.
Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on September 1, 1988, by the Chairman, Committee for the Implementation of Textile Agreements. That directive directed you to prohibit entry of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textile products, produced or manufactured in Sri Lanka for which the Government of the Democratic Socialist Republic of Sri Lanka has not issued an appropriate visa.

Effective on March 17, 1995 you are directed to no longer require a part-category visa for 340-O/640-O¹ for goods produced

¹ Category 340-O/640-O: all HTS numbers except 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050, 6205.20.2060 (340-Y); 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060 (640-Y).

or manufactured in Sri Lanka and exported from Sri Lanka on and after March 14, 1995. Goods exported during the period March 14, 1995 through April 13, 1995 shall not be denied entry if visased as 340-O/640-O.

Shipments entered or withdrawn from warehouse according to this directive which are not accompanied by an appropriate export visa shall be denied entry and a new visa must be obtained.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C.553(a)(1).

Sincerely,

Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95-7032 Filed 3-21-95; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Defense Mapping for Future Operations

ACTION: Notice of Advisory Committee meetings.

SUMMARY: The Defense Science Board Task Force on Defense Mapping for Future Operations will meet in closed session on April 6-7, 1995 at the Pentagon in Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense (Acquisition and Technology) on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will develop recommendations for implementing a cost-effective approach for providing geospatial information and products to Department of Defense users.

In accordance with Section 10(d) of the Federal Advisory Committee Act, P.L. No. 92-463, as amended (5 U.S.C. App. II, (1988)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. § 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: March 16, 1995.

Patricia L. Toppings,

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

[FR Doc. 95-6958 Filed 3-21-95; 8:45 am]

BILLING CODE 5000-04-M

Telecommunications Service Priority (TSP) System Oversight Committee

AGENCY: Department of Defense, National Communications System.

ACTION: Notice of meeting.

A meeting of the Telecommunications Service Priority (TSP) System Oversight Committee will convene Thursday, April 20, 1995, from 9 a.m. to 4:45 p.m. and Friday, April 21, 1995, from 9 a.m. to 11 a.m. The meeting will be held at the Citadel in Charleston South Carolina. The agenda is as follows:

- Opening/Administrative Remarks
- Review of November 6, 1994 Meeting Summary
- TSP Program Office Update
- CPAS Working Group Reports
- Vendor to Vendor Reconciliation Report
- Review of Action Items
- Old Business/New Business.

Anyone interested in attending or presenting additional information to the Committee, please contact the NCS TSP Program Office, Bernard Farrell (703) 607-4901 or Betty Hoskin (703) 607-4932, by April 13, 1995.

Dated: March 16, 1995

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Department of the Navy

Notice of Extension of the Public Review Period for the Department of the Navy Draft Environmental Impact Statement for the Disposal and Reuse of Naval Hospital Long Beach, Long Beach, California and Notice of Availability of Specific Materials Referenced Therein

The public review and comment period for the Draft Environmental Impact Statement for the Disposal and Reuse of Naval Hospital Long Beach, Long Beach, California (DEIS) is extended until 5 April 1995. The reason for this extension is to make available for review and comment preliminary working papers that were erroneously referenced in the DEIS. The preliminary working papers, that were to be part of a joint City of Long Beach/United States Navy Draft Environmental Impact Report/Draft Environmental Impact Statement for the Closure and Demolition of the Long Beach Naval Hospital and Construction of the Long Beach Power Center Los Angeles County, California, were never completed or published and only exist as working papers. The responsibility for this error rests entirely with the

Navy. Although there is no requirement to distribute reference materials, those working papers are now being made available for review at the following locations:

Long Beach

Long Beach Public Library, Main Branch, 101 Pacific Avenue, Long Beach, CA 90822-1097
 Bach Library Branch, 4055 Bellflower Boulevard, Long Beach, CA 90808
 El Dorado Library Branch, 2900 Studebaker Road, Long Beach, CA 90815
 Community and Environmental Planning, 333 West Ocean Boulevard, 5th Floor, Long Beach, CA 90802

Lakewood

Angelo Iacaboni Library Branch, 4990 Clark Avenue, Lakewood, CA 90712
 George Nye, Jr. Library Branch, 6600 Del Amo Boulevard, Lakewood, CA 90713
 Community Development Department, 5050 Clark Avenue, Lakewood, CA 90714

Hawaiian Gardens

Hawaiian Gardens Public Library, 12100 East Carson Street, #E, Hawaiian Gardens, CA 90716
 Community Development Department, 21815 Pioneer Boulevard, Hawaiian Gardens, CA 90716.

All other materials referenced in the DEIS remain available by contacting the person listed below. Please provide review comments no later than 5 April 1995 to Jo Ellen Anderson (Code 232.JA), Southwest Division, Naval Facilities Engineering Command, 1220 Pacific Highway, San Diego, California 93132-5190; Phone number (619) 532-3912, Fax number (619) 532-3824.

Dated: March 17, 1995.

L.R. McNeese,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 95-7056 Filed 3-21-95; 8:45 am]

BILLING CODE 3810-FF-M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Group, invites comments on 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 March 17, 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: March 17, 1995.

Gloria Parker,

Director, Information Resources Group.

Office of Educational Research and Improvement

Type of Review: Expedited
Title: Star Schools Program
Frequency: Annually

Affected Public: Businesses or other for-profit; Non-profit institutions; State, Local or Tribal Governments

Reporting Burden:

Responses: 50

Burden Hours: 4,000

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0

Abstract: This form will be used to apply for grants under the Star Schools Program. The Department will use the information to make grant awards.

Additional Information: Clearance for this information collection is requested for March 17, 1995. An expedited review is requested in order to comply with the statute and award funds in FY 95 for the program.

Office of Educational Research and Improvement

Type of Review: Expedited

Title: Application for Grants Under the Dwight D. Eisenhower Professional Development Program—Federal Activities Program

Frequency: Annually

Affected Public: Non-profit institutions; State, Local or Tribal Governments

Reporting Burden:

Responses: 200

Burden Hours: 14,400

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0

Abstract: This form will be used by State Educational agencies to apply for grants under the Dwight D. Eisenhower Professional Development Federal Activities Program. The Department will use the information to make grant awards.

Additional Information: Clearance for this information collection is requested for March 17, 1995. An expedited review is requested in order to implement the program before the start of the new year.

[FR Doc. 95-7075 Filed 3-21-95; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Environmental Management Advisory Board; Meeting

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following Advisory Committee meeting:

NAME: Formerly Utilized Site Remediation Program (FUSRAP)

Subcommittee to the Environmental Management Advisory Board.

DATES AND TIMES: Monday, April 3, 1995 from 10:30 a.m. to 5:30 p.m.; Tuesday, April 4, 1995 from 8:30 a.m. to 4:30 p.m.

PLACE: Comsat Building, 950 L'Enfant Plaza, Lobby level conference room, Washington, D.C. 20024.

FOR FURTHER INFORMATION CONTACT: James T. Melillo, Executive Secretary, Environmental Management Advisory Board, EM-5, 1000 Independence Avenue, S.W., Washington, DC 20585, (202) 586-4400 or internet James.Melillo@em.doe.gov.

SUPPLEMENTARY INFORMATION: Purpose of the Committee. The purpose of the FUSRAP Committee is to establish guiding principles for the implementation of the Department of Energy's FUSRAP efforts. The principles will promote consistent and cost effective remedies for the FUSRAP projects.

Tentative Agenda

Monday, April 3, 1995

The first meeting of the FUSRAP committee will begin at 10:30 a.m. with an introduction of participants and opening remarks. The group will discuss DOE program needs and the purpose of the FUSRAP Committee, and begin to draft guiding principles. The guiding principles will establish a clear focus for DOE and the public for the stakeholder forum in May. There will be time for public comment before adjourning at 5:00 p.m.

Tuesday, April 4, 1995

The meeting will begin at 8:30 a.m. with a discussion of a process for developing action principles. There will be briefings on selected issues and discussions on the draft guiding principles and the stakeholder review process. Assignments will be handed out and there will be time for public comment before adjourning at 4:30 p.m.

A final agenda will be available at the meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact James T. Melillo at the address, internet address, or telephone number listed above. Individuals may also register on April 3, 1995 at the meeting site. Every effort will be made to hear all those wishing to speak to the Board, on a first come, first serve basis. The Committee Chair is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of

business. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that had to be resolved prior to publication.

Minutes: Meeting minutes will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on March 17, 1995.

Gail Cephas,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95-7071 Filed 3-21-95; 8:45 am]

BILLING CODE 6450-01-P

Environmental Management Site Specific Advisory Board, the Fernald Site; Meeting

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site Specific Advisory Board (EM SSAB), the Fernald Citizens Task Force.

DATES: The next meeting of the Task Force will be on Tuesday, March 28, 1995, from 5:00 p.m. to 6:45 p.m.

ADDRESSES: The March 28 meeting will be held at: Venice Fire House, 2565 Cincinnati-Brookville Road, Ross, Ohio.

FOR FURTHER INFORMATION CONTACT: John S. Applegate, Chair of the Fernald Citizens Task Force, P.O. Box 544, Ross, Ohio 45061, or call the Fernald Citizens Task Force message line (513) 648-6478.

SUPPLEMENTARY INFORMATION: Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of future use, cleanup levels, waste disposition and cleanup priorities at the Fernald site.

Tentative Agenda

5:00 Call to Order
5:05 Discuss Site Priorities
6:00 Opportunity for Public Comment
6:15 Discussion of Potential Recommendation
6:45 Adjourn

Public Participation: The meeting is open to the public. Written statements may be filed with the Task Force chair either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items

should contact the Task Force chair at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official, Kenneth Morgan, Public Affairs Officer, Ohio Field Office, U.S. Department of Energy, is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments. The documents and other materials relevant to the meeting's subjects are being developed by the Task Force staff. They will be distributed at the meeting. This notice is being published less than 15 days before the date of the meeting, due to programmatic issues that had to be resolved prior to publication.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to John S. Applegate, Chair, the Fernald Citizens Task Force, P.O. Box 544, Ross, Ohio 45061 or by calling the Task Force message line at (513) 648-6478.

Issued at Washington, DC on March 17, 1995.

Gail Cephas,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95-7073 Filed 3-21-95; 8:45 am]

BILLING CODE 6450-01-P

Environmental Management Site Specific Advisory Board, Hanford Site; Meeting

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site Specific Advisory Board (EM SSAB), Hanford Site.

DATES: Thursday, April 6: 8:30 a.m.-5:00 p.m. Friday, April 7: 8:30 a.m.-4:00 p.m.

ADDRESSES: The session will be held at: Tower Inn Best Western, 1515 George Washington Way, Richland, Washington.

FOR FURTHER INFORMATION CONTACT: Jon Yerxa, Public Participation Coordinator,

Department of Energy Richland Operations Office, P.O. Box 550, Richland, WA, 99352.

SUPPLEMENTARY INFORMATION: Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

April Meeting Topics

The Hanford Advisory Board will receive information on and discuss issues related to: Pump and Treat Issues, Privatization, 100 Area Operable Unit Plans, and the '97 Budget Overview. The Committee will also receive updates from various Subcommittees, including reports on: the Facility Transition TPA Negotiations, Tank Safety and Emergency Response (C-106), Public Involvement, USDOE Environmental Justice Strategy, Double Shell Tanks, and the CERE Report.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Jon Yerxa's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to Jon Yerxa, Department of Energy Richland Operations Office, P.O. Box 550, Richland, WA 99352, or by calling him at (509) 376-9628.

Issued at Washington, DC on March 17, 1995.

Gail Cephas,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95-7072 Filed 3-21-95; 8:45 am]

BILLING CODE 6450-01-P

Federal Energy Regulatory Commission

[Project Nos. 2113, 2239, 2476, and 1999, 2212, 2590, and 2256, 2255, 2291, and 2292—WI]

Wisconsin Valley Improvement Company, Tomahawk Power and Pulp Company, Wisconsin Public Service Corporation, Weyerhaeuser Paper Company, Consolidated Water Power Company, Nekoosa Papers, Inc.; Notice of Intent To Hold Public Meetings in Rhinelander and Rib Mountain, Wisconsin, To Discuss the Draft Environmental Impact Statement (DEIS) for the Proposed Relicensing of the Existing Wisconsin River Headquarters, Kings Dam, Jersey, Wausau, Rothschild, Wisconsin River Division, Wisconsin Rapids, Centralia, Port Edwards and Nekoosa Projects

March 16, 1995.

On February 23, 1995, the Commission staff mailed the Wisconsin River Basin DEIS to the Environmental Protection Agency, resource and land management agencies, and interested organizations and individuals. This document evaluates the environmental consequences of the proposed relicensing of the Wisconsin River Headquarters project (no power; regulates flows to the Wisconsin River); 2.7 megawatt (MW) Kings Dam; 0.512 MW Jersey; 5.4 MW Wausau; 4.66 MW Rothschild; 6.4 MW Wisconsin River Division; 9.02 MW Wisconsin Rapids; 3.2 MW Centralia; 3.592 MW Port Edwards; and 3.78 MW Nekoosa projects. The projects are located in Vilas, Forest, Oneida, Lincoln, Marathon, Portage, and Wood counties, Wisconsin, and in Gogebic County, Michigan.

The public meetings will be recorded by a court reporter and are scheduled as follows: (1) A meeting on the Wisconsin Headwaters Project No. 2113, will be held at 7 p.m. on Tuesday, April 4, 1995, at the Claridge Motor Inn (Best Western), 70 N. Stevens Street, Rhinelander, Wisconsin; and (2) a meeting on the 9 hydropower projects will be held at 7 p.m. on Wednesday, April 5, 1995, at Wausau Inn and Conference Center, 2001 N. Mountain Road, Rib Mountain, Wisconsin.

At the meetings, Commission staff will summarize major DEIS findings and recommendations. Resource agency personnel and other interested persons will be provided an opportunity to submit oral and written comments regarding the DEIS for the Commission's public record. Written comments on the DEIS may also be sent to: The Secretary, Federal Energy Regulatory Commission,

825 N. Capitol Street NE., Washington, D.C. 20426.

Comments must be received by April 17, 1995. All correspondence should include the appropriate project name(s) and number(s) on the first page of the correspondence.

The DEIS considers over 400 resource recommendations received from license applicants, citizens, resource agencies, and organizations. Resource enhancements relating to hydrologic flow regulation, recreation, land use, fish, wildlife, water quality, reservoir shoreline erosion, vegetation resources and other resource issues are proposed.

All of the projects are proposed to continue operation in a run-of-river mode with no expansion of hydroelectric generating capacity. In major findings, staff recommends adoption of the licensee's hydrological flow regime for the 21 headwater reservoirs together with staff recommended enhancements which would protect water quality in the Wisconsin River, enhance recreation in certain headwater man-made lakes, and generally maintain existing fishing and flood control benefits throughout the Wisconsin River. For entrainment issues at the nine hydroelectric reservoirs, the DEIS finds that avoidance and protection measures are not feasible, that entrainment is biologically insignificant, and that limited payments for enhancement of fishery resources may be appropriate.

Lois D. Cashell,

Secretary.

[FR Doc. 95-6981 Filed 3-21-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EG95-32-000, et al.]

Coastal Technology Salvador, S.A. de C.V., et al.; Electric Rate and Corporate Regulation Filings

March 15, 1995.

Take notice that the following filings have been made with the Commission:

1. Coastal Technology Salvador, S.A. de C.V.)

[Docket No. EG95-32-000]

On February 27, 1995, Coastal Technology Salvador, S.A. de C.V. ("Applicant"), Calle Arturo Ambrogi #124, Colonia Escalon, San Salvador, El Salvador, C.A., filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator (EWG) status pursuant to part 365 of the Commission's regulations.

Applicant states that it is an El Salvador corporation which intends to

operate and maintain all or part of certain generating and transmission facilities in El Salvador. Applicant states that these facilities will consist of a 91 MW electric generating facility located in the vicinity of San Salvador, El Salvador, including 17 medium speed diesel electric generators and related interconnection facilities.

Comment date: April 7, 1995, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Coastal Nejapa Ltd.

[Docket No. EG95-33-000]

On February 27, 1995, Coastal Nejapa Ltd. ("Applicant"), c/o Paget-Brown & Company Ltd., West Wind Building, P.O. Box 1111, Grand Cayman, Cayman Islands, B.W.I., filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator (EWG) status pursuant to part 365 of the Commission's regulations.

Applicant states that it is a Cayman Islands Company which intends to own part of certain generating and transmission facilities in El Salvador. Applicant states that these facilities will consist of a 91 MW electric generating facility located in the vicinity of San Salvador, El Salvador, including 17 medium speed diesel electric generators and related interconnection facilities.

Comment date: April 7, 1995, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. North American Energy Services Co.

[Docket No. EG95-34-000]

On March 1, 1995, North American Energy Services Company, a Washington corporation ("Applicant"), with its principal executive office at Issaquah, Washington, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations (the "Application").

Applicant has entered into an operation and maintenance agreement with Turbine Power Co. S.A., a company organized under the laws of the Republic of Argentina, to operate and maintain a 123-megawatt natural gas-fired, electric power generating facility located at General Roca, Argentina (the "Project"). Project facilities also include a gas pipeline that

interconnects with a regional gas carrier's pipeline, a natural gas processing unit, and a 132-kV switching station which is interconnected with a 132 kV transmission line owned by Energia Rio Negro Sociedad del Estado ("ERSE"), the state-owned electric company of the Province of Rio Negro, Republic of Argentina. The Project is expected to commence generating electric power during March 1995. All of the power generated at the Project will be sold at wholesale by the Project's owner, Turbine Power Co. S.A., to ERSE pursuant to a purchase and sale agreement.

Comment date: April 4, 1995, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. Nejapa Power Co.

[Docket No. EG95-35-000]

On February 27, 1995, Nejapa Power Company ("Applicant"), Calle Arturo Ambrogi #124, Colonia Escalon, San Salvador, El Salvador, C.A., filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator (EWG) status pursuant to part 365 of the Commission's regulations.

Applicant states that it is a Delaware Limited Liability Company which intends to own certain generating and transmission facilities in El Salvador. Applicant states that these facilities will consist of a 91 MW electric generating facility located in the vicinity of San Salvador, El Salvador, including 17 medium speed diesel electric generators and related interconnection facilities.

Comment date: April 7, 1995, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

5. 1994 El Salvador Power Trust, Acting Through its Trustee, State Street Bank and Trust Company)

[Docket No. EG95-36-000]

On March 2, 1995, 1994 El Salvador Power Trust, acting through its Trustee, State Street Bank and Trust Company, 225 Franklin Street, Boston, Massachusetts 02110, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator (EWG) status pursuant to part 365 of the Commission's regulations.

Applicant states that it is a business trust organized and in good standing under the laws of the Commonwealth of

Massachusetts. Applicant states that it owns a ninety-nine percent ownership interest in Nejapa Power Company, a Delaware limited liability company. Applicant states that Nejapa Power Company intends to construct and own part or all of an eligible facility. Applicant states that the eligible facility will consist of a ninety-one Megawatt electric generating facility located in the vicinity of San Salvador, El Salvador. Applicant states that the eligible facility will include seventeen medium speed diesel electric generators and related facilities necessary to interconnect with the facilities of Commission Ejecutiva Hidroelectria Del Rio Lempa, the Salvadoran national utility, so as to effect sales of electric energy at wholesale to such utility.

Comment date: April 7, 1995, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

6. Virginia Electric and Power Co.

[Docket No. ER94-1043-001]

Take notice that on January 26, 1995, Virginia Electric and Power Company tendered for filing its refund report in the above-referenced docket.

Comment date: March 29, 1995, in accordance with Standard Paragraph E at the end of this notice.

7. UtiliCorp United, Inc.

[Docket No. ER95-67-001]

Take Notice that on February 24, 1995 UtiliCorp United, Inc. tendered for filing an amendment to its filing in this docket. The amendment consists of a revised Opportunity Sales Tariff and revised charges under its tariff and cost support for those charges. UtiliCorp states that the filing has been made in compliance with the Commission's order of February 9, 1995.

Comment date: March 29, 1995, in accordance with Standard Paragraph E at the end of this notice.

8. Central Illinois Public Service Co.

[Docket No. ER95-206-000]

Take notice that on February 28, 1995, Central Illinois Public Service Company (CIPS) submitted a corrected Index of Purchases to its Coordination Sales Tariff. The revised Index simply corrects a minor typographical error.

CIPS has asked for waiver of the Commission's notice requirements to the extent necessary to permit an effective date of January 1, 1995 for the corrected Index.

Copies of this filing were served on the Illinois Commerce Commission and

all parties which have executed service agreements under the Tariff. A copy of the filing is also available for public inspection at CIPS' offices in Springfield, Illinois.

Comment date: March 29, 1995, in accordance with Standard Paragraph E at the end of this notice.

9. UtiliCorp United Inc.

[Docket Nos. ES95-24-000,) and ES95-24-001]

Take notice that on February 28, 1995, UtiliCorp United Inc. (UtiliCorp) filed an application under Section 204 of the Federal Power Act and an amended application on March 7, 1995, seeking authorization to:

- Issue up to and including 5,000,000 shares of common stock, par value \$1.00 per share,
- Issue up to and including \$200 million of debt securities,
- Issue \$8,190,000 of secured notes, and
- Guarantee payment by a UtiliCorp subsidiary of obligations under securities to be issued by the subsidiary and to borrow up to \$100 million from such subsidiary.

Also, UtiliCorp requests exemption from the Commission's competitive bidding and negotiated placement requirements.

Comment date: April 6, 1995, in accordance with Standard Paragraph E at the end of this notice.

10. Ocean State Power; Ocean State Power II

[Docket Nos. FA93-63-001 and FA93-70-001]

Take notice that on March 3, 1995, Ocean State Power and Ocean State Power II tendered for filing its compliance filing in the above-referenced dockets.

Comment date: March 29, 1995, in accordance with Standard Paragraph E at the end of this notice.

11. White Oak Energy Company L.L.C. (Lockport Project)

[Docket No. QF95-122-000]

On March 13, 1995, White Oak Energy Company L.L.C. (White Oak) tendered for filing an amendment to its filing in this docket.

The amendment pertains to information relating to the ownership structure of White Oak's small power production facility. No determination has been made that the submittal constitutes a complete filing.

Comment date: April 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

12. White Oak Energy Company L.L.C. (Joliet Project)

[Docket No. QF95-123-000]

On March 13, 1995, White Oak Energy Company L.L.C. (White Oak) tendered for filing an amendment to its filing in this docket.

The amendment pertains to information relating to the ownership structure of White Oak's small power production facility. No determination has been made that the submittal constitutes a complete filing.

Comment date: April 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95-7034 Filed 3-21-95; 8:45 am]

BILLING CODE 6717-01-P

[Docket No. ER95-702-000, et al.]

Niagara Mohawk Power Corporation, et al.; Electric Rate and Corporate Regulation Filings

March 16, 1995.

Take notice that the following filings have been made with the Commission:

1. Niagara Mohawk Power Corp.

[Docket No. ER95-702-000]

Take notice that on March 6, 1995, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Service Agreement between NMPC and CNG Power Services Corporation (CNG). This Service Agreement specifies that CNG has signed on to and has agreed to the terms and conditions of NMPC's Power Sales Tariff designated as NMPC's FERC Electric Tariff, Original Volume No. 2.

This Tariff, approved by FERC on April 15, 1994, and which has an effective date of March 13, 1993, will allow NMPC and CNG to enter into separately scheduled transactions under which NMPC will sell to CNG capacity and/or energy as the parties may mutually agree.

In its filing letter, NMPC also included a Certificate of Concurrence executed by the Purchaser.

NMPC requests an effective date of February 15, 1995. NMPC has requested waiver of the notice requirements for good cause shown.

NMPC has served copies of the filing upon the New York State Public Service Commission and CNG.

Comment date: March 30, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. Commonwealth Edison Company

[Docket No. ER95-703-000]

Take notice that on March 6, 1995, Commonwealth Edison Company (ComEd) submitted a Service Agreement, dated February 3, 1995, establishing NorAm Energy Services (NorAm) as a customer under the terms of ComEd's Transmission Service Tariff TS-1 (TS-1 Tariff). The Commission has previously accepted the TS-1 Tariff for filing and suspended rates (as modified) in Docket No. ER93-777-000.

ComEd requests an effective date of February 3, 1995, and accordingly seeks waiver of the Commission's requirements. Copies of this filing were served upon NorAm and the Illinois Commerce Commission.

Comment date: March 30, 1995, in accordance with Standard Paragraph E at the end of this notice.

3. Jersey Central Power & Light Co.; Metropolitan Edison Co.; Pennsylvania Electric Co.

[Docket No. ER95-704-000]

Take notice that on March 6, 1995, GPU Service Corporation (GPU), on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (jointly referred to as the GPU Operating Companies), filed an executed Service Agreement between GPU and Public Service Electric and Gas Company (PSE&G), dated February 16, 1995. This Service Agreement specifies that PSE&G has agreed to the rates, terms and conditions of the GPU Operating Companies' Operating Capacity and/or Energy Sales Tariff (Sales Tariff) designated as FERC Electric Tariff, Original Volume No. 1. The Sales Tariff was accepted by the Commission by letter order issued on

February 10, 1995 in *Jersey Central Power & Light Co., Metropolitan Edison Co. and Pennsylvania Electric Co.*, Docket No. ER95-276-000 and allows GPU and PSE&G to enter into separately scheduled transactions under which the GPU Operating Companies will make available for sale, surplus operating capacity and/or energy at negotiated rates that are no higher than the GPU Operating Companies' cost of service.

GPU requests a waiver of the Commission's notice requirements for good cause shown and an effective date of February 16, 1995 for the Service Agreement.

GPU has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania.

Comment date: March 30, 1995, in accordance with Standard Paragraph E at the end of this notice.

4. Central Hudson Gas and Electric Corp.

[Docket No. ER95-705-000]

Take notice that on March 6, 1995, Central Hudson Gas and Electric Corporation (CHG&E), tendered for filing a Service Agreement for (Commission) between CHG&E and North American Energy Conservation, Inc. The terms and conditions of service under this Agreement are made pursuant to CHG&E's FERC Electric Rate Schedule, Original Volume 1 (Power Sales Tariff) accepted by the Commission in Docket No. ER94-1662. CHG&E also has requested waiver of the 60-day notice provision pursuant to 18 CFR § 35.11.

A copy of this filing has been served on the Public Service Commission of the State of New York.

Comment date: March 30, 1995, in accordance with Standard Paragraph E at the end of this notice.

5. Virginia Electric and Power Co.

[Docket No. ER95-709-000]

Take notice that on March 7, 1995, Virginia Electric and Power Company (Virginia Power) tendered for filing a Service Agreement between American Municipal Power-Ohio and Virginia Power, dated February 28, 1995 under the Power Sales Tariff to Eligible Purchasers dated May 27, 1994. Under the tendered Service Agreement Virginia Power agrees to provide services to American Municipal Power—Ohio under the rates, terms and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of Service Schedule B included in the Power Sales Tariff.

Copies of the filing were served upon the Virginia State Corporation

Commission and the North Carolina Utilities Commission.

Comment date: March 30, 1995, in accordance with Standard Paragraph E at the end of this notice.

6. Entergy Services, Inc.

[Docket No. ER95-711-000]

Take notice that on March 7, 1995, Entergy Services, Inc. (Entergy Services), as agent for Arkansas Power & Light Company (AP&L), filed revisions to the rates and the Transmission Loss Factor under (1) the Power Coordination Interchange and Transmission Service Agreement between AP&L and Conway, West Memphis, and Osceola, Arkansas; Campbell and Thayer, Missouri; City Water & Light Plant of Jonesboro, Arkansas; Arkansas Electric Cooperative Corporation; (2) the Transmission Service Agreement between AP&L and the City of Hope, Arkansas; (3) the Transmission Service Agreement between AP&L and the City of Hope, Arkansas; (4) the Hydroelectric Power Transmission and Distribution Service Agreement between AP&L and the City of North Little Rock, Arkansas; and (5) the Interchange Agreement between AP&L and Oglethorpe Power Corporation (collectively, Agreements). Entergy Services requests that the revised rates and Transmission Loss Factor become effective March 1, 1995, subject to refund, in accordance with the provisions of the Agreements.

Comment date: March 30, 1995, in accordance with Standard Paragraph E at the end of this notice.

7. MDU Resources Group, Inc.

[Docket Nos. ES95-21-000 and ES95-21-001]

Take notice that on February 6, 1995, MDU Resources Group, Inc. (MDU) filed an application and on March 15, 1995, filed an amendment to its application under Section 204 of the Federal Power Act seeking authorization to issue up to 50,000 shares of common stock of MDU, including treasury stock which has been issued and reacquired by MDU and stock purchased on the open market, for the purpose of implementing a Non-Employee Director Stock Compensation Plan. Also, MDU requests exemption from the Commission's competitive bidding and negotiated placement regulations.

Comment date: April 14, 1995, in accordance with Standard Paragraph E at the end of this notice.

8. Scott Paper Co.

[Docket No. QF86-557-001]

On March 8, 1995, Scott Paper Company tendered for filing an

amendment to its filing in this docket. No determination has been made that the submittal constitutes a complete filing.

The amendment provides additional information pertaining to the technical characteristics of the facility.

Comment date: April 4, 1995, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95-7033 Filed 3-21-95; 8:45 am]

BILLING CODE 6717-01-P

[Docket No. CP95-52-000]

Granite State Gas Transmission, Inc.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Granite State LNG Project and Request for Comments on Environmental Issues

March 16, 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 facilities proposed in the Granite State LNG Project. This EA will be used by the Commission in its decision-making process to determine whether an environmental impact statement (EIS) is necessary and whether to approve the project.¹

¹ Granite State Gas Transmission, Inc.'s application was filed under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

Summary of the Proposed Project

Granite State Gas Transmission, Inc. (Granite State) is seeking approval to construct and operate an LNG facility at the western boundary of the town of Wells, Maine and adjacent to the eastern border of the town of North Berwick, Maine. The purpose of the project is to maintain service to Northern Utilities, Inc. for its distribution operations in Maine and New Hampshire upon the abandonment of the operation of a leased natural gas pipeline extending from Canada to Portland, Maine.

The LNG facilities would include:

- A storage tank with a gas-equivalent capacity of 2 Bcf;
- A truck unloading system with two unloading stations;
- Two 67 MMcf/d LNG vaporizers;
- A vapor handling system; and
- Fire protection systems.

The storage tank would be 154 feet in height and 211 feet in diameter. The tank would be surrounded by a concrete impoundment 99 feet high and 18 inches thick. The proposed project facilities would be designed, constructed, and maintained to comply with the Department of Transportation Federal Safety Standards for Liquefied Natural Gas Facilities (49 CFR Part 193). The facilities constructed at the site would also meet the National Fire Protection Association 59A LNG standards.

The source of LNG for the proposed facility would be Distrigas of Massachusetts Corporation of Everett, Massachusetts. LNG would be transported to the site by LNG tanker trucks and would access the site by a proposed 1.4-mile access road from Route 9. It would take approximately 32 truckloads of LNG per day over a 3-month period to initially fill the tank. Thereafter, trucking would predominantly occur during the summer and fall of each year. Vaporized LNG would be transported from the site via a 12-inch lateral connecting to Granite State's existing and adjacent 8-inch pipeline.

The location of the project facilities is shown in appendix 1.²

Land Requirements for Construction

The proposed facilities would affect 38.3 acres of a 300-acre site in Wells, Maine. Granite State would clear 30 acres of land for the plant facilities, all

²The 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, N.E., Washington, D.C. 20426, or call (202) 208-1371. Copies of the appendices were sent to all those receiving this notice in the mail.

of which would be permanently committed to the project. Construction of the proposed access road would require clearing 8.3 acres, of which 1.7 acres would be allowed to revert back of its original condition.

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 and whether an EIS is necessary. All comments received are considered 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
 - Seismology and soil liquefaction.
 - Erosion control.
 - Right-of-way restoration.
- Water Resources
 - Site specific impacts on surface and groundwater.
 - Effect on potable water supplies.
 - Effect on wetland hydrology.
- Biological Resources
 - Effect of plant construction and operation on threatened, endangered, or sensitive plant and animal species and their habitats.
- Cultural Resources
 - Effect on historic and prehistoric sites.
 - Native American and tribal concerns.
- Socioeconomics
 - Impact of a peak work force of 50 employees on the surrounding area.
 - Long-term effects of increased employment and taxes on the local economy.
- Land Use
 - Impact on state areas of critical environmental concern.
 - Effect of aboveground facilities on visual aesthetics in the region.
 - Consistency with local land use plans.

—Impact on residences.

- Air Quality and Noise
- Impact on regional air quality and noise-sensitive areas associated with the operation of the proposed LNG facilities.
- Air quality and noise impacts associated with construction.
 - Public Safety
- Compliance with 49 CFR 193 for exclusion zones (thermal and vapor gas dispersion), siting criteria, seismic criteria, and cryogenic criteria.
- Consequences of a major spill.

We will also evaluate possible site and technology 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 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.

Public Participation and Scoping Meetings

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 sites), 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, D.C. 20426;
- Reference Docket No. CP95-52-000;
- Send a copy of your letter to: Mr. Chris Zerby, EA Project Manager, Federal Energy Regulatory Commission, 825 North Capitol St., NE, Room 7312, Washington, D.C. 20426; and
- Mail your comments so that they are received in Washington, D.C. on or before April 24, 1995.

Beyond asking for written comments, we invite you to attend our public scoping meeting on May 15, 1995. We

will give the location and time for this meeting in a future notice. Requests to hold additional public scoping meetings will be considered.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or 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 385.214) (see appendix 2).

Filing of timely motions to intervene in this proceeding should be made on or before March 27, 1995. Once this date has passed, parties 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.

Environmental Mailing List

This notice is being sent to all potential interested parties to solicit focused comments regarding environmental considerations related to the proposed project. As details of the project become established, representatives of Granite State will directly contact communities and public agencies concerning any other matters, including acquisition of permits and rights-of-way.

If you do not want to send comments at this time but still want to keep informed and receive copies of the EA, please return the Information Request (see appendix 3). If you do not return the Information Request, you will be taken off the mailing list.

Additional information about the proposed project is available from Mr. Chris Zerby, EA Project Manager, at (202) 208-0111.

Lois D. Cashell,

Secretary.

[FR Doc. 95-6980 Filed 3-21-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP94-43-011]

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

March 16, 1995.

Take notice that on March 10, 1995, ANR Pipeline Company (ANR) tendered

for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets, proposed to be effective January 9, 1995:

Substitute Second Revised Sheet No. 176
Second Substitute Second Revised Sheet No. 187

Substitute Original Sheet No. 187.1
Substitute Third Revised Sheet No. 191
Substitute First Revised Sheet No. 194

ANR states that the above-referenced tariff sheets are being filed in compliance with the Commission's February 8, 1995, "Order Accepting and Suspending Tariff Sheets, Subject to Refund and Conditions" in this proceeding. Such order directed ANR, inter alia, to make changes to its tracking provision for the recovery of Account No. 858 costs, and to its tariff provisions implementing the Commission's new Natural policy.

ANR states that all of its FERC Gas Tariff, Second Revised Volume No. 1 customers and interested State Commissions have been mailed a copy of this filing.

Any person desiring to protect said filing should file a protest with the Commission, 825 North Capitol Street, NE, Washington, DC 20426 in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed on or before March 23, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95-6982 Filed 3-21-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. PR95-8-000]

Arkansas Western Gas Co.; Notice of Petition for Rate Approval

March 16, 1995.

Take notice that on March 3, 1995, Arkansas Western Gas Company (AWG) filed pursuant to section 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a maximum rate of \$0.1300 per MMBtu, plus 3.1 percent for compressor fuel and lost and unaccounted for gas, for transportation services performed under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA).

AWG states that it is an intrastate pipeline within the meaning of section 2(16) of the NGPA and it owns and operates an intrastate pipeline system in the State of Arkansas. AWG proposes an effective date of March 3, 1995.

Pursuant to section 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150-day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data, and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. All motions must be filed with the Secretary of the Commission on or before March 31, 1995. The petition for rate approval is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95-6983 Filed 3-21-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP95-194-001]

Columbia Gas Transmission Corp.; Notice of Filing of Corrected Tariff Sheet

March 16, 1995.

Take notice that on March 13, 1995, Columbia Gas Transmission Corporation (Columbia) tendered for filing the following tariff sheet to its FERC Gas Tariff, Second Revised Volume No. 1, to be effective April 1, 1995:

Substitute First Revised Sheet No. 44

Columbia states that on March 1, 1995, Columbia submitted its annual filing pursuant to the provisions of Section 35, Transportation Retainage Adjustment (TRA), of the General Terms and Conditions (GTC) of its FERC Gas Tariff, Second Revised Volume No. 1. In that annual filing, Columbia filed First Revised Sheet No. 44 which set forth a revised transportation retainage factor proposed to be effective April 1, 1995. The Commission noticed that annual filing on March 3, 1995, and interventions and/or protests were to be filed by March 10, 1995.

Columbia states that when it began planning to implement the annual

filing, it discovered that the revised retainage factor should have been rounded to the nearest thousandth, because Columbia's computer software programs for allocating capacity (which take into account quantities attributable to retainage) were designed to accept only a retainage factor rounded to the nearest thousandth.

Consequently, Columbia states that it is submitting the above referenced substitute tariff sheet as a correction to the tariff sheet filed March 1, 1995, in Columbia's annual filing. It reflects a retainage factor rounded at three decimal places (thousandths), instead of the factor filed in the annual filing and rounded at four decimal places. Columbia states that the filing of this substitute tariff sheet corrects the numeric presentation of the retainage factor, which is supported in the March 1, 1995, annual filing. Columbia respectfully requests that the Commission grant any waivers necessary to permit this substitute tariff sheet to be effective April 1, 1995, the proposed effective date of Columbia's annual TRA filing.

Columbia states that copies of its filing have been mailed to all parties known to have intervened in Docket No. RP95-194 to date, and all firm customers and affected state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before March 23, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Those who are already parties to this proceeding need not file to intervene in response to this notice. Copies of Columbia's filings are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 95-6984 Filed 3-21-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP-95-195-001]

**Columbia Gulf Transmission Co.;
Notice of Filing of Corrected Tariff
Sheets**

March 16, 1995.

Take notice that on March 13, 1995, Columbia Gulf Transmission Company

(Columbia Gulf) tendered for filing the following tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1, to be effective April 1, 1995:

Substitute Fifth Revised Sheet No. 018
Substitute Fifth Revised Sheet No. 019

Columbia Gulf states that on March 1, 1995, Columbia Gulf submitted its annual filing pursuant to the provisions of Section 33, Transportation Retainage Adjustment (TRA), of the General Terms and Conditions (GTC) of its FERC Gas Tariff, Second Revised Volume No. 1. In that annual filing, Columbia Gulf filed First Revised Sheet Nos. 018 and 019, which set forth revised transportation retainage factors proposed to be effective April 1, 1995 for the three Columbia Gulf zones. The Commission noticed that annual filing on March 3, 1995, and interventions and/or protests were to be filed by March 10, 1995.

Columbia Gulf states when it began planning to implement the annual filing, it discovered that the revised retainage factors should have been rounded to the nearest thousandth, because Columbia Gulf's computer software programs for allocating capacity (which take into account quantities attributable to retainage) were designed to accept only a retainage factor rounded to the nearest thousandth.

Consequently, Columbia Gulf states that it is submitting the above referenced substitute tariff sheets as a correction to the tariff sheets filed March 1, 1995, in Columbia Gulf's annual filing. The reflect retainage factors rounded at three decimal places (thousandths), instead of the factors filed in the annual filing and rounded at four decimal places.

Columbia Gulf states that the filing of these substitute tariff sheets corrects the numeric presentation of the retainage factors, which are supported in the March 1, 1995 annual filing. Columbia Gulf respectfully requests that the Commission grant any waivers necessary to permit these substitute tariff sheets to be effective April 1, 1995, the proposed effective date of Columbia Gulf's annual TRA filing.

Columbia Gulf states that copies of its filing have been mailed to all parties known to have intervened in Docket No. RP95-195 to date and all firm customers and affected state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR

385.211. All such protests should be filed before March 23 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Those who are already parties to this proceeding need not file to intervene in response to this notice. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95-6985 Filed 3-21-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM95-7-23-000]

**Eastern Shore Natural Gas Co.; Notice
of Proposed Changes in FERC Gas
Tariff**

March 16, 1995.

Take notice that on March 14, 1995 Eastern Shore Natural Gas Company (ESNG) tendered certain revised tariff sheets included in Appendix A to the filing. Such sheets are proposed to be effective April 1, 1995.

ESNG states that the above referenced tariff sheets are being filed pursuant to Section 154.308 of the Commission's regulations and Section 24 of the General Terms and Conditions of ESNG's FERC Gas Tariff to reflect: (1) Changes in storage fuel retention percentages; and (2) changes in ESNG's pipeline suppliers' storage service rates.

ESNG states that copies of the filing have been served upon its customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR Section 385.211). All such protests should be filed on or before March 23, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95-6986 Filed 3-21-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP95-35-000]**EcoEléctrica, L.P.; Notice of Meeting**

March 14, 1995.

On March 28, 1995, at 8:45 a.m., the Office of Pipeline Regulation environmental staff will meet with representatives of EcoEléctrica, L.P. to conduct a cryogenic design and engineering review of the liquefied natural gas import facilities proposed for Guayanilla, Puerto Rico. The meeting will be at the Greenspoint Marriott Hotel, 225 North Sam Houston Parkway East, Houston, Texas 77060.

For further information, call Chris Zerby, (202) 208-0111.

Kevin P. Madden,

Director, Office of Pipeline Regulation.

[FR Doc. 95-7035 Filed 3-21-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-138-005]**Florida Gas Transmission Co., Notice of Revised Pro Forma Tariff Sheets**

March 16, 1995.

Take notice that on March 8, 1995 Florida Gas Transmission Company (FGT) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets:

Pro Forma Sheet No. 120
Pro Forma Sheet No. 120A

On February 10, 1995, FGT filed tariff sheets in compliance with a Commission order issued January 12, 1995 in Docket Nos. RS92-16-008 & 009 and RP91-138-002 (January 12 Order). The February 10, 1995 filing included, among other things, modifications to FGT's scheduling provisions to provide a limited exemption from pro rata scheduling for uses determined to be "Exempt Uses" under a new capacity curtailment to be implemented on FGT's system by November 1, 1995. Such modifications provide that if nominations for firm service exceed the capacity available for firm service, FGT will first schedule requests for firm transportation service to serve Exempt Uses on a pro rata basis by end use priority for Priority 1 and 2 Uses.

FGT inadvertently including these modifications on Pro Forma Sheet No. 121 in its Receipt Point Scheduling Priorities provisions contained in Section 10.C.2. of the General Terms and Conditions (GT&C) of FGT's FERC Gas Tariff. These provisions should have been added in the Scheduling Priorities—Mainline Capacity and Delivery Points provisions of Section 10.C.1 of the GT&C. In the instant filing,

FGT is moving the identical provisions as proposed in Pro Forma Sheet No. 121 to Pro Forma Sheet No. 120.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before March 23, 1995. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95-6987 Filed 3-21-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP94-93-008]**K N Interstate Gas Transmission Co.; Notice of Filing of Refund Report**

March 16, 1995.

Take notice that on March 13, 1995, K N Interstate Gas Transmission Co. (KNI) filed a refund report in the above captioned docket. KNI states that the filing and refunds were made to comply with the Federal Energy Regulatory Commission's (Commission) Order dated January 20, 1995. KNI states that these amounts were paid by KNI on March 8, 1995.

KNI states that the refund report summarizes refund amounts for the period July 1, 1994 through December 31, 1994.

KNI further states that copies of the filing were served upon KNI's jurisdictional customers, interested public bodies, and all parties to the proceedings.

Any person desiring to protest with reference to this filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed on or before March 23, 1995. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Copies of this filing are on

file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95-6988 Filed 3-21-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP94-325-000]**Panhandle Eastern Pipe Line Co.; Notice of Informal Settlement Conference**

March 16, 1995.

Take notice that an informal settlement conference will be convened in this proceeding on Friday, March 24, 1995, at 10 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 by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Carmen Gastilo at (202) 208-2182 or Kathleen Dias at (202) 208-0524.

Lois D. Cashell,

Secretary.

[FR Doc. 95-6989 Filed 3-21-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. PR95-7-000]**The Texas Corp.; Notice of Petition for Rate Approval**

March 16, 1995.

Take notice that on March 1, 1995, the Texas Corporation (Texas) filed pursuant to section 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a maximum rate of \$0.3334 per Mcf, plus a pro rata share of fuel and lost and unaccounted for volumes, for transportation services performed under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA).

Texas states that it is an intrastate pipeline within the meaning of section 2(16) of the NGPA and it owns and operates an intrastate pipeline system in the State of Kansas. Texas proposes an effective date of March 1, 1995.

Pursuant to section 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which

interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150-day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data, and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before March 31, 1995. The petition for rate approval is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95-6990 Filed 3-21-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP95-260-000]

**Texas Eastern Transmission Corp.;
Notice of Request Under Blanket
Authorization**

March 16, 1995.

Take notice that on March 13, 1995, Texas Eastern Transmission Corporation (Texas Eastern), 5400 Westheimer Court, P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP95-260-000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate a new delivery point in Colbert County, Alabama, under Texas Eastern's blanket certificate issued in Docket No. CP82-535-000 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.

