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Contents

Federal Register

Vol. 60, No. 69

Tuesday, April 11, 1995

Agency for Health Care Policy and Research

NOTICES

Meetings:

Health Care Policy and Research Special Emphasis Panel,
18415–18416

Agricultural Marketing Service

RULES

Milk marketing orders:

Central Illinois, 18343–18344

Agriculture Department

See Agricultural Marketing Service

See Animal and Plant Health Inspection Service

See Cooperative State Research, Education, and Extension
Service

Animal and Plant Health Inspection Service

PROPOSED RULES

Nonindigenous organisms introduction:

Plant pest potential risks screening
Correction, 18374

NOTICES

Environmental statements; availability, etc.:

Genetically engineered organisms for release into
environment; permit applications, 18393–18394

Arms Control and Disarmament Agency

NOTICES

Meetings:

President's Scientific and Policy Advisory Committee,
18394

Army Department

NOTICES

Meetings:

Armament Retooling and Manufacturing Support Public/
Private Task Force, 18396

Children and Families Administration

NOTICES

Meetings:

Child Abuse and Neglect Advisory Board, 18415

Coast Guard

RULES

Great Lakes pilotage rate methodology, 18366–18373

Commerce Department

See Foreign-Trade Zones Board

See National Oceanic and Atmospheric Administration

Cooperative State Research, Education, and Extension Service

NOTICES

Meetings:

Forestry Research Advisory Council, 18394

Copyright Office, Library of Congress

NOTICES

Cable compulsory license specialty stations:

Affidavit request, 18426–18427

Customs Service

RULES

Harmonized Tariff Schedule of United States (HTSUS)

general notes; authority citations corrections, 18347–
18349

Defense Department

See Army Department

NOTICES

Meetings:

Defense Intelligence Agency Scientific Advisory Board,
18396
Science Board tasks forces, 18396

Education Department

NOTICES

Special education and rehabilitative services:

Blind vending facilities under Randolph-Sheppard Act—
Arbitration panel decisions, 18396–18397

Energy Department

See Federal Energy Regulatory Commission

Environmental Protection Agency

RULES

Clean Air Act:

Acid rain program; permits, 18462–18471

Hazardous waste program authorizations:

Arizona, 18356–18358
Louisiana, 18360–18361
Nevada, 18358–18360

Superfund program:

Toxic chemical release reporting; community right-to-
know—
Copper phthalocyanine compounds, 18361–18364

Toxic substances:

Asbestos-containing materials in schools—
State waiver requests, 18364–18366

PROPOSED RULES

Air quality implementation plans; approval and promulgation; various States:

Pennsylvania, 18385–18390

Clean Air Act:

Acid rain program; permits, 18472

NOTICES

Clean Air Act:

Acid rain provisions—
State permits, 18402
Sulfur dioxide compliance plans, 18402

Hazardous waste:

Waste analysis guidance for facilities that burn hazardous
wastes, 18402–18403

Meetings:

Drinking water program, 18403–18404

Superfund program:

Federal Agency Hazardous Waste Compliance Docket;
Federal facilities, list update, 18474–18518

Executive Office of the President

See Presidential Documents

Farm Credit Administration**NOTICES**

Meetings; Sunshine Act, 18441

Federal Aviation Administration**RULES**

Class D airspace, 18346

PROPOSED RULES

Airworthiness directives:

Jetstream Aircraft Ltd., 18376–18377

Mooney Aircraft Corp., 18374–18376

NOTICES

Exemption petitions; summary and dispositions, 18437–18438

Federal Communications Commission**NOTICES**

Committees; establishment, renewal, termination, etc.:

Executive Resources and Performance Review Board, 18404

Meetings:

1995 World Radiocommunication Conference Industry

Advisory Committee (WRC-95 Industry Advisory Committee), 18404

Federal Energy Regulatory Commission**NOTICES**

Electric rate and corporate regulation filings:

Madison Gas & Electric Co. et al., 18397–18398

Natural gas certificate filings:

National Fuel Gas Supply Corp. et al., 18398–18399

Natural Gas Policy Act:

State jurisdictional agencies tight formation recommendations; preliminary findings—

Oklahoma Corporation Commission, 18399

Applications, hearings, determinations, etc.:

ANR Pipeline Co., 18399

Kansas and Oklahoma Cities, 18399

New England Power Co., 18399

NorAm Gas Transmission Co., 18399–18400

Pacific Gas Transmission Co., 18400

Paiute Pipeline Co., 18400–18401

Southern Natural Gas Co., 18401

Texas Gas Transmission Corp., 18401

Transwestern Pipeline Co. et al., 18401–18402

Federal Highway Administration**RULES**

Engineering and traffic operations:

Uniform Traffic Control Devices Manual—

Traffic control devices; national standards, 18520–18521

NOTICES

Environmental statements; notice of intent:

Contra Costa County, CA, 18438

Federal Maritime Commission**NOTICES**

Agreements filed, etc., 18404–18405

Federal Mine Safety and Health Review Commission**NOTICES**

Meetings; Sunshine Act, 18441

Federal Railroad Administration**PROPOSED RULES**

Railroad workplace safety:

Regulatory review; meetings, 18390–18391

Federal Reserve System**NOTICES**

Meetings; Sunshine Act, 18441

Applications, hearings, determinations, etc.:

Bulliard, James Barr, Sr., et al., 18405

Mountain Bancshares, Inc., 18405

Federal Trade Commission**NOTICES**

Prohibited trade practices:

Abovo, Inc., et al., 18405–18406

American Institute of Smoking Cessation et al., 18406

European Body Concepts, Inc., 18406–18410

Gorayeb Seminars, Inc., et al., 18410

IVAX Corp., 18410–18411

Korean Video Stores et al., 18411–18414

Louis Bass, Inc., 18414

Wright Medical Technology, Inc., et al., 18414–18415

Financial Management Service

See Fiscal Service

Fiscal Service**NOTICES**

Surety companies acceptable on Federal bonds:

Acadia Insurance Co., 18439–18440

American Safety Casualty Insurance Co., 18440

Fish and Wildlife Service**NOTICES**

Endangered and threatened species permit applications, 18420–18421

Food and Drug Administration**RULES**

Food additives:

2,4-di-tert-pentyl-6-[1-(3,5-di-tert-pentyl-2-

hydroxyphenyl)ethyl]phenyl acrylate, 18352–18353

Paper and paperboard components—

Alkyl mono- and disulfonic acids, etc., 18349–18352

NOTICES

Organization, functions, and authority delegations:

Strategic Systems Staff et al., 18416–18417

Foreign-Trade Zones Board**NOTICES**

Applications, hearings, determinations, etc.:

Virginia, 18394–18395

Health and Human Services Department

See Agency for Health Care Policy and Research

See Children and Families Administration

See Food and Drug Administration

See National Institutes of Health

See Public Health Service

See Social Security Administration

Housing and Urban Development Department**NOTICES**

Grants and cooperative agreements; availability, etc.:

Fair housing initiatives program, 18444–18453

Historically black colleges and universities program, 18456–18459

Public and Indian housing—

Emergency shelter set-aside for Indian tribes and

Alaskan native villages, 18524–18530

Interior Department

See Fish and Wildlife Service

See Land Management Bureau
 See National Park Service
 See Surface Mining Reclamation and Enforcement Office
NOTICES
 Agency information collection activities under OMB
 review, 18419–18420

Internal Revenue Service

PROPOSED RULES

Income taxes:

- Allowances provided to Armed Forces members; change in permanent duty stations
 Hearing cancellation, 18377–18378
- Limited liability companies; tax treatment of self-employed members
 Hearing, 18378

International Trade Commission

NOTICES

Import investigations:

- Light-walled rectangular pipe and tube from—
 Mexico, 18422–18423

Interstate Commerce Commission

NOTICES

Railroad operation, acquisition, construction, etc.:

- Everett Railroad Co., 18423
- Holidaysburg & Roaring Spring Railroad Co., 18423

Railroad services abandonment:

- Norfolk Southern Railway Co., 18424

Justice Department

See Parole Commission

NOTICES

Pollution control; consent judgments:

- Brentwood Industries, Inc., 18424
- Chemical Sales Co. et al., 18424–18425
- Thomas, Kenneth L., et al., 18425–18426
- Union Pacific Railroad Co. et al., 18426

Land Management Bureau

NOTICES

Realty actions; sales, leases, etc.:

- Oregon, 18420

Library of Congress

See Copyright Office, Library of Congress

Mine Safety and Health Federal Review Commission

See Federal Mine Safety and Health Review Commission

National Institutes of Health

NOTICES

Meetings:

- National Institute of General Medical Sciences, 18417
- Research Grants Division special emphasis panels, 18417–18418

National Oceanic and Atmospheric Administration

PROPOSED RULES

Fishery conservation and management:

- Atlantic mackerel, squid, and butterfish, 18391–18392
- Coastal migratory pelagic resources, 18391

NOTICES

Meetings:

- Western Pacific Fishery Management Council, 18395

Permits:

- Marine mammals, 18395–18396

National Park Service

RULES

National Park System:

- Alaska national preserves; hunting and trapping prohibitions, 18532–18534

NOTICES

National Register of Historic Places:

- Pending nominations, 18421–18422

National Science Foundation

NOTICES

Agency information collection activities under OMB
 review, 18427

Meetings:

- Future of NSF Supercomputer Centers Program Task Force, 18427
- Graduate Education and Research Development Special Emphasis Panel, 18427–18428

National Transportation Safety Board

NOTICES

Alaskan air safety study; public forums, 18428

Meetings; Sunshine Act, 18441

Nuclear Regulatory Commission

RULES

Practice rules:

- Domestic licensing proceedings—
 Small entity size standard revision, 18344–18346

NOTICES

Environmental monitoring in environs of selected licensed facilities; scope of work reduction to States under contract, 18428

Environmental statements; availability, etc.:

- Northern States Power Co., 18428–18429
- Pacific Gas & Electric Co., 18429–18430

Meetings; Sunshine Act, 18441–18442

Applications, hearings, determinations, etc.:

- Detroit Edison Co., 18430
- Entergy Operations, Inc., 18431–18432
- Union Electric Co., 18432–18433

Parole Commission

RULES

Federal prisoners; paroling and releasing, etc.:

- Original jurisdiction cases, 18353
- Transfer treaty prisoners, 18353–18354

PROPOSED RULES

Federal prisoners; paroling and releasing, etc.:

- Fraud offenses involving multiple millions of dollars in losses, 18379–18380
- Salient factor scoring, 18378–18379

Presidential Documents

PROCLAMATIONS

Special observances:

- Cancer Control Month (Proc. 6783), 18537–18538

Public Health Service

See Agency for Health Care Policy and Research

See Food and Drug Administration

See National Institutes of Health

NOTICES

Organization, functions, and authority delegations:

- Minority Health Office, 18418–18419

Research and Special Programs Administration**NOTICES**

International radioactive material transportation standards (1996 revision); draft availability, 18438–18439

Saint Lawrence Seaway Development Corporation**PROPOSED RULES**

Tariff of tolls, 18384–18385

Securities and Exchange Commission**NOTICES**

Self-regulatory organizations; proposed rule changes: Options Clearing Corp., 18433–18436

Applications, hearings, determinations, etc.:

Public utility holding company filings, 18436–18437

Small Business Administration**NOTICES**

Applications, hearings, determinations, etc.:

Kline Hawkes California SBIC, L.P., 18437

Social Security Administration**NOTICES**

Meetings:

Social Security Advisory Council, 18419

Surface Mining Reclamation and Enforcement Office**PROPOSED RULES**

Permanent program and abandoned mine land reclamation plan submissions:

Ohio, 18380–18381

West Virginia, 18381–18384

Transportation Department

See Coast Guard

See Federal Aviation Administration

See Federal Highway Administration

See Federal Railroad Administration

See Research and Special Programs Administration

See Saint Lawrence Seaway Development Corporation

Treasury Department

See Customs Service

See Fiscal Service

See Internal Revenue Service

NOTICES

Meetings:

Debt Management Advisory Committee, 18439

Organization, functions, and authority delegations:

Fiscal Assistant Secretary, 18439

Veterans Affairs Department**RULES**

Adjudication; pensions, compensation, dependency, etc.: Dependency and indemnity compensation; election of death pension by surviving spouses, etc., 18354–18356

Separate Parts In This Issue**Part II**

Department of Housing and Urban Development, 18444–18453

Part III

Department of Housing and Urban Development, 18456–18459

Part IV

Environmental Protection Agency, 18462–18472

Part V

Environmental Protection Agency, 18474–18518

Part VI

Department of Transportation, Federal Highway Administration, 18520–18521

Part VII

Department of Housing and Urban Development, 18524–18530

Part VIII

Department of the Interior, National Park Service, 18532–18534

Part IX

The President, 18537–18538

Reader Aids

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

Electronic Bulletin Board

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR	18358, 18360
Proclamations:	
6783.....	18537
7 CFR	
1050.....	18343
Proposed Rules:	
335.....	18374
10 CFR	
2.....	18344
14 CFR	
71.....	18346
Proposed Rules:	
39 (2 documents)	18374, 18376
19 CFR	
7.....	18347
11.....	18347
12.....	18347
18.....	18347
19.....	18347
24.....	18347
54.....	18347
101.....	18347
102.....	18347
111.....	18347
114.....	18347
123.....	18347
128.....	18347
132.....	18347
134.....	18347
141.....	18347
145.....	18347
146.....	18347
148.....	18347
151.....	18347
152.....	18347
177.....	18347
181.....	18347
191.....	18347
21 CFR	
176.....	18349
178 (2 documents)	18349, 18352
23 CFR	
655.....	18520
26 CFR	
Proposed Rules:	
1 (2 documents)	18377, 18378
28 CFR	
2 (2 documents)	18353
Proposed Rules:	
2 (2 documents)	18378, 18379
30 CFR	
Proposed Rules:	
935.....	18380
948.....	18381
33 CFR	
Proposed Rules:	
402.....	18384
36 CFR	
13.....	18532
38 CFR	
2.....	18354
3.....	18354
40 CFR	
72.....	18462
271 (3 documents)	18356,

Rules and Regulations

Federal Register

Vol. 60, No. 69

Tuesday, April 11, 1995

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

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1050

[DA-95-14]

Milk in the Central Illinois Marketing Area; Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This document suspends a portion of the producer milk definition of the Central Illinois Federal milk marketing order (Order 50) for an indefinite period commencing with date of publication in the **Federal Register**. The suspension was requested by Prairie Farms Dairy, Inc., which contends the action is necessary to prevent uneconomic and inefficient movements of milk and to ensure that producer milk historically associated with Order 50 will continue to be pooled under the order.

EFFECTIVE DATE: April 11, 1995.

FOR FURTHER INFORMATION CONTACT: Nicholas Memoli, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 690-1932.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued March 17, 1995; published March 23, 1995 (60 FR 15262).

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this rule will not have a significant economic impact on a substantial number of small entities. This rule lessens the regulatory impact

of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

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

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have a retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with the law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act and of the order regulating the handling of milk in the Central Illinois marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on March 23, 1995 (60 FR 15262), concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views and arguments thereon. No comments were received.

After consideration of all relevant material, including the proposal in the notice and other available information, it is hereby found and determined that for an indefinite period commencing

with the date of publication in the **Federal Register** the following provision of the order does not tend to effectuate the declared policy of the Act:

In § 1050.13(d)(2), the words "not" and "it" where they first appear.

Statement of Consideration

This rule suspends a portion of the producer milk definition under the Central Illinois order for an indefinite period of time, effective upon publication in the **Federal Register**. The suspension relaxes the diversion limits applicable to individual producers for a pool distributing plant regulated under the order. The aggregate limit of 35 percent contained in the proviso of § 1050.13(d)(2) was suspended for an indefinite period on January 1, 1995.

The Central Illinois order currently allows an operator of a distributing plant to divert to a nonpool plant up to 50 percent of a producer's milk that is physically received at the pool plant during the months of August through April. The suspension will allow a distributing plant to divert an unlimited amount of a producer's milk to a nonpool plant during each of these months, provided that at least one day's production is physically received at a pool plant.

Prairie Farms, which operates the only distributing plant regulated under Order 50, states that it represents over 90 percent of the producer milk pooled under Order 50. According to Prairie Farms, approximately 60 percent of its producer milk pooled under Order 50 was supplied to Beatrice Cheese, Inc., before Beatrice closed its cheese plant located in Preston, Iowa, effective December 1, 1994. It contends the suspension is necessary to permit it to keep its producers pooled under the order without the necessity of costly and inefficient movements of milk. It maintains that its proposal would not jeopardize the integrity of the order because at least one day's production would have to be physically received at a pool plant during each of the months of August through April to qualify the milk for diversion to a nonpool plant. Prairie Farms requests that the action be handled on an emergency basis to allow the continuous pooling of producer milk historically associated with Order 50.

The suspension request should be granted. The suspension will continue to allow the market's Class I needs to be met by requiring at least one day's

production of a producer's milk be physically received at a distributing plant each month. It will maintain orderly marketing conditions and prevent uneconomic and inefficient movements of milk.

Accordingly, it is appropriate to suspend the aforesaid provision for an indefinite period beginning with the date of **Federal Register** publication of this document.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area, in that such rule is necessary to permit the continued pooling of the milk of dairy farmers who have historically supplied the market without the need for making costly and inefficient movements of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No comments were received.

Therefore, good cause exists for making this order effective less than 30 days from the date of publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1050

Milk marketing orders.

For the reasons set forth in the preamble, the following provision in Title 7, Part 1050, is amended as follows:

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

1. The authority citation for 7 CFR Part 1050 continues to read as follows:

Authority: Secs. 1–19, 48 Stat 31, as amended; 7 U.S.C. 601–674.

§ 1050.13 [Suspended in part]

2. In § 1050.13(d)(2), the words “not” and “it” where they first appear are suspended for an indefinite period effective upon publication in the **Federal Register**.

Dated: April 5, 1995.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95–8852 Filed 4–10–95; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

RIN 3150–AF24

NRC Size Standards; Revision

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending the NRC's size standards used to qualify an NRC licensee as a “small entity” under the Regulatory Flexibility Act. This action is necessary to establish a separate standard to be used to determine whether a licensee who is a manufacturer would qualify as a small entity, to adjust the receipts-based standard to account for the effects of inflation since 1985, and to eliminate the separate \$1 million size standard for private practice physicians and apply the revised receipts-based size standard of \$5 million to this class of licensees.

EFFECTIVE DATE: May 11, 1995.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, telephone (301) 415–7163.

SUPPLEMENTARY INFORMATION:

Background

In 1983, the NRC surveyed its materials licensees to create an economic profile sufficient to consider regulatory alternatives tailored to the size of the licensee. After analyzing the data and consulting with the Small Business Administration (SBA), the NRC developed a proposed size standard that would be appropriate to use in determining which of its licensees would qualify as small entities for the purposes of compliance with the Regulatory Flexibility Act. The NRC published its proposed size standard for notice and comment in the **Federal Register** of May 21, 1985 (50 FR 20913). After considering the comments received, the NRC adopted its final size standards as noted in the **Federal Register** of December 9, 1985 (50 FR 50241). In the **Federal Register** of November 6, 1991 (56 FR 56671), the NRC restated the size standards to include the Regulatory Flexibility Act's definition of small governmental jurisdiction. To further improve clarity, the NRC changed the presentation of the size standards to conform to the listing

of definitions of small entities in the Regulatory Flexibility Act.

The Proposed Rule

On November 30, 1994 (59 FR 61293), the NRC published a proposed rule to amend the NRC's size standards. The NRC proposed to establish a separate standard to be used to determine whether a licensee who is a manufacturer would qualify as a small entity and to adjust the receipts-based standard to account for the effects of inflation since 1985. In addition, the NRC proposed to eliminate the separate \$1 million size standard for private practice physicians and apply the revised receipts-based size standard of \$5 million to this class of licensees. By amending the size standards through rulemaking, the NRC indicated its intent to codify NRC's size standards in 10 CFR part 2.

As discussed in the preamble to the proposed rule, these amendments were developed after several factors indicated that some adjustments to the NRC's size standards were desirable.

The NRC received a number of comments concerning its size standards and the failure of the NRC to promulgate a size standard that differentiates between manufacturing entities and service providers in response to the final rule implementing Public Law 101–508 (56 FR 31472; July 10, 1991, and subsequent years). These commenters indicated that applying a gross receipts standard to a manufacturing concern resulted in an adverse impact on a manufacturer. The SBA size standards for manufacturers are prescribed in terms of a maximum number of employees rather than in terms of gross receipts.

The NRC conducted a survey to update the economic profile of its materials licensees. The purpose of this survey was to evaluate the continued efficacy of NRC's size standards and to obtain the information needed to determine the necessity and effect of a separate standard for manufacturers within the context of the nuclear industry.

The SBA adjusted its receipts-based size standard levels to mitigate the effects of inflation from 1984 to the present in a final rule published in the **Federal Register** of April 7, 1994 (59 FR 16513).

Public Comment

The comment period on the proposed rule closed December 30, 1994. The NRC received two letters of public comment on this action.

One commenter objected to the inclusion of a size standard based on the

number of employees for qualification of a manufacturing concern as a small entity in the NRC's regulatory programs and the assessment of reduced annual fees. The commenter stated that the total employee population of a manufacturer has little bearing on revenue potential and revenue has little bearing on the risk to public health and safety. The commenter believes that although employee population may be a consideration, it must be considered in conjunction with revenue produced and with the complexity of the operation in determining size standards. The commenter also asserts that because manufacturers are authorized to possess significant quantities of multiple isotopes, both as sealed sources and loose material for use in the manufacture and distribution of products, they present a much higher risk than entities that hold a license for possession and use of sealed sources. The commenter states that the loss of revenue from manufacturers categorized as small entities will have to be made up by small licensees who may have only one or two devices on site.

The NRC is retaining a separate standard based on the number of employees for manufacturers in the final rule because this standard is required by the Small Business Act (15 U.S.C. 632 (a)(2)). This provision prohibits a Federal department or agency from prescribing a size standard for categorizing a business concern as a small business concern unless the standard provides for determining the size of a manufacturing concern based upon employment.

One commenter was pleased to see that the NRC raised the size standard for private practice physicians from \$1 million to \$5 million. However, the commenter indicated that this action did not go far enough in addressing the assessment of user fees. The commenter suggested that the NRC consider evaluating the gross receipts of departments within a medical facility that utilize NRC services and not the overall receipts of the facility. The commenter contends that if the NRC focused on the smaller entity within the license, many licensees would qualify for the small business exemptions and would pay fees based on the actual revenue generated under the license.

The NRC notes that the Small Business Act establishes criteria for a small business concern. To qualify as a small business concern, the concern must be independently owned and operated and not dominant in its field of operation (15 U.S.C. 632 (a)(1)). A department of a medical facility does not meet this criterion. The NRC has

included language in the final rule to address this type of situation.

In response to each of the comments, the NRC further emphasizes that the purpose of this rule is to amend the size standards used by the NRC to qualify an NRC licensee as a "small entity" under the Regulatory Flexibility Act. The application of these standards in the fee schedule rulemaking, or any other rulemaking proceeding, is beyond the scope of this rule.

The Final Rule

The NRC is adopting a size standard of 500 or fewer employees for business concerns that are manufacturing entities. This standard is the most commonly used SBA employee standard and would be the standard applicable to the types of manufacturing industries that would hold an NRC license. Under this standard, approximately 48 percent of the licensees who indicated that they were manufacturers would qualify as small entities.

The NRC is adjusting its receipts-based size standard to accommodate inflation and to conform to the SBA final rule. The NRC is raising its receipts-based small business size standard from \$3.5 million to \$5 million. The NRC also is eliminating the separate \$1 million size standard for private practice physicians and applying the revised receipts-based size standard of \$5 million to this class of licensees. This mirrors the revised SBA standard of \$5 million for medical practitioners. For greater clarity, the NRC has included a definition of the term receipts in the final rule.

The survey of materials licensees indicated that 26 percent qualified as small entities under the NRC standards being replaced by this rule. Under the size standards adopted in this document, 35 percent of these licensees would qualify as small entities, an increase of 9 percent. When NRC adopted its size standards in 1985, the NRC staff estimated that approximately 35 percent of the materials licensees would qualify as small entities.

The Small Business Credit and Business Opportunity Enhancement Act of 1992 (Pub. L. 102-366) amended the Small Business Act concerning the establishment of agency-specific small business size standards. The NRC size standards were developed so as to meet the criteria specified in Pub. L. 102-366. As required by Pub. L. 102-366, the NRC size standards were approved by the Administrator, SBA.

This final rule also codifies NRC's size standards in part 2 of the Commission's regulations. Previously, NRC's size standards had been

published in the notices section of the **Federal Register**.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final regulation.

Paperwork Reduction Act Statement

This final 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 3150-0136.

Regulatory Analysis

A regulatory analysis has not been prepared for this final rule because the final rule is administrative in that it amends the criteria the NRC uses for determining which of its licensees qualify as small entities for the purposes of compliance with the Regulatory Flexibility Act. The amended size standards conform to SBA's revised standards and result in an increase in the number of NRC licensees that qualify as small entities.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. The final rule is administrative in that it amends the criteria the NRC uses in determining which of its licensees qualify as small entities for the purposes of compliance with the Regulatory Flexibility Act. The amended size standards conform to SBA's revised standards and result in an increase in the number of NRC licensees that would qualify as small entities.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule and, therefore, that a backfit analysis is not required for this final rule because these amendments do not impose any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects in 10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear

materials, Nuclear power plants and reactors, Penalties, Sex discrimination, Source material, Special nuclear material, 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; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendment to 10 CFR part 2.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS AND ISSUANCE OF ORDERS

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

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87-615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 114(f), Pub. L. 97-425, 96 Stat. 2213, as amended (42 U.S.C. 10134(f)); sec. 102, Pub. L. 91-190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97-415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200-2.206 also issued under secs. 161b, i, o, 182, 186, 234, 68 Stat. 948-951, 955, 83 Stat. 444, as amended (42 U.S.C. 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.600-2.606 also issued under sec. 102, Pub. L. 91-190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770, 2.780 also issued under 5 U.S.C. 557. Section 2.764 and Table 1A of Appendix C also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85-256, 71 Stat. 579, as amended (42 U.S.C. 2039). Subpart K also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97-425, 96 Stat. 2230 (42 U.S.C. 10154). Subpart L also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Appendix A also issued under sec. 6, Pub. L. 91-560, 84 Stat. 1473 (42 U.S.C. 2135). Appendix B also issued under sec. 10, Pub. L. 99-240, 99 Stat. 1842 (42 U.S.C. 2021b et seq.).

2. Section 2.810 is added to read as follows:

§ 2.810 NRC size standards.

The NRC shall use the size standards contained in this section to determine whether a licensee qualifies as a small entity in its regulatory programs.

(a) A small business is a for-profit concern and is a—

(1) Concern that provides a service or a concern not engaged in manufacturing with average gross receipts of \$5 million or less over its last 3 completed fiscal years; or

(2) Manufacturing concern with an average number of 500 or fewer employees based upon employment during each pay period for the preceding 12 calendar months.

(b) A small organization is a not-for-profit organization which is independently owned and operated and has annual gross receipts of \$5 million or less.

(c) A small governmental jurisdiction is a government of a city, county, town, township, village, school district, or special district with a population of less than 50,000.

(d) A small educational institution is one that is—

(1) Supported by a qualifying small governmental jurisdiction; or

(2) Not state or publicly supported and has 500 or fewer employees.

(e) For the purposes of this section, the NRC shall use the Small Business Administration definition of receipts (13 CFR 121.402(b)(2)). A licensee who is a subsidiary of a large entity does not qualify as a small entity for purposes of this section.

Dated at Rockville, Maryland, this 31st day of March, 1995.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 95-8843 Filed 4-10-95; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95-AWP-4]

Alteration of Class D Airspace; Williams Air Force Base (AFB), AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: An error was discovered in a rule that was published in the **Federal Register** on March 15, 1995, Airspace Docket No. 95-AWP-4. The correct title description was inadvertently omitted from the rule. The alteration of this Class D airspace should only reflect the renaming of the airport from Williams

AFB, AZ, to Williams Gateway Airport, AZ. This action corrects that error.

EFFECTIVE DATE: 0901 UTC, May 25, 1995.

FOR FURTHER INFORMATION CONTACT:

Scott Speer, System Management Specialist, System Management Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 297-0010.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 95-6380, Airspace Docket No. 95-AWP-4, published on March 15, 1995 (60 FR 13900), altered the Class D airspace at Williams AFB, AZ. The correct title description and geographic location of this Class D airspace is Chandler, AZ, which was inadvertently omitted from the rule. The only alteration of this Class D airspace area at Chandler, AZ, is the renaming of the airport to Williams Gateway Airport, AZ, due to the closure of Williams AFB, AZ. This action corrects that error.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the description for the Class D airspace at Williams Air Force Base (AFB), AZ, as published in the **Federal Register** on March 15, 1995 (60 FR 13900) (**Federal Register** Document 95-6380; page 13901, column 1), and the description in FAA Order 7400.9B, which is incorporated by reference in 14 CFR 71.1 are corrected as follows:

§ 71.1 [Corrected]

On page 13901, in column 1, under Paragraph 5000, the first line of the airspace designation is corrected to read as follows:

* * * * *

AWP AZ D Chandler, AZ [Revised]

* * * * *

Issued in Los Angeles, California, on March 27, 1995.

Dennis T. Koehler,

Acting Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 95-8767 Filed 4-10-95; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY**Customs Service**

19 CFR Parts 7, 11, 12, 18, 19, 24, 54, 101, 102, 111, 114, 123, 128, 132, 134, 141, 145, 146, 148, 151, 152, 177, 181, and 191

[T.D. 95-29]

Technical Amendments to the Customs Regulations

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by making certain technical corrections to various authority citations to reflect amendments to the Harmonized Tariff Schedule of the United States made by the North American Free Trade Agreement (NAFTA) and the Uruguay Round of the General Agreement on Tariffs and Trade (GATT).

EFFECTIVE DATE: April 11, 1995.

FOR FURTHER INFORMATION CONTACT: Gregory R. Vilders, Attorney, Regulations Branch (202) 482-6930.

SUPPLEMENTARY INFORMATION:**Background**

At present, due to certain amendments to the Harmonized Tariff Schedule of the United States (HTSUS) that resulted in many of the General Notes of the HTSUS being renumbered, many authority citations in the Customs Regulations that reference certain General Note provisions are no longer accurate.

In 1994, when the HTSUS was amended to incorporate changes made by the North American Free Trade Agreement (NAFTA) (see Presidential Proclamation 6641 of December 15, 1993, published in the **Federal Register** on December 20, 1993 (58 FR 66867, 67032)), General Notes 4 through 9 were redesignated as General Notes 13 through 18, respectively, and new General Notes 4 through 12 were added. This addition of nine new General Notes caused the General Note numbering scheme to change. In 1995, when the HTSUS was again amended to incorporate changes necessitated by provisions of the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) (see Presidential Proclamation 6763 of December 23, 1994, published in the **Federal Register** on January 4, 1995 (60 FR 1007, 1018)), the General Notes were modified by renumbering General Notes 13 through 18 as General Notes 16 through 21, respectively, and

inserting new General Notes 13 through 15. The addition of three more General Notes again caused the General Note numbering scheme to change.

For example, one of the authorities for many Customs Regulations, as detailed below, is the General Note which provides that the Secretary of the Treasury is authorized to issue rules and regulations governing the admission of articles under the provisions of the tariff schedule. This General Note was initially designated as General Note 8 when the Harmonized Tariff Schedule was adopted in 1989, became General Note 17 in 1994, and, in 1995, is now designated as General Note 20.

Customs also cites as authority for many sections detailed below the General Note which provides that the Secretary of the Treasury is authorized to prescribe methods of ascertainment whenever he finds that such methods are necessary for purposes of any law administered by the Customs Service. This General Note was initially designated as General Note 9 when the Harmonized Tariff Schedule was adopted in 1989, became General Note 18 in 1994, and, in 1995, is now designated as General Note 21.

This document updates and corrects those references in the Customs Regulations to the HTSUS General Notes.

Discussion of Changes**Part 7**

The authority citation for Part 7 references General Note 8 of the HTSUS. Since this General Note is now designated as General Note 20, as discussed above, the reference is revised accordingly.

Part 11

The authority citation for Part 11 references General Note 9 of the HTSUS. Since this General Note is now designated as General Note 21, as discussed above, the reference is revised accordingly.

Part 12

The general authority citation for Part 12 references General Note 17 of the HTSUS. Since this General Note is now designated as General Note 20, the reference is revised accordingly.

Parts 18, 19, and 24

The general authority citation for Parts 18 and 19 reference General Note 8 of the HTSUS, and the general authority citation for Part 24 references General Note 17 of the HTSUS, both provisions in different editions of the HTSUS providing for the regulations authority notes discussed above. For the

reasons given above, these references are revised to read General Note 20. Also, § 24.23(c)(1)(v) references General Note 4 of the HTSUS, which deals with exemptions. Since this General Note is now designated as General Note 16, the reference is revised accordingly.

Parts 54, 101, 102, 111, 114, 123, 128, 132, and 134

The authority citations for Parts 54, 101, 102, 111, 114, 123, 128, 132, and 134 reference General Note 8 of the HTSUS. For the reason given above, these references are revised to reference General Note 20.

Part 141

Section 141.4(a) of Part 141 references General Note 4 of the HTSUS. For the reason given above, this reference is revised to reference General Note 16.

Parts 145, 146, 148, and 151

The authority citations for Parts 145, 146, 148, and 151 reference General Note 8 of the HTSUS. For the reason given above, these references are revised to reference General Note 20. Also in Part 151, the authority citation references General Note 9 of the HTSUS. For the reason given above, this reference is revised to reference General Note 21.

Part 152

The specific authority citation for subpart D of Part 152 and several provisions of § 152.13 reference General Note 5 of the HTSUS, which dealt with the commingling of goods. Since this General Note is now designated as General Note 17, the reference is revised accordingly.

Parts 177, 181, and 191

The general authority citations for Parts 177, 181, and 191 reference General Note 17 of the HTSUS. For the reason given above, these references are revised to reference General Note 20.