Texas Eastern proposes to construct a new delivery point in Colbert County, Alabama, so that Texas Eastern may provide up to 10,000 Dekatherms per day of interruptible transportation service to Decatur Utilities, City of Decatur, Alabama (Decatur). Texas Eastern states that the interruptible transportation service for Decatur will be provided pursuant to Rate Schedule IT-1 of Texas Eastern's FERC Gas Tariff, Volume No. 1. Texas Eastern states that the existing tariff does not prohibit the additional volumes.

Texas Eastern states that Decatur has requested Texas Eastern to install a 4-inch hot tap, and 50 feet of 4-inch appurtenant piping (Hot Tap) to be

located on Texas Eastern's 30-inch Line No. 10 at approximate Mile Post 158.45 in Colbert County, Alabama. Texas Eastern states that approximate cost of the facilities is \$34,300 and will be 100% reimbursable by Decatur.

Texas Eastern also states that Decatur will cause to be installed a 4-inch meter station, consisting of a single 4-inch meter run, 100 feet of 4-inch interconnecting piping which will extend between the Hot Tap and Decatur's proposed meter station, and electronic gas measurement equipment. Texas Eastern states it will own, operate and maintain the Hot Tap and electronic gas measurement equipment, and operate and maintain Decatur's proposed meter station.

In addition, Texas Eastern states that Decatur will construct, own, operate, and maintain approximately 37 miles of new mainline trunk high pressure facilities (Trunk Facilities), extending from a point near Courtland, Alabama, to an interconnection with Tennessee Gas Pipeline Company near Barton, Alabama. Texas Eastern states that its proposed Hot Tap facilities will be connected to Decatur's Trunk Facilities by Decatur's 100 feet of 4-inch interconnecting piping.

Texas Eastern states that the installation of the delivery point will have no effect on Texas Eastern's peak day or annual deliveries. Texas Eastern submits that its proposal will be accomplished without detriment or disadvantage to Texas Eastern's other customers.

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 Section 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. 95-6991 Filed 3-21-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP94-200-002]

**Transcontinental Gas Pipe Line Corp.;
Notice of Refund Report**

March 16, 1995.

Take notice that on February 23, 1995, Transcontinental Gas Pipe Line Corporation (TGPL) tendered for filing with the Federal Energy Regulatory Commission (Commission) its Refund Report made pursuant to the Commission's Order On Rehearing dated February 1, 1995, in Docket No. RP94-200-001. The report shows that on February 15, 1995, TGPL refunded certain Producer Settlement Payment (PSP) and Litigant Producer Settlement Payment (LPSP) amounts, plus interest in accordance with the February 1 Order. The refunds total \$620,334.11, including \$41,903.47 in interest.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed on or before March 23, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95-6992 Filed 3-21-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. PR95-6-000]

**Utah Gas Service Co.; Notice of
Petition for Rate Approval**

March 16, 1995.

Take notice that on February 28, 1995, Utah Gas Service Company (Utah Gas) filed pursuant to section 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a maximum rate of \$0.18 per MMBtu for transportation services performed under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA).

Utah Gas states that it is a local distribution company performing section 311 service in the State of Utah under a section 284.224 blanket certificate granted in Docket No. CP86-188. Utah Gas proposes an effective date of March 1, 1995.

Pursuant to section 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will

be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150-day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data, and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before March 31, 1995. The petition for rate approval is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95-6993 Filed 3-21-95; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5176-4]

Public Water System Supervision Program Revision for the State of Ohio

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Public notice is hereby given in accordance with the provision of Section 1413 of the Safe Drinking Water Act, as amended, 42 U.S.C. 300f *et seq.*, and 40 CFR part 142, subpart B, the National Primary Drinking Water Regulations (NPDWR), that the State of Ohio is revising its approved Public Water System Supervision (PWSS) primacy program. The Ohio Environmental Protection Agency (OEPA), has adopted drinking water regulations for Lead and Copper that correspond to the NPDWR for Lead and Copper promulgated by the U.S. Environmental Protection Agency (U.S. EPA) on June 7, 1991, (56 FR 26460-26564). The U.S. EPA has completed its review of Ohio's PWSS primacy program revision.

The U.S. EPA has determined that the Ohio rule meets the requirements of the Federal rule. Therefore, the U.S. EPA has determined that this state program revision is no less stringent than the corresponding Federal regulations, and is proposing to approve the OEPA's rule revisions.

This proposed approval includes the entire adopted Ohio Lead and Copper

Rule, except for the use of Standard Method-CU E (Bathocuproine) for measuring copper levels in finished drinking water. This method is not a Federally approved analytical method. Any systems which monitor for copper using this method will be considered to be in violation of copper monitoring and reporting requirements.

All interested parties are invited to submit written comments on this proposed determination, and may request a public hearing on or before April 21, 1995. If a public hearing is requested and granted, the corresponding determination shall not become effective until such time following the hearing, at which the Regional Administrator issues an order affirming or rescinding this action.

Requests for public hearing should be addressed to: William Spaulding (WD-17J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing. (2) A brief statement of the requesting person's interest in the Regional Administrator's determinations and of information that the requesting person intends to submit at such hearing. (3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. Such notice will be made by the Regional Administrator in the **Federal Register** and in newspapers of general circulation in the State of Ohio. A notice will be sent to the person(s) requesting the hearing as well as to the State of Ohio. The hearing notice will include a statement of purpose, information regarding the time and location, and the address and telephone number where interested persons may obtain further information. The Regional Administrator will issue an order affirming or rescinding his determination upon review of the hearing record. Should the determination be affirmed, it will become effective as of the date of the order.

Should no timely and appropriate request for a hearing be received, and should the Regional Administrator not elect to hold a hearing on his own motion, these determinations shall become effective on April 22, 1995. Please bring this notice to the attention

of any persons known by you to have an interest in these determinations.

All documents related to these determinations are available for inspection between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Ohio Environmental Protection Agency, Division of Drinking and Ground Waters, P.O. Box 163669, 1800 WaterMark Drive, Columbus, Ohio 43216-3669, State Docket Officer: Mr. Kirk Leifheit, (614) 644-2752
Safe Drinking Water Branch, Drinking Water Section (WD-17J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604

FOR FURTHER INFORMATION CONTACT:

William Spaulding, Region 5, Drinking Water Section at the Chicago address given above, telephone 312/886-7242.

(Section 1413 of the Safe Drinking Water Act, as amended (1986), and 40 CFR 142.10 of the National Primary Drinking Water Regulations)

Signed this 8th day of March, 1995.

David A. Ullrich,

Acting Regional Administrator, U.S. EPA, Region 5.

[FR Doc. 95-7065 Filed 3-21-95; 8:45 am]

BILLING CODE 6560-50-P

[OPP-180962; FRL 4942-3]

Mancozeb; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Wisconsin Department of Agriculture, Trade and Consumer Protection (hereafter referred to as the "Applicant") for use of the pesticide mancozeb (CAS 8018-01-7) to control leaf, stem blight on ginseng. In accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments must be received on or before April 6, 1995.

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP-180962," should be submitted by mail to: Public Response and Human Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain Confidential Business Information must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Margarita Collantes, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, Crystal Station I, 2800 Jefferson Davis Highway, Arlington, VA 22202, (703) 308-8347; e-mail: collantes.margarita@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at her discretion, exempt a State agency from any registration provision of FIFRA if she determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption for the use of the mancozeb, available as Dithane DF (EPA Reg. No. 707-180) from Rohm and Haas Co., to control leaf, stem blight, caused by the fungus *Alternaria panax* and *Phytophthora cactorum*, on a maximum of 4,167 acres in Wisconsin. Information in accordance with 40 CFR part 166 was submitted as part of this request.

According to the Applicant, *Alternaria* blight rarely kills the ginseng root, which is the marketed portion; however, loss of the foliage results in significant root yield loss in a harvested crop, and retards root growth and overwintering ability in younger crops. Infestations of *Alternaria* blight in one season greatly increase the potential for epidemics in subsequent seasons, since the fungus remains in the infected plant debris. *Alternaria panax* has become resistant to Rovral 50W, the only fungicide carrying a section 3 label for use against *Alternaria* blight on ginseng. Rovral by itself is no longer be effective

to control *Alternaria*. Other fungicides are also substantially less effective than Dithane. If not controlled, the disease can be expected to infest all of Wisconsin's 5,000 acres of ginseng.

Under the proposed exemption 2.0 lbs of product [1.5 lbs of active ingredient (a.i.)] per acre will be used on 4,167 acres. A maximum of 12 applications at a minimum of 7-day intervals will be made by ground equipment using a minimum of 80 gallons of water per acre. A 28-day pre-harvest interval will be observed. Applications will be made by certified private or commercial applicators or persons under their direct supervision. In addition, applicators, mixer/loaders, and persons entering treated ginseng gardens to work must wear chemical-resistant gloves, long-legged pants and long-sleeved shirts.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require that the Agency publish notice of receipt in the **Federal Register** and solicit public comment on an application for a specific exemption if an emergency exemption has been subject to a Special Review, and is intended for a use that could pose a risk similar to the risk posed by any use of the pesticide which is or has been subject of the Special Review. [40 CFR 166.24 (a)(5)].

The Agency initiated a Special Review of the ethylene bisdithiocarbamate (EBDC) fungicides on July 17, 1987, which includes mancozeb. A notice of final determination was issued March 2, 1992. The Agency took this action based on an assessment of the risks from exposure to ethylenethiourea (ETU) present in, or formed as a result of metabolic conversion from, pesticide products containing the active ingredient mancozeb. ETU, a potential human carcinogen, teratogen, and thyroid toxicant, is present as a contaminant, degradation product, and metabolite of all the EBDC pesticides. The Agency concluded that the estimated cumulative risk of 10^{-5} from all current 55 food uses was unacceptable and, therefore, canceled the following 11 food uses: apricots, carrots, celery, collards, mustard greens, nectarines, peaches, rhubarb, spinach, succulent beans and turnips. These cancellations reduce estimated lifetime dietary risk to 1.6×10^{-6} which the Agency has determined does not outweigh the benefits of the 44 retained uses.

The regulations governing section 18 also require the Agency to publish a notice of receipt in the **Federal Register** and solicit public comment on an

application for a specific exemption if an emergency exemption has been requested or granted for that use in any 3 previous years, and a complete application for registration of that use has not been submitted to the Agency [40 CFR 166.24 (a) (6)]. Exemptions for the use of mancozeb on ginseng have been requested for the past 8 years (1987 thru 1994). Mancozeb was granted for use on ginseng in 1991, 1993, 1994. Wisconsin issued a crisis in 1992. An application for registration of this use has not been submitted to the Agency.

Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above. The Agency will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

List of Subjects

Environmental protection, Pesticides and pests, Crisis exemptions.

Dated: March 14, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 95-7061 Filed 3-21-95; 8:45 am]

BILLING CODE 6560-50-F

[OPP-180964; FRL 4942-5]

Propazine; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Kansas Department of Agriculture (hereafter referred to as the "Applicant") to use the pesticide propazine (CAS 139-40-2) to treat up to 300,000 acres of sorghum to control various weeds. The Applicant proposes the use of a new (unregistered) chemical; therefore, in accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemption. **DATES:** Comments must be received on or before April 6, 1995.

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP-180964," should be submitted by mail to: Public Response and Program Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW.,

Washington, DC 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain Confidential Business Information must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Andrea Beard, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. Office location and telephone number: Floor 6, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308-8417; e-mail: beard.andrea@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at her discretion, exempt a state agency from any registration provision of FIFRA if she determines that emergency conditions exist which require such exemption. The Applicant has requested the Administrator to issue a specific exemption for the use of propazine on sorghum to control pigweed. Information in accordance with 40 CFR part 166 was submitted as part of this request.

Sorghum is grown as a rotational crop with cotton and wheat, in order to comply with the soil conservation requirements. Propazine, which was formerly registered for use on sorghum, was voluntarily canceled by the former Registrant, who did not wish to support its re-registration. The Applicant claims that this has left many sorghum growers with no pre-emergent herbicides that will adequately control certain broadleaf weeds, especially pigweed. The Applicant states that other available herbicides have serious limitations on their use, making them unsuitable for control of pigweed in sorghum. The Applicant claims that significant

economic losses will occur without the availability of propazine.

Although the original Registrant of propazine has decided not to support this chemical through re-registration, another company has committed to support the data requirements for this use. Propazine was once registered for this use, but has now been voluntarily canceled and is therefore considered to be a new chemical.

The Applicant proposes to apply propazine at a maximum rate of 1.2 lbs. active ingredient (a.i.), (2.4 pt. of product) per acre, by ground or air, to a maximum of 300,000 acres of sorghum, with one application allowed per crop growing season. Therefore, use under this exemption could potentially amount to a maximum total of 360,000 lbs. of active ingredient (90,000 gal. of product).

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require publication of a notice of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide). Such notice provides for opportunity for public comment on the application. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Kansas Department of Agriculture.

List of Subjects

Environmental protection, Pesticides and pests, Crisis exemptions.

Dated: March 14, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 95-7062 Filed 3-21-95; 8:45 am]

BILLING CODE 6560-50-F

[OPPTS-42182; FRL-4943-6]

Certain Paint Stripping Chemicals; Solicitation of Testing Proposals for Negotiation of TSCA Section 4 Enforceable Consent Agreements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice invites manufacturers and processors of certain chemical substances used in

commercial paint strippers and other interested parties to develop and submit to EPA specific toxicity testing proposals for these chemicals. Testing is needed for three dibasic esters (DBEs), specifically, dimethyl adipate, dimethyl glutarate and dimethyl succinate. The EPA, the Consumer Product Safety Commission and the National Toxicology Program have consulted on the need for and nature of toxicity testing of DBEs, and the means for implementing such testing.

DATES: Written testing proposals must be received by May 22, 1995. EPA may extend the deadline for receipt of testing proposals upon a showing of good faith efforts to develop testing proposals by the initial deadline.

ADDRESSES: Submit three copies of written testing proposals to TSCA Docket Receipts (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. G-99, East Tower, 401 M St., SW., Washington, DC 20460. Submissions should bear the document control number (OPPTS-42182; FRL-4943-6). The public docket supporting this action, including comments, is available for public inspection in the Nonconfidential Information Center, Rm NE-B607, at the above address from 12 noon to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: James Willis, Acting Director, Environmental Assistance Division (7408), Rm. E543B, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551. For specific information regarding this action or related activities, contact George Semeniuk, Project Manager, Chemical Testing and Information Branch (7405), Rm E221B, 401 M St., SW., Washington, DC 20460, (202) 260-2134.

SUPPLEMENTARY INFORMATION:

I. Background

A. Rationale for Action

Known as dibasic esters (DBEs), dimethyl adipate (DMA, CAS No. 627-93-0), dimethyl glutarate (DMG, CAS No. 1119-40-0) and dimethyl succinate (DMS, CAS No. 106-65-0) are component chemicals of solvent mixtures used in paint stripping formulations that are sold to the general public. Consumers can be significantly exposed to DBEs during use of these formulations. This potential for significant exposure, a reported adverse human effect—blurred vision—resulting from the use of DBE-based paint strippers, and the results of limited toxicity testing (rats), form the

foundation for the Agency's concern for the potential health risk that may be posed to consumers by DBE-based paint strippers. Upon further review of the other chemicals being used in commercial paint strippers, the Agency may determine that other commercial paint stripper chemicals in addition to the DBEs may pose significant exposures and possible risks to consumers or to other users. It may then seek additional testing, if necessary, to evaluate more fully that risk, in conjunction with, or apart from, the testing of the DBEs.

EPA's Office of Pollution Prevention and Toxics (OPPT) administers the Toxic Substances Control Act (TSCA) and the TSCA section 4 testing program. Under TSCA section 4, 15 U.S.C. 2603, EPA may require that chemical manufacturers and processors provide to EPA test data that can be used to assess the impact on human health and the environment from exposure to such chemicals. In addition to imposing section 4 testing requirements by rulemaking, OPPT has developed an Enforceable Consent Agreement (ECA) process for obtaining needed testing often with less time and resources and more flexibility than under a test rule. See 40 CFR part 790. On numerous occasions, chemical companies have approached EPA to negotiate ECAs for chemicals which are likely to become the subject of proposed test rules.

Testing proposals for the DBEs should cover all identified data needs of the substances in order to be considered for ECA negotiation. If, after receiving testing proposals, EPA pursues negotiations for one or more ECAs applicable to these chemicals, EPA will, through a notice in the **Federal Register**, solicit requests by individuals to be designated an interested party to the negotiation(s). EPA has authority to require testing for these chemical substances under section 4 of the Toxic Substances Control Act (TSCA)(15 U.S.C. 2601-2692) and, if an ECA-based approach does not prove viable, EPA would proceed with proposed rulemaking to require the needed testing.

B. Chemical Data Needs

In 1986, the Consumer Product Safety Commission (CPSC) established a labeling and enforcement policy for methylene chloride, a chemical solvent used in many paint strippers and household products and considered hazardous due to its potential carcinogenicity. Use of such products often resulted in widespread and significant consumer exposure. Since then, paint strippers that do not contain

methylene chloride have been developed and marketed to consumers as "safe alternatives" to the methylene chloride-based formulations. Mixtures, or blends, of dibasic esters (DBEs) are becoming an important substitute solvent in alternative paint stripper formulations.

There is limited toxicity information available on the individual DBEs and the alternative paint stripper formulations that use DBEs. An adverse human health effect—blurred vision—has been reported for a user who used DBE-based paint strippers in a poorly ventilated setting. This response was associated with DBE-based paint strippers that contained high percentages of the more volatile DMG and DMS and less than 20 percent DMA.

A well-designed and executed battery of tests was carried out by the E.I. Du Pont de Nemours Company to evaluate the effects of a mixture of DBEs on experimental animals. These tests included a single-dose acute study, a 2-week subacute study, two separate subchronic studies, a reproductive toxicity study (one-generation), and a developmental toxicity study. The studies utilized male and female rats that were exposed via inhalation of vapor or vapor aerosols of a DBE blend that contained 66 percent DMG, 17 percent DMA and 17 percent DMS. Among other findings, these studies established the lethal concentration from a 4-hour exposure to be approximately 4,000 mg/m³. Subchronic inhalation studies demonstrated that DBE could produce, depending upon the exposure concentration, progressive degeneration of the nasal olfactory epithelium, a dose-dependent decrease in liver weight, a depression in serum sodium levels and, at high exposure concentrations, a reduction in body weight. In addition, studies of the effects of DBE exposure on reproduction showed decreases in parental and pup weight gain and an increased incidence of delayed renal papilla development. One test animal developed a tumor (meningeal sarcoma) on the olfactory bulb of the brain. Results from the developmental toxicity study revealed significant reductions in body weight gain and food consumption for female rats exposed at higher concentrations and significant increases in percent of litters having one or more malformed fetuses. The deposition and metabolism of DBE vapors in the upper respiratory tract of rats has also been studied by DuPont researchers and yielded insight into understanding DBE-induced degeneration of the olfactory epithelium

in test animals and the potential for similar effects in humans.

An EPA-led interagency workgroup composed of representatives from EPA and CPSC was formed in 1993 to: (1) assess the human health risks posed by the myriad chemical substances (or "cluster of chemicals") used in paint stripper formulations sold to consumers and (2) identify potential options for reducing risk. CPSC identified a need to develop test data on DMA that would provide a more complete toxicity profile that would be used in comparing DMA's hazards to that of methylene chloride and other paint stripping chemicals. In 1994, CPSC formally nominated DMA as its 1994 priority chemical for federally-funded testing under the National Toxicology Program (NTP) and described an array of tests that would meet its needs. The testing that CPSC requested for DMA concerned the following effects: oncogenicity and genotoxicity, sensory irritation, toxicity following subchronic dermal administration, reproductive and developmental toxicity in a mammalian species other than the rat, neurotoxicity (screening), and *in vitro* metabolism/toxicity using human upper respiratory tissue.

In December, 1994, the Executive Committee of the NTP convened and decided to refer the bulk of the testing requested by CPSC to EPA for implementation using TSCA testing authorities. This decision was taken because of the commercial significance of DMA, TSCA's stated policy that testing is the responsibility of industry (15 U.S.C. 2601), and EPA's interest in collecting needed data on the broader class of DBEs currently used in paint strippers. However, testing will be conducted by NTP for each of the three DBEs with regard to genotoxicity (the *Salmonella typhimurium* reverse mutation assay and the *in vivo* mammalian bone marrow cytogenetic test: micronucleus assay).

The testing regime identified by CPSC for DMA is comparable to that recently undertaken for *N*-methylpyrrolidone under an ECA published in the **Federal Register** of November 23, 1993 (58 FR 61814). EPA believes, however, that testing that is similar, or complementary, to that specified for DMA is also needed for DMG and DMS in order to compare and contrast the toxicities of all three chemical substances. When used in paint stripper formulations, all three DBEs are usually present, although their relative proportions may vary among commercial formulations.

After consultation, EPA and CPSC have agreed that the 2-tier testing

regime identified in Table 1 below is both appropriate and needed for the individual DBEs. As a matter of policy, EPA believes testing of the individual components is preferable to testing mixtures of the DBEs, although EPA would consider favorably a testing

regime for the DBEs that included mixture testing, provided the individual components were also tested. EPA also invites the submission of additional testing proposals (beyond the testing described in the following Table 1) that address inter-species differences in

metabolism, dosimetry or mode of toxic action for use in improving the extrapolation of DBE-induced toxicity in animal experiments to adverse effects that may occur in humans at relevant exposure levels.

TABLE 1.—PROPOSED TESTING AND TEST STANDARDS FOR INDIVIDUAL DBES

	Species	Exposure route	Test duration	Guidelines/notes
Tier 1 Testing				
1.1 <i>In vitro</i> Gene mutation in mammalian cells (DMA, DMG & DMS).	NA	NA	NA	40 CFR 798.5300.
1.2 SIDS Reproductive toxicity Screening (DMA, DMG & DMS).	Mouse	Inhalation for most volatile DBE; dermal for other two..	45 days	OECD ¹ Guideline for SIDS Testing No. 422 "Combined Repeated Dose Toxicity Study with the Reproduction/Developmental Toxicity Screening Test 1994."
1.3 Sensory irritation (DMA, DMG & DMS).	Mouse	Inhalation	NA	ASTM E981-84 standard test method.
Tier 2 Testing²				
2.1 Two generation reproductive study (DMA, DMG or DMS).	Mouse or rat	To be selected based on Tier 1 results..	2 generation	40 CFR 798.4700, as proposed for revision (59 FR 42272, August 17, 1994).
2.2 Subchronic neurotoxicity (DMA, DMG or DMS).	Rat	To be selected based on Tier 1 results..	90 days	1991 Neurotoxicity Testing Guidelines. Unless 2-generation reproductive study is run using the rat, this testing will require a second 90-day study.
2.3 Developmental toxicity study (DMA, DMG or DMS).	2 species: mouse or rat, and rabbit.	To be selected based on Tier 1 results..	NA	40 CFR 798.4900, as proposed for revision (59 FR 42272, August 17, 1994).
2.4 Oncogenicity studies (DMA, DMG or DMS).	Mouse and rat ...	To be selected based on Tier 1 results..	2 years +	40 CFR 798.3300

¹ Organization of Economic Cooperation and Development, Paris, France.

² Tier 2 testing will be done on one of the three DBEs selected on the basis of available toxicity data and exposure potential, as appropriate.

II. Public Docket

EPA has established a docket for this action (docket control number OPPTS-42182; FRL-4943-6). The docket contains basic information considered by EPA in developing this action and includes:

1. Letter from Marilyn L. Wind, Ph.D., Director of Poison Prevention and Scientific Coordination, Consumer Product Safety Commission to Dr. Errol Zeiger, National Toxicology Program, National Institute for Environmental Health Sciences, January 31, 1994. (Copies of unpublished material cited in the letter are included in the docket. Within 15 days of publication of this notice, the Agency expects to add the published material cited in the letter to the docket.)

2. 1991 Neurotoxicology Testing Guidelines.

3. OPPTS Health Effects Test Guidelines for reproductive and fertility effects (OPPTS 870.3800).

4. OPPTS Health Effects Test Guidelines for developmental toxicity (OPPTS 870.3700).

EPA will supplement the docket with additional information as it is received.

A public version of this docket is available in the TSCA Non-confidential Information Center (NCIC) from 12 noon to 4 p.m., Monday through Friday, except legal holidays. The NCIC is located in Rm NE-B607, Mail Code 7407, 401 M St., SW., Washington, DC 20460. Written requests for copies of documents contained in this docket may be sent to the above address or faxed to (202) 260-9555.

Authority: 15 U.S.C. 2603.

Dated: March 16, 1995.

Charles M. Auer,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 95-7060 Filed 3-21-95; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

Petitions For Reconsideration Of Action In Rulemaking Proceeding; Correction

A Public Notice dated March 7, 1995, DA 95-439, in the proceeding below inadvertently failed to list both petitioners and is, therefore, superseded by this Public Notice. These petitions for reconsideration have been filed in the Commission rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in the Reference Room, 1250 23rd Street, N.W., Plaza Level, Washington, D.C. or may be purchased from the Commission's copy contractor ITS, Inc. (202) 857-3800. Opposition to both of the petitions listed below must be filed on or before April 6, 1995, of the date of public notice of these petitions in the **Federal Register**. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed

within 10 days after the time for filing oppositions has expired.

For further information contact Michelle M. Carey, Common Carrier Bureau, at (202) 418-0960.

Subject:

In the Matter of Authority to Issue Subpoenas (FCC 94-319)

Filed By:

Mark J. Golden, Vice President of the Personal Communications Industry Association on 01-26-95

Gregory Widney, Senior Vice President of ICORE on 01-26-95

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95-7016 Filed 3-21-95; 8:45 am]

BILLING CODE 6712-01-M

**FEDERAL EMERGENCY
MANAGEMENT AGENCY**

[FEMA-1046-DR]

**Amendment to Notice of a Major
Disaster Declaration; California**

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of California, (FEMA-1046-DR), dated March 12, 1995, and related determinations.

EFFECTIVE DATE: March 16, 1995.

FOR FURTHER INFORMATION CONTACT:

Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of California dated March 12, 1995, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 12, 1995:

El Dorado, Mariposa, Modoc, Mono, Nevada, Shasta, Siskiyou, Trinity and Tuolumne Counties for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Richard W. Krimm,

Associate Director, Response and Recovery Directorate.

[FR Doc. 95-7036 Filed 3-21-95; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL RESERVE SYSTEM

**James Richard Judd; Change in Bank
Control Notice**

**Acquisition of Shares of Banks or
Bank Holding Companies**

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than April 5, 1995.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *James Richard Judd*, Stevens Point, Wisconsin; to acquire 45.6 percent of the voting shares of Rudolph Bancshares, Inc., Rudolph, Wisconsin, and thereby indirectly acquire Farmers & Merchants Bank, Rudolph, Wisconsin.

Board of Governors of the Federal Reserve System, March 16, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-7011 Filed 3-21-95; 8:45 am]

BILLING CODE 6210-01-F

**PSB Mutual Holding Company, et al.;
Formations of; Acquisitions by; and
Mergers of Bank Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the

Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 14, 1995.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *PSB Mutual Holding Company*, Philadelphia, Pennsylvania; to become a bank holding company by acquiring 53.5 percent of the voting shares of Pennsylvania Savings Bank, Philadelphia, Pennsylvania.

B. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *BancFirst Ohio Corp.*, Zanesville, Ohio; to merge with Bellbrook Bancorp, Inc., Bellbrook, Ohio, and thereby indirectly acquire Bellbrook Community Bank, Bellbrook, Ohio.

2. *First Financial Bancorp*, Hamilton, Ohio; to acquire 100 percent of the voting shares of Peoples Bank and Trust Company, Sunman, Indiana.

C. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *FirstBancorp, Inc.*, Marathon, Florida; to acquire 100 percent of the voting shares of Gulf Coast National Bank, Naples, Florida, a *de novo* bank.

D. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Sword Limited Partnership 1994*, Horicon, Wisconsin; to become a bank holding company by acquiring an additional 46.80 percent, for a total of 51.90 percent of the nonvoting shares, representing more than 25 percent of the equity, of Sword Financial Corporation, Horicon, Wisconsin, and thereby indirectly acquire Horicon State Bank, Horicon, Wisconsin.

E. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Blumberg Family Partnership, L.P.* Seguin, Texas; to become a bank holding company by acquiring 16 percent of the voting shares of Seguin State Bank & Trust Company, Seguin, Texas.

2. *Blumberg Bank, L.P.* Seguin, Texas; to become a bank holding company by acquiring 48 percent of the voting shares of Seguin State Bank & Trust Company, Seguin, Texas.

Board of Governors of the Federal Reserve System, March 16, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-7012 Filed 3-21-95; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Agency Information Collection Under OMB Review

Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), the Administration for Children and Families (ACF) has submitted to the Office of Management and Budget (OMB) a request for the continued use of an information collection titled: ACF-231-Aid To Families With Dependent Children Financial Report; Expenditures and Estimates.

Addresses: Copies of the request for approval may be obtained from Robert A. Sargis of the Office of Information Systems Management, ACF, by calling (202) 690-7275.

Consideration will be given to comments and suggestions received within 60 days of publication. Written comments and recommendations for the proposed information should be sent directly to the following: Wendy Taylor, Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, N.W., Washington, D.C. 20503, (202) 395-7316.

Information on Document

Title: ACF-231 AID TO FAMILIES WITH DEPENDENT CHILDREN FINANCIAL REPORT

OMB No.: 0970-0032

Description: The information collected is required by the Social Security Act to collect program and financial data under the AFDC program. The State agency provides a quarterly estimate of the total amount and the Federal share of expenditures to be made in administering the AFDC programs.

Respondents: State governments
Annual Number of Respondents: 54 sites

Number of responses per respondent: 6

Total annual responses: 324 sites

Hours per response: 3.5

Total Burden Hours: 1,134

Dated: March 16, 1995.

Roberta Katson,

Acting Director, Office of Information Resource Management.

[FR Doc. 95-7055 Filed 3-21-95; 8:45 am]

BILLING CODE 4184-01-M

Centers for Disease Control and Prevention (CDC)

The National Center for Environmental Health (NCEH) of the Centers for Disease Control and Prevention (CDC) Will Convene the Following Meeting Sponsored by the Division of Environmental Health Laboratory Sciences

Name: Development of Innovative Technology for Measurement of Lead in Blood: Meeting of Grant Recipients and Cooperative Research and Development Agreement (CRADA) Partners.

Time and date: 8:30 a.m.-11 a.m., May 20, 1995.

Place: Terrace Garden Inn-Buckhead, 3405 Lenox Road, NE, Atlanta, Georgia 30326.

Status: Open to the public, limited only by space available.

Purpose: The primary purpose of this meeting is to brief the grantees and CDC's CRADA partners about CDC expectations for the grant and CRADA program, to encourage collaboration among grantees and CRADA partners and to review progress toward the objectives of the program.

Matters to be discussed: Topics to be discussed include objectives of the CDC grant and CRADA program for the development of innovative technology for the measurement of lead in blood, impact of the Clinical Laboratory Improvement Act on the technology, and an overview of each grantee and CRADA organization.

Agenda items are subject to change as priorities dictate.

Contact person for more information: Robert L. Jones, Ph.D., Supervisory Research Chemist, Nutritional Biochemistry Branch, Division of Environmental Health Laboratory Sciences, (F18), NCEH, CDC, 4770 Buford Highway, NE, Chamblee, Georgia 30341-3724, telephone 404/488-7991.

Written comments are welcome and should be received by the contact person no later than May 10, 1995. Persons wishing to make oral comments at the meeting should notify the contact person in writing or by telephone no later than May 10, 1995. All requests to make oral comments should contain the name, address, telephone number, and organizational affiliation of the presenter. Depending on the time available and the number of requests to make oral comments, it may be necessary to limit the time of each presenter.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95-6997 Filed 3-21-95; 8:45 am]

BILLING CODE 4163-18-M

Food and Drug Administration

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

FDA has established an Advisory Committee Information Hotline (the hotline) using a voice-mail telephone system. The hotline provides the public with access to the most current information on FDA advisory committee meetings. The advisory committee hotline, which will disseminate current information and information updates, can be accessed by dialing 1-800-741-8138 or 301-443-0572. Each advisory committee is assigned a 5-digit number. This 5-digit number will appear in each individual notice of meeting. The hotline will enable the public to obtain information about a particular advisory committee by using the committee's 5-digit number. Information in the hotline is preliminary and may change before a meeting is actually held. The hotline will be updated when such changes are made.

MEETINGS: The following advisory committee meetings are announced:

Drug Abuse Advisory Committee

Date, time, and place. April 6 and 7, 1995, 8 a.m., Parklawn Bldg., conference rooms D and E, 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Closed committee deliberations, April 6, 1995, 8 a.m. to 5 p.m.; open public hearing, April 7, 1995, 8 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 4 p.m.; Stephen P. Pollitt, Center for Drug Evaluation and Research (HFD-9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5455, or FDA Advisory Committee Information Hotline, 1-800-741-8138 (301-443-0572 in the Washington, DC area), Drug Abuse Advisory Committee, code 12535.

General function of the committee. The committee advises on the scientific and medical evaluation of information gathered by the Department of Health and Human Services and the Department of Justice on the safety,

efficacy, and abuse potential of drugs and recommends actions to be taken on the marketing, investigation, and control of such drugs.

Agenda—Open public hearing.

Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before March 23, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Closed committee deliberations. On April 6, 1995, the committee will review trade secret and/or confidential commercial information relevant to pending investigational new drug applications (IND's). This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Open committee discussion. On April 7, 1995, the committee will discuss the 1995 Institute of Medicine Report on the Development of Medications for the Treatment of Opiate and Cocaine Addiction.

Biological Response Modifiers Advisory Committee

Date, time, and place. April 10 and 11, 1995, 8 a.m., Parklawn Bldg., conference rooms D and E, 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, April 10, 1995, 8 a.m. to 8:30 a.m., unless public participation does not last that long; open committee discussion, 8:30 a.m. to 5:30 p.m.; open public hearing, April 11, 1995, 8 a.m. to 8:30 a.m., unless public participation does not last that long; open committee discussion, 8:30 a.m. to 1 p.m.; closed committee deliberations, 1 p.m. to 5 p.m.; William Freas or Pearline Muckelvene, Center for Biologics Evaluation and Research (HFM-21), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301-827-0314, or FDA Advisory Committee Information Hotline, 1-800-741-8138 (301-443-0572 in the Washington, DC area), Biological Response Modifiers Advisory Committee, code 12388.

General function of the committee. The committee reviews and evaluates data relating to the safety, effectiveness, and appropriate use of biological response modifiers which are intended for use in the prevention and treatment of a broad spectrum of human diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before April 3, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On April 10, 1995, the committee will discuss: (1) Product license application supplement, reference number 94-0381, for Roferon A (Interferon-alpha-2a) Hoffman La Roche Inc., for treatment of chronic phase, Philadelphia chromosome positive chronic myelogenous leukemia; and (2) product license application supplements 94-0291 and 93-0287, for Sargramostim (GM-CSF), Immunex Corp., for acceleration of neutrophil recovery following chemotherapy in acute nonlymphoblastic leukemia and for chemotherapy-induced neutropenia (this discussion will continue on the following morning). On the morning of April 11, 1995, the committee will also discuss perspectives on xenotransplantation. In the afternoon, the committee will discuss the intramural scientific program of the Laboratory of Bone Marrow Growth Factors and research programs of individuals in the Division of Hematologic Products and Division of Cytokine Biology.

Closed committee deliberations. On April 11, 1995, the committee will discuss the intramural scientific program. This portion of the meeting will be closed to prevent disclosure of personal information concerning individuals associated with the research program, disclosure of which would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Gastroenterology and Urology Devices Panel of the Medical Devices Advisory Committee

Date, time, and place. April 21, 1995, 8 a.m., Corporate Bldg., Main Conference Room, 9200 Corporate Blvd., Rockville, MD. A limited number of overnight accommodations have been reserved at the Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Blvd., Gaithersburg, MD. Attendees requiring overnight accommodations may contact the hotel at 301-590-0044 and reference the FDA Panel meeting block. Reservations will

be confirmed at the group rate based on availability.

Type of meeting and contact person.

Open public hearing, 8 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 5 p.m.; closed committee deliberations, 5 p.m. to 6 p.m.; Mary J. Cornelius, Center for Devices and Radiological Health (HFZ-470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301-594-2194, or FDA Advisory Committee Information Hotline, 1-800-741-8138 (301-443-0572 in the Washington, DC area) Gastroenterology and Urology Devices Panel, code 12523.

General function of the committee.

The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation.

Agenda—Open public hearing.

Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before April 14, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss general issues related to two premarket approval applications for devices intended for the extracorporeal removal of low-density lipoprotein (LDL) to lower LDL cholesterol in patients with familial hypercholesterolemia.

Closed committee deliberations. The committee may discuss trade secret and/or confidential commercial information regarding medical devices. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee

Date, time, and place. April 24, 1995, 8:30 a.m., Corporate Bldg., Main Conference Room, 9200 Corporate Blvd., Rockville, MD. A limited number of overnight accommodations have been reserved at the Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Blvd., Gaithersburg, MD. Attendees requiring overnight accommodations may contact the hotel at 301-590-0044 and reference the FDA Panel meeting block. Reservations will

be confirmed at the group rate based on availability.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 2 p.m.; closed committee deliberations, 2 p.m. to 4 p.m.; Colin M. Pollard, Center for Devices and Radiological Health (HFZ-470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301-594-1180, or FDA Advisory Committee Information Hotline, 1-800-741-8138 (301-443-0572 in the Washington, DC area), Obstetrics and Gynecology Devices Panel, code 12524.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before April 10, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss general issues regarding home uterine activity monitors (HUAM's), in light of new published information on HUAM's.

Closed committee deliberations. The committee may discuss trade secret and/or confidential commercial information regarding various medical devices used in obstetrics and gynecology that are currently being evaluated by FDA. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized,

however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting may be requested in writing from the Freedom of Information Office (HFI-35), Food and Drug Administration, rm. 12A-16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting may be requested in writing from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

The Commissioner has determined for the reasons stated that those portions of

the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA) (5 U.S.C. app. 2, 10(d)), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, deliberation to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and

FDA's regulations (21 CFR part 14) on advisory committees.

Dated: March 16, 1995.

Linda A. Suydam,

Interim Deputy Commissioner for Operations.

[FR Doc. 95-7078 Filed 3-21-95; 8:45 am]

BILLING CODE 4160-01-F

Social Security Administration

National Commission on Childhood Disability

AGENCY: Social Security Administration, HHS.

ACTION: Notice of public meeting.

SUMMARY: This notice announces the fourth meeting of the National Commission on Childhood Disability (the Commission).

DATES: Monday, March 27, 1995, 9 a.m. to 12 p.m. and 1 p.m. to 5 p.m.

ADDRESSES: Penn Tower Hotel, Salons A, B, and C, University of Pennsylvania Campus, Civic Center Boulevard at 34th Street, Philadelphia, Pennsylvania 19104-4385. Telephone: 215-387-8333.

FOR FURTHER INFORMATION CONTACT: Elaine Fultz, Commission Staff Director, (202) 272-2228.

SUPPLEMENTARY INFORMATION:

I. Purpose

The National Commission on Childhood Disability was established by Congress to assess the Social Security Administration's eligibility criteria for Supplemental Security Income (SSI) childhood disability benefits and to consider alternative criteria. The Commission is chaired by the Honorable Jim Slattery and consists of 14 members.

II. Agenda

At this meeting, the Commission will:

- Hear testimony from experts in emotional and learning disorders;
- Conduct general policy discussion; and
- Receive public testimony from SSI recipients and others concerned about the SSI program.

The meeting is open to the public to the extent that space is available. Public officials, representatives of professional and advocacy organizations, concerned citizens, and Social Security and SSI recipients may sign-up at the meeting site to address the Commission for not longer than five minutes each. Such

public testimony will be received from 3 p.m. to 4:30 p.m.

Interpreter services will be available for persons with hearing impairments. A transcript of the meeting will be available at an at-cost basis. Transcripts may be ordered from the information contact shown above. The transcript will become part of the record of these meetings.

Dated: March 16, 1995.

Ron Sribnik,

Social Security Administration Regulations Officer.

[FR Doc. 95-7090 Filed 3-21-95; 8:45 am]

BILLING CODE 4190-29-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-95-3900; FR-3856-N-02]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received by not later than April 21, 1995. Comments should refer to the proposal by name and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as

required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) 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 24, 1995.

David S. Cristy,

Acting Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Inclusion of Holocaust Reparation Payments in Family Income for Assisted Housing Programs: Notification of Affected Individuals (FR-3856).

Office: Housing.

Description of the Need for the Information and its Proposed Use: Public Law 103-286 dated August 1, 1994, provides for possible refunds of housing assistance to individuals who have received payments because of their status as victims of Nazi persecution. Section 1(e) of the Public Law also purports to provide retroactive relief for those persons whose rents were increased by reason of counting reparation payments from February 1, 1993 through April 30, 1993.

Form Number: None.

Respondents: Individuals or Households and Businesses or Other For-Profit.

REPORTING BURDEN

	Number of Respondents	×	Frequency of Response	×	Hours per Response	=	Burden Hours
Notification	400		1		1.5		600

Total Estimated Burden Hours: 600.
Status: New.

Contact: Barbara D. Hunter, HUD, (202) 708-3944; Joseph F. Lackey, Jr., OMB, (202) 395-7316.

Dated: February 24, 1995.

[FR Doc. 95-7038 Filed 3-21-95; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Silvio Conte National Fish and Wildlife Refuge Advisory Committee Meeting

AGENCY: Fish and Wildlife, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of The Federal Advisory Committee Act, this notice announces a meeting of the Silvio Conte National Fish and Wildlife Refuge Advisory Committee established under the authority of The Silvio O. Conte National Fish and Wildlife Refuge Act.

The meeting is open to the public. Interested persons may make oral statements to the Committee or may file written statements for consideration. Summary minutes of meeting will be maintained in the office of the Coordinator for the Silvio Conte National Fish and Wildlife Refuge Advisory Committee at 38 Avenue A, Turners Falls, MA 01376, and will be available for public inspection during regular business hours (8:30-4:00) Monday through Friday within 30 days following the meeting. Personal copies may be purchased for the cost of duplication.

DATES: The Silvio Conte National Fish and Wildlife Refuge Advisory Committee will meet from 10:00 a.m. to 2:00 p.m. on Wednesday, April 19, 1995.

PLACE: The meeting will be held at the Fish and Wildlife Service's Northeast Regional Office, 300 Westgate Center Drive, Hadley, Massachusetts.

TOPICS FOR DISCUSSION: Committee members will discuss outreach for the public comment period which follows publication of the draft Environmental Impact Statement. They will also discuss strategies for outreach and environmental education.

FOR FURTHER INFORMATION CONTACT:

For further information individuals may contact Committee Coordinator Lawrence Bandolin at 413-863-0209.

Dated: March 16, 1995.

Ronald E. Lambertson,

Regional Director, Region 5, Fish and Wildlife Service.

[FR Doc. 95-7166 Filed 3-21-95; 8:45 am]

BILLING CODE 4310-55-M

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, et seq.):

Applicant: Lincoln Park Zoological Gardens, Chicago, IL, PRT-793611

The applicant requests a permit to export one pair of captive-born South American tapirs (*Tapirus terrestris*) to the Emperor Valley Zoo, Trinidad, to enhance the survival of the species through conservation education.

Applicant: Fort Worth Zoological Park, Fort Worth, TX, PRT-799689

The applicant requests a permit to import two pair captive-born black lion tamarins (*Leontopithecus chrysopygus*) from Centro de Primatologia do Rio de Janeiro, Brazil, to enhance the propagation and survival of the species through captive breeding.

Applicant: International Wildlife Veterinary Services, Fair Oaks, CA, PRT-798407

The applicant requests a permit to export serum samples taken from captive-held and captive born black rhinoceros (*Diceros bicornis*) to enhance the survival of the species through scientific research.

Applicant: Tiger's Eye Productions, Inc., Oviedo, FL, PRT-759943

The applicant requests a permit to export and reimport two male and one female tiger (*Panthera tigris*), three male and two female leopard (*Panthera pardus*), and one male ring-tailed lemur (*Lemur catta*) to enhance the survival of

the species through conservation education.

Applicant: Fort Worth Zoological Park, Fort Worth, TX, PRT-798968

The applicant requests an amendment to an application for a permit to import one male and one female Asian elephant (*Elephas maximus*) from African Lion Safari, Cambridge, Ontario, Canada, for the purpose of enhancement and survival of the species through captive-breeding and conservation education. The original request was published in the **Federal Register**, Vol. 60, No. 36, page 10106 on February 23, 1995.

Applicant: International Animal Exchange, Ferndale, MI, PRT-800037

The applicant requests a permit to export one captive-born male parma wallaby (*Macropus parma*) to the Seoul Grand Park Zoo, Seoul, Korea, to enhance the propagation and survival of the species through captive breeding and conservation education.

Applicant: National Zoological Park, Washington DC, PRT-700322

The applicant request a permit to import blood, hair, tissue samples, and whole carcasses of captive born and wild-caught specimens of Golden lion tamarin (*Leontopithecus rosalia*) to enhance the survival of the species through scientific research.

Applicant: National Zoological Park, Washington DC, PRT-732974

The applicant request a permit to import blood, semen, skin hair, tissue samples, temporal gland secretions, and molar teeth of Asian elephants (*Elephas maximus*) born in captivity or in the wild to enhance the survival of the species through scientific research.

Applicant: Southwest Foundation For Biomedical Research, San Antonio, TX, PRT-799528

The applicant request a permit to import serum samples from 41 captive born Lion-tailed macaques (*Macaca silenus*), to enhance the survival of the species through scientific research.

The public is invited to comment on the following application(s) for permits to conduct certain activities with marine mammals. The application(s) was/were submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.) and

the regulations governing marine mammals (50 CFR 18).

Applicant: The Seattle Aquarium, Seattle, WA, PRT-799991

Type of Permit: Import for public display

Name and Number of Animals: Northern sea otter (*Enhydra lutris lutris*), 1

Summary of Activity to be

Authorized: Applicant requests a permit to import one female sea otter for public display. The animal was taken as a beached and stranded pup as a result of the 1989 Exxon Valdez oil spill, deemed non-releasable, and subsequently transferred to the Vancouver Aquarium for public display.

Source of Marine Mammals for Research/Public Display: Vancouver Aquarium, British Columbia, Canada.

Period of Activity: Period in which to import is 1 year Concurrent with the publication of this notice in the **Federal Register**, the Office of Management Authority is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington,

Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: March 17, 1995.

Caroline Anderson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 95-7076 Filed 3-21-95; 8:45 am]

BILLING CODE 4310-55-P

Notice of Receipt of Applications for Approval

The following applicants have applied for approval to conduct certain activities with birds that are protected in accordance with the Wild Bird Conservation Act of 1992. This notice is provided pursuant to Section 112(4) of the Wild Bird Conservation Act of 1992, 50 CFR 15.26(c).

Applicant: Dan L. Pike, Edmonds, WA. The applicant wishes to amend his approved cooperative breeding program to include two additional subspecies of peregrine falcon: *Falco peregrinus babylonicus*, and *Falco peregrinus peregrinator*. Two private individuals will be an actively participating in this program. The Washington Falconers Association maintains responsibility for the oversight of the program.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420C, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S.

Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420C, Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: March 15, 1995.

Carol Lee Carson,

Acting Chief, Branch of Operations, Office of Management Authority.

[FR Doc. 95-7077 Filed 3-21-95; 8:45 am]

BILLING CODE 4310-55-P

Bureau of Land Management

[UT-080-1430-01; UTU-71261]

Notice of Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, Serial Number UTU-71261; Modified Competitive Sale of Public Lands located in Uintah County, Utah.

SUMMARY: The public lands described below on the table entitled Land Sale Matrix have been examined and found suitable for disposal pursuant to Sections 203 and 209 of the Act of October 21, 1976 (90 Stat. 2750-51; 43 U.S.C. 1713 and 90 Stat. 2757-58; 43 U.S.C. 1719, respectively) at not less than appraised market value.

The purpose of the proposed sale is to dispose of parcels of public land that have been committed to either single purpose use or are too scattered and isolated for effective federal management by the BLM or any other federal agency. The proposed sale is consistent with the BLM's Book Cliffs and Diamond Mountain Resource Management Plans and amendments thereto and the public interest will be served by offering these parcels of public land for sale.

LAND SALE MATRIX

Parcel No.	Serial No. UTU	Legal description	*3rd party rights and Federal reservations	Acres	Minimum acceptable bid	Legal access
1	73550	T. 1 N., R. 23 E., Sec. 1: SE $\frac{1}{4}$ NW $\frac{1}{4}$.	C-1	40.00	\$5,000.00	No.
2	73551	T. 1 N., R. 23 E., Sec. 1: SW $\frac{1}{4}$ SW $\frac{1}{4}$.	C-1	40.00	5,000.00	No.
3	73552	T. 1 N., R. 23 E., Sec. 12: Lot 4.	C-1	39.75	3,975.00	No.
4	73553	T. 1 N., R. 24 E., Sec. 6: Lot 1.	C-1	40.00	5,600.00	No.
5	73554	T. 1 N., R. 24 E., Sec. 7: SE $\frac{1}{4}$ NE $\frac{1}{4}$.	C-1	40.00	5,600.00	No.
6	73555	T. 1 S., R. 24 E., Sec. 35: SE $\frac{1}{4}$ SE $\frac{1}{4}$.	A-1; C-1	40.00	10,000.00	No.
7	73556	T. 2 S., R. 24 E., Sec. 4: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.	C-1	80.00	12,000.00	No.
8	73557	T. 3 S., R. 19 E.,	B-1; C-1	12.50	2,190.00	No.

LAND SALE MATRIX—Continued

Parcel No.	Serial No. UTU	Legal description	*3rd party rights and Federal reservations	Acres	Minimum acceptable bid	Legal access
9	73558	Sec. 7: SW ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ , SW ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄ .	C-1	40.00	5,000.00	No.
10	73559	T. 3 S., R. 19 E., Sec. 9: SW ¹ / ₄ SW ¹ / ₄ . T. 3 S., R. 19 E., Sec. 12: S ¹ / ₂ NW ¹ / ₄ , N ¹ / ₂ SW ¹ / ₄ , E ¹ / ₂ SE ¹ / ₄ SW ¹ / ₄ , NW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ , E ¹ / ₂ SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ , NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ , S ¹ / ₂ SE ¹ / ₄ . Sec. 13: NE ¹ / ₄ NE ¹ / ₄ , N ¹ / ₂ NW ¹ / ₄ NE ¹ / ₄ , NE ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ , N ¹ / ₂ SE ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ , SE ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄ NE ¹ / ₄ .	A-21; C-1	347.50	43,440.00	Yes.
11	73560	T. 3 S., R. 19 E., Sec. 19: S ¹ / ₂ SW ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ , SW ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ .	C-1	7.50	5,625.00	No.
12	73561	T. 3 S., R. 19 E., Sec. 19: SE ¹ / ₄ SE ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ .	B-2; C-1	2.50	2,500.00	No.
13	73562	T. 3 S., R. 20 E., Sec. 18: Lot 2.	C-1	37.75	5,665.00	No.
14	73563	T. 3 S., R. 30 E., Sec. 18: Lot 4, SE ¹ / ₄ SW ¹ / ₄ ; Sec. 19: Lots 3 and 4.	C-1	149.51	18,690.00	No.
15	73564	T. 3 S., R. 20 E., Sec. 18: SW ¹ / ₄ SE ¹ / ₄ .	C-1	40.00	6,000.00	No.
16	73565	T. 3 S., R. 20 E., Sec. 19: SW ¹ / ₄ NE ¹ / ₄ .	C-1	40.00	6,000.00	No.
17	73566	T. 3 S., R. 22 E., Sec. 11: NW ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ , S ¹ / ₂ SW ¹ / ₄ NE ¹ / ₄ .	A-2; B-3; C-1	30.00	7,500.00	No.
18	73567	T. 4 S., R. 20 E., Sec. 12: NE ¹ / ₄ NW ¹ / ₄ , W ¹ / ₂ W ¹ / ₂ , W ¹ / ₂ SE ¹ / ₄ NW ¹ / ₄ , W ¹ / ₂ NE ¹ / ₄ SW ¹ / ₄ .	A-3; C-1	240.00	60,000.00	No.
19	73568	T. 4 S., R. 21 E., Sec. 1: Lots 1 and 2, S ¹ / ₂ NE ¹ / ₄ , NE ¹ / ₄ SE ¹ / ₄ .	C-1	200.10	50,000.00	No.
20	73569	T. 4 S., R. 21 E., Sec. 30: SW ¹ / ₄ NE ¹ / ₄ .	C-1	40.00	10,000.00	No.
21	73570	T. 4 S., R. 21 E., Sec. 30: NE ¹ / ₄ NE ¹ / ₄ NW ¹ / ₄ .	A-4; C-1	10.00	2,500.00	No.
22	73571	T. 4 S., R. 22 E., Sec. 31: NE ¹ / ₄ NE ¹ / ₄ NW ¹ / ₄ (within)	Privately-owned Min- erals.	4.13	6,195.00	Yes.
23	73572	T. 4 S., R. 23 E., Sec. 33: NW ¹ / ₄ SE ¹ / ₄ .	A-5 & A-6; C-1 & C-2	40.00	8,000.00	Yes.
24	73573	T. 5 S., R. 19 E., Sec. 12: E ¹ / ₂ NE ¹ / ₄ , S ¹ / ₂ N ¹ / ₂ SW ¹ / ₄ NE ¹ / ₄ , S ¹ / ₂ SW ¹ / ₄ NE ¹ / ₄ .	A-7 & A-20; C-1	110.00	22,000.00	No.
25	73574	T. 5 S., R. 22 E., Sec. 11: W ¹ / ₂ NE ¹ / ₄ , NW ¹ / ₄ , SE ¹ / ₄ .	A-8 & A-9; C-1 & C-2	400.00	40,000.00	No.
26	73575	T. 5 S., R. 22 E., Sec. 22: W ¹ / ₂ SE ¹ / ₄ .	C-1	80.00	16,000.00	No.
27	73576	T. 5 S., R. 22 E., Sec. 22: N ¹ / ₂ SE ¹ / ₄ SE ¹ / ₄ , SW ¹ / ₄ SE ¹ / ₄ SE ¹ / ₄ , N ¹ / ₂ SE ¹ / ₄ SE ¹ / ₄ SE ¹ / ₄ .	A-10; C-1	35.00	8,750.00	No.
28	73577	T. 5 S., R. 22 E., Sec. 23: SW ¹ / ₄ SW ¹ / ₄ .	C-1	40.00	10,000.00	No.
29	73578	T. 5 S., R. 22 E., Sec. 26: NW ¹ / ₄ NW ¹ / ₄ ; Sec. 27: NE ¹ / ₄ NE ¹ / ₄ .	A-7; C-1	80.00	16,000.00	No.
30	73579	T. 5 S., R. 22 E., Sec. 26: NE ¹ / ₄ , E ¹ / ₂ NW ¹ / ₄ .	A-7 & A-11; C-1	240.00	36,000.00	Yes.
31	73580	T. 5 S., R. 22 E., Sec. 25: SW ¹ / ₄ NW ¹ / ₄ .	C-1	40.00	10,000.00	No.
32	73581	T. 5 S., R. 23 E., Sec. 5: S ¹ / ₂ SW ¹ / ₄ , SW ¹ / ₄ SE ¹ / ₄ .	A-9; C-1	120.00	18,000.00	No.
33	73582	T. 6 S., R. 20 E., Sec. 3: Lot 1, SE ¹ / ₄ NE ¹ / ₄ .	C-1	46.94	7,000.00	No.
34	73583	T. 6 S., R. 22 E., Sec. 12: Lot 11.	C-1 & C-2	3.38	250.00	No.
35	73584	T. 6 S., R. 22 E., Sec. 12: SE ¹ / ₄ SW ¹ / ₄ .	A-12 & A-13; C-1 & C-2.	40.00	18,000.00	Yes.
36	73585	T. 7 S., R. 19 E., Sec. 1: Lots 2 through 4, SW ¹ / ₄ NE ¹ / ₄ , SW ¹ / ₄ NW ¹ / ₄ .	C-1 & C-2	203.66	30,550.00	No.

LAND SALE MATRIX—Continued

Parcel No.	Serial No. UTU	Legal description	*3rd party rights and Federal reservations	Acres	Minimum acceptable bid	Legal access
37	73586	T. 7 S., R. 19 E., Sec. 1: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.	C-1 & C-2	80.00	12,000.00	No.
38	73587	T. 7 S., R. 20 E., Sec. 5: Lots 3 and 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$; Sec. 6: Lots 1 and 2.	A-14, A-15, A-16 & A-17; C-1 & C-2.	364.47	63,785.00	No.
39	73588	T. 7 S., R. 20 E., Sec. 15: SW $\frac{1}{4}$ NE $\frac{1}{4}$.	A-18; C-1 & C-2	40.00	12,000.00	No.
40	73589	T. 11 S., R. 20 E., Sec. 3: W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.	A-19; C-1	25.00	1,000.00	Yes.
41	73590	T. 12 S., R. 20 E., Sec. 12: Lot 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$.	A-19; B-4; C-1	62.42	3,100.00	Yes.

* Those rights and reservations listed by letter and number are described in the narrative portion of this document.

SALE TIME, DATE AND LOCATION: The BLM will offer for sale the parcels of public land described on the Land Sale Matrix from 1 p.m. until 4 p.m. Mountain Daylight Time (MDT) on Friday, May 26, 1995, in Room #2 of the Western Park Convention Center located at 300 East 200 South, Vernal, Utah.

SALE PROCEDURES: The sale will be conducted using modified competitive bidding procedures described in this notice. Those who wish to participate in the land sale must submit a sealed bid for not less than the minimum bid amount specified in this notice with a separate bid submitted for each sale parcel. Each sealed bid shall be accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the United States Department of the Interior, BLM for not less than 10% of the amount bid. All sealed bids must be submitted to the BLM's Vernal District Office at 170 South 500 East, Vernal, Utah 84078, no later than 4:00 p.m. MDT, May 25, 1995. The sealed bid envelope containing the bid and required down payment must be clearly marked on the lower, left-hand corner as described below:

"Bid for Public Land Sale"
Parcel No. ____; Serial No. UTU—

Sale Date: May 26, 1995

On the day of the sale, the authorized officer shall publicly declare the highest qualifying sealed bid for each of the sale parcels. Designated bidders (i.e., adjoining land owners, grazing permittees, and holders of land use permits) who submitted a sealed bid for a specific sale parcel will be afforded an opportunity to present oral bids on that sale parcel. Oral bidding shall begin at not less than the announced highest sealed bid. Those designated bidders who choose to present oral bids shall do so in increments of \$100.00 or more per sale parcel. The highest oral bid will determine who will be the successful

bidder. The person declared to have entered the highest qualifying oral bid shall submit payment by cash, personal check, bank draft, money order, or any combination for not less than 20% of the amount bid immediately following the close of the sale.

In the absence of oral bids, the party submitting the highest sealed bid will be declared the successful bidder. If two or more envelopes containing valid, sealed bids of the same amount are received, the determination of who is to be considered the successful bidder shall be by drawing on the day of the sale.

The successful bidder, whether such bid is oral or sealed, shall pay the remainder of the full price bid within 180 days of the sale date. Failure to pay the full price within the allotted time shall disqualify the successful bidder and cause the bid deposit to be forfeited to the BLM. The next highest bid, whether sealed or oral bid, will then be honored.

The successful bidder will be required to submit an application for those mineral interests offered for conveyance in the sale. The mineral interests being conveyed have no known mineral value. Some of the sale parcels do have prospectively valuable leasable minerals and/or saleable minerals which will be reserved to the United States. Only those mineral interests specified in this notice will be reserved to the United States. All other mineral interests will be conveyed with the surface estate. The successful bidder will be required to deposit, within 30 days of the sale date, a \$50.00 non-refundable application fee for conveyance of the mineral estate, in accordance with Section 209(b) of the Act of October 21, 1976 (90 Stat. 2757; 43 U.S.C. 1719). Failure to deposit the required application fee will result in disqualification as the high bidder.

All sealed bids will be either returned, accepted, or rejected within 30 days of the sale date. In the event the

Authorized Officer rejects the highest qualified bid for any of the above sale parcels, or releases the successful bidder from it, the Authorized Officer shall determine whether the public land shall be withdrawn from disposal by sale or offered to the next highest bidder.

All bidders must be United States citizens, 18 years of age or older, and corporations must be subject to the laws of any State or of the United States. Successful bidders must submit proof of meeting these requirements within 15 days after the sale date. Proof forms may be obtained from the Vernal District Office.

Water Rights: Those water rights acquired by the United States from the State of Utah affecting Sale Parcels #6, #18, #30, #40 and #41 will transfer to the patentee upon conveyance of title. These water rights are based on incidental use of water available in streams or impounded in reservoirs for livestock watering.

Terms and Conditions: Disposal of the sale parcels would be subject to valid existing rights including the federal reservations and third party rights shown on the *Land Sale Matrix*. A description of these reservations and third party rights is provided below:

Federal Reservations: Patents, when and if issued, will contain mineral reservations to the United States for the minerals indicated in the Land Sale Matrix. This may include leasable minerals (C-1) and/or sand and gravel (C-2), together with the right to prospect for, mine, and remove the minerals. A more detailed description of this reservation which will be incorporated in the patent document is available for review at the Vernal District office.

The United States will reserve title to all cultural resources, including archeological, historical, and paleontological resources, within or from the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, T. 3 S., R. 19 E., Salt Lake Meridian

(Sale Parcel No. 10), together with such right of ingress, egress, and temporary occupancy as is necessary to identify, inventory, monitor, preserve, protect, mitigate, and remove any cultural resources from the above described property. A more detailed description of this reservation which will be incorporated in the patent document is available for review at the Vernal District Office.

All patents, when and if issued, will reserve a right-of-way (R/W) for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

A-5. Those rights for State Highway 149 granted to the Utah Department of Transportation (UDOT) under the Act of November 9, 1921 (42 Stat. 212); R/W Grant No. U-029221.

A-8. Those rights for a 138 kV powerline granted to Western Area Power Administration under the Act of December 6, 1924 (43 U.S.C. 417); R/W Grant No. U-0144547.

A-12. Those rights for State Highway 264 granted to UDOT under the Act of August 27, 1958 (72 Stat. 885); R/W Grant No. U-0124784.

A-20. Those rights for a public road granted to the Bureau of Land Management under the Act of October 21, 1976 (43 U.S.C. 1767); R/W Grant No. U-71296.

Third Party Rights: Patents, when and if issued, will be subject to the following third party rights:

Rights-of-Way:

A-1. Those rights for a buried water pipeline granted to Randy Searle under the Act of October 21, 1976 (43 U.S.C. 1761); R/W Grant No. U-61947.

A-2. Those rights for a 7.2 kV powerline granted to Moon Lake Electric Association (MLEA) under the Act of March 4, 1911 (43 U.S.C. 961); R/W Grant No. U-870.

A-3. Those rights for a water well and access road granted to Maeser Water Company under the Act of October 21, 1976 (43 U.S.C. 1761); R/W Grant No. U-59120.

A-4. Those rights for a power/communication line granted to Insight Communications Company under the Act of October 21, 1976 (43 U.S.C. 1761); R/W Grant No. U-018475.

A-6. Those rights for an access road granted to Wayne Wilkins under the Act of October 21, 1976 (43 U.S.C. 1761); R/W Grant No. U-61943.

A-7. Those rights for a 69 kV powerline granted to MLEA under the Act of October 21, 1976 (43 U.S.C. 1761); R/W Grant No. U-05579.

A-9. Those rights for a buried gas pipeline granted to Utah Gas Service Company under the Act of February 25, 1920 (30 U.S.C. 185); R/W Grant No. U-23779.

A-10. Those rights for an irrigation ditch granted to K.C. Ivers Estate under the Act of March 3, 1891 (43 U.S.C. 946-949); R/W Grant No. U-036553.

A-11. Those rights for a road granted to Uintah County under the Act of October 21, 1976 (43 U.S.C. 1761); R/W Grant No. U-71236.

A-12. Those rights for a buried water pipeline granted to Jensen Water District under the Act of October 21, 1976 (43 U.S.C. 1761); R/W Grant No. U-53937.

A-14. Those rights for a buried water pipeline and reservoir site granted to Ouray Park Water Improvement District under the Act of February 15, 1901 (43 U.S.C. 959); R/W Grant No. U-29706.

A-15. Those rights for a 7.2 kV powerline granted to MLEA under the Act of October 21, 1976 (43 U.S.C. 1761); R/W Grant No. U-49246.

A-16. Those rights for a buried water pipeline granted to Ronald Dudley under the Act of March 3, 1891 (43 U.S.C. 946-949); R/W Grant No. U-31557.

A-17. Those rights for a buried water pipeline granted to Willard Wall under the Act of October 21, 1976 (43 U.S.C. 1761); R/W Grant No. U-47495.

A-18. Those rights for a road granted to Dale Barratt under the Act of October 21, 1976 (43 U.S.C. 1761); R/W Grant No. U-52134.

A-19. Those rights for a road granted to Uintah County under the Act of October 21, 1976 (43 U.S.C. 1761); R/W Grant No. U-69125-14.

A-21. Those rights for a road granted to Uintah County under the Act of October 21, 1976 (43 U.S.C. 1761); R/W Grant No. U-73594.

Land Use Permits:

B-1. A land use permit issued to Chad Wilkerson for agricultural production under the Act of October 21, 1976 (43 U.S.C. 1732); Permit No. U-65100.

B-2. A land use permit issued to Tom Murphy and Art Reichle for a portion of a house, swimming pool and associated outbuildings under the Act of October 21, 1976 (43 U.S.C. 1732); Permit No. U-65188.

B-3. A land use permit issued to Maughan Colton for agricultural production under the Act of October 21, 1976 (43 U.S.C. 1732); Permit No. U-63998.

B-4. A land use permit issued to Shon and Tamra Massey for agricultural

production under the Act of October 21, 1976 (43 U.S.C. 1732); Permit No. U-71239.

Water Rights: Those water rights acquired by Rondle Rogers from the State of Utah affecting Sale Parcel #39. The water right granted to Mr. Rogers is for irrigation and stockwatering use.

Oil & Gas Leases: Those rights granted to the holders of oil and gas leases issued pursuant to the Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181, as amended).

Grazing Permits: The authorization of existing grazing permittees to graze their livestock on public lands encumbered by such permits would expire two years from the date of publication of the Notice of Realty Action in the **Federal Register**, unless the permittees choose to waive their grazing privileges earlier.

Flood Plain Covenant: Conveyance of these lands by the Secretary of the Interior shall not exempt the patent holder or subsequent owners of title from compliance with applicable Federal or State law and compliance with State or local land use plans, including floodplain management restrictions.

DATES: For a period of 45 days from the publication date of this notice in the **Federal Register**, interested parties may submit comments concerning the proposed public land sale to the Vernal District Manager.

ADDRESSES: Written comments concerning the proposed public land sale should be sent to the Bureau of Land Management, Vernal District Office, 170 South 500 East, Vernal, Utah 84078.

FOR FURTHER INFORMATION CONTACT: Additional information concerning the land sale, including relevant planning and environmental documentation, may be obtained from the Vernal District Office at the above address. Telephone calls may be directed to Peter A. Kempenich at (801) 781-4432.

SUPPLEMENTARY INFORMATION: Comments must refer to specific sale parcel numbers. Adverse comments received on specific sale parcels will not affect the sale of any other parcels. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this proposal will become the final determination of the Department of the Interior.

Publication of this notice in the **Federal Register** will segregate the public lands from appropriation under the public land laws, including the mining laws, pending disposition of this action, or 270 days from the date of publication of this notice, whichever

occurs first, and terminates in its entirety the notice published in the **Federal Register** on January 14, 1994, in Vol. 59, No. 10, Pages 2433 through 2435 under serial number UTU-65199.

The BLM may accept or reject any offer to purchase or withdraw any of the sale parcels at any time, if, in the opinion of the authorized officer, consummation of the sale would not be in the interest of the United States.

Dated: March 13, 1995.

Paul Andrews,

Acting District Manager.

[FR Doc. 95-6694 Filed 3-21-95; 8:45 am]

BILLING CODE 4310-DQ-P

Bureau of Mines

Public Meeting of Bureau of Mines Advisory Board

AGENCY: Bureau of Mines, Interior.

ACTION: Notice of the first public meeting of the Bureau of Mines Advisory Board.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that a public meeting of the Bureau of Mines Advisory Board will be held. The Bureau of Mines Advisory Board was established by the Secretary of the Interior on July 8, 1994. The purpose of the Board shall be to provide the Director of the U.S. Bureau of Mines with expert advice on policy and program direction. The purpose of the public meeting is to review the mission of the Board; to gain a better understanding of the new organization and program priorities of the Bureau of Mines and its relationship with customers in government and the private sector; and to begin to scope the work of the Board and its products.

DATES: The public meeting will be held on April 17 and 18, 1995 beginning at 8:30 a.m. EST.

ADDRESSES: The public meeting will be held in Room 324 at the U.S. Bureau of Mines, 810 Seventh Street, NW., Washington, DC 20241. Due to limited space, seating at the meeting will be on a first-come basis.

FOR FURTHER INFORMATION CONTACT: George White, U.S. Bureau of Mines, 810 Seventh Street, NW., Mailstop 1000, Washington, DC 20241; telephone (202) 501-9305, or Fax (202) 501-9960.

SUPPLEMENTARY INFORMATION: Members of the public who wish to submit written comments should do so by mailing at least 20 copies to Mr. White at the address above by April 7, 1995.

Comments received on or before that date will be mailed to Board members

prior to the public meeting. Comments received after that date will be made available to Board members at the public meeting. Members of the public who wish to make a brief oral statement should contact Mr. White at the telephone number above no later than April 7, 1995. Oral statements should be limited to 5 minutes and should not be restatements of previously submitted written comments.

Dated: March 17, 1995.

George White,

Special Assistant to the Director.

[FR Doc. 95-7039 Filed 3-21-95; 8:45 am]

BILLING CODE 4310-53-M

National Park Service

Notice of Intent To Repatriate Cultural Items in the Possession of the USDA Forest Service

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under provisions of the Native American Graves Protection and Repatriation Act of the intent to repatriate cultural items in the possession of the Cibola National Forest, USDA Forest Service, that meet the definition of "sacred object" under Section 2 of the Act.

The items consist of 138 bundles of feathers, several loose fragments of feathers and two corn husk bundle ties. Each feather bundle contains either two or three feathers tied with cotton twine on the lower shaft. With approximately one half of the bundles, the twine and some feathers are stained with red ochre. A few of the bundles are made up entirely of small feathers but most consist of one large feather and either one or two small feathers. The large feathers are turkey or hawk. With few exceptions, each bundle contains one small blue feather from a Stellar's or other jay.

The feather bundles were collected by a hiker from a shrine on the Sandia Mountains (New Mexico) in the late summer/early fall of 1984 and were brought to the Sandia Ranger District, Cibola National Forest several weeks later. A review of published and unpublished ethnographic information identified 27 Indian tribes and pueblos that traditionally used the Sandia Mountains. All 27 Indian tribes and pueblos were notified of the feather bundles.

Representatives of the Pueblo of Jemez have inspected the items and have identified them as prayer feather bundles. The representatives of the Pueblo of Jemez indicated that the

prayer feather bundles are left as offerings at a shrine on the Sandia Mountains as part of their traditional religious practice. Once left as a offering, Jemez Pueblo religion requires that such prayer feather bundles not be disturbed.

The Pueblo of Jemez has identified the prayer feather bundles and associated materials as sacred objects of the Pueblo of Jemez and requested their repatriation. The Pueblo of Sandia, the Pueblo of Acoma, the Pueblo of Isleta and the Pueblo of Zuni have been consulted following their expressions of interest in the feather bundles. The Pueblos of Sandia, Acoma, Isleta and Zuni support the claim of the Pueblo of Jemez to this particular collection of feather bundles from the Sandia Mountains.

Based on the above mentioned information officials of the USDA Forest Service have determined, pursuant to 25 U.S.C. 3001(3)(C), that these feather bundles are specific ceremonial objects needed by the traditional religious leaders of the Pueblo of Jemez for the practice of their traditional religion by its present day adherents. Officials of the USDA Forest Service have further determined, pursuant to 25 U.S.C. 3001(2), that there is a relationship of shared group identity which can be reasonably traced between these prayer feather bundles and the Pueblo of Jemez.

This notice has been sent to officials of the Pueblos of Jemez, Acoma, Isleta, Sandia, and Zuni. Representatives of any other Indian tribe which believes itself to be culturally affiliated with these cultural items should contact Dr. Frank E. Wozniak, NAGPRA Coordinator, Southwestern Region, USDA Forest Service, 517 Gold Avenue, SW., Albuquerque, NM 87102, telephone: (505) 842-3238, before April 21, 1995. Repatriation of these sacred objects to the Pueblo of Jemez may begin after that date if no additional claimants come forward.

Dated: March 15, 1995.

Ruthann Knudson,

Acting, Departmental Consulting Archeologist, Acting Chief, Archeological Assistance Division.

[FR Doc. 95-6976 Filed 3-21-95; 8:45 am]

BILLING CODE 4310-70-F

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information, related form and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirements should be made directly to the Bureau clearance officer and to the Office of Management and Budget, Paperwork Reduction Project (1029-0039), Washington, DC 20503, telephone 202-395-7340.

Title: Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plans—30 CFR 784.

OMB Number: 1029-0039.

Abstract: Sections 507(b), 508(a) and 516(b) of Public Law 95-87 require underground coal mine permit applicants to submit an operations and reclamation plan and establish performance standards for the mining operation. Information submitted is used by the regulatory authority to determine if the applicant can comply with the applicable performance and environmental standards in Public Law 95-87.

Bureau Form Number: None.

Frequency: On occasion.

Description of Respondents: Underground Coal Mining Operators.

Estimated Completion Time: 513 hours.

Annual Responses: 100.

Annual Burden Hours: 51,261.

Bureau Clearance Officer: John A. Trelease, (202) 343-1475.

Dated: January 10, 1995.

Andrew F. DeVito,

Chief, Branch of Environmental and Economic Analysis.

[FR Doc. 95-6975 Filed 3-21-95; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-364]

Certain Curable Fluoroelastomer Compositions and Precursors Thereof; Issuance of Limited Exclusion Order and Cease and Desist Order

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued a limited exclusion order and a cease and desist order in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Mark D. Kelly, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-3106.

SUPPLEMENTARY INFORMATION: The authority for the Commission's determinations is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in § 210.58 of the Commission's Interim Rules of Practice and Procedure (19 CFR 210.58).

The Commission instituted this investigation on March 16, 1994, based upon a complaint filed by Minnesota Mining and Manufacturing Company ("3M") alleging that Ausimont, S.p.A., of Milan, Italy, and Ausimont U.S.A., Inc., of Morristown, NJ (collectively referred to as "respondents" or "Ausimont") had violated section 337 in the sale for importation, the importation, and the sale within the United States after importation of certain curable fluoroelastomer compositions and precursors thereof, by reason of infringement of one or more claims of U.S. Letters Patent 4,287,320 ("the '320 patent") assigned to 3M. 59 FR 12344 (March 16, 1994).

On December 15, 1994, the presiding administrative law judge (ALJ) issued his final initial determination (ID) finding that respondents had violated section 337, based on his findings that (1) the claims in issue of the '320 patent are not invalid; (2) the accused products imported by respondents infringe the claims in issue of the '320 patent under the doctrine of equivalents; and (3) a domestic industry exists. On February 2, 1995, the Commission determined not to review the ALJ's final ID and requested written submissions on the issues of remedy, the public interest, and bonding. 60 FR 7581 (February 8, 1995).

Submissions on remedy, the public interest, and bonding were received from complainant 3M, respondents, and the Commission investigative attorney (IA). Complainant, respondents, and the IA also filed reply submissions on these issues.

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission made its determinations on the issues of remedy, the public interest, and bonding. The Commission determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed importation of infringing fluoroelastomer compositions or precursors thereof manufactured and/or imported by or on behalf of Ausimont, S.p.A. of Milan, Italy or Ausimont U.S.A., Inc., of Morristown, New Jersey. In addition, the Commission issued a cease and desist order directed to the domestic respondent, Ausimont U.S.A., ordering it to cease and desist from the following activities in the United States: importing, selling, marketing, distributing, offering for sale, or otherwise transferring (except for exportation) in the United States infringing imported curable fluoroelastomer compositions or precursors thereof. The orders apply to any of the affiliated companies, parents, subsidiaries, licensees, contractors, or other related business entities, or their successors or assigns, of the above-named companies.

The Commission also determined that the public interest factors enumerated in 19 U.S.C. 1337 (d) and (f) do not preclude the issuance of the limited exclusion and cease and desist orders, and that the bond during the Presidential review period shall be in the amount of 48 percent of the entered value of the articles in question.

Copies of the Commission orders, the Commission opinion in support thereof, and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

Issued: March 16, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95-7047 Filed 3-21-95; 8:45 am]

BILLING CODE 7020-02-P

INTERSTATE COMMERCE COMMISSION

Availability of Environmental Assessments

Pursuant to 42 U.S.C. 4332, the Commission has prepared and made available environmental assessments for the proceedings listed below. Dates environmental assessments are available are listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Tawanna Glover-Sanders, Interstate Commerce Commission, Section of Environmental Analysis, Room 3219, Washington, DC 20423, (202) 927-203.

Comments on the following assessment are due 15 days after the date of availability:

AB-43 (Sub-No. 166X), Illinois Central Railroad Company—Notice of Exemption Under 49 C.F.R. 1152.50—Abandonment of Line In Taylorsville, Mississippi. EA available 3/3/95

AB-436X, Bath & Hammondspport Railroad Co.—Abandonment Exemption—In Steuben County, NY. EA available 3/10/95.

AB-55 (Sub-No. 501X), CSX Transportation, Inc.—Abandonment—In Lucas and Wood Counties, Ohio. EA available 3/10/95.

Comments on the following assessment are due 20 days after the date of availability:

Finance Docket No. 32640, Canadian National Railway Company—Integration of Rail Operations with U.S. Rail Affiliates. EA available 3/17/95.

Comments on the following assessment are due 30 days after the date of availability:

AB-43 (Sub-No. 168X), Illinois Central Railroad Company Abandonment Exemption—In Hinds County, Mississippi. EA available 3/10/95.

AB-402 (Sub-No. 3X), Fox Valley & Western Ltd.—Abandonment Exemption—In Portage and Waupaca Counties, Wisconsin. EA available 3/17/95.

Vernon A. Williams,

Secretary.

[FR Doc. 95-7053 Filed 3-21-95; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-6 (Sub-No. 365X)]

Exemption and of Interim Trail Use or Abandonment; Burlington Northern Railroad Company—Abandonment Exemption—in Thurston County, WA

Burlington Northern Railroad Company (BN) has filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 12.45-mile rail line between BN MP 16.00 near Belmore and BN MP 28.45 near Gate, including the station of Little Rock at BN MP 21.4, in Thurston County, WA.

BN has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is either pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 21, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking statements under 49 CFR 1152.29 must be filed by April 3, 1995.³ Petitions to reopen or requests

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 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 a late-filed trail use request so long as the abandonment has not

for public use conditions under 49 CFR 1152.28 must be filed by April 11, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Sarah J. Whitley, Burlington Northern Railroad Company, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102-5384.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

Thurston County (County) supports the abandonment and seeks issuance of a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) covering the involved lines. County has submitted a statement of willingness to assume financial responsibility for the trail in compliance with 49 CFR 1152.29. BN consents to this request and is willing to negotiate with County.

While expressions of interest in interim trail use need not be filed until 10 days after the date the notice of exemption is published in the **Federal Register** [49 CFR 1152.29(b)(2)], the provisions of 16 U.S.C. 1247(d) (Trails Act) are applicable, and all of the criteria for imposing trail use/rail banking have been met. Accordingly, based on BN's willingness to enter into negotiations with County, a NITU will be issued. The parties may negotiate an agreement during the 180-day period prescribed below. If a mutually acceptable final agreement is reached, further Commission approval is not necessary. If no agreement is reached within 180 days, BN may fully abandon the line. See 49 CFR 1152.29(d)(1).

Issuance of this NITU does not preclude other parties from filing interim trail use/rail banking requests. Nor does it preclude BN from negotiating with other parties in addition to County during the NITU negotiating period. If additional trail use requests are filed, BN is directed to respond to them. Use of the rights-of-way for trail purposes is subject to restoration for railroad purposes.

The parties should note that operation of the trail use procedures could be delayed, or even foreclosed, by the financial assistance process under 49 U.S.C. 10905. As stated in *Rail Abandonments—Use of Rights-of-Way as Trails*, 2 I.C.C.2d 591 (1986) (*Trails*), offers of financial assistance (OFA) to acquire rail lines for continued rail service or to subsidize rail operations take priority over interim trail use

been consummated and the abandoning railroad is willing to negotiate an agreement.

conditions.⁴ Accordingly, if a formal expression of intent to file an OFA is timely filed under 49 CFR 1152.27(c)(2), the effective date of this notice will be postponed 10 days beyond the effective date indicated here. In addition, the effective date may be further postponed at later stages in the OFA process. See 49 CFR 1152.27(e)(2) and (f). Finally, if the line is sold under the OFA procedures, the notice for abandonment exemption will be dismissed and trail use precluded. Alternatively, if a sale under the OFA procedures does not occur, trail use may proceed.

BN has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by March 27, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, 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 other trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

It is ordered:

1. Subject to the conditions set forth above, BN may discontinue service, cancel tariffs for the line on not less than 10 days' notice to the Commission, and salvage track and material consistent with interim trail use/rail banking after the effective date of this notice of exemption and NITU. Tariff cancellations must refer to this notice by date and docket number.

2. If an interim trail use/rail banking agreement is reached, then with respect to the right-of-way, it must require the trail user to assume, for the term of the agreement, full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify BN from any potential liability), and for the payment of any and all taxes that may be levied or assessed against, the right-of-way.

3. Interim trail use/rail banking is subject to the future restoration of rail service and to the user's continuing to

meet the financial obligations for the right-of-way.

4. If interim trail use is implemented and subsequently the user intends to terminate trail use, it must send the Commission a copy of this notice of exemption and NITU and request that it be vacated on a specified date.

5. If an agreement for interim trail use/rail banking is reached by the 180th day after service of this decision and notice, interim trail use may be implemented. If no agreement is reached by that time, BN may fully abandon the line.

6. Provided no formal expression of intent to file an offer of financial assistance has been received, this notice of exemption and NITU will be effective on April 21, 1995.

Decided: March 15, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 95-6896 Filed 3-21-95; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-6 (Sub-No. 364X)]

Burlington Northern Railroad Company; Abandonment Exemption— in Snohomish County, WA; Exemption and Notice of Interim Trail Use or Abandonment

Burlington Northern Railroad Company (BN) has filed a notice of exemption under 49 CFR part 1152 Subpart F—Exempt Abandonments to abandon its 2.69-mile line of railroad between BN milepost 6.92 and BN milepost 8.19, and the 1.42-mile Cascade Pole Spur in and near Arlington, in Snohomish County, WA.

BN has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (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 favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.*—

Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 21, 1995 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29³ must be filed by April 3, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 11, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Sarah J. Whitley, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102-5384.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

The Snohomish County Parks and Recreation Department (SCPRD) requests issuance of a notice of interim trail use/rail banking (NITU) for the involved line under the National Trails System Act (Trails Act), 16 U.S.C. 1247(d). SCPRD has submitted a statement of willingness to assume financial responsibility for the interim trail use and rail banking in compliance with 49 CFR 1152.29 and acknowledged that the use of the right-of-way as a trail is subject to future reactivation of rail service. BN consents to this request and is willing to negotiate with SCPRD.

While expressions of interest in interim trail use need not be filed until 10 days after the date the notice of exemption is published in the **Federal Register** [49 CFR 1152.29(b)(2)], the provisions of 16 U.S.C. 1247(d) (Trails Act) are applicable, and all of the

¹ A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request prior to the effective date of this exemption.

² See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

³ The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

⁴ The statement in *Trails* that section 10905 does not apply to abandonment or discontinuance exemptions has since been superseded by our adoption of rules allowing OFAs in these exemption proceedings. See 49 CFR 1152.27.

criteria for imposing trail use/rail banking have been met. Accordingly, based on BN's willingness to enter into negotiations with SCPRD, a NITU will be issued. The parties may negotiate an agreement during the 180-day period prescribed below. If a mutually acceptable final agreement is reached, further Commission approval is not necessary. If no agreement is reached within 180 days, BN may fully abandon the line. See 49 CFR 1152.29(d)(1).

Issuance of this NITU does not preclude other parties from filing interim trail use/rail banking requests. Nor does it preclude BN from negotiating with other parties in addition to SCPRD during the NITU negotiating period. If additional trail use requests are filed, BN is directed to respond to them. Use of the right-of-way for trail purposes is subject to restoration for railroad purposes.

The parties should note that operation of the trail use procedures could be delayed, or even foreclosed, by the OFA process under 49 U.S.C. 10905. As stated in *Rail Abandonments—Use of Rights-of-Way as Trails*, 2 I.C.C.2d 591 (1986) (*Trails*), OFAs to acquire rail lines for continued rail service or to subsidize rail operations take priority over interim trail use conditions.⁴ Accordingly, if a formal expression of intent to file an OFA is timely filed under 49 CFR 1152.27(c)(2), the effective date of this notice will be postponed 10 days beyond the effective date indicated here. In addition, the effective date may be further postponed at later stages in the OFA process. See 49 CFR 1152.27(e)(2) and (f). Finally, if the line is sold under the OFA procedures, the notice for abandonment exemption will be dismissed and trail use precluded. Alternatively, if a sale under the OFA procedures does not occur, trail use may proceed.

SCPRD also requested a 180-day public use condition under 49 U.S.C. 10906 as an alternative to interim trail use. When the need for both conditions is established, it is Commission policy to impose them concurrently, subject to the execution of a trail use agreement. See *Trails, supra* at 609. SCPRD's submission meets the requirements for a public use condition prescribed at 49 CFR 1152.28(a)(2) by specifying: (a) The condition sought; (b) the public importance of the condition; (c) the time period for which the condition would be effective; and (d) justification for imposition of the time period.

⁴The statement in *Trails* that section 10905 does not apply to abandonment or discontinuance exemptions has since been superseded by the adoption of rules allowing OFAs in these exemption proceedings. See 49 CFR 1152.27.

Accordingly, the requested 180-day public use condition will also be imposed. If a trail use agreement is reached for a portion of the right-of-way, BN must keep the remaining portion intact for the remainder of the 180-day period to permit public use negotiations. A public use condition is not imposed for the benefit of any one potential purchaser, but rather to provide an opportunity for any interested person to acquire either the whole or a portion of a right-of-way that has been found suitable for public purposes, including trail use.

BN has filed an environmental report which addresses the effects of the abandonment, if any, on the environment and historic resources. The Commission's Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by March 27, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, or other trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

It is ordered:

1. The abandonment of the above described line is subject to the conditions: (1) That BN is prohibited from disposing of the corridor, other than the tracks, ties and signal equipment, unless for public use on reasonable terms; and (2) that BN keep intact the right-of-way underlying the track, including all of the trail related structures including bridges, trestles, culverts, and tunnels, for a period of 180 days from the effective date of this exemption, to enable any State or local government agency or other interested persons to negotiate the acquisition of the line for public use.

2. Subject to the conditions set forth above, BN may discontinue service, cancel tariffs for the line on not less than 10 days' notice to the Commission, and salvage track and material consistent with interim trail use/rail banking after the effective date of this notice of exemption and NITU. Tariff cancellations must refer to this notice by date and docket number.

3. If an interim trail use/rail banking agreement is reached, it must require the trail user to assume, for the term of the agreement, full responsibility for management of, for any liability arising out of the transfer or use of (unless the user is immune from liability, in which

case it need only indemnify BN from any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way.

4. Interim trail use/rail banking is subject to the future restoration of rail service and to the user's continuing to meet the financial obligations for the right-of-way.

5. If interim trail use is implemented and subsequently the user intends to terminate trail use, it must send the Commission a copy of this notice of exemption and NITU and request that it be vacated on a specified date.

6. If an agreement for interim trail use/rail banking is reached by the 180th day after service of this notice of exemption and NITU, interim trail use may be implemented. If no agreement is reached by that time, BN may fully abandon the line.

Decided: March 16, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 95-7052 Filed 3-21-95; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-6 (Sub-No. 362X)]

Burlington Northern Railroad Company—Abandonment Exemption—in King County, WA

Burlington Northern Railroad Company (BN) has filed a notice of exemption under 49 CFR part 1152 Subpart F—Exempt Abandonments to abandon its line of railroad between BN milepost 12.37 and BN milepost 13.06, a distance of approximately 0.69 miles, in Renton, King County, WA.

BN has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (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 favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of 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 this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 21, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29³ must be filed by April 3, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 11, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Sarah J. Whitley, 3800 Continental Plaza, 777 Main St., Fort Worth, TX 76102-5384.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

BN has filed an environmental report which addresses the abandonment's effects, if any, on the environmental and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by March 27, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: March 16, 1995.

¹ A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

² See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

³ The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 95-7054 Filed 3-21-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32433]

Chicago & North Western Railway Co.—Construction Exemption—Douglas County, Wisconsin

The Chicago & North Western Railway Co. (CNW) has petitioned the Interstate Commerce Commission (Commission) for authority to construct and operate a 2,900-foot rail line extension which would provide CNW with access to the Midwest Energy Resources Company coal dock facility in Superior, Wisconsin. The Commission's Section of Environmental Analysis (SEA) has prepared an Environmental Assessment (EA) for this project. Based on the information provided and the environmental analysis conducted to date, this EA concludes that this proposal should not significantly affect the quality of the human environment if the recommended mitigation measures set forth in the EA are implemented. Accordingly, SEA preliminarily recommends that the Commission impose on any decision approving the proposed construction and operation conditions requiring CNW to implement the mitigation contained in the EA.

The EA will be served on all parties of record as well as all appropriate Federal, state and local officials and will be made available to the public upon request. SEA will consider all comments received in response to the EA in making final environmental recommendations to the Commission. The Commission will then consider SEA's final recommendations and the environmental record in making its final decision in this proceeding.

Comments (an original and 10 copies) and any questions regarding this Environmental Assessment should be filed with the Commission's Section of Environmental Analysis, Office of Economic and Environmental Analysis, Room 3219, Interstate Commerce Commission, Washington, DC 20423, to the attention of Dana White (202) 927-6214. Requests for copies of the EA should also be directed to Ms. White.

Date made available to the public: March 22, 1995.

Comment due date: April 21, 1995.

By the Commission, Elaine K. Kaiser, Chief, Section of Environmental Analysis,

Office of Economic and Environmental Analysis.

Vernon A. Williams,
Secretary.

[FR Doc. 95-6898 Filed 3-21-95; 8:45 am]

BILLING CODE 7035-01-P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 1626ROD-94]

Record of Decision for the Program of Protecting the Southwest Border Through the Interdiction of Illegal Drugs With the Support of Joint Task Force Six

AGENCY: The Immigration and Naturalization Service, Department of Justice (lead); Joint Task Force Six, Department of Defense (cooperating); and Environmental Protection Agency (cooperating).