Inapplicability of Public Notice and Comment Requirements, Delayed Effective Date Requirements, the Regulatory Flexibility Act, and Executive Order 12866

Inasmuch as these amendments merely correct certain referencing errors in the Customs Regulations, pursuant to 5 U.S.C. 553(a)(2) and (b)(B), good cause exists for dispensing with notice and public procedure thereon as unnecessary. For the same reason, good cause exists for dispensing with the requirement for a delayed effective date, under 5 U.S.C. 553(a)(2) and (d)(3). Since this document is not subject to the notice and public procedure

requirements of 5 U.S.C. 553, it is not subject to provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This amendment does not meet the criteria for a "significant regulatory action" as specified in E.O. 12866.

Drafting Information

The principal author of this document was Gregory R. Vilders, Attorney, Office of Regulations and Rulings, Regulations Branch.

Amendments to the Regulations

The authority citations to those parts of chapter 1 of the Customs Regulations (19 CFR chapter 1) listed below are amended as set forth below:

PART 7—CUSTOMS RELATIONS WITH INSULAR POSSESSIONS AND GUANTANAMO BAY NAVAL STATION

1. The authority citation for Part 7 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1623, 1624; 48 U.S.C. 1406i.

PART 11—PACKING AND STAMPING; MARKING

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

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 21, Harmonized Tariff Schedule of the United States (HTSUS)), 1624.

PART 12—SPECIAL CLASSES OF MERCHANDISE

1. The general authority citation for Part 12 is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

* * * * *

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

1. The general authority citation for Part 18 is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1551, 1552, 1553, 1624;

* * * * *

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS AND CONTROL OF MERCHANDISE THEREIN

1. The general authority citation for Part 19 is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

* * * * *

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

1. The general authority citation for Part 24 is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58a–58c, 66, 261, 267, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1450, 1624; 31 U.S.C. 9701, unless otherwise noted.

* * * * *

§ 24.23 [Amended]

2. In § 24.23, the reference in paragraph (c)(1)(v) to "General Note 4" is revised to read "General Note 16".

PART 54—CERTAIN IMPORTATIONS TEMPORARILY FREE OF DUTY

1. The authority citation for Part 54 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Section XV, Note 5, Harmonized Tariff Schedule of the United States (HTSUS)), 1623, 1624.

PART 101—GENERAL PROVISIONS

1. The authority citation for Part 101 is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 2, 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1623, 1624.

PART 102—RULES OF ORIGIN

1. The authority citation for Part 102 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1624, and the North American Free Trade Agreement Implementation Act, Pub.L. 103–182, 107 Stat. 2057.

PART 111—CUSTOMS BROKERS

1. The general authority citation for Part 111 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1624, 1641;

* * * * *

PART 114—CARNETS

1. The authority citation for Part 114 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1623, 1624.

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

1. The general authority citation for Part 123 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1431, 1433, 1624;

* * * * *

PART 128—EXPRESS CONSIGNMENTS

1. The authority citation for Part 128 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1321, 1484, 1498, 1551, 1555, 1556, 1565, 1624.

PART 132—QUOTAS

1. The authority citation for Part 132 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1623, 1624.

PART 134—COUNTRY OF ORIGIN MARKING

1. The authority citation for Part 134 is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1304, 1624.

PART 141—ENTRY OF MERCHANDISE

1. The general authority citation for Part 141 continues to read as follows:

Authority: 19 U.S.C. 66, 1448, 1484, 1624;

* * * * *

§ 141.4 [Amended]

2. In § 141.4, the reference in paragraph (a) to "General Note 4" is revised to read "General Note 16".

PART 145—MAIL IMPORTATIONS

1. The general authority citation for Part 145 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

* * * * *

PART 146—FOREIGN TRADE ZONES

1. The general authority citation for Part 146 is revised to read as follows:

Authority: 19 U.S.C. 66, 81a–81u, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1623, 1624;

* * * * *

**PART 148—PERSONAL
DECLARATIONS AND EXEMPTIONS**

1. The general authority citation for Part 148 is revised to read as follows:

Authority: 19 U.S.C. 66, 1496, 1498, 1624. The provisions of this part, except for subpart C, are also issued under 19 U.S.C. 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS));

* * * * *

**PART 151—EXAMINATION,
SAMPLING, AND TESTING OF
MERCHANDISE**

1. The general authority citation for Part 151 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Notes 20 and 21, Harmonized Tariff Schedule of the United States (HTSUS)), 1624. Subpart A also issued under 19 U.S.C. 1499. * * *

* * * * *

**PART 152—CLASSIFICATION AND
APPRAISEMENT OF MERCHANDISE**

1. The general authority citation for Part 152 is unchanged, but the specific authority for subpart D and for §§ 152.13 and 152.24 are revised, to read as follows:

Authority: 19 U.S.C. 66, 1401a, 1500, 1502, 1624;

* * * * *

Subpart D also issued under 19 U.S.C. 1202 (General Note 17, Harmonized Tariff Schedule of the United States (HTSUS));

* * * * *

Sections 152.13 and 152.24 also issued under 19 U.S.C. 1202 (General Note 17, Harmonized Tariff Schedule of the United States (HTSUS)).

§ 152.13 [Amended]

2. In § 152.13, the reference in paragraphs (b)(1), (b)(2), (c) introductory text, (c)(1), (c)(2), (c)(3), and (d) to "General Note 5" is revised to read "General Note 17".

**PART 177—ADMINISTRATIVE
RULINGS**

1. The general authority citation for Part 177 is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

* * * * *

**PART 181—NORTH AMERICAN FREE
TRADE AGREEMENT**

1. The authority citation for Part 181 is revised to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1624, and the North American Free Trade Agreement

Implementation Act, Pub. L. 103-182, 107 Stat. 2057.

PART 191—DRAWBACK

1. The general authority citation for Part 191 is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1313, 1624;

* * * * *

Dated: April 4, 1995.

Stuart P. Seidel,

Assistant Commissioner, Office of Regulations and Rulings.

[FR Doc. 95-8745 Filed 4-10-95; 8:45 am]

BILLING CODE 4820-02-P

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES****Food and Drug Administration****21 CFR Parts 176 and 178**

[Docket No. 93N-0420]

**Indirect Food Additives: Paper and
Paperboard Components; Adjuvants,
Production Aids, and Sanitizers;
Technical Amendment**

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations to correct an error in nomenclature for a food additive. The amendment adds alkyl mono- and disulfonic acids, sodium salts (produced from *n*-alkanes in the range of C₁₀-C₁₈ with not less than 50 percent C₁₄-C₁₆) as a component of paper and paperboard in contact with food, as an antistatic agent, and as an emulsifier and/or surface active agent. Additionally, because certain sections contain multiple entries for the additive, FDA is amending its food additive regulations so that all uses of the additive will be combined under single entries in those sections of the regulations.

DATES: Effective April 11, 1995; written objections and requests for a hearing by May 11, 1995.

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

FOR FURTHER INFORMATION CONTACT: Andrew Zajac, Center for Food Safety and Applied Nutrition (HFS-216), Food

and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3095.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 21, 1994 (59 FR 3322), FDA published a proposed rule to correct an error in nomenclature for a food additive regulated in §§ 176.170, 176.180, 178.3130, and 178.3400 (21 CFR 176.170, 176.180, 178.3130, and 178.3400). The agency proposed to add alkyl mono- and disulfonic acids, sodium salts (produced from *n*-alkanes in the range of C₁₀-C₁₈ with not less than 50 percent C₁₄-C₁₆) to those sections and to remove: (1) The listing "*n*-alkylsulfonate (alkyl group is in the range C₁₀-C₁₈ with not less than 50 percent C₁₄-C₁₆)" from § 176.170; (2) the listing "petroleum sulfonates" from the list of substances in § 176.180; (3) the listings for "sodium *n*-alkylsulfonate (alkyl group in the range of C₁₀-C₁₈ with not less than 50 percent C₁₄-C₁₆)" and "sodium sec-alkyl mono- and disulfonates (alkyl group in the range of C₁₀-C₁₈ with not less than 50 percent C₁₄-C₁₆)" from § 178.3130; and (4) the listings for "*n*-alkylsulfonate (alkyl group is in the range C₁₀-C₁₈ with not less than 50 percent C₁₄-C₁₆)" and "sodium sec-alkyl mono- and disulfonates (alkyl group in the range of C₁₀-C₁₈ with not less than 50 percent C₁₄-C₁₆)" from § 178.3400.

FDA received no comments on its proposal. The agency is, therefore, adopting the proposal as a final rule without any changes.

The agency has previously considered the environmental effects of this rule, as announced in the proposed rule (59 FR 3322, January 21, 1994). No new information or comments have been received that would affect the agency's previous determination that this action will not have a significant impact upon the human environment and that neither an environmental assessment nor an environmental impact statement is required.

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 96-354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this final rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the final rule is not a significant regulatory action as defined

by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because no current activity is prohibited by this final rule, the compliance costs to firms are zero. Likewise, because no increase in the health risks faced by consumers will result from this final rule, total costs are also zero. The agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

Furthermore, in accordance with the Regulatory Flexibility Act, the agency previously considered the potential effects that this rule would have on small entities, including small businesses, and has determined that no significant economic impact on a substantial number of small entities would derive from this action. FDA has not received any new information or comments that would alter its previous determination.

Any person who will be adversely affected by this regulation may at any time on or before May 11, 1995, file with the Dockets Management Branch

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

List of Subjects

21 CFR Parts 176 and 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR parts 176 and 178 are amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority citation for 21 CFR part 176 continues to read as follows:

Authority: Secs. 201, 402, 406, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 346, 348, 379e).

2. Section 176.170 is amended in the table in paragraph (b)(2) by removing the entry for “*n*-Alkylsulfonate (alkyl group is in the range C₁₀–C₁₈ with not less than 50 percent C₁₄–C₁₆)” and by alphabetically adding a new entry under the headings “List of substances” and “Limitations” to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * * * *	* * * * *
Alkyl mono- and disulfonic acids, sodium salts (produced from <i>n</i> -alkanes in the range of C ₁₀ –C ₁₈ with not less than 50 percent C ₁₄ –C ₁₆).	For use only: 1. As emulsifiers for vinylidene chloride copolymer coatings and limited to use at levels not to exceed 2 percent by weight of the coating solids. 2. As emulsifiers for vinylidene chloride copolymer or homopolymer coatings at levels not to exceed a total of 2.6 percent by weight of coating solids. The finished polymer contacts food only of types identified in paragraph (c) of this section, Table 1, under Types I, II, III, IV, V, VIA, VIB, VII, VIII, and IX and under conditions of use E, F, and G described in Table 2 of paragraph (c) of this section.
* * * * *	* * * * *

3. Section 176.180 is amended in the table in paragraph (b)(2) by removing the entry for “Petroleum sulfonates” and by alphabetically adding a new

entry under the heading “List of substances” to read as follows:

§ 176.180 Components of paper and paperboard in contact with dry food.

* * * * *

(b) * * *

(2) * * *

List of substances	Limitations
*	*
Alkyl mono- and disulfonic acids, sodium salts (produced from <i>n</i> -alkanes in the range of C ₁₀ -C ₁₈ with not less than 50 percent C ₁₄ -C ₁₆).	*
*	*

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

4. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: Secs. 201, 402, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

5. Section 178.3130 is amended in the table in paragraph (b) by removing the entries for “Sodium *n*-alkylsulfonate (alkyl group in the range of C₁₀-C₁₈ with not less than 50 percent C₁₄-C₁₆)” and “Sodium sec-alkyl mono- and disulfonates (alkyl group in the range of C₁₀-C₁₈ with not less than 50 percent

C₁₄-C₁₆)” and by alphabetically adding a new entry under the headings “List of substances” and “Limitations” to read as follows:

§ 178.3130 Antistatic and/or antifogging agents in food-packaging materials.

* * * * *

(b) * * *

List of substances	Limitations
Alkyl mono- and disulfonic acids, sodium salts (produced from <i>n</i> -alkanes in the range of C ₁₀ -C ₁₈ with not less than 50 percent C ₁₄ -C ₁₆).	For use only:
*	1. As antistatic agents at levels not to exceed 0.1 percent by weight of polyolefin films that comply with § 177.1520 of this chapter: <i>Provided</i> , that the finished olefin polymers contact foods of Types I, II, III, IV, V, VIA, VIB, VII, VIII, and IX described in Table 1 of § 176.170(c) of this chapter, and under conditions of use E, F, and G described in Table 2 of § 176.170(c) of this chapter.
*	2. As antistatic agents at levels not to exceed 3.0 percent by weight of polystyrene or rubber-modified polystyrene complying with § 177.1640(c) of this chapter under conditions of use B through H described in Table 2 of § 176.170(c) of this chapter.
*	*

6. Section 178.3400 is amended in the table in paragraph (c) by removing the entries for “*n*-Alkylsulfonate (alkyl group is in the range C₁₀-C₁₈ with not less than 50 percent C₁₄-C₁₆)” and “Sodium sec-alkyl mono- and disulfonates (alkyl group in the range of C₁₀-C₁₈ with not less than 50 percent C₁₄-C₁₆)” and by alphabetically adding a new entry under the headings “List of substances” and “Limitations” to read as follows:

§ 178.3400 Emulsifiers and/or surface active agents.

* * * * *

(c) * * *

List of substances	Limitations
Alkyl mono- and disulfonic acids, sodium salts (produced from <i>n</i> -alkanes in the range of C ₁₀ -C ₁₈ with not less than 50 percent C ₁₄ -C ₁₆).	<p>For use only:</p> <ol style="list-style-type: none"> 1. As provided in § 176.170 of this chapter. 2. At levels not to exceed 2 percent by weight of polyvinyl chloride and/or vinyl chloride copolymers complying with § 177.1980 of this chapter. 3. As emulsifiers in vinylidene chloride copolymer or homopolymer coatings at levels not to exceed a total of 2.6 percent by weight of coating solids. The finished polymer contacts food only of the Types I, II, III, IV, V, VIA, VIB, VII, VIII, and IX as identified in Table 1 of § 176.170(c) of this chapter, and limited to conditions of use E, F, and G described in Table 2 of § 176.170 of this chapter. 4. As emulsifiers and/or surface-active agents at levels not to exceed 3.0 percent by weight of polystyrene or rubber-modified polystyrene complying with § 177.1640(c) of this chapter under conditions of use B through H described in Table 2 of § 176.170(c) of this chapter.
*	*
*	*
*	*
*	*

* * * * *

Dated: April 3, 1995.

L. Robert Lake,

Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.

[FR Doc. 95-8772 Filed 4-10-95; 8:45 am]

BILLING CODE 4160-01-F

21 CFR Part 178

[Docket No. 91F-0499]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 2,4-di-*tert*-pentyl-6-[1-(3,5-di-*tert*-pentyl-2-hydroxyphenyl)ethyl]phenyl acrylate as an antioxidant in the manufacture of polystyrene and rubber-modified polystyrene articles that contact food. This action is in response to a petition filed by Sumitomo Chemical America, Inc.

DATES: Effective April 11, 1995; written objections and requests for a hearing by May 11, 1995.

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

FOR FURTHER INFORMATION CONTACT: Daniel N. Harrison, Center for Food Safety and Applied Nutrition (HFS-

216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9500.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of January 30, 1992 (57 FR 3633), FDA announced that a food additive petition (FAP 2B4295) had been filed by Sumitomo Chemical America, Inc., 345 Park Ave., New York, NY 10154. The petition proposed to amend the food additive regulations in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the safe use of 2,4-di-*tert*-pentyl-6-[1-(3,5-di-*tert*-pentyl-2-hydroxyphenyl)ethyl]phenyl acrylate as an antioxidant in the manufacture of polystyrene and rubber-modified polystyrene articles that contact food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe, and that the regulations in § 178.2010(b) should be amended as set forth below.

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

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the

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

Any person who will be adversely affected by this regulation may at any time on or before May 11, 1995, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch

between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: Secs. 201, 402, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 379e).

2. Section 178.2010 is amended in the table in paragraph (b) for the entry "2,4-di-*tert*-pentyl-6-[1-(3,5-di-*tert*-pentyl-2-hydroxyphenyl)ethyl]phenyl acrylate" by adding a new entry "3." under the heading "Limitations" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *
(b) * * *

Substances	Limitations
2,4-Di- <i>tert</i> -pentyl-6-[1-(3,5-di- <i>tert</i> -pentyl-2-hydroxyphenyl)ethyl]phenyl acrylate (CAS Reg. No.123968-25-2)..	For use only: * * * 3. At levels not to exceed 0.5 percent by weight of polystyrene and rubber-modified polystyrene complying with § 177.1640 of this chapter in contact with all food types under conditions of use D through G as described in Table 2 of § 176.170(c) of this chapter.

Dated: April 3, 1995.

L. Robert Lake,

Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.

[FR Doc. 95-8773 Filed 4-10-95; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF JUSTICE

Parole Commission 28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners: Original Jurisdiction Cases

AGENCY: Parole Commission.

ACTION: Final rule.

SUMMARY: The U.S. Parole Commission is amending the voting quorum required for initial parole decisions made under 28 CFR 2.17, which is the procedure for original jurisdiction cases (high profile and extremely serious offenders). The Commission has determined that the present four-vote requirement is no longer appropriate, in view of the fact that only six Commissioners are currently holding office. Accordingly, the quorum required to decide original jurisdiction cases will be three votes. Appeals from these decisions will continue to be presented to the full Commission under 28 CFR 2.27.

EFFECTIVE DATE: May 11, 1995.

FOR FURTHER INFORMATION CONTACT:

Pamela A. Posch, Office of General Counsel, 550 Friendship Blvd., Chevy Chase, Maryland 20815, Telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION: The above-described procedural change reduces the quorum of Commissioner votes required to decide an original jurisdiction case under 28 CFR 2.17, from four to three. This is a procedural change only, and it is expected to permit more expeditious decision-making in original jurisdiction cases, without materially affecting a prisoner's chances for parole. The guidelines at 28 CFR 2.20 will continue to govern the merits of the decision to grant, deny, or revoke parole, and appeals will be decided by a majority of the Commission.

Implementation

This procedural rule will apply to all original jurisdiction cases decided after the effective date shown above, pursuant to 28 CFR 2.17.

Executive Order 12866 and Regulatory Flexibility Statement

The U.S. Parole Commission has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866, and the rule has, accordingly, not been reviewed by the Office of Management and Budget. The rule will not have a significant economic impact upon a substantial number of small entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, probation and parole, prisoners.

The Final Rule

Accordingly, the U.S. Parole Commission makes the following amendment to 28 CFR part 2:

(1) The authority citation for 28 CFR part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

§ 2.17 [Amended]

(2) 28 CFR Part 2, § 2.17(a) is amended by substituting the words "concurrence of three votes" for the words "concurrence of four votes".

Dated: March 31, 1995.

Edward F. Reilly, Jr.,

Chairman, U.S. Parole Commission.

[FR Doc. 95-8914 Filed 4-10-95; 8:45 am]

BILLING CODE 4410-01-P

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners: Transfer Treaty Prisoners

AGENCY: Parole Commission.

ACTION: Final rule.

SUMMARY: The U.S. Parole Commission is amending the regulation that sets forth procedures for transfer treaty offenders under 18 U.S.C. 4106A, to require the concurrence of two U.S. Parole Commissioners for a decision. At present, transfer treaty cases are decided by Regional Commissioners, pursuant to the general delegation of authority at 28 CFR 2.24. The Commission considers that this voting quorum change is appropriate because appeals from the Commission's decisions in transfer treaty cases, unlike ordinary parole cases, are taken directly to a U.S. Court of Appeals.

EFFECTIVE DATE: May 11, 1995.

FOR FURTHER INFORMATION, CONTACT:

Pamela A. Posch, Office of General Counsel, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, Telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION: The U.S. Parole Commission has the statutory function of setting release dates and periods of supervised release for citizens of the United States who are transferred from foreign countries, pursuant to treaty, to serve sentences imposed by foreign courts. Under 18 U.S.C. 4106A, these prisoners come before the U.S. Parole Commission for a hearing and a decision that is subject to

appeal to a U.S. Court of Appeals in accordance with 18 U.S.C. 3742.

The Commission has found it necessary to make these decisions through a delegation of authority to individual Commissioners in order to permit timely processing of these cases. (Many of these treaty prisoners are returned to the United States after having already served sufficient time in foreign prisons to warrant an immediate release date within the applicable sentencing guideline range.) The Commission has decided, however, that a quorum of two Commissioners is more appropriate, given the fact that there is no administrative appeal from the Regional Commissioner's decision. This is in contrast to the ordinary parole case wherein the Regional Commissioner's decision is subject to an administrative appeal within the Commission, under 18 U.S.C. 4215, before the prisoner may seek judicial review in a federal court. Accordingly, transfer treaty cases under 18 U.S.C. 4106A will be decided by the National Commissioners, with the concurrence of two Commissioners required to reach a decision.

Implementation

This procedural rule will be applied to all transfer treaty cases under 18 U.S.C. 4106A wherein the transfer treaty hearing is conducted on or after the effective date set forth above.

Executive Order 12866 and Regulatory Flexibility Statement:

The U.S. Parole Commission has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866, and the rule has therefore not been reviewed by the Office of Management and Budget. The rule will not have a significant economic impact upon a substantial number of small entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

List of Subjects in 28 CFR Part 2:

Administrative practice and procedure, probation and parole, prisoners.

The Final Rule

Accordingly, the U.S. Parole Commission makes the following amendment to 28 CFR part 2:

(1) The authority citation for 28 CFR part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

(2) 28 CFR part 2, § 2.62(i)(1) is revised to read as follows:

§ 2.62 Prisoners transferred pursuant to treaty.

* * * * *

(i) *Final decision.* (1) The Commission shall render a decision as soon as practicable and without unnecessary delay. Decisions shall be made upon a concurrence of two votes of the National Commissioners. The decision shall set a release date and a period and conditions of supervised release. If the Commission determines that the appropriate release date under 18 U.S.C. 4106A is the full term date of the foreign sentence, the Commission will order the transferee to "continue to expiration"

* * * * *

Dated: March 31, 1995.
Edward F. Reilly, Jr.,
Chairman, U.S. Parole Commission.
 [FR Doc. 95-8911 Filed 4-10-95; 8:45 am]
BILLING CODE 4410-01-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 2 and 3

RIN 2900-AH36

Veterans' Benefits Improvements Act of 1994: To Implement Provisions of Public Law 103-446

AGENCY: Department of Veterans Affairs.
ACTION: Final rule.

SUMMARY: This document amends Department of Veterans Affairs (VA) adjudication regulations to: Allow the election of death pension by surviving spouses in receipt of dependency and indemnity compensation (DIC); eliminate the requirement to pay certain benefits in Philippine pesos; revise the treatment of certain claims after a renouncement of benefits; and exclude from countable income in the pension and parents' DIC programs certain income of Alaska natives. These changes are needed to implement recently enacted legislation. The intended effect of these changes is to bring the regulations into conformance with the new statutory requirements.

EFFECTIVE DATE: These amendments are effective November 2, 1994, the date that Public Law 103-446 was signed into law, except for the provisions removing the requirement to pay certain benefits in Philippine pesos (38 CFR 2.67a, 3.8, 3.100(b), 3.251(a)(3), and 3.1600) which are effective January 1, 1995.

FOR FURTHER INFORMATION CONTACT: Paul Trowbridge, Consultant, Regulations Staff (211B), Compensation and Pension Service, Veterans Benefits

Administration, 810 Vermont Avenue NW., Washington, DC 20420, telephone (202) 273-7210.

SUPPLEMENTARY INFORMATION: On November 2, 1994, the Veterans' Benefits Improvements Act of 1994 was signed into law. Formerly, no person in receipt of DIC could elect to receive any other benefit based on the same death. Section 111 of the Veterans' Benefits Improvements Act of 1994, Public Law 103-446, amended 38 U.S.C. 1317 to allow a surviving spouse in receipt of DIC to elect death pension instead of such compensation. VA is amending 38 CFR 3.5(c) and 3.702(d) to conform with this new statutory provision. We have also made a nonsubstantive change in § 3.702(d) to clarify when an election of DIC is final.

Under the provisions of 38 U.S.C. 5306 any person can renounce a benefit to which he or she is entitled. Until recently any new application filed thereafter was treated as an original application. Section 503 of Public Law 103-446 amended 38 U.S.C. 5306 by adding a new subsection which provides that a new application for pension or parents' DIC filed within one year after renouncement of that benefit shall not be treated as an original application but rather that any benefits due will be payable as if the renouncement has not occurred. VA is amending 38 CFR 3.106 and 3.400(s) to conform to this new statutory requirement.

All income is countable when VA determines entitlement to income-based benefits unless specifically excluded by law. Section 506 of Public Law 103-446 provides a new exception to countable income if cash, stock, land, or other interests are received by an individual from a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.). VA is amending 38 CFR 3.261, 3.262 and 3.272 to conform to this new statutory requirement.

Section 507 of Public Law 103-446 amended 38 U.S.C. 107 to eliminate the requirement that compensation, DIC, or burial allowance based on certain Philippine service deemed not to be active service for other purposes be paid in Philippine pesos. VA is amending 38 CFR 3.8, 3.251(a)(3), and 3.1600 to conform to this statutory revision. VA is removing §§ 2.67a and 3.100(b) because, in light of the statutory amendment, calculation of the annual income limitation in Philippine pesos is not required and a delegation of authority to the Chief Benefits Director for that purpose is no longer necessary.

VA is issuing a final rule to make the above described amendments. These

amendments are necessary to conform regulatory provisions with Public Law 103-446. Because these amendments merely restate statutory changes, publication as a proposal for public comment is unnecessary.

Administrative Procedure Act: This final rule merely restates statutory changes contained in Public Law 103-446. Accordingly, pursuant to 5 U.S.C. 553, there is a basis for dispensing with prior notice and comment on this final rule and dispensing with a 30-day delay of its effective date.

Regulatory Flexibility Act: Because no notice of proposed rulemaking was required in connection with the adoption of this final rule, no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The Catalog of Federal Domestic Assistance program numbers are 64.101, 64.104, 64.105, 64.109, and 64.110.

List of Subjects

38 CFR Part 2

Authority delegations (Government agencies), Veterans Affairs Department.

38 CFR Part 3

Administrative practice and procedure, Claims, Health care, Individuals with disabilities, Pensions, Veterans.

Approved: March 31, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR parts 2 and 3 are amended as set forth below:

PART 2—DELEGATIONS OF AUTHORITY

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

Authority: 38 U.S.C. 501, 512(a), unless otherwise noted.

§ 2.67a [Removed]

2. Section 2.67a is removed.

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

§ 3.5 [Amended]

2. In § 3.5(c) change the period after “Affairs” to a comma and add the following: “except that, effective November 2, 1994, a surviving spouse who is receiving dependency and indemnity compensation may elect to receive death pension instead of such compensation.”

§ 3.8 [Amended]

3. In § 3.8(b) and § 3.8(c)(1) remove “in Philippine pesos equivalent to” and add “of”, in its place.

4. In § 3.8(e) remove “a peso basis” and add, in its place, “a \$0.50 for each dollar authorized basis”. Remove “payable in pesos.” and add, in its place, “payable at the rate of \$0.50 for each dollar authorized.”

§ 3.100 [Amended]

5. Section 3.100(b) is removed. Redesignate § 3.100(c) as § 3.100(b).

6. In § 3.106, redesignate paragraphs (c) and (d) as paragraphs (d) and (e), respectively. Add a new paragraph (c) to read as follows:

§ 3.106 Renoucement.

* * * * *

(c) Notwithstanding the provisions of paragraph (b) of this section, if a new application for pension or parents’ dependency and indemnity compensation is filed within one year after the date that the Department of Veterans Affairs receives a renoucement of that benefit, such application shall not be treated as an original application and benefits will be payable as if the renoucement had not occurred.

(Authority: 38 U.S.C. 5306(c))

§ 3.251 [Amended]

7. In § 3.251(a)(3), remove “computed” and “in Philippine pesos equivalent”.

8. In § 3.261, paragraph (a)(39) is added to read as follows:

§ 3.261 Character of income; exclusions and estates.

* * * * *

(a) *Income*

* * * * *

Income	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension; old-law (veterans, surviving spouses and children)	Pension; section 306 (veterans, surviving spouses and children)	See—
(39) Cash, stock, land or other interests received from a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).	Excluded	Excluded	Excluded	Excluded	§ 3.262(x).

* * * * *

9. In § 3.262, paragraph (x) and its authority citation are added as follows:

§ 3.262 Evaluation of income.

* * * * *

(x) *Alaska Native Claims Settlement Act.* There shall be excluded from income computation any cash (including cash dividends on stock received from a Native Corporation) to the extent that it does not, in the aggregate, exceed \$2,000 per individual per annum; stock (including stock

issued or distributed by a Native Corporation as a dividend or distribution on stock); a partnership interest; land or an interest in land (including land or an interest in land received from a Native Corporation as a dividend or distribution on stock); and an interest in a settlement trust. (November 2, 1994)
(Authority: Sec. 506, Pub. L. 103-446)

10. In § 3.272, paragraph (t) and its authority citation are added as follows:

§ 3.272 Exclusions from income.

* * * * *

(t) *Alaska Native Claims Settlement Act.* Any receipt by an individual of cash (including cash dividends on stock received from a Native Corporation) to the extent that it does not, in the aggregate, exceed \$2,000 per individual per annum; stock (including stock issued or distributed by a Native Corporation as a dividend or distribution on stock); a partnership interest; land or an interest in land (including land or an interest in land

received from a Native Corporation as a dividend or distribution on stock); and an interest in a settlement trust. (November 2, 1994)

(Authority: Sec. 506, Pub. L. 103-446)

§ 3.400 [Amended]

11. In § 3.400(s), remove "Date" and add, in its place, "Except as provided in § 3.106(c), date".

12. In § 3.702, paragraph (d) is revised as follows:

§ 3.702 Dependency and indemnity compensation.

* * * * *

(d) *Finality of election.*

(1) Except as noted in paragraph (d)(2), an election to receive dependency and indemnity compensation is final and the claimant may not thereafter reelect death pension or compensation in that case. An election is final when the payee (or the payee's fiduciary) has negotiated one check for this benefit or when the payee dies after filing an election but prior to negotiation of a check.

(2) Notwithstanding the provisions of paragraph (d)(1), effective November 2, 1994, a surviving spouse who is receiving dependency and indemnity compensation may elect to receive death pension instead of such compensation.

(Authority: 38 U.S.C. 1317)

* * * * *

§ 3.1600 [Amended]

13. In § 3.1600, paragraphs (a), (b), and (f), remove the words "in Philippine pesos".

[FR Doc. 95-8887 Filed 4-10-95; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-5189-2]

Arizona: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of Arizona has applied for final authorization of revisions to its hazardous waste

program under the Resource Conservation and Recovery Act (RCRA), as amended. The Environmental Protection Agency (EPA) has completed its review of Arizona's application and has made a decision, subject to public review and comment, that Arizona's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Arizona's hazardous waste program revisions. Arizona's application for program revision is available for public review and comment.

DATES: Final authorization for Arizona is effective June 12, 1995, unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Arizona's program revision application must be received by the close of business May 11, 1995.

ADDRESSES: Copies of Arizona's program revision application are available during the business hours of 9:00 a.m. to 5:00 p.m. at the following addresses for inspection and copying:

Arizona Department of Environmental Quality, Central Office, Office of Waste Programs, Waste Assessment Section, 3033 N. Central Avenue, Phoenix, Arizona 85012, Phone: 602/207-4211

Arizona Department of Environmental Quality, Northern Regional Office, 2501 North 4th Street, Suite #14, Flagstaff, Arizona 86004, Phone: 602/779-0313 or 1-800/234-5677

Arizona Department of Environmental Quality, Southern Regional Office, 4040 East 29th Street, Tucson, Arizona 85711, Phone: 602/628-5651 or 1-800/234-5677

U.S. EPA Region IX Library-Information Center, 75 Hawthorne Street, San Francisco, California 94105, Phone: 415/744-1510

Written comments should be sent to April Katsura, U.S. EPA Region IX (H-4), 75 Hawthorne Street, San Francisco, California 94105, Phone: 415/744-2030.

FOR FURTHER INFORMATION CONTACT: April Katsura, U.S. EPA Region IX (H-4), 75 Hawthorne Street, San Francisco, California 94105, Phone: 415/744-2030.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under Section 3006(b) of the Resource

Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260-266, 268, 124 and 270.

B. Arizona

Arizona initially received final authorization for the base program on November 20, 1985. Arizona received final authorization for revisions to its program on August 6, 1991, July 13, 1992, November 23, 1992, and October 27, 1993. On February 10, 1995, Arizona submitted an application for additional revision approvals. Today, Arizona is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Arizona's application, and has made an immediate final decision that Arizona's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to approve final authorization for Arizona's hazardous waste program revisions. The public may submit written comments on EPA's immediate final decision up until May 11, 1995. Copies of Arizona's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of Arizona's program revisions shall become effective in 60 days unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period. If an adverse comment is received, EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to the comment which either affirms that the immediate final decision takes effect or reverses the decision.

Arizona is applying for authorization for the following Federal hazardous waste requirements:

Federal requirement	State authority
Permit Modifications for Hazardous Waste Management Facilities (53 FR 37912, September 28, 1988, as amended October 24, 1988 at 53 FR 41649).	Arizona Revised Statutes (ARS) 49-922.A + B; Arizona Administrative Code (AAC) R18-8-264.A, 265.A, 270.A + C, and 271.A, D(c)(1) + D(c)(3).