ACTION: Notice of availability of the record of decision.

SUMMARY: This Notice is to announce that the Record of Decision (ROD) for the continuation of the Joint Task Force Six (JTF-6) activities along the United States (U.S.)/Mexico border, jointly signed by JTF-6 and the Immigration and Naturalization Service (INS), is available.

The JTF-6 program involves providing operational, engineering, and general support to law enforcement agencies (LEAs) that have drug interdiction responsibilities within the southwestern border states. The JTF-6's primary area of concern is within a 50-mile-wide corridor along the U.S./Mexico border from Port Arthur, Texas, to San Diego, California.

ADDRESSES: Copies of the ROD are available upon written request to either of the following addresses:

1. U.S. Army Corps of Engineers, Fort Worth District, CESWF-PL-RE, P.O. Box 17300, 819 Taylor Street, Fort Worth, Texas 76102-0300.
2. Immigration and Naturalization Service, 425 I Street NW, Facilities Branch (Room 2003), Washington, DC 20536.

SUPPLEMENTARY INFORMATION:

Statutory Authority

This Notice of Availability (NOA) is being issued in accordance with the National Environmental Policy Act (NEPA), Public Law 91-190, and Regulations for Implementing the Procedural Provisions of NEPA, 40 CFR 1500-1508.

Background

JTF-6 was activated on November 13, 1989, at Fort Bliss, Texas, by the Secretary of Defense in accordance with the President's National Drug Control Strategy.

The mission of JTF-6 is to plan and coordinate military training along the U.S. Southwest Land Border in support of counter-drug activities by Federal, State, and Local LEAs, as requested through Operation Alliance and approved by the Secretary of Defense or a designated representative.

The INS is responsible for the prevention of smuggling and unlawful entry of aliens into the United States. This task of the Border Patrol often results in the interdiction of drugs between the U.S. land Ports-of-Entry. The INS Border Patrol has been the primary beneficiary of most JTF-6 engineering actions to date, which have included reconnaissance operations, and fence and road construction. For this reason, the INS elected to act as lead agency for the preparation of a Programmatic Environmental Impact Statement (PEIS). The PEIS analyzed cumulative environmental impacts of previous actions performed by JTF-6, and generically examined the impacts of future individual actions, which may be developed within the reasonably foreseeable future, based on experience with similar past actions. The PEIS also described the different types of actions performed by JTF-6. The Environmental Protection Agency (EPA) and JTF-6 elected to act as cooperating agencies.

A Notice of Intent (NOI) to prepare the PEIS was published in the **Federal Register** on July 15, 1993, at 58 FR 38140. The Draft PEIS was filed with the EPA and published in the **Federal Register** on April 15, 1994, at 59 FR 18115; the Notice of Availability (NOA) of the Draft PEIS was published in the **Federal Register** on May 19, 1994, at 59 FR 26322. The Final PEIS was filed with the EPA on August 11, 1994, and published in the **Federal Register** on August 19, 1994, at 59 FR 42831; the NOA of the Final PEIS was published in the **Federal Register** on October 5, 1994, at 59 FR 50773. In accordance with NEPA, this ROD is the concluding step in the PEIS process.

Dated: March 9, 1995.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 95-7021 Filed 3-21-95; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF LABOR**Employment and Training Administration****Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) issued during the period of March, 1995.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-30,693; Hudson Valley Polymers, A Division of Alfa Laval Agri, Inc., Poughkeepsie, NY

TA-W-30,628 & TA-W-30,629; Artex Manufacturing Co., Abilene, KS and Overland, KS

TA-W-30,630, A & B; Artex Manufacturing Co., Boonville, MO, Manhattan, KS, Yates Center, KS

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA-W-30,542; Scott Paper Co., Oconto Falls, WI

U.S. imports of sanitary paper products were negligible in 1992 through 1994.

TA-W-30,638; MPI Warehouse Speciality Co., Williston, ND

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-30,621; TRW Technar, Inc., TRW Transportation Electronics Div., San Dimas & Irwindale, CA

The investigation revealed that worker separations at the San Dimas and Irwindale, CA, plants of TRW Transportation Electronics Div. of TRW Technar, Inc., were a result of a corporate restructuring effort to more efficiently utilize the capacity of all company plants.

TA-W-30,641; Camp Service Line, Standard Motor Products, Inc., Edwardsville, KS

Layoffs were a result of corporate restructuring effort to utilize more efficiently the capacity of all company plants.

TA-W-30,702; Bearings, Inc., Rahway, NJ

The worker's firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-30,720; SNE Enterprises, Inc., Spokane, WA

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-30,630; Exxon Pipeline Co., La Porte, TX

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-30,760; Kennemetal, Inc., El Paso, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-30,770; AT&T Communications of Southwest, Inc., Odessa, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

Affirmative Determinations for Worker Adjustment Assistance

TA-W-30,658; Swift Adhesives, St. Joseph, MO

A certification was issued covering all workers separated on or after January 3, 1994.

TA-W-30,725, A & B; Gerrity Oil & Gas Corp., Denver, CO & Operating at Various Locations in the Following States: A; CO., B; WY

A certification was issued covering all workers separated on or after January 31, 1994.

TA-W-30, 732; Contract Apparel, El Paso, TX

A certification was issued covering all workers separated on or after January 24, 1994.

TA-W-30, 753; Techmedica, Inc., Camarillo, CA

A certification was issued covering all workers separated on or after December 22, 1993.

TA-W-30, 627; New Dimensions, Ltd, Providence, RI

A certification was issued covering all workers separated on or after December 21, 1993.

TA-W-30, 613; T.A.B.C. Prince Gardner (Formerly Prince Gardner, Inc), Searcy, AR

A certification was issued covering all workers separated on or after December 14, 1993.

TA-W-30, 697; Empire Manufacturing Co., Winder, GA

A certification was issued covering all workers separated on or after January 5, 1994.

TA-W-30, 654; Guardian Electric Manufacturing Co., Inc., Woodstock, IL

A certification was issued covering all workers separated on or after January 3, 1994.

TA-W-30, 704; Lynwood Fashions, Inc., Wilkes Barre, PA

A certification was issued covering all workers separated on or after January 24, 1994.

TA-W-30, 710; Crown Cork & Seal Co., Inc., Swedesboro, NJ

A certification was issued covering all workers separated on or after January 23, 1994.

TA-W-30, 647, A, B, C; Amerada Hess Corp., Houston, TX and Operating At Various Locations in the Following States: A; OK. B; LA, C; ND

A certification was issued covering all workers separated on or after January 17, 1994.

TA-W-30, 675; Mallinckrodt Medical, Inc., Anesthesiology Div., Argyle, NY

A certification was issued covering all workers separated on or after January 16, 1994.

TA-W-30, 660 & TA-W-30, 661; Utica Corp., Mohawk St, Whitesboro, NY and Halsey Road, Whitesboro, NY

A certification was issued covering all workers separated on or after March 9, 1995.

Also, pursuant to Title V of the North American Free Trade Agreement

Implementation Act (P.L. 103-182) concerning transitional adjustment assistance hereinafter called (NAFTA-TAA) and in accordance with Section 250(a) Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA-TAA issued during the months of March, 1995.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA-TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(A) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(B) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased.

(c) That the increase in imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(2) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA-TAA*NAFTA-TAA-00354; Genlyte Group, Inc., Lightolier Div.—Model Shop, Secaucus, NJ*

The investigation revealed that criteria (3) and criteria (4) were not met. There was no shift in production from Genlyte to Mexico or Canada during the period under investigation, nor did Genlyte import tissue from Mexico or Canada any articles like or directly competitive with model lamp fixtures, track system devices, fluorescent fixtures and other lighting model products.

NAFTA-TAA-00348; Martin Marietta, Ocean, Radar & Sensor Systems Div., Utica, NY

The investigation revealed that criteria (3) and (4) were not met and that criterion (1) has not been met in conjunction with the requirements of Section 506(b)(2) of the Act.

NAFTA-TAA-00351; Eagle Coach Corp., Brownsville, TX

The investigation revealed that criteria (3) and (4) were not met. There was no shift in production from the subject facility to Mexico or Canada during the period under investigation, nor does the company import buses from Mexico or Canada.

NAFTA-TAA-00345; Johnson Controls Battery Group, Inc., Owosso, MI

The investigation revealed that criteria (3) and (4) were not met. There was no shift in production from Johnson Controls to Mexico or Canada during the period under investigation, nor did Johnson Controls import from Mexico or Canada any articles that are like or directly competitive with automotive batteries.

NAFTA-TAA-00353; Anderson & Middleton, Grays Harbor Veneer Div., Hoquiam, WA

The investigation revealed that criteria (3) and (4) were not met. There was no shift in production from the subject facility to Mexico or Canada during the period under investigation, nor does the company import veneer from Mexico or Canada. Customer imports of veneer from Canada or Mexico did not contribute importantly to worker separations at the subject firm.

NAFTA-TAA-00349; Unisys Government Systems Group, Great Neck, NY

The investigation revealed that criteria (3) and (4) were not met. The investigation finding show that of the bids submitted unsuccessfully by the subject firm, the contracts were awarded to domestic firms to manufacture domestically; therefore, customer imports from Canada or Mexico did not contribute importantly to worker separations at the subject firm.

NAFTA-TAA-00347; Pacific Trail, Inc., London Fog Industries, Spokane, WA

The investigation disclosed that workers at the Spokane facility provided warehousing, distribution and other support services related to the overseas production of recreational clothing. The provision of services supporting production that occurs outside the U.S. cannot be used as the basis for certification under the terms of the Trade Act of 1974, as amended.

NAFTA-TAA-00356; Digital Employees' Federal Credit Union, Albuquerque, NM

The investigation revealed that the workers of the subject firm did not produce an article within the meaning of Section 250(a) of the Trade Act, as amended. Performance of services does not constitute production of an article, as required by the Trade Act of 1974, this determination has been upheld in the US Court of Appeals.

Affirmative Determinations NAFTA-TAA*NAFTA-TAA-00360; Axia, Inc., Nestaway Div., Beaver Dam, KY*

A certification was issued covering all workers of the Nestaway Div. of Axia, Inc., Beaver Dam, KY separated on or after February 3, 1994.

NAFTA-TAA-00358; Sun Apparel, Inc., Concepcion Plant, El Paso, TX

A certification was issued covering all workers of the Concepcion Plant of Sun Apparel, Inc., El Paso, TX separated on or after February 2, 1994.

NAFTA-TAA-00346; D & G Shake Co., Inc, Amanda Park, WA

A certification was issued covering all workers of D & G Shake Co., Inc., Amanda Park, WA separated on or after January 24, 1994.

NAFTA-TAA-00342; Johnson & Johnson, Personal Products Co., Div., North Little Rock, AR

A certification was issued covering all workers of Carefree, Serenity Thin Pads and Serenity Guards Departments of the Personal Products Co Div. of Johnson & Johnson, North Little Rock, AR separated on or after January 23, 1994.

NAFTA-TAA-00350; Memotec Communications, Inc., North Andover, MA

A certification was issued covering all workers of Memotec Communication, Inc., North Andover, MA separated on or after January 9, 1994.

I hereby certify that the aforementioned determinations were issued during the months of March, 1995. Copies of these determinations are available for inspection in Room C-4318, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: March 14, 1995.

Victor J. Trunzo,
Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95-7040 Filed 3-21-95; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-30,633]

Karlshamns USA, Incorporated, Harrison, New Jersey; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 9, 1995 in response to a worker petition which was filed on behalf of workers and former workers at Karlshamns USA, Incorporated, Harrison, New Jersey (TA-W-30,633).

The company has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 9th day of March, 1995.

Victor J. Trunzo,
Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95-7045 Filed 3-21-95; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this

notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 3, 1995.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 3, 1995.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of March, 1995.

Victor J. Trunzo,
Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Hyperion Power Technologies (Workers)	Watertown, MA	03/13/95	02/20/95	30,795	Power supplies & magnetics.
TTC Inc. (Workers)	Kankakee, IL	03/13/95	02/08/95	30,796	Outerwear jackets.
Ace Comb Co (IBT)	Booneville, AR	03/13/95	02/15/95	30,797	Hair accessories.
Etowah Mfg. Co., Inc. (Workers)	Etowah, TN	03/13/95	02/24/95	30,798	Work shirts.
Huls America Inc. (Workers)	Elizabeth, NJ	03/13/95	01/31/95	30,799	Paint thinners chemicals.
Penn Union Corp (Workers)	Edinboro, PA	03/13/95	02/22/95	30,800	Casting bronze & Copper alloy.
Gregory Rig Service & Sales, Inc. (Co.)	Odessa, TX	03/13/95	01/03/95	30,801	Oil rigs.
Fisher Controls International, Inc. (UAW).	Marshalltown, IA	03/13/95	02/27/95	30,802	Control valves for pipelines.
Mitel Telecommunications Systems (Co).	Mt. Laurel, NJ	03/13/95	11/06/95	30,803	Telephone & voice mail systems.
Mitel Telecommunications Systems (Co).	Moorestown, NJ	03/13/95	11/06/95	30,804	Telephone & voice mail systems.
Formfit Rogers (Co.)	McMinnville, TN	03/13/95	02/22/95	30,805	Ladies nightwear.
Transwestern Pipeline (Workers)	Hobbs, NM	03/13/95	03/02/95	30,806	Natural gas.
Saba Petroleum, Inc/Saba Energy (Workers).	Edmond, OK	03/13/95	02/11/95	30,807	Crude oil & natural gas.
Pennzoil Sulphur Co. (Co.)	Pecos, TX	03/13/95	02/03/95	30,808	Sulphur.
Pennzoil Sulphur Co. (Co.)	Galveston, TX	03/13/95	02/03/95	30,809	Sulphur.
Pennzoil Sulphur Co. (Co.)	Houston, TX	03/13/95	02/03/95	30,810	Sulphur.
Pennzoil Sulphur Co. (Co.)	Tampa, FL	03/13/95	02/03/95	30,811	Sulphur.

APPENDIX—Continued

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Anderson & Middleton (Co.)	Hoquiam, WA	03/13/95	03/07/95	30,812	Softwood lumber.
Unisys (IUE)	Great Neck, NY	03/13/95	03/06/95	30,813	Shipboard radar systems.
Eagle Coach Corporation (Co.)	Brownsville, TX	03/13/95	03/07/95	30,814	Buses.

[FR Doc. 95-7042 Filed 3-21-95; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-30,733]

McDonnell Douglas Corporation, Long Beach, Monrovia and Huntington Beach, California and Columbus, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 13, 1995, in response to a worker petition which was filed on February 13, 1995, on behalf of workers at McDonnell Douglas Corporation, Long Beach, Monrovia and Huntington Beach, California, and Columbus, Ohio.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 10th day of March, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95-7044 Filed 3-21-95; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Full Committee Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health (NACOSH), established under section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the Act, will meet on April 10 and 11, 1995, in Room N3437 A-D of the Department of Labor Building located at 200 Constitution Avenue NW, Washington, DC. The meeting is open to

the public and will begin at 8:30 a.m. each day lasting until approximately 4 p.m. on April 10 and 3 p.m. on April 11.

Agenda items will include overviews of activities of both the Occupational Safety and Health Administration (OSHA) and the National Institute for Safety and Health (NIOSH), a legislative update, and discussions on occupational safety and health programs.

Written data, views or comments for consideration by the committee may be submitted, preferably with 20 copies, to Joanne Goodell at the address provided below. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting. Anyone wishing to make an oral presentation should notify Joanne Goodell before the meeting. The request should state the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Persons who request the opportunity to address the Advisory Committee may be allowed to speak to the extent time permits, at the discretion of the Chair of the Advisory Committee. Individuals with disabilities who need special accommodations should contact Tom Hall by April 3 at the address indicated below.

An official record of the meeting will be available for public inspection through Tom Hall, Division of Consumer Affairs, Room N-3647, 200 Constitution Avenue NW, Washington, DC 20210, telephone 202-219-8615.

For additional information contact: Joanne Goodell, Directorate of Policy, Occupational Safety and Health Administration, Room N-3641, 200 Constitution Avenue NW, Washington, DC 20210, telephone 202-219-8021.

Signed at Washington, D.C. this 17th day of March 1995.

Joseph A. Dear,

Assistant Secretary of Labor.

[FR Doc. 95-7046 Filed 3-21-95; 8:45 am]

BILLING CODE 4510-26-M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (Pub. L. 103-182), hereinafter called (NAFTA-TAA), have been filed with State Governors under Section 250(a) of Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA-TAA petition has been received, the Director of the Office of Trade Adjustment Assistance (OTAA), Employment and Training Administration, (ETA), Department of Labor (DOL), announces the filing of the petition and takes actions pursuant to paragraphs (c) and (e) of Section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment after December 8, 1993 (date of enactment of Public Law 103-182) are eligible to apply for NAFTA-TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Director of OTAA at the U.S. Department of Labor (DOL) in Washington, D.C., provided such request is filed in writing with the Director of OTAA not later than April 3, 1995.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Director of OTAA at the address shown below not later than April 3, 1995.

Petitions filed with the Governors are available for inspection at the Office of the Director, OTAA, ETA, DOL, Room

C-4318, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 13th day of March, 1995.

Victor J. Trunzo,

Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received at governor's office	Petition No.	Articles produced
Cleveland Twist Drill Company; Div. of Greenfield Ind. (Workers).	Cynthiana, KY	02/17/95	NAFTA-00373	Twist drills, tool bits, T-blades, cut-off blades.
Boeing of Portland (Workers)	Portland, OR	02/20/95	NAFTA-00374	Aircraft parts ie. beams.
Schweiger Industries, Inc.; Jefferson Furniture Mfg. Fac. (USWA).	Jefferson, WA	02/23/95	NAFTA-00375	Livingroom furniture.
W.E. Kautenberg Company; National Brush Sister Co. (Workers).	Freeport, IL	02/17/95	NAFTA-00376	Brooms; corn and straw.
DLCI USA (Workers)	Van Buren, ME	02/24/95	NAFTA-00377	Bicycle parts.
AMSCO Basil Mfg.; AMSCO International (Co.).	Wilson, NY	02/24/95	NAFTA-00378	Industrial washing equipment.
I. Appel Corporation; Formfit Rogers (Workers).	McMinnville, TN	02/27/95	NAFTA-00379	Underwear and outerwear.
Hillside Logging Inc. (Workers)	Appleton, WA	02/28/95	NAFTA-00380	Logs.
Pennzoil Products Co.; Exploration and Production (UERMA).	Vienna, WV	02/28/95	NAFTA-00381	Natural gas and crude oil.
Timet; Tremont (Workers)	Henderson, NV	02/28/95	NAFTA-00382	Titanium sponge.
Goody Products; Ace Comb. Co. (Workers) .	Booneville, AR	03/01/95	NAFTA-00383	Combs, brushes, and hair accessories.
Pillowtex Corporation (Workers)	Dallas, TX	03/06/95	NAFTA-00384	Bedroom textile furnishings.
Marshalltown Instruments—DESCO Corp.; Oshkosh (Workers).	Oshkosh, NE	03/08/95	NAFTA-00385	Medical instruments ie. steplescope diaphragms.
Editorial America, SA (Workers)	Virginia Gardens, FL.	03/08/95	NAFTA-00386	Magazines.
Western Cabinet & Millwork, Inc. (MILL-MAN).	Woodinville, WA	03/09/95	NAFTA-00387	Wood cabinets, decorative wood furnishings, furniture items.
West Pac Cedar Products Inc. (Co.)	Humptulips, WA	03/09/95	NAFTA-00388	Cedar shakes.

[FR Doc. 95-7041 Filed 3-21-95; 8:45 am] BILLING CODE 4510-30-M

[NAFTA-00365]

Nashua Cartridge Products, Inc. Exeter, New Hampshire; Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance, hereinafter called (NAFTA-TAA), and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on February 13, 1995 in response to a petition filed on behalf of workers at Nashua Cartridge Products, Inc. in Exeter, New Hampshire. Workers produce laser toner cartridges.

In a letter dated February 27, 1995, the petitioners requested that the petition for NAFTA-TAA be withdrawn. Consequently, further investigation in this case would serve

no purpose, and the investigation has been terminated.

Signed at Washington, D.C., this 14th day of March, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95-7043 Filed 3-21-95; 8:45 am] BILLING CODE 4510-30-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (95-024)]

NASA Advisory Council (NAC), Aeronautics Advisory Committee, Subcommittee on Materials and Structures; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National

Aeronautics and Space Administration announces a NAC, Aeronautics Advisory Committee, Subcommittee on Materials and Structures meeting. **DATES:** April 11, 1995, 8 a.m. to 7 p.m.; and April 12, 1995, 8 a.m. to 2:30 p.m. **ADDRESSES:** National Aeronautics and Space Administration, Langley Research Center, Room 124, Building 1229, Hampton, VA 23681.

FOR FURTHER INFORMATION CONTACT: Dr. Darrel R. Tenney, National Aeronautics and Space Administration, Langley Research Center, Hampton, VA 23681 (804/864-3492).

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:
—Overview of NASA's Aeronautics Program
—Multidisciplinary Design Optimization Airframe/Engine
—Base Materials & Structures/Airframes
—Base Materials & Structures/Propulsion

It is imperative that the meeting be held on these dates to accommodate the

scheduling priorities of the key participants.

Dated: March 16, 1995.

Timothy M. Sullivan,

Advisory Committee Management Officer.

[FR Doc. 95-7000 Filed 3-21-95; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-244]

Rochester Gas and Electric Corporation; Notice of Consideration of Issuance of Amendment To Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity For A Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-18 issued to Rochester Gas and Electric Corporation (RG&E) for operation of the Ginna Nuclear Power Plant located in Wayne County, New York.

The proposed amendment would revise Ginna Station Technical Specification (TS) 4.4.2.4.a to replace specific leakage testing frequencies for containment isolation valves. This TS change will support a proposed Exemption to Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix J, Section III.D.3, requested under separate cover to exempt Type C testing of certain valves during a 1995 refueling outage.

Before issuance of the proposed license amendment, the Commission will have made findings require by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Operation of Ginna Station in accordance with the proposed change does

not involve a significant increase in the probability or consequence of an accident previously evaluated. The change is consistent with NUREG-1431 [Standard Technical Specifications - Westinghouse Plants, dated September 1993] and has therefore, been previously evaluated and accepted by the NRC. The change involves no technical change to the existing Technical Specification since 10 CFR Appendix J provides equivalent testing frequencies as those currently specified in TS 4.4.2.4.a. There is no impact to initiators of analyzed events or assumed mitigation of accident on transient events. Implementation of this change is expected to result in more efficient use of RG&E and the NRC resources without any reduction in safety.

2. Operation of Ginna Station in accordance with the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. The change is consistent with NUREG-1431 and has therefore, been previously evaluated and accepted by the NRC. The change does not involve physical alterations of the plant (no new or different type of equipment will be installed) or changes in methods governing normal plant operation. The change does not impose or eliminate any new or different requirements since 10 CFR [Part] 50, Appendix J provides equivalent testing frequencies as those currently specified in TS 4.4.2.4.a.

3. Operation of Ginna Station in accordance with the proposed changes does not involve a significant reduction in a margin of safety. All requirement in the technical specifications related to containment isolation valves remain the same with exception that a reference to 10 CFR [Part] 50, Appendix J is being provided in place of specific leakage testing requirements. The change has no impact on any safety analysis assumptions.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the

amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 21, 1995, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Rochester Public Library, 115 South Avenue, Rochester, New York 14610. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of

the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to

present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Ledyard B. Marsh: Petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Nicholas S. Reynolds, Winston & Strawn, 1400 L Street, NW., Washington, DC 20005, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 13, 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 Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

Dated at Rockville, Maryland, this 16th day of March 1995.

For The Nuclear Regulatory Commission.

Clarence E. Carpenter,

Acting Project Manager, Project Directorate I-1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95-7015 Filed 3-21-95; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

March 1, 1995.

This report is submitted in fulfillment of the requirement of Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) requires a monthly report listing all budget authority for the current fiscal year for which, as of the first day of the month, a special message had been transmitted to Congress.

This report gives the status, as of March 1, 1995, of 25 rescission proposals and seven deferrals contained in four special messages for FY 1995. These messages were transmitted to Congress on October 18, and December 13, 1994, and on February 6, and February 22, 1995.

Rescissions (Attachments A and C)

As of March 1, 1995, 25 rescission proposals totaling \$1,067.8 million had been transmitted to the Congress. Attachment C shows the status of the FY 1995 rescission proposals.

Deferrals (Attachments B and D)

As of March 1, 1995, \$2,621.0 million in budget authority was being deferred from obligation. Attachment D shows the status of each deferral reported during FY 1995.

Information from Special Messages

The special messages containing information on the rescission proposals and deferrals that are covered by this cumulative report are printed in the **Federal Register** cited below:

59 FR 54066, Thursday, October 27, 1994
59 FR 67108, Wednesday, December 28, 1994

60 FR 8842, Wednesday, February 15, 1995
 Alice M. Rivlin,
 Director.

**Attachment B.—Status of FY 1995
 Deferrals**
 [In millions of dollars]

**Attachment B.—Status of FY 1995
 Deferrals—Continued**
 [In millions of dollars]

**Attachment A.—Status of FY 1995
 Rescissions**

[In millions of dollars]	Budgetary resources	Deferrals proposed by the President	4,669.1	Overturned by the Congress ... ..	.....
Rescissions proposed by the President	1,067.8	Routine Executive releases through March 1, 1995 (OMB/Agency releases of \$2,079.7 million, partially offset by cumulative positive adjustment of \$1.6 million)	-2,078.0	Currently before the Congress	2,621.0
Rejected by the Congress .....	.....			
Currently before the Congress	1,067.8				

ATTACHMENT C.—STATUS OF FY 1995 RESCISSION PROPOSALS AS OF MARCH 1, 1995
 [Amounts in thousands of dollars]

Agency/bureau/account	Amounts pending before Congress			Date of message	Previously withheld and made available	Date made available	Amount rescinded	Congressional action
	Rescission No.	Less than 45 days	More than 45 days					
Department of Agriculture								
Foreign Agricultural Service:								
Public Law 480 program account.	R95-1	43,865 .....	.....	2-6-95				
Public Law 480 grants, title I (OFD), II, and III.	.....	98,635 .....	.....	2-6-95				
Food and Nutrition Service:								
Food stamp program	R95-2	2,900 .....	.....	2-6-95				
Department of Commerce								
National Telecommunications and Information Administration:								
Public broadcasting facilities, planning and construction.	R95-3	18,000 .....	.....	2-6-95				
Department of Education								
Office of Elementary and Secondary Education:								
School improvement programs.	R95-4	138,084 .....	.....	2-6-95	.....	.....
.....	R95-4A	-35,000 .....	.....	2-22-95				
Office of Vocational and Adult Education:								
Vocational and adult education.	R95-5	43,888 .....	.....	2-6-95				
Office of Postsecondary Education:								
Higher education	R95-6	26,903 .....	.....	2-6-95				
College housing and academic facilities program.	R95-7	168 .....	.....	2-6-95				
Office of Educational Research and Improvement:								
Education research, statistics, and improvement.	R95-8	750 .....	.....	2-6-95				
Libraries	R95-9	12,942 .....	.....	2-6-95				
Department of Health and Human Services								
Health Resources and Services Administration:								
Health resources and services.	R95-10	29,147 .....	.....	2-6-95				

ATTACHMENT C.—STATUS OF FY 1995 RESCISSION PROPOSALS AS OF MARCH 1, 1995—Continued

[Amounts in thousands of dollars]

Agency/bureau/account	Amounts pending before Congress			Date of message	Previously withheld and made available	Date made available	Amount rescinded	Congressional action
	Rescission No.	Less than 45 days	More than 45 days					
Centers for Disease Control and Prevention: Disease control, research, and training.	R95-11	1,300 .....	.....	2-6-95				
National Institutes of Health: National Center for Research Resources.	R95-12	1,000 .....	.....	2-6-95				
Department of Housing and Urban Development Housing Programs: Annual contributions for assisted housing.	R95-13	439,200 ....	.....	2-6-95				
Congregate services	R95-14	37,000 .....	.....	2-6-95				
Department of Labor Bureau of Labor Statistics: Salaries and expenses.	R95-15	1,100 .....	.....	2-6-95				
Department of Transportation Federal Railroad Administration: Local rail freight assistance.	R95-16	13,216 .....	.....	2-6-95				
Office of the Secretary: Payments to air carriers (Airport and airway trust fund).	R95-17	7,680 .....	.....	2-6-95				
Environmental Protection Agency Abatement, control, and compliance.	R95-18	11,642 .....	.....	2-6-95	6,835	2-6-95		
Water infrastructure financing.	R95-18A ..	-6,835 ....	.....	2-6-95				
Research and development.	R95-18B ..	3,200 .....	.....	2-6-95				
	R95-18C ..	3,635 .....	.....	2-6-95				
	R95-18C-1	Language .	.....	2-22-95				
National Aeronautics and Space Administration Mission support	R95-19	1,000 .....	.....	2-6-95				
Construction of facilities.	R95-20	27,000 .....	.....	2-6-95				
Small Business Administration Salaries and expenses.	R95-21	15,000 .....	.....	2-6-95				
Other Independent Agencies Chemical Safety and Hazard Investigation Board: Salaries and expenses.	R95-22	500 .....	.....	2-6-95				

ATTACHMENT C.—STATUS OF FY 1995 RESCISSION PROPOSALS AS OF MARCH 1, 1995—Continued

[Amounts in thousands of dollars]

Agency/bureau/account	Amounts pending before Congress			Date of message	Previously withheld and made available	Date made available	Amount rescinded	Congressional action
	Rescission No.	Less than 45 days	More than 45 days					
National Science Foundation: Academic research infrastructure.	R95-23	131,867 ....	.....	2-6-95				
Total Rescissions.	.....	1,067,787 .	0 .....	.....	6,835	.....	0	

ATTACHMENT D.—STATUS OF FY 1995 DEFERRALS AS OF MARCH 1, 1995

[Amounts in thousands of dollars]

Agency/bureau/account	Deferral No.	Amounts transmitted		Date of message	Releases (-)		Congressional action	Cumulative adjustments (+)	Amount deferred as of 3-1-95
		Original request	Subsequent change (+)		Cumulative OMB/agency	Congressionally required			
Funds Appropriated to the President									
International Security Assistance: Economic support fund	D95-1	53,300	.....	10-18-94	.....	.....	.....	.....	.....
	D95-1A .....	.....	1,173,948	12-13-94	121,848	.....	.....	1,647	1,107,047
Foreign military financing grants.	D95-2	3,139,279	.....	10-18-94	1,800,000	.....	.....	.....	1,339,279
Foreign military financing program account.	D95-3	47,917	.....	10-18-94	.....	.....	.....	.....	47,917
Military-to-military contact program.	D95-4	2,000	.....	10-18-94	.....	.....	.....	.....	2,000
Agency of International Development: International disaster assistance, executive.	D95-5	169,998	.....	10-18-94	127,830	.....	.....	.....	42,168
Department of Health and Human Services									
Social Security Administration: Limitation on administrative expenses.	D95-6	7,319	.....	10-18-94	.....	.....	.....	.....	.....
	D95-6A .....	.....	2	2-22-95	.....	.....	.....	.....	7,321
Department of State									
Bureau for Refugee Programs: United States emergency refugee and migration assistance fund.	D95-7	105,300	.....	10-18-94	30,000	.....	.....	.....	75,300
Total, Deferrals .....	.....	3,525,113	1,173,950	.....	2,079,678	.....	.....	1,647	2,621,032

[FR Doc. 95-7029 Filed 3-21-95; 8:45 am]
BILLING CODE 3110-01-M

Rescission of OMB Circulars

AGENCY: Office of Management and Budget.

ACTION: Notice of proposed rescission of OMB Circular A-105 "Standard Federal Regions".

SUMMARY: Notice is hereby given that OMB intends to rescind Circular No.

A-105, "Standard Federal Regions." The current circular establishes ten standard Federal regions, uniform regional boundaries and common regional office headquarter locations for all Federal domestic agencies. The circular also provides guidelines for establishing or realigning field structures, regional offices, and subregional offices. Circular A-105 is being proposed for rescission because changes in the way the Federal Government manages resources; agency

efforts to reduce duplicative levels of management and oversight; and expanded use of technology to interact with the public makes a strict regional structure inefficient and unnecessary.

DATES: Persons who wish to comment on the proposed rescission of Circular No. A-105 should submit their comments no later than April 24, 1995. The rescission will take place June 8, 1995, unless the comments raise significant concerns regarding the proposed rescission.

ADDRESSES: Comments should be addressed to: Steve Mertens, Office of Management and Budget, New Executive Office Building, 725 17th Street, NW, Room 9002, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: For further information on the proposed rescission of Circular No. A-105, contact Steve Mertens on (202) 395-4935. For further information on OMB's overall review of its circulars, contact Frank J. Seidl, III, Staff Assistant, on (202) 395-5146; or Rosalyn J. Rettman, Associate General Counsel for Budget on (202) 395-5000.

SUPPLEMENTARY INFORMATION: The Director of the Office of Management and Budget (OMB) has initiated a systematic review of all OMB circulars, in an effort to reduce unnecessary Government directives. As part of this initiative, each OMB circular is being reviewed to see whether it should be rescinded or whether its requirements can be simplified.

Dated: March 10, 1995.

John B. Arthur,

Associate Director for Administration.

[FR Doc. 95-6758 Filed 3-21-95; 8:45 am]

BILLING CODE 3110-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Airspace Reclassification in the Vicinity of Bellingham, WA, in Support of Transport Canada Terminal Airspace Design; Public Meetings

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meetings.

SUMMARY: This notice announces informal airspace meetings to solicit information from airspace users and others concerning a proposal by Transport Canada to reclassify the United States airspace as Class C airspace in the vicinity of the San Juan Islands and Bellingham, WA, to provide the same level of safety as adjacent Canadian airspace. Prior to initiating rulemaking actions to modify United States airspace, the FAA is seeking public input to assist in the development of a viable airspace design. The FAA will conduct two informal airspace meetings in the State of Washington on May 9-10, 1995. The purpose of these meetings is to gather information concerning the impact of the Transport Canada proposal on aircraft operations in the United States. Interested persons will be given an

opportunity to present their views, recommendations, and comments concerning these issues in this public forum. All comments received will be considered in any future FAA actions, rules, or policy developments on reclassification of airspace in the vicinity of the San Juan Islands and Bellingham, WA.

TIMES AND DATES: These meetings will be held from 7:00 p.m. to 10:00 p.m., on Tuesday, May 9, and Wednesday, May 10, 1995. Comments must be received on or before July 10, 1995.

PLACE:

Tuesday, May 9, 1995: Friday Harbor High School (Hall Gymnasium), 45 Blair Street, Friday Harbor, WA
 Wednesday, May 10, 1995: Bellingham International Airport, Terminal Building, 2nd Floor Meeting Room, Bellingham, WA

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ANM-500, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98055-4056.

FOR FURTHER INFORMATION CONTACT: Melodie DeMarr, System Management Branch (ANM-530), Northwest Regional Office, telephone: (206) 227-1534.

SUPPLEMENTARY INFORMATION:

Meeting Procedures

(a) These meetings will be informal in nature and will be conducted by a representative of the Administrator, FAA Southern Region. Each participant will be given an opportunity to make a presentation, although a time limit may be imposed.

(b) These meetings will be open to all persons on a space-available basis. There will be no admission fee or other charge to attend and participate.

(c) Any person wishing to make a presentation to the panel will be asked to sign in and estimate the amount of time needed for such presentation so that timeframes can be established. This will permit the panel to allocate an appropriate amount of time for each presenter. The panel may allocate the time available for each presentation in order to accommodate all speakers. These meetings will not be adjourned until everyone on the list has had an opportunity to address the panel. These meetings may be adjourned at any time if all persons present have had the opportunity to speak.

(d) Position papers or other handout material relating to the substance of the meetings may be accepted. Participants wishing to submit handout material should present three copies to the presiding officer. There should be

additional copies of each handout available for other attendees.

(e) These meetings will not be formally recorded. However, a summary of the comments made at these meetings will be filed in the docket.

Agenda for Each Meeting

—Opening Remarks and Discussion of Meeting Procedures
 —Briefing on Background for Proposal
 —Public Presentations
 —Closing Comments

Issued in Washington, DC, on March 15, 1995.

Harold W. Becker

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 95-7030 Filed 3-21-95; 8:45 am]

BILLING CODE 4910-13-P

National Highway Traffic Safety Administration

[Docket No. 94-106; Notice 2]

Decision That Nonconforming 1991 Mercedes-Benz 200E Passenger Cars Are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that nonconforming 1991 Mercedes-Benz 200E passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1991 Mercedes-Benz 200E passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the 1991 Mercedes-Benz 300E), and they are capable of being readily altered to conform to the standards.

DATES: The decision is effective March 22, 1995.

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless

NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Champagne Imports, Inc. of Lansdale, Pennsylvania (Registered Importer R-90-009) petitioned NHTSA to decide whether 1991 Mercedes-Benz 200E passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on January 4, 1995 (60 FR 527) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP 109 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1991 Mercedes-Benz 200E (Model ID 124.021) is substantially similar to a 1991 Mercedes-Benz 300E originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30015, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: March 16, 1995.

Harry Thompson,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 95-6996 Filed 3-21-95; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

March 9, 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: 1512-0007.

Form Number: ATF F 3310.6.

Type of Review: Extension.

Title: Interstate Firearms Shipment Report of Theft/Loss.

Description: This form is part of a voluntary program in which the common carrier and/or shipper report losses or thefts of firearms from interstate shipments. ATF uses this information to ensure that the firearms are entered into the National Crime Information Center, to initiate investigations, and to perfect criminal cases.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 1,014.

Estimated Burden Hours Per

Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 338 hours.

OMB Number: 1512-0035.

Form Number: ATF F 5000.21.

Type of Review: Extension.

Title: Referral of Information.

Description: ATF asks the Federal agency or State or local regulatory compliance agency to respond as to whether any action will be taken; and, if so, the action planned on referrals

of potential violations of Federal, or State or local law discovered by ATF personnel during investigations. It is also used to evaluate effectiveness of these referrals.

Respondents: Federal, State, Local or Tribal Government.

Estimated Number of Respondents: 500.

Estimated Burden Hours Per

Respondent: 1 hour.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 500 hours.

Clearance Officer: Robert N. Hogarth, (202) 927-8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue NW., 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. 95-7022 Filed 3-21-95; 8:45 am]

BILLING CODE 4810-31-P

Public Information Collection Requirements Submitted to OMB for Review

March 13, 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 the Public Debt (BPD)

OMB Number: 1535-0095.

Form Number: None.

Type of Review: Extension.

Title: Regulations Governing United States Savings Bonds Series E/EE and H/HH.

Description: The regulations mandate the payment of H/HH interest by Direct Deposit (Automated Clearing House (ACH)).

Respondents: Individuals or households, Business or other for-profit, Not-for-profit institutions, State, Local or Tribal Government.

Estimated Number of Respondents: 741,405.

Estimated Burden Hours Per Response: 5 minutes.

Frequency of Response: On occasion.
Estimated Total Reporting Burden:
61,537 hours.

Clearance Officer: Vicki S. Ott, (304)
480-6553, Bureau of the Public Debt,
200 Third Street, Parkersburg, West
VA 26106-1328.

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. 95-7023 Filed 3-21-95; 8:45 am]

BILLING CODE 4810-40-P

**Public Information Collection
Requirements Submitted to OMB for
Review**

March 16, 1995.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue NW., Washington, DC 20220.

Special Request: In order to make the revised version of ATF F 5640.1 described below available for use by the affected public as quickly as possible, the Department of the Treasury on behalf of the Bureau of Alcohol, Tobacco and Firearms is requesting Office of Management and Budget (OMB) review and approval by April 28, 1995. All comments must be received by COB April 21, 1995. Copies may be obtained by contacting the Clearance Officer listed at the end of this notice.

**Bureau of Alcohol, Tobacco and
Firearms (BATF)**

OMB Number: 1512-0221.
Form Number: ATF F 5640.1.
Type of Review: Revision.

Title: Offer In Compromise Liability
Incurred Under the Provisions of Title
26 U.S.C. Enforced and Administered
by the Bureau of Alcohol, Tobacco
and Firearms.

Description: ATF F 5640.1 is used by persons who wish to compromise criminal and/or civil penalties for violations of the Internal Revenue Code. If accepted, the offer in compromise is a settlement between the government and the party in

violation in lieu of legal proceedings or prosecution. The form identifies the party making the offer, violations, amount of offer and circumstances concerning the violations.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 40.
Estimated Burden Hours Per

Respondent: 2 hours.

Frequency of Response: On occasion.
Estimated Total Reporting Burden: 338 hours.

Clearance Officer: Robert N. Hogarth,
(202) 927-8930, Bureau of Alcohol,
Tobacco and Firearms, Room 3200,
650 Massachusetts Avenue NW.,
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. 95-7024 Filed 3-21-95; 8:45 am]

BILLING CODE 4810-31-P

**Public Information Collection
Requirements Submitted to OMB for
Review**

March 16, 1995.

The Department of the 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: 1545-0970.
Form Number: IRS Form 8453-P.
Type of Review: Extension.

Title: U.S. Partnership Declaration and
Signature for Electronic/Magnetic
Media Filing.

Description: This form is used to secure the general partners' signature and declaration in conjunction with the electronic/magnetic media filing program. This form, together with the electronic/magnetic transmission, will comprise the partnership's return.

Respondents: Business or other for-profit.

*Estimated Number of Respondents/
Recordkeepers:* 500.

*Estimated Burden Hours Per
Respondent/Recordkeeper:*

Recordkeeping—7 min.
Learning about the law or the form—
5 min.
Preparing the form—20 min.
Copying, assembling, and sending the
form to the IRS—17 min.

Frequency of Response: Annually.

*Estimated Total Reporting/
Recordkeeping Burden:* 405 hours.

OMB Number: 1545-1430.

Form Number: IRS Forms 945 and 945-A.

Type of Review: Extension.

Title: 1. Annual Return of Withheld
Federal Income Tax (945); and 2.
Annual Record of Federal Tax
Liability (945-A).

Description: Form 945 is used to report
income tax withholding on
nonpayroll payments including
backup withholding and withholding
on pensions, annuities, IRA's, military
retirement and gambling winnings.

Form 945-A is used to record
nonpayroll tax liabilities.

Respondents: Business or other for-
profit, Individuals or households, not-
for-profit institutions, farms, Federal
Government, State, Local or Tribal
Government.

*Estimated Number of Respondent/
Recordkeepers:* 300,000.

Estimated Burden Hours Per

Respondent/Recordkeeper:

	Form 945	Form 945-A
Recordkeeping	4 hr., 47 min.	8 hr., 37 min.
Preparing and sending the form to the IRS.	5 min	8 min.

Frequency of Response: Annually.

*Estimated Total Reporting/
Recordkeeping Burden:* 1,972,470
hours.

Clearance Officer: Garrick Shear, (202)
622-3869, Internal Revenue Service,
Room 5571, 1111 Constitution
Avenue NW., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf, (202)
395-7340, Office of Management and
Budget, Room 10226, New Executive
Office Building, Washington, DC
20503.

Lois K. Holland,

Departmental Reports Management Officer.
[FR Doc. 95-7025 Filed 3-21-95; 8:45 am]

BILLING CODE 4830-01-P

**DEPARTMENT OF VETERANS
AFFAIRS**

**Voluntary Service National Advisory
Committee; Meeting**

The Department of Veterans Affairs
gives notice under Public Law 92-463

that the Executive Committee, Department of Veterans Affairs Voluntary Service (VAVS) National Advisory Committee (NAC) will meet April 6-7, 1995, at the Disabled American Veterans (DAV) National Service and Legislative Headquarters, 807 Maine Avenue SW., Washington, DC. The meeting is scheduled from 8:30 a.m.-4:30 p.m. on April 6 and from 8:30 a.m.-3 p.m. on April 7.

The NAC consists of fifty-four national organizations and advises the Under Secretary for Health and other members of the Department of Veterans Affairs Central Office staff on how to coordinate and promote volunteer activities within VA facilities. The Executive Committee consists of nineteen representatives from the NAC member organizations and acts as the NAC governing body in the interim period between NAC Annual Meetings. Business topics for the Executive Committee meeting include: VAVS program progress since the 1994 NAC Annual Meeting; 1995 and 1996 NAC

Annual Meeting planning and subcommittee reports.

The meeting is open to the public. Individuals interested in attending are encouraged to contact: Mr. Jim Mayer, Administrative Officer, Voluntary Service Office (167), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC, 20420, (202) 535-7405.

Dated: February 28, 1995.

By Direction of the Secretary.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 95-7027 Filed 3-21-95; 8:45 am]

BILLING CODE 8320-01-M

Advisory Committee on Prosthetics and Special-Disabilities Programs; Notice of Availability of Annual Report

Under section 10(d) of Public Law 92-462 (Federal Advisory Committee Act) notice is hereby given that the Annual Report of the Department of Veterans

Affairs' Advisory Committee on Prosthetics and Special-Disabilities Programs for Fiscal Year 1994 has been issued. The Report summarizes activities of the Committee on matters relative to special disability programs, prosthetic rehabilitation technology, accomplishments which have been made, and the identification of areas where further study and improvements are required. It is available for public inspection at two locations:

Federal Documents Section, Exchange and Gift Division, LM 632, Library of Congress, Washington, D.C. 20540
and

Department of Veterans Affairs,
Prosthetic and Sensory Aids Service,
Techworld Plaza—Room 542, 801 I
Street NW., Washington, D.C. 20001.

Dated: March 3, 1995.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 95-7028 Filed 3-21-95; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 60, No. 55

Wednesday, March 22, 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).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 12:00 noon, Monday, March 27, 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. Proposals regarding a Federal Reserve Bank's building requirements.
2. Proposed acquisition of a materials handling system within the Federal Reserve System.
3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
4. 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 17, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-7115 Filed 3-20-95; 10:40 am]

BILLING CODE 6210-01-P

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Notice of a Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 C.F.R. Section 7.5) and the Government in the Sunshine Act (5 U.S.C. Section 552b), hereby gives notice that it intends to hold a meeting at 8:30 a.m. on Tuesday, April 4, 1995, in Washington, D.C. The meeting is open to the public and will be held at the U.S. Postal Service Headquarters,

475 L'Enfant Plaza, S.W., in the Benjamin Franklin Room. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary for the Board, David F. Harris, at (202) 268-4800.

There will also be a session of the Board on Monday, April 3, 1995, but it will consist entirely of briefings and is not open to the public.

Agenda

Tuesday Session

April 4-8:30 a.m. (Open)

1. Minutes of the Previous Meeting, March 6-7, 1995.
2. Remarks of the Postmaster General and CEO. (Marvin Runyon.)
3. Report on Credit/Debit Card Program. (Michael J. Riley, Chief Financial Officer and Senior Vice President, Finance.)
4. Capital Investments. (Final decision.)
 - a. Washington-National Airport Mail Center. (Henry A. Pankey, Vice President, Mid-Atlantic Area Operations)
 - b. Additional Funding and Modification Request for 978 Delivery Bar Code Sorters included in the 120 Remote Bar Coding System DAR. (William J. Dowling, Vice President, Engineering)
5. Tentative Agenda for the May 1-2, 1994, meeting in New York, New York.

David F. Harris,

Secretary.

[FR Doc. 95-7218 Filed 3-20-95; 3:30 pm]

BILLING CODE 7710-12-M

U.S. RAILROAD RETIREMENT BOARD

Notice of Public Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on March 29, 1995, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

- (1) Revised Actuarial Advisory Committee Charter.
- (2) Statement of Work—Physicians Services.
- (3) Request for Extension of Temporary Quarters and Storage of Household Goods (Virginia Earl).

(4) Request for Transfer of Funds for Procuring New Non-Impact Printing Equipment in the Bureau of Data Processing.

(5) Fiscal Year 1995 Budget Allocations.

(6) Draft Bill—Exemption from Standard Level User Charge.

(7) Response to OMB Legislative Referral Memorandum—SSA FY 1996 Legislative Proposals.

(8) Legislative Proposals for the 104th Congress.

(9) OIG Reinvention Proposals—Establishment of Task Force.

(10) Frequent Flyer Policy.

(11) Medicare Carrier Incentive Contract.

(12) Field Service/Reorganization and Vacancies.

(13) Posting and Filling of Vacant Positions.

(14) Unfair Labor Practice Advisory Letter—Function Survey.

(15) Administrative Circulars.

(16) Docketing Procedures.

(17) News Clips.

(18) Executive Resources Board Vacancy.

(19) Request for Reconsideration of Assessment of Interest and Penalty—Montana Rail Link.

(20) Coverage Determinations:

A. Bankhead Enterprises, Inc.

B. Hohorst-Drunic Transportation Company, Inc.

C. Industrial Temps, Inc.

D. New Jersey Transit Corp.; New Jersey Transit Rail Operations Corp.; and New Jersey Transit Management Information System Department

E. Lone Star Railroad, Inc.

F. The Oxford Group, Inc.

G. Rail-West, Inc.

H. Sault Ste. Marie Bridge Company

I. MidSouth Corp.

J. Border Pacific Railroad Company

K. Employee Status—John J. Emerick, Jr.

(21) Regulations:

A. Part 230, Reduction and Nonpayment of Annuities By Reason of Work

B. Part 255, Recovery of Overpayments

C. Part 366 and 367, Collection of Debts

(22) Claim of Stuart M. Reed.

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, Phone No. 312-751-4920.

Dated: March 17, 1995.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 95-7112 Filed 3-20-95; 10:39 am]

BILLING CODE 7905-01-M

Corrections

Federal Register

Vol. 60, No. 55

Wednesday, March 22, 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 ENERGY

Federal Energy Regulatory Commission

[Docket No. RP95-189-000]

K N Interstate Gas Transmission Co.; Notice of Filing

Correction

In notice document 95-6172 appearing on page 13719 in the issue of

Tuesday, March 14, 1995, the docket number should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Grants for Centers of Excellence (COE) Bilingual and Bicultural Minority Pre-Faculty Fellowship Program

Correction

In notice document 95-6082 beginning on page 13584, in the issue of Monday, March 13, 1995, make the following correction:

On page 13586, in the second column, in the first full paragraph, in the second line, "(enter 30 days from date of

publication)." should read "April 12, 1995."

BILLING CODE 1505-01-D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-35447; File No. SR-MSTC-95-03]

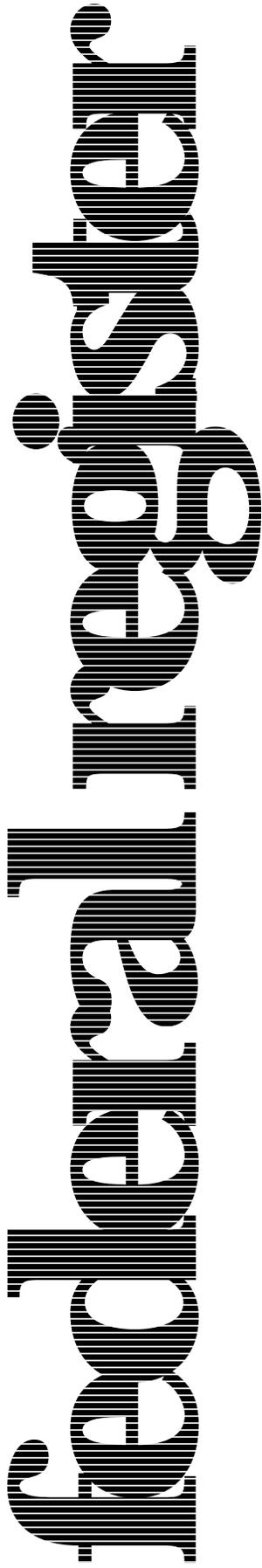
Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by Midwest Securities Trust Company Relating to the Legal Expert System Fees

March 6, 1995.

Correction

In notice document 95-6087 beginning on page 13495 in the issue of Monday, March 13, 1995, the date should have appeared as set forth above.

BILLING CODE 1505-01-D



Wednesday
March 22, 1995

Part II

**Nuclear Regulatory
Commission**

10 CFR Part 60
Disposal of High-Level Radioactive
Wastes in Geologic Repositories;
Proposed Rules

NUCLEAR REGULATORY COMMISSION**10 CFR Part 60**

RIN 3150-AD51

Disposal of High-Level Radioactive Wastes in Geologic Repositories; Design Basis Events**AGENCY:** Nuclear Regulatory Commission.**ACTION:** Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its policy on the protection of public health and safety from activities conducted at a geologic repository operations area (GROA) before permanent closure. In particular, the proposed rule would address the measures that are required to provide defense in depth against the consequences of "design basis events." These measures include prescribed design requirements, quality assurance requirements, and the establishment of a preclosure controlled area from which members of the public can be excluded.

DATES: Comments must be submitted on or before June 20, 1995. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Send comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Attention: Docketing and Service Branch.

Hand-deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:45 am and 4:15 pm Federal workdays.

Examine comments received at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Richard A. Weller, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-7287.

SUPPLEMENTARY INFORMATION:**Background**

Under the Nuclear Waste Policy Act of 1982, as amended, the U.S. Nuclear Regulatory Commission exercises licensing and related regulatory authority with respect to geologic repositories that are to be constructed and operated by the U.S. Department of Energy (DOE) for the disposal of high-level radioactive waste. The Commission's regulations pertaining to

these geologic repositories appear at 10 CFR part 60. In recent years, NRC, in conjunction with its Federally-Funded Research and Development Center (the Center for Nuclear Waste Regulatory Analyses), completed a comprehensive review of the requirements of part 60, regarding their clarity and sufficiency to protect public health and safety. NRC focused particular attention on any matters that may be ambiguous, insufficient for their intended purpose, or inconsistent with other expressions of its regulatory policy. The amendments presented in this proposed rule deal with a matter that was brought to light by this review and by a petition for rulemaking (PRM) filed by DOE (PRM-60-3).

The issue concerns the protection of public health and safety for a broad range of normal and accident conditions during the operational period of a geologic repository (i.e., before permanent closure). The Commission is concerned that the current requirements of part 60 may be unclear and may be insufficient to protect public health and safety for the full range of credible conditions or events that may occur at an operating repository, including those low-probability events that have potentially serious consequences. The Commission also notes that certain elements of existing part 60 differ from counterpart requirements in other NRC rules, and it believes that greater consistency in language would be beneficial. NRC is proposing rulemaking to address these identified concerns. To develop and explain the changes to the regulatory requirements that appear to be desirable, it would be useful to review the pertinent provisions of existing part 60. In this review and in subsequent discussions in this notice, unless the specific context suggests otherwise, the terms "provisions," "requirements," "standards," and "criteria" are generally used interchangeably; the term "limit" (as in "dose limit") is generally used to refer to a specific type of requirement or criterion; and the term "rule" is generally used to refer to the entire set of requirements or criteria (e.g., part 60).

The Existing Rule

The provisions of part 60 generally reflect the defense-in-depth philosophy of the Commission that is commonly embodied in the requirements and practices for other types of Commission-regulated facilities, such as commercial nuclear power reactors and independent spent fuel storage installations (ISFSIs), with the overall intent to prevent or mitigate the occurrence of serious accidents and, thereby, to protect the

public health and safety. Defense-in-depth is provided for, during the preclosure period, by conservatism, redundancy, and diversity in design; the application of a comprehensive quality assurance program, to facility design, construction, operation, and maintenance; the imposition of radiation protection standards, for both workers and members of the public, to limit the potential adverse consequences of licensed activities to levels that are well within the bounds of risks accepted in other productive activities in society; and requirements for radiation safety programs and procedures and emergency plans. The Commission's radiation protection standards are codified in 10 CFR part 20.

Specifically, defense-in-depth is implemented in Part 60 by repository performance objectives and by detailed siting and design criteria. Further, the rule provides that those structures, systems, and components determined to be "important to safety" would be subject to additional design requirements and to quality assurance requirements, to add confidence that the repository and its subsystems will perform satisfactorily in service. However, examination of the specific provisions of the rule indicates that some elements may be deficient in terms of their clarity, sufficiency, or consistency with other NRC rules, resulting in concerns about the adequacy of defense-in-depth in Part 60. The most significant concerns relate to: (1) The definition of structures, systems, and components "important to safety" and the ability to identify such features; (2) uncertainties in the performance objective for radiation protection; and (3) the lack of consistency with 10 CFR part 72 ("Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste") which applies to "monitored retrievable storage (MRS) installations," the facilities most similar to a repository, during the repository's operational period. These concerns are discussed in turn.

"Important-to-Safety" Definition

The regulation states (10 CFR 60.2): "Important to safety," with reference to structures, systems, and components means those engineered structures, systems, and components essential to the prevention or mitigation of an accident that could result in a radiation dose to the whole body, or any organ, of 0.5 rem or greater at or beyond the nearest boundary of the unrestricted area at any time until the completion of permanent closure.

Note, first, that the definition refers to repository features "essential to the prevention or mitigation of an *accident*" (emphasis added) in the context of a dose limit (0.5 rem) " * * * equal to the annual dose to the whole body of an individual in an unrestricted area that would be permitted under 10 CFR Part 20 for normal operations * * *" (48 FR 28202; June 21, 1983, Final rule, "Disposal of High-Level Radioactive Wastes in Geologic Repositories"). However, the definition is unclear with respect to the range of "accidents" to be considered when it is applied to identify those structures, systems, and components important to safety. As such, the uncertainty in the definition raises questions about the adequacy of the requirements, in the rule, to protect the public health and safety for the full range of conditions or events that may occur before closure, including those credible, but unlikely events with potentially significant radiological consequences. Second, the focus of the definition is the protection of members of the public in unrestricted areas and, although supplemental design and quality assurance requirements for this purpose may also indirectly benefit onsite workers for some conditions or events, the definition does not explicitly address protection for the occupational workforce. Lastly, the value of 5 mSv (0.5 rem) as a dose limit in unrestricted areas for "accident" conditions is peculiar to part 60, and lacks consistency with a corresponding limit in 10 CFR part 72.

Performance Objective for Radiation Protection

As stated previously, the Commission's numerical radiation protection standards are codified in Part 20. These standards apply to operations at a geologic repository by virtue of 10 CFR 20.1002 as well as by 10 CFR 60.111(a), which provides, in part:

Protection against radiation exposures and releases of radioactive material. The geologic repository operations area shall be designed so that until permanent closure has been completed, radiation exposures and radiation levels, and releases of radioactive materials to unrestricted areas, will at all times be maintained within the limits specified in Part 20 of this chapter * * *.

There are two conceptual difficulties with this language and both issues derive from the language in the rule that requires the limits of part 20 to be met "at all times." The first issue relates to the uncertainty about the scope of *activities* intended in the requirement, specifically, whether part 20 limits must be observed not only during planned operations, but also if the emplaced

waste has to be retrieved in accordance with 10 CFR 60.111(b). The Commission previously addressed this issue in a prior proposed rulemaking, explaining that the phrase ("at all times") was included in the regulation so as " * * * to emphasize the need to design the geologic repository operations area so that any waste retrieval found to be necessary in the future could be carried out in conformance with the radiation protection requirements of 10 CFR Part 20" (51 FR 22288; June 19, 1986, proposed amendments to conform to U.S. Environmental Protection Agency (EPA) general environmental standards). The Commission adheres to this interpretation and believes that the application of part 20 limits to possible retrieval activities is consistent with the policy followed in the application of part 20 to corresponding activities (e.g., spent fuel handling) at other facilities regulated by the Commission under 10 CFR parts 50 and 72 (i.e., at commercial power reactors and ISFSIs, respectively).

The second issue relates to uncertainty about the scope of conditions intended in § 60.111(a), specifically, whether part 20 limits must be observed for the extreme conditions that may result from credible, but unlikely, scenarios or events. Here, the Commission recognizes the desirability of articulating its intentions more clearly. For this purpose, it is helpful to use a simple classification scheme for describing the broad range of conditions or events that effectively provide the design basis for the facility. These so-called "design basis events" are defined as being of two categories:

(1) those natural and human-induced events that are reasonably likely to occur regularly, moderately frequently, or one or more times before permanent closure of the geologic repository operations area; and

(2) other natural and human-induced events that are considered unlikely, but sufficiently credible to warrant consideration, taking into account the potential for significant radiological impacts on public health and safety.

Category 1 events have typically been referred to in the rules and guidance documents (e.g., regulatory guides) for Commission-regulated facilities (nuclear power plants, MRS installations, geologic repositories) as those conditions resulting from "normal operation, including anticipated operational occurrences." Anticipated operational occurrences, including those of natural origin, are those conditions expected to occur one or more times during the lifetime of the facility.

In the administration of its regulatory program for facilities licensed under parts 50 and 72, it has been the Commission's general practice, as well as its intent in part 60, to apply the dose limits of part 20 to Category 1 events. The Commission's intent, in this regard, is further clarified in the statement of considerations related to revision of its part 20 standards (56 FR 23360; May 21, 1991, Final rule, "Standards for Protection Against Radiation"). Here, the Commission notes that the revision conforms its regulations to the "Presidential Radiation Protection Guidance to Federal Agencies for Occupational Exposure." The Commission further notes (56 FR 23365) that the dose standards in the Presidential guidance only apply to normal operating conditions. Although it is the Commission's intent that the regulations in part 20 also be observed to the extent practicable during emergencies, the Commission also recognizes that, in an actual emergency, operations that do not conform to the regulations may be necessary to protect public health and safety. Notwithstanding the general applicability of these regulations to all operational situations, it is not the Commission's intent that these requirements apply to Category 2 events as a design basis for the facility. Appropriate requirements other than the dose limits of part 20 would be provided as the design basis for Category 2 events. Some of the confusion about this matter is no doubt linked to the terminology used in various Commission rules or guidance documents, where the terms "accidents" and "anticipated operational occurrences" may have been used interchangeably. It should be recognized that some accidents may, indeed, be "anticipated operational occurrences," if they are expected to occur one or more times during the lifetime of the facility. What is important, in this regard, is not the term applied to the event, but its expected frequency of occurrence, to determine both its category and whether part 20 limits should apply as a design basis.

Although the foregoing discussion may help to clarify the Commission's intent regarding the applicability of part 20 limits to Categories 1 and 2 design basis events, it leaves open the question about the adequacy, to protect public health and safety, of the requirements of part 60 for Category 2 events. The Commission now proposes to address this matter by harmonizing the requirements of part 60, as appropriate, with other parts of its regulations—

particularly art 72, which applies to facilities (MRS installations) with much in common with repositories, during their operational period. In this regard, the character and design of the features of an MRS installation would be expected to be very similar to the surface facilities of an operating repository. Further, the same kind of functional activities would be performed at both types of facilities, namely, receiving, handling, packaging, storing, and retrieving high-level radioactive waste. As such, the Commission believes that greater consistency between part 60 and part 72 is both logical and desirable.

10 CFR Part 72

Part 72 also refers to structures, systems, and components important to safety. However, instead of defining this concept in specific quantitative terms, it provides the following (10 CFR 72.3):

"Structures, systems, and components important to safety" mean those features of the ISFSI (independent spent fuel storage installation) or MRS (monitored retrievable storage installation) whose function is:

(1) to maintain the conditions required to store spent fuel or high-level radioactive waste safely;

(2) to prevent damage to the spent fuel or the high-level radioactive waste container during handling and storage; or

(3) to provide reasonable assurance that spent fuel or high-level radioactive waste can be received, handled, packaged, stored, and retrieved without undue risk to the health and safety of the public.

The Commission's concern in singling out this class of structures, systems, and components is to identify those features that are so important that it is prudent to warrant the application of special design and quality assurance criteria. The design elements that are then to be required are determined in the light of the design bases, a term that is defined as follows:

"Design bases" means that information that identifies the specific functions to be performed by a structure, system, or component of a facility and the specific values or ranges of values chosen for controlling parameters as reference bounds for design. These values may be restraints derived from generally accepted "state-of-the-art" practices for achieving functional goals or requirements derived from analysis (based on calculation or experiments) of the effects of a postulated event under which a structure, system, or component must meet its functional goals. The values for controlling parameters for external events include: (1) estimates of severe natural events to be used for deriving design bases that will be based on consideration of historical data on the associated parameters, physical data, or analysis of upper limits of the physical processes involved and (2) estimates of

severe external man-induced events to be used for deriving design bases that will be based on analysis of human activity in the region taking into account the site characteristics and the risks associated with the event. (10 CFR 72.3.)

Part 72 provides for a quality assurance program that encompasses a range of structures, systems, and components of somewhat indefinite scope. According to 10 CFR 72.140(b), the program "* * * must cover the activities identified in 10 CFR 72.24(n)," which in turn deals with "structures, systems, and components important to safety." The application of these provisions relates to the qualitative language of the definition of "* * * structures, systems, and components important to safety." In essence, an element is to be placed in this category if its function is to provide reasonable assurance that there is no undue risk to the health and safety of the public. Although the definition lacks specific numerical guidance as to what constitutes "undue risk," the Commission, nevertheless, regards this as a stringent test—one that contemplates that the numerical limits set out in part 20 will generally be met for Category 1 design basis events, consistent with the general practice (as previously discussed) of the Commission in the application of these standards.

With respect to Category 2 design basis events, numerical guidance may be inferred from both the "Siting Evaluation Factors" (Subpart E) and "General Design Criteria" (Subpart F) of part 72. As specified in 10 CFR 72.106, for each ISFSI or MRS facility, there must be a "controlled area" of such size that no individual located on or beyond its boundary will receive a dose greater than 0.05 Sv (5 rem) to the whole body, or to any organ, from any "design basis accident." Both external natural events and external man-induced events must be considered in defining the design bases that would result in the design basis accident. 10 CFR 72.126(d) specifies that analyses must be made to show that releases to the general environment from design basis accidents will be within the exposure limits of 10 CFR 72.106. These requirements suggest that the 0.05-Sv (5-rem) dose limit cited above could be used to aid in the identification of structures, systems, and components "important to safety." However, although the existing functional definition, in part 72, for "important-to-safety" features, has sufficed for identifying those corresponding components or structures of an ISFSI, the Commission believes that the greater

specificity (i.e., numerical guidance) provided by a quantitative definition similar in character to the existing part 60 definition would be more suitable for the licensing of a more complex repository.

In the foregoing discussion, the Commission cited the requirements of 10 CFR 72.106, which include provisions for the establishment of a "controlled area" boundary and dose criteria for limiting exposures to individuals at or beyond that boundary, during design basis accidents. The Commission notes that corresponding requirements are not provided in part 60 which, in turn, raises questions about the adequacy of the criteria in part 60 to ensure protection of public health and safety.

There is another matter the Commission wishes to address, in this action, that relates to another area of inconsistency between part 72 and part 60. Subpart F of part 72 provides the "general design criteria" for an ISFSI or an MRS. These general design criteria establish the minimum requirements for the design, fabrication, construction, testing, maintenance, and performance, for the structures, systems, and components of the facility that are important to safety. In this regard, subpart F of part 72 is structured similarly to, and performs the same function as, appendix A of 10 CFR part 50 ("General Design Criteria for Nuclear Power Plants") in that both sets of criteria establish minimum requirements for structures, systems, and components "important to safety." The corresponding structure for the design criteria for the GROA in part 60 is somewhat different from the corresponding structures in parts 72 and 50.

The design criteria for the GROA are provided in §§ 60.130 through 60.134 and include criteria for both preclosure considerations (i.e., criteria for features "important to safety"), as well as postclosure interests (i.e., criteria for features "important to waste isolation"). However, only the criteria of § 60.131(b) are identified as "structures, systems, and components important to safety," and it is unclear if other criteria specified in §§ 60.131(a), 60.132, and 60.133, for operational considerations, are also "important to safety." In this regard, the Commission notes that there are some "important-to-safety" criteria in part 72 that are not designated as such, in a corresponding manner, in part 60. Although the Commission recognizes that this lack of consistency may be due, in part, to the dual interests, in part 60, of preclosure safety and postclosure isolation, the

Commission also believes that this structure may contribute to the difficulty in determining which features of the GROA are "important to safety" and subject to the quality assurance provisions of subpart G.

The Petition for Rulemaking

On April 19, 1990, DOE filed a PRM with the Commission. It was assigned Docket No. PRM-60-3. A notice of receipt was published in the **Federal Register** on July 13, 1990 (55 FR 28771).

In its petition, DOE observed that 10 CFR 60.21(c)(3)(ii) requires that the safety analysis report for a repository include a description and analysis that considers "the adequacy of structures, systems, and components provided for the prevention of accidents and mitigation of the consequences of accidents, including those caused by natural phenomena." Yet, part 60 does not provide numerical dose criteria (i.e., dose limits) to use in identifying the need for engineered safety features and for determining their adequacy.

DOE noted how similar operations at a geologic repository were to those carried out at other licensed facilities, including, in particular, facility operations for independent storage of spent nuclear fuel. In common with these other facilities, the operations at a repository would involve receipt, handling, transfer, and storage of highly radioactive materials.

Under DOE's proposal, part 60 would be amended to include accident dose limits of 0.05-Sv (5-rem) effective dose equivalent or 0.5-Sv (50-rem) committed dose equivalent to any organ. These limits would apply to any individual at the boundary of a newly defined "preclosure control area." The definition of the term "important to safety" would be revised, but would retain the 5-mSv (0.5-rem) dose limit; however, unlike the present part 60, which relates this value to the boundary of the unrestricted area, DOE's proposal would apply the dose limit at the boundary of the preclosure control area. The phrase, "at all times," would be deleted from 10 CFR 60.111(a), to clarify that part 20 does not apply to accident conditions. Lastly, DOE proposed adding definitions of the terms "preclosure control area," "committed dose equivalent," "committed effective dose equivalent," and "effective dose equivalent," to support the application of the accident-dose limits described above.

For a fuller discussion of the PRM, see the July 13, 1990, **Federal Register** notice.

Discussion

The Commission agrees with the petitioner that rulemaking is needed to address the uncertainties related to appropriate accident-dose limits for those unlikely, but credible, conditions or events (i.e., Category 2 design basis events) that might occur. In this regard, the Commission agrees with the concept proposed by DOE, including the application of appropriate accident-dose limits at the boundary of a "preclosure control area."

Regarding the current definition of "important to safety," the Commission agrees with DOE that the term should be revised so as to clarify both its meaning and its intended scope. Although the revision proposed by DOE captures the Commission's intent, with respect to identifying those structures, systems, and components necessary to prevent or mitigate the consequences of credible, but unlikely accidents (i.e., Category 2 design basis events), it does not address the Commission's parallel interest in those repository features necessary to protect workers and members of the public from those events that occur regularly, moderately frequently, or one or more times during the lifetime of the GROA (i.e., Category 1 design basis events). The Commission proposes to address this matter by both expanding and modifying the current definition in part 60.

With regard to DOE's remaining major item of concern in its petition, specifically the uncertainty in the language of 10 CFR 60.111(a), the Commission agrees with DOE's proposal to delete the ambiguous phrase "at all times" from the rule, to clarify that the objective does not apply to radiation exposures, levels, or releases from those credible, but unlikely conditions or events that are referred to above as Category 2 design basis events. Notwithstanding this change, it remains the Commission's intent that this performance objective applies to all functional activities (e.g., radioactive waste receiving, handling, packaging, storage, and emplacement) expected to occur at a repository site, including retrieval, if that becomes necessary.

Finally, with respect to the new definitions that DOE proposed for 10 CFR 60.2, the Commission agrees that there is a need to define a boundary for a "preclosure control area." However, the terms "committed dose equivalent," "committed effective dose equivalent," and "effective dose equivalent" are all defined terms, in part 20, and incorporated into part 60 by virtue of 10 CFR 60.111(a). As such, these terms do not need to be defined in part 60.

Based on the foregoing discussion of DOE's petition and the interest of greater consistency between part 60 and part 72, as previously discussed, the Commission proposes to amend part 60 to ensure the adequacy of its requirements to protect the public health and safety. In this regard, dose limits are proposed, in the rule, for protection of members of the public, during Category 1 and Category 2 design basis events, and for protection of workers, during Category 1 design basis events. The Commission notes that dose limits are not proposed for protection of workers during Category 2 design basis events, consistent with the policy in practice for facilities regulated by the Commission under parts 50 and 72.

The Commission has determined that specific standards for the protection of workers during Category 2 events are not needed for part 60. First, for some design basis events, the repository design and quality assurance enhancements employed to satisfy the proposed requirements, for protection of members of the public, during Category 2 events, will also provide a measure of protection for onsite workers. Second, onsite workers would have access to protective equipment (e.g., respirators) and clothing, should the need ever arise. Third, onsite workers would be trained in emergency response and procedures to deal with operational problems related to these kinds of events. Fourth, part 20 should provide adequate worker protection standards.

There is one other matter the Commission would like to note in relation to this action. During the course of consideration of the DOE PRM and development of the amendments as proposed herein, the Commission identified an additional regulatory uncertainty with respect to part 60 requirements. Specifically, while part 60 includes a definition for structures, systems, and components "important to safety," there is no corresponding definition in the rule for structures, systems, and components "important to waste isolation." These definitions are important as they are the predicates for required design and quality assurance requirements in the rule. However, the focus of the amendments proposed in this action is strictly in relation to the adequacy of part 60 requirements to protect public health and safety during the operational period of the repository. Recognizing that the lack of a definition for "important to waste isolation" relates solely to the period of isolation following permanent repository closure, the Commission plans to address this matter separately in a subsequent rulemaking action.

The proposed amendments are discussed below.

Section-by-Section Analysis

Section 60.2. Definitions

The proposed amendments involve eight definitions needed in part 60.

The term "preclosure controlled area" is new. It is essentially the same as the term "preclosure control area" proposed by DOE in its petition (PRM-60-3) and corresponds closely to the term "controlled area," as defined in 10 CFR 72.3. The term "preclosure controlled area" is proposed because part 60 already refers to a "controlled area" (within which waste isolation is to be ensured after permanent closure). The function of the new term is to delimit an area over which the licensee exercises control of activities to meet regulatory requirements. Control includes the power to exclude members of the public, if necessary. Because part 60 (unlike part 72) involves ongoing underground operations and timeframes of concern over centuries and millennia, language in the proposed definition is included that, consistent with its function, limits the area to the surface and limits the duration to the period up to, and including, permanent closure.

The existing term "controlled area" would be renamed "postclosure controlled area," to avoid any confusion or misunderstanding about this term, in relation to its use in parts 20 and 72. No substantive change, however, is intended for the "postclosure controlled area," as this is a change in nomenclature, only. Consistent with this change in nomenclature, the term "controlled area" would be changed to "postclosure controlled area," where it appears in the definitions for "accessible environment," "disturbed zone," and "site."

The term "important to safety" would be amended to address the issues previously discussed. The existing provision is unclear and fails to ensure proper levels of protection of public and worker health and safety for the broad range of conditions or events that might occur at a repository site. This is an important term, because it is the predicate for required design features, as well as required quality assurance measures that provide defense-in-depth. The Commission proposes to retain the quantitative features of the existing definition, but specify different numerical limits for each of the two categories (1 and 2) of design basis events. The structures, systems, and components "important to safety" would be those necessary: (1) to provide reasonable assurance that the

requirements of § 60.111(a) would be observed for Category 1 design basis events; or (2) to prevent or mitigate Category 2 design basis events that could result in doses equal to, or greater than, the values specified in [new] § 60.136, to any individual located on or beyond the nearest boundary of the preclosure controlled area.

Although the term "design bases" appears in existing part 60, in 10 CFR 60.21(c)(2), it was not defined. As the discussion above makes clear, "design bases" should be understood in relation to that range of events, including external natural or man-induced events, that is taken into account in the design, and, in particular, in relation to conditions that could result in radiological consequences beyond specified limits. The definition in part 72 would be inserted, without change, into the list of defined terms in 10 CFR 60.2.

The inclusion of a definition of "design basis events" serves two purposes. First, it identifies a set of events (referred to elsewhere as Category 1 design basis events) that must be taken into account in demonstrating compliance with the requirement to show, with reasonable assurance, that the provisions of part 20 will be met. (This set of events is described as "* * * those natural and human-induced events that are reasonably likely to occur regularly, moderately frequently, or one or more times before permanent closure of the geologic repository operations area.") Second, it identifies an additional set of events (previously referred to as Category 2 design basis events) that must be taken into account in applying the Commission's defense-in-depth philosophy. (This set of events is described as those "* * * other natural and human-induced events that are considered unlikely, but sufficiently credible to warrant consideration, taking into account the potential for significant radiological impacts on public health and safety.") The Commission recognizes that the criterion of "sufficiently credible to warrant consideration" is inexact, leaving its application to a consideration of the particular site and design that are the subjects of a license application. Generally, the Commission would expect that such design basis events would include as broad a range of external phenomena as would be taken into account in defining the design basis for other regulated facilities, including nuclear reactors.

Section 60.8 Information Collection Requirements: OMB Approval

NRC is proposing to update 10 CFR 60.8, "Information Collection Requirements: OMB Approval," to reflect the fact that subsequent to the original issuance of part 60, NRC requested, and obtained Office of Management and Budget (OMB) approval for the part 60 "Information Collection Requirements." Section 60.8 was to be corrected the first time other revisions were made.

Section 60.21 Content of Application

The petition for rulemaking suggested that provision for accident analysis might be accomplished by amendment of 10 CFR 60.111. The Commission proposes, instead, to provide for an accident analysis as part of the content of the application section (i.e., 10 CFR 60.21). The proposed language would require the application to address the potential dose, to an individual on or beyond the preclosure controlled area boundary, that is attributable to Category 2 design basis events. The procedure that is envisaged is that the applicant would address the critical design basis events, singly, and demonstrate, by its analysis, that the doses on or beyond the preclosure controlled area boundary would be in accordance with the applicable requirements. The proposed language serves the same purpose as the counterpart section of part 72 (namely 10 CFR 72.24(m)).

The proposed rule also reflects the position, as discussed previously, that the applicant must demonstrate that the requirements of part 20 will be met, assuming the occurrence of Category 1 design basis events. For this analysis, the applicant would consider Category 1 design basis events singly, or in appropriate combinations. The doses, exposures, or releases must be kept within part 20 limits should less likely events (e.g., moderately frequent events) occur in combination with events that occur regularly.

The Commission also proposes to eliminate certain terms in part 60 that are undefined and may be subject to differing interpretations—specifically, the terms "normal conditions," "anticipated operational occurrences," and "accidents." These terms would be supplanted by the new term "design basis events." Besides enhancing clarity of expression, the new language better reflects the regulatory framework articulated above. Lastly, where the term "controlled area" appears in the language of this section, it would be

changed to "postclosure controlled area."

Section 60.43 License Specification

The term "controlled area" would be changed to "postclosure controlled area."

Section 60.46 Particular Activities Requiring License Amendment

The term "controlled area" would be changed to "postclosure controlled area."

Section 60.51 License Amendment for Permanent Closure

The term "controlled area" would be changed to "postclosure controlled area."

Section 60.102 Concepts

The term "controlled area" would be changed to "postclosure controlled area."

Section 60.111 Performance of the Geologic Repository Operations Area Through Permanent Closure

Consistent with the petitioner's proposal, the Commission would delete the phrase "at all times" from the performance objective of § 60.111(a). This change would clarify that this requirement does not apply to radiation exposures, levels, and releases from Category 2 design basis events.

Section 60.121 Requirements for Ownership and Control of Interests in Land

The term "controlled area" would be changed to "postclosure controlled area."

Section 60.122 Siting Criteria

The term "controlled area" would be changed to "postclosure controlled area."

Section 60.130 Scope of Design Criteria for the Geologic Repository Operations Area

The Commission proposes to modify the title of this section to the term "General Considerations" and add clarifying language, to the existing discussion, to indicate that §§ 60.131 through 60.134 specify the minimum criteria for the design of those structures, systems, and components important to safety, or important to waste isolation. These changes are necessary to provide consistency with the modified definition of "important to safety" (10 CFR 60.2) as well as to clarify the purpose of these criteria. These changes will also provide consistency with the corresponding "minimum" design criteria, for an MRS, in 10 CFR part 72.

Section 60.131 General Design Criteria for the Geologic Repository Operations Area

Consistent with the modifications to § 60.130, as described above, the Commission would delete the reference to "Structures, systems, and components important to safety," in the title of § 60.131(b), and re-letter or re-number the current criteria in §§ 60.131(b)(1) through 60.131(b)(10), as appropriate. This change would eliminate the confusion in the existing rule related to the identification of only the criteria in § 60.131(b) as "important to safety." It would also resolve the present incongruity with § 60.131(b)(7), "Criticality control," regarding the reference to waste "isolation" (a postclosure term) in the requirement.

The current rule employs the term "normal and accident conditions," or similar expression, in several places. However, the conditions that must be addressed under this language are not well-defined. The Commission proposes to remedy this situation by replacing current terminology with references to "design basis events," thereby ensuring that the design appropriately takes into account the consequences of all design basis events (i.e., as discussed in this document, Category 1 and 2 design basis events). Accordingly, modification of paragraphs (b)(5)(i), (b)(7), and (b)(8) is being proposed for this section. The Commission would also revise the language in 10 CFR 60.131(b)(1), which refers to "anticipated" natural phenomena and environmental conditions, so as to encompass all design basis events. The "necessary safety functions" that must be accommodated in the design, pursuant to that paragraph, include whatever is necessary to meet the quantitative limits set out in the Commission's rules (i.e., in 10 CFR 60.111(a) and 10 CFR 60.136).

Section 60.132 Additional Design Criteria for Surface Facilities in the Geologic Repository Operations Area

Section 60.132(c)(1) requires that the surface facilities must be " * * * designed to control the release of radioactive materials in effluents during normal operations so as to meet the performance objectives of § 60.111(a)." As indicated previously, the design should ordinarily be sufficiently conservative so as to provide reasonable assurance of meeting part 20 not only during normal operations, but even for events that are likely to occur moderately frequently or one or more times before permanent closure of the geologic repository (i.e., all Category 1 design basis events). Deleting the phrase

"during normal operations," as proposed, will broaden the scope of this provision to reflect the Commission's intent more accurately.

Section 60.133 Additional Design Criteria for the Underground Facility

As in the case of the changes proposed to 10 CFR 60.131, a reference to design basis events would be substituted for the less precise "normal operations and * * * accident conditions."

Section 60.136 Preclosure Controlled Area.

The proposed rule would adopt the petitioner's concept of a preclosure control area under the name "preclosure controlled area." The term would delimit an area over which the licensee exercises control of activities to meet regulatory requirements. Control would include the power to exclude members of the public, if necessary. The zone, and related dose limits, would also be used to analyze and identify structures, systems, and components that are important to safety under unusual conditions that have heretofore been characterized as Category 2 design basis events—credible, yet not likely to occur during the period of operations. The issue that is presented concerns the dose limits on or beyond the preclosure controlled area boundary that are appropriate to ensure that the occurrence of any such events presents no unreasonable risk to the health and safety of the public. (Releases resulting from Category 1 design basis events would not be permitted to cause doses exceeding the limits of part 20.) The Commission proposes to adopt the basic provisions of part 72—namely, a 0.05-Sv (5-rem) dose limit, on or beyond the preclosure controlled area boundary—as modified to reflect the part 20 system of dose limits (see § 20.1201(a)). In addition to providing for separate dose limits for individual organs and tissue, the lens of the eye, and the skin, the use of "total effective dose equivalent" (TEDE) in part 20 explicitly accounts for exposures via the ingestion and inhalation dose pathways.

Modification of the 0.05-Sv (5-rem) dose limit, to reflect the part 20 system of dose limits, results in a family of dose limits: a TEDE of 0.05 Sv (5 rem); or the sum of the deep-dose equivalent and the committed dose equivalent to any individual organ or tissue (other than the lens of the eye) of 0.5 Sv (50 rem); an eye dose equivalent of 0.15 Sv (15 rem); and a shallow dose equivalent, to

skin, of 0.5 Sv (50 rem).¹ The eye and skin dose limits are adequate to ensure that no observable effects (e.g., induction of cataracts in the lens of the eye) will occur as a result of any accidental radiation exposure. In implementing this provision, dose calculations should be made solely with reference to the consequence of the specific Category 2 design basis event, and not cumulatively with other design basis events. To clarify this matter further, the analysis of a specific Category 2 design basis event would require an analysis of an event sequence or scenario which includes an initiating event (e.g., an earthquake) and the associated combinations of repository system or component failures that can potentially lead to exposure of the public to radiation. An example sequence is a postulated earthquake (the initiating event) which results in the failure of a crane lifting a spent fuel waste package inside a waste handling building, the drop and breach of the waste package, damage to the spent fuel and partitioning of a fraction of the radionuclide inventory to the building atmosphere, failure of the building filtration system, and public exposure to the released radioactive material.

The only other noteworthy deviation from part 72 (specifically 10 CFR 72.106) would be to refer to doses attributable to any "design basis event" instead of any "design basis accident." The term "design basis event" is used because it is a defined term in part 60. The change in terminology is not intended to be one of substance as a design basis accident is the consequence of some design basis event.

As discussed above, the 0.05 Sv (5 rem) dose limit is being proposed by the Commission as the appropriate design basis for protection of public health and safety from Category 2 design basis events at a GROA and will harmonize part 60 with part 72. In this regard, the Commission notes that part 72 applies to those facilities (MRS installations) most similar to the surface facilities of a repository and for which the kinds of design basis events are also expected to be similar. Further, the proposed dose limit is consistent with dose values (0.06 Sv [6 rem] to the whole body) established as guidance for both fuel-handling accidents and spent-fuel cask-drop accidents at nuclear power plants.² Moreover, the proposed dose limit is consistent with the accident-dose value

(0.05 Sv [5 rem] effective dose equivalent) proposed by DOE in its PRM.

However, while consistency between the proposed 0.05 Sv (5 rem) dose limit for part 60 and other Commission rules or guidance documents is important, consistency alone does not necessarily ensure that there would be no unreasonable risk to the health and safety of the public associated with the proposed limit. As such, a perspective is provided on the risks associated with an operational repository and the appropriateness of the proposed 0.05 Sv (5 rem) dose limit as the design basis for protection of public health and safety from Category 2 design basis events.

Based on estimates provided by the National Council on Radiation Protection and Measurements (NCRP)³ the lifetime risk to individuals in the general population is 0.05 fatal cancers per Sievert (Sv) of exposure. Therefore, the lifetime risk of fatal cancer from an assumed 0.05 Sv (5 rem) exposure resulting from a postulated Category 2 design basis event is 0.0025 (i.e., 2.5×10^{-3}) per individual exposed. While this assessment provides perspective on the risk associated with a hypothetical exposure of a 0.05 Sv (5 rem) dose, it does not provide perspective on the estimated actual risk associated with the spectrum of possible Category 2 design basis events at a repository during its operational lifetime (estimated to be about 100 years).

Perspective on actual risk must include consideration of the frequencies (i.e., probabilities) of occurrence of these events, as well as their consequences, as "risk" is defined as the probability of an event times its consequences. With respect to the range of probabilities of Category 2 design basis events, the upper bound is roughly 1×10^{-2} per year (i.e., event scenarios with probabilities of occurrence greater than 1×10^{-2} per year would generally be considered to be Category 1 events) and the lower bound is considered to be on the order of 1×10^{-9} per year (i.e., event scenarios with probabilities of occurrence less than 1×10^{-9} per year would generally be screened from further consideration due to their negligible contribution to overall risk). Accordingly, assuming event consequences equivalent to the proposed 0.05 Sv (5 rem) dose limit for part 60, the hypothetical upper bound on individual risk is 2.5×10^{-5} fatal cancers per year. To put this risk in

perspective, the International Commission on Radiological Protection⁴ notes that, based on a review of information related to risks regularly accepted in everyday life for stochastic phenomena, a fatal cancer risk in the range of 1×10^{-6} to 1×10^{-5} per year from exposure to radiation would likely be acceptable to individual members of the public. Thus, while the risk associated with repository event consequences at the proposed dose limit and bounding probability of occurrence exceeds this range by a small factor, and is at a level that the Commission considers safe for occupational exposures, the Commission believes this result significantly overestimates the actual risk of an operating repository.

Perspective on actual repository risk can be obtained by developing an understanding of the spectrum of potential Category 2 design basis events and estimating the consequences of these events as well as their probabilities of occurrence. In this regard, the Commission recognizes that there is no high-level waste repository operating experience and that only conceptual designs have been developed for these facilities. Nonetheless, some perspective can be gained from the preliminary risk assessment by DOE⁵ of a conceptual design for a repository at Yucca Mountain, Nevada, as well as from consideration of risk assessments of selected U.S. nuclear power plants.⁶

Consistent with risk assessments for nuclear power plants, the spectrum of possible repository design basis events includes both internally and externally initiated events. Internally initiated events would include waste transporter collisions, crane failures or other types of fuel assembly, waste package or cask drop events, building or facility exhaust filter fires, and exhaust filter bypass or failure. Externally initiated events would include those resulting from earthquakes, tornados, and flooding. Regardless of the type or nature of the initiating event, the Commission believes that, for several reasons, both the variety of credible event sequences and the resulting potential consequences of the public will be somewhat limited at repository facilities. First, in comparison with a

¹ Radiation exposure terminology is as used in part 20 (56 FR 23360; May 21, 1991).

² NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants," June 1987.

³ National Council on Radiation Protection and Measurements, "Risk Estimates for Radiation Protection," NCRP Report No. 115, December 31, 1993.

⁴ Recommendations of the International Commission on Radiological Protection. ICRP Publication 26, January 1977.

⁵ U.S. Department of Energy, "Site Characterization Plan, Yucca Mountain Site, Nevada Research and Development Area, Nevada," DOE/RW-0199, December 1988.

⁶ NUREG-1150, "Severe Accident Risks: An Assessment for Five U.S. Nuclear Power Plants," December 1990.

nuclear power plant, an operating repository is a relatively simple facility in which the primary activities are in relation to waste receipt, handling, storage, and emplacement. A repository does not require the variety and complexity of systems necessary to support an operating nuclear power plant. Further, the conditions are not present at a repository to generate a radioactive source term of a magnitude that, however unlikely, is potentially capable at a nuclear power plant (e.g., from a postulated loss of coolant event). As such, the estimated consequences resulting from limited source term generation at a repository would be correspondingly limited. This conclusion is consistent with the results of the aforementioned preliminary risk assessment by DOE of a conceptual repository design at Yucca Mountain, Nevada. In that assessment, the DOE considered 149 scenarios for a variety of internally and externally initiated events. Of the 149 scenarios, only 7 resulted in offsite doses in excess of 0.005 Sv (0.5 rem) to the critical organs of a maximally exposed individual and also had associated probabilities of occurrence greater than 1×10^{-9} per year. The highest estimated offsite dose from the DOE risk assessment was 0.021 Sv (2.1 rem) with an associated probability of occurrence of 5×10^{-7} per year.