Federal requirement	State authority
Changes to Interim Status Facilities for Hazardous Waste Management Permits; Procedures for Post-Closure Permitting (54 FR 9596, March 7, 1989).	ARS 49-922.A + B; AAC R18-8-270.A and 271.A, B, N(a), N(b) + Q(a).
Changes to Part 124 Not Accounted for by Present Checklists (48 FR 14146, April 1, 1983; 48 FR 30113, June 30, 1983; 53 FR 28118, July 26, 1988; 53 FR 37396, September 26, 1988; 54 FR 246, January 4, 1989).	ARS 49-922.A + B; AAC R18-8-271.A, C(a)(1)-(3), D(a), D(c)(1), D(c)(3), D(d), E(d)(1)-(4), I(c)(1)(iii), I(c)(1)(ix) + K(a)(2).
Criteria for Listing Toxic Wastes; Technical Amendment (55 FR 18726, May 4, 1990).	ARS 49-922.A + B; AAC R18-8-261.A, B + K(a)(3).
Exceptions to the Burning and Blending of Hazardous Wastes (RCRA § 3004(q)(2)(A) and § 3004(r) (2) and (3)).	ARS 49-922.A + B; AAC R18-8-261.A, B + I(a)(3)(vii).
HSWA Codification Rule 2; Corrective Action for Injection Wells (52 FR 45788, December 1, 1987).	ARS 49-922.A + B; AAC R18-8-270.A + B(2)(b).
Wood Preserving Listing; Technical Correction (56 FR 30192, July 1, 1991) including HSWA and non-HSWA portions.	ARS 49-922.A + B; AAC R18-8-261.A + B, 262.A, B + E, 264.A, 265.A and 270.A.
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments I (56 FR 32688, July 17, 1991) including HSWA and non-HSWA portions.	ARS 49-922.A + B; AAC R18-8-261.A, B, I(a)(2) + I(a)(2)(ii), 265.A, 266.A, B(b)(2) + B(b)(3) and 270.A.
Land Disposal Restrictions for Electric Arc Furnace Dust (K061) (56 FR 41164, August 19, 1991).	ARS 49-922.A + B; AAC R18-8-261.A + B and 268.
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II (56 FR 42504, August 27, 1991) including HSWA and non-HSWA portions.	ARS 49-922.A + B; AAC R18-8-261.A + B, 265.A and 266.A.
Exports of Hazardous Waste; Technical Correction (56 FR 43704, September 4, 1991).	ARS 49-922.A + B; AAC R18-8-262.A. + B.
Coke Administrative Stay (56 FR 43874, September 5, 1991)	ARS 49-922.A + B; AAC R18-8-266 A.
Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations at Hazardous Waste Facilities (56 FR 66365, December 23, 1991).	ARS 49-922.A + B; AAC R18-8-260.C + E 265.A.
Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units (57 FR 3462, January 29, 1992) including HSWA and non-HSWA portions.	ARS 49-922.A + B; AAC R18-8-260. C + E, 264. A + M, 265.A and 270.A.
Administrative Stay for the Requirement that Existing Drip Pads Be Impermeable (57 FR 5859, February 18, 1992) including HSWA and non-HSWA portions.	ARS 49-922.A + B; AAC R18-8-264.A and 265.A
Second Correction to the Third Third Land Disposal Restrictions (57 FR 8086, March 6, 1992).	ARS 49-922.A + B; AAC R18-8-264.A and 268.
Hazardous Debris Case-by-Case Capacity Variance (57 FR 20766, May 15, 1992).	ARS 49-922. A + B; AAC R18-8-268.
Used Oil Filter Exclusion (57 FR 21524, May 20, 1992)	ARS 49-922.A + B; AAC R18-8-261.A + B.
Coke By-Product Exclusion (57 FR 27880, June 22, 1992)	ARS 49-922.A + B; AAC R18-8-261.A + B and 266.A.
Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance (57 FR 28628, June 26, 1992).	ARS 49-922.A + B; AAC R18-8-268.
Used Oil Filter Exclusion; Technical Correction (57 FR 29220, July 1, 1992)..	ARS 49-922.A + B; AAC R18-8-261.A + B.
Toxicity Characteristics Revision; Technical Corrections (57 FR 30657, July 10, 1992).	ARS 49-922.A + B; AAC R18-8-261.A + B and 265.A.
Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (57 FR 37194, August 18, 1992).	ARS 49-922.A + B; AAC R18-8-260.C + E, 261.A + B, 262.A, B + E, 264.A, 265.A, 268 and 270.A + J.
Coke By-Product Listings (57 FR 37284, August 18, 1992)	ARS 49-922.A + B; AAC R18-8-261.A + B.
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments III (57 FR 38558, August 25, 1992) including HSWA and non-HSWA portions.	ARS 49-922.A + B; AAC R18-8-260.C, E + G, 261.A + B, 264.A, 265.A and 266.A.
Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Liability Coverage (53 FR 33938, September 1, 1988; as amended on July 1, 1991 at 56 FR 30200 and on September 16, 1992 at 57 FR 42832).	ARS 49-922.A + B; AAC R18-8-264.A, K + L and 265.A.
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments IV (57 FR 44999, September 30, 1992).	ARS 49-922.A + B; AAC R18-8-266.A.
Chlorinated Toluene Production Waste Listing (57 FR 47376, October 15, 1992).	ARS 49-922.A + B; AAC R18-8-261.A + B.
Hazardous Soil Case-by-Case Capacity Variance (57 FR 47772, October 20, 1992).	ARS 49-922.A + B; AAC R18-8-268.
"Mixture" and "Derived-From" Rules; Response to Court Remand (57 FR 7628, March 3, 1992; as amended on June 1, 1992 at 57 FR 23062 and on October 30, 1992 at 57 FR 49278).	ARS 49-922.A + B; AAC R18-8-261.A + B.
Toxicity Characteristic Revision (57 FR 23062, June 1, 1992)	ARS 49-922.A + B; AAC R18-8-261.A + B.
Liquids in Landfills II (57 FR 54452, November 18, 1992)	ARS 49-922.A + B; AAC R18-8-260.C + E, 264.A and 265.A.
Toxicity Characteristic Revision; TCLP (57 FR 55114, November 24, 1992, as amended on February 2, 1993 at 58 FR 6854).	ARS 49-922.A + B; AAC R18-8-261.A + B.
Wood Preserving; Amendments to Listings and Technical Requirements (57 FR 61492, December 24, 1992) including HSWA and non-HSWA portions.	ARS 49-922.A + B; AAC R18-8-261.A + B, 254.A and 265.A.

Federal requirement	State authority
Corrective Action Management Units and Temporary Units; Corrective Action Provisions Under Subtitle C (58 FR 8658, February 16, 1993).	ARS 49-922.A + B; AAC R18-8-260.C + E, 264.A, 265.A, 268 and 270.A + C.
Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance (58 FR 28506, May 14, 1993).	ARS 49-922.A + B; AAC R18-8-268.
Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (58 FR 29860, May 24, 1993).	ARS 49-922.A + B; AAC R18-8-264.A, 265.A, 268 and 270.A.

Arizona has agreed to review all State hazardous waste permits which have been issued under State law prior to the effective date of this authorization. Arizona has agreed to then modify or revoke and reissue such permits as necessary to require compliance with the amended State program. The modifications or revocation and reissuance will be scheduled in the annual State Grant Work Plan.

Arizona is not being authorized to operate any portion of the hazardous waste program on Indian lands.

C. Decision

I conclude that Arizona's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Arizona is granted final authorization to operate its hazardous waste program as revised.

Arizona is now responsible for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984) ("HSWA"). Arizona also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Section 3008, 3013 and 7003 of RCRA.

Compliance With Executive Order 12866

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Arizona's program, thereby eliminating duplicative requirements for handlers of

hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Environmental Protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: April 3, 1995.

John C. Wise,

Acting Regional Administrator.

[FR Doc. 95-8877 Filed 4-10-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 271

[FRL-5189-5]

Nevada: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of Nevada has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. The Environmental Protection Agency (EPA) has completed its review of Nevada's application and has made a decision, subject to public review and comment, that Nevada's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Nevada's hazardous waste program revisions. Nevada's application for program revision is available for public review and comment.

DATES: Final authorization for Nevada is effective June 12, 1995, unless EPA publishes a prior **Federal Register**

action withdrawing this immediate final rule. All comments on Nevada's program revision application must be received by the close of business May 11, 1995.

ADDRESSES: Copies of Nevada's program revision application is available during the business hours of 9 a.m. to 5 p.m. at the following addresses for inspection and copying:

Nevada Department of Conservation and Natural Resources, Division of Environmental Protection, 123 W. Nye Lane, Carson City, NV 89710, Phone: 702/687-5872, Contact L.H. Dodgion, Administrator

U.S. EPA Region IX Library-Information Center, 75 Hawthorne Street, San Francisco, CA 94105, Phone: 415/744-1510

Written comments should be sent to April Katsura, U.S. EPA Region IX (H-4), 75 Hawthorne Street, San Francisco, CA 94105 Phone: 415/744-2030.

FOR FURTHER INFORMATION CONTACT: April Katsura, U.S. EPA Region IX (H-4), 75 Hawthorne Street, San Francisco, CA 94105 Phone: 415/744-2030.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 124, 260-266, 268, 270 and 279.

B. Nevada

Nevada initially received final authorization for the base program on November 1, 1985. On May 27, 1994, Nevada received final authorization for revisions to its hazardous waste program, which included substantially all the Federal RCRA implementing

regulations published in the **Federal Register** through July 1, 1993. On March 13, 1995, Nevada submitted an application for additional revision approvals. Today, Nevada is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Nevada's application, and has made an immediate final decision that Nevada's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to approve final

authorization for Nevada's hazardous waste program revisions. The public may submit written comments on EPA's immediate final decision up until May 11, 1995. Copies of Nevada's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of Nevada's program revisions is effective in 60 days unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment

period. If an adverse comment is received, EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to the comment which either affirms that the immediate final decision takes effect or reverses the decision.

Nevada is applying for authorization for changes and additions to the Federal RCRA implementing regulations that occurred between July 1, 1993 and July 1, 1994, including the following Federal hazardous waste regulations:

Federal requirement	State analog
Requirements for Preparation, Adoption, and Submittal of Implementation Plans (58 FR 38816, July 20, 1993).	Nevada Revised Statutes (NRS) 459.485 and 459.490; Nevada Administrative Code (NAC) 444.8632-.8634.
Hazardous Waste Management System; Testing and Monitoring Activities (58 FR 46040, August 31, 1993).	NRS 459.485 and 459.490; NAC 444.8632-.8634.
Burning of Hazardous Waste in Boilers and Industrial Furnaces (58 FR 59598, November 9, 1993).	NRS 459.485 and 459.490; NAC 444.8632-.8634.
Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Wastes from Wood Surface Protection (59 FR 458, January 4, 1994).	NRS 459.485 and 459.490; NAC 444.8632-.8634.
Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Treatability Studies Sample Exclusion (59 FR 8362, February 18, 1994).	NRS 459.485 and 459.490; NAC 444.8632-.8634.
Hazardous Waste Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards (59 FR 10550, March 4, 1994).	NRS 459.485 and 459.490; NAC 444.8632-.8634.
Recordkeeping Instructions (59 FR 13891, March 24, 1994)	NRS 459.485, 459.490, + 459.550; NAC 444.8632-.8634.
Hazardous Waste Management System; Identification and Listing of Hazardous Wastes; Wastes from Wood Surface Protection; Correction (59 FR 28484, June 2, 1994).	NRS 459.485 and 459.490; NAC 444.8632-.8634.
Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Underground Storage Tanks, Underground Injection Control Systems; Financial Assurance; Letter of Credit (59 FR 29958, June 10, 1994).	NRS 459.485 and 459.490; NAC 444.8632-.8634.
Hazardous Waste Management System; Correction of Beryllium Powder (PO15) Listing (59 FR 31551, June 20, 1994).	NRS 459.485 and 459.490; NAC 444.8632-.8634.

Note: NRS 459.485 effective 1981, amended 1991; NRS 459.490 effective 1981, amended 1987; NRS 459.550 effective 1981, amended 1985, 1987, and 1989; and NAC 444.8632, effective 1987, amended 1990, 1992, 1993, and 1994; NAC 444.8632 adopts by reference 40 CFR part 2, subpart A; 124, subparts A and B; 260 through 270, inclusive; and 279, as modified by NAC 444.8633, NAC 444.8634, and NAC 444.86325.

Nevada agrees to review all State hazardous waste permits which have been issued under State law prior to the effective date of this authorization. Nevada agrees to then modify or revoke and reissue such permits as necessary to require compliance with the amended State program. The modifications or revocation and reissuance will be scheduled in the annual State Grant Work Plan.

Nevada is not being authorized to operate any portion of the hazardous waste program on Indian lands.

C. Decision

I conclude that Nevada's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly,

Nevada is granted final authorization to operate its hazardous waste program as revised.

Nevada is now responsible for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984) ("HSWA"). Nevada also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under section 3008, 3013 and 7003 of RCRA.

Compliance With Executive Order 12866

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 USC 605(b), I hereby certify that this

authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Nevada's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: April 3, 1995.

John C. Wise,

Acting Regional Administrator.

[FR Doc. 95-8878 Filed 4-10-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 271

Louisiana; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule; administrative correction.

SUMMARY: This document corrects administrative errors published in a *Federal Register* (FR) document on January 23, 1995. That document contained EPA's response to public comments received during the public review and comment period of an immediate final rule EPA published in the FR on November 7, 1994, and affirmed the Agency's prior decision to grant final authorization to the Louisiana Department of Environmental Quality (LDEQ) effective January 23, 1995.

DATES: This correction of administrative errors in the FR document published by EPA to respond to public comments received regarding LDEQ's final authorization [60 FR 4380, January 23, 1995], affirms the Agency's immediate final rule previously published [59 FR 55368, November 7, 1994], and notifies the public that the final authorization was effective January 23, 1995.

FOR FURTHER INFORMATION CONTACT: Dick Thomas, Region 6 Authorization Coordinator, Grants and Authorization Section, RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 665-8528.

SUPPLEMENTARY INFORMATION:

Background

On November 7, 1994, EPA published a FR document granting final authorization to LDEQ for most rules referred to by EPA as Hazardous and Solid Waste Amendments of 1984 (HSWA) Cluster I. EPA received adverse written comments during the public review and comment period associated with that document. On January 23, 1995, EPA published a second FR document with its response to the comments, and affirmed its decision to grant authorization to LDEQ for the published rules. After publication, EPA realized it published a draft version of the FR document which contained

language deleted or modified in the final version. To correct this administrative error, and for the convenience of the reader, EPA is hereby publishing corrections to the prior FR document that affirmed the Agency's immediate final rule implementing final authorization to LDEQ, effective January 23, 1995.

Correction of Publication

On page 4380, in the last column, in the first paragraph under **SUMMARY**, the last sentence is corrected to read "As such, EPA published an immediate final rule in the *Federal Register* (FR) on November 7, 1994, with a 45-day public review and comment period, to be effective on January 23, 1995."

On page 4381, in the first column, in the first paragraph under Response to Public Comments, the second sentence is corrected to read "One supplied LDEQ with an independent environmental audit report of conditions at Bayou Steel to support both commentors' claims, and the commentor believed LDEQ's lack of enforcement response to those and other complaints demonstrated the State's inability to take on additional program revisions, and unwillingness to appropriately address complaints."

The third sentence in the same paragraph is corrected to read "Also, the commentors questioned whether LDEQ had adequate resources to enforce the RCRA corrective action provisions in this program revision."

The second paragraph under Response to Public Comments is corrected to read "EPA reviewed the commentors' assertions and LDEQ's actions regarding complaints about Bayou Steel. EPA noted LDEQ's files contained numerous complaints regarding Bayou Steel's activities, including those from the commentors. The files showed LDEQ initiated investigations to address all but one complaint within seven days of receipt, and in that instance the investigation was initiated within seven days of a records review. State records further revealed that LDEQ investigated all Bayou Steel complaints in an appropriate and timely manner. LDEQ's inspection reports were in permanent files and available for public review. Copies of requested portions of the files were available to the public."

In the third paragraph under Response to Public Comments, the first sentence is corrected to read "State records also showed that the various Divisions of LDEQ had conducted 29 inspections at Bayou Steel since 1993."

In the third paragraph under Response to Public Comments, the

second sentence is corrected to read "Some resulted in enforcement actions, including penalties, for the facility's violations of Louisiana's environmental regulations."

The fourth paragraph under Response to Public Comments is corrected to read "EPA determined that LDEQ has adequate resources to take on the additional portions of RCRA included in this program revision. As noted above, various LDEQ Divisions conducted numerous inspections at Bayou Steel since 1993, dedicating significant resources to the inspections. These inspections, covering all media, were in addition to inspections and investigations performed by LDEQ at other facilities in the State. Because of the number and variety of complaints LDEQ received regarding Bayou Steel, LDEQ requested that EPA, with its authority, resources, and experience, perform a complete multi-media facility inspection. EPA considered this an appropriate referral. EPA conducted the Bayou Steel multi-media inspection in June 1994. After EPA completed and analyzed the inspection and sampling reports, it recognized the need for additional information on Bayou Steel's waste management practices. This detailed and thorough investigation is almost complete, and EPA will issue a report of the results in the future. Until the report is complete, EPA will not be able to present any findings regarding the facility."

The fifth paragraph under Response to Public Comments is corrected to read "Additionally, some complaints to the State about Bayou Steel concerned LDEQ's lack of sufficient resources to enforce RCRA's prohibition of unlicensed burial of hazardous waste. The commentor wrote that LDEQ admitted it lacked sufficient resources to enforce RCRA corrective action requirements. At the time of LDEQ's inspections of the facility, EPA had not authorized the State to regulate or address waste subject to Federal corrective action authority under HSWA in lieu of EPA."

The ninth paragraph under Response to Public Comments is corrected to read "EPA considered Louisiana's 'de novo review' provision not to be the same as 'trial de novo' (new trial) recognized and defined in the *Pardue* Court, but that under the de novo review provisions the reviewing court can exercise only appellate jurisdiction (review of the record). The Louisiana legislature enacted laws that authorize only the Secretary of LDEQ to grant or deny permits, not the judiciary. Louisiana Revised Statutes, (R.S.) § 30:2011(D)(2). Additionally, R.S.

§ 30:2014(A) provides, in part, that the Secretary shall act as the primary public trustee of the environment, and shall consider and follow the will and intent of the Louisiana Constitution and Louisiana statutory law in making any determination relative to the granting or denying of permits. This matter is also clarified in LDEQ's revised Program Description, which refers to the review as a 'de novo review of the record.'

In the tenth paragraph under Response to Public Comments, the third sentence is corrected to read "The commentor alleged LDEQ argued that the courts have jurisdiction to review its decisions only when the decision resulted from an LDEQ mandatory adjudicatory hearing."

In the tenth paragraph under Response to Public Comments, the fifth sentence is corrected to read "Thus, none of LDEQ's hazardous waste permitting decisions, with the possible exception of commercial treatment, storage, or disposal facility permits, would be subject to judicial review."

In the tenth paragraph under Response to Public Comments, the sixth sentence is corrected to read "However, EPA considered this issue resolved by the Louisiana Supreme Court in Matter of American Waste and Pollution Control Co., 642 So.2d 1258 (La 1994), where the Court ruled that LDEQ decisions are appealable whether or not they result from a mandatory adjudicatory hearing."

On page 4382, in the twelfth paragraph under Response to Public Comments, the third sentence is corrected to read "In addition, EPA retains Federal enforcement authority under RCRA §§ 3008(h) and 7003."

In the fourteenth paragraph under Response to Public Comments, the second sentence is corrected to read "Even then, EPA will retain the authority to enforce against violators, even in an authorized State, under RCRA §§ 3008(h) and 7003."

In the fifteenth paragraph under Response to Public Comments, the first sentence is corrected to read "EPA has reevaluated its decision to approve this final authorization for revision to the State's hazardous waste program, and revisited all pertinent documentation, including the authorization application with revised Program Description, and several EPA mid-year and end-of-year evaluation reports on LDEQ."

Finally, in the fifteenth paragraph under Response to Public Comments, the third sentence is corrected to read "EPA hereby affirms its decision to approve this final authorization, which was effective January 23, 1995."

Dated: March 29, 1995.

Jane N. Saginaw,

Regional Administrator.

[FR Doc. 95-8876 Filed 4-10-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 372

[OPPTS-400085A; FRL-4929-3]

RIN 2070-AC00

Copper Phthalocyanine Compounds; Toxic Chemical Release Reporting; Community Right-To-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is deleting copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine from the "copper compounds" category on the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). This action is based on EPA's conclusion that copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine meet the deletion criteria of EPCRA section 313(d)(3). By promulgating this rule, EPA is relieving facilities of their obligation to report releases of copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine that occurred during the 1994 reporting year, and releases that will occur in the future.

EFFECTIVE DATE: This rule is effective April 11, 1995.

FOR FURTHER INFORMATION CONTACT: Maria J. Doa, Petitions Coordinator, 202-260-9592, for specific information on this final rule, or for more information on EPCRA section 313, the Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St., SW., Washington, DC 20460, Toll free: 1-800-535-0202, in Virginia and Alaska: 703-412-9877 or Toll free TDD: 1-800-553-7672.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Statutory Authority

This action is issued under section 313(d) and (e)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. 11023. EPCRA is also referred to as Title III of the Superfund Amendments and

Reauthorization Act of 1986 (SARA) (Pub. L. 99-499).

B. Background

Section 313 of EPCRA requires certain facilities manufacturing, processing, or otherwise using listed toxic chemicals to report their environmental releases of such chemicals annually. Beginning with the 1991 reporting year, such facilities must also report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the Pollution Prevention Act (PPA) 42 U.S.C. 13106. When enacted, section 313 established an initial list of toxic chemicals that was comprised of more than 300 chemicals and 20 chemical categories. Section 313(d) authorizes EPA to add or delete chemicals from the list, and sets forth criteria for these actions. Under section 313(e)(1), any person may petition EPA to add chemicals to or delete chemicals from the list. EPA has, from time to time, added and deleted chemicals from the original statutory list.

EPA issued a statement of petition policy and guidance in the **Federal Register** of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for petitions. On May 23, 1991 (56 FR 23703), EPA issued a statement of policy and guidance regarding the recommended content of petitions to delete individual members of the section 313 compound categories. EPA has also published a statement clarifying its interpretation of the section 313(d)(2) criteria for adding and deleting chemicals from the section 313 list (59 FR 61439; November 30, 1994).

II. Description of Petition and Proposed Action

On March 5, 1993, the Agency received a petition from the Color Pigments Manufacturers Association (CPMA) to delete Color Index (C.I.) Pigment Blue 15:1 from the chemical category "copper compounds" subject to EPCRA reporting requirements. C.I. Pigment Blue 15:1 is a mixture of C.I. Pigment Blue 15 (copper phthalocyanine) and copper monochlorophthalocyanine. Because C.I. Pigment Blue 15 had already been deleted from the chemical category "copper compounds" (56 FR 23650; May 23, 1991), the Agency treated this petition as a request to remove copper monochlorophthalocyanine from the chemical category "copper compounds."

Following a review of the petition, EPA issued a proposed rule in the **Federal Register** of June 6, 1994 (59 FR 29252), proposing to delete copper

monochlorophthalocyanine from the category "copper compounds" on the list of toxic chemicals under EPCRA section 313. EPA's proposal was based on its conclusion that copper monochlorophthalocyanine meets the EPCRA section 313(d)(3) criteria for deletion from the list. With respect to deletions, EPCRA provides at section 313(d)(3) that "[a] chemical may be deleted if the Administrator determines there is not sufficient evidence to establish any of the criteria described in paragraph [(d)(2)(A)-(C)]." Specifically, in the proposed rule EPA concluded preliminarily that there is not sufficient evidence to establish that copper monochlorophthalocyanine causes adverse acute human health effects, chronic human health effects, or environmental toxicity. This preliminary conclusion, which is detailed in the proposed rule, was based on the Agency's review of the petition, as well as other relevant materials included in the docket.

In the proposed rule, EPA requested comment on the alternative of exempting all copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine from the reporting requirements under the "copper compounds" category on the EPCRA section 313 list. As stated in the

preamble of the proposed rule, EPA has previously reviewed brominated/chlorinated copper phthalocyanine compounds as well as the parent compound, copper phthalocyanine, and believes that its conclusions regarding the toxicity of the intact compound and the availability of soluble copper from these substituted compounds apply to all copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine.

III. Final Rule and Rationale for Delisting

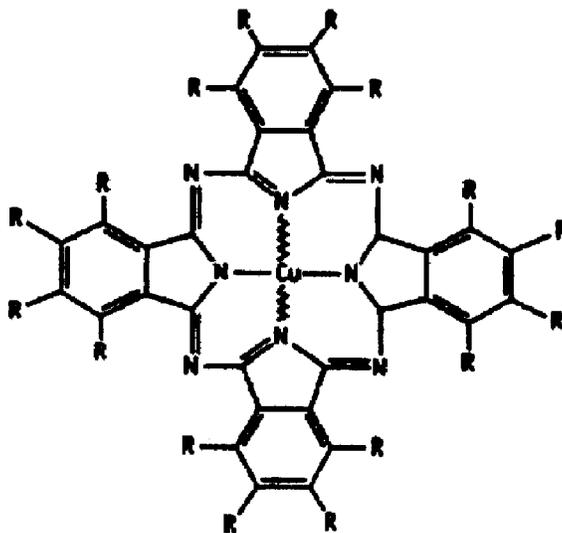
In response to the petition from CPMA, EPA has decided to delete copper monochlorophthalocyanine from the list of chemicals for which reporting is required under section 313 of EPCRA and section 6607 of PPA. Further, the Agency has decided to expand this delisting action to include all copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine. EPA is delisting these chemicals because the Agency has determined that they satisfy the delisting criteria of EPCRA section 313(d)(3).

A. Response to Comments

EPA received two comments on the proposed rule, both in support of the deletion of copper

monochlorophthalocyanine. In addition, one of the commenters, CPMA strongly supports EPA's alternative proposal exempting all copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine from the reporting requirements under the "copper compounds" category on the EPCRA section 313 list. The commenter requests that EPA delete all of the possible compounds using the definition of substituted phthalocyanines provided in the proposed rule because these chemicals are abiotically and biotically stable chemicals that will not liberate soluble forms of copper and are not toxic in the intact form.

EPA agrees with the commenters. EPA believes that copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine cannot reasonably be anticipated to cause adverse acute human health effects, chronic human health effects, or environmental toxicity. Thus, EPA is exempting these chemicals from the reporting requirements under the "copper compounds" category on the EPCRA section 313 list. Specifically, EPA is deleting all the chemicals that meet the following molecular structure definition:



where R= H and/or Br and/or Cl only.

A guidance document, entitled "Copper Phthalocyanine Compounds Excluded from the Reporting Requirements under the 'Copper Compounds' Category on the EPCRA Section 313 List," that lists all known chemicals that meet this definition and that have Chemical Abstract Service

(CAS) numbers, is available from the Emergency Planning and Community Right-to-Know Hotline. See the unit of this preamble entitled FOR FURTHER INFORMATION CONTACT for the address and telephone number. This guidance document is not intended to be all inclusive and there may be compounds not included in the

guidance document which meet the above formula. Such compounds are also delisted by today's action.

B. Rationale for Delisting and Conclusions

After reviewing comments received and other relevant information, EPA has concluded that the assessment set out in

the proposed rule should be affirmed. A more detailed discussion of the rationale for delisting is given in the proposed rule (June 6, 1994; 59 FR 29252). Therefore, this final rule is based on EPA's conclusion that copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine cannot reasonably be anticipated to cause adverse acute human health effects, chronic human health effects, or environmental toxicity, because (1) The intact species do not meet the EPCRA section 313(d) criteria and (2) the copper ion from these copper phthalocyanine compounds will not become available. Thus, these chemicals meet the EPCRA section 313(d)(3) criterion for delisting (i.e., they do not meet any of the EPCRA section 313(d)(2) listing criteria). In reaching this conclusion, EPA considered the toxicity of intact copper phthalocyanine compounds and the copper ion as a potential source of toxicity from copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine. Initially, EPA analyzed the availability of copper ion. If the ion is not available, these compounds cannot cause toxicity due to copper ion. EPA has concluded that copper ion cannot reasonably be anticipated to become available from copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine.

The intact copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine can reasonably be anticipated to be acutely toxic only at levels that greatly exceed estimated releases and resultant exposures. Therefore, these copper phthalocyanine compounds cannot reasonably be anticipated to cause "... significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous, or frequently recurring releases." Thus, EPA has concluded that copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine do not meet the toxicity criteria for listing under EPCRA section 313(d)(2)(A).

EPA has also concluded that copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine do not meet the toxicity criteria of EPCRA section 313(d)(2)(B) because these copper phthalocyanine compounds cannot reasonably be anticipated to cause cancer, developmental toxicity, reproductive toxicity, neurotoxicity,

gene mutations, or chronic toxicity. These intact copper phthalocyanine compounds cannot reasonably be anticipated to cause such effects, and copper ion will not be available to cause chronic human toxicity.

Finally, EPA has concluded that copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine do not meet the toxicity criteria of EPCRA section 313(d)(2)(C) because these copper phthalocyanine compounds cannot reasonably be anticipated to cause adverse environmental effects. In addition, copper ion will not become available from these copper phthalocyanine compounds and, therefore, will not be available to cause adverse environmental effects.

IV. Effective Date

This action becomes effective April 11, 1995. Thus, the last year in which facilities had to file a Toxic Release Inventory (TRI) report for these copper phthalocyanine compounds was 1994, covering releases and other activities that occurred in 1993.

Section 313(d)(4) provides that "[a]ny revision" to the section 313 list of toxic chemicals shall take effect on a delayed basis. EPA interprets this delayed effective date provision to apply only to actions that add chemicals to the section 313 list. For deletions, EPA may, in its discretion, make such actions immediately effective. An immediate effective date is authorized, in these circumstances, under 5 U.S.C. section 553(d)(1) because a deletion from the section 313 list relieves a regulatory restriction.

EPA believes that where the Agency has determined, as it has with these copper phthalocyanine compounds, that a chemical does not satisfy any of the criteria of section 313(d)(2)(A)-(C), no purpose is served by requiring facilities to collect data or file TRI reports for that chemical, or, therefore, by leaving that chemical on the section 313 list for any additional period of time. This construction of section 313(d)(4) is consistent with previous rules deleting chemicals from the section 313 list. For further discussion of the rationale for immediate effective dates for EPCRA section 313 delistings, see 59 FR 33205.

V. Rulemaking Record

The record supporting this final rule is contained in docket number OPPTS-400085A. All documents, including an index of the docket, are available in the TSCA Nonconfidential Information Center (NCIC), also known as, TSCA Public Docket Office from noon to 4 p.m., Monday through Friday, excluding

legal holidays. TSCA NCIC is located at EPA Headquarters, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

VI. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a "significant regulatory action" as an action 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 referred to as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlements, 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, it has been determined that this final rule is not "significant" and therefore not subject to OMB review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act of 1980, the Agency must conduct a small business analysis to determine whether a substantial number of small entities would be significantly affected by the final rule. Because the final rule eliminates an existing requirement, it would result in cost savings to facilities, including small entities.

C. Paperwork Reduction Act

This final rule does not have any information collection requirements subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 372

Environmental protection, Chemicals, Community right-to-know, Reporting and recordkeeping requirements, and Toxic chemicals.

Dated: March 30, 1995.

Lynn Goldman,

Assistant Administrator for Prevention,
Pesticides and Toxic Substances.

Therefore, 40 CFR part 372 is amended as follows:

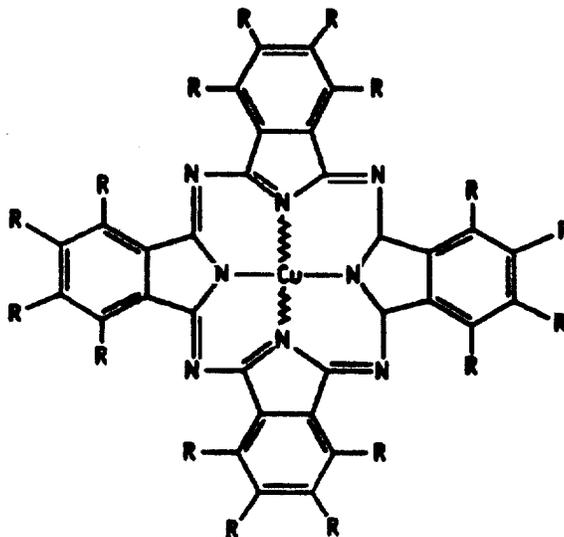
1. The authority citation for part 372 continues to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

§ 372.65 [Amended]

2. In § 372.65(c) by adding the following language to the copper

compounds listing "except copper phthalocyanine compounds that are substituted with only hydrogen and/or bromine and/or chlorine that meet the following molecular structure definition:



where R = H and/or Br and/or Cl only."

[FR Doc. 95-8874 Filed 4-10-95; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 763

[OPPTS-62121A; FRL-4914-6]

Asbestos-Containing Materials in Schools; State Request for Waiver From Requirements; Notice of Final Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final decision on requested waiver.

SUMMARY: EPA is issuing a final decision which approves the request of Louisiana for a waiver from the requirements of 40 CFR part 763, subpart E, Asbestos-Containing Materials in Schools.

ADDRESSES: A copy of the complete waiver application submitted by the State is available from the TSCA Public Docket Office. A copy is also on file and may be reviewed at the EPA Region 6 office in Dallas, Texas.

TSCA Docket Receipt (7407), Office of Pollution Prevention and Toxics, Rm. NE-B607, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

EPA, Region 6 (6T-PT), 1445 Ross Avenue, Dallas, TX 75202-2733.

FOR FURTHER INFORMATION CONTACT:

James B. Willis, Acting Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Rm. E-543B, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: This notice is issued under the authority of Title II of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2641, *et seq.* TSCA Title II was enacted as part of the Asbestos Hazard Emergency Response Act 1986 (AHERA), Pub. L. 99519. AHERA is the abbreviation commonly used to refer to the statutory authority for EPA's rules affecting asbestos in schools and will be used in this document. EPA issued a final rule in the **Federal Register** of October 30, 1987 (52 FR 41846), the Asbestos-Containing Materials in Schools Rule (the Schools Rule, 40 CFR part 763, subpart E), which requires all Local Education Agencies (LEAs) to identify asbestos-containing building materials (ACBMs) in their school buildings and to take appropriate actions to control the release of asbestos fibers.

Under section 203 of AHERA, EPA may, upon request by a State Governor and after notice and comment and opportunity for a public hearing in the State, waive in whole or part the requirements of the Schools Rule, if the

State has established and is implementing or intends to implement an ongoing program of asbestos inspection and management which is at least as stringent as the requirements of the rule. Section 763.98 (40 CFR 763.98) sets forth the procedures to implement this statutory provision. The Schools Rule requires that specific information be included in the waiver request submitted to EPA, establishes a process for reviewing waiver requests, and sets forth procedures for oversight and rescission of waivers granted to States. The Agency encourages States to establish and manage their own school regulatory programs under the AHERA waiver provisions.

EPA issued a notice in the **Federal Register** of February 18, 1993 (58 FR 8926), which announced the receipt of a waiver request from the State of Louisiana, and solicited comments from the public. The notice also discussed the program elements of the State program, listed differences between the State program and the AHERA requirements, and provided EPA's preliminary response to the State on the differences identified.

No comments were received during the 60-day comment period. No request for a public hearing was received. Consequently, no hearing was held.

EPA is required to issue a notice in the **Federal Register** announcing its

decision to grant or deny a request for waiver within 30 days after the close of the comment period. The comment period for this docket closed April 19, 1993. The 30-day review period may be extended if mutually agreed upon by EPA and the State. EPA and Louisiana mutually agreed to extend the review period.

The remainder of this document is divided into two units. The first unit discusses the Louisiana program and sets forth the reasons and rationale for EPA's decision on the State's waiver request. This unit is subdivided into three sections. Section A discusses key elements of the State's program at the time the waiver request was submitted. Section B enumerates the differences EPA noted between the State's program and the AHERA requirements as discussed in the February 18, 1993 **Federal Register** notice, and sets out the State's response to those differences which EPA subsequently received. Section C gives EPA's final approval of the waiver request based on the State's response. The second unit of this notice discusses statutory requirements of the Paperwork Reduction Act.

I. The Louisiana Program

A. Program Elements

Louisiana Revised Statutes RS 30:2341-2345 and the Asbestos and Hazardous Material Detection Program RS 40:1749.1 give the Louisiana Department of Environmental Quality (LDEQ) the authority to regulate asbestos in schools and State buildings. Provisions in Louisiana's revised statutes, RS 30:2054, give the LDEQ the authority to regulate sources of air contaminants. The Louisiana Administrative Code (LAC), Title 33, Part III, Chapter 27 and Appendix A to Chapter 27 contain the State provisions for asbestos inspections and management in schools and State buildings. LAC 33:III.5151 contains the State provisions for training and accreditation of persons conducting asbestos activities in facilities.

The LDEQ conducts inspections to ensure compliance with the above statutes and regulations. LDEQ reviews the management plans submitted for schools and State buildings. The requirements of the Louisiana Program are at least as stringent as the Federal AHERA requirements. Most of the State requirements are, in fact, more stringent than the Federal requirements in that they are applied to all State buildings rather than just to schools as in the Federal rule.

B. Resolution of Differences Between State and AHERA

In the February 18, 1993, **Federal Register** notice, EPA gave its preliminary comments regarding the differences between the Louisiana and AHERA requirements. EPA's preliminary comments identified four differences that needed to be addressed before July 29, 1994. In a letter on July 28, 1994, LDEQ informed EPA of its correction of those portions of the State's program. Following are the four differences between the Federal requirements and the State's program which were listed in the February 18, 1994 **Federal Register** notice and the corresponding responses by the LDEQ:

1. The State's definition of school building does not specifically mention "any portico or covered exterior hallway or walkway" and "any exterior portion of a mechanical system used to condition interior space."

LDEQ response: To address this item the State has expanded its definition of school building to include, any portico or covered exterior hallway or walkway and any exterior portion of a mechanical system used to condition interior space.

2. The State's procedures to be followed for any operations and maintenance activities disturbing friable ACBMs do not include the statement "place the asbestos debris and cleaning materials in a sealed leak-tight container."

LDEQ response: The State has expanded its Operations and Maintenance Activities by adding LAC 33:III.2719.D.6: "Place the asbestos debris and other cleaning materials in sealed, clear, leak-tight containers."

3. Submission of a management plan for a building that an LEA begins to use as a school building is not required by the State's program prior to the building's use as a school.

LDEQ response: To address this concern, LAC 33:III.2723.A.3 has been modified as follows: "If a local education agency or the state government begins to use a building as a school building or state building more than 90 days after promulgation of this regulation, the local education agency or the state government shall submit a management plan for the school building or state building to the Department of Environmental Quality prior to its use as a school or state building. Each plan developed or modified after June 20, 1994 must include Form AAC-8, Required Elements for Management Plans."

4. Warning labels are required by the State rule to be attached immediately adjacent to any "accessible" friable and

nonfriable ACBM and suspected ACBM assumed to be asbestos-containing material located in routine maintenance areas. The Federal rule does not limit the warning label requirements to ACBM which is accessible.

LDEQ response: The State has modified LAC 33:III.2727.A by removing the word "accessible" from the regulation.

Since the State application for waiver and the **Federal Register** notice of February 18, 1993, EPA published a revision to its Asbestos Model Accreditation Plan (MAP). The Asbestos Model Accreditation Plan; Interim Final Rule was published on February 3, 1994 (59 FR 5236). This MAP required that each State adopt an accreditation plan that is at least as stringent as this MAP within 180 days after the commencement of the first regular session of the legislature of the State that is convened on or after April 4, 1994. The Louisiana Legislature convened on April 25, 1994. Therefore the 180-day period expired on October 22, 1994. In a letter of December 1, 1994, LDEQ submitted copies of the State's accreditation regulations and stated its position that Louisiana's Accreditation Program meets or exceeds the U.S. EPA Model Accreditation Plan. Revised copies of LAC 33:III, Chapter 27 and LAC 33:III.5151 were submitted to support that position.

C. EPA's Decision on Louisiana's Request for Waiver

EPA grants the State of Louisiana a waiver from the requirements of 40 CFR part 763, subpart E, effective 30 days after publication of this Notice of Final Decision. Federal jurisdiction shall be in effect in the period between the date of publication of this document and the effective date. This will assure that the State has sufficient time to prepare to assume its new responsibilities. It will also assure the public that no gap in authority occurs, and gives the public sufficient notice of the transfer of duties from EPA to the State of Louisiana. This waiver is applicable to all schools covered by AHERA in the State and is subject to rescission under 40 CFR 763.98(j) based on periodic EPA oversight evaluation and conference with the State in accordance with 40 CFR 763.98(h) and 763.98(i).

II. Other Statutory Requirements

The reporting and recordkeeping provisions relating to State waivers from the requirements of the Asbestos-Containing Materials in Schools Rule (40 CFR part 763) have been approved by the Office of Management and Budget (OMB) under the Paperwork

Reduction Act and have been assigned OMB control number 2070-0091.

List of Subjects in 40 CFR Part 763

Environmental protection, Asbestos, Asbestos in schools (ASHERA), Hazardous substances, Reporting and recordkeeping requirements, State and local governments, Worker protection.

Dated: March 30, 1995.

Jane Saginaw,

Regional Administrator, Region VI.

[FR Doc. 95-8873 Filed 4-10-95; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Coast Guard

46 CFR Parts 401, 403, and 404

[OST Docket No. 50248]

[CGD 92-072]

RIN 2105-AC21

Great Lakes Pilotage Rate Methodology

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule; request for comments.

SUMMARY: The Department of Transportation (the Department) is amending the regulations concerning Great Lakes pilotage by amending the procedures for determining Great Lakes pilotage rates, and revising the financial reporting requirements mandated for Great Lakes pilot associations. The purpose of these changes is to improve the ratemaking process. This final rule does not change the existing Great Lakes pilotage rates and charges.

DATES: This rule is effective on June 12, 1995. Comments must be received on or before May 11, 1995. Late-filed comments will be considered only to the extent practicable.

ADDRESSES: Comments should be sent, preferably in triplicate, to Docket Clerk, OST Docket No. 50248, U.S. Department of Transportation, 400 7th St. SW., room PL-401, Washington, DC 20590. Comments will be available for inspection at this address from 9 a.m. to 5:30 p.m., Monday through Friday. Commenters who wish the receipt of their comments to be acknowledged should include a stamped, self-addressed postcard with their comments. The Docket Clerk will date-stamp the postcard and mail it back. Unless otherwise indicated, documents referred to in this preamble are also available for inspection or copying at

this address. Comments should not be sent to the Coast Guard docket.

FOR FURTHER INFORMATION CONTACT:

Scott A. Poyer, Project Manager, Merchant Vessel Personnel Division, Office of Marine Safety, Security and Environmental Protection (G-MVP/12) room 1210, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001, (202) 267-6102, or Steven B. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement, 400 7th St. SW., room 10424, Washington, DC 20590, (202) 366-9306.

Regulatory History

On December 7, 1988, the Department of Transportation published the Great Lakes Pilotage Study Final Report (1988 DOT Pilotage Study). The study revealed weaknesses in accounting for the expenses incurred by the pilot associations and the need to formally establish the factors used in establishing pilotage rates. On April 25, 1990, the Coast Guard published a final rule (55 FR 17580) establishing improved audit requirements and general guidelines and procedures to be followed in ratemaking (CGD 92-072).

In May 1990, the Inspector General (IG) for the Department of Transportation initiated an audit of Coast Guard oversight of Great Lakes pilotage. The final report of the audit (Audit of the U.S. Coast Guard's Oversight and Management of the Great Lakes Pilotage Program), detailing further issues affecting the basis for Great Lakes pilotage rates, was issued on December 14, 1990.

On August 2, 1991, a DOT Task Force was formed to: (1) Develop an interim rate adjustment; and (2) establish a new pilotage ratemaking methodology. On June 5, 1992, an interim rate increase was published (CGD 89-104). The DOT Task Force then developed a new pilotage ratemaking methodology, which the Coast Guard published in a notice of proposed rulemaking (NPRM) (59 FR 17303) dated April 12, 1994.

The NPRM proposed to amend the Great Lakes pilotage regulations by establishing new procedures for determining Great Lakes pilotage rates and revising the financial reporting requirements mandated for Great Lakes pilot associations (CGD 92-072). The NPRM also announced a public hearing that was held in Cleveland, OH on May 20, 1994. The comment period for the NPRM ended on July 11, 1994.

In response to the NPRM and the public hearing, the Coast Guard received 31 comments and two requests for additional public meetings to explain the proposals contained in the

NPRM. In the **Federal Register** (59 FR 18774) on April 20, 1994, the Coast Guard announced that it would conduct two public meetings. The first public meeting was held in Chicago, IL on May 3, 1994. The second public meeting was held in Massena, NY on May 5, 1994.

The Coast Guard also received one request to extend the comment period for the NPRM. Because the comment period for the NPRM was 90 days, the Coast Guard determined that there was sufficient time to submit comments. Therefore, the comment period was not extended.

Background and Purpose

Under the Great Lakes Pilotage Act of 1960 (Pub. L. 86-555, 46 U.S.C. 9301 *et seq.*) (the Act), vessels of the United States operating on register and foreign vessels must engage a U.S. or Canadian registered pilot when traversing the waters of the Great Lakes. The Act vests the Secretary of Transportation with responsibility for setting pilotage rates. Section 9303 of the Act provides that the Secretary shall prescribe by regulation rates and charges for pilotage services, giving consideration to the public interest and the costs of providing the services. This authority, except for the authority to enter into, revise or amend arrangements with Canada, has been delegated to the Commandant of the Coast Guard by 49 CFR 1.46(a). This authority has been further delegated to the Director, Great Lakes Pilotage (the Director).

Currently, the navigable waters of the Great Lakes are divided into eight pilotage areas. United States registered pilots, along with their Canadian counterparts, provide pilotage services in areas 1, 2, 4, 5, 6, 7, and 8. Pilotage area 3 (the Welland Canal) is currently a wholly-Canadian area where only Canadian pilots provide services. Pilotage areas 2, 4, 6, and 8 are "undesignated waters." Pilotage areas 1, 5, and 7 are "designated waters." Pilots are required to direct navigation of vessels in designated waters. Pilots are required to be on board and available to direct navigation in undesignated waters. The seven U.S. pilotage areas are grouped together into three pilotage districts. District 1 consists of areas 1 and 2. District 2 consists of areas 4 and 5. District 3 consists of areas 6, 7, and 8. Each district has its own pilot association.

Section 9305 of the Pilotage Act provides that the Secretary of Transportation, subject to the concurrence of the Secretary of State, may make agreements with the appropriate agency of Canada to prescribe joint or identical rates and

charges. The latest Memorandum of Arrangements between the United States and Canada, dated January 18, 1977, specifies that the Secretary of Transportation of the United States of America and the Minister of Transport of Canada will establish regulations imposing identical rates. A copy of this Memorandum of Arrangements is available in the docket and may also be obtained by writing to Mr. Scott Poyer at the address listed under **FOR FURTHER INFORMATION CONTACT**, above. In the past, consultations between the United States and Canada resulted in nominally identical U.S. and Canadian rates.

However, there are differences in the cost bases and in the operating organizations of the U.S. and Canadian pilots, particularly with regard to pilot compensation. These differences need to be taken into account in reaching identical U.S. and Canadian rates. As a result, the ratemaking methodology contained in this final rule would not translate directly into new rates, but rather would form the basis for proposals to be negotiated with Canada.

Discussion of Comments and Changes

Although the Coast Guard issued the NPRM under authority delegated to the Commandant by the Secretary, the Secretary is issuing the final rule. Under 49 CFR 1.43(a), the Secretary may exercise powers and duties delegated or assigned to officials other than the Secretary.

Because the Secretary is issuing this final rule, the Department is consolidating Coast Guard Docket No. 92-072 into OST Docket No. 50248. All further pleadings should be filed in the new docket at the docket address listed above.

The Coast Guard received 31 comments on the NPRM. Twenty comments were from Great Lakes Pilots, Great Lakes Pilot Associations, or employees of these associations. Six comments were from shippers, ports, and associations representing the Great Lakes maritime industry. Five comments were from unions or professional organizations that represent pilots. Some of the comments addressed issues that were not the subject of this rulemaking. The Department is responding only to those comments relating to this rulemaking.

All comments were carefully considered, and in response to the comments significant changes have been made to the proposals that were published in the NPRM. The NPRM proposed changes to 46 CFR part 403, which deals with accounting and financial reporting requirements, and 46

CFR part 404, which details ratemaking procedures.

Most of the comments criticized the NPRM for being overly complex and unwieldy. In response to this criticism, the regulations that were proposed in the NPRM have been cut by approximately two thirds, with no sacrifice of fairness or substance. Accounting requirements have been streamlined for easier use, financial reporting requirements have been reduced, and the proposed ratemaking methodology has been revised to make it less complex.

The NPRM elements that received the strongest objections from the public were proposals to change the way pilotage rates are charged on the Great Lakes. Almost everyone who commented on the proposed rule objected to the proposals to create a class of "ancillary services" and to recalculate point-to-point pilotage charges based on hourly fees. These proposals were found in Step 7 of appendix A to part 404. The majority of commenters felt that the proposals for hourly pilotage fees would degrade safety by creating an incentive for vessels to go faster in order to avoid or reduce pilotage costs. Commenters also objected to labeling some pilotage services such as docking and undocking as "ancillary services" and allowing fees for these services to be set purely at the discretion of the Director. There were concerns that purely discretionary rates would not be predictable for shippers or pilots.

In response to the comments from pilots, shippers, unions and most other commenters, the NPRM proposal to charge fees on an hourly basis has been modified. The Department agrees with the expressed concerns regarding undue complexity and possible disincentives for operational safety, and has therefore rewritten Step 7 of appendix A to part 404. This final rule retains the current method for charging pilotage rates to various users, which specifies charges for specific travel segments. If concerns are raised in the future regarding the equity of the way in which pilotage rates are charged, this issue may be reopened. However, no changes will be made without a proceeding that provides for public involvement.

There were many objections from pilots and shippers to the proposal that the timing of rate reviews be determined by the Director of Great Lakes Pilotage. Several alternatives were suggested, but most comments indicated that it would be more appropriate if a rate review were conducted at least every one, two, or three years in order to keep pilotage rates current. The Department agrees

with these comments. The provision in 46 CFR 404.1(b), which gave the Director authority to determine the timing of rate reviews, has been revised in response to the public comments received. Section 404.1(b) now requires the Director to conduct a detailed audit of pilot association expenses and use the ratemaking procedures in appendix A of part 404 to set base pilotage rates at least once every five years. The Director of Great Lakes Pilotage will initiate the new methodology as soon as possible after the effective date of this rule using the most current audit reports available. If interested parties request reviews more often than once every five years, the Director can review the request, and conduct a special audit and ratemaking if the Director concludes that a reasonable basis for conducting a review has been established.

In the intervening years between the five-year or special audits, pilotage rates proposed for coordination with Canada will be reviewed annually using a simplified procedure detailed in appendix C to part 404. This annual review procedure addresses public comments that a less complicated ratemaking process would be faster and less burdensome on all parties.

During the regular five-year audit of the Great Lakes pilot associations and the corresponding rate review, the Director will calculate an "expense multiplier" for each pilot association using the most recent regular and/or special audit data. This expense multiplier is the ratio of all other expenses, including a return element, to pilot compensation expense in unit cost terms for the base period analyzed. When target pilot compensation is determined for a prospective annual rate period, total economic costs can be easily determined by increasing such pilot compensation by the multiplier. Use of this ratio avoids the need to recalculate other expenses and the return element each year in order to review the rates. Moreover, since this review procedure focuses on changes in unit costs, i.e., total economic costs per bridge hour, between the base period and the new rate period, the need to project revenues for the new period is also avoided. Finally, this calculation will not change the rate structure; it will merely change proposed rates uniformly by the percentage change in unit costs.

Most pilots, and organizations representing pilots, commented on the NPRM's proposal to continue the Department policy of maintaining income comparability between Great Lakes Registered Pilots, and masters/ chief mates on Great Lakes vessels. This policy was established as a result of the

1988 DOT Pilotage Study, which examined many alternatives and selected the master/chief mate target for pilot compensation. Commenters believed pilots should earn more than masters/chief mates. Among the many alternatives proposed by commenters were: Comparability with State pilots; comparability with Canadian pilots; automatic cost-of-living allowances; overtime bonuses; and work hour/travel time/rest time adjustments. No single alternative appeared to represent a consensus. After considering all the alternatives, the Department is keeping the pilot compensation methodology proposed in the NPRM. This is fully consistent with the recommendation in the 1988 DOT Pilotage Study, which states, "The study team believes that pilot compensation should be tied to the local economy. The use of local masters and mates pay scales has the important impact of tying pilot compensation to regional industry pay levels. Salaries of pilots, like those of teachers, physicians, lawyers, and other professionals, are tied to the fluctuations of supply and demand for their services in their particular locality. In this fashion, Great Lakes pilots share in the fortunes of the Great Lakes." Commenters offered no new information that alters this assessment.

There were several objections from Great Lakes Pilot Associations and their employees to the proposed new 46 CFR part 403, as published in the NPRM. Commenters objected that this part was unduly burdensome for small pilot associations and should be eliminated in order to streamline the regulations, and reduce costs to the pilot associations. After careful consideration, and in light of the lesser requirements of the procedures for the annual reviews of base pilotage rates, the Department agrees with the public comments and has greatly streamlined part 403. Specific account numbers and detailed account descriptions have been removed in favor of a requirement that financial records of the association be kept in accordance with generally accepted accounting principles. Associations are required to complete and retain annual financial statements and an audit by a certified public accountant. However, reporting requirements have been reduced to require that audits only be forwarded to the Director once every five years, or by special request. At the same time, associations must keep in mind that answers challenging proposed cost disallowances or other applications of the ratemaking methodology, as well as *ad hoc* requests for rate reviews, must

be based on full and adequate financial records.

Two commenters from two of the three Great Lakes Pilot Associations objected to the proposed requirement that the financial records of the associations be retained for a period of ten years, and proposed an alternative three-year requirement that would conform to Internal Revenue Service (IRS) requirements. The Department does not agree. The Department does not use the financial records of the pilot association for the same purpose as the IRS. On several occasions the Director has accessed historical data to ensure that only reasonable expenses have been included in ratemaking calculations. For this reason, the Department is adopting the proposed requirement regarding the 10-year retention of financial records.

The Department anticipates implementing all the rate reviews under the methodologies adopted in this rulemaking proceeding through additional public procedures. Following a review, the Department will publish its tentative findings and any proposed rate changes, and it will request the comment of interested parties on the calculations. (Comments seeking reconsideration of our rate methodology will not be addressed through this process.) The Department will then seek to coordinate any proposed change in rates, as modified by any warranted corrections, with Canadian authorities. Following the coordination process, the Department will establish final rates to be effective for the designated future rate period. Both the proposed and final rate documents will be served on the pilot associations and other interested persons requesting in writing to be placed on the service list in this docket; both documents will also be published in the **Federal Register**.

Although the Coast Guard received no comments on the section pertaining to the uniform pilot's source form, the Department is making a slight modification to clarify that the format for source forms is approved by the Director of Great Lakes Pilotage and issued by the pilot associations. The "Pilot's Source Form—Great Lakes Pilotage," referred to in the NPRM, is not an official United States Government form.

The Department is also removing several subparts as part of our streamlining of the accounting regulations. Subparts B, C, D, and G, as contained in the NPRM, have been eliminated, and subparts E, F, and H have been redesignated subparts B, C, and D, respectively.

There were several objections from employees and representatives of the

District 3 pilot association to the proposed revision to 46 CFR 404.05, which provided that profit sharing expenses not be recognized for ratemaking purposes. Commenters argued that profit sharing for employees of the District 3 pilot association is part of their recognized pension plan, and employees of this association would be unfairly penalized if this proposal were adopted. The Department agrees and has changed the wording of the proposed paragraph to allow reasonable profit sharing expenses for non-pilot employees only. Profit sharing that benefits pilots will be considered part of pilot compensation.

Several comments from both pilots and shippers, as part of the overall objection to the complexity of the proposal, argued that the market-equivalent Return-on-Investment (ROI) provisions of 46 CFR 404.5(a)(4), Step 5 of appendix A, and the formulas contained in appendix B should not be included. Some members of the public objected to allowing a return on the capital that pilots had invested in their pilot associations on the grounds that this would encourage pilots to make investments that were unrelated to pilotage, and thereby increase pilotage fees. Other commenters believed that the ROI provisions made the ratemaking formula in appendix A too complicated. The Department carefully considered these comments and believes that we have significantly reduced the proposal's complexity and burden. However, a return element is an important component of cost-based rate methodologies. Rates that have been set without a return element have been vulnerable to legal challenge and do not meet the goals of the investigations and audits that underlie this rulemaking. Also, in order to negotiate with the Canadians we must have rates that can withstand scrutiny as to their conformity to sound ratemaking principles. The Department believes it is only fair to allow pilots a return on the capital they invest. The Department also believes that sufficient safeguards against excessive investment are in place because 46 CFR 404.5(a)(4) specifically stipulates that capital that is not necessary and reasonable for the provision of pilotage services will not be allowed for ratemaking purposes.

Final Rule With Request for Comments

The Department is issuing this document as a final rule but is also providing an opportunity for comment. This rulemaking document is within the scope of the NPRM. The primary purposes of the final rule have not changed from the NPRM stage: to

standardize the financial reporting of Great Lakes pilotage associations, and to clarify the methodology to be used in future ratemakings. We believe that we have responded to all the concerns expressed in the comments to the NPRM. Nevertheless, we want to give the public an additional opportunity to present its views to us, given the changes that we have made to the NPRM. Accordingly, even though the final rule will be effective on June 12, 1995, we will consider any new matters presented to us during the 30-day comment period. We will make revisions to this rule if we believe they are warranted.

Executive Order 12866

This rule is a significant regulatory action under section 3(f) of Executive Order 12866 and has been reviewed by the Office of Management and Budget under that order. It is significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11040; February 26, 1979) because a rulemaking affecting the setting of pilotage rates is controversial and of significant interest to the public.

The Department expects the economic impact of this rule to be minimal. This rule does not represent a significant departure from the current ratemaking process, and there are no expected increases in costs. Therefore, a full regulatory evaluation is not necessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Department must consider whether this final rule 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). This final rule should have little or no impact on small entities that pay pilotage rates or that receive income from pilotage rates. Because it expects the impact of this proposal to be minimal, the Department certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains collection-of-information requirements. The Department has submitted the requirements to the Office of Management and Budget (OMB) for review under section 3504(h) of the

Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and OMB has approved them. The part numbers are parts 401 and 403 and the corresponding OMB approval number is OMB Control Number 2115-0616.

Federalism

The Department has analyzed this final rule under the principles and criteria contained in Executive Order 12612, and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Under 49 CFR 1.46(a) the Secretary delegates to the Commandant of the authority to carry out the Great Lakes Pilotage Act of 1960, as amended, except the authority to enter into, revise, or amend arrangements with Canada.

State action addressing pilotage regulation is preempted by 46 U.S.C. 9306, which provides that a State or political subdivision of a State may not regulate or impose any requirement on pilotage on the Great Lakes.

Environment

The Department considered the environmental impact of this final rule and concluded that under section 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. The rule is procedural in nature because it deals exclusively with ratemaking and accounting procedures. Therefore, this is included in the categorical exclusion in subsection 2.B.2.1.—Administrative actions or procedural regulations and policies that clearly do not have any environmental impact. A Categorical Exclusion Determination has been placed in the docket.

List of Subjects in 46 CFR Parts 401, 403, and 404

Administrative Practice and Procedure, Great Lakes, Navigation (water), Penalties, Reporting and Recordkeeping Requirements, Seamen.

For the reasons set out in the preamble, the Department proposes to amend parts 401, 403, and 404 of title 46 of the Code of Federal Regulations as follows:

PART 401—[AMENDED]

1. The authority citation for part 401 is revised to read as follows:

Authority: 46 U.S.C. 6101, 7701, 8105, 9303, 9304; 49 CFR 1.45, 1.46. 46 CFR 401.105 also issued under the authority of 44 U.S.C. 3507.

2. In § 401.110 the introductory text of paragraph (a) and paragraph (a)(9) are

revised, and paragraph (a)(16) is added to read as follows:

§ 401.110 Definitions.

(a) As used in this chapter:

* * * * *

(9) *Director* means Director, Great Lakes Pilotage. Communications with the Director may be sent to the following address: Director, Great Lakes Pilotage (G-MVP-7), 2100 2nd St., SW., Washington, DC 20593.

* * * * *

(16) *Association* means any organization that holds or held a Certificate of Authorization issued by the Director of Great Lakes Pilotage to operate a pilotage pool on the Great Lakes.

3.-4. Part 403 is revised to read as follows:

PART 403—GREAT LAKES PILOTAGE UNIFORM ACCOUNTING SYSTEM

Subpart A—General

Sec.

- 403.100 Applicability of system of accounts and reports.
- 403.105 Records.
- 403.110 Accounting entities.
- 403.115 Accounting period.
- 403.120 Notes to financial statements.

Subpart B—Inter-Association Settlements

- 403.200 General.

Subpart C—Reporting Requirements

- 403.300 Financial reporting requirements.

Subpart D—Source Forms

- 403.400 Uniform pilot's source form.

Authority: 46 U.S.C. 8105, 9303, 9304; 49 CFR 1.46.

Subpart A—General

§ 403.100 Applicability of system of accounts and reports.

Each Association shall keep its books of account, records and memoranda, and make reports to the Director in accordance with the guidelines of the Generally Accepted Accounting Principles (GAAP) issued by the Financial Accounting Standards Board. These guidelines are available by writing to the Director, Great Lakes Pilotage at the address listed in § 401.110(a)(9) of this chapter.

§ 403.105 Records.

(a) Each Association shall maintain the general books of account and all books, records, and supporting memoranda in such manner as to provide, at any time, full information relating to any account. Supporting memoranda must provide sufficient information to verify the nature and character of each entry and its proper classification.

(b) Each Association shall maintain all books, records and memoranda in a manner that will readily permit audit and examination by the Director or the Director's representatives. All books, records and memoranda shall be protected from loss, theft, or damage by fire, flood or otherwise, and shall be retained for 10 years unless otherwise authorized by the Director.

§ 403.110 Accounting entities.

Each Association shall be a separate accounting entity. However, the records shall be maintained with sufficient particularity to allocate items to each pilotage pool operation or nonpool operation and to support the equitable proration of items that are common to two or more pilotage pools.

§ 403.115 Accounting period.

Each Association subject to this part shall maintain its accounts on a calendar year basis unless otherwise approved by the Director.

§ 403.120 Notes to financial statements.

(a) All matters that are not clearly identified in the body of the financial statements of the Association, but which may materially influence interpretations or conclusions that may reasonably be drawn in regard to financial condition or earnings of the Association, shall be clearly and completely stated as footnotes to the financial statements.

(b) Financial items that are not otherwise required to be reported in the Association financial statements, but which may affect ratemaking calculations, are required to be reported to the Director in the notes to the financial statements. Any financial items that are not reported to the Director will not be considered by the Director during ratemaking procedures contained in part 404 of this chapter.

Subpart B—Inter-Association Settlements

§ 403.200 General.

Each Association that shares revenues and expenses with the Canadian Great Lakes Pilotage Authority (GLPA) shall submit settlement statements regarding these activities. The settlement statements shall be completed in accordance with the terms of agreements between the United States and Canada and guidance from the Director of Great Lakes Pilotage.

Subpart C—Reporting Requirements

§ 403.300 Financial reporting requirements.

(a) General:

(1) The financial statements shall list each active account, including subsidiary accounts.

(2) The financial statements, together with any other required statistical data, shall be submitted to the Director within 30 days of the end of the reporting period, unless otherwise authorized by the Director.

(3) An officer of the Association shall certify the accuracy of the financial statements.

(b) Required Reports:

(1) Every five years, or when specially requested by the Director, each Association shall furnish the Director the Association's annual financial statements audited in accordance with generally accepted auditing standards by an independent certified public accountant.

(2) Each Association shall furnish the Director a copy of all settlement statements annually.

Subpart D—Source Forms

§ 403.400 Uniform pilot's source form.

(a) Each Association shall record pilotage transactions on a form approved by the Director. The approved form shall be issued to pilots by authorized United States pilotage pools.

(b) Pilots shall complete forms in detail as soon as possible after completion of assignment and return the entire set to the dispatching office, together with adequate support for reimbursable travel expenses.

(c) Upon receipt by the Association, the forms shall be completed by insertion of rates and charges as specified in part 401 of this chapter.

(d) Copies of the form shall be distributed as follows:

(1) Original to accompany invoice;

(2) First copy to Director;

(3) Second copy to billing office for accounting record;

(4) Third copy to pilot's own Association for pilot's personal record;

(5) Fourth copy to corresponding Canadian Association or agency for office use.

(e) Associations shall account by number for all pilot source forms issued.

5. Part 404 is revised to read as follows:

PART 404—GREAT LAKES PILOTAGE RATEMAKING

Sec.

404.1 General ratemaking provisions.

404.5 Guidelines for the recognition of expenses.

404.10 Ratemaking Procedures and Guidelines.

Appendix A to Part 404—Ratemaking analyses and methodology.

Appendix B to Part 404—Ratemaking definitions and formulas.

Appendix C to Part 404—Procedures for Annual Review of Base Pilotage Rates

Authority: 46 U.S.C. 8105, 9303, 9304; 49 CFR 1.46.

§ 404.1 General ratemaking provisions.

(a) The purpose of this part is to provide guidelines and procedures for Great Lakes pilotage ratemaking. Included in this part are explanations of the steps followed in developing a pilotage rate adjustment, the analysis used, and the guidelines followed in arriving at the pilotage rates contained in part 401 of this chapter.

(b) Great Lakes pilotage rates shall be reviewed and, if necessary, adjusted annually in accordance with the procedures detailed in appendix C to this part. At least once every five years the Director shall complete a thorough audit of pilot association expenses and establish pilotage rates in accordance with the procedures detailed in § 404.10. An interested party or parties may also petition the Director for a review at any time. The petition must present a reasonable basis for concluding that a review may be warranted. If the Director determines, from the information contained in the petition, that the existing rates may no longer be reasonable, a full review of the pilotage rates will be conducted. If the full review shows that pilotage rates are within a reasonable range of their target, no adjustment to the rates will be initiated.

§ 404.5 Guidelines for the recognition of expenses.

(a) The following is a listing of the principal guidelines followed by the Director when determining whether expenses will be recognized in the ratemaking process:

(1) Each expense item included in the rate base is evaluated to determine if it is necessary for the provision of pilotage service, and if so, what dollar amount is reasonable for that expense item. Each Association is responsible for providing the Director with sufficient information to show the reasonableness of all expense items. The Director will give the Association the opportunity to defend any expenses that are questioned. However, subject to the terms and conditions contained in other provisions of this part, expense items that the Director determines are not reasonable and necessary for the provision of pilotage services will not be recognized for ratemaking purposes.

(2) In determining reasonableness, each expense item is measured against one or more of the following:

(i) Comparable or similar expenses paid by others in the maritime industry,

(ii) Comparable or similar expenses paid by other industries, or

(iii) U.S. Internal Revenue Service guidelines.

(3) Lease costs for both operating and capital leases are recognized for ratemaking purposes to the extent that they conform to market rates. In the absence of a comparable market, lease costs are recognized for ratemaking purposes to the extent that they conform to depreciation plus an allowance for return on investment (computed as if the asset had been purchased with equity capital). The portion of lease costs that exceed these standards is not recognized for ratemaking purposes.

(4) For each Association, a market-equivalent return-on-investment is allowed for the net capital invested in the Association by its members. Assets subject to return on investment provisions are subject to reasonableness provisions. If an asset or other investment is not necessary for the provision of pilotage services, the return element is not allowed for ratemaking purposes.

(5) For ratemaking purposes, the revenues and expenses generated from Association transactions that are not directly related to the provision of pilotage services are included in ratemaking calculations as long as the revenues exceed the expenses from these transactions. For non-pilotage transactions that result in a net financial loss for the Association, the amount of the loss is not recognized for ratemaking purposes. The Director reviews non-pilotage activities to determine if any adversely impact the provision of pilotage service, and may make ratemaking adjustments or take other steps to ensure the provision of pilotage service.