The dose estimates of the DOE risk assessment are only reflective of a conceptual design for a repository at Yucca Mountain, Nevada. Nonetheless, the Commission believes they provide perspective on the magnitude of the estimated consequences to members of the public from postulated Category 2 design basis events and that variations in repository design or site selection would not likely vary these estimates by more than order of magnitude. The results of the DOE risk assessment also provide some perspective on the estimated probabilities of occurrence of the postulated repository design basis events and, as such, perspective on actual risk from an operating repository.

In general, the Commission would expect the potential higher consequence events to have correspondingly lower probabilities of occurrence. This expectation is consistent with the results of the DOE risk assessment as the estimated probabilities of occurrence for the 7 scenarios which resulted in offsite doses in excess of 0.005 Sv (0.5 rem) vary from 1×10^{-9} to 5×10^{-6} per year. The corollary to the above is the expectation that higher frequency events would have correspondingly lower offsite consequences and perspective on actual risk from an operating repository

necessitates consideration of these events as well as lower frequency events. Review of the DOE risk assessment indicates that some higher frequency, but lower consequence, events are just as important to actual risk as the lower frequency, but higher consequence, events. With respect to actual risk from the broad spectrum of all events considered in the DOE risk assessment, the estimated actual risk of an operating repository is roughly two to three orders of magnitude lower than the range of fatal cancer risks that would likely be acceptable to members of the public (i.e., a fatal cancer risk of 1×10^{-6} to 1×10^{-5} per year as noted in ICRP Publication 26).

With respect to the appropriateness of the proposed 0.05 Sv (5 rem) dose limit for part 60 as the design basis for protection of public health and safety from Category 2 design basis events, the DOE risk assessment indicates the potential for events with offsite consequences on the order of several hundredths to several tenths of Sv (several rem to several tens of rem), depending on design and siting factors. The event consequences in this range, coupled with the estimated event probabilities of occurrence, result in estimated risks that would likely be acceptable to members of the public. However, given the lack of repository design, siting and operating experience and the supporting data base for probabilistic risk assessment, the Commission believes there is considerable uncertainty in the estimates of both the consequences and the probabilities of occurrence of postulated Category 2 design basis events. As such, the Commission believes that establishing a dose limit in part 60 to the proposed 0.05 Sv (5 rem) value would provide an adequate margin of safety and an appropriate design basis for protection of members of the public from unlikely, but credible events. Further, the Commission believes that a singular dose limit is appropriate for the broad range of possible event frequencies, given the limited potential for offsite consequences at repository facilities and the significant uncertainties in repository risk assessment. Stated differently, the level of sophistication in repository risk assessment does not presently exist to warrant a more complex set of requirements in part 60 for protection of public health and safety from postulated Category 2 design basis events. Notwithstanding these views and the Commission's parallel interest in harmonizing part 60 and part 72, the Commission specifically seeks

public comment on (1) the appropriateness of the proposed 0.05 Sv (5 rem) dose limit in Section 60.136 as the design basis for protection of public health and safety, and (2) the rationale, as discussed herein, supporting the proposed 0.05 Sv (5 rem) dose limit.

Section 60.183 Criminal Penalties

A conforming change has been made to this section, to include § 60.136 (pertaining to the preclosure controlled area) among the regulations that are not issued under Sections 161b, 161i, or 161o of the Atomic Energy Act, for purposes of section 223 of the Act.

Environmental Impact: Categorical Exclusion

NRC has determined that this proposed regulation is the type of action described in 10 CFR 51.22 (c)(2), pertaining to the promulgation of technical requirements and criteria that the Commission will apply in approving or disapproving applications under part 60. Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed regulation.

Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval number 3150-0127.

Regulatory Analysis

The Commission has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The draft analysis is available for inspection in the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. Single copies of the draft analysis may be obtained from Dr. Richard A. Weller, U.S. Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Division of Waste Management, Washington, DC 20555, Telephone (301) 415-7287.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. The only entity subject to regulation under this rule is DOE.

Backfit Analysis

NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule and, therefore, that a backfit analysis is not required for this proposed rule, because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects in 10 CFR Part 60

Criminal penalties, High-level waste, Nuclear power plants and reactors, Nuclear materials, Reporting and recordkeeping requirements, and Waste treatment and disposal.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the Nuclear Waste Policy Act of 1982, as amended, and 5 U.S.C. 553, NRC is proposing to adopt the following amendments to 10 CFR part 60.

PART 60—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

1. The authority citation for part 60 continues to read as follows:

Authority: Secs. 51, 53, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 929, 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95-601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851); Sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); Secs. 114, 121, Pub. L. 97-425, 96 Stat. 2213g, 2228, as amended (42 U.S.C. 10134, 10141).

2. Section 60.2 is amended by adding definitions of "Design bases," "Design basis events," and "Preclosure controlled area," revising the definitions of "Accessible environment," "Disturbed zone," "Important to safety," and "Site," renaming the defined term "Controlled area" to "Postclosure controlled area," and alphabetizing the definitions to read as follows:

§ 60.2 Definitions.

Accessible environment means: (1) The atmosphere, (2) the land surface, (3) surface water, (4) oceans, and (5) the portion of the lithosphere that is outside the postclosure controlled area.

Design bases means that information that identifies the specific functions to be performed by a structure, system, or component of a facility and the specific values or ranges of values chosen for controlling parameters as reference bounds for design. These values may be

restraints derived from generally accepted "state-of-the-art" practices for achieving functional goals or requirements derived from analysis (based on calculation or experiments) of the effects of a postulated event under which a structure, system, or component must meet its functional goals. The values for controlling parameters for external events include:

(1) estimates of severe natural events to be used for deriving design bases that will be based on consideration of historical data on the associated parameters, physical data, or analysis of upper limits of the physical processes involved; and

(2) estimates of severe external man-induced events, to be used for deriving design bases, that will be based on analysis of human activity in the region, taking into account the site characteristics and the risks associated with the event.

Design basis events means:

(1) those natural and human-induced events that are reasonably likely to occur regularly, moderately frequently, or one or more times before permanent closure of the geologic repository operations area; and

(2) other natural and man-induced events that are considered unlikely, but sufficiently credible to warrant consideration, taking into account the potential for significant radiological impacts on public health and safety.

The events described in paragraph (1) of this definition are referred to as "Category 1" design basis events. The events described in paragraph (2) of this definition are referred to as "Category 2" design basis events.

Disturbed zone means that portion of the postclosure controlled area the physical or chemical properties of which have changed as a result of underground facility construction or as a result of heat generated by the emplaced radioactive wastes such that the resultant change of properties may have a significant effect on the performance of the geologic repository.

Important to safety, with reference to structures, systems, and components, means those features of the repository whose function is:

(1) to provide reasonable assurance that high-level waste can be received, handled, packaged, stored, emplaced, and retrieved without exceeding the requirements of § 60.111(a) for Category 1 design basis events; or

(2) to prevent or mitigate Category 2 design basis events that could result in doses equal to or greater than the values

specified in § 60.136 to any individual located on or beyond the nearest boundary of the preclosure controlled area.

Postclosure controlled area means a surface location, to be marked by suitable monuments, extending horizontally no more than 10 kilometers in any direction from the outer boundary of the underground facility, and the underlying subsurface, which area has been committed to use as a geologic repository and from which incompatible activities would be restricted following permanent closure.

Preclosure controlled area means that surface area immediately surrounding the geologic repository operations area for which the licensee exercises authority over its use, in accordance with the provisions of this part, until permanent closure has been completed.

Site means the location of the postclosure controlled area.

3. Section 60.8 is revised to read as follows:

§ 60.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements of general applicability contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*). OMB has approved the information collection requirements contained in this part under control number 3150-0127.

(b) The approved information collection requirements contained in this part appear in §§ 60.62, 60.63, and 60.65.

4. In § 60.21, paragraphs (c)(1)(i), (c)(1)(ii)(B), (c)(3), and (c)(8) are revised to read as follows:

§ 60.21. Content of application.

(c) * * *
(1) * * *

(i) The description of the site shall also include the following information regarding subsurface conditions. This description shall, in all cases, include such information with respect to the postclosure controlled area. In addition, where subsurface conditions outside the postclosure controlled area may affect isolation within the postclosure controlled area, the description shall include such information with respect to subsurface conditions outside the postclosure controlled area to the extent such information is relevant and

material. The detailed information referred to in this paragraph shall include:

- (A) the orientation, distribution, aperture in-filling and origin of fractures, discontinuities, and heterogeneities;
- (B) the presence and characteristics of other potential pathways such as solution features, breccia pipes, or other potentially permeable features;
- (C) the geomechanical properties and conditions, including pore pressure and ambient stress conditions;
- (D) the hydrogeologic properties and conditions;
- (E) the geochemical properties; and
- (F) the anticipated response of the geomechanical, hydrogeologic, and geochemical systems to the maximum design thermal loading, given the pattern of fractures and other discontinuities and the heat transfer properties of the rock mass and groundwater.

(ii) * * *

(B) Analyses to determine the degree to which each of the favorable and potentially adverse conditions, if present, has been characterized, and the extent to which it contributes to or detracts from isolation. For the purpose of determining the presence of the potentially adverse conditions, investigations shall extend from the surface to a depth sufficient to determine critical pathways for radionuclide migration from the underground facility to the accessible environment. Potentially adverse conditions shall be investigated outside of the postclosure controlled area if they affect isolation within the postclosure controlled area.

* * * * *

(3) A description and analysis of the design and performance requirements for structures, systems, and components of the geologic repository that are important to safety. The analysis must include a demonstration that—(i) the requirements of § 60.111(a) will be met, assuming occurrence of Category 1 design basis events; and (ii) the requirements of § 60.136 will be met, assuming occurrence of Category 2 design basis events.

* * * * *

(8) A description of the controls that the applicant will apply to restrict access and to regulate land use at the site and adjacent areas, including a conceptual design of monuments which would be used to identify the postclosure controlled area after permanent closure.

* * * * *

§ 60.43 [Amended]

5. In § 60.43(b)(5), the term “controlled area” is revised to read “postclosure controlled area.”

§ 60.46 [Amended]

6. In § 60.46(a)(3), the term “controlled area” is revised to read “postclosure controlled area wherever it appears.”

§ 60.51 [Amended]

7. In § 60.51(a)(2)(i) and (a)(2)(ii), the term “controlled area” is revised to read “postclosure controlled area.”

§ 60.102 [Amended]

8. In § 60.102(c), the term “controlled area” is revised to read “postclosure controlled area.”

9. In § 60.111, paragraph (a) is revised to read as follows:

§ 60.111. Performance of the geologic repository operations area through permanent closure.

(a) *Protection against radiation exposures and releases of radioactive material.* The geologic repository operations area shall be designed so that until permanent closure has been completed, radiation exposures and radiation levels, and releases of radioactive materials to unrestricted areas, will be maintained within the limits specified in part 20 of this chapter and such generally applicable environmental standards for radioactivity as may have been established by the Environmental Protection Agency.

* * * * *

§ 60.121 [Amended]

10. In § 60.121(a) and (b), the term “controlled area” is revised to read “postclosure controlled area.”

§ 60.122 [Amended]

11. In § 60.122(b)(6) and (c) introductory text, the term “controlled area” is revised to read “postclosure controlled area.”

12. Section 60.130 is revised to read as follows:

§ 60.130 General considerations.

Pursuant to the provisions of § 60.21(c)(2)(i), an application to receive, possess, store, and dispose of high-level radioactive waste in the geologic repository operations area must include the principal design criteria for a proposed facility. The principal design criteria establish the necessary design, fabrication, construction, testing, maintenance, and performance requirements for structures, systems, and components important to safety and/or important to waste isolation.

Sections 60.131 through 60.134 specify minimum requirements for the principal design criteria for the geologic repository operations area. These design criteria are not intended to be exhaustive, however. Omissions in §§ 60.131 through 60.134 do not relieve DOE from any obligation to provide such features in a specific facility needed to achieve the performance objectives.

13. In § 60.131, paragraph (b) is revised, and paragraphs (c) through (k) are added to read as follows:

§ 60.131 General design criteria for the geologic repository operations area.

* * * * *

(b) *Protection against design basis events.* The structures, systems, and components important to safety shall be designed so that they will perform their necessary safety functions, assuming occurrence of design basis events.

(c) *Protection against dynamic effects of equipment failure and similar events.* The structures, systems, and components important to safety shall be designed to withstand dynamic effects such as missile impacts, that could result from equipment failure, and similar events and conditions that could lead to loss of their safety functions.

(d) *Protection against fires and explosions.* (1) The structures, systems, and components important to safety shall be designed to perform their safety functions during and after credible fires or explosions in the geologic repository operations area.

(2) To the extent practicable, the geologic repository operations area shall be designed to incorporate the use of noncombustible and heat resistant materials.

(3) The geologic repository operations area shall be designed to include explosion and fire detection alarm systems and appropriate suppression systems with sufficient capacity and capability to reduce the adverse effects of fires and explosions on structures, systems, and components important to safety.

(4) The geologic repository operations area shall be designed to include means to protect systems, structures, and components important to safety against the adverse effects of either the operation or failure of the fire suppression systems.

(e) *Emergency capability.* (1) The structures, systems, and components important to safety shall be designed to maintain control of radioactive waste and radioactive effluents, and permit prompt termination of operations and evacuation of personnel during an emergency.

(2) The geologic repository operations area shall be designed to include onsite facilities and services that ensure a safe and timely response to emergency conditions and that facilitate the use of available offsite services (such as fire, police, medical, and ambulance service) that may aid in recovery from emergencies.

(f) *Utility services.* (1) Each utility service system that is important to safety shall be designed so that essential safety functions can be performed, assuming occurrence of the design basis events.

(2) The utility services important to safety shall include redundant systems to the extent necessary to maintain, with adequate capacity, the ability to perform their safety functions.

(3) Provisions shall be made so that, if there is a loss of the primary electric power source or circuit, reliable and timely emergency power can be provided to instruments, utility service systems, and operating systems, including alarm systems, important to safety.

(g) *Inspection, testing, and maintenance.* The structures, systems, and components important to safety shall be designed to permit periodic inspection, testing, and maintenance, as necessary, to ensure their continued functioning and readiness.

(h) *Criticality control.* All systems for processing, transporting, handling, storage, retrieval, emplacement, and isolation of radioactive waste shall be designed to ensure that nuclear criticality is not possible unless at least two unlikely, independent, and concurrent or sequential changes have occurred in the conditions essential to nuclear criticality safety. Each system must be designed for criticality safety assuming occurrence of design basis events. The calculated effective multiplication factor (keff) must be sufficiently below unity to show at least a 5 percent margin, after allowance for the bias in the method of calculation and the uncertainty in the experiments used to validate the method of calculation.

(i) *Instrumentation and control systems.* The design shall include provisions for instrumentation and control systems to monitor and control the behavior of systems important to safety, assuming occurrence of design basis events.

(j) *Compliance with mining regulations.* To the extent that DOE is not subject to the Federal Mine Safety and Health Act of 1977, as to the construction and operation of the geologic repository operations area, the design of the geologic repository

operations area shall nevertheless include such provisions for worker protection as may be necessary to provide reasonable assurance that all structures, systems, and components important to safety can perform their intended functions. Any deviation from relevant design requirements in 30 CFR, Chapter I, Subchapters D, E, and N will give rise to a rebuttable presumption that this requirement has not been met.

(k) *Shaft conveyances used in radioactive waste handling.* (1) *Hoists important to safety shall be designed to preclude cage free fall.*

(2) Hoists important to safety shall be designed with a reliable cage location system.

(3) Loading and unloading systems for hoists important to safety shall be designed with a reliable system of interlocks that will fail safely upon malfunction.

(4) Hoists important to safety shall be designed to include two independent indicators to indicate when waste packages are in place and ready for transfer.

14. In § 60.132, paragraph (c)(1) is revised to read as follows:

§ 60.132. Additional design criteria for surface facilities in the geologic repository operations area.

* * * * *

(c) *Radiation control and monitoring—(1) Effluent control.* The surface facilities shall be designed to control the release of radioactive materials in effluents so as to meet the performance objectives of § 60.111(a).

* * * * *

15. In § 60.133, the introductory text of paragraph (g) and paragraph (g)(2) are revised to read as follows:

§ 60.133 Additional design criteria for the underground facility.

* * * * *

(g) *Underground facility ventilation.* The ventilation system shall be designed to:

* * * * *

(2) Assure the ability to perform essential safety functions assuming occurrence of design basis events; and
* * * * *

16. A new undesignated center heading and § 60.136 are added to read as follows:

Preclosure Controlled Area

§ 60.136 Preclosure controlled area.

(a) A preclosure controlled area must be established for the geologic repository operations area.

(b) The geologic repository operations area shall be designed so that, for

Category 2 design basis events, no individual located on or beyond the nearest boundary of the preclosure controlled area will receive the more limiting of a total effective dose equivalent of 0.05 Sv (5 rem), or the sum of the deep-dose equivalent and the committed dose equivalent to any individual organ or tissue (other than the lens of the eye) of 0.5 Sv (50 rem). The eye dose equivalent may not exceed 0.15 Sv (15 rem), and the shallow dose equivalent to skin may not exceed 0.5 Sv (50 rem). The minimum distance from the surface facilities in the geologic repository operations area to the boundary of the preclosure controlled area must be at least 100 meters.

(c) The preclosure controlled area may be traversed by a highway, railroad, or waterway, so long as appropriate and effective arrangements are made to control traffic and to protect public health and safety.

17. In § 60.183, paragraph (b) is revised to read as follows:

§ 60.183 Criminal penalties.

* * * * *

(b) The regulations in part 60 that are not issued under sections 161b, 161i, or 161o for the purposes of section 223 are as follows: §§ 60.1, 60.2, 60.3, 60.5, 60.6, 60.7, 60.8, 60.15, 60.16, 60.17, 60.18, 60.21, 60.22, 60.23, 60.24, 60.31, 60.32, 60.33, 60.41, 60.42, 60.43, 60.44, 60.45, 60.46, 60.51, 60.52, 60.61, 60.62, 60.63, 60.64, 60.65, 60.101, 60.102, 60.111, 60.112, 60.113, 60.121, 60.122, 60.130, 60.131, 60.132, 60.133, 60.134, 60.135, 60.136, 60.137, 60.140, 60.141, 60.142, 60.143, 60.150, 60.151, 60.152, 60.162, 60.181, and 60.183.

Dated in Rockville, Maryland, this 15th day of March, 1995.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 95-6872 Filed 3-21-95; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 60

[Docket No. PRM-60-3]

Disposal of High-Level Radioactive Wastes in Geologic Repositories

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Partial grant/partial denial of petition for rulemaking.

SUMMARY: In a petition for rulemaking (PRM-60-3) submitted by the U.S.

Department of Energy (DOE), the U.S. Nuclear Regulatory Commission was requested to establish specific dose criteria for design basis accidents at a high-level radioactive waste repository. NRC hereby grants in part, and denies in part, the specific proposals of the petitioner.

ADDRESSES: Copies of the petition for rulemaking, the public comments received, and NRC's letter to the petitioner are available for public inspection or copying, for a fee, in the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Weller, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415-7287.

SUPPLEMENTARY INFORMATION:

DOE submitted a petition for rulemaking on April 19, 1990. On July 13, 1990 (55 FR 28771) NRC published a notice of receipt of the petition for rulemaking. The comment period expired on October 11, 1990. The petition requested that the Commission amend 10 CFR part 60 to prescribe certain numerical accident-dose criteria to be applied at the boundary of a "preclosure control area."

Under DOE's proposal, the definition of "important to safety," in 10 CFR 60.2, would be changed to apply a reference dose limit at the preclosure-control-area

boundary, instead of the present unrestricted-area boundary; further, the definition would be amended to add a statement "All engineered safety features shall be included within the meaning of the term 'important to safety.'" The petition also proposed that performance objectives of 10 CFR 60.111 would be revised to incorporate an explicit accident dose limit, at the preclosure control area boundary, of 0.05-Sv (5-rem) effective dose equivalent, or 0.5-Sv (50-rem) committed dose equivalent. DOE indicated its intention that this limit would apply to direct irradiation and inhalation pathways, alone, and not to ingestion of contaminated foodstuffs. The phrase "at all times" would be deleted from 10 CFR 60.111(a), to clarify that the performance objective for the period of operations does not apply to exposure from accidents. Finally, the petition proposed adding new definitions, to 10 CFR 60.2, for the terms "preclosure control area," "committed dose equivalent," "committed effective dose equivalent," and "effective dose equivalent," to support the application of the accident dose criteria described above.

For a fuller statement of the petition for rulemaking, see the **Federal Register** notice cited above.

In response to NRC's publication of notice of receipt of the petition, comments were received from: DOE; Edison Electric Institute and the Utility Nuclear Waste and Transportation

Program (EEI/UWASTE); Intertech Consultants, on behalf of Lincoln County, Nevada, and the City of Caliente, Nevada; and an anonymous "Concerned U.S. Citizen." The Commission, having now considered the petition and comments, grants the petition in part and denies the petition in part, and to that end, the Commission is publishing, concurrently with this notice, a notice of proposed rulemaking.

Under the proposed rule, accident-dose criteria would be applied at the boundary of a newly defined "preclosure controlled area," as recommended by DOE. Further, in response to the petition, the term "important to safety" would be redefined, though not in the form suggested by DOE. The Commission is also proposing to adopt the petitioner's request that the phrase "at all times" be deleted from the performance objective that applies to preclosure operations. In all other respects, the petition is denied.

The reasons for the action, insofar as it both grants and denies parts of the petition, are set out at length in the statement of considerations accompanying the proposed rule.

Dated in Rockville, Maryland, this 15th day of March, 1995.

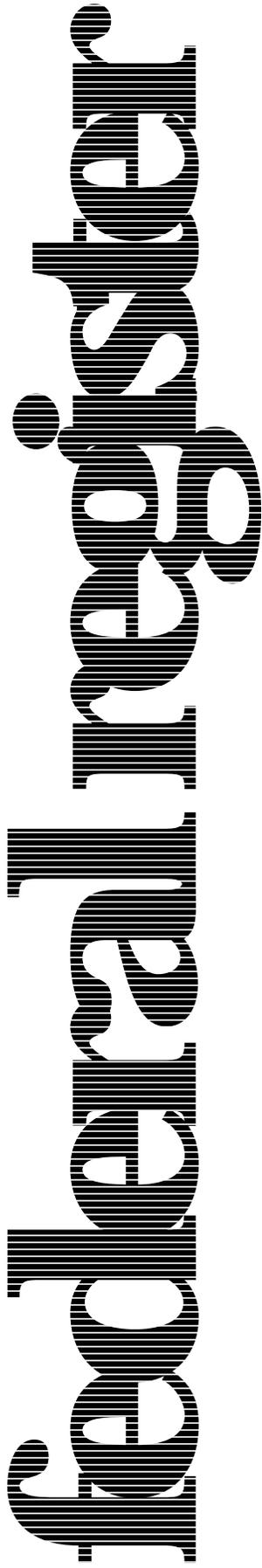
For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 95-6878 Filed 3-21-95; 8:45 am]

BILLING CODE 7590-01-P



Wednesday
March 22, 1995

Part III

**Department of the
Interior**

Bureau of Indian Affairs

Indian Gaming; Notices

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****Indian Gaming**

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approval for Tribal-State compacts.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100-497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, approved Tribal-State Compacts between the following tribes and the State of New Mexico on February 13, 1995: The Mescalero Apache Tribe, Pueblo of Santa Ana, Pueblo of San Juan, Pueblo of Taos, Pojoaque Pueblo, Pueblo of Sandia, Pueblo of Tesuque, Pueblo of Santa Clara, Jicarilla Apache Tribe, Pueblo of Isleta, and the Pueblo of San Felipe.

DATES: This action is effective March 22, 1995.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219-4068.

Dated: March 15, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95-6966 Filed 3-21-95; 8:45 am]

BILLING CODE 4310-02-P

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approval for Tribal-State compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100-497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has approved the Tribal-State Compact For Regulation of Class III Gaming Between the Siletz Indian Tribe and the State of Oregon, which was executed on November 14, 1994.

DATES: This action is effective March 22, 1995.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219-4068.

Dated: March 14, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95-6967 Filed 3-21-95; 8:45 am]

BILLING CODE 4310-02-P

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of amendment to approved Tribal-State compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100-497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has approved the Jamestown S'Klallam Tribe and the State of Washington Class III Gaming Compact Amendment, which was executed on January 26, 1995.

DATES: This action is effective March 22, 1995.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219-4068.

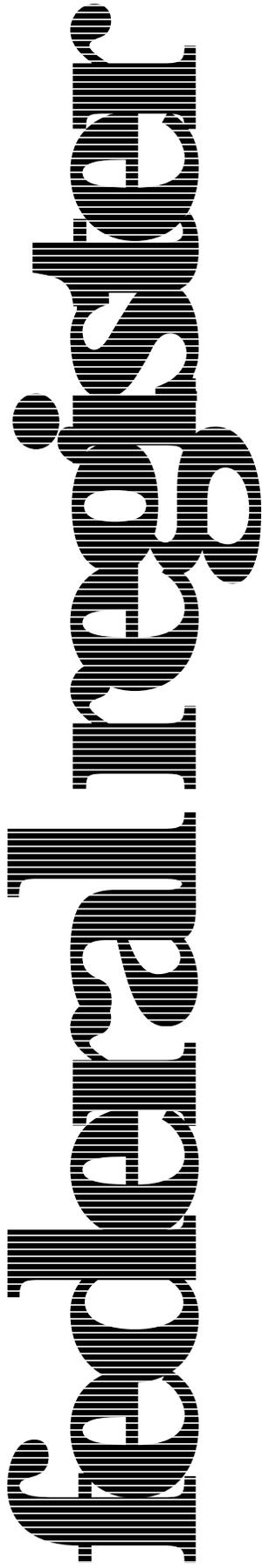
Dated: March 10, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95-6968 Filed 3-21-95; 8:45 am]

BILLING CODE 4310-02-P



Wednesday
March 22, 1995

Part IV

**Department of the
Interior**

Bureau of Indian Affairs

**Tribal Consultation Meetings on Indian
Education Programs; Notice**

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Tribal Consultation on Indian Education Topics

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of tribal consultation meetings.

SUMMARY: Notice is hereby given that the Bureau of Indian Affairs (BIA) will conduct consultation meetings to obtain oral and written comments concerning potential issues in Indian education programs. The potential issues which will be set forth in a tribal consultation

booklet to be issued prior to the meetings are as follows:

1. Tribal Priority Allocation Category for Education Programs
2. Actions Being Proposed by Bureau of Indian Affairs to Implement Pub. L. 103-227 and Pub. L. 103-382:
 - A. Draft Goals 2000 Consolidated State Plan to meet requirements of Pub. L. 103-227.
 - B. Discussion Paper on Proposed MOA Between Secretaries of Interior and Education Per § 14205 of Pub. L. 103-382.
3. Open Discussion
4. On-Going ISEP Formula Study: ISEP study mandated by Pub. L. 103-332, FY 95 Appropriations for the Department of Interior.

5. Implementing Pub. L. 100-297 Construction Grants exceeding \$100,000
 6. Regulatory Revisions
 - A. Adult Education and Higher Education Grant Programs
 - B. Kindergarten Student Enrollment Age
 - C. Residential Opportunity to Learn Standards
- DATES:** March 31, and April 3, 5, 7, and 11, 1995 for locations listed. Several dates and locations were scheduled to coincide with meetings of various Indian education organizations. Meetings will begin at 9:00 A.M. and continue until 3:00 P.M. (local time). Written comments concerning the consultation items must be received no later than May 1, 1995.

ADDRESSES:

Location	Local contact	Telephone
March 31, 1995:		
1. Colorado, Denver	Verna Houle	(503) 230-5682
April 3, 1995:		
1. Montana, Billings	Larry Parker	(406) 657-6375
2. Arizona, Phoenix	John Wahnee	(602) 738-2262
3. Oklahoma, Tulsa	Jim Baker	(405) 945-6051
April 5, 1995:		
1. South Dakota, Aberdeen	Bobby Thompson	(701) 854-3497
2. New Mexico, Gallup	Lester Hudson	(505) 368-4427
3. California, Sacramento	Fayetta Babby	(916) 979-2560
4. Louisiana, New Orleans	LaVonna Weller	(703) 235-3233
April 7, 1995:		
1. Minnesota, St. Paul	Mary Hilfiker	(612) 373-1090
2. Alaska, Anchorage	Robert Pringle	(907) 271-4115
3. New Mexico, Albuquerque	Juanita Cata	(505) 753-1465
April 11, 1995:		
1. Oregon, Portland	Verna Houle	(503) 230-5682

Written comments should be mailed, to be received, on or before May 1, 1995, to the Bureau of Indian Affairs, Office of Indian Education Programs, MS-3512-MIB, OIE-32, 1849 C. Street, NW, Washington, D.C. 20240, Attn: Dr. John Tippeconnic; OR, may be hand delivered to Room 3512 at the same address. Telefax responses may be transmitted to (202) 219-0221.

FOR FURTHER INFORMATION CONTACT: Goodwin K. Cobb or Jim Martin at the

above address or call (202) 219-1131 or 208-3550.

SUPPLEMENTARY INFORMATION: The meetings are a follow-up to similar meetings conducted by the BIA since 1990. The purpose of the consultation, as required by 25 U.S.C. 2010(b), is to provide Indian tribes, school boards, parents, Indian organizations and other interested parties with an opportunity to comment on potential issues raised during previous consultation meetings or being considered by the BIA

regarding Indian education programs. A consultation booklet is being distributed to Federally recognized Indian Tribes, Bureau Area and Agency Offices and Bureau-funded schools. The booklets will also be available from local contact persons and at each meeting.

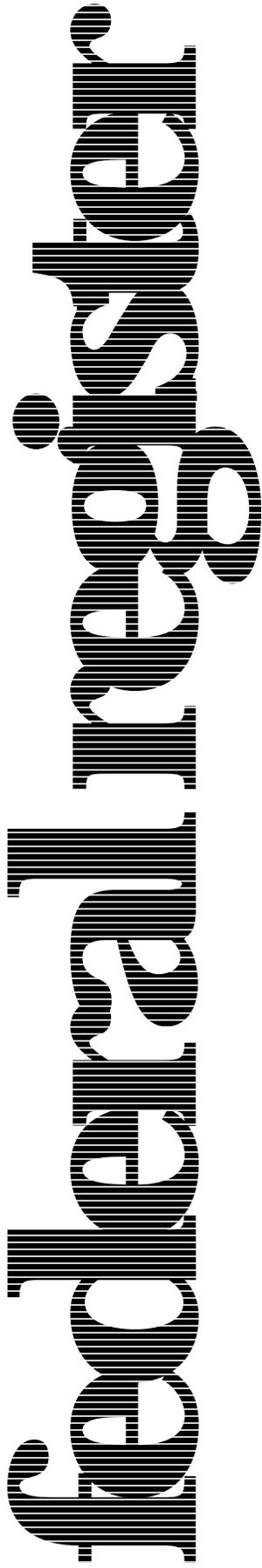
Dated: March 7, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95-6969 Filed 3-21-95; 8:45 am]

BILLING CODE 4320-02-P



Wednesday
March 22, 1995

Part V

**Federal Trade
Commission**

16 CFR Part 305
Energy Consumption and Water Use of
Certain Home Appliances and Other
Products; Final Rule and Proposed Rule

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")

AGENCY: Federal Trade Commission.

ACTION: Final rule, policy statement delaying enforcement.

SUMMARY: The Federal Trade Commission, in response to a petition, issues an Enforcement Policy Statement under which the Commission will avoid taking law enforcement actions against manufacturers of general service incandescent lamps (including reflector lamps) not in compliance with the labeling disclosure requirements of the Appliance Labeling Rule until December 1, 1995.

EFFECTIVE DATE: March 22, 1995.

FOR FURTHER INFORMATION CONTACT: Kent C. Howerton, Attorney, Division of Enforcement, Bureau of Consumer Protection, Room S-4631, Federal Trade Commission, Washington, DC 20580, telephone 202/326-3013.

SUPPLEMENTARY INFORMATION:

I. Background

On May 13, 1994, the Commission published amendments to the Appliance Labeling Rule to bring certain lamp products under the Rule's coverage.¹ The amendments will become effective on May 15, 1995. The Commission promulgated the amendments in response to a directive in the Energy Policy Act of 1992 ("EPA 92").² In a petition dated January 31, 1995 ("Petition"), the Lamp Section of The National Electrical Manufacturers Association ("NEMA")³ requested that the Commission allow manufacturers of specific types of incandescent lamp products an option as to where on the package specific disclosures must be made, and stay compliance with the Rule through November 30, 1995. In a

¹ Final rule and Statement of Basis and Purpose ("SBP"), 59 FR 25176. On December 29, 1994, the Commission published minor, technical amendments to resolve certain inconsistencies in paragraph numbering and language that had arisen during the course of four recent proceedings amending the Rule. 59 FR 67524.

² Pub. L. No. 102-486, 106 Stat. 2776, 2817-2832 (Oct. 24, 1992) (codified at 42 U.S.C. 6201, 6291-6309).

³ NEMA is a trade association representing the nation's largest manufacturers of lamp products. Its members produce more than 90 percent of the lamp products subject to the lamp labeling requirements of the Appliance Labeling Rule. Petition at 2.

document published elsewhere in this issue of the **Federal Register**, the Commission proposes amendments to the lamp labeling requirements of the Appliance Labeling Rule and requests comments on the amendments. The Commission responds to NEMA's request for a stay below.

II. NEMA's Request for a Stay

NEMA's Petition requests that the Commission stay, through November 30, 1995, "compliance against manufacturers who, in good faith and despite the exercise of due diligence, are unable to change all of their lamp packages prior to the May 15, 1995 effective date of the Lamp Labeling Rule." In support of its request for a stay, NEMA asserts that manufacturers must change by May 15, 1995, a large number of packaging designs and equipment for many stock-keeping units ("SKUs").⁴ The extent of the changes to the lamp packages, the number of product-types affected, and the need to coordinate energy efficiency disclosures with other marketing information, such as logos, names, and comparative representations, has resulted in a more time-consuming and costly conversion process than NEMA and its members initially projected. The lamp labeling amendments have had the effect of requiring manufacturers to undertake substantial redesign of the lamp package. According to NEMA, some manufacturers have undertaken extensive market research to determine the most effective placement of required disclosures in conjunction with other marketing information. Because the marketing significance of a lamp package is much greater than that of a yellow EnergyGuide attached to a larger and more expensive home appliance, the redesign of lamp packages entails much more than merely adding a disclosure box and some explanatory statements.⁵

In addition, NEMA asserts that, because of ambiguities in the lamp labeling requirements of the Appliance Labeling Rule and the different requirements of the preexisting Light Bulb Rule, 16 CFR Part 409, it has been necessary for manufacturers to seek various clarifications and other advice from the Commission's staff before manufacturers could finalize package designs for their entire inventory.⁶ NEMA states that, while the Commission's staff offered informal

⁴ NEMA's counsel informed the Commission's staff that its members produce over two thousand SKUs that will be covered by the lamp labeling requirements of the Appliance Labeling Rule.

⁵ Petition at 7.

⁶ Petition at 8.

advice on many occasions, NEMA believes it needs formal, written guidance concerning specific issues.⁷ Because of the number of issues involved, NEMA asserts that manufacturers have been unable in many respects to complete their packaging designs, or to order new printing plates and paper stock pending resolution of specific issues. NEMA contends, therefore, that even acting in good faith and exercising due diligence, manufacturers are unlikely to be able to complete the changeover of their entire packaging inventory prior to the May 15, 1995, effective date.⁸ Accordingly, NEMA requests that the Commission stay compliance of the lamp labeling provisions of the Appliance Labeling Rule for all lamps other than general service fluorescent lamps for six months, through November 30, 1995.⁹

III. Enforcement Policy Statement

The Commission has determined that it would not be appropriate for the Commission to stay the effective date of the lamp labeling amendments to the Appliance Labeling Rule because the effective date is set by the EPA 92 amendments to EPCA and the statute does not authorize the Commission to extend the effective date. 42 U.S.C. 6294(a)(2)(C)(i). The Commission, however, has determined to grant manufacturers of incandescent lamps the additional time petitioner requests.

In light of the amendments to the Rule the Commission proposes today elsewhere in this issue of the **Federal Register** in response to the Petition from NEMA and the apparent uncertainties among incandescent lamp manufacturers regarding their compliance responsibilities under the combined requirements of the Appliance Labeling Rule and the Light Bulb Rule, 16 CFR Part 409, and in order to minimize relabeling costs, the Commission has determined to not take law enforcement actions until December 1, 1995, against manufacturers of incandescent lamp products not in compliance with the lamp labeling requirements of the Appliance Labeling Rule. Petitioner, however, has not demonstrated why a similar delay should apply to the labeling disclosure requirements for medium base compact fluorescent lamps, as requested in the Petition. The Commission, therefore,

⁷ *Id.* at 2 note 1, 8. NEMA has consolidated and limited the issues on which it requests written advice in a letter to the Commission's staff dated January 30, 1995. The Commission's staff responded to the issues raised in that letter in a separate, written staff opinion letter.

⁸ *Id.*

⁹ *Id.* at 9-10.

has determined that the delay in taking law enforcement actions will not apply to the labeling requirements for medium base compact fluorescent lamps.¹⁰

List of Subjects in 16 CFR Part 305

Advertising, Consumer protection,
Energy conservation, Household

¹⁰No evidence was presented in the original rulemaking record concerning the effect, if any, of different voltages on compact fluorescent lamps, which operate through the use of a ballast that regulates the lamp current during operation, or that medium base compact fluorescent lamps are produced or marketed with design voltages other than 120 volts. Similarly, the delay will not apply to the labeling disclosure requirements for general service fluorescent lamps, for which petitioner did not request a stay.

appliances, Labeling, Lamp products,
Penalties, Reporting and recordkeeping
requirements.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 95-7059 Filed 3-21-95; 8:45 am]

BILLING CODE 6750-01-P

FEDERAL TRADE COMMISSION**16 CFR Part 305****Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")**

AGENCY: Federal Trade Commission.

ACTION: Proposed rule and request for comments.

SUMMARY: The Federal Trade Commission ("Commission") proposes amendments to the Appliance Labeling Rule ("Rule"), in response to a petition and a separate written request, to allow manufacturers of general service incandescent lamps (including incandescent reflector lamps) with a design voltage other than 120 volts an option as to where on the package specific disclosures must be made; to clarify the light output measure that manufacturers of incandescent reflector lamps must disclose on lamp labels; to delete the requirement that the lumen disclosure for incandescent reflector lamps be followed by the term "at beam spread;" and, to allow manufacturers of incandescent reflector lamps the option of adding a reference to "beam spread" to the Advisory Statement about saving energy costs. The Commission is soliciting written data, views and arguments concerning these amendments.

DATES: Written comments must be submitted on or before April 21, 1995.

ADDRESSES: Written comments should be submitted to Office of the Secretary, Federal Trade Commission, Room 159, Sixth and Pennsylvania Avenue NW., Washington, DC 20580, telephone number 202/326-2506. Comments should be identified as "16 CFR Part 305—Comment—Lamp Products." Written comments should be provided, when feasible and not burdensome, in five copies.

FOR FURTHER INFORMATION CONTACT: Kent C. Howerton, Attorney, Division of Enforcement, Bureau of Consumer Protection, Room S-4631, Federal Trade Commission, Washington, D.C. 20580, telephone 202/326-3013.

SUPPLEMENTARY INFORMATION:**I. Introduction**

On May 13, 1994, the Commission published amendments to bring certain lamp products under the Rule's coverage,¹ which will become effective

¹ Final rule and Statement of Basis and Purpose ("SBP"), 59 FR 25176. On December 29, 1994, the

on May 15, 1995. The Commission initiated the proceeding to bring certain lamp products under the Rule's coverage in response to a directive in the Energy Policy Act of 1992 ("EPA 92").²

In a petition dated January 31, 1995 ("Petition"), the Lamp Section of The National Electrical Manufacturers Association ("NEMA")³ requested that the Commission:

(1) allow manufacturers of specific types of lamp products an option as to where on the package specific disclosures must be made; and

(2) stay, through November 30, 1995, "compliance against manufacturers who, in good faith and despite the exercise of due diligence, are unable to change all of their lamp packages prior to the May 15, 1995 effective date of the Lamp Labeling Rule."

NEMA requested expedited treatment of its request to enable manufacturers to complete the design of affected lamp packages and to order necessary printing plates and packaging inventory, costing millions of dollars, as soon as possible.

In a separate letter to the Commission's staff dated January 30, 1995, NEMA also requested a written staff opinion concerning several issues on which staff already has informally advised NEMA and various lamp manufacturers. One item raised in this letter, concerning disclosure requirements for incandescent reflector lamps (spotlights and floodlights), raises issues that the Commission determined could not be resolved, as NEMA requested, simply by a staff opinion letter. The Commission, therefore, has included consideration of these issues in this Notice.

For the reasons discussed below, the Commission proposes adopting amendments to the lamp labeling requirements of the Appliance Labeling Rule that would give manufacturers of general service incandescent lamps (including incandescent reflector lamps) greater flexibility in making disclosures for lamps that have a design voltage of other than 120 volts. The amended Rule would continue to require that specific information about each covered lamp's operation at 120 volts be disclosed on

Commission published minor, technical amendments to resolve certain inconsistencies in paragraph numbering and language that had arisen during the course of four recent proceedings amending the Rule. 59 FR 67524.

² Pub. L. 102-486, 106 Stat. 2776, 2817-2832 (Oct. 24, 1992) (codified at 42 U.S.C. 6201, 6291-6309).

³ NEMA is a trade association representing the nation's largest manufacturers of lamp products. Its members produce more than 90 percent of the lamp products subject to the lamp labeling requirements of the Appliance Labeling Rule. Petition at 2.

product labels, as required by EPA 92, but the disclosures would not have to be included on the principal panel of the packaging. In addition, the Commission proposes adopting amendments to the Rule to clarify the light output measure in lumens that manufacturers of incandescent reflector lamps must disclose on lamp labels, to delete the requirement that the lumen disclosure for incandescent reflector lamps be followed by the term "at beam spread," and to allow manufacturers of incandescent reflector lamps the option of adding a reference to "beam spread" to the Advisory Statement about how to save energy costs that must appear on the principal display panel of each lamp package. The latter amendments primarily would correct an inadvertent technical error and effectuate the original intent of the Rule's requirements. The Commission is seeking written public comments on these proposed amendments, and it will announce its final decision regarding the proposed amendments after reviewing the comments it receives.

In light of these proposed amendments, the difficulties manufacturers of incandescent lamps have encountered in complying with both the requirements of the Appliance Labeling Rule and the Commission's preexisting Light Bulb Rule, 16 CFR Part 409, and the need to minimize relabeling costs, the Commission has determined to issue an Enforcement Policy Statement. In a document published elsewhere in this issue of the **Federal Register**, the Enforcement Policy Statement explains that the Commission has determined to not take law enforcement action until December 1, 1995 against manufacturers of general service incandescent lamp products (including incandescent reflector lamps) for labeling not in compliance with the disclosure requirements of the Appliance Labeling Rule. This determination does not affect any other compliance obligations imposed by the lamp labeling requirements of the Rule that will become effective on May 15, 1995.

II. Background

On May 13, 1994, the Commission published final labeling rules for various types of lamp products ("light bulbs"), including general service fluorescent lamps, general service incandescent lamps (including reflector incandescent lamps), and medium base compact fluorescent lamps,⁴ as

⁴ 59 FR 25176. In the current Notice, citations to evidence are based on the citation system used in the SBP for these lamp labeling requirements.

mandated by EPA 92.⁵ The Commission issued the lamp labeling rules as amendments to the Appliance Labeling Rule, 16 CFR Part 305. These lamp labeling amendments will become effective on May 15, 1995.⁶

In the Statement of Basis and Purpose for the lamp labeling amendments, the Commission determined to require disclosures on labels of specific information relating to the performance of these lamp products. In brief, the amendments require disclosures on the primary display panel of package labels of light output (in lumens), energy use (in watts), and life (in hours), plus an Advisory Statement that explains how purchasers can save on energy costs. For incandescent reflector lamps (used to focus or spread light on a particular object or objects), the amendments additionally require that the disclosure of light output (in lumens) be for the lamp's "beam spread," and that the disclosure of lumens be followed clearly and conspicuously by the phrase "at beam spread."

Based on the statutory directive that the Commission promulgate these labeling rules and that labeling information be based on performance at 120 volts, the lamp labeling amendments to the Rule require that the disclosures for general service incandescent lamps (including incandescent reflector lamps) appear on the primary display panel based on operation at 120 volts, regardless of the lamp's design voltage. The amendments, however, allow manufacturers the option of adding disclosures based on operation at a different design voltage, either on the primary display panel or on a separate panel on the package.