(6) Medical, pension, and other benefits paid to pilots, or for the benefit of pilots, by the Association are treated as pilot compensation. The amount recognized for each of these benefits is the cost of these benefits in the most recent union contract for first mates on Great Lakes vessels. Any expenses in excess of this amount are not recognized for ratemaking purposes.

(7) Expense items that are not reported to the Director by the Association are not considered by the Director in ratemaking calculations.

(8) Expenses are appropriate and allowable if they are reasonable, and directly related to pilotage. Each Association must substantiate its expenses, including legal expenses. In general, the following are not

recognized as reasonable expenses for ratemaking purposes:

(i) Undocumented expenses;

(ii) Expenses for lobbying;

(iii) Expenses for personal matters;

(iv) Expenses that are not commensurate with the work performed; and

(v) Any other expenses not directly related to pilotage.

(9) In any Great Lakes pilotage district where revenues and expenses from Canadian pilots are commingled with revenues and expenses from U.S. pilots, Canadian revenues and expenses are not included in the U.S. calculations for setting pilotage rates.

(10) Reasonable profit sharing for non-pilot employees of pilot associations will be allowed as an expense for ratemaking purposes. Profit sharing that benefits pilots will be treated as part of pilot compensation.

§ 404.10 Ratemaking procedures and guidelines.

(a) Appendix A to this part is a description of the types of analyses performed and the methodology followed in the development of a base pilotage rate. Ratemaking calculations in appendix A of this part are made using the definitions and formulas contained in appendix B of this part. Appendix C of this part is a description of the methodology followed in the development of annual reviews to base pilotage rates. Pilotage rates actually implemented may vary from the results of the calculations in appendices A, B and C of this part, because of agreements with Canada requiring identical rates, or because of other circumstances to be determined by the Director. Additional analysis may also be performed as circumstances require. The guidelines contained in § 404.05 are applied in the steps identified in appendix A to this part.

(b) A separate ratemaking calculation is made for each of the following U.S. pilotage areas:

Area 1—the St. Lawrence River;

Area 2—Lake Ontario;

Area 4—Lake Erie;

Area 5—the navigable waters from South East Shoal to Port Huron, MI;

Area 6—Lakes Huron and Michigan;

Area 7—the St. Mary's River; and

Area 8—Lake Superior.

Appendix A to Part 404—Ratemaking Analyses and Methodology

Step 1: Projection of Operating Expenses

(1) The Director projects the amount of vessel traffic annually. Based upon that projection, the Director forecasts the amount of fair and reasonable operating expenses that

pilotage rates should recover. This consists of the following phases:

(a) Submission of financial information from each Association;

(b) determination of recognizable expenses;

(c) adjustment for inflation or deflation; and

(d) final projection of operating expenses.

Each of these phases is detailed below.

Step 1.A.—Submission of Financial Information

(1) Each Association is responsible for providing detailed financial information to the Director, in accordance with part 403 of this chapter.

Step 1.B.—Determination of Recognizable Expenses

(1) The Director determines which Association expenses will be recognized for ratemaking purposes, using the guidelines for the recognition of expenses contained in § 404.05. Each Association is responsible for providing sufficient data for the Director to make this determination.

Step 1.C.—Adjustment for Inflation or Deflation

(1) In making projections of future expenses, expenses that are subject to inflationary or deflationary pressures are adjusted. Costs not subject to inflation or deflation (e.g., depreciation, long-term leases, pilot compensation, etc.) are not adjusted. The inclusion of an inflation or deflation adjustment does not imply that pilotage rates will be automatically adjusted each shipping season. The inflation or deflation adjustment is only made during the expense projection phase of a full-scale pilotage rate review.

Annual cost inflation or deflation rates will be projected to the succeeding navigation season, reflecting the gradual increase or decrease in cost throughout the year.

For ratemaking calculations begun after January 1, 1996, the actual annual experienced change in operational costs per pilot assignment for each pilotage area will be used to project the inflation or deflation adjustment. For ratemaking calculations begun prior to January 1, 1996, the inflation or deflation adjustment will be based on the preceding year's change in the North Central Region's Consumer Price Index as calculated by the U.S. Bureau of Labor Statistics.

Step 1.D.—Projection of Operating Expenses

(1) Once all adjustments are made to the recognized operating expenses, the Director projects these expenses for each pilotage area. In doing so, the Director takes into account foreseeable circumstances that could affect the accuracy of the projection. The Director will determine, as accurately as reasonably practicable, the "projection of operating expenses."

Step 2: Projection of Target Pilot Compensation

(1) The second step in the Great Lakes pilotage ratemaking methodology is to project the amount of target pilot compensation that pilotage rates should provide in each area. This step consists of the following phases:

(a) Determination of target rate of compensation;

(b) determination of number of pilots needed in each pilotage area; and
 (c) multiplication of the target compensation by the number of pilots needed to project target pilot compensation needed in each area. Each of these phases is detailed below.

Step 2.A.—Determination of Target Rate of Compensation

(1) Target pilot compensation for pilots providing services in undesignated waters approximates the average annual compensation for first mates on U.S. Great Lakes vessels. The average annual compensation for first mates is determined based on the most current union contracts, and includes wages and benefits received by first mates.

(2) Target pilot compensation for pilots providing services in designated waters approximates the average annual compensation for masters on U.S. Great Lakes vessels. It is calculated as 150% of the compensation earned by first mates on U.S. Great Lakes vessels.

Step 2.B.—Determination of Number of Pilots Needed

(1) The basis for the number of pilots needed in each area of designated waters is established by dividing the projected bridge hours for that area by 1,000. Bridge hours are the number of hours a pilot is aboard a vessel providing basic pilotage service.

(2) The basis for the number of pilots needed in each area of undesignated waters is established by dividing the projected bridge hours for that area by 1,800.

(3) In determining the number of pilots needed in each pilotage area, the Director is guided by the results of the calculations in steps 2.A. and 2.B. However, the Director may also find it necessary to make adjustments to these numbers in order to ensure uninterrupted pilotage service in each area, or for other reasonable circumstances that the Director determines are appropriate.

Step 2.C.—Projection of Target Pilot Compensation

(1) The "projection of target pilot compensation" is determined separately for each pilotage area by multiplying the number of pilots needed in that area by the target pilot compensation for pilots working in that area.

Step 3: Projection of Revenue

(1) The third step in the Great Lakes pilotage ratemaking methodology is to project the revenue that would be received in each pilotage area if existing rates were left unchanged. This consists of a projection of future vessel traffic and pilotage revenue.

Step 3.A.—Projection of Revenue

(1) The Director generates the most accurate projections reasonably possible of the pilotage service that will be required by vessel traffic in each pilotage area. These projections are based on historical data and all other relevant data available. Projected demand for pilotage service is multiplied by the existing pilotage rates for that service, to arrive at the "projection of revenue."

Step 4: Calculation of Investment Base

(1) The fourth step in the Great Lakes pilotage ratemaking methodology is the calculation of the investment base of each Association. The investment base is the recognized capital investment in the assets employed by each Association required to support pilotage operations. In general, it is the sum of available cash and the net value of real assets, less the value of land. The investment base will be established through the use of the balance sheet accounts, as amended by material supplied in the Notes to the Financial Statement. The formula used in calculating the investment base is detailed in Appendix B to this part.

Step 5: Determination of Target Rate of Return on Investment

(1) The fifth step in the Great Lakes pilotage ratemaking methodology is to determine the Target Rate of Return on Investment. For each Association, a market-equivalent return-on-investment (ROI) is allowed for the recognized net capital invested in the Association by its members.

(2) The allowed ROI is based on the rate of the most recent return on stockholder's equity for a representative cross section of transportation industry companies, including maritime companies, with a minimum rate equal to the interest rate incurred by the Associations for debt capital, and a maximum rate of 20 percent.

(3) Assets subject to return on investment provisions must be reasonable in both purpose and amount. If an asset or other investment is not necessary for the provision of pilotage services, that portion of the return element is not allowed for ratemaking purposes.

Step 6: Adjustment Determination

(1) The next step in the Great Lakes pilotage ratemaking methodology is to insert the results from steps 1, 2, 3, and 4 into a formula that is based on a basic regulatory rate structure, and comparing the results to step 5. This basic regulatory rate structure takes into account revenues, expenses and return on investment, and is of the following form:

Line	Ratemaking projections for basic pilotage
1.	+ Revenue (from step 3)
2.	- Operating Expenses (from step 1)
3.	- Pilot Compensation (from step 2)
4.	= Operating Profit/(Loss)
5.	- Interest Expense (from Audit reports)
6.	= Earnings Before Tax
7.	- Federal Tax Allowance
8.	= Net Income
9.	Return Element (Net Income + Interest)
10.	+ Investment Base (from step 4)
11.	= Return on Investment

(2) The Director will compare the projected return on investment (as calculated using the formula above) to the target return on

investment (from step 5), to determine whether an adjustment to the base pilotage rates is necessary. If the projected return on investment is significantly different from the target return on investment, the revenues that would be generated by the current pilotage rates are not equal to the revenues that would need to be recovered by the pilotage rates.

(3) The base pilotage revenues that are needed are calculated by determining what change in projected revenue will make the target return on investment equal to the projected return on investment. This "projection of revenue needed" is used in determining the basis for proposed adjustments to the base pilotage rates. The mechanism for adjusting the base pilotage rates is discussed in Step 7 below. The required return, tax, and interest elements may be considered additions to the operating expenses and pilot compensation components of the base pilotage rates.

STEP 7: Adjustment of Pilotage Rates

The final step in the Great Lakes pilotage ratemaking methodology is to adjust base pilotage rates if the calculations from Step 6 show that pilotage rates in a pilotage area should be adjusted, and if the Director determines that it is appropriate to go forward with a rate adjustment. Rate adjustments are calculated in accordance with the procedures found in this step. However, pilotage rates calculated in this step are subject to adjustment based on requirements of the Memorandum of Arrangements between the United States and Canada, and other supportable circumstances that may be appropriate.

(2) Pilotage rate adjustments are calculated for each area by multiplying the existing pilotage rates in each area by the rate multiplier. The rate multiplier is calculated by inserting the result from the steps detailed above into the following formula:

Line	Ratemaking projections
1.	+ Revenue Needed (from step 6)
2.	+ Revenue (from step 3)
3.	= Rate multiplier

Appendix B to Part 404—Ratemaking Definitions and Formulas

The following definitions apply to the ratemaking formula contained in this appendix.

(1) Operating Revenue—means the sum of all operating revenues received by the Association for pilotage services, including revenues such as docking, moveage, delay, detention, cancellation, and lock transit.

(2) Operating Expense—means the sum of all operating expenses incurred by the Association for pilotage services, less the sum of disallowed expenses.

(3) Target Pilot Compensation—means the compensation that pilots are intended to receive for full time employment. For pilots providing services in undesignated waters, the target pilot compensation is the average annual compensation for first mates on U.S. Great Lakes vessels. For pilots providing services in designated waters, the target pilot compensation is 150% of the average annual

compensation for first mates on U.S. Great Lakes vessels.

(4) Operating Profit/(Loss)—means Operating Revenue less Operating Expense and Target Pilot Compensation.

(5) Interest Expense—means the reported Association interest expense on operations, as adjusted to exclude any interest expense attributable to losses from non-pilotage operations.

(6) Earnings Before Tax—means Operating Profit/(Loss), less the Interest Expense.

(7) Federal Tax Allowance—means the Federal statutory tax on Earnings Before Tax, for those Associations subject to Federal tax.

(8) Net Income—means the Earnings Before Tax, less the Federal Tax Allowance.

(9) Return Element (Net Income plus Interest)—means the Net Income, plus Interest Expense. The return element can be considered the sum of the return to equity capital (the Net Income), and the return to debt (the Interest Expense).

(10) Investment Base (separately determined)—means the net recognized capital invested in the Association, including both equity and debt. Should capital be invested in other than pilotage operations, that capital is excluded from the rate base.

(11) Return on Investment—means the Return element, divided by the Investment Base, and expressed as a percent.

Investment Base Formula

(1) Regulatory Investment (Investment Base) is the recognized capital investment in the useful assets employed by the pilot groups. In general, it is the sum of available cash and the net value of real assets, less the value of land. The investment base is established through the use of the balance sheet accounts, as amended by material supplied in the Notes to the Financial Statement.

(2) The Investment Base is calculated using financial data from the Great Lakes pilot associations, as audited and approved by the Director. The Investment Base would be calculated as follows:

Description

Recognized Assets:

+ Total Current Assets
 – Total Current Liabilities
 + Current Notes Payable
 + Total Property and Equipment (Net)
 – Land
 + Total Other Assets

= Total Recognized Assets

Non-Recognized Assets

+ Total Investments and Special Funds

= Total Non-Recognized Assets

Total Assets

+ Total Recognized Assets
 + Total Non-Recognized Assets

= Total Assets

Recognized Sources of Funds

+ Total Stockholders' Equity
 + Long-Term Debt
 + Current Notes Payable
 + Advances from Affiliated Companies
 + Long-Term Obligations-Capital Leases

= Total Recognized Sources

Non-Recognized Sources of Funds

+ Pension Liability
 + Other Non-Current Liabilities
 + Deferred Federal Income Taxes
 + Other Deferred Credits

= Total Non-Recognized Sources

Total Sources of Funds

+ Total Recognized Sources
 + Total Non-Recognized Sources

= Total Sources of Funds

(3) Using the figures developed above, the Investment Base is the Recognized Assets times the ratio of Recognized Sources of Funds to Total Sources of Funds.

Appendix C to Part 404—Procedures for Annual Review of Base Pilotage Rates

The ratemaking methodology detailed in appendix A is used by the Director to determine base pilotage rates at least once every five years, as required by § 404.1. In the intervening years the Director will review, if warranted by cost changes, recalculate base pilotage rates proposed for coordination with Canada using the following procedures:

Step 1: Calculate the total economic costs for the base period (i.e. pilot compensation expense plus all other recognized expenses plus the return element) and divide by the total bridge hours used in setting the base period rates;

Step 2: Calculate the "expense multiplier," the ratio of other expenses and the return element to pilot compensation for the base period;

Step 3: Calculate an annual "projection of target pilot compensation" using the same procedures found in Step 2 of appendix A;

Step 4: Increase the projected pilot compensation in Step 3 by the expense multiplier in Step 2;

Step 5: Adjust the result in Step 4, as required, for inflation or deflation;

Step 6: Divide the result in Step 5 by projected bridge hours to determine total unit costs;

Step 7: Divide prospective unit costs in Step 6 by the base period unit costs in Step 1;

Step 8: Adjust the base period rates by the percentage change in unit costs in Step 7. For example if the total economic costs per bridge hour is \$30.00 for the base period and \$33.00 for the prospective rate period, then the rates established for the base period would be increased by 10% to determine the proposed rates for the prospective rate period, which would then be subject to negotiation with Canada.

Issued in Washington, DC, this 31st day of March, 1995.

Frederico Pena,

Secretary of Transportation.

[FR Doc. 95-8572 Filed 4-10-95; 8:45 am]

BILLING CODE 4910-62-P

Proposed Rules

Federal Register

Vol. 60, No. 69

Tuesday, April 11, 1995

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 335

[Docket No. 93-026-3]

RIN 0579-AA61

Introduction of Nonindigenous Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; correction to extension of comment period and notice of public hearing.

SUMMARY: We are correcting a document that was published in the **Federal Register** on March 21, 1995 (60 FR 14928-14929, Docket No. 93-026-2). The document announced a public hearing and extended the comment period for a proposed rule that would establish regulations governing the introduction of certain nonindigenous organisms. In the heading of that document, we failed to include a citation indicating the CFR title and part affected by the document and the previous proposed rule. We are correcting the heading to include a citation of the CFR title and part affected.

FOR FURTHER INFORMATION CONTACT:

Dr. Matthew H. Royer, Chief Operations Officer, Biological Assessment and Taxonomic Support, PPQ, APHIS, Suite 4A01, 4700 River Road Unit 133, Riverdale, MD 20737-1236; (301) 734-8896.

PART 335—INTRODUCTION OF NONINDIGENOUS ORGANISMS

1. In FR Doc. 95-6907, page 14928, first column, the heading, "7 CFR Part 335" is added immediately below the heading "Animal and Plant Health Inspection Service".

Done in Washington, DC, this 5th day of April 1995.

Alex B. Thiermann,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-8801 Filed 4-10-95; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-CE-11-AD]

Airworthiness Directives; Mooney Aircraft Corporation Model M20K Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to Mooney Aircraft Corporation (Mooney) Model M20K airplanes. The proposed action would require inspecting to see if the airplane is equipped with a Gerdes fuel selector valve, part number (P/N) A-2580, and replacing any Gerdes fuel selector valve with an Airight fuel selector valve. Malfunction of a Gerdes fuel selector valve on an affected airplane, where the valve did not allow the operator to select the appropriate fuel tank, prompted the proposed action. The actions specified by the proposed AD are intended to prevent fuel selector valve malfunction, which, if not detected and corrected, would prevent the airplane operator from selecting the appropriate fuel tank, resulting in an unscheduled landing.

DATES: Comments must be received on or before June 9, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-CE-11-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from the Mooney Aircraft Corporation, Louis

Schreiner Field, Kerrville, Texas 78028; telephone (210) 896-6000. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Sills, Mechanical Systems Engineer, FAA, Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150; telephone (817) 222-5154; facsimile (817) 222-5959.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 95-CE-11-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-CE-11-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received a report of a Gerdes fuel selector valve, P/N A-2580, malfunction on a Mooney Model M20K airplane. The airplane operator in the referenced incident was unable to select the appropriate fuel tank and was forced to make an unscheduled landing. No substantial airplane damage or injuries were reported. Fuel selector valve malfunction, if not detected and corrected, could result in passenger injury or airplane damage if the airplane operator was forced to make an unscheduled landing in adverse areas or conditions.

The FAA has determined that the P/N A-2580 Gerdes valve has a design incompatibility with Mooney Model M20K airplanes. The fuel tank selector valve is located on the floor in the cockpit of the Mooney Model M20K airplanes, and, if stepped on, the spool of the fuel selector valve may be forced down tight in the valve body and wedge-locked. The fuel valve selector handle may malfunction in this scenario and the pilot will not be able to utilize the fuel selector valve.

Mooney has issued Service Bulletin (SB) M20-256, dated January 24, 1995, which specifies procedures for replacing the Gerdes fuel selector valve with an Airight fuel selector valve. The Airight fuel selector valve is designed to prevent wedge-locking from occurring if the fuel selector valve is stepped on.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to prevent fuel selector valve malfunction, which, if not detected and corrected, would prevent the airplane operator from selecting the appropriate fuel tank, resulting in an unscheduled landing.

Since an unsafe condition has been identified that is likely to exist or develop in other Mooney Model M20K airplanes of the same type design, the proposed AD would require inspecting to see if the airplane is equipped with a Gerdes fuel selector valve, part number (P/N) A-2580, and replacing any Gerdes fuel selector valve with an Airight fuel selector valve. The proposed replacement would be accomplished in accordance with Mooney SB M20-256, dated January 24, 1995.

The FAA estimates that 78 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 3 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Parts cost

approximately \$535 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$55,770. This figure is based on the assumption that no airplane owner/operator has accomplished the proposed modification. Mooney has informed the FAA that parts have not been distributed to any owner/operator of the affected airplanes.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new AD to read as follows:

Mooney Aircraft Corporation: Docket No. 95-CE-11-AD.

Applicability: Model M20K airplanes (all serial numbers), certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (d) of this AD 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 aircraft from the applicability of this AD.

Compliance: Required within the next 50 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent fuel selector valve malfunction, which, if not detected and corrected, would prevent the airplane operator from selecting the appropriate fuel tank, resulting in an unscheduled landing, accomplish the following:

(a) Inspect to see if the airplane is equipped with a Gerdes fuel selector valve, part number (P/N) A-2580. This inspection may be accomplished by examining the cross-sectional shape of the selector valve. The Gerdes selector valve has a rectangular cross section with square corners.

Note 2: The following airplane serial numbers (S/N) had a Gerdes fuel selector valve, part number (P/N) A-2580, installed at manufacture:

S/N 25-0001 through 25-0091, except for the following:

S/N's 25-0017, 25-0027, 25-0052, 25-0063, 25-0067, 25-0068, 25-0078, 25-0081, 25-0082, 25-0083, 25-0084, 25-0085, 25-0086, and 25-0089.

The excluded S/N 25-0001 through 25-0091 Model M20K airplanes and any S/N Model M20K airplanes outside that range may have had a Gerdes fuel selector valve, part number (P/N) A-2580, installed by field modification.

(b) Replace any Gerdes fuel selector valve, P/N A-2580, with an Airight fuel selector valve in accordance with the INSTRUCTIONS section in Mooney Service Bulletin M20-256, dated January 24, 1995.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished provided that the fuel selector valve is functioning properly.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Airplane Certification Office (ACO), FAA, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

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

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to the Mooney Aircraft Corporation, Louis Schreiner Field, Kerrville, Texas 78028; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on March 27, 1995.

Dwight A. Young,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-8832 Filed 4-10-95; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 91-CE-85-AD]

Airworthiness Directives; Jetstream Aircraft Limited (Formerly British Aerospace, Regional Airlines Limited) Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Jetstream Aircraft Limited (JAL) Models 3101 and 3201 airplanes. The proposed action would require modifying the central annunciator panel test button circuit. A report of diode failure in this circuit and subsequent inadvertent engine shutdown on one of the affected airplanes prompted the proposed action. The actions specified in the proposed AD are intended to prevent failure of a diode in the central annunciator panel test button circuit, which, if not detected and corrected, could result in inadvertent engine shutdown while in flight if the central annunciator panel test button is pressed.

DATES: Comments must be received on or before June 9, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-CE-85-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from

Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; telephone (44-292) 79888; facsimile (44-292) 79703; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC, 20041-6029; telephone (703) 406-1161; facsimile (703) 406-1469. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Kiesov, Aerospace Engineer, Small Airplane Directorate, Airplane Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426-6932; facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 91-CE-85-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-CE-85-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, has notified the FAA that an unsafe condition may exist on JAL Jetstream Models 3101 and 3201 airplanes. The CAA reports that a diode failed in the central annunciator panel test button circuit on one of the affected airplanes. This led to inadvertent engine failure of one of the engines when the airplane operator pressed the central annunciator panel test button.

JAL has issued Jetstream Alert Service Bulletin (ASB) 80-A-JA 911045, Revision 1, dated November 1, 1991, which specifies procedures for modifying the central annunciator panel test button circuit on Jetstream Models 3101 and 3201 airplanes. The modification (Amendment JA 911045) consists of removing diodes from the engine stop circuit and configuring a minor wire change.

In order to assure the continued airworthiness of these airplanes in the United Kingdom, the CAA classified Jetstream ASB 80-A-JA 911045, Revision 1, dated November 1, 1991, as mandatory. The CAA classifying a service document as mandatory is the same for airplanes registered in the United Kingdom as the FAA issuing an AD for airplanes registered in the United States.

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

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

Since an unsafe condition has been identified that is likely to exist or develop in other JAL Jetstream Models 3101 and 3201 airplanes of the same type design, the proposed AD would require modifying the central annunciator panel test button circuit by removing diodes from the engine stop circuit and configuring a minor wiring change. The proposed actions would be accomplished in accordance with Jetstream ASB 80-A-JA 911045, Revision 1, dated November 1, 1991.

The FAA estimates that 260 airplanes in the U.S. registry would be affected by the proposed AD, that it would take

approximately 2 workhours per airplane to accomplish the proposed modification, and that the average labor rate is approximately \$60 an hour. JAL will provide parts at no cost to the owner/operator. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$31,200. This figure is based on the assumption that no affected owner/operator has incorporated the proposed modification.

JAL has informed the FAA that 2 modification kits have been distributed to affected airplane owners/operators. Assuming that each of these modification kits has been incorporated on an affected airplane, then the proposed cost impact upon U.S. operators would be reduced \$240 (2 workhours × \$60 per hour × 2 airplanes) from \$31,200 to \$30,960. The FAA also believes that numerous owners/operators of the affected airplanes have accomplished the modification using 22AWA cable and terminal tags instead of obtaining parts from the manufacturer, as is provided for in the proposed AD. This would further reduce the cost impact of the proposed AD upon U.S. operators of the affected airplanes. The FAA has no way of determining how many airplanes have accomplished the proposed modification utilizing the 22AWA cable and terminal tags alternative.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new AD to read as follows:

Jetstream Aircraft Limited: Docket No. 91-CE-85-AD.

Applicability: Jetstream Model 3101 airplanes, all serial numbers, and Jetstream Model 3201 airplanes, serial numbers 790 through 950, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (d) of this AD 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 aircraft from the applicability of this AD.

Compliance: Required within the next 200 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent failure of a diode in the central annunciator panel test button circuit, which, if not detected and corrected, could result in inadvertent engine shutdown while in flight if the central annunciator panel test button is pressed, accomplish the following:

(a) Modify the central annunciator panel test button circuit (Amendment JA 911045) by removing diodes from the engine stop circuit and configuring a minor wiring change in accordance with PART 2 of the ACCOMPLISHMENT INSTRUCTIONS section of Jetstream Alert Service Bulletin 80-A-JA 911045, Revision 1, dated November 1, 1991.

(b) As noted in Jetstream Alert Service Bulletin 80-A-JA 911045, Revision 1, dated November 1, 1991, terminals may be linked

using 22 AWA cable and terminal tags, provided the following is accomplished:

(1) For airplanes without roof panel plug breaks, identify the cables as WQ69 and WQ70.

(2) For airplanes with roof panel plug breaks, identify the cables as WQ71 and WQ72.

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

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

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

(e) All persons affected by this directive may obtain copies of the documents referred to herein upon request to Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC, 20041-6029; or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on March 27, 1995.

Dwight A. Young,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-8831 Filed 4-10-95; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[IA-50-94]

RIN 1545-AS98

Allowances Received by Members of the Armed Forces in Connection With Moves to New Permanent Duty Stations; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations relating to the exclusion from gross income of

certain allowances received by members of the Armed Forces in connection with a change of permanent duty station.

DATES: The public hearing originally scheduled for April 21, 1995, beginning at 10:00 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT: Christina Vasquez of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622-6803 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 61 and 217(g) of the Internal Revenue Code. A notice of proposed rulemaking and notice of public hearing appearing in the **Federal Register** for Wednesday, December 21, 1994 (59 FR 65739), announced that a public hearing on the proposed regulations would be held on Friday, April 21, 1995, beginning at 10:00 a.m., in the IRS Auditorium, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington DC.

The public hearing scheduled for Friday, April 21, 1995, is cancelled.

Cynthia E. Grigsby,
Chief, Regulations Unit Assistant Chief Counsel (Corporate).

[FR Doc. 95-8891 Filed 4-10-95; 8:45 am]

BILLING CODE 4830-01-P

26 CFR Part 1

[EE-45-94]

RIN 1545-AS94

Self-Employment Tax Treatment of Members of Certain Limited Liability Companies; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Change of date for public hearing on proposed regulations.

SUMMARY: This document changes the date of the public hearing on proposed regulations concerning the treatment of members of certain limited liability companies.

DATES: The public hearing is changed to Friday, June 23, 1995, beginning at 10:00 a.m.

ADDRESSES: The public hearing will be held in the Internal Revenue Service Auditorium, Seventh floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. Submit requests to speak and outlines or oral comments to the Internal Revenue Service, P.O. Box 7604, Ben Franklin, Attn: CC:DOM:CORP:T:R [EE-45-94], Room 5228, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Christina Vasquez of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622-6803 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing appearing in the **Federal Register** on Thursday, December 29, 1994 (59 FR 67253), announced that the Service would hold a public hearing on proposed regulations concerning the treatment of members of certain limited liability companies on Thursday, June 15, 1995, beginning at 10:00 a.m. in the IRS Auditorium.

The date of public hearing has changed. The hearing is scheduled for Friday, June 23, 1995, beginning at 10:00 a.m. The requests to speak and outlines or oral comments must be received by Thursday, May 25, 1995. Because of controlled access restrictions, attenders are not admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

The Service will prepare an agenda showing the scheduling of the speakers after the outlines are received from the persons testifying and make copies available free of charge at the hearing.

Cynthia E. Grigsby,
Chief, Regulations Unit Assistant Chief Counsel (Corporate).

[FR Doc. 95-8892 Filed 4-10-95; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners: Revision of the Salient Factor Score

AGENCY: Parole Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Parole Commission is proposing to revise the Salient Factor Score at 28 CFR 2.20. The Salient Factor Score which is an actuarial table that the Commission uses to measure the potential risk of parole violation. This revision is designed to improve the accuracy of the Salient Factor Score with respect to older offenders. The Commission is proposing to add one point to a prisoner's total score if the current offense (or parole violation) was committed at age 41 or older, provided the prisoner does not already have the highest possible total score (10). This revision will give to the Salient Factor Score improved risk prediction accuracy. The revision is made

appropriate by the fact that the Parole Commission has jurisdiction over an aging population of prisoners and parolees whose crimes were committed prior to November 1, 1987.

DATES: Comments must be received by June 12, 1995.

ADDRESSES: Send comments to Office of General Counsel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815. For further information contact: Pamela A. Posch, Office of General Counsel, Telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION: The Salient Factor Score at 28 CFR 2.20 is an actuarial device, based upon statistical research, that permits the U.S. Parole Commission to make a prediction as to the probability of future parole violation. It is applied to every prisoner who appears for an initial parole hearing, and to every parolee who has been returned to prison as a parole violator. The current version of the Salient Factor Score (SFS-81) was adopted in 1981, and was recently re-validated through a study of the parole records of federal prisoners released in 1987. This and other validation studies have shown that the Salient Factor Score is able to separate prisoners into categories having significantly different probabilities of recidivism, and that it continues to have a high degree of predictive accuracy.

However, with the aging of the Parole Commission's "old law" offender population, it has become apparent that the accuracy of the Salient Factor Score could be improved by accounting for the factor of "age at current offense" in the case of older offenders and parole violators. (The U.S. Parole Commission's jurisdiction is limited to offenders whose crimes were committed prior to November 1, 1987. See Section 235 of the Sentencing Reform Act of 1984, which appears as an Editorial Note to 18 U.S.C. 3551.)

The Commission has long recognized that many criminal offenders eventually "burn out" as the aging process catches up with them. In a 1984 study by the Commission's Research Office, entitled "Burnout—Age At Release From Prison and Recidivism", it was found that recidivism rates do decline with increased age, and that it would be justifiable to improve the scores of prisoners whose current offense was committed at age 41 or older. At the present time, the average age of the "old law" prison population is 43. Thus, it has now become appropriate to consider adding this factor to the score.

In order to test the accuracy of the proposed revision, the revised score was

applied to a sample of over 1,000 federal prisoners released in 1987. Approximately 5% of those prisoners received an improved parole prognosis category placement as compared with the current version of the score (SFS-81). Moreover, the revised version of the score displayed a high degree of predictive accuracy. The Mean Cost Rating increased from .54 to .56, the highest recorded for a recidivism prediction device that has been subjected to validation.

Accordingly, the Commission has decided that the Salient Factor Score should be revised, in order to ensure that the Commission's decisions are based upon the most accurate available risk-prediction device. This decision accords with the intent of Congress that the Parole Commission should "* * * continue to refine both the criteria which are used (to judge the probability that an offender will commit a new offense) and the means for obtaining the information used therein." 2 U.S. Code Cong. and Admin. News at 359 (1976).

Implementation

The revised Salient Factor Score (SFS-95) would be applied at every initial parole hearing and revocation hearing held on or after the effective date of the final regulation, and retroactively to federal prisoners who have already been heard for parole or reparole, at the next scheduled statutory interim hearing under 28 CFR 2.14 and any hearing under § 2.28 or § 2.34.

Executive Order 12866 and Regulatory Flexibility Statement

The U.S. Parole Commission has determined that this proposed rule is not a significant rule within the meaning of Executive Order 12866, and the proposed rule has, accordingly, not been reviewed by the Office of Management and Budget. The proposed rule, if adopted, will not have a significant economic impact upon a substantial number of small entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

List of Subjects in 28 C.F.R. Part 2

Administrative practice and procedure, probation and parole, prisoners.

Accordingly, the U.S. Parole Commission proposes the following amendment to 28 CFR part 2.

The Proposed Amendment

(1) The authority citation for 28 CFR part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

(2) 28 CFR part 2 § 2.20 is proposed to be amended by adding an instruction to the Salient Factor Scoring Manual under a new Item G as follows:

ITEM G. IF CURRENT OFFENSE WAS COMMITTED AT AGE 41 OR OLDER, ADD 1 POINT IF THE TOTAL SCORE DETERMINED ABOVE IS 9 OR LESS.

This instruction would add a seventh item to the current six-item score, without changing its current structure as a prediction device with possible scores ranging from 0 to 10 points. (A point would not be added if the total score is already 10, placing the offender at the top of the "very good" parole prognosis category.) As in any case, the Commission will exercise authority to override the prediction made by the revised score if case-specific factors indicate undiminished risk despite advancing age, eg, the career criminal offender who has played a leadership role in organized crime.

Dated: March 31, 1995.

Edward F. Reilly, Jr.,

Chairman, U.S. Parole Commission.

[FR Doc. 95-8912 Filed 4-10-95; 8:45 am]

BILLING CODE 4410-01-P

28 CFR Part 2

Paroling, Recommending, and Supervising Federal Prisoners: Fraud Offenses That Involve Multiple Millions of Dollars In Losses

AGENCY: Parole Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Parole Commission is proposing to establish a dollar amount range of \$1 million to \$5 million for Category Six fraud offenses in the paroling policy guidelines at 28 CFR 2.20. Frauds that cause losses of over \$5 million would be rated Category Seven. At the present time, the Category Six offense severity rating is reserved for all frauds exceeding \$1 million. The proposed guideline revision is necessary because of the increased frequency of frauds involving losses in multiples of the \$1 million threshold for Category Six, and the need for an appropriate benchmark to determine the point at which dollar amount losses are so excessive as to warrant a decision above the Category Six guidelines. The figure of \$5 million will provide that benchmark.

DATES: Comments must be received by June 12, 1995.

ADDRESSES: Send comments to Office of General Counsel, U.S. Parole Commission, 5550 Friendship Blvd.,

Chevy Chase, Maryland 20815. For further information contact: Pamela A. Posch, Office of General Counsel. Telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION: As a result of the widespread criminal investigations into unlawful practices in the banking and savings and loan industries during the 1980's, the U.S. Parole Commission has seen a significant increase in prisoners serving sentences for frauds greatly exceeding the \$1 million threshold established by the Commission in 1987 for Category Six offenses. (The guidelines at 28 CFR 2.20 do not currently provide a fraud guideline higher than Category Six.) The Commission has typically responded to such cases by determining that, if the dollar loss caused by the fraud exceeded the \$1 million threshold by significant multiples (e.g., a \$15 million fraud), a decision above the Category Six guidelines is warranted.

However, the guidelines have not provided a way for the Commission consistently to determine at what point a large-scale fraud is significant enough to warrant such a decision. Some frauds involving multiples of the \$1 million threshold are deemed to be within the guidelines, and some are not. The situation has been complicated by the fact that plea agreements in large-scale fraud offenses often produce a sentence of five years (the maximum for one count of mail fraud), which requires release (with good time credits) at 39 months. Such sentences preclude the Commission from determining where a parole decision should be made in relation to the guideline range of 40-52 months that is applicable to the typical first offender who has committed a fraud offense involving more than \$1 million in losses. This makes it difficult for the Commission to achieve a consistent practice that can inform its decision-making when the sentence is longer than five years.

Accordingly, the Commission has decided to establish a dollar range of \$1 million to \$5 million for Category Six offenses, that will be followed whenever the sentence is long enough to permit such a decision. For fraud offenses exceeding \$5 million, the offense will be rated Category Seven. Under this rating system, for example, a prisoner serving an 8-year sentence for a fraudulent investment scheme that caused losses of \$2.4 million may expect the Commission to establish a release date toward the middle of the 40-52 month guideline range for Category Six offenses, if he is a first offender and there are no other aggravating or mitigating circumstances.

Finally, it is important to emphasize that relevant factors not reflected by the dollar amount alone, such as unusually vulnerable victims, are always taken into account in reaching a final parole decision.

Implementation

The proposed rule would be applied at any initial parole hearing, or revocation hearing, conducted on or after the effective date of the final rule adopted by the Commission, if the rule is applicable to the prisoner's case. The proposed rule would also be applied retroactively to prisoners who were given parole or reparole decisions prior to that effective date, at the next statutory interim hearing conducted pursuant 28 CFR 2.14. For example, at such a statutory interim hearing, a prisoner who was continued above the Category Six guidelines for a \$5 million fraud offense, could argue for a release date within the guidelines if he can show that no other factor continues to justify a departure from the guideline range.

Executive Order 12866 and Regulatory Flexibility Statement

The U.S. Parole Commission has determined that this proposed rule is not a significant regulatory action for the purposes of Executive Order 12866, and the proposed rule has, accordingly, not been reviewed by the Office of Management and Budget. The proposed rule, if adopted, will not have a significant economic impact upon a substantial number of small entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, probation and parole, prisoners.

Accordingly, the U.S. Parole Commission proposes the following amendment to 28 CFR part 2:

The Proposed Amendment

(1) The authority citation for 28 CFR part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

(2) 28 CFR part 2, § 2.20 Chapter 3, Subchapter D, Paragraph 331, is proposed to be amended to require a Category Seven rating if the value of the property is more than \$5,000,000, and to require a Category Six offense severity rating if the value of the property is more than \$1,000,000 but not more than \$5,000,000. All other dollar ranges and offense severity categories will remain as presently listed.

Dated: March 31, 1995.

Edward F. Reilly, Jr.,

Chairman, U.S. Parole Commission.

[FR Doc. 95-8913 Filed 4-10-95; 8:45 am]

BILLING CODE 4410-01-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

[OH-235; Amendment Number 70]

Ohio Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing the receipt of a proposed amendment to the Ohio regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment was initiated by Ohio and is intended to make the Ohio program as effective as the corresponding Federal regulations concerning the frequency of inspections at abandoned coal mining operations.

This document sets forth the times and locations that the Ohio program and proposed amendment to that program will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received by 4:00 p.m., E.D.T. on May 11, 1995. If requested, a public hearing on the proposed amendment will be held at 1:00 p.m., E.D.T. on May 8, 1995. Requests to speak at the hearing must be received by 4:00 p.m. E.D.T., on April 26, 1995.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand-delivered to Mr. Robert H. Mooney, Acting Director, Columbus Field Office, at the address listed below.

Copies of the Ohio program, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free

copy of the proposed amendment by contacting OSM's Columbus Field Office.

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 4480 Refugee Road, Suite 201, Columbus, Ohio 43232, Telephone: (614) 866-0578.

Ohio Department of Natural Resources, Division of Reclamation, 1855 Fountain Square Court, Building H-3, Columbus, Ohio 43224, Telephone: (614) 265-6675.

FOR FURTHER INFORMATION CONTACT: Mr. Robert H. Mooney, Acting Director, Columbus Field Office, (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program submission, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1982 **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Description of the Proposed Amendment

The Ohio Department of Natural Resources, Division of Reclamation (Ohio) submitted proposed Program Amendment Number 70 by letter dated March 28, 1995 (Administrative Record No. OH-2104). In this amendment, Ohio proposes to revise one rule at Ohio Administrative Code (OAC) section 1501:13-14-01 to make the Ohio program as effective as the corresponding Federal regulations concerning the frequency of inspections at abandoned coal mining operations. The substantive rule revisions proposed by Ohio in this amendment are briefly described below:

1. *Definition of "Abandoned Coal Mining and Reclamation Operation"*: Ohio is revising paragraph (A)(3) to define the term "abandoned coal mining and reclamation operation." Ohio is revising paragraph (A)(4) to exclude abandoned operations from the definition of "active coal mining and reclamation operation."

2. *Alternative Inspection Frequency at Abandoned Operations*: Ohio is adding a new paragraph (E) to authorize less frequent inspections of abandoned operations. Ohio is proposing to select a specific inspection frequency for each abandoned operation which shall be

commensurate with the public health and safety and environmental considerations present at that specific site. In no case shall Ohio conduct less than one complete inspection per calendar year at each abandoned operation.

Before changing to an alternate inspection frequency for an abandoned operation, Ohio will first conduct a complete inspection of the operation, prepare a written finding justifying the inspection frequency selected for the operation, and publish a public notice of the State's intent to change to the less frequent inspection schedule for the operation. The notice shall provide the public with a 30-day period in which to submit written comments on the State's proposed change to less frequent inspections of the specified operation.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Ohio program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Columbus Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., E.D.T. on April 26, 1995. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following

those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting at the Columbus Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings shall be open to the public and, if possible, notices of the meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each public meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of state regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 5034 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major

Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 5, 1995.

Richard J. Seibel,

Acting Assistant Director, Eastern Support Center.

[FR Doc. 95-8888 Filed 4-10-95; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 948

West Virginia Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Announcement of public comment period and opportunity for public hearing.

SUMMARY: OSM is requesting public comment that would be considered in deciding how to implement in West Virginia, underground coal mine subsidence control and water replacement provisions of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), the implementing Federal regulations, and/or the counterpart State provisions. Recent amendments to SMCRA and the

implementing Federal regulations require that underground coal mining operations conducted after October 24, 1992, promptly repair or compensate for subsidence-caused material damage to noncommercial buildings and to occupied dwellings and related structures. These provisions also require such operations to promptly replace drinking, domestic, and residential water supplies that have been adversely affected by underground coal mining.

OSM must decide if the West Virginia regulatory program (hereinafter referred to as the "West Virginia program") currently has adequate counterpart provisions in place to promptly implement the recent amendments to SMCRA and the Federal regulators. After consultation with West Virginia and consideration of public comments, OSM will decide whether initial enforcement in West Virginia will be accomplished through the State program amendment process or by State enforcement, by interim direct OSM enforcement, or by joint State and OSM enforcement.

DATES: Written comments must be received by 4:00 p.m., E.D.T. on May 11, 1995. If requested, OSM will hold a public hearing on May 8, 1995 concerning how the underground coal mine subsidence control and water replacement provisions of SMCRA and the implementing Federal regulations, or the counterpart State provisions should be implemented in West Virginia. Requests to speak at the hearing must be received by 4:00 p.m., E.D.T. on April 26, 1995.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand-delivered to James C. Blankenship, Jr., Director, Charleston Field Office at the address listed below.

Copies of the applicable parts of the West Virginia program, SMCRA, the implementing Federal regulations, information provided by West Virginia concerning its authority to implement State counterparts to SMCRA and the implementing Federal regulations, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the address listed below during normal business hours, Monday through Friday, excluding holidays.

James C. Blankenship, Jr. Director,
Charleston Field Office, Office of
Surface Mining Reclamation and
Enforcement, 1027 Virginia Street
East, Charleston, West Virginia
25301-2816, Telephone: (304) 347-
7158

In addition, copies of the applicable portions of the approved State program and information provided by West Virginia concerning its authority to implement the State counterparts to section 720 of SMCRA and its implementing regulations are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Morgantown Area Office, 75 High Street, Room 229, P.O. Box 886, Morgantown, West Virginia 26506, Telephone: (304) 291-4004

Office of Surface Mining Reclamation and Enforcement, Beckley Area Office, 323 Harper Park Drive, Suite 3, Beckley, West Virginia 25801, Telephone: (304) 255-5265.

Office of Surface Mining Reclamation and Enforcement, Logan Area Office, 313 Hudgins Street, 2nd Floor, P.O. Box 506, Logan, West Virginia 25601, Telephone: (304) 752-2851

FOR FURTHER INFORMATION CONTACT: James C. Blankenship, Jr., Director, Charleston Field Office, Telephone: (304) 347-7158.

SUPPLEMENTARY INFORMATION:

I. Background

A. The Energy Policy Act

Section 2504 of the Energy Policy Act of 1992, Pub. L. 102-486, 106 Stat. 2776 (1992) added new section 720 to SMCRA. Section 720(a)(1) requires that all underground coal mining operations promptly repair or compensate the owner for subsidence-caused material damage to noncommercial buildings and to occupied residential dwellings and related structures. Repair of damage includes rehabilitation, restoration, or replacement of the structures identified in section 720(a)(1), and compensation must be provided to the owner in the full amount of the reduction in value of the damaged structures as a result of subsidence. Section 720(a)(2) requires prompt replacement of certain identified water supplies if those supplies have been adversely affected by underground coal mining operations.

The provisions requiring prompt repair or compensation for damage to structures and prompt replacement of water supplies went into effect upon passage of the Energy Policy Act on October 24, 1992. As a result, underground coal mine permittees in States with OSM-approved regulatory programs are required to comply with these provisions for operations conducted after October 24, 1992.

B. The Federal Regulations Implementing the Energy Policy Act

On March 31, 1995, OSM promulgated regulations at 30 CFR Part 817 to implement the performance standards of sections 720(a)(1) and (2) of SMCRA (60 FR 16722-16751).

30 CFR 817.121(c)(2) requires in part that:

The permittee must promptly repair, or compensate the owner for, material damage resulting from subsidence caused to any non-commercial building or occupied residential dwelling or structure related thereto that existed at the time of mining. * * * The requirements of this paragraph apply only to subsidence-related damage caused by underground mining activities conducted after October 24, 1992.

30 CFR 817.41(j) requires in part that:

The permittee must promptly replace any drinking, domestic or residential water supply that is contaminated, diminished or interrupted by underground mining activities conducted after October 24, 1992, if the affected well or spring was in existence before the date the regulatory authority received the permit application for the activities causing the loss, contamination or interruption.

30 CFR 843.25 provides that by July 31, 1995, OSM will decide, in consultation with each State regulatory authority with an approved program, how enforcement of the new requirements will be accomplished. As discussed below, enforcement may be accomplished through the 30 CFR Part 732 State program amendment process, or by State, OSM, or joint State and OSM enforcement of the requirements. OSM will decide which of the following enforcement approaches to pursue.

(1) *State program amendment process.* If the State's promulgation of regulatory provisions that are counterpart to 30 CFR 817.41(j) and 817.121(c)(2) is imminent, the number and extent of underground mines that have operated in the State since October 24, 1992, is low, the number of complaints in the State concerning section 720 of SMCRA is low, or the State's investigation of subsidence-related complaints has been thorough and complete so as to assure prompt remedial action, then OSM could decide not to directly enforce the Federal provisions in the State. In this situation, the State would enforce its State statutory and regulatory provisions once it has amended its program to be in accordance with the revised SMCRA and to be consistent with the revised Federal regulations. This program revision process, which is addressed in the Federal regulations at 30 CFR Part 732, is commonly referred to as the State program amendment process.

(2) *State enforcement.* If the State has statutory or regulatory provisions in place that correspond to all of the requirements of the above-described Federal regulations at 30 CFR 817.41(j) and 817.121(c)(2) and the State has authority to implement its statutory and regulatory provisions for all underground mining activities conducted after October 24, 1992, then the State would enforce its provisions for these operations.

(3) *Interim direct OSM enforcement.* If the State does not have any statutory or regulatory provisions in place that correspond to the requirements of the Federal regulations at 30 CFR 817.41(j) and 817.121(c)(2), then OSM would enforce in their entirety 30 CFR 817.41(j) and 817.121(c)(2) for all underground mining activities conducted in the State after October 24, 1992.

(4) *State and OSM enforcement.* If the State has statutory or regulatory provisions in place that correspond to some but not all of the requirements of the Federal regulations at 30 CFR 817.41(j) and 817.121(c)(2) and the State has authority to implement its provisions for all underground mining activities conducted after October 24, 1992, then the State would enforce its provisions for these operations. OSM would then enforce those provisions of 30 CFR 817.41(j) and 817.121(c)(2) that are not covered by the State provisions for these operations.

If the State has statutory or regulatory provisions in place that correspond to some but not all of the requirements of the Federal regulations at 30 CFR 817.41(j) and 817.121(c)(2) and if the State's authority to enforce its provisions applies to operations conducted on or after some date later than October 24, 1992, the State would enforce its provisions for those operations on and after the provisions' effective date. OSM would then enforce 30 CFR 817.41(j) and 817.121(c)(2) to the extent the State statutory and regulatory provisions do not include corresponding provisions applicable to all underground mining activities conducted after October 24, 1992; and OSM would enforce those provisions of 30 CFR 817.41(j) and 817.121(c)(2) that are included in the State program but are not enforceable back to October 24, 1992, for the time period from October 24, 1992, until the effective date of the State's rules.

As described in item numbers (3) and (4) above, OSM would directly enforce in total or in part its Federal statutory or regulatory provisions until the State adopts and OSM approves, under 30 CFR Part 732, the State's counterparts to

the required provisions. However, as discussed in item number (1) above, OSM could decide not to initiate direct Federal enforcement and rely instead on the 30 CFR Part 732 State program amendment process.

In those situations where OSM determined that direct Federal enforcement was necessary, the ten-day notice provisions of 30 CFR 843.12(a)(2) would not apply. That is, when on the basis of a Federal inspection OSM determined that a violation of 30 CFR 817.41(j) or 817.121(c)(2) existed, OSM would issue a notice of violation or cessation order without first sending a ten-day notice to the State.

Also under direct Federal enforcement, the provisions of 30 CFR 817.121(c)(4) would apply. This regulation states that if damage to any noncommercial building or occupied residential dwelling or structure related thereto occurs as a result of earth movement within an area determined by projecting a specified angle of draw from the outermost boundary of any underground mine workings to the surface of the land (normally a 30 degree angle of draw), a rebuttable presumption exists that the permittee caused the damage.

Lastly, under direct Federal enforcement, OSM would also enforce the new definitions at 30 CFR 701.5 of "drinking, domestic or residential water supply," "material damage," "non-commercial building," "occupied dwelling and structures related thereto," and "replacement of water supply" that were adopted with the new underground mining performance standards.

OSM would enforce 30 CFR 701.5, 817.41(j), and 817.121(c)(2) and (4) for operations conducted after October 24, 1992.

C. Enforcement in West Virginia

By letter to West Virginia dated December 16, 1994, OSM requested information from West Virginia that would help OSM decide which approach to take in West Virginia to implement the new requirements of section 720(a) of SMCRA and the implementing Federal regulations (Administrative Record No. WV 965). By letter dated January 11, 1995, West Virginia responded to this OSM request (Administrative Record No. WV 966).

On January 11, 1995, the West Virginia Division of Environmental Protection (WVDEP) notified OSM that there were approximately 650 active underground coal mines operating in West Virginia at the time. West Virginia stated that it believed the existing State program provisions are adequate to fully

implement the letter and intent of section 720 of SMCRA. WVDEP further explained that its continued enforcement of its State program provisions at §§ 22A-3-14(b)(1) and 22A-3-24(b) of the West Virginia Code and/or West Virginia Code of State Regulations (CSR) §§ 38-2-14.5(h) and 38-2-16.2 would ensure compliance with section 720 of SMCRA.

West Virginia noted that § 22A-3-24(b) of the West Virginia Code allows for a waiver of water replacement rights by current landowners. According to WVDEP, this is part of a program amendment that is under review by OSM.

West Virginia also acknowledged that since WVDEP revised its rules on June 1, 1991, it has been requiring operators to either correct material damage resulting from subsidence caused to any structures or facilities by repairing the damage or compensate the owners of such structures or facilities in the full amount of the diminution in value resulting from subsidence. In addition, West Virginia issued a policy directive on March 23, 1993, which provides that permits issued before June 1, 1991, and which have a waiver to subsidence without liability are exempt from the new requirements. Permits issued prior to June 1, 1991, without waivers and all permits issued after that date are required to comply with the revised regulations.

OSM estimates that West Virginia has investigated approximately 190 citizen complaints between June 1, 1991, and October 24, 1992, and approximately 330 citizen complaints after October 24, 1992, that allege subsidence-caused structural damage and/or water supply loss or contamination as a result of underground mining operations. To date, West Virginia has investigated these complaints and determined that the problems: (1) Were not caused by mining, (2) were caused by mining with resultant enforcement and/or corrective measures taken, or (3) are problems under continuing investigation to determine whether caused by mining.

II. Public Comment Procedures

OSM is requesting public comment to assist OSM in making its decision on which approach to use in West Virginia to implement the underground coal mine performance standards of section 720(a) of SMCRA, the implementing Federal regulations, and any counterpart State provisions.

A. Written Comments

Written comments should be specific, pertain only to the issues addressed in this notice, and include explanations in

support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Charleston Field Office will not necessarily be considered in OSM's final decision or included in the Administrative Record.

B. Public Hearings

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., E.D.T. on April 26, 1995. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

C. Public Meeting

If only a few persons request an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss recommendations on how OSM and West Virginia should implement the provisions of section 720(a) of SMCRA, the implementing Federal regulations, and/or the counterpart State provisions, may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

Dated: April 5, 1995.

Richard J. Seibel,

Acting Assistant Director, Eastern Support Center.

[FR Doc. 95-8889 Filed 4-10-95; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Part 402

Tariff of Tolls: Proposed Revision

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Saint Lawrence Seaway Development Corporation and the St. Lawrence Seaway Authority of Canada have jointly established and presently administer the St. Lawrence Seaway Tariff of Tolls. This Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the Corporation and the Authority. To improve the competitiveness of the Seaway, the Corporation and the Authority are proposing that the Tariff charges for the 1995 season under the Tariff Schedule be the same as for the 1994 season. In addition, the Corporation and the Authority are proposing, for competitive purposes, that the Incentive Tolls Program be continued and that the volume rebate be revised to broaden the base years and clarify the reporting requirements for the volume rebate.

DATES: Any party wishing to present views or data on the proposed revision may file comments with the Corporation on or before May 11, 1995.

ADDRESSES: Send comments to Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 366-0091.

SUPPLEMENTARY INFORMATION: In an effort to improve the Seaway's competitiveness, it is proposed to continue the section 402.8, the Schedule of Tolls, charges for the 1995 at the 1994 season levels. Accordingly, no change would be required to the Schedule as it now appears.

The Corporation and the Authority also are proposing, for competitive purposes, that the Incentive Tolls

Program be continued and be revised. In section 402.9, the discount for new business, subsection (a) would be amended to reflect its applicability to the 1995 navigation season and subsection (c) would be amended in part to change the base years for calculating the discount from 1991 through 1993 to 1992 through 1994. In section 402.11, volume rebates, subsection (a) would be amended to reflect its applicability to the 1995 navigation season and subsections (b) and (c) would be amended to change the base years for calculating the rebate from three years, 1991 through 1993, to four years, 1991 through 1994. The base years for the subsection (c) proviso on mergers or take-overs would also be changed from 1991 through 1994 to 1991 through 1995. Finally, subsection (d) would be amended to change the submission date for the traffic history description for the purposes of calculating the rebate to the end of the 1995 season and to clarify what specific information is required, *i.e.*, the shipper's or receiver's Seaway traffic history for 1991, 1992, 1993, 1994, and 1995 by port, vessel name, transit date, commodity description, and tonnage.

Regulatory Evaluation

This proposed regulation involves a foreign affairs function of the United States, and therefore, Executive Order 12866 does not apply. This proposed regulation has also been evaluated under the Department of Transportation's Regulatory Policies and Procedures and the proposed regulation is not considered significant under those procedures and its economic impact is expected to be so minimal that a full economic evaluation is not warranted.

Regulatory Flexibility Act Determination

The Saint Lawrence Seaway Development Corporation certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The Saint Lawrence Seaway Tariff of Tolls relates to the activities of commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

Environmental Impact

This proposed regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et seq.*) because it is not a major federal action significantly affecting the quality of human environment.

Federalism

The Corporation has analyzed this proposal under the principles and criteria in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 402

Vessels, Waterways.

Accordingly, the Saint Lawrence Seaway Development Corporation proposes to amend Part 402—Tariff of Tolls (33 CFR Part 402) as follows:

PART 402—[AMENDED]

1. The authority citation for 33 CFR Part 402 continues to read as follows:

Authority: 68 Stat. 93, 33 U.S.C. 981–990.

2. Section 402.9 would be amended by revising paragraph (a) and the first sentence of paragraph (c) introductory text to read as follows:

§ 402.9 Incentive tolls.

(a) Notwithstanding anything contained in this Tariff, the portion of the composite toll related to charges per metric ton of cargo charged on new business shall be reduced by fifty percent for a Seaway transit beginning and ending during the 1995 navigation year.

* * * * *

(c) For the purposes of this section, "new business" means cargo that has not moved through a Seaway lock between an origin and a destination as defined in this paragraph (c) during the navigation seasons of 1992, 1993, and 1994 or cargo that has moved through a Seaway lock in quantities representing less than five percent of the average of Seaway traffic between an origin and a destination during the navigation seasons of 1992, 1993, and 1994. * * *

* * * * *

5. Section 402.11 would be amended by revising the first sentence of paragraph (a) and paragraph (b) through (d) to read as follows:

§ 402.11 Volume discount.

(a) A volume rebate shall be granted to a shipper of downbound cargo or to a receiver of upbound cargo at the end of the 1995 navigation season after payment of the full toll specified in the schedule under the tariff in § 402.8 of this part if shipments of a particular commodity during 1995 exceed by a minimum of 25,000 tons the shipper's or receiver's highest tonnage for that particular commodity during 1991, 1992, 1993, or 1994 in the Seaway.

* * *

(b) Volume rebates shall be granted only with respect to commodities whose shipper and receiver have shipped or received the subject commodity in the years 1991, 1992, 1993, and 1994 and have not been subject of a merger or take-over during 1991, 1992, 1993, 1994, or 1995.

(c) The volume rebate shall be equal to a 50 percent reduction of the portion of the composite toll related to charges per metric ton of cargo paid for the shipments that surpass the shippers or receiver's highest tonnage for that commodity during 1991, 1992, 1993, or 1994. Payment of rebates will be made directly to the qualified receiver or shipper.

(d) A description of the shipper's or receiver's Seaway traffic history for 1991, 1992, 1993, 1994, and 1995 by port, vessel name, transit date, commodity description, and tonnage shall be submitted by the shipper or receiver prior to the end of 1995 and shall be subject to audit by the Authority.

* * * * *

Issued at Washington, D.C. on April 4, 1995.

Saint Lawrence Seaway Development Corporation.

Marc C. Owen,
Chief Counsel.

[FR Doc. 95–8808 Filed 4–10–95; 8:45 am]

BILLING CODE 4910–61–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 20–1–6517, PA 31–1–6009, PA 39–1–6518, AD–FRL–5187–6]

Proposed Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania: Approval of PM–10 Implementation Plan for the Liberty Borough Area of Allegheny County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve three State Implementation Plan (SIP) revisions submitted by the Commonwealth of Pennsylvania for the purpose of attaining and maintaining the national ambient air quality standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10) in Allegheny County. These implementation plans were submitted by the State to: fulfill the County's Group III requirements;

strengthen the Allegheny County SIP; and satisfy certain federal requirements for an approvable nonattainment area PM–10 SIP for the Liberty Borough area of Allegheny County, Pennsylvania. This action is being taken under section 110 of the Clean Air Act.

DATES: Comments must be received on or before May 11, 1995.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and Allegheny County Health Department of Air Quality, 301 39th Street, Pittsburgh, Pennsylvania 15201.

FOR FURTHER INFORMATION CONTACT: Alan J. Cimorelli, (215) 597–6563.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 1987, EPA promulgated National Ambient Air Quality Standards (NAAQS) for PM–10 (52 FR 24634). These standards replaced those promulgated for total suspended particulate (TSP) in 1971. On that day, EPA also promulgated, in 40 CFR parts 51 and 52, policies and regulations by which it would implement the PM–10 NAAQS.

Although there was a lack of extensive PM–10 ambient monitoring data at the time, EPA evaluated existing particulate matter data and concluded that there were some areas where the PM–10 NAAQS were likely to be violated, other areas where it could be presumed that a state's existing total suspended particulate regulations were adequate to provide for attainment, and other areas in which the attainment status was uncertain. Recognizing that it would be unreasonable to require full attainment demonstrations in all areas, EPA classified areas of the country as groups based on the probability that each area would maintain the PM–10 standard. Group I areas had a greater than 95 percent probability of nonattainment, Group II areas had a 20–95 percent probability of nonattainment and Group III areas had a less than 20 percent probability of nonattainment. Through this process, EPA identified all

of Allegheny County as a Group II area on August 7, 1987 (52 FR 29383). On January 20, 1988, EPA approved Allegheny County's request to limit the Group II area to an area near Allegheny County's Braddock monitor.¹

State planning requirements were different for each Group classification. All states were required to fulfill the Group III requirements which included: the adoption of NAAQS for PM-10; the adoption of the definition for PM-10 emissions; the adoption of the reference method for the measurement of PM-10 in ambient air; the inclusion of PM-10 values in the episode plan; and the addition of PM-10 to the definitions of major source or facility, major modification, and significant air quality impact. States containing Group II areas were to submit committal SIPs that pledged to gather ambient air quality data and evaluate emissions inventories and control strategies in these areas. States containing Group I areas were required to submit full SIP revisions, including attainment demonstrations, within nine months.

The Clean Air Act Amendments of 1990 affected PM-10 classifications and requirements in a number of ways. The Act, as amended, eliminates the "Group" classifications. Former Group I areas, and Group II and Group III areas that had monitored violations of the PM-10 NAAQS before January 1, 1989, were designated as moderate nonattainment areas by operation of law. The Liberty Borough monitor recorded sixteen exceedances of the 24-hour PM-10 standard in 1988. As a result, the Liberty Borough area (consisting of the City of Clairton and the Boroughs of Liberty, Lincoln, Glassport, and Port Vue) was designated as a moderate nonattainment area.

States containing initial moderate PM-10 nonattainment areas were required to submit, among other things, the following provisions by November 15, 1991:

1. Provisions to assure that reasonably available control measures (RACM) (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology—RACT) shall be implemented no later than December 10, 1993;

2. Either a demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable but no later than

December 31, 1994 or a demonstration that attainment by that date is impracticable;

3. Quantitative milestones which are to be achieved every 3 years and which demonstrate reasonable further progress (RFP) toward attainment by December 31, 1994; and

4. Provisions to assure that the control requirements applicable to major stationary sources of PM-10 also apply to major stationary sources of PM-10 precursors except where the Administrator determines that such sources do not contribute significantly to PM-10 levels which exceed the NAAQS in the area. See sections 172(c), 188, and 189 of the Act.

Some provisions were due at a later date. States with initial moderate PM-10 nonattainment areas were required to submit a permit program for the construction and operation of new and modified major stationary sources of PM-10 by June 30, 1992 (see section 189(a)). These states were also to submit contingency measures by November 15, 1993, which become effective without further action by the State or EPA, upon a determination by EPA that the area has failed to achieve RFP or to attain the PM-10 NAAQS by the applicable statutory deadline. See section 172(c)(9) and 57 FR 13543-13544.

The amended Act eliminated the requirement for states to seek approval of "committal" SIP revisions for Group II areas as prescribed in the July 1, 1987 **Federal Register**. The Group II areas are being addressed using the authorities established in section 107 of the Act concerning the designation of areas as attainment or nonattainment with regard to the NAAQS.²

The Act did not affect the requirements established for Group III areas. The July 1, 1987 regulations require states, among other things, to seek approval of SIP revisions as required under the preconstruction review program and to codify other regulatory changes as needed.

The air quality planning requirements for moderate PM-10 nonattainment areas are set out in subparts 1 and 4 of Title I, Part D of the Act. EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIPs and SIP revisions submitted under Title I of the Act, including those state submittals containing moderate PM-10 nonattainment area SIP requirements (see generally 57 FR 13498 (April 16,

1992) and 57 FR 18070 (April 28, 1992)). Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of Title I advanced in this notice.

Evaluation of State Submittal

Section 110(k) of the Act sets out provisions governing EPA's review of SIP submittals (see 57 FR 13565-13566). EPA is granting approval of the PM-10-related plan revisions submitted to EPA on November 14, 1988, January 12, 1993, and January 13, 1994 because they meet all of the applicable requirements of the Act. The following sections provide an analysis of the State's submittals and a discussion of their approvability. More detail is provided in the technical support document (TSD) to this rulemaking (memo from Thomas A. Casey to the SIP Docket File dated June 6, 1994).

Analysis of November 14, 1988 "Group III" Submittal

1. Procedural Background

The Act requires states to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Section 110(a)(2) of the Act provides that each implementation plan submitted by a state must be adopted after reasonable notice and public hearing.³ Section 110(l) of the Act similarly provides that each revision to an implementation plan submitted by a state under the Act must be adopted by such state after reasonable notice and public hearing.⁴

Allegheny County held a public hearing on April 21, 1988 to solicit public comment on the implementation plan for the Liberty Borough area. Following the public hearing, the plan was adopted by the County on August 11, 1988. The package was signed by the Secretary of the Pennsylvania Department of Environmental Resources (PADER) on November 8, 1988, and submitted to EPA as a proposed revision to the SIP. Provisions for a minor-source, abrasive blasting permit program (Article XX § 533) and an asbestos-related provision (Article XX § 1001.02), originally included in that submittal, were withdrawn on March 14, 1994.

³ Also Section 172(c)(7) of the Act requires that plan provisions for nonattainment areas meet the applicable provisions of section 110(a)(2).

⁴ This submittal pre-dates the 40 CFR part 51, Appendix V requirement for a completeness determination.

¹ Letter from Thomas J. Maslany, Director, Air Management Division, EPA Region III to Ronald J. Chleboski, Deputy Director, Allegheny County Health Department, Bureau of Air Pollution Control.

² EPA has determined that sufficient evidence does not exist to redesignate the Braddock area as nonattainment for PM-10 at this time. No PM-10 exceedances have been monitored at Braddock since the promulgation of the PM-10 NAAQS.

2. Technical Evaluation

Allegheny County's Group III SIP submittal consists of: a definition of PM-10 (Article XX § 101.90); ambient air quality standards for PM-10 (Article XX § 109); a definition of areas where certain additional control measures are required (Article XX § 527, superseded by the 1993 submittal); a reference ambient monitoring method for PM-10 (Article XX § 613); the inclusion of PM-10 in air quality episode criteria (Article XX § 704); and the revision of several definitions (such as "significant impact" and "major modification") to include PM-10 in new source review activities (Article XX § 801). The submittal also deletes Article XX Appendix 1, a listing of the attainment, nonattainment, and unclassifiable areas.

EPA has reviewed these provisions and determined that they are sufficient to satisfy all of the Group III requirements.

Analysis of January 12, 1993 "SIP Strengthening" Submittal

1. Procedural Background

Allegheny County held a public hearing on August 27, 1992 to solicit public comment on the implementation plan for the Liberty Borough area. Following the public hearing, the plan was adopted by the County on October 8, 1992. The package was signed by the Secretary for PADER on December 31, 1992, and submitted to EPA as a proposed revision to the SIP.

The SIP revision was reviewed by EPA to determine completeness in accordance with the completeness criteria set out at 40 CFR part 51, appendix V (1991), as amended by 57 FR 42216 (August 26, 1991). The submittal was found to be complete, and a letter dated April 8, 1993 was forwarded to the State indicating the completeness of the submittal and the next steps to be taken in the review process.

2. Technical Evaluation

This submittal strengthens the County's portion of the Pennsylvania SIP with respect to the non-point source RACM guidance issued by EPA as Appendices C1, C2 and C3 of the General Preamble (Article XX § 521, 523, and 524); expands the area in which certain area-source provisions apply; and adopts EPA test methods 201, 201A, and 202 (40 CFR part 60, appendix M). (The submittal also included new emission limits for industrial combustion units (Article XX § 402) which were replaced in their entirety by new provisions in the "Attainment SIP" submittal.) The

submittal also contains several non-PM-10-related provisions that are the subject of separate rulemakings.

The section 521, 523, and 524 rules provide visible emission (VE) limits for fugitive dust from wind erosion, transport of materials, and land clearing, respectively. Compliance is determined by previously-approved procedures (Article XX § 606).