The lamp labeling amendments to the Appliance Labeling Rule overlap certain disclosures already required on packages of non-reflector general service incandescent bulbs by the Commission's

Light Bulb Rule.⁷ This Rule, unlike the lamp labeling amendments to the Appliance Labeling Rule, requires that package labels clearly and conspicuously disclose average initial wattage, light output expressed in average initial lumens, and average laboratory life expressed in hours, based on operation at the bulb's *stated design voltage*.⁸ Under the Light Bulb Rule, the disclosures must appear on at least two panels of the outer sleeve or container in which bulbs are displayed and additionally on all panels of the inner and the outer sleeve that contain any reference to wattage, lumens, life or voltage. The disclosures, however, need not be made on the primary display panel.⁹

When it promulgated the lamp labeling amendments to the Appliance Labeling Rule, the Commission noted two provisions of the Light Bulb Rule that are different from the lamp labeling requirements under the Appliance Labeling Rule. The first provision concerns the format requirements for disclosing the wattage, light output and laboratory life ratings of general service incandescent nonreflector lamps. The second provision concerns the Light Bulb Rule's requirement that the testing for, and required disclosures of, wattage, light output and laboratory life ratings of general service nonreflector lamps be at the lamp's design voltage. Because these different rule provisions are not contradictory, the Commission stated that manufacturers will be able to comply with both without incurring significant additional costs.¹⁰

Nevertheless, the Commission stated that, following that rulemaking proceeding, it would consider whether any additional action is necessary concerning the Light Bulb Rule.¹¹ To amend or repeal the Light Bulb Rule, the Commission's Rules of Practice require the Commission to use different, and more lengthy, rulemaking procedures than those specified in EPA 92 for the lamp labeling amendments to the Appliance Labeling Rule. Thus, because of the statutory deadline for issuing the lamp labeling rules under EPA 92, the Commission determined to review the Light Bulb Rule in a separate proceeding. The Commission has

scheduled the Light Bulb Rule for review during 1995 as part of the Commission's ongoing program to review all Commission rules and guides.¹²

III. Petition

A. NEMA's Request (Disclosures at 120 Volts)

NEMA's Petition requests that the Commission approve an optional, but not required, labeling format scheme for packages of incandescent lamp products with a design voltage other than 120 volts. NEMA states that manufacturers design some lamp products for operation at either 125 or 130 volts,¹³ and that line voltages of other than 120 volts are prevalent in certain regions of the country.¹⁴ The Petition also notes that the Light Bulb Rule requires disclosures of a general service incandescent lamp's light output, wattage and life, measured at design voltage. Based on these assertions, the Petition contends that the lamp labeling requirements in the Appliance Labeling Rule, "by requiring that a lamp package's principal display panel contain performance ratings measured at 120 volts, and designated 'at 120 volts,' will cause considerable confusion for consumers who use lamps designed for the local line voltage which is other than 120 volts." NEMA contends that, because light output of a given lamp is lower at 120 volts than at higher voltages, consumers in non-120 volt regions may seek a higher wattage lamp than needed to obtain the light output they desire. NEMA asserts that this would undermine the energy efficiency objectives of the Appliance Labeling Rule.¹⁵

NEMA's Petition states that consumers in regions with line voltages other than 120 volts should be able to find lamp packages labeled on the principal display panel with performance ratings measured at the lamp's design voltage. NEMA claims that, under the Appliance Labeling Rule, this would require manufacturers to provide dual-voltage information for each performance rating on the primary display panel. In support of its Petition,

¹² 60 FR 6463 (Feb. 2, 1995).

¹³ Petition at 2. The voltage provided by electric utilities in the United States for lighting purposes is primarily 120 volts, but may range from approximately 115 to 125 volts. Voltage is not a characteristic of a lamp product, but the operation of a lamp is affected by the voltage at which it operates. For a given lamp, the higher the voltage, the higher the light output in lumens, the higher the wattage, and the shorter the life.

¹⁴ *Id.* NEMA states that the prevailing voltage for these areas is 125 volts, though actual line voltage within these areas varies. *Id.* at 2 note 3.

¹⁵ *Id.*

Documents are numbered sequentially, such as Document No. G-1, Document No. G-2. Comments are cited by an identification of the commentor, the comment number and the relevant page number(s), e.g., "Angelo, G-1, 1-3." Supplemental comments are designated in addition as: "(Supp.)." Discussion by more than one party in the transcript of the Public Workshop Conference is cited by a reference to the transcript and the relevant page number(s), e.g., "Tr., 15-20." Discussion by one party in the transcript is cited by an identification of the party, a reference to the transcript and the relevant page number(s), e.g., "Osram (Tr.), 80-81."

⁵ EPA 92 amended the Energy Policy and Conservation Act of 1975 ("EPCA"). 42 U.S.C. 6291 *et seq.*

⁶ The statute required the Commission's rules to become effective 12 months after their publication in the **Federal Register**. Because May 13, 1995, falls on a Saturday, the effective date is Monday, May 15. 42 U.S.C. 6294(a)(2)(C)(i).

⁷ 16 CFR Part 409. The Light Bulb Rule, issued in 1970, was intended to prevent deceptive or unfair practices in the sale of incandescent light bulbs. Other types of lamps covered by the Appliance Labeling Rule amendments (including incandescent reflector lamps) are not covered by the Light Bulb Rule.

⁸ *Id.* at 409.1 n. 1.

⁹ *Id.* at 409.1 n. 4.

¹⁰ 59 FR at 25177.

¹¹ 59 FR at 25176.

NEMA submitted examples of labels that contain performance disclosures on the primary display panel based on operation at both 120 volts and the lamp's different design voltage. NEMA believes the resulting complexity of the package is certain to confuse even the most energy-conscious consumer.¹⁶

NEMA proposes an alternative, optional disclosure format to comply with the labeling requirements under Section 305.11(e)(1)(iii) of the Appliance Labeling Rule. Specifically:

As an optional disclosure under Section 305.11(e)(1)(iii), for lamps with a design voltage other than 120 volts, light output, energy used, and life ratings displayed on the principal display panel could be measured at design voltage, provided that such ratings measured at 120 volts are disclosed on another panel of the package, and that the principal display panel clearly and conspicuously identifies the lamp's design voltage and clearly and conspicuously contains the following explanatory statement:

[125/130] volt design. At 120 v., light output and efficiency are noticeably reduced. See [side/back] panel for data at 120 v.¹⁷

NEMA also states it would accept a more detailed explanatory statement, which could read:

This product is designed for [125/130] volts. When used on the normal line voltage of 120 volts, the light output and efficiency are noticeably reduced. See [side/back] panel for 120 volt ratings.¹⁸

NEMA believes that its proposal fully satisfies the Commission's objectives and the requirements of Section 324(a)(2)(C)(i) of EPCA, which states: "Labeling information for incandescent lamps shall be based on performance when operated at 120 volt input, regardless of the rated lamp voltage." NEMA also believes that its proposal provides accurate and meaningful information.¹⁹

B. Background

The issue of the voltage at which the proposed disclosures of watts, light output, life and energy efficiency should be based was not specifically raised in the Notice of Proposed Rulemaking ("NPR").²⁰ However, this issue was the subject of considerable discussion

during the Public Workshop the Commission conducted on January 19, 1994, as part of the rulemaking proceeding, as well as in two post-Workshop comments.²¹ In addition, the statutory language mandating the information disclosures is explicit in requiring disclosures to be based on operation at 120 volts, regardless of the lamp's design voltage.

Several industry representatives supported requiring disclosure of wattage, light output in lumens, and average laboratory life based on operation of the lamp at its design voltage, if the design voltage is other than 120 volts.²² They suggested that only the energy index proposed in the NPR (i.e., lumens per watt) should be disclosed at 120 volts, regardless of the lamp's design voltage.²³ They argued that only the efficiency measure (energy index) is covered by the requirement in EPCA that labeling disclosures for incandescent lamps be measured at 120 volts.²⁴ Other participants contended,

²¹ See (Tr.), 35-65, 201-205. See also Osram (G-11) (Supp.), 2; NEMA (G-10) (Supp.), 19-21.

²² NEMA (Tr.), 39-40, 54, (Supp.), G-10, 19-21 (the Commission views these statements as NEMA's final position on the issue); Osram (Tr.), 41, (Supp.), G-11, 2. See also Angelo, G-1, 2 (but note that Angelo later recommends disclosures at 120 volts in the Workshop at Tr. 57); GE, G-2, 7, (Ans.), 1; Osram (Tr.), 41, 58-59, (Supp.), G-11, 2; ACEEE, GG-1, 1 (ACEEE, too, later recommends in the Workshop that all disclosures be at 120 volts, (Tr.), 59); OR DOE, GG-13, 7; WA SEO, GG-18, 1.

²³ See note 20, *supra*.

²⁴ In its supplemental comment, NEMA stated: A question was raised at the Workshop as to whether the last sentence of section [324(a)(2)(C)(i) of EPCA] should be interpreted to apply only to energy efficiency labeling or to all items required to be disclosed under the Commission's regulations. There is no published legislative history interpreting this provision. However, NEMA representatives were involved in extensive discussions with energy efficiency organizations and congressional staff over the language of the Energy Policy Act. Throughout those discussions, everyone's attention was focused on how best to educate consumers to select the most energy efficient lamp. NEMA representatives sought inclusion of the requirement that all lamps' efficiency ratings be based on a comparable operation at 120 volts. NEMA's objective was to prevent some manufacturers or importers from disguising low efficiency lamps by claiming efficiency ratings at voltages greater than 120 volts. NEMA was concerned that if a consumer faced 120 and 130 volt lamps in the same store, it be clear that the 130 volt lamp would be substantially less efficient when operated at 120 volts (Tr. 40-41). NEMA did not intend to force manufacturers to cease production or alter existing ratings of higher voltage lamps for use in niche markets. Thus, in construing section [324(a)(2)(C)(i)] of EPCA, NEMA urges that the provision be fairly read in the context of the legislative discussions and that congressional intent is best served by requiring that only lumens per watt measurements be based on 120 volts operation.

NEMA (Supp.), G-10, 20-21. See also GE (Supp.), G-9, Ex. 4; Osram (Tr.), 51-52 (most purchasers do not see mix of products based on different voltages on store shelves, but purpose of the statute's

however, that for general service incandescent lamps the labeling rules should require that the wattage, light output, life and energy index disclosures be made at 120 volts because most purchasers operate lamps at 120 volts and performance claims should be based on a uniform standard.²⁵

Both the statute and its legislative history are silent about the specific purpose and meaning of the mandate that labeling information shall be based on operation at 120 volts. The Commission, therefore, analyzed the record evidence concerning the methods of sales distribution and the uses of these lamp products, as well as the manner in which purchasers could best be provided with accurate and important information to enable them "to select the most energy efficient lamps which meet their requirements."²⁶

According to the rulemaking record, the majority of the service voltage of electricity supplied by local utilities for lighting is 120 volts. The rest is supplied at 125 volts, primarily in the Pacific Northwest and the Tennessee Valley. No evidence was presented that any local utility supplies electricity at 130 volts, or at service voltage other than 120 or 125 volts. The lamp manufacturers who participated in the proceeding stated that they distribute incandescent lamps with a design voltage of 120 volts for sale in 120 voltage service regions. They also stated, however, that while they distribute incandescent lamps with a design voltage of 125 volts primarily to regions with 125 voltage service, they cannot guarantee that lamps with a design voltage of 125 volts are only offered for sale in 125 voltage service regions. Manufacturers that distribute incandescent lamps with a design voltage of 130 volts stated that they distribute these lamps, which are marketed as long-life lamps, in both 120 and 125 voltage service regions.

In light of the statutory standard and the rulemaking record, the Commission determined to require disclosure on the primary display panel of the specific lamp performance information based on operation of the lamp at 120 volts.

requirement was to require that efficiency be based on constant voltage for situations when mix of products were on shelves at same time). *But see* NEMA, G-3, 45 ("The Commission's regulations should expressly require manufacturers of incandescent lamps to disclose all performance characteristics when operated at 120 volts, regardless of the rated voltage.").

²⁵ See MN DPS, GG-9, 2; NEPS (Tr.), 44; LRC (Tr.), 44, 54-55; Angelo (Tr.), 57; ACEEE (Tr.), 59; IES (Tr.), 62.

²⁶ 42 U.S.C. 6294(a)(2)(C)(i).

¹⁶ *Id.*

¹⁷ *Id.* at 6.

¹⁸ *Id.* at 6 note 6.

¹⁹ *Id.* at 5-6.

²⁰ In the NPR, 58 FR 60147 (1993), the Commission proposed requiring disclosure of an energy efficiency number. Based on the definition of "lamp efficacy" in the EPA 92 amendments to EPCA, the NPR proposed requiring disclosure on lamp packages of an "Energy Index," based on each lamp product's lumens per watt rating. When it issued the final labeling rules, the Commission determined not to require this disclosure.

Otherwise, purchasers in most parts of the country who purchase lamps with a design voltage of 125 or 130 volts could be misled by exaggerated light output claims.²⁷ In order to ensure that purchasers in 125 volt service regions are provided accurate performance information, and to allow manufacturers flexibility in marketing longer-life, 130-volt design voltage lamps, however, the Commission determined to allow manufacturers, at their option, to disclose performance information at an additional design voltage. This information could be included on the primary display panel, or on a different package panel.²⁸

C. Proposed Amendments

NEMA's Petition raises no legal analysis that was not presented in the original rulemaking record, nor does it present any empirical information indicating that consumers would be misled by the dual sets of disclosures on the primary panel. NEMA, however, asserts that marketing considerations will lead manufacturers to want to put design voltage information on the primary display panel.²⁹ A review of the sample labels with dual disclosures on the primary display panel indicates that they may be confusing to consumers. The Commission believes that the approach NEMA suggests will be adequate to meet the statutory standard and ensure that purchasers receive accurate information they need in making purchase decisions.

Although the statute states that labeling information for these lamps shall be based on operation at 120 volts, regardless of the rated (or design) lamp voltage, it does not prohibit the Commission from allowing additional disclosures based on operation of the lamp at a different design voltage. The statute also leaves to the Commission's discretion both the specific disclosures that should be required and the manner

and format in which the disclosures should be made. The Commission, therefore, proposes amending the Rule to allow an optional disclosure format, as NEMA requests, for incandescent lamps with design voltages of 125 or 130 volts.³⁰ The Commission proposes amending the Rule to require use of the more detailed explanation regarding operation at 120 volts and to allow the placement of information on packages that NEMA proposed. In addition, to ensure that purchasers are aware that they are selecting a bulb with a design voltage of 125 volts or 130 volts, the Commission proposes amending the Rule to require that all panels of the package that contain a claim about lumen light, wattage or life clearly and conspicuously identify the lamp as "[125 volt/130 volt]."³¹

The Commission proposes promulgating the optional compliance method requested by NEMA as amendments to the Appliance Labeling Rule. The proposed amendments would comply with the statutory mandate because they would require clear and conspicuous disclosure on labels of the specific performance information for the lamps when they are operated at 120 volts. The proposed amendments would impose no additional requirements on manufacturers, but merely would allow an alternative format for manufacturers to make the required disclosures. At the same time, the proposed amendments would ensure that purchasers are provided with accurate information they need about the most efficient lamps that meet their requirements when they make purchase decisions.

IV. Other Issues

A. NEMA's Request (Disclosures for Reflector Lamps)

NEMA believes that the existing lamp labeling requirements in the Appliance Labeling Rule may be based on a technical misunderstanding of incandescent reflector lamp characteristics, and would lead consumers to purchase more energy intensive lamps than are needed.³² Accordingly, NEMA requests that the

Appliance Labeling Rule be either interpreted or amended as follows:³³

(1) to require that disclosure of light output for an incandescent reflector lamp shall be given for the lamp's "total forward lumens;" and

(2) to delete the requirement that the disclosure of light output be followed by the phrase "at beam spread."

NEMA further requests that Section 305.11(e)(1)(vi) of the Appliance Labeling Rule be either interpreted or amended to permit, but not require, a manufacturer the option to insert into the required Advisory Statement the following italicized words:

"To save energy costs, find the bulb with the *beam spread* and light output you need, then choose the one with the lowest watts."

In support of these requests, NEMA explains that it may not clearly have communicated to the Commission during the rulemaking proceeding the difference between total lumens (or total forward lumens), which are measured independently of beam spread, and beam intensity, which is a measure of a reflector lamp's performance independent of lumens. NEMA asserts that the requirement that the lumen disclosure be labeled "at beam spread," consequently, confuses two distinct performance characteristics of reflector lamps. NEMA states that reflector lamp purchasers choose a beam spread for a particular lighting task, whether requiring sharply concentrated light or more dispersed light. Then, purchasers determine how much light output or total forward lumens they need, rather than beam lumens. Finally, NEMA asserts that purchasers should be directed to the most efficient lamp at a given beam spread, which will be the lamp with the lowest wattage for the desired total lumen output.³⁴

NEMA believes that the existing requirements would merely confuse purchasers and distract them from purchasing the most efficient lamp that meets their needs. Such confusion would arise because, for lamps with the same total forward lumens, the spotlight or narrow beam lamp will always have fewer beam lumens than a floodlight. Labeling incandescent reflector lamps only in terms of beam lumens thus would often bias purchasers into selecting higher wattage lamps than are needed to meet their lighting needs, or to save energy. Further, NEMA states that the lamp efficiency standards specified by EPA 92 are based on total

²⁷ See Angelo (Tr.), 63: [P]eople may choose life or lumen output but if it's tested at 120 then there's no reason to go through the deception of saying it's a 130-volt lamp. It's simply enough to say that this lamp is going to produce less lumens[,] meaning it's going to have a different filament and it has really nothing to do with design wattage, it has to do with life and lumens. So in the circumstance of the people who were buying it for that reason, why go through a deception? Why not just tell them [it's] at 120 and let it be billed as a 120-volt lamp with less lumens and more life?

²⁸ See 16 CFR 305.11(e)(1)(C).

²⁹ NEMA also has indicated that, although less than 10% of the lamps sold have a design voltage of other than 120 volts, of the three largest manufacturers of the broad range of general service incandescent lamps, the percentage of stock-keeping units ("SKUs") designed for other than 120 volts ranges from between 40% and 50% for one manufacturer, to approximately 30% for another, and 10% to 20% for the third.

³⁰ If interested parties demonstrate that covered incandescent lamps at additional design voltages are produced and sold, the Commission can consider adding the additional design voltages to the option.

³¹ NEMA's counsel agreed that this condition would be appropriate.

³² Letter dated November 11, 1994, to Kent C. Howerton and James G. Mills, FTC, from Mark L. Perlis, Counsel to NEMA, at 2. See also Letter dated December 5, 1994, to Kent C. Howerton, FTC, from Mark L. Perlis, Counsel to NEMA.

³³ Petition at 1-3.

³⁴ Letter dated November 11, 1994, to Kent C. Howerton and James G. Mills, FTC, from Mark L. Perlis, Counsel to NEMA, at 2.

forward lumens rather than beam lumens.³⁵

B. Background

Not all light produced by an incandescent reflector lamp is reflected forward as useable light.³⁶ Some light may escape around the base of the cone and be lost into the lamp fixture. Some light may be reflected back and forth inside the cone and not be emitted as useful light output. In an attempt to ensure that only useable forward light output would be disclosed as the lamp's lumen light output, Section 305.11(e)(1)(iv) of the Appliance Labeling Rule requires that the light output disclosed shall be for the lamp's "beam spread," and be followed clearly and conspicuously by the phrase "at beam spread."

C. Proposed Amendments

The Commission agrees with NEMA's explanation and analysis. During the rulemaking proceeding, and in discussions between the Commission's staff and NEMA and various lamp manufacturers since the Commission issued the final lamp labeling amendments to the Appliance Labeling Rule, there has been confusion about the use of such terms as "beam spread," "beam angle," "total lumens," and "total forward lumens" for incandescent reflector lamps. NEMA's proposal would clarify that the required light output disclosure is for the useable light output reflected forward (as was intended by the Commission), and not merely of light focused within the more narrow "beam spread." The proposal also would clarify that the lumen disclosure for incandescent reflector lamps is consistent with the lumen measurement used by the Department of Energy (DOE) in determining the efficiency of these products under the minimum efficiency standards set by EPA 92.³⁷

³⁵ *Id.*

³⁶ Incandescent reflector lamps (also known as reflectorized incandescent lamps) are cone-shaped with a reflectorized coating applied to the cone-shaped part of the bulb. Incandescent reflector lamps thus allow light output to be directed and focused forward through the face of the lamp. They may be used, for example, to provide lighting from recessed ceiling fixtures or as spotlights or floodlights.

³⁷ See Interim final rule, 59 FR 49468 (1994). The EPA 92 amendments to EPCA specify minimum efficiency standards for incandescent reflector lamps and require DOE to issue rules specifying the test procedures to be used in enforcing the minimum efficiency standards. DOE published its interim final rule for testing to comply with EPA 92's minimum efficiency standards on September 28, 1994, after the Commission published the lamp labeling rule amendments to the Appliance Labeling Rule.

Accordingly, the Commission proposes amending Section 305.11(e)(1)(iv) of the Appliance Labeling Rule to clarify that the required lumen disclosure for incandescent reflector lamps is of "total forward lumens" instead of lumens "at beam spread." The Commission also proposes amending Section 305.11(e)(1)(iv) to delete the requirement that the lumen disclosure be followed by the phrase "at beam spread." Because the lumen disclosure for all incandescent reflector lamps must be based on the same lumen measurement, it is unnecessary to specify that the disclosure is "at beam spread." Lastly, the Commission proposes amending § 305.11(e)(1)(vi) to allow manufacturers, at their option, to insert in the Advisory Statement the reference to selecting a lamp with the "beam spread," as well as the light output purchasers need. The Commission believes that the optional Advisory Statement for incandescent reflector lamps would more appropriately advise purchasers that, to save on energy costs, they should select the lamp with the light output they need at the lowest watts after first selecting the type of incandescent reflector lamp (spotlight or floodlight) they need.

The Commission believes that the proposed amendments would impose no additional requirements on manufacturers. Instead, they merely would clarify the existing lamp labeling rules and allow manufacturers an option in making the Advisory Statement disclosure. At the same time, the Commission believes that the proposed amendments would ensure that purchasers are provided with accurate information they need about the most efficient lamps that meet their requirements when they make purchase decisions.

List of Subjects in 16 CFR Part 305

Advertising, Consumer protection, Energy conservation, Household appliances, Labeling, Lamp products, Penalties, Reporting and recordkeeping requirements.

V. Text of Proposed Amendments

Accordingly, the Commission proposes that 16 CFR Part 305 be amended as follows:

PART 305—RULE CONCERNING DISCLOSURES REGARDING ENERGY CONSUMPTION AND WATER USE OF CERTAIN HOME APPLIANCES AND OTHER PRODUCTS REQUIRED UNDER THE ENERGY POLICY AND CONSERVATION ACT ("APPLIANCE LABELING RULE")

1. The authority citation for Part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

2. Section 305.11, to become effective May 15, 1995, is amended by revising paragraph (e)(1)(iii), (iv), and (vi) as follows:

§ 305.11 Labeling for covered products.

* * * * *

(e) *Lamps*—

(1) * * *

(iii) The light output, energy usage and life ratings of any covered product that is a medium base compact fluorescent lamp or general service incandescent lamp (including an incandescent reflector lamp), shall be measured at 120 volts, regardless of the lamp's design voltage. If a lamp's design voltage is 125 volts or 130 volts, the disclosures of the wattage, light output and life ratings shall in each instance be:

(A) At 120 volts and followed by the phrase "at 120 volts." In such case, the labels for such lamps also may disclose the lamp's wattage, light output and life at the designed voltage (e.g., "Light Output 1710 Lumens at 125 volts"); or

(B) At the design voltage and followed by the phrase "at [125 volts/130 volts]" if the ratings at 120 volts are disclosed clearly and conspicuously on another panel of the package, and if all panels of the package that contain a claimed light output, wattage or life clearly and conspicuously identify the lamp as "[125 volt/130 volt]," and if the principal display panel clearly and conspicuously discloses the following statement:

This product is designed for [125/130] volts. When used on the normal line voltage of 120 volts, the light output and energy efficiency are noticeably reduced. See [side/back] panel for 120 volt ratings.

(1)(iv) For any covered product that is an incandescent reflector lamp, the required disclosure of light output shall be given for the lamp's total forward lumens.

* * * * *

(vi) For any covered product that is a compact fluorescent lamp or a general service incandescent lamp (including an incandescent reflector lamp), there shall be clearly and conspicuously disclosed on the principal display panel the following statement:

To save energy costs, find the bulbs with
the [beam spread and] light output you need,
then choose the one with the lowest watts.

* * * * *

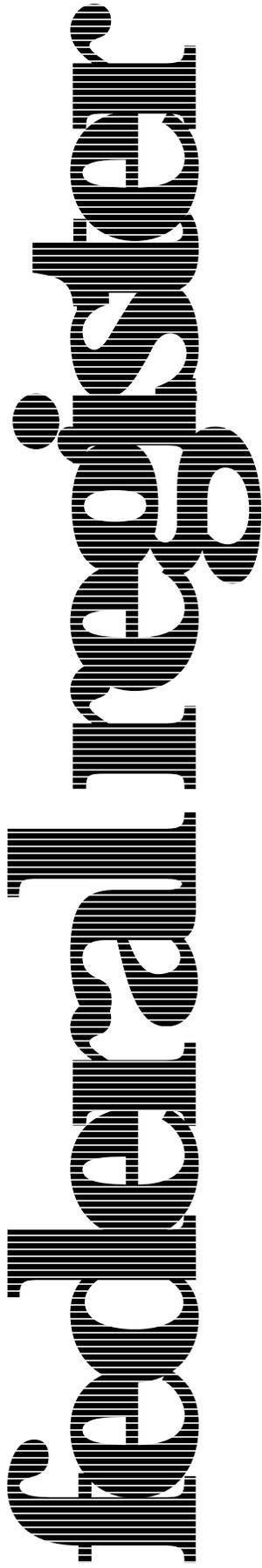
By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 95-7058 Filed 3-21-95; 8:45 am]

BILLING CODE 6750-01-P



Wednesday
March 22, 1995

Part VI

**Environmental
Protection Agency**

40 CFR Part 22

**Hazardous Waste: Technical Revision for
the Federal Facility Compliance Act of
1992 Amendments; Proposed Rule**

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 22

[FRL-5175-8]

Hazardous Waste: Technical Revision for the Federal Facility Compliance Act of 1992 Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is today proposing a rule in response to a requirement established by section 6001 of the Resource Conservation and Recovery Act (RCRA), as amended by the Federal Facility Compliance Act of 1992 (FFCA). The FFCA includes explicit authority to the Administrator of the EPA to commence administrative enforcement actions against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government that is in violation of requirements under RCRA. The FFCA further provides that no administrative enforcement order issued to a department, agency, or instrumentality of the Federal Government becomes final until the department, agency, or instrumentality has an opportunity to confer with the EPA Administrator. Today's proposal is a technical revision of the Agency's administrative rules of practice to provide a federal department, agency, or instrumentality which is the subject of an administrative enforcement order, with the opportunity to confer with the Administrator, as provided under the FFCA.

DATES: Comments on this proposed rule must be received on or before April 21, 1995.

ADDRESSES: Commenters must each send an original and two copies of their comments to EPA RCRA Docket (5305); Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Place the Docket Number F-95-TRFA-FFFFF on the comments. The docket is located in the EPA RCRA Docket Room M2616. The docket is open from 9 a.m. to 4 p.m., Monday through Friday except for public holidays. To review docket materials, make an appointment by calling 202-260-9327. The public may obtain copies of docket materials as provided for in 40 CFR part 2. There may be charges for copying services.

FOR FURTHER INFORMATION CONTACT: For general information contact the RCRA/CERCLA Hotline at 1-800-424-9346 or in the Washington Metropolitan Area at 703-412-9810. For information on

specific aspects of this proposed rule, contact Sally Dalzell, Federal Facilities Enforcement Office (2261), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, 202-260-9808.

SUPPLEMENTARY INFORMATION:

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- I. Statutory Authority
- II. Background
- III. Content of the Rule
- IV. Regulatory Analysis

I. Statutory Authority

This regulation is issued under the authority of sections 2002 and 6001(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), as amended by the Federal Facility Compliance Act (FFCA), 42 U.S.C. 6912 and 6961(b).

II. Background

The FFCA clarified that EPA has explicit authority to issue administrative enforcement orders to other federal agencies that are in violation of RCRA. In the past, where EPA found RCRA violations at a federal facility, it primarily relied on a negotiated Federal Facility Compliance Agreement to bring the federal facility into compliance. The FFCA amended RCRA to expressly authorize the EPA Administrator to commence an administrative enforcement action against federal facilities pursuant to the Agency's RCRA enforcement authorities. RCRA section 6001(b)(1), 42 U.S.C. 6961(b)(1). Moreover, the FFCA requires the Administrator to initiate administrative enforcement actions against federal facilities "* * * in the same manner and under the same circumstances as an action would be initiated against another person." Id. The legislative history makes it clear that Congress intends that the Agency issue administrative complaints pursuant to RCRA section 3008(a) to federal facilities to address violations that are of the same types that are found at private companies or municipalities. H.R. No. 102-886, 102nd Cong. 2nd Sess. at 19 (1992). Finally, the FFCA provides that before any such administrative enforcement order issued to a federal facility becomes final, the recipient department, agency, or instrumentality must have the opportunity to confer with the Administrator. RCRA section 6001(b)(2), 42 U.S.C. 6961(b)(2).

The adjudication process for all administrative enforcement complaints issued pursuant to RCRA section 3008(a) is governed by the Agency's Consolidated Rules of Practice

Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR part 22, and the Supplemental Rules of Practice governing the administrative assessment of civil penalties under the Solid Waste Disposal Act, 40 CFR 22.37. Under current regulations, the initial decision of a Presiding Officer shall become the final order of the Environmental Appeals Board within 45 days after its service upon the parties and without further proceedings unless an appeal is taken to the Environmental Appeals Board or the Environmental Appeals Board elects, sua sponte, to review the initial decision. 40 CFR 22.27(c). If the Presiding Officer's initial decision is appealed to the Environmental Appeals Board or if the Environmental Appeals Board elects, sua sponte, to review the initial decision, then the Environmental Appeals Board issues a final order as soon as practicable after receiving the appellate briefs or oral argument, which ever is later. 40 CFR 22.31.

These rules currently have no provisions which accommodate the statutory requirement that no such administrative enforcement order issued to a federal facility shall become final until the recipient agency has had an opportunity to confer with the Administrator. The purpose of today's proposed rule is to revise 40 CFR part 22 to reflect a federal agency's right to an opportunity to confer with the Administrator before an administrative enforcement order issued to that agency becomes a final order.

III. Content of the Rule

The proposed rule would revise the supplemental practice rules for RCRA administrative orders, 40 CFR 22.37, by adding a new paragraph (g) in the nature of a technical amendment. Specifically, under new paragraph (g), an order issued by the Environmental Appeals Board to a federal agency for RCRA violations would not be a final order, if the recipient federal agency made a timely request for a conference with the Administrator. In that event, the decision by the Administrator would be the final order. New paragraph (g) would also establish the timing and procedure that a federal agency must follow to preserve its right to confer with the Administrator prior to an administrative enforcement order becoming final. The head of the recipient federal agency would have 30 days from the Environmental Appeal Board's service of an order or decision to request a conference with the Administrator in writing. The request must also be served upon all parties of

record. Finally, new paragraph (g) states that a motion for reconsideration filed under 40 CFR 22.32 does not toll the 30-day period for filing a request for a conference with the Administrator.

The Agency believes that placing the conference at the end of the administrative enforcement process will enable the Agency to proceed with an enforcement case against a Federal agency in the same manner as it would against a private party. This procedure also best assures that the Administrator will have a complete factual and legal record on which to base a decision. The Agency further believes that the 30-day request period, and the requirement that the request for a conference be in writing and served upon the parties of record, are fair and reasonable requirements necessary for the orderly administration of administrative enforcement actions against federal agencies.

The Agency also believes that not tolling the period for requesting a conference for the filing of motions for reconsideration with the Environmental Appeals Board is consistent with 40 CFR 22.32. That section provides that the filing of a motion for reconsideration does not stay the effective date of an Environmental Appeals Board final order. Moreover, the Agency sees no reason to build additional delay into the administrative enforcement process by automatically tolling the request period during the pendency of a motion for reconsideration before the Environmental Appeals Board. Under the proposed rule, the Environmental Appeals Board can grant a request to toll the time period for filing a request for a conference; in addition, the Administrator can always take into account a motion for reconsideration filed with the Environmental Appeals Board, when scheduling a requested conference.

Finally, the proposed rule is consistent with previously published Agency guidance issued by the Office of Federal Facilities Enforcement entitled: *Federal Facility Compliance Act: Enforcement Authorities Implementation*, dated July 6, 1993 (58 FR 49044, September 12, 1993). This guidance remains in effect for matters not covered by the proposed rule.

IV. Regulatory Analysis

A. Executive Order No. 12866

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)) the Agency must determine whether the regulatory action is "significant" and therefore

subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980 (Pub. L. 96-354), requires Federal regulatory agencies to consider the impact of rulemaking on "small entities." If a rulemaking will have a significant impact on small entities, agencies must consider regulatory alternatives that minimize economic impact.

Today's decision does not affect any small entity. Rather, it is merely a technical amendment to the part 22 procedures ensuring consistency between the regulatory procedures and the Federal Facility Compliance Act. Accordingly, this action will not add any economic burdens to any affected entities, small or large. Therefore, a regulatory flexibility analysis is not required. Pursuant to Section 605(b) of the RFA, 5 U.S.C. section 605(b), the Administrator certifies that this rule will not have a significant impact on small entities.

C. Paperwork Reduction Act

This rule does not contain any information collection requirements subject to review of the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501, *et. seq.*

List of Subjects in 40 CFR Part 22

Environmental protection, Administrative practice and procedure,

Air pollution control, Hazardous substances, Hazardous waste, Penalties, Pesticides and pests, Poison prevention, Water pollution control, Federal facilities.

Dated: March 15, 1995.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, 40 CFR part 22 is proposed to be amended as follows:

PART 22—[AMENDED]

1. The authority citation for part 22 continues to read as follows:

Authority: 42 U.S.C. 6961.

2. Section 22.37 is amended by adding a new paragraph (g) to read as follows:

§ 22.37 Supplemental rules of practice governing the administrative assessment of civil penalties under the Solid Waste Disposal Act

* * * * *

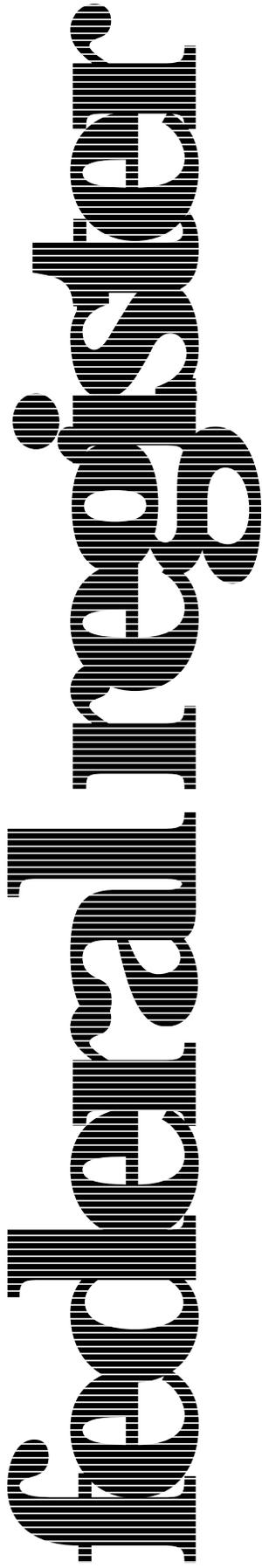
(g) *Final Orders to Federal Agencies on Appeal.* (1) In the case of an administrative order or decision issued to a department, agency, or instrumentality of the United States, such order or decision shall become the final order for purposes of the Federal Facility Compliance Act, 42 U.S.C. 6961(b), in accordance with §§ 22.27(c) and 22.31 except as provided in paragraph (g)(2) of this section.

(2) In the case of an administrative order or decision issued by the Environmental Appeals Board, if the head of the affected department, agency, or instrumentality requests conference with the Administrator in writing and serves a copy of the request on the parties of record within thirty days of the Environmental Appeals Board's service of the order or decision, a decision by the Administrator (rather than the Environmental Appeals Board) shall be the final order for the purposes of the Federal Facility Compliance Act.

(3) In the event the department, agency, or instrumentality of the United States files a motion for reconsideration with the Environmental Appeals Board in accordance with § 22.32, filing such motion for reconsideration shall not toll the thirty-day period for filing the request with the Administrator for a conference unless specifically so ordered by the Environmental Appeals Board.

[FR Doc. 95-7067 Filed 3-21-95; 8:45 am]

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Wednesday
March 22, 1995

Part VII

**Department of
Transportation**

Federal Highway Administration

23 CFR Part 658

**Truck Size and Weight; Restrictions on
Longer Combination Vehicles; Final Rule**

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****23 CFR Part 658**

[FHWA Docket No. 92-15]

RIN 2125-AD53

Truck Size and Weight; Restrictions on Longer Combination Vehicles and Vehicles With Two or More Cargo-Carrying Units

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; technical corrections.

SUMMARY: This document corrects appendix C and appendix A to part 658, as well as a few other provisions of part 658. The final rule imposing a freeze on the operation of longer combination vehicles (LCVs) on the Interstate System and vehicles with two or more cargo-carrying units on the National Network (NN) was published on June 13, 1994, and created appendix C. The rule provided that the Federal Highway Administrator may determine if the information in appendix C is correct and if not, may make appropriate corrections. Accordingly, appendix C is being amended to correct the maximum vehicle weight in Michigan and Montana, access and route information in Oklahoma, add a new vehicle and correct a route in Oregon, and correct the offtracking formula in South Dakota. In appendix A, the route listing for the State of Virginia is being corrected, a note is being added to the entry for the State of Iowa, and the route listings for the State of Kentucky are being clarified. Minor corrections are also being made to other provisions in the final rule.

EFFECTIVE DATE: March 22, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Klimek, Office of Motor Carrier Information Management, (202) 366-2212 or Mr. Charles Medalen, Office of the Chief Counsel, (202) 366-1354, Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: A final rule implementing sections 1023 and 4006 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102-240, 105 Stat. 1914, 1951, codified at 23 U.S.C. 127(d) and 49 U.S.C. 31112, respectively) was published on June 13, 1994 (59 FR 30392). It provided that the Federal Highway Administrator, on his own motion or on the request of any other

person, may determine if the information in appendix C to the final rule is correct and, if not, make the appropriate corrections. This document makes corrections in appendix A as well as in appendix C and other corrections to the final rule.

In the preamble, under the heading, "Vehicles Submitted by States but Excepted From or Not Subject to Section 4006 of the ISTEA," a sentence in the middle of the first column on page 30394 reads as follows: "However, dromedary equipped truck tractors in actual operation on December 1, 1982, are grandfathered under § 658.13(f) * * *." This should be corrected to § 658.13(g) to conform to the numbering used in the final rule.

Paragraph (k) of § 658.17 is being amended to show that any vehicle which is regularly and exclusively used as an intrastate public agency transit passenger bus has been excluded from the axle weight limits in § 658.17(c), (d), and (e) until October 6, 1995, by a notice published November 22, 1994 (59 FR 60242). Axle weight limits authorized by each State will apply until then.

Paragraph (b)(3) of § 658.23 is being amended to indicate that "truck-trailer" and "truck-semitrailer" combinations with two or more cargo-carrying units 65 feet or less in length may operate on the NN. The current reference to a "truck tractor-semitrailer" and "truck tractor-trailer" is erroneous since these vehicles have only one cargo-carrying unit, and thus would not be subject to the freeze under any reading of the statute.

The NN for Iowa as shown in appendix A to part 658 is being amended. Effective July 1, 1994, the State amended its laws to allow vehicles with dimensions mandated in the Surface Transportation Assistance Act of 1982 (STAA) to operate on all State highways. Some States, before the NN was designated, already allowed STAA-dimensioned vehicles to operate on all primary Federal-aid highways. In those States, only Interstate highways were listed as NN routes. Iowa, on the other hand, allowed STAA vehicles on many, but not all, primary system highways, and the NN routes listed in appendix A reflect that choice. Although Iowa has now opened all of its highways to STAA-dimensioned vehicles, the federally-designated routes will continue to be shown along with a note at the beginning of the Iowa listing in appendix A explaining the State's current law.

The NN for Kentucky as shown in appendix A of part 658, "National Network—Federally Designated

Routes," is being changed. The State requested a clarification of its routes, such as showing exit numbers instead of referring to the end of a route. In addition, the note for I-75/71 in the Cincinnati area is being deleted since it was only valid through 1992 and has not been officially extended. A new note is being added at the end of the Kentucky routes to explain that although the Kentucky state line is near the Ohio shoreline on the U. S. Grant Bridge, the terminal point for US 23 is listed as the south end of the bridge. This is because the bridge is maintained by the State of Ohio.

The NN for Virginia as shown in appendix A of part 658, "National Network—Federally Designated Routes," is being corrected for Route US 360. "Richmond" should have been shown in the "From" column following "I-64 Exit 192" instead of the "To" column following "VA 627 Village" since Exit 192 on I-64 is in Richmond.

In the table published in appendix C in the final rule on pages 30422 and 30423, "Vehicle Combinations Subject to Pub. L. 102-240," the maximum cargo-carrying length and maximum gross weight are shown on the same line in columns 1 and 2, with the length on the left and the weight on the right. The text of the paragraph immediately preceding the table is being amended to correspond to the present table citation format which places the length and weight figures on the same line, rather than one above the other, as originally planned.

The maximum allowable gross weight in Michigan for a truck tractor and two trailing units with a maximum cargo-carrying length of 58 feet was established in appendix C of part 658 as 154,000 pounds because the FHWA believed that was the maximum practical gross weight. However, the State has verified that a truck tractor and two trailing units with 11 total axles may carry 164,000 pounds. The weight limit is determined from axle and axle group weights. The axles, for purposes of this discussion, are numbered from 1, for the steering axle, to 11 for the last axle in the combination, and are arranged as follows: 1 23 4567 8 9 1011. The longer distances between axles are all 9 feet and the shorter are 3 feet 6 inches. The first three are on the tractor, the next four on the semitrailer, and the last four on the full trailer. Axles 1, 8, and 9 may carry 18,000 pounds each; axles 2 and 3 may carry 16,000 pounds each; and axles 4, 5, 6, 7, 10, and 11 may carry 13,000 pounds each for a total of 164,000 pounds.

The maximum allowable gross weight for LCV's in Montana is shown as

137,800 pounds. However, this is the maximum only for LCV's operating on I-15 between Sweetgrass and Shelby under the Montana/Alberta Memorandum of Understanding. Based on material previously submitted by the State, the maximum gross weight for other LCV's is 131,060 pounds. This has been corrected.

Under Oklahoma in appendix C, the maximum length of cargo-carrying units for a truck tractor and two trailing units is 110 feet. Under the heading of "VEHICLE" for the same combination, the maximum semitrailer or trailer length is shown as 59.5 feet. The State had previously claimed a cargo-unit length of 118 feet, based on the operation of two 57-foot trailers spaced 4 feet apart. Trailers 59.5 feet long are grandfathered for single-trailer operations, as indicated in appendix B to part 658, but the State did not demonstrate that they ran in a twin-trailer configuration before June 1, 1991. The Oklahoma Transportation Commission amended the State's administrative rules in April 1994 to limit the length of the trailers allowed to operate in a double configuration to 53 feet and the overall cargo-carrying length of such a configuration to 110 feet. The reference to a 59.5-foot semitrailer or trailer will therefore be changed to 53 feet, which is consistent with a 110-foot overall maximum cargo-carrying length.

The listing of "ROUTES" for truck tractors and 2 trailing units in Oklahoma was incomplete as some of the routes were shown under the "ACCESS" listing. This was corrected by putting all of the routes under "ROUTES", which left the "ACCESS" provisions (to service facilities and terminals within a 5-mile radius) applicable to all of the routes. The State also indicated that access is allowed from one multilane highway to another via two-lane roads when the distance is not over 15 miles. This correction was also made.

The "PERMIT" section for a truck tractor and three trailing units is also being corrected to reflect that a single special permit authorizes both three units and the maximum gross weight of 90,000 pounds. The permit fee statement at the end of the "PERMIT" section is also being corrected to show that there is only one fee for the permit.

Finally, the "PERMIT" section is being corrected by removing the time-of-travel restriction since it applies only on vehicles or loads which are not easily divided. This type of permitted movement is not subject to the provisions of § 658.23.

A truck-trailer combination is being added under Oregon in appendix C. This was inadvertently overlooked in the material previously furnished by the State.

The list in appendix C showing routes available to triple trailer combinations in Oregon is also being corrected. One segment of US 20 is shown as extending from "Jct. OR 22/OR 126" to "US 26 Vale Santiam Junction." However, Santiam Junction should be under the "From" column since it is located near the junction of OR 22/OR 126.

The offtracking formula for South Dakota in the first column on page 30443 was corrected by the State to read as follows:

$$\text{Offtracking Formula} = 161 - [161^2 - (L_1^2 + L_2^2 + L_3^2 + L_4^2 + L_5^2 + L_6^2 + L_7^2 + L_8^2)]^{1/2}$$

Utah found that the information under the heading "Routes" in appendix C was not clearly presented. It has been revised to provide greater clarity.

Regulatory Analyses and Notices

The Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, allows agencies engaged in rulemaking to dispense with prior notice to the public when the agency for good cause finds that such procedure is impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(3)(B). The FHWA has determined that providing prior notice to the public on this action is unnecessary. This action merely makes corrections to two of the appendices to 23 CFR 658. It does not add new requirements to the regulations. For these same reasons, the FHWA has determined that it has good cause to make the rule effective upon publication in the **Federal Register**. 5 U.S.C. 553(d)(3).

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of U.S. Department of Transportation Regulatory Policies and Procedures. The rule simply makes minor changes to Part 658 to correct errors. It is anticipated that the economic impact of this rulemaking will be minimal; therefore, a regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the FHWA has evaluated the effects of this rule on small entities. Based on this

evaluation, and for the reasons set forth in the preceding two paragraphs, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that it does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

Executive Order 12372 (Intergovernmental Review)

The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this proceeding.

Paperwork Reduction

This action does not contain an additional or expanded collection of information requirement for purposes of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

The FHWA has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 658

Grant programs—transportation, Highways and roads, and Motor carrier size and weight.