This submittal also provides for new enforceable emission limits, expands the geographic scope of some existing provisions, and establishes improved test methods that strengthen the SIP. For this reason, and because the rules were adopted and submitted in a manner consistent with 40 CFR part 51, EPA is fully approving Allegheny County's "SIP strengthening" submittal. A discussion of the County's RACM/RACM analysis is provided in section II.C.3 of this notice and in the TSD.

Analysis of "Attainment SIP" Submittal

1. Procedural Background

Allegheny County held a public hearing on December 3, 1993 to solicit public comment on the attainment plan for the Liberty Borough area. Following the public hearing, the plan was adopted by the County on December 16, 1993. The package was signed by the Secretary for PADER on January 6, 1994, and submitted to EPA as a proposed revision to the SIP.

The SIP submittal was reviewed by EPA to determine completeness shortly after its submittal, in accordance with the completeness criteria set out at 40 CFR part 51, appendix V (1991), as amended by 57 FR 42216 (August 26, 1991). The submittal was found to be complete on January 10, 1994, and a letter dated January 19, 1994 was forwarded to the State indicating the completeness of the submittal and the next steps to be taken in the review process.

The submittal contains source-specific limits for ten industrial boilers, including some alternate limits (Article XXI § 2104.6.a); new source-specific limits for 21 other processes (Article XXI § 2104.6.d *et seq.* and 2105.49); a reduction of the leaking coke oven door limit from 10% (plus two) to 8% (plus two) on USX-Clairton Batteries #1, #2, #3, #7, #8, #9, and #19 (Article XXI § 2105.21.b); a reduction in the coke pushing limit from 0.02 to 0.01 grains per dry standard cubic foot from USX-Clairton Batteries #1, #2, #3, #7, #8, #9, and #19 (Article XXI § 2105.21.e); new limits for material storage and handling at the Glassport Transportation Center (Article XXI § 2105.29.e); new definitions related to coke oven gas

emissions (Article XXI § 2101.20); and new test methods (Article XXI § 2107.1 and 2107.2).

Accurate Emissions Inventory

Section 172(c)(3) of the Act requires that nonattainment plan provisions include a comprehensive, accurate, current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. Pursuant to EPA regulations, the emissions inventory should also include a comprehensive, accurate, and current inventory of allowable emissions in the area. Because the submission of such inventories are necessary to an area's attainment demonstration (or demonstration that the area cannot practicably attain), the emissions inventories must be received with the submission (see 57 FR 13539).

Pennsylvania submitted an inventory of actual emissions for base year 1992. The base year inventory is dominated by emissions from coke production activities at the USX-Clairton Coke Works, which accounts for 72% of the inventory. Additional sources included public roads (26%) and other industrial sources (1%).

EPA is proposing to approve the emissions inventory because it appears to be generally accurate and comprehensive, and provides a sufficient basis for determining the adequacy of the attainment demonstration for this area consistent with the requirements of sections 172(c)(3) and 110(a)(2)(K) of the Clean Air Act.⁵ For further details see section 2.3.2.1 of the Technical Support Document (TSD).

2. RACM (Including RACT)

As noted, the initial moderate PM-10 nonattainment areas must submit provisions to assure that RACM (including RACT) are implemented no later than December 10, 1993 (see sections 172(c)(1) and 189(a)(1)(C)). The General Preamble contains a detailed discussion of EPA's interpretation of the RACM (including RACT) requirement (see 57 FR 13539-13545 and 13560-13561).

a. PM-10 RACT

USX-Clairton is the only point source complex in the Liberty Borough nonattainment area subject to the RACT requirement. The large emission points

⁵The EPA issued guidance on PM-10 emissions inventories prior to the enactment of the Clean Air Act Amendments in the form of the 1987 *PM-10 SIP Development Guideline*. The guidance provided in this document appears to be consistent with the Act and EPA's guidelines.

and their emission limits are listed in Tables 1 and 2.

TABLE 1.—RACT FOR USX CLAIRTON WORKS COKE OVEN BATTERY EMISSIONS
[Allowable Emission Limits]

Source	Batteries 1-3, 7-9 and 19	Batteries 13-15, 20 and "B"
Charging	VE (visible emissions) for 75 seconds during any four consecutive charges.	VE for 55 seconds during any five consecutive charges.
Door Leaks	VE from 8% of doors excluding the last two charged.	VE from 5% of doors excluding the last two charged.
Charging Ports	VE from 2% of charging ports or seals	VE from 1% of charging ports or seals.
Offtake Piping	VE from 5% of offtake pipe	VE from 4% of offtake pipes.
Pushing	0.01 gdsfc 20% opacity of VE from PEC outlet or pushing fugitives.	At any time 0.04 lb/ton coke. At any time, 20% opacity of VE from PEC outlet or pushing fugitives.
Combustion Stacks	0.030 grains per dsfc	0.015 grains per dsfc.

TABLE 2.—RACT FOR USX CLAIRTON WORKS OTHER EMISSIONS
[Allowable Emission Limits]

Source	Post-revision
Traveling Hot Car	10% opacity in open atmosphere.
Quench Towers	Water quality ≥ Monongahela River (750 mg/liter total dissolved solids); baffles.
Cooling Towers	Water quality ≥ Monongahela.
Boilers	387 TPY.
Pulverizers	11.86 grain PM-10 per ton.
Continuous Unloaders	No VE.
Storage Piles	VE 20% opacity for 3 min/60 min.
Private Industrial Roads.	VE 20% opacity for 3 min/60 min.

On May 19, 1994, Allegheny County provided EPA with documentation substantiating its claim that the revised SIP would provide for RACT (Letter from Cari J. Weaver, Section Head of Planning, Division of Air Quality to Marcia L. Spink, Chief, Air & Radiation Programs Branch, EPA Region III). The County compared its emission limits to those found in the appropriate guidance⁶ and found their emission limits to be at least as restrictive as those in the 1980 Steel RACT document or those in neighboring jurisdictions. The County also found its emission limits to be generally equivalent to the most restrictive applicable limits found in *Procedures for Identifying Reasonably Available Control Technology for Stationary Sources of PM-10* (EPA-452/R-93-001). In some

cases, the County's emission limits may be more restrictive than RACT because further reductions were required to demonstrate attainment. The demonstration that Allegheny County's emission limits are comparable to the most stringent state or local limits in the nation obviates the County's need to also undertake a review of the technical, economic, and environmental considerations that are generally involved in RACT analyses.

b. Other RACM

As noted above, EPA issued non-point source RACM guidance in Appendices C1, C2, and C3 to the General Preamble. Appendix C1 lists fifteen available fugitive dust control measures. In its "RACM" submittal, Allegheny County satisfactorily described that sections 521 through 526 of Article XX include the applicable available control measures (57 FR 18070). Sections 521 and 522 regulate visible emissions from roadways, haul roads, parking lots, and source premises, generally; § 523 prohibits visible emissions from the transport of solids or liquids; and §§ 524, 525, and 526 regulate visible emissions from construction, mining, and demolition, respectively.

Appendices C2 and C3 provide guidance on the requirements for RACM for residential wood combustion (RWC) and prescribed burning. RWC is not a significant source of PM-10 in the Liberty Borough nonattainment area (comprising less than one-half of one percent of the emissions inventory); therefore the County determined, pursuant to EPA's guidance that to require control of this de minimis source would be unreasonable and not constitute RACM. Prescribed burning on a large scale is not a common practice in Allegheny County and such burning that does occur is adequately regulated by Article XX § 516.

The total of all the control measures contained in this submittal result in a

reduction in federally-allowable emissions of 5700 tons per year of PM-10 and a reduction in actual emissions of at least 600 tons per year in the nonattainment area and environs from 1992 levels. A more detailed discussion of the individual source contributions and their associated control measures can be found in the TSD. EPA has reviewed the State's submittal and concluded that it provides for RACM (including RACT). The implementation of Allegheny County's PM-10 control strategy will promote attainment of the PM-10 NAAQS as of December 31, 1994. By this action EPA is approving the control strategy as RACM, including RACT.

3. Demonstration

As noted, the initial moderate PM-10 nonattainment areas must submit a demonstration (including air quality modeling) showing that the plan will provide for attainment of the PM-10 NAAQS as expeditiously as practicable, but no later than December 31, 1994 (See section 189(a)(1)(B) of the Act). Alternatively, the State must show that attainment by December 31, 1994 is impracticable. The 24-hour PM-10 NAAQS is 150 micrograms/cubic meter (µg/m³), and the standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one (see 40 CFR 50.6). The annual PM-10 NAAQS is 50 µg/m³, and the standard is attained when the expected annual arithmetic mean concentration is less than or equal to 50 µg/m³ (*id.*).

Allegheny County produced an attainment demonstration for the Liberty Borough area using dispersion modeling. The demonstration indicated that the NAAQS for PM-10 would be attained by December 31, 1994 in the Liberty Borough area and maintained in future years. Allegheny County's analysis shows that, even if all sources

⁶ August 7, 1980 memorandum from Edward E. Reich, Director, Stationary Source Enforcement Division to the Regional air enforcement directors entitled "Steel Technical Support Options and Documents," (with the attached table entitled "Particulate Emission Limitations Generally Achievable on a Retrofit Basis").

emit at their newly adopted maximum allowable emission rates, the 24-hour PM-10 concentration will not exceed 150 $\mu\text{g}/\text{m}^3$ more than once per year. Similarly, the demonstration shows that, in the attainment year, the annual PM-10 concentration will not exceed the annual PM-10 NAAQS of 50 $\mu\text{g}/\text{m}^3$. The analysis was performed in a manner that is consistent with the Guideline on Air Quality Models (40 CFR part 51, appendix W). The control strategy used to achieve these design concentrations is summarized in the section titled "RACM (including RACT)". For a more detailed description of the attainment demonstration and the control strategy used, see the Technical Support Document.

4. PM-10 Precursors

The control requirements that are applicable to major stationary sources of PM-10 also apply to major stationary sources of PM-10 precursors, unless EPA determines such sources do not contribute significantly to PM-10 levels in excess of the NAAQS in that area (see section 189(e) of the Act). The PM-10 precursors explicitly identified in the Act are sulfur dioxide (SO_2), nitrogen oxides (NO_x), and volatile organic compounds (VOC).

An analysis of air quality and emissions data for the Liberty Borough nonattainment area indicates that while exceedances of the NAAQS are chiefly attributable to direct particulate matter emissions from industrial sources within the nonattainment area, locally-formed, secondary PM-10 makes a significant contribution. According to the County's analyses, emissions of sulfur dioxide (SO_2) from coke ovens, coke oven battery underfiring, and industrial boilers can contribute up to 45 $\mu\text{g}/\text{m}^3$ in sulfates to the total 24-hour PM-10 concentrations (though the contribution is usually substantially less). Similarly, the County found that organic carbon could contribute up to 28 $\mu\text{g}/\text{m}^3$, but this contribution is most likely dominated by condensed VOC, which are controlled as PM-10 as described in the RACM/RACT section of this notice. Nitrate loading was rarely in excess of 5 $\mu\text{g}/\text{m}^3$. Consequently, EPA finds, pursuant to section 189(e) of the Act, that SO_2 emissions do contribute significantly to PM-10 exceedances in the Liberty Borough nonattainment area, while VOC and NO_x emissions do not. Therefore, under sec. 189(e) the requirement to control SO_2 emissions applies to the area, while the requirement for VOC and NO_x controls do not apply. This finding does not affect any other control technology requirements of the Act. It should be

noted that while EPA is making a general finding for this area, today's finding is based on the current character of the area including, for example, the existing mix of sources in the area. It is possible, therefore, that future growth could change the significance of precursors in the area.

Pursuant to section 189(e) Allegheny County's current SIP provides for the control SO_2 emissions. In a May 19, 1994 letter, Allegheny County found that its SO_2 limits for battery combustion (40 grains per 100 dry standard cubic foot of COG) and boilers ($\text{lb SO}_2/\text{MMBTU}=1.7E^{-0.14}$, where E is the actual heat input in MMBTU/hr) were more stringent than those of neighboring jurisdictions. For more detail, see the TSD.

5. Quantitative Milestones and Reasonable Further Progress (RFP)

The PM-10 nonattainment area plan revisions demonstrating attainment must contain quantitative milestones which are to be achieved every 3 years until the area is redesignated attainment and which demonstrate RFP toward attainment by December 31, 1994 (see section 189(c) of the Act). Reasonable further progress is defined in section 171(1) as such annual incremental reductions in emissions of the relevant air pollutant as are required by Part D or as may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable NAAQS by the applicable date.

In evaluating whether the requirement to implement RFP for this initial moderate area has been met, EPA has reviewed the attainment demonstration and control strategy for the area in order to determine whether annual incremental reductions in addition to those provided in the SIP should be required in order to ensure attainment of the PM-10 NAAQS by December 31, 1994 (see section 171(1)). All of Allegheny County's new PM-10 requirements affecting the nonattainment area became effective during 1994, and the County's air quality analysis demonstrates that these controls would be sufficient to cause attainment of the NAAQS by December 31, 1994. Therefore, no additional incremental reductions are needed and quantitative milestones demonstrating RFP by 1994, as required by the Act, are being met in the area. The County's rules satisfy the requirements for quantitative milestones and RFP.

6. Enforceability Issues

All measures and other elements in the SIP must be enforceable by the State and EPA (See sections 172(c)(6),

110(a)(2)(A) and 57 FR 13556). The EPA criteria addressing the enforceability of SIPs and SIP revisions were stated in a September 23, 1987 memorandum (with attachments) from J. Craig Potter, Assistant Administrator for Air and Radiation, et al. (see 57 FR 13541). Nonattainment area plan provisions must also contain a program that provides for enforcement of the control measures and other elements in the SIP (see section 110(a)(2)(C)).

The particular control measures contained in the SIP are addressed above under the section headed "RACM (including RACT)." These control measures apply to the types of activities identified in that discussion, including coke production, fuel combustion, and material handling and processing. Some of the provisions are County-wide, some apply only in the nonattainment area, and others are source-specific. The geographic applicability and compliance date of each provision are clearly stated. In addition, this SIP revision incorporates several federal test methods into the Allegheny County SIP. EPA believes that these procedures, along with previously-approved test methods, serve as acceptable methods for determining compliance with the rules provided in this SIP revision.

The TSD contains further information on enforceability requirements including: enforceable emission limitations; a description of the rules contained in the SIP and the source types subject to them; test methods and compliance schedules, as appropriate; malfunction provisions; excess emission provisions; averaging times for compliance test methods; correctly cited references of incorporated methods/rules; and reporting and recordkeeping requirements.

Allegheny County has adopted a program that will ensure that the measures contained in the SIP are adequately enforced. The effective date of each new or revised rule is provided for in each provision. The existing test methods and recordkeeping requirements, along with those included in this SIP revision, are sufficient to determine compliance with each emission limit.

7. Contingency Measures

As provided in section 172(c)(9) of the Act, all moderate nonattainment area SIPs that demonstrate attainment must include contingency measures. See generally 57 FR 13543-13544.

These measures must be submitted by November 15, 1993 for the initial moderate nonattainment areas. Contingency measures should consist of other available measures that are not

part of the area's control strategy. The SIP must provide that these measures take effect without further action by the State or EPA, upon a determination by EPA that the area has failed to make RFP or attain the PM-10 NAAQS by the applicable statutory deadline.

Allegheny County's SIP submittal does not contain contingency measures. On January 18, 1994, EPA formally found that the Commonwealth of Pennsylvania had not submitted contingency measures to EPA for the Liberty Borough area as required by the Act.⁷ This finding started the eighteen-month and 24-month sanctions clocks pursuant to section 179(a) of the Act. Also, section 110(c) requires that EPA promulgate a federal implementation plan (FIP) no later than two years after making a finding under section 179(a). Today's rulemaking has no effect on the January 18 finding or the associated sanctions and FIP clocks. The sanction clock will continue to run until EPA receives a complete SIP submittal of the contingency measures, and the FIP clock will continue to run until EPA approves those contingency measures.

Proposed Action

EPA is proposing to approve the PM-10-related revisions to the Allegheny County portion of the Pennsylvania SIP submitted to EPA on November 14, 1988,⁸ January 12, 1993, and January 13, 1994.

Federally-approved state implementation plan must be in conformance with the provisions of the 1990 amendments enacted on November 15, 1990. The Agency has determined that Pennsylvania's November 14, 1988 submittal conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

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

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis

⁷January 18, 1994 letter from Stanley L. Laskowski, Acting Regional Administrator, EPA Region III to Governor Robert P. Casey.

⁸EPA has determined that this submittal conforms with the requirements of the Act, irrespective of the fact that the submittal preceded the date of enactment of the Clean Air Act Amendments of 1990.

assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds (*Union Electric Co. v. U.S. EPA*, 3427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2)).

This action to propose approval of the PM-10 SIP for Allegheny County, Pennsylvania has been classified as a Table 2 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The OMB has exempted this regulatory action from E.O. 12866 review.

The Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of section 110(a)(2) (A)-(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR part 51.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: March 21, 1995.

Stanley Laskowski,

Acting Regional Administrator, Region III.
[FR Doc. 95-8883 Filed 4-10-95; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Chapter II

[RSI-95-1]

Regulatory Review

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of meetings; request for comments.

SUMMARY: The Federal Railroad Administration invites all individuals affected by the rail safety regulatory program to discuss the agency's regulations and enforcement policies during two open forums to be convened in April. In addition, FRA invites written comment on ways to improve the safety regulatory program to make it more flexible, performance-oriented and cost-effective.

DATES: Public meetings will be held in Chicago, IL on April 20, 1995 and in Newark, N.J. on April 25, 1995. Written comments must be submitted to the FRA by May 5, 1995.

ADDRESSES: Public meetings: The Chicago, IL meeting will be held in the Tower's West room of the Knickerbocker Hotel, 163 E. Walton Place, from 9:00 a.m. to 1:00 p.m. The Newark, NJ meeting will be held in the Crystal Room of the Robert Treat Hotel, 50 Park Place, (about 5 minutes from Pennsylvania Station) from 10:00 a.m. to 2:00 p.m.

Written Comments: Written comments should identify the docket number and the notice number and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, U.S. Department of Transportation, 400 7th Street, S.W., Room 8201, Washington, D.C. 20590-0001. Persons desiring to be notified that their written comments have been received by FRA should submit a self-addressed, stamped postcard with their comments. The Docket Clerk will indicate on the postcard the date on which the comments were received and will return the card to the addressee. Written comments will be available for examination, both before and after the closing date for comments, during regular business hours in Room 8201 of the Nassif Building at the above address.

FOR FURTHER INFORMATION CONTACT: Ed English, Office of Safety Enforcement, Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590, 202-366-9252, or Lisa Levine, Office of Chief Counsel, Federal

Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590, 202-366-4781.

SUPPLEMENTARY INFORMATION: Building on the regulatory philosophy set forth in Executive Order No. 12866, President Clinton recently 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 instead of red tape; [3] create grassroots partnerships by meeting, outside of Washington, D.C., with those affected by regulations; and [4] use consensual rulemaking, such as regulatory negotiation, more frequently. This notice solicits comments and announces public outreach responsive to the President's directives.

FRA is committed to a railroad regulatory program that achieves safety goals while being cost-effective, user-friendly and customer-focused. Consistent with the President's Initiative, our 1995 Safety Action Plan aspires to cut red-tape, improve communications, foster cooperation and emphasize performance-oriented decision making with:

- Annual safety plans from each major railroad developed consensually with management, labor and FRA;
- Uniform and consistent safety assurance methods;
- Continued efforts to improve the effectiveness of our communications and customer response; and
- Streamlining of our regulatory process with a focus on data-based decision making.

Through roundtables, innovative rulemaking procedures (including negotiated rulemaking), and direct contacts with industry groups, FRA seeks to ensure open lines of communication and active collaboration of all affected persons in the development of its safety programs.

In response to the President's initiative, FRA invites participation from the regulated community in the creation of grassroots partnerships. The meetings in Chicago and Newark will be informal, intended to produce a dialogue between agency regulators and those persons directly affected by the rail safety program and regulations. These public forums are intended to elicit information and views at a grassroots level—from working railroad employees, supervisors and managers in those major railroad terminal areas.

Because FRA believes the President's call for regulatory review provides rich opportunities for eliminating or

improving regulations, FRA is seeking comments, either at the public meetings or in writing, discussing methods of improving the regulations to make the rail safety program more performance-oriented, flexible and cost-effective. Any comments should contain a current priority order for those areas in need of improvement. By focusing on matters of greatest concern to those who carry regulatory burdens, FRA can best balance its responsibilities for regulatory reinvention and completion of statutorily mandated rulemaking proceedings.

Donald M. Itzkoff,

Deputy Administrator.

[FR Doc. 95-8983 Filed 4-10-95; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[ID. 040595A]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 1995-96 King and Spanish Mackerel Specifications; Hearing

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

ACTION: Public hearing.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a public hearing on the total allowable catch, quotas, and bag limits for king and Spanish mackerel for the 1995-96 fishing year.

DATES: The hearing will be held on Thursday, April 13, 1995 at 4 p.m.

ADDRESSES: The hearing will be held at the Holiday Inn Savannah- Midtown, 7100 Abercorn Expressway, Savannah, GA 31406; telephone: 1-800-255-8268 or 1-912-352-7100.

Requests for special accommodations may be sent to the South Atlantic Fishery Management Council; One Southpark Circle, Suite 306, Charleston, SC 29407-4699.

FOR FURTHER INFORMATION CONTACT:

Sharon Coste, South Atlantic Fishery Management Council, telephone: 1-803-571-4366 or fax: 1-803-769-4520.

SUPPLEMENTARY INFORMATION: This public hearing is being held in conjunction with public meetings held by the Council on April 10-14, 1995. The hearing will be held to receive

comments on the total allowable catch, quotas, and bag limits for king and Spanish mackerel for the 1995-96 fishing year. These measures will be developed by the Council according to framework regulatory procedures established by the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic. Under this procedure, the Council will submit proposed measures to NMFS for review, approval, and implementation. NMFS' review will involve a public comment period before final agency action.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see ADDRESSES).

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

Dated: April 5, 1995.

Richard W. Surdi,

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

[FR Doc. 95-8908 Filed 4-10-95; 8:45 am]

BILLING CODE 3510-22-F

50 CFR Part 655

[I.D. 032895B]

Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan; Public Hearings; Supplement 1 to Amendment 5

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

ACTION: Public hearings; request for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold public hearings to allow for input on Supplement 1 to Amendment 5 to the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fishery. The Council will also accept comments prepared for Amendment 7 for inclusion in the Environmental Impact Statement on the matters contained in Supplement 1.

DATES: Written comments must be received by May 1, 1995. The hearings are scheduled as follows:

1. April 18, 1995, 7 p.m., Virginia Beach, VA;
2. April 24, 1995, 7 p.m., Galilee, RI;
3. April 25, 1995, 7 p.m., Cape May Courthouse, NJ.

ADDRESSES: Send written comments to David R. Keifer, Executive Director, Mid-Atlantic Fishery Management

Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904.

The hearings will be held at the following locations:

1. Virginia Beach—Holiday Inn, 39th and Oceanfront, Virginia Beach, VA 23451;
2. Galilee—Dutch Inn, 307 Great Island Rd., Galilee, RI 02882; and
3. Cape May Courthouse—Cape May County Extension Office, Dennisville Rd., Route 657, Cape May Courthouse, NJ 08210.

FOR FURTHER INFORMATION CONTACT: David R. Keifer, Executive Director; telephone: 302-674-2331.

SUPPLEMENTARY INFORMATION: The purpose of these supplementary

hearings is to obtain public input on several changes to Amendment 5 that were not included in the original hearing draft. These changes involve the provisions of the moratorium on entry into the *Illex* fishery, the provisions of the moratorium on entry into the *Loligo* and butterfish fisheries, the provisions of the minimum net mesh in the *Loligo* fishery, a provision that vessel owners/operators and dealers could lose their permits, if they falsified data to qualify for a moratorium permit, and a provision that only vessels with moratorium permits could transfer squid and butterfish at sea.

These hearings are physically accessible to people with disabilities.

Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**).

All hearings will be tape recorded and the tapes will be filed as the official transcript of the hearing.

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

Dated: April 5, 1995.

Richard H. Schaefer,

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

[FR Doc. 95-8901 Filed 4-6-95; 4:13 pm]

BILLING CODE 3510-22-F

Notices

Federal Register

Vol. 60, No. 69

Tuesday, April 11, 1995

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 95-018-1]

Availability of Environmental Assessments and Findings of No Significant Impact

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that four environmental assessments and findings of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance or renewal of permits to allow the field testing of genetically engineered organisms. The environmental assessments provide a basis for our conclusion that the field testing of the genetically engineered organisms will not present a risk of introducing or disseminating a plant pest and will not have a significant impact on the quality of the human environment. Based on its findings of no

significant impact, the Animal and Plant Health Inspection Service has determined that environmental impact statements need not be prepared.

ADDRESSES: Copies of the environmental assessments and findings of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect those documents are requested to call ahead on (202) 690-2817 to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Arnold Foudin, Deputy Director, Animal and Plant Health Inspection Service, Biotechnology, Biologics, and Environmental Protection, Biotechnology Permits, 4700 River Road Unit 147, Riverdale, MD 20737-1228; (301) 734-7612. For copies of the environmental assessments and findings of no significant impact, write to Mr. Clayton Givens at the same address. Please refer to the permit numbers listed below when ordering documents.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340 (referred to below as the regulations) regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article may be introduced into the United States. The regulations set

forth the procedures for obtaining a limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

In the course of reviewing each permit application, APHIS assessed the impact on the environment that releasing the organisms under the conditions described in the permit application would have. APHIS has issued permits for the field testing of the organisms listed below after concluding that the organisms will not present a risk of plant pest introduction or dissemination and will not have a significant impact on the quality of the human environment. The environmental assessments and findings of no significant impact, which are based on data submitted by the applicants and on a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impacts associated with conducting the field tests.

Environmental assessments and findings of no significant impact have been prepared by APHIS relative to the issuance or renewal of permits to allow the field testing of the following genetically engineered organisms:

Permit number	Permittee	Date issued	Organisms	Field test location
94-326-05, renewal of permit 94-055-03, issued on 5-04-94.	Asgrow Seed Company	2-07-95	Watermelon plants genetically engineered to express resistance to watermelon mosaic virus 2, and zucchini yellow mosaic virus.	Michigan.
94-332-01, renewal of permit 94-060-01, issued on 6-01-94.	Asgrow Seed Company	2-08-95	Lettuce plants genetically engineered to express resistance to tomato spotted wilt virus.	Georgia.
94-200-01	University of Georgia	2-09-95	Canola plants genetically engineered for insect resistance.	Georgia.
94-326-07, renewal of permit 94-090-05, issued on 6-17-94.	Upjohn Company	2-09-95	Cantaloupe plants genetically engineered for resistance to cucumber mosaic virus, watermelon mosaic virus 2, zucchini yellow mosaic virus, papaya ringspot virus, and squash mosaic virus.	California, Georgia, and Michigan.

The environmental assessments and findings of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381-50384, August 28, 1979, and 44 FR 51272-51274, August 31, 1979).

Done in Washington, DC, this 5th day of April 1995.

Alex B. Thiermann,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-8800 Filed 4-10-95; 8:45 am]

BILLING CODE 3410-34-P

Cooperative State Research, Education, and Extension Service

Forestry Research Advisory Council; Meeting

According to the Federal Advisory Committee Act of October 6, 1987, (Public Law 92-463, 86 Stat. 770-776) the U.S. Department of Agriculture announces the following meeting:

Name: Forestry Research Advisory Council.

Date: May 10-11, 1995.

Time: 8:30 a.m.-5:00 p.m.

Place: Governor's House Hotel, 17th Street and Rhode Island Avenue, NW, Washington, D.C. 20036.

Type of Meeting: Open to the public. Persons may participate in the meeting if time and space permit.

Comments: The public may file written comments before or after the meeting by contacting the person below.

Purpose: The council agenda will include: the Forestry Research and Education Initiative; 1995 Farm Bill; National Science and Technology Council strategy; performance measures for research; review of the Cooperative Forestry Research Program (McIntire-Stennis); and other current research issues.

Contact Person for Agenda and More Information: Jerry A. SESCO, Forest Service, 14th & Independence SW, P.O. Box 96090, Washington, D.C., 20090-6090; telephone (202) 205-1665.

Dated: April 4, 1995.

William D. Carlson,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 95-8799 Filed 4-10-95; 8:45 am]

BILLING CODE 3410-22-M

ARMS CONTROL AND DISARMAMENT AGENCY

The President's Scientific and Policy Advisory Committee; Notice of Closed Meeting

April 5, 1995.

In accordance with the Federal Advisory Committee Act, as amended 5 U.S.C. App. (1988), the U.S. Arms Control and Disarmament Agency announces the following Presidential Committee and meeting:

Name: Scientific and Policy Advisory Committee (SPAC).

Date: April 26, 1995.

Time: 9:00 a.m.

Place: State Department Building, 320 21st Street N.W., Room 4930, Washington, D.C.

Type of Meeting: Closed.

Contact: Robert Sherman, Executive Director, Scientific and Policy Advisory Committee, Room 4930, Washington, D.C. 20451, (202) 647-4622.

Purpose of Advisory Committee: To advise the President, the Secretary of State, and the Director of the U.S. Arms Control and Disarmament Agency respecting scientific, technical, and policy matters affecting arms control, nonproliferation, and disarmament.

Purpose of the Meeting: The Committee will review specific arms control, nonproliferation, and verification issues. Members will be briefed on current U.S. policy regarding negotiations on extension of the Nuclear Nonproliferation Treaty, the Comprehensive Test Ban Treaty, and the Conventional Weapons Convention, and on issues regarding those negotiations. Members will also be briefed on issues regarding the Chemical and Biological Weapons Conventions. Members will exchange information and concepts with key ACDA personnel. The entire meeting will be held in Executive Session.

Reason for Closing: The SPAC members will be reviewing and discussing matters specifically authorized Executive Order 12356 to be kept secret in the interest of national defense or foreign policy.

Authority to Close Meeting: The closing of this meeting is in accordance with a determination by the Director of the U.S. Arms Control and Disarmament Agency dated March 27, 1995, made pursuant to the provisions of Section 10(d) of the Federal Advisory Committee Act as amended (5 U.S.C. App.).

Cathleen Lawrence,

Director of Administration.

Determination To Close Meeting of the Scientific and Policy Advisory Committee

The Scientific and Policy Advisory Committee (SPAC) will hold a meeting in Washington, D.C., on April 26, 1995. The Arms Control and Disarmament Act, as amended (22 U.S.C. sec. 2566) provides for the SPAC to advise the President, the Secretary of State, and the Director of the U.S. Arms Control and Disarmament Agency respecting scientific, technical, and policy matters affecting arms control, nonproliferation, and disarmament.

The entire agenda of this meeting will be devoted to specific national security policy and arms control issues. In accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), it has been determined that discussion during the meeting will necessarily involve consideration of matters recognized as not subject to public disclosure under 5 U.S.C. 552b(c)(1). Materials to be discussed at the meeting have been properly classified and are specifically authorized under criteria established by Executive Order 12356 to be kept secret in the interests of national defense and foreign policy.

Therefore, in accordance with section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), I have determined that, because of the need to protect the confidentiality of such national security matters, this meeting should be closed to the public.

John D. Holum,

Director.

[FR Doc. 95-8949 Filed 4-10-95; 8:45 am]

BILLING CODE 6820-32-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 733]

Grant of Authority; Establishment of a Foreign-Trade Zone in the Richmond, VA, Area

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Capital Region Airport Commission (the Grantee) has made application to the Board (FTZ Doc. 5-94, 59 FR 5174, 2/3/94; amended, 5/19/94) requesting the establishment of a foreign-trade zone at the Richmond International Airport, Henrico County, Virginia, within the Richmond-Petersburg Customs port of entry; and

Whereas, notice inviting public comment has been given in the **Federal Register** and the Board has found that the requirements of the Act and Board's regulations are satisfied, and that approval of the application, as amended, is in the public interest;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing a foreign-trade zone, designated on the records of the Board as Foreign-Trade Zone No. 207, at the site described in the application, as amended, subject to the Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 31st day of March 1995.

Foreign-Trade Zones Board.

Ronald H. Brown,

Secretary of Commerce, Chairman and Executive Officer.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 95-8897 Filed 4-10-95; 8:45 am]

BILLING CODE 3510-DS-P

National Oceanic and Atmospheric Administration

[I.D. 040495B]

Western Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold a meeting of its Bottomfish Plan Team (Team) on April 27-28, 1995, from 8:00 a.m. to 5:00 p.m. each day. The meeting will be held in Room 306 of the Executive Centre, 1088 Bishop Street, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Regional Fishery Management Council, 1164 Bishop St., Suite 1405, Honolulu, HI 96813; telephone 808-522-8220.

SUPPLEMENTARY INFORMATION: The Team will discuss and may make recommendations to the Council on the following agenda items:

1. 1994 annual report preparation;
2. Management of overfished bottomfish in the Main Hawaiian Islands;
3. NMFS review of revised Northwestern Hawaiian Islands catch and effort reporting system;
4. Overfishing definitions; and
5. Other business.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, 808-522-8220

(voice) or 808-522-8226 (fax), at least 5 days prior to the meeting date.

Dated: April 5, 1995.

Richard W. Surdi,

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

[FR Doc. 95-8904 Filed 4-10-95; 8:45 am]

BILLING CODE 3510-22-F

[I.D. 040495A]

Western Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold a meeting of its Pelagics Plan Team (Team) on April 24-26, 1995. The Team will meet from 12:00 noon to 5:00 p.m. on April 24, and from 8:00 a.m. to 5:00 p.m. on April 25-26. The meeting will be held in Room 306 of the Executive Centre, 1088 Bishop Street, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Regional Fishery Management Council, 1164 Bishop St., Suite 1405, Honolulu, HI 96813; telephone 808-522-8220.