Issued on: March 16, 1995.

Rodney E. Slater,

Federal Highway Administrator.

In consideration of the foregoing, the FHWA is amending 23 CFR, subchapter G, part 658 as set forth below.

PART 658—TRUCK SIZE AND WEIGHT, ROUTE DESIGNATIONS—LENGTH, WIDTH, AND WEIGHT LIMITATIONS

1. The authority citation for 23 CFR part 658 is revised to read as follows:

Authority: 23 U.S.C. 127 and 315; 49 U.S.C. 31111-31115; 49 CFR 1.48(b)(19) and (c)(19).

2. In § 658.17, paragraph (k) is revised to read as follows:

§ 658.17 Weight.

* * * * *

(k) Any vehicle which is regularly and exclusively used as an intrastate public agency transit passenger bus is excluded from the axle weight limits in

paragraphs (c) through (e) of this section until October 6, 1995.

3. In § 658.23, paragraph (b)(3) is revised to read as follows:

§ 658.23 LCV freeze; cargo-carrying unit freeze.

* * * * *

(b) * * *

(3) Truck-trailer and truck-semitrailer combinations with an overall length of 65 feet or less.

* * * * *

4. Appendix A to part 658 is amended for the State of Iowa by adding a note at the beginning of the listing. The entry for the State of Kentucky is revised and the entry for the State of Virginia is amended by revising the entry for US 360. These changes are as follows:

Appendix A to Part 658—National Network—Federally-Designated Routes

* * * * *

Route	From	To
Iowa		

Note: Iowa State law allows STAA-dimensioned vehicles to operate on all highways in the State. The routes shown below were incorporated into the NN by the FHWA in 1984.

* * * * *

Route	From	To
Kentucky		

I-471 Connector	US 27 Highland Heights	I-275/471 Interchange.
US 23	Virginia State Line	US 119 near Jenkins, S. end U.S. Grant Bridge South Portsmouth.
US 23	US 119 N. of Pikeville	Ohio State Line.
US 23 Spur	US 60 Ashland (via 13th St. Bridge)	KY 876 Richmond.
US 25/421	Int. US 25/US 421 S. of Richmond	Nandino Blvd., Lexington.
US 25/421	KY 418 (via KY 4)	I-75 Exit 29 N. of Corbin.
US 25E	Virginia State Line	Ohio State Line.
US 27	Tennessee State Line (via KY 4 Lexington)	KY 255 Park City.
US 31W	Tennessee State Line	I-264 Exit 8 Louisville.
US 31W	Byp US 31W N. of Elizabethtown	US 31W N. of Elizabethtown.
US 31W Byp	Western Kentucky Parkway Exit 136	Indiana State Line.
US 41	Pennyrile Parkway Henderson	Pennyrile Parkway near SCL Hopkinsville.
US 41	Tennessee State Line	US 60 Paducah.
US 45	Jackson Purchase Parkway N. of Mayfield	Int. US 60/62 Paducah.
US 60	US 45 Paducah	KY 69 Hawesville.
US 60	US 60 Byp W. of Owensboro	US 31W S. of Muldraugh.
US 60	KY 144 Garrett	I-75 Exit 110 Lexington.
US 60	Int. US 421/KY 676 Frankfort (via KY 4 Lexington)	US 23 Ashland.
US 60	KY 180 Cannonsburg	US 60 E. of Owensboro.
US 60 Byp	US 60 W. of Owensboro	US 68.
US 62	I-24 Exit 7 Paducah (via US 60 Paducah)	Ohio State Line.
US 62/68	Washington	I-24 Exit 16 Green River Parkway Exit 5 Bowling Green.
US 68	US 62	
US 68	I-24 Exit 65 E. of Cadiz (via US 41 Hopkinsville)	
US 68	US 27 Paris (via Paris Byp)	Int. US 62/68 Washington.
US 119	KY 15 E. of Whitesburg	US 23 near Jenkins.
US 119	US 25E S. of Pineville	US 421 Harlan.
US 119	US 23 N. of Pikeville	KY 1441.
US 127	KY 22 Owenton	KY 35 Bromley.
US 127	US 127 Byp N. of Danville (via US 68 Harrodsburg)	US 60 Frankfort (via Lawrenceburg Byp.).
US 127 Byp	US 127 S. of Danville	US 127 N. of Danville.
US 127 Byp	US 127 S. of Lawrenceburg	US 127 N. of Lawrenceburg.
US 150	US 62 Bardstown (via US 68 Perryville, the Danville Byp, and the Stanford Byp).	US 27 N. of Stanford.
US 150 Byp	US 127 S. of Danville	US 150 E. of Danville.
US 150 Byp	US 150 N. of Stanford	US 27 N. of Stanford.
US 231	US 60 Byp Owensboro	Indiana State Line.
US 421	0.1 mile S. of Harlan Appalachian Regional Hospital	US 119.
US 421	Int. US 60/460 Frankfort	US 127 Wilkinson Blvd./Owenton Rd. Interchange Frankfort.
US 431	US 60 Byp Owensboro	US 60 (4th St.) Owensboro.
US 460	I-64 Exit 110 N. of Mt. Sterling	KY 686 Mt. Sterling.
US 460	E. end Mountain Pkwy. Extension	US 23 W. of Paintsville.
US 641	Tennessee State Line	KY 348 Benton.
KY 4	US 27 S. Lexington	Entire Circle of Lexington.

Route	From	To
KY 11	KY 3170 Lewisburg	US 62/68 Maysville.
KY 15	US 119 Whitesburg (via KY 7 Isom)	KY 15 Spur/KY 191 Campton.
KY 15	KY 15/191 Campton	Mountain Parkway Exit 43.
KY 21	I-75 Exit 76 W. of Berea	US 25 Berea.
KY 35	US 127 Bromley	I-71 Exit 57.
KY 55	Cumberland Parkway Exit 49 Columbia	US 150 Springfield.
KY 61	Peytonsburg	KY 90 Burkesville
KY 69	US 60 Hawesville	Indiana State Line.
KY 70/90	I-65 Exit 53	US 31E Glasgow.
KY 79	KY 1051 Brandenburg	Indiana State Line.
KY 80	KY 80 Byp. E. of Somerset	US 25 N. of London.
KY 80	KY 15 N. of Hazard	US 23 Watergap.
KY 80/US 421	S. ramps Daniel Boone Parkway Exit 20	2nd Street Manchester.
KY 80 Byp	US 27 Somerset	KY 80 E. of Somerset.
KY 90	KY 61 Burkesville	US 27 Burnside.
KY 114	US 460 E. of Salyersville	US 23/460 S. of Prestonburg.
KY 118	Int. US 421/KY 80 Hyden	Daniel Boone Parkway Exit 44.
KY 144	KY 448	US 60 Garrett.
KY 151	US 127 N. of Lawrenceburg	I-64 Exit 48.
KY 180	I-64 Exit 185	Int. US 60/KY 180 Cannonsburg.
KY 192	I-75 Exit 38	Daniel Boone Parkway E. of London.
KY 259	Western Kentucky Parkway Exit 107	US 62 Leitchfield.
KY 418	US 25/421 Lexington	I-75 Exit 104.
KY 446	US 31W Bowling Green	I-65 Exit 28.
KY 448	KY 144	KY 1051 Brandenburg.
KY 555	US 150 Springfield	Bluegrass Parkway Exit 42.
KY 676	US 127 Frankfort	US 60/421 Frankfort.
KY 686	US 460 Mt. Sterling	KY 11 S. of Mt. Sterling.
KY 876	I-75 Exit 87 Richmond	KY 52.
KY 922	KY 4 Lexington	I-64/75 Exit 115.
KY 1051	KY 448 S. of Brandenburg	KY 79.
KY 1682	US 68 W. of Hopkinsville	Pennyrile Parkway Exit 12 NCL Hopkinsville.
KY 1958	KY 627 S. of Winchester	I-64 Exit 94 Winchester.
Audubon Parkway	Pennyrile Parkway Exit 77 Henderson	US 60 Byp Owensboro.
Blue Grass Parkway	I-65 Exit 93 E. of Elizabethtown	US 60 E. of Versailles.
Cumberland Parkway	I-65 Exit 43 N. of Hays	US 27 Somerset.
Daniel Boone Parkway	US 25 N. of London	KY 15 N. of Hazard.
Green River Parkway	I-65 Exit 20 S.E. of Bowling Green	US 60 Byp Owensboro.
Jackson Purchase Parkway	Tennessee State Line	I-24 Exit 25 E. of Calvert City.
Mountain Parkway and Mountain Parkway Extension.	I-64 Exit 98 E. of Winchester	US 460 Salyersville.
Pennyrile	US 41 Alt. Hopkinsville	US 41 Henderson.
Western Kentucky Parkway	I-24 Exit 42 S. of Eddyville	I-65 Exit 91 S. of Elizabethtown.

Note: US 23 crosses the Ohio River between South Portsmouth, KY and Portsmouth, OH via the U.S. Grant Bridge. Although the state line is near the Ohio shoreline, putting most of the bridge in Kentucky, the terminal point for US 23 is listed as the south end of the bridge because the bridge is maintained by the Ohio DOT.

* * * * *

Route	From	To
Virginia		
US 360	I-64 Exit 192 Richmond	VA 617 Village.

* * * * *

5. Appendix C to part 658 is amended as follows:

A. By revising the paragraph immediately preceding the table entitled "Vehicle Combinations Subject to Pub. L. 102-240"; and revising the entry for the State of Michigan in that table;

B. In the listing for the State of Montana for the combination "Truck tractor and 2 trailing units—LCV"

revising the weight under the heading "Maximum Allowable Gross Weight" and by revising the maximum gross weight limit under the heading "Operational Conditions: Weight"; and for the combination "Truck tractor and 3 trailing units—LCV", revising the maximum gross weight limit under the heading "Operational Conditions: Weight";

C. In the listing for the State of Oklahoma for the combination "Truck tractor and 2 trailing units—LCV", under "Operational Conditions" and under the heading "Vehicles", "Access", and "Routes", revising the vehicle access and route information. Also in the listing for the State of Oklahoma for the combination "Truck tractor and 3 trailing units—LCV", under "Operational Conditions",

revising the text under the heading "Permit";

D. In the listing for the State of Oregon, adding at the end a new vehicle "Truck-trailer—LCV", and revising the reference to US 20 route for a "Truck tractor and 3 trailing units—LCV";

E. In the listing for the State of South Dakota for the combination "Truck tractor and 2 trailing units—LCV", under "Operational Conditions" and under "Vehicle", the offtracking formula is revised; and

F. In the listing for the State of Utah for the combinations "Truck tractor and 2 trailing units—LCV", "Truck-trailer", and "Automobile transporter", under "Operational Conditions", revising the information under the heading "Routes" in three places.

Appendix C to Part 658—Trucks Over 80,000 Pounds on the Interstate System and Trucks Over STAA Lengths on the National Network

* * * * *

In the following table the left number is the maximum cargo-carrying length measured in feet from the front of the first cargo unit to the rear of the last cargo unit. This distance is not to include length exclusive devices which have been approved by the Secretary or by any State. Devices excluded from length determination shall only include items whose function is related to the safe and efficient operation of the semitrailer or trailer. No device excluded from length determination shall be designed or used for carrying cargo. The right number is the maximum gross weight in thousands of pounds that the type of vehicle can carry when operating as an LCV on the Interstate System. For every State where there is a length or weight number in the table that follows, additional information is provided.

VEHICLE COMBINATIONS SUBJECT TO PUB. L. 102-240

State	Truck tractor and 2 trailing units	Truck tractor and 3 trailing units	Other
	1	2	3
Michigan ..	58' 164K	No	No.
* ..	*	*	*

STATE: MONTANA

COMBINATION: Truck tractor and 2 trailing units—LCV

* * * * *
 MAXIMUM ALLOWABLE GROSS WEIGHT: 137,800 pounds for vehicles operating under the Montana/Alberta Memorandum of Understanding (MOU). For other MT-TT2 combinations, the maximum allowable gross weight is 131,060 pounds.

OPERATIONAL CONDITIONS: WEIGHT: Except for vehicles operating under the MOU, any vehicle carrying a divisible load over 80,000 pounds must comply with the Federal Bridge Formula found in 23 U.S.C. 127. Maximum single-axle limit: 20,000 pounds. Maximum tandem-axle limit: 34,000 pounds. Maximum gross weight limit: 131,060 pounds. Maximum weight allowed per inch of tire width is 600 pounds.

* * * * *
 COMBINATION: Truck tractor and 3 trailing units—LCV

* * * * *
 OPERATIONAL CONDITIONS: WEIGHT: Any vehicle carrying a divisible load over 80,000 pounds must comply with the Federal Bridge Formula found in 23 U.S.C. 127.

Maximum single-axle limit: 20,000 pounds
 Maximum tandem-axle limit: 34,000 pounds
 Maximum gross weight limit: 131,060 pounds
 Maximum weight allowed per inch of tire width is 600 pounds.
 * * * * *

STATE: OKLAHOMA

COMBINATION: Truck tractor and 2 trailing units—LCV

* * * * *
 OPERATIONAL CONDITIONS:
 * * * * *

VEHICLE: All vehicles must meet the requirements of applicable Federal and State statutes, rules, and regulations. Vehicles and load shall not exceed 102 inches in width on the Interstate System and four-lane divided highways. Maximum semitrailer length is 53 feet.

Multiple trailer combinations must be stable at all times during braking and normal operation. A multiple trailer combination when traveling on a level, smooth, paved surface must follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side when the towing vehicle is moving in a straight line. Heavier trailers are to be placed to the front in multiple trailer combinations.

* * * * *

ACCESS: Access is allowed from legally available routes (listed below) to service facilities and terminals within a 5-mile radius. Access is also authorized on two-lane roadways which connect multi-lane divided highways when such connection does not exceed 15 miles.

ROUTES: Doubles with 29-foot trailers may use any route on the NN. Doubles with at least one trailer or semitrailer over 29 feet in length are limited to the Interstate and other multi-lane divided highways listed below.

	From	To
I-35	Texas	Kansas.
I-40	Texas	Arkansas.
I-44	Texas	Missouri.
I-235	Entire length in Oklahoma City	
I-240	Entire length in Oklahoma City	
I-244	Entire length in Tulsa	
I-444	Entire length in Tulsa	
I-40 Bus	I-40 Exit 119	US 81 El Reno.
US 60	I-35 Exit 214	US 177 Ponca City.
US 62	US 69 Muskogee	OK 80 Ft. Gibson.
US 62	I-44 Exit 39A Lawton	OK 115 Cache.
US 64	Cimarron Turnpike	I-244 Tulsa.
US 64	I-35 Exit 186 Perry	US 77 Perry.
US 64	I-40 Exit 325 Roland	Arkansas.
US 69	Texas	I-44 (Will Rogers Tpk.) Exit 282.
US 70	OK 76 Wilson	I-35 Exits 31A-B Ardmore.
US 75	I-40 Exits 240A-B Henryetta	I-244 Exit 2 Tulsa.

	From	To
US 75	I-44 Exits 6A-B Tulsa	Dewey.
US 77	I-35 Exit 141 Edmond	3.5 mi. W of I-35.
US 81	I-44 (Bailey Tpk.) Exit 80	South Intersection OK 7 Duncan.
US 81	OK 51 Hennessey	11.5 mi. N of US 412.
US 169	OK 51 Tulsa	OK 20 Collinsville.
US 270	Indian Nation Tpk. Exit 4	US 69 McAlester.
US 270	OK 9 Tecumseh	I-40 Exit 181.
US 271	Texas	Indian Nation Tpk. Hugo.
US 412	I-44 Exit 241 Catoosa	US 69.
US 412	OK 58 Ringwood	I-35 Exits 194A-B.
US 412	US 69 Chouteau	OK 412 B.
OK 3	I-44 Exit 123	Oklahoma/Canadian County Line.
OK 3A	OK 3 Oklahoma City	I-44 Exit 125B Oklahoma City.
OK 7	I-44 Exits 36A-B	OK 65 Pumpkin Center.
OK 7	I-35 Exit 55	US 177 Sulphur.
OK 7	South intersection US 81 Duncan	7.5 mi. E of US 81.
OK 9	I-35 Exit 108A	US 77 Norman.
OK 11	I-35 Exit 222	US 177 Blackwell.
OK 11	US 75 Tulsa	I-244 Exit 12B.
OK 33	US 77 Guthrie	I-35 Exit 157 Guthrie.
OK 51	I-35 Exit 174	US 177 Stillwater.
OK 51	I-44 Exit 231 Tulsa	Muskogee Tpk. Broken Arrow.
OK 165	Connecting two sections of the Muskogee Turnpike at Muskogee.	
OK 165	US 64/Bus. US 64 Muskogee	Muskogee Tpk.
Cimarron Tpk .	I-35 Exit 194	US 64.
Cimarron Tpk Conn.	US 177 Stillwater	Cimarron Tpk.
Indian Nation Turnpike.	US 70/271 Hugo	I-40 Exits 240A-B Henryetta.
Muskogee Tpk	OK 51 Broken Arrow	US 62/OK 165 Muskogee.
Muskogee Tpk	OK 165 Muskogee	I-40 Exit 286 Webber's Falls.

* * * * *
COMBINATION: Truck tractor and 3 trailing units—LCV
 * * * * *

PERMIT: An annual special combination permit is required for the operation of triple-trailer combinations on the Interstate System and other four-lane divided primary highways. This permit also authorizes such combinations to exceed 80,000 pounds on the Interstate System.

The permit holder must certify that the driver of a triple-trailer combination is qualified. Operators of triple-trailer combinations must maintain a 500-foot following distance and must drive in the right lane, except when passing or in an emergency.

Speed shall be reduced and extreme caution exercised when operating triple-trailer combinations under hazardous conditions, such as those caused by snow, wind, ice, sleet, fog, mist, rain, dust, or smoke. When conditions become sufficiently dangerous, as determined by the company or driver, operations shall be discontinued and shall not resume until the vehicle can be safely operated. The State may restrict or prohibit operations during periods when, in the State's judgment, traffic, weather, or other safety conditions make such operations unsafe or inadvisable.

Class A and B explosives; Class A poisons; Class 1, 2, and 3 radioactive material; and any other material deemed to be unduly hazardous by the U.S. Department of Transportation cannot be transported in triple-trailer combinations.

A fee is charged for the annual special authorization permit.

* * * * *

STATE: OREGON

COMBINATION: Truck tractor and 3 trailing units—LCV

* * * * *

ROUTES: The following NN routes are also open to truck tractor and three trailing unit combinations.

* * * * *

	From	To
US 20 ...	Jct OR 22/OR126 Santiam Junction.	US 26 Vale.

* * * * *

STATE: OREGON

COMBINATION: Truck-trailer—LCV
WEIGHT, DRIVER, ACCESS, ROUTES, AND LEGAL CITATIONS: Same as OR-TT2 combination.

VEHICLE: The truck may have a built-in hoist to load cargo. Including the hoist it may be up to 41.5 feet long.

Any towed vehicle in a combination must be equipped with safety chains or cables to prevent the towbar from dropping to the ground in the event the coupling fails. The chains or cables must have sufficient strength to control the towed vehicle in the event the coupling device fails and must be attached with no more slack than necessary to permit proper turning. However, this requirement does not apply to a fifth-wheel coupling if the upper and lower halves of the fifth wheel must be manually released before they can be separated.

PERMIT: A permit is required for operation if the gross combination weight exceeds 80,000 pounds. A fee is charged. The combination must use splash and spray devices when operating in rainy weather. Movement is not allowed when road surfaces are hazardous due to ice or snow, or when other atmospheric conditions make travel unsafe.

* * * * *

STATE: SOUTH DAKOTA

COMBINATION: Truck tractor and 2 trailing units—LCV

* * * * *

OPERATIONAL CONDITIONS:

* * * * *

VEHICLE:

* * * * *

$$\text{Offtracking Formula} = 161 - [161^2 - (L_1^2 + L_2^2 + L_3^2 + L_4^2 + L_5^2 + L_6^2 + L_7^2 + L_8^2)]^{1/2}$$

* * * * *

STATE: UTAH

COMBINATION: Truck tractor and 2 trailing units—LCV

* * * * *

OPERATIONAL CONDITIONS:

* * * * *

ROUTES: For combinations with a cargo-carrying length of 85 feet or less, all NN routes. Combinations with a cargo-carrying length over 85 feet are restricted to the following NN routes:

	From	To
I-15	Arizona	Idaho.
I-70	Jct. I-15	Colorado.
I-80	Nevada	Wyoming.
I-84	Idaho	Jct. I-80.

	From	To
I-215	Entire length in the Salt Lake City area.	
UT-201 .	I-80 Exit 102 Lake Point Jct.	300 West Street, Salt Lake City.

* * * * *

COMBINATION: Truck-trailer

* * * * *

OPERATIONAL CONDITIONS:

* * * * *

ROUTES:

1. Truck-trailer combinations hauling bulk gasoline or LP gas: cargo-carrying length less than or equal to 78 feet, all NN routes; cargo-carrying lengths over 78 feet up to and including 88 feet, same as UT-TT2 with cargo-carrying length over 85 feet.
2. All other truck-trailer

combinations: cargo-carrying length less than or equal to 70 feet, all NN routes; cargo-carrying lengths over 70 feet up to and including 78 feet, same as UT-TT2 with cargo-carrying length over 85 feet.

* * * * *

COMBINATION: Automobile transporter

* * * * *

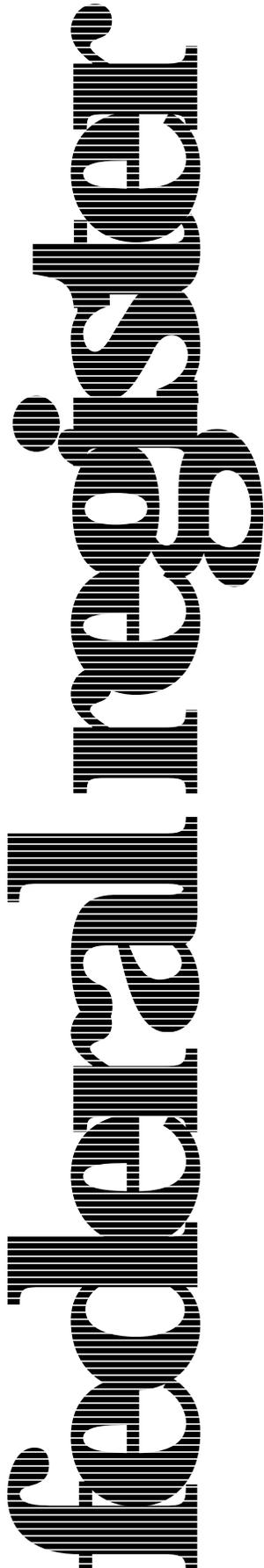
OPERATIONAL CONDITIONS:

* * * * *

ROUTES: For automobile transporters with a cargo-carrying length of 92 feet or less, all NN routes. Automobile transporters with a cargo-carrying length over 92 feet up to and including 105 feet, same as UT-TT2 with cargo-carrying length over 85 feet.

[FR Doc. 95-7074 Filed 3-21-95; 8:45 am]

BILLING CODE 4910-22-P



Wednesday
March 22, 1995

Part VIII

**Department of Defense
General Services
Administration**

**National Aeronautics and
Space Administration**

**48 CFR Parts 12 and 52
Federal Acquisition Regulation (FAR);
Subcontracts for Commercial Items;
Proposed Rule**

DEPARTMENT OF DEFENSE

GENERAL SERVICES
ADMINISTRATIONNATIONAL AERONAUTICS AND
SPACE ADMINISTRATION

48 CFR Parts 12 and 52

[FAR Case 94-791]

RIN 9000-AG47

Federal Acquisition Regulations;
Subcontracts for Commercial Items

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: At 60 FR 11198, March 1, 1995, a proposed rule was published in the **Federal Register** to amend the Federal Acquisition Regulation (FAR) to implement portions of Title VIII of the Federal Acquisition Streamlining Act of 1994 (the Act) dealing with the acquisition of commercial items. The background and the regulatory text of that proposed rule stated that the list of laws and the list of clauses would be published at a later date. This case provides the complete list of laws determined to be inapplicable to Executive agency contracts and subcontracts for commercial items and the clauses determined to be applicable to subcontracts for the acquisition of commercial items. This regulatory action was subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

DATES: Comments should be submitted on or before May 22, 1995, to be considered in the formulation of a final rule.

Public Meeting: April 3, 1995, 1 p.m. at: General Services Administration Auditorium, 18th & F Streets, NW, First Floor, Washington, DC 20405.

Written and Oral Statements: Statements prepared for oral presentation must be sent to the FAR Secretariat at the address given below, not later than March 29, 1995.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW, Room 4037, Washington, DC 20405.

Please cite FAR case 94-791 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Colonel Laurence M. Trowel, Commercial Items Team Leader, at (703)

695-3858 in reference to this FAR case. For general information, contact the FAR Secretariat, Room 4037, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAR case 94-791.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355) provides authorities that streamline the acquisition process and minimize burdensome Government-unique requirements. Major changes that can be expected in the acquisition process as a result of implementation of the Act include changes in the areas of Commercial Item Acquisition, Simplified Acquisition Procedures, the Truth in Negotiations Act, and Introduction of the Federal Acquisition Computer Network (FACNET).

This notice announces proposed revisions developed under FAR Case 94-791, Subcontracts for Commercial Items. FAR Case 94-790, published as a proposed rule at 60 FR 11198, March 1, 1995, proposed revisions to the FAR to implement portions of Title VIII of the Federal Acquisition Streamlining Act of 1994. In the supplementary information, paragraph A, Background, and at the following three citations in that proposed rule, the **Federal Register** notice indicated that the list of laws determined to be inapplicable to subcontracts for the acquisition of commercial items in accordance with section 8003(a) of the Act and the list of clauses applicable to subcontracts for the acquisition of commercial items would be published in the **Federal Register** in a future proposed rule under FAR case 94-791:

- Proposed FAR 12.403, Applicability of certain laws to subcontracts for the acquisition of commercial items, at paragraphs (a), (b), and (c);
- Proposed FAR 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items, at paragraph (d); and
- Proposed FAR 52.244-XX, Subcontracts for Commercial Items and Commercial Components, at paragraph (d).

This proposed rule revises the earlier rule by providing the full list of laws determined to be inapplicable to prime contracts at 12.402, and provides the list of laws determined to be inapplicable to subcontracts at 12.403. In addition, this proposed rule includes the clauses determined to be applicable to subcontracts for the acquisition of commercial items at 52.212-5 paragraph (d) and 52.244-XX, paragraph (d).

An area of concern discussed extensively by the Team was the applicability of the Buy American Act (41 U.S.C. 10 (a)-(d)) and Trade Agreements Act (19 U.S.C. 2512(a)) to subcontracts. The Buy American Act requires that "only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States, shall be acquired for public use." The effect of this language is that prime contractors must consider the cost and origin of components in determining whether an end item manufactured in the United States meets the definition of a domestic end product. While the Act does not specifically use the terms "subcontract" or "subcontractors," concern was raised that including these two laws on the list of laws inapplicable to subcontracts would result in confusion regarding whether the cost and origin of subcontractor components needed to be considered for commercial items. Consequently, the decision was made to leave these two laws off the list at 12.403 and solicit further public comment on the issue.

The proposed rule at 12.402 and 12.403 includes the full list of laws (Civilian and DOD-unique) determined to be inapplicable at both the prime and subcontractor level. Including the full list of laws in this case provides the public with a complete view of the Government's implementation of Section 8003. The final disposition of the DOD-unique laws, with respect to inclusion in the FAR, will be determined during the resolution of public comments.

Public Meeting. The FAR Council is interested in an exchange of ideas and opinions on this rule. For that reason, the FAR Council is conducting a series of public meetings. A public meeting will be held on April 3, 1995, with respect to FAR Case 94-790, Acquisition of Commercial Items. This rule, FAR Case 94-791, will also be discussed at the April 3rd meeting. The public is encouraged to furnish its views; the Council anticipates that public comments will be very helpful in formulating final rules.

Persons or organizations wishing to make presentations will be allowed 10 minutes each, provided they notify the FAR Secretariat at (202) 501-4755 and submit written statements of the presentation by March 29, 1995. Persons or organizations with similar positions

are encouraged to select a common spokesman for presentation of their views. This meeting, in conjunction with the **Federal Register** notice soliciting public comments on the rule, will be the only opportunity for the public to present its views.

B. Regulatory Flexibility Act

This proposed rule will have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* This rule will have a beneficial impact by significantly limiting the flow down of Government-unique terms and conditions to subcontractors at all levels thereby minimizing the burden on a significant number of small businesses.

An Initial Regulatory Flexibility Analysis (IRFA) was provided to the Chief Counsel for Advocacy for the Small Business Administration in conjunction with FAR Case 94-790, Acquisition of Commercial Items. That IRFA applies to this rule as well. A copy of the IRFA may be obtained from the FAR Secretariat. Comments are invited. Comments from small entities concerning the affected FAR subpart will be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and should cite 5 U.S.C. 601 *et seq.* (FAR Case 94-791), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects in 48 CFR Parts 12 and 52

Government procurement.

Dated: March 20, 1995.

Edward Loeb,

Deputy Project Manager for the Implementation of the Federal Acquisition Streamlining Act of 1994.

Therefore, it is proposed that 48 CFR Parts 12 and 52 be amended as set forth below:

1. The authority citation for 48 CFR Parts 12 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 12—ACQUISITION OF COMMERCIAL ITEMS

2. In the table of contents, the title of Part 12 is revised as set forth above.

3. Section 12.402 is revised to read as follows:

12.402 Applicability of certain laws to executive agency contracts for the acquisition of commercial items.

(a) The following laws are not applicable to executive agency contracts for the acquisition of commercial items:

(1) 41 U.S.C. 43, Walsh-Healey Act (see 48 CFR (FAR) part 22, subpart 22.6);

(2) 41 U.S.C. 254(a) and 10 U.S.C. 2306(b), Contingent Fees (see 48 CFR (FAR) 3.404);

(3) 41 U.S.C. 416(a)(6), Minimum Response Time for Offers under Office of Federal Procurement Policy Act (see 48 CFR (FAR) 5.203);

(4) 41 U.S.C. 701 *et seq.*, Drug-Free Workplace Act of 1988 (see 48 CFR (FAR) 23.501);

(5) 10 U.S.C. 2384(b), Requirement to Identify Suppliers and Sources of Supply (see 48 CFR (DFARS) part 217, subpart 217.73);

(6) 10 U.S.C. 2397, Reports by Employees or Former Employees of Defense Contractors;

(7) 10 U.S.C. 2397c, Defense Contractor Requirements Concerning Former DoD Officials;

(8) 10 U.S.C. 2408, Prohibition on Persons Convicted of Defense-Related Felonies (see 48 CFR (DFARS) 203.57); and

(9) 10 U.S.C. 2410b, Contractor Inventory Accounting System Standards (see 48 CFR (DFARS) part 242, subpart 242.72).

(b) Certain requirements of the following laws have been eliminated for executive agency contracts for the acquisition of commercial items:

(1) 33 U.S.C. 1368, Requirement for a certificate and clause under the Federal Water Pollution Control Act (see 48 CFR (FAR) 23.105);

(2) 40 U.S.C. 327 *et seq.*, Requirement for a certificate and clause under the Contract Work Hours and Safety Standards Act (see 48 CFR (FAR) 22.305);

(3) 41 U.S.C. 57(a) and (b), and 58, Requirement for a clause and certain other requirements related to the Anti-Kickback Act of 1986 (see 48 CFR (FAR) 3.502);

(4) 41 U.S.C. 423e(1)(B), Requirement for certain certifications under the Procurement Integrity Act (see 48 CFR (FAR) 3.104-9);

(5) 42 U.S.C. 7606, Requirement for a certificate and clause under the Clean Air Act (see 48 CFR (FAR) 23.105); and

(6) 49 U.S.C. 40118, Requirement for a certificate and clause under Fly American provisions (see 48 CFR (FAR) 47.405).

(c) The applicability of the following laws have been modified in regards to executive agency contracts for the acquisition of commercial items:

(1) 41 U.S.C. 253g and 10 U.S.C. 2402, Prohibition on Limiting Subcontractor Direct Sales to the United States (see 48 CFR (FAR) 3.503);

(2) 41 U.S.C. 254(d) and 10 U.S.C. 2306a, Truth in Negotiations Act (see 48 CFR (FAR) 15.804);

(3) 41 U.S.C. 422, Cost Accounting Standards (see 48 CFR (FAR) Part 99); and

(4) 10 U.S.C. 2397b, Limits on Employment for Certain Former DoD Officials (see 48 CFR (FAR) 203.170).

(d) The FAR prescription, provision or clause for each of these statutes has been revised in the appropriate part to reflect their proper application to the acquisition of commercial items.

4. Section 12.403 is revised to read as follows:

12.403 Applicability of certain laws to subcontracts for the acquisition of commercial items.

(a) The following laws are not applicable to subcontracts under either a contract for the acquisition of commercial items or a subcontract for the acquisition of commercial items:

(1) 15 U.S.C. 644(d), Requirements relative to labor surplus areas under the Small Business Act (see 49 CFR (FAR) part 19, subpart 19.2);

(2) 41 U.S.C. 43, Walsh-Healey Act (see 48 CFR (FAR) part 22, subpart 22.6);

(3) 41 U.S.C. 253d, Validation of Proprietary Data Restrictions (see 48 CFR (FAR) part 27, subpart 27.4);

(4) 41 U.S.C. 254(a) and 10 U.S.C. 2306(b), Contingent Fees (see 48 CFR (FAR) part 3, subpart 3.4);

(5) 41 U.S.C. 416(a)(6), Minimum Response Time for Offers under Office of Federal Procurement Policy Act (see 48 CFR (FAR) part 5, subpart 5.2);

(6) 41 U.S.C. 418a, Rights in Technical Data (see 48 CFR (FAR) part 27, subpart 27.4);

(7) 41 U.S.C. 701 *et seq.*, Drug-Free Workplace Act of 1988 (see 48 CFR (FAR) 23.5);

(8) 46 U.S.C. 1241(b), Transportation in American Vessels of Government Personnel and Certain Cargo (see 48 CFR (FAR) part 47, subpart 47.5);

(9) 49 U.S.C. 40118, Fly American provisions (see 48 CFR (FAR) part 47, subpart 47.4);

(10) Pub. L. 90-469, William Langer Jewel Bearing Plant Special Act (see 48 CFR (FAR) part 8, subpart 8.2);

(11) 10 U.S.C. 2301, note, as amended by Section 2091, Pub. L. 103-355, Payment Protections for Subcontractors and Suppliers (see 48 CFR (FAR) part 28, subpart 28.1 and part 32, subpart 32.1);

(12) 10 U.S.C. 2241, note (Pub. L. 102-396, Section 9005, as amended by Pub. L. 103-139, Section 8005), Limitations on Procurement of Food, Clothing, and Specialty Metals Not Produced in the United States (see 48 CFR (DFARS) part 225, subpart 225.70);

(13) 10 U.S.C. 2320, Rights in Technical Data (see 48 CFR (DFARS) part 227, subpart 227.4);

(14) 10 U.S.C. 2321, Validation of Proprietary Data Restrictions (see 48 CFR (DFARS) part 227, subpart 227.4);

(15) 10 U.S.C. 2327, note (Pub. L. 103-160, Section 843), Reporting Requirement Regarding Dealings with Terrorist Countries (see 48 CFR (DFARS) part 209, subpart 209.1);

(16) 10 U.S.C. 2391, note (Pub. L. 101-510, Section 4201(a)(1)(B)), Notification of Substantial Impact on Employment (see 48 CFR (DFARS) part 249, subpart 249.70);

(17) 10 U.S.C. 2393, Prohibition Against Doing Business with Certain Offerors or Contractors (see 48 CFR (DFARS) part 209, subpart 209.4);

(18) 10 U.S.C. 2501, note (Pub. L. 103-160, Section 1372), Notification of Proposed Program Termination (see 48 CFR (DFARS) part 249, subpart 249.70);

(19) 10 U.S.C. 2534, Miscellaneous Limitations on the Procurement of Goods other than United States Goods (see 48 CFR (DFARS) part 225, subparts 225.7004, 225.7007, 225.7010, and 225.7016);

(20) 10 U.S.C. 2631, Cargo Preference Act (see 48 CFR (DFARS) 247.5); and

(21) National Defense Authorization Acts, Appropriations Acts, and Other Statutory Restrictions on Foreign Purchases as follows: Pub. L. 100-202, Section 8088, Polyacrylonitrile Based Carbon Fiber; Pub. L. 101-511, Section 8041, Anchor and Mooring Chain; Pub. L. 102-172, Section 8111, Carbon, Alloy and Armor Steel Plates; Pub. L. 102-396, Section 9108, Four Ton Dolly Jacks; Pub. L. 102-484, Section 832, Anti friction Bearings; Pub. L. 103-139, Section 8090, Aircraft Fuel Cells; Pub. L. 103-139, Section 8124, Totally Enclosed Lifeboat Survival Systems; Pub. L. 103-335, Section 8023, Supercomputers; Pub. L. 103-335, Section 8050, Multibeam Sonar Mapping Systems; Pub. L. 103-335, Section 8115, Ship Propellers; and Pub. L. 103-335, Section 8120, 120 mm Mortars and Ammunition.

(b) Certain requirements of the following laws have been eliminated for

subcontracts under either a contract for the acquisition of commercial items or subcontract for the acquisition of commercial items:

(1) 33 U.S.C. 1368, Requirement for a certificate and clause under the Federal Water Pollution Control Act (see 48 CFR (FAR) part 23, subpart 23.1);

(2) 40 U.S.C. 327 *et seq.*, Requirement for a certificate and clause under the Contract Work Hours and Safety Standards Act (see 48 CFR (FAR) part 22, subpart 22.3);

(3) 41 U.S.C. 423e(1)(B), Requirement for certain certifications under the Procurement Integrity Act (see 48 CFR (FAR) part 3, subpart 3.1); and

(4) 42 U.S.C. 7606, Requirements for a certificate and clause under the Clean Air Act (see 48 CFR (FAR) part 23, subpart 23.1).

(c) The applicability of the following laws have been modified in regards to subcontracts under either a contract for the acquisition of commercial items or a subcontract for the acquisition of commercial items:

(1) 41 U.S.C. 253g and 10 U.S.C. 2402, Prohibition on Limiting Subcontractor Direct Sales to the United States (see 48 CFR (FAR) part 3, subpart 3.5);

(2) 41 U.S.C. 254(d) and 10 U.S.C. 2306a, Truth in Negotiations Act (see 48 CFR (FAR) part 15, subpart 15.8); and

(3) 41 U.S.C. 422, Cost Accounting Standards (see 48 CFR (FAR) part 99).
(d) The FAR prescription, provision or clause for each of these statutes has been revised in the appropriate part to reflect their proper application to the acquisition of commercial items.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

5. Section 52.212-5 is revised to read as follows:

52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.

As prescribed in 12.302(b)(4), insert the following clause:

Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items (XXX 1995)

(a) The Contractor agrees to comply with the following FAR clauses, which are incorporated in this contract by reference, to implement provisions of law or executive orders applicable to acquisitions of commercial items:

(1) 52.219-8, Utilization of Small Business Concerns and Small Disadvantaged Business Concerns (15 U.S.C. 637 (d)(2) and (3));

(2) 52.222-3, Convict Labor (E.O. 11755); and

(3) 52.233-3, Protest After Award (31 U.S.C. 3553 and 40 U.S.C. 759).

(b) The Contractor agrees to comply with the following FAR and FIRMR clauses in this

paragraph (b) that are indicated as being incorporated in this contract by reference to implement provisions of law or executive orders applicable to acquisitions of commercial items or components:

____ (1) 52.203-6, Restrictions on Subcontractor Sales to the Government, with Alternate I (41 U.S.C. 253g and 10 U.S.C. 2402).

____ (2) 52.203-10, Price or Fee Adjustment for Illegal or Improper Activity (41 U.S.C. 423).

____ (3) 52.219-14, Limitation on Subcontracting (15 U.S.C. 637(a)(14)).

____ (4) 52.222-26, Equal Opportunity (E.O. 11246).

____ (5) 52.222-35, Affirmative Action for Special Disabled and Vietnam Era Veterans (38 U.S.C. 2012).

____ (6) 52.222-36, Affirmative Action for Handicapped Workers (29 U.S.C. 793).

____ (7) 52.222-37, Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (38 U.S.C. 2012).

____ (8) 52.225-3, Buy American Act—Supplies (41 U.S.C. 10).

____ (9) 52.225-9, Buy American Act—Trade Agreements Act—Balance of Payments Program (41 U.S.C. 10, 19 U.S.C. 2501-2582).

____ (10) 52.225-17, Buy American Act—Supplies Under European Community Sanctions for End Products (E.O. 12849).

____ (11) 52.225-18, European Community Sanctions for End Products (E.O. 12849).

____ (12) 52.225-19, European Community Sanctions for Services (E.O. 12849).

____ (13) 52.225-21, Buy American Act—North American Free Trade Agreement Implementation Act—Balance of Payments Program (41 U.S.C. 10, Pub. L. 103-187).

____ (14) 52.247-64, Preference for Privately Owned US Flagged Commercial Vessels (46 U.S.C. 1241).

____ (15) 201-39.5202-3, Procurement Authority (FIRMR).

(This acquisition is being conducted under _____ delegation of GSA's exclusive procurement authority for FIP resources. The specific GSA DPA case number is _____.)

(c) The Contractor agrees to comply with the following FAR clauses in this paragraph (c), applicable to commercial services, that are indicated as being incorporated in this contract by reference to implement provisions of law or executive orders applicable to acquisitions of commercial items or components:

____ (1) 52.222-41, Service Contract Act of 1965, as amended (41 U.S.C. 351, *et seq.*).

____ (2) 52.222-42, Statement of Equivalent Rates for Federal Hires (29 U.S.C. 206 and 41 U.S.C. 351, *et seq.*).

____ (3) 52.222-43, Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiple Year and Option Contracts) (29 U.S.C. 206 and 41 U.S.C. 351 *et seq.*).

____ (4) 52.222-44, Fair Labor Standards Act and Service Contract Act—Price Adjustment (29 U.S.C. 206 and 41 U.S.C. 351 *et seq.*).

____ (5) 52.222-47, SCA Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreement (CBA) (41 U.S.C. 351 *et seq.*).

(d) Notwithstanding the requirements of the clauses in paragraphs (a), (b) or (c) of this clause, the Contractor is not required to include any FAR clause, other than those listed below, in a subcontract for commercial items or commercial components—

(1) 52.222-26, Equal Opportunity (E.O. 11246);

(2) 52.222-35, Affirmative Action for Special Disabled and Vietnam Era Veterans (38 U.S.C. 2012(a)); and

(3) 52.222-36, Affirmative Action for Handicapped Workers (29 U.S.C. 793).
(End of clause)

6. Section 52.244-XX is added to read as follows:

52.244-XX Subcontracts for Commercial Items and Commercial Components.

As prescribed in 44.403, insert the following clause:

Subcontracts for Commercial Items and Commercial Components (XXX 1995)

(a) *Definition. Commercial item*, as used in this clause, has the meaning contained in the clause at 52.202-1, Definitions.

Subcontract, as used in this clause, includes a transfer of commercial items between divisions, subsidiaries, or affiliates of the Contractor or subcontractor.

(b) To the maximum extent practicable, the Contractor shall incorporate, and require its subcontractors at all levels to incorporate, commercial items or nondevelopmental items other than commercial items, as components of items to be supplied under this contract.

(c) If in awarding a subcontract for commercial items an exception under 15.804-1(a) does not apply, the subcontractor may be required to submit cost or pricing data and comply with the appropriate clauses prescribed in FAR Part 15.

(d) Notwithstanding any other clause of this contract, the Contractor is not required

to include any FAR provision or clause, other than those listed below and as may be required by paragraph (c) of this clause, in a subcontract for commercial items or commercial components:

(1) 52.203-12, Limitation on Payments to Influence Certain Federal Transactions (31 U.S.C. 1352);

(2) 52.222-26, Equal Opportunity (E.O. 11246);

(3) 52.222-35, Affirmative Action for Special Disabled and Vietnam Era Veterans (38 U.S.C. 2012(a)); and

(4) 52.222-36, Affirmative Action for Handicapped Workers (29 U.S.C. 793).

(e) The Contractor shall include the terms of this clause, including this paragraph (e), in subcontracts awarded under this contract.

(End of clause)

[FR Doc. 95-7120 Filed 3-21-95; 8:45 am]

BILLING CODE 6820-34-M

Wednesday
March 22, 1995

**Presidential
Determination
No. 95-16—
Determination Pursuant to Section 2(c)(1)
of the Migration and Refugee Assistance
Act of 1962, as Amended**

Part IX

The President

**Presidential Determination No. 95-16—
Determination Pursuant to Section 2(c)(1)
of the Migration and Refugee Assistance
Act of 1962, as Amended**

Title 3—

Presidential Determination No. 95-16 of March 13, 1995

The President

Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended**Memorandum for the Secretary of State**

Pursuant to section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), I hereby determine that it is important to the national interest that up to \$11,000,000 be made available from the U.S. Emergency Refugee and Migration Assistance Fund to meet the urgent and unexpected needs of victims of the conflict in Chechnya. These funds may be used as necessary to provide U.S. contributions in response to the appeals of international and intergovernmental organizations for funds to meet the urgent and unforeseen humanitarian needs of victims of the conflict in Chechnya.

You are authorized and directed to inform the appropriate committees of the Congress of this determination and the obligation of funds under this authority and to publish this memorandum in the **Federal Register**.



THE WHITE HOUSE,
Washington, March 13, 1995.

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