SUPPLEMENTARY INFORMATION: The Team will discuss and may make recommendations to the Council on the following agenda items:

1. Small Boat Pelagic Fisheries Working Group;
2. Status of Pelagic Fisheries Research Program;
3. Overfishing definitions;
4. Development of indicators for pelagic fisheries;
5. 1994 annual report preparation;
6. Development of region-wide recommendations for annual report;
7. Next generation graphics and charting software for annual reports;
8. Pacific pelagic fisheries data collection programs;
9. Hawaii longline fishery issues (including permit leasing, etc.); and
10. Other business.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, 808-522-8220 (voice) or 808-522-8226 (fax), at least 5 days prior to the meeting date.

Dated: April 5, 1995.

Richard W. Surdi,

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

[FR Doc. 95-8905 Filed 4-10-95; 8:45 am]

BILLING CODE 3510-22-F

[I.D. 040395B]

Marine Mammals

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

ACTION: Receipt of application for a scientific research permit (P771#71).

SUMMARY: Notice is hereby given that the National Marine Mammal Laboratory has applied in due form for a permit to take the marine mammals listed below for the purpose of scientific research.

DATES: Written comments must be received on or before May 11, 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);

Director, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668 (907/586-7221).

Written data or views, or requests for a public hearing on this request, should be submitted to the Chief, Permits Division, F/PR1, Office of Protected Resources, 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 request would be appropriate.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The applicant seeks authorization to satellite tag 50 beluga whales (*Delphinapterus leucas*) and retain samples incidental to the tagging over a 5-year period. In addition, the applicant seeks authorization to take by harassment up to 900 beluga whales per

year incidental to the tagging. Proposed taking will be by small boat. Surveys will be conducted from July 1995 through October 2000 in Cook Inlet, Norton Sound, Bristol Bay, Kotzebue Sound, and Beaufort Sea on the west coast of Alaska. The results of the research will provide information on the movement and diving behavior of the Alaska stocks of beluga whales.

Dated: April 5, 1995.

Ann D. Terbush,

*Chief, Permits & Documentation Division,
National Marine Fisheries Service.*

[FR Doc. 95-8907 Filed 4-10-95; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency, Scientific Advisory Board Panel Closed Meeting

AGENCY: Department of Defense, Intelligence Agency.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92-463, as amended by Section 5 of Public Law 94-409, notice is hereby given that a closed meeting of the DIA Scientific Advisory Board has been scheduled as follows.

DATE: April 25-26, 1995 (830 to 400).

ADDRESSES: The Defense Intelligence Agency, Bolling AFB, Washington, DC 20340-5100.

FOR FURTHER INFORMATION CONTACT: Dr. W.S. Williamson, Executive Secretary, DIA Scientific Advisory Board, Washington, DC 20340-1328 (202) 373-4930.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

Dated: April 5, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95-8775 Filed 4-10-95; 8:45 am]

BILLING CODE 5000-04-M

Defense Intelligence Agency, Scientific Advisory Board Panel Closed Meeting

AGENCY: Department of Defense, Defense Intelligence Agency.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92-463, as amended by Section 5 of Public Law 94-409, notice is hereby given that a closed meeting of the DIA Scientific Advisory Board has been scheduled as follows:

DATE: April 18-19, 1995 (830-400).

ADDRESS: The Defense Intelligence Agency, Bolling AFB, Washington, DC 20340-5100.

FOR FURTHER INFORMATION CONTACT: Dr. W.S. Williamson, Executive Secretary, DIA Scientific Advisory Board, Washington, DC 20340-1328 (202) 373-4930.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

Dated: April 5, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95-8774 Filed 4-10-95; 8:45 am]

BILLING CODE 5000-04-M

Defense Science Board Task Force on Unique Surveillance Technologies

ACTION: Change in Date/Location of Advisory Committee Meeting Notice.

SUMMARY: The meeting of the Defense Science Board Task Force on Unique Surveillance Technologies scheduled for April 4-6, 1995 as published in the **Federal Register** (Vol. 60, No. 62, Page 16630, Friday, March 31, 1995, FR Doc. 95-7891) will be held on April 20-21, 1995 at the institute for Defense Analyses, 1801 North Beauregard Street, Alexandria, Virginia.

Dated: April 5, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95-8776 Filed 4-10-95; 8:45 am]

BILLING CODE 5000-04-M

Department of the Army

ARMS Initiative Implementation

AGENCY: Armament Retooling and Manufacturing Support (ARMS) Public/Private Task Force (PPTF).

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92-463, notice is hereby given to the next meeting of the Armament Retooling and Manufacturing Support (ARMS) Public/Private Task Force (PPTF). The PPTF is chartered to develop new and innovative methods to maintain the government-owned, contractor-operated ammunition industrial base and retain critical skills for a national industrial emergency. Meeting focus will be:

- Government & Contractor Interaction Workgroup Report
- Funding Obligation Plan/Process
- ARMS Initiative & Funding Extension—FY 96.
- Loan Guarantee Program
- Contract Length
- USC 2692 Process

A tour of the Indiana Army Ammunition Plant will be included as part of this meeting. This session is open to the public.

Dates of Meeting: May 10-11, 1995.

Place of Meeting: Holiday Inn, 505 Marriott Drive, Clarksville, Indiana 47129.

Time of Meeting: 8:00 A-5:PM.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Auger, ARMS Task Force, HQ Army Material Command, 5001 Eisenhower Avenue, Alexandria, Virginia 22333; Phone (703) 274-9838.

SUPPLEMENTARY INFORMATION:

Reservations should be made directly with the Holiday Inn; telephone (812) 283-4411. Please be sure to mention that you will be attending the ARMS PPTF meeting to assure occupancy in the block of rooms set aside for this meeting. You should confirm your reservation prior to 25 April 1995. Request you contact Debra Yeager in the ARMS Team Office at Rock Island Arsenal; telephone (309) 782-4040, if you will be attending the meeting, so that our roster of attendees is accurate. This number may also be used if other assistance regarding the ARMS meeting is required for public review in September of 1995.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 95-8900 Filed 4-10-95; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of arbitration panel decision under the Randolph-Sheppard Act.

SUMMARY: Notice is hereby given that on November 13, 1992, an arbitration panel

rendered a decision in the matter of *Jimmy Little v. Arkansas Department of Human Services, Division for the Blind (Docket No. R-S/92-1)*. This panel was convened by the Secretary of the Department of Education pursuant to 20 U.S.C. 107d-2, upon receipt of a complaint filed by petitioner Jimmy Little.

FOR FURTHER INFORMATION CONTACT: A copy of the full text of the arbitration panel decision may be obtained from George F. Arsnow, U.S. Department of Education, 600 Independence Avenue, SW., Room 3230, Switzer Building, Washington, DC. 20202-2738. Telephone: (202) 205-9317. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205-8298.

SUPPLEMENTARY INFORMATION: Pursuant to the Randolph-Sheppard Act (20 U.S.C. 107d-2(c)), the Secretary publishes a synopsis of arbitration panel decisions affecting the administration of vending facilities on Federal property.

Background

Jimmy Little, complainant, is a blind vendor licensed by the Department of Human Services, Division of Services for the Blind, State of Arkansas. Mr. Little operated the vending facility at Newport Vo-Tech in Arkansas.

The Arkansas State licensing agency expressed concern and had evidence that Mr. Little was not following established Vending Facility Program (VFP) procedures for notifying program officials regarding his opening and closing hours during the summer.

In a telephone conversation on August 6, 1990, Mr. Little and the Administrator for the VFP discussed his procedural failures, and it was indicated then that the agency might revoke his vendor's license. On August 7, 1990, the Administrator and a specialist in the VFP visited Mr. Little's facility with questions concerning his summer opening and closing schedule. The VFP representatives reviewed Mr. Little's business records and counted his inventory. Complainant felt that the Administrator's conduct was inappropriate and cast doubts on his honesty and integrity. As the lunch hour approached, business increased and the two VFP officials waited outside before continuing their discussion with Mr. Little.

Mr. Little believed that the Administrator made him look like a thief in front of his customers, and, upon the officials' return to the facility, complainant informed them he would no longer manage the facility and turned in his keys. Subsequently, Mr. Little's

license to operate the vending facility at Newport Vo-Tech was revoked for abandonment of his facility.

Mr. Little's position is that his abandonment was not by choice but that he was forced to leave by the behavior of the VFP officials. Mr. Little has sought the return of his license to operate the facility at Newport Vo-Tech as well as monetary damages for lost earnings. Mr. Little requested and was granted a State fair hearing on the matter on March 1, 1991. The hearing officer ruled that there was not sufficient evidence presented at the State fair hearing to warrant a finding that the actions of the VFP personnel were responsible for the complainant's abandonment of the Newport Vo-Tech facility.

Arbitration Panel Decision

The panel stated that there are sound business reasons to visit a vendor at his facility, especially if there are questions about his records, inventory, and hours of business during the summer. Based on both men's testimony at the hearing, the panel found there was no evidence that the Administrator ever called Mr. Little a thief and by Mr. Little's own admission he did not believe any of his patrons overheard any of the Administrator's inquiry. The complainant believed that his integrity was questioned because of the Administrator's request to count his inventory and examine his receipts, but the panel found that this was part of the Administrator's job. It also found Mr. Little had not been harassed and was not justified in abandoning his facility.

On November 13, 1992, the arbitration panel issued its opinion. The panel found that Mr. Little voluntarily abandoned the facility at Newport Vo-Tech, and the panel upheld the revocation of complainant's vending facility license by the Arkansas Department of Human Services, Division for the Blind.

Dated: April 5, 1995.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 95-8896 Filed 4-10-95; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER94-1147-000, et al.]

Madison Gas & Electric Company, et al.; Electric Rate and Corporate Regulation Filings

April 4, 1995.

Take notice that the following filings have been made with the Commission:

1. Madison Gas & Electric Company

[Docket No. ER94-1147-000]

Take notice that on March 23, 1995, Madison Gas & Electric Company tendered for filing an amendment in the above-referenced docket.

Comment date: April 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. Public Service Company of New Mexico

[Docket No. ER94-1367-000]

Take notice that on March 21, 1995, Public Service Company of New Mexico (PNM) submitted for filing a letter of clarification to supplement its June 16, 1994 filing of a Capacity and Energy Services Agreement between PNM and Enron Power Marketing, Inc. (EPMI).

Copies of the supplement have been served upon EPMI and the New Mexico Public Utility Commission.

Comment date: April 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

3. Ohio Edison Company

[Docket No. ER94-1661-000]

Take notice that on March 28, 1995, Ohio Edison Company tendered for filing an amendment in the above-referenced docket.

Comment date: April 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

4. New England Power Service Company

[Docket No. ER95-539-000]

Take notice that on March 17, 1995, New England Power Service Company tendered for filing an amendment in the above-referenced docket.

Comment date: April 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE.,

Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95-8864 Filed 4-10-95; 8:45 am]

BILLING CODE 6717-01-P

[Docket No. CP95-284-000, et al.]

National Fuel Gas Supply Corporation, et al. Natural Gas Certificate Filings

April 4, 1995.

Take notice that the following filings have been made with the Commission:

1. National Fuel Gas Supply Corporation

[Docket No. CP95-284-000]

Take notice that on March 24, 1995, National Fuel Gas Supply Corporation (National), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP95-284-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a natural gas transportation service, authorized in Docket No. CP76-492-031 and -032,¹ all as more fully set forth in the application on file with the Commission and open to public inspection.

National proposes to abandon a transportation service which it provides to UGI Utilities, Inc. (UGI), pursuant to a transportation agreement dated October 3, 1984. National states that the transportation agreement is on file as Rate Schedule X-30 of its FERC Gas Tariff, First Revised Volume No. 2. National further states that the proposed termination is requested due to a written termination notice by UPI dated March 24, 1994, which cites April 1, 1995, as the contractual date of termination.

National states that the service to be abandoned involves the transportation for injection of up to 19,019 Mcf per day on a firm basis and the withdrawal of up to 25,358 Mcf per day on an interruptible basis through National

Fuel's Ellisburg-First Fork pipeline. It is indicated that the service involves gas stored with Penn-York Energy Corporation in the East Independence, West Independence and Beech Hill storage pools in Allegany County, New York.

Comment date: April 25, 1995, in accordance with Standard Paragraph F at the end of this notice.

2. Mississippi River Transmission Corporation

[Docket No. CP95-290-000]

Take notice that on March 30, 1995, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63214, filed in Docket No. CP95-290-000 a request pursuant to Section 7 of the Natural Gas Act, as amended, and Sections 157.205 and 157.216(b) for authorization to abandon certain lateral lines, sales taps and related facilities and equipment which have been used to serve Illinois Terminal Railroad Company (Terminal Railroad) and Missouri Portland Cement Company (Missouri Portland), pursuant to MRT's blanket authorization issued in Docket No. CP82-489-000, all as more fully described in the request which is on file with the Commission and open for public inspection. MRT also proposes to abandon service to these two customers.

MRT proposes to abandon approximately 60 feet of Line A-108 pipeline in Madison County, Illinois used to serve Terminal Railroad and approximately 2,337 feet of Line A-123 pipeline in St. Louis City, Missouri, used to serve Missouri Portland.

MRT proposes to blind off at the tap valve the metering and regulating stations of Terminal Railroad and Missouri Portland and remove all the above ground facilities. It is further stated that MRT proposes to abandon in place all the underground pipe.

Comment date: May 19, 1995, in accordance with Standard Paragraph G at the end of this notice.

3. Colorado Interstate Gas Company

[Docket No. CP95-293-000]

Take notice that on March 31, 1995, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP95-293-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a firm gas transportation service for Coastal Chem, Inc. (Coastal Chem), which was authorized in Docket No. CP82-483 et. al., all as more fully set forth in the application on file with the Commission and open to public inspection.

CIG states that it proposes to abandon a certificated agreement related to the transportation of natural gas by CIG for Coastal Chem. CIG states that the agreement, dated March 16, 1982, as amended, constitutes CIG's Rate Schedule X-44 of its FERC Gas Tariff, Original Volume No. 2.

CIG states that Coastal Chem has agreed for CIG to terminate the March 16, 1982 transportation agreement. CIG states that it will continue to provide transportation service for Coastal Chem pursuant to its open access certificate.

CIG further states that it does not propose to abandon any facilities as a result of the authorization requested herein and that CIG will continue to use these facilities for open access transportation service.

Comment date: April 25, 1995, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said application should on or before the comment date, file with the Federal Energy Regulatory Commission, Washington, DC, 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and/or permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

¹ See 29 FERC ¶ 61,034, 61,311 (1984).

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 95-8865 Filed 4-10-95; 8:45 am]

BILLING CODE 6717-01-P

[Docket No. GP94-19-000]

**Oklahoma Corporation Commission
Tight Formation Area Determination
FERC No. JD94-01286T (Oklahoma-
57); Notice of Informal Conference**

April 5, 1995.

Take notice that an informal conference will be convened in the above-referenced proceeding on Thursday, April 20, 1995, at 10:00 a.m. The conference will be held in Room No. 3400-C, at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

For further information, contact Marilyn Rand at (202) 208-0444.

Lois D. Cashell,

Secretary.

[FR Doc. 95-8788 Filed 4-10-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM95-3-48-000]

**ANR Pipeline Co.; Notice of Proposed
Changes in FERC Gas Tariff**

April 5, 1995.

Take notice that on March 31, 1995, ANR Pipeline Company (ANR), tendered for filing as part of its FERC Gas Tariff, the tariff sheets which ANR proposes to be effective May 1, 1995:

Second Revised Volume No. 1

Seventh Revised Sheet No. 17

Original Volume No. 2

1st Revised Sheet Nos. 13 and 14

ANR states that the referenced tariff sheets are being submitted to update the "Eligible Throughput Actually Experienced" as required in Sections 26.4 and 27.3 of ANR's FERC Gas Tariff Second Revised Volume No. 1 to adjust the Volumetric Buyout Buydown Surcharge and Upstream Pipeline Surcharge, commencing May 1, 1995.

ANR states that each of its Volume Nos. 1 and 2 customers and interested State Commissions has been apprised of this filing via U.S. Mail.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the 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 Procedures (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before April 12, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95-8789 Filed 4-10-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP95-208-000]

**Kansas and Oklahoma Cities; Notice of
Informal Technical Conference**

April 5, 1995.

On March 15, 1995, the Kansas and Oklahoma Cities filed an Emergency Complaint and Request for a Declaratory Order relating to Williams Natural Gas Company's proposed Third Right of First Refusal Procedure. Given the short time to act on that filing, an informal technical conference in this matter is scheduled for 1:00 p.m. Tuesday, April 11, 1995, at 810 First Street, NE., Washington, DC, in a room to be designated at that time. By notice dated March 22, 1995, comments and protests in this proceeding were to be filed April 12, 1995. In light of the technical conference, the comment period is shortened one day to April 11, 1995. Any interested parties attending the technical conference are requested to bring their comments with them.

Questions about the conference should be directed to John M. Robinson, (202) 208-0808, or Ken Niehaus, (202) 208-0398.

Lois D. Cashell,

Secretary.

[FR Doc. 95-8787 Filed 4-10-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER95-678-000]

**New England Power Co.; Notice of
Filing**

April 5, 1995.

Take notice that on March 30, 1995, New England Power Company (NEP) submitted a clarification to its filing letter tendered in this docket. NEP has reiterated its request for an effective date of May 1, 1995 for the Contract that is the subject of this docket.

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 April 14, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95-8790 Filed 4-10-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM95-2-31-000]

**NorAm Gas Transmission Co.; Notice
of Filing**

April 5, 1995.

Take notice that on March 31, 1995, NorAm Gas Transmission Company (NGT) tendered for filing to become part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following revised tariff sheet, effective May 1, 1995:

First Revised Sheet No. 14

NGT states that this revised tariff sheet is filed in accordance with NGT's tariff to adjust NGT's fuel percentage tracker.

Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rule of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before April 12, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95-8791 Filed 4-10-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP95-285-000]

Paiute Pipeline Co.; Notice of Application

April 5, 1995.

Take notice that on March 27, 1995, Paiute Pipeline Company (Paiute), P.O. Box 94197, Las Vegas, Nevada 89193-4197, filed in Docket No. CP95-285-000 an application pursuant to Section 7 of the Natural Gas Act and Part 157 of the Commission's Regulations under the Natural Gas Act (18 CFR Part 157) for a certificate of public convenience and necessity authorizing Paiute to construct and operate two compressor stations on its Elko Lateral, in order to increase its capacity by 1,496 Dth/d to provide additional delivery point flexibility to Southwest Gas Corporation-Northern Nevada (Southwest-Northern Nevada), all as more fully set forth in the application which is file with the Commission and open to public inspection.

Specifically, Paiute proposes to:

(1) Install a 1,339 H.P. turbine driven compressor at milepost 61.45 on the Elko Lateral in Lander County, Nevada; and

(2) Relocate the existing 360 H.P. reciprocating compressor presently located at milepost 137.2 on the Elko Lateral to milepost 110.1 in Eureka County, Nevada.

Paiute states that the estimated cost of the proposed facilities is \$4,119,500. Paiute intends to finance the cost of construction through ongoing regular financing programs and internally generated funds.

Paiute states that it has entered into a transportation service agreement with Southwest-Northern Nevada under which it would increase its billing

determinants for such shipper by 1,496 Dth/d under Paiute's Rate Schedule FT-1. Paiute proposes that the rates for the additional service to be provided to Southwest-Northern Nevada by means of the proposed facilities be designed using an incremental facilities surcharge in Rate Schedule FT-1 applicable to Southwest-Northern Nevada, under which the cost and revenues related to the construction of the additional compression facilities on the Elko Lateral will be considered on an incremental cost basis.

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 26, 1995, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party to a proceeding or participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, which requires a formal hearing, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Paiute to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 95-8793 Filed 4-10-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP95-165-001]

Pacific Gas Transmission Co.; Notice of Compliance Filing

April 5, 1995.

Take notice that on March 30, 1995, Pacific Gas Transmission Company (PGT) tendered for filing to be a part of its FERC Gas Tariff, First Revised Volume No. 1-A, Substitute Fifth Revised Sheet No. 51, and requested that it be made effective March 20, 1995.

PGT states that the tariff sheet which it is submitting corrects a typographical error in the Transportation Terms and Conditions Table of Contents in compliance with a March 15, 1995 Letter Order by OPR.

PGT further states it has served a copy of this filing upon all parties on the official service list compiled by the Secretary in this proceeding, all interested State regulatory agencies and PGT's jurisdictional customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before April 12, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 95-8792 Filed 4-10-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP95-296-000]

Paiute Pipeline Co.; Notice of Request Under Blanket Authorization

April 5, 1995.

Take notice that on April 3, 1995, Paiute Pipeline Company (Paiute), P.O. Box 94197, Las Vegas, Nevada 89193-4197, filed in Docket No. CP95-296-000 a request pursuant to §§ 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) for authorization to abandon certain miscellaneous tap and/or metering facilities and the service rendered by means thereof, under Paiute's blanket certificate issued in Docket No. CP84-739-000 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.

Paiute proposes to abandon a number of tap and/or metering facilities formerly used to provide deliveries to Southwest Gas Corporation-Northern Nevada (Southwest). All the facilities are located in Nevada. Paiute states that it has been informed by Southwest that the subject facilities are no longer used or needed to provide service to Southwest.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 95-8794 Filed 4-10-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP95-229-000]

Southern Natural Gas Co.; Notice of GSR Revised Tariff Sheets

April 5, 1995.

Take notice that on March 31, 1995, Southern Natural Gas Company (Southern) submitted the following tariff sheets to its FERC Gas Tariff, Seventh Revised Volume No. 1, to reflect a change in its FT/FT-NN GSR Surcharge and its Interruptible Transportation Rates due to a change in service levels and an increase in the FERC interest rate effective April 1, 1995:

First Sub. Sixteenth Revised Sheet No. 15
 First Sub. Sixteenth Revised Sheet No. 17
 Tenth Revised Sheet No. 18
 First Sub. Thirteenth Revised Sheet No. 29
 First Sub. Thirteenth Revised Sheet No. 30
 First Sub. Thirteenth Revised Sheet No. 31

Southern submits tariff sheets 15 and 17 in compliance with the Commission's November 30, 1994 Order requiring Southern to recover its Account No. 858 costs and Southern Energy LNG costs through the same type of quarterly mechanism as the one currently in place for the recovery of Southern's gas supply realignment

costs. Southern notes that the instant filing is made without prejudice to Southern's request for rehearing of November 30, 1994 Order.

Southern states that copies of the filing were served upon Southern's intervening customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 12, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of Southern's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95-8795 Filed 4-10-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP94-423-002]

Texas Gas Transmission Corp.; Notice of Proposed Changes in FERC Gas Tariff

April 5, 1995.

Take notice that on March 30, 1995, Texas Gas Transmission Corporation (Texas Gas) tendered for filing changes to its FERC Gas Tariff, First Revised Volume No. 1, and Original Volume No. 2.

Texas Gas states that this motion rate-compliance filing is being made to place the tariff sheets listed below into effect on April 1, 1995, in compliance with the Commission's Order issued October 28, 1994, in Docket No. RP94-423 at 69 FERC 61,109 (1994).

First Revised Volume No. 1

Third Revised Sheet No. 1
 First Revised Sheet No. 9
 Substitute Eighth Revised Sheet No. 10
 Substitute Fifth Revised Sheet No. 11
 Substitute Original Sheet No. 11A
 Substitute Tenth Revised Sheet No. 12
 Second Revised Sheet No. 12A
 Substitute Third Revised Sheet No. 13
 Substitute Second Revised Sheet No. 15
 Substitute Second Revised Sheet No. 16
 Second Revised Sheet No. 17
 Fifth Revised Sheet No. 18
 Substitute First Revised Sheet No. 122
 Substitute Second Revised Sheet No. 230

Substitute Second Revised Sheet No. 231

Original Volume No. 2

Nineteenth Revised Sheet No. 82
 Twentieth Revised Sheet No. 547
 Twenty-second Revised Sheet No. 982
 Twentieth Revised Sheet No. 1005
 Fourteenth Revised Sheet No. 1085

Texas Gas requests an effective date of April 1, 1995, for the proposed tariff sheets.

Texas Gas further states that it has served copies of this filing upon the company's jurisdictional customers, interested state commissions, and all parties appearing on the official restricted service list in Docket No. RP94-423.

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 385.211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed on or before April 12, 1995. Protests may 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. 95-8796 Filed 4-10-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP93-34-000, RP94-227-000, CP94-254-000, CP94-751-000, CP94-211-000, CP94-676-000, CP95-70-000, CP95-153-000, RS92-87-000, Docket No. CP95-112-000]

Transwestern Pipeline Co.; Transwestern Gathering Co.; Notice of Settlement Conference

April 5, 1995.

Take notice that a settlement conference will be convened in the above-docketed proceedings on Wednesday, April 12, 1995, at 10:00 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC for the purpose of exploring the possible settlement of the above-captioned Transwestern Pipeline Company proceedings.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party to any of the above-docketed proceedings must move to intervene and receive intervenor status pursuant to the

Commission's regulations (18 CFR 385.214).

For additional information, please contact Scott E. Koves at (202) 208-0492.

Lois D. Cashell,

Secretary.

[FR Doc. 95-8797 Filed 4-10-95; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5188-5]

Acid Rain Program: Notice of the Filing of Petition for Administrative Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of the filing of petition for administrative review.

SUMMARY: On January 27, 1995, Indianapolis Power and Light Company filed, with the EPA Environmental Appeals Board, a petition for review of the Phase I Acid Rain Permits for the Petersburg and H T Pritchard power plants. This appeal was filed under 40 CFR part 78 of the Acid Rain regulations. Motions for leave to intervene in the proceeding under 40 CFR 78.11 must be filed by May 11, 1995 with the Environmental Appeals Board.

FOR FURTHER INFORMATION CONTACT: Dwight C. Alpern, Attorney-Advisor, Acid Rain Division (6204J), U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460 at (202) 233-9151.

Dated: March 30, 1995.

Brian J. McLean,

Director, Acid Rain Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 95-8880 Filed 4-10-95; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5188-6]

Acid Rain Program: Draft Permit Modifications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of draft permit modifications.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is issuing for comment draft modifications to the sulfur dioxide (SO₂) compliance plans of two previously issued final Phase I Acid Rain Permits in accordance with the Acid Rain Program regulations (40 CFR part 72).

DATES: Comments on the draft modifications must be received no later than 30 days after the date of this notice or the date of publication of a similar notice in a local newspaper, whichever is later.

ADDRESSES: *Administrative Records.*

The administrative record for the permits, except information protected as confidential, may be viewed during normal operating hours at EPA Region 5, 77 West Jackson Blvd, Chicago, IL, 60604.

Comments. Send comments, requests for public hearings, and requests to receive notice of future actions to David Kee, Division Director, Air and Radiation Division, EPA Region 5, (address above). Submit comments in duplicate and identify the permit to which the comments apply, the commenter's name, address, and telephone number, and the commenter's interest in the matter and affiliation, if any, to the owners and operators of all units in the plan. All timely comments will be considered, except those pertaining to standard provisions under 40 CFR 72.9 or issues not relevant to the permit.

Hearings. To request a public hearing, state the issues proposed to be raised in the hearing. EPA may schedule a hearing if EPA finds that it will contribute to the decision-making process by clarifying significant issues affecting an SO₂ compliance plan.

FOR FURTHER INFORMATION: Call Genevieve Nearmyer, (312) 353-4761.

SUPPLEMENTARY INFORMATION: Title IV of the Clean Air Act directs EPA to establish the Acid Rain Program to reduce the adverse environmental and public health effects of acidic deposition. Under the program, each affected unit at an electric utility generating plant must hold one allowance for each ton of SO₂ that is emitted during the year, and each plant must have a permit with a plan for complying. In today's action, EPA is issuing, for public comment, draft modifications to existing permits, allocating SO₂ emission allowances and approving SO₂ compliance plans, to the following utility plants:

Baldwin in Illinois: one substitution plan for 1995-1999, in which unit 3 designates Havana units 1, 2, 3, 4, 5, 6, 7, and 8 as substitution units.

Havana in Illinois: one substitution plan for 1995-1999, in which Baldwin unit 3 designates units 1, 2, 3, 4, 5, 6, 7, and 8 as substitution units; 34 substitution allowances are allocated for each year 1995-1999 to units 1, 3, 4, 5, 6, 7, and 8; 43 substitution allowances

are allocated for each year 1995-1999 to unit 2.

The Designated Representative for Baldwin and Havana is Jene L. Robinson.

Dated: March 27, 1995.

Brian J. McLean,

Director, Acid Rain Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 95-8881 Filed 4-10-95; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5188-4]

Waste Analysis Guidance Manual: The Resource Conservation and Recovery Act (RCRA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of Waste Analysis Guidance For Facilities That Burn Hazardous Wastes—Draft.

SUMMARY: The Environmental Protection Agency announces a draft Waste Analysis Guidance For Facilities That Burn Hazardous Wastes for public comment. This guidance document was developed by the Office of Compliance for facilities that treat and dispose of hazardous wastes by using combustion technology as regulated under 40 CFR parts 264 and 265, subpart O and 40 CFR part 266, subpart H. RCRA was designed to ensure that the generation, transportation, treatment, storage and disposal of hazardous wastes are conducted in a manner that "protects human health and the environment." The cornerstone of the program is the ability of facility personnel to properly characterize and identify their wastes. This guidance manual is designed to assist the regulated community, permit writers and enforcement officials by establishing recommended criteria to properly develop and evaluate RCRA waste analysis plans at combustion facilities. The Agency is specifically soliciting comment on the use of process knowledge to determine feed rates of constituents in the absence of analytical data, and the use of statistical analysis in establishing feed rate limits.

DATES: EPA will accept public comments on this draft guidance document until May 11, 1995.

ADDRESSES: The public must send an original and two copies of their comments to: RCRA Information Center (5305), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Copies of the Waste Analysis Guidance For Facilities That Burn Hazardous Wastes EPA/530/R-94/019 may be obtained by visiting the RCRA

Information Center or by calling the RCRA Hotline. Place the docket number (#F-95-WAGA-FFFFF) on your comments. The RCRA Information Center is located in room M2616 at EPA Headquarters, 401 M Street SW., Washington, DC 20460. It is open from 9 a.m. to 4 p.m., Monday through Friday, except on Federal holidays. The public must make an appointment to review docket materials. Call (202) 260-9327 for appointments. Copies cost 0.15 cents per page.

FOR FURTHER INFORMATION CONTACT: For general information and a copy of the document contact the RCRA Hotline at (800) 424-9346 toll-free or (703) 412-9810 in the Washington, DC area. For information on specific aspects of the guidance manual, contact John Dombrowski at (202) 564-7036, Chemical, Commercial Services and Municipal Division (2224-A), Office of Compliance, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Dated: March 10, 1995.

Elaine G. Stanley,

Director, Office of Compliance.

[FR Doc. 95-8879 Filed 4-10-95; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5188-9]

Notice of Public Meetings on Drinking Water Issues—Regulatory Reassessment and Determination of Maximum Contaminant Level Goals

Notice is hereby given that the U.S. Environmental Protection Agency (EPA) is holding additional meetings related to the reassessment of the priorities for regulating drinking water contaminants and to the determination of Maximum Contaminant Level Goals (MCLGs) used in setting National Primary Drinking Water Regulations. These public meetings are follow-up meetings to the initial meetings held by EPA on March 13 and 14, 1995. Additional information about the initial and upcoming meetings may be obtained from the EPA contact persons provided below.

The purpose of the meetings is to provide EPA with ideas, suggestions and options related to priorities for regulating drinking water contaminants and determination of MCLGs. Information received by EPA during these meetings can serve as the basis for strategic decisions on program directions and resource allocations.

Alternatively or in addition to attending any particular meeting, members of the public may submit written comments to the EPA contact person for up to fifteen days after the

meeting. General questions about the meeting process should be directed to the designated EPA contact person.

Meetings on Determination of MCLGs

EPA is seeking stakeholder views on revisiting the methodology for determining MCLGs for drinking water, including the Agency's current policy of setting zero goals for carcinogens. In regulating drinking water contaminants that may cause adverse health effects, EPA sets non-enforceable MCLGs to protect against these effects, incorporating a margin of safety. EPA also sets a Maximum Contaminant Level (MCL), which is enforceable and may be less stringent than the MCLG depending on feasibility and cost.

Several activities planned or ongoing may improve the characterization of the variability and uncertainty associated with the risk assessment for a contaminant. These include noncancer risk assessment methodologies such as the benchmark approach and categorical regression models, revision of the Agency's Cancer Risk Assessment Guidelines, revision of the relative source contribution policy, evaluation of risk assessment methods for chemical mixtures and development of a risk characterization policy.

The first meeting of this subject area was held on March 14, 1995. The schedule of the additional four meetings are provided below, along with the topics for discussion for each meeting. To obtain additional information including background issue papers for each meeting, interested persons may reach the EPA contact person, Jennifer Orme-Zavaleta, at 202-260-7571. The meetings will be held at 2828 Pennsylvania Avenue NW, Suite 402, Washington, D.C.

(1) April 12-13, 1995, from 9:00 a.m. to 4:30 p.m. each day: Cancer and noncancer risk assessment discussion

—Some of the topics to be discussed include revision of the Cancer Risk Assessment Guidelines, setting the Reference Dose (RfD) as a range, quantitative risk assessment approaches for carcinogens and noncarcinogens.

(2) April 27-28, 1995, from 9:00 a.m. to 4:30 p.m. each day: Exposure discussion

—Some of the topics to be discussed include the Relative Source Contribution policy, consideration of sensitive subgroups, dermal and volatilization routes and chemical mixtures/interaction.

(3) May 9-10, 1995, from 9:00 a.m. to 4:30 p.m. each day: Zero MCLG Policy for carcinogens, benefits assessment for

carcinogens and noncarcinogens, and risk characterization discussion.

(4) May 22-23, 1995, from 9:00 a.m. to 4:30 p.m. each day: Microbiological risk assessment and wrap up.

—Some topics to be discussed include occurrence, dose-response analysis, exposure and hazard assessment.

Meetings on Regulatory Reassessment

Meetings under this subject area will provide EPA with stakeholder input on priorities for regulating drinking water contaminants. The first meeting of the Regulatory Reassessment subject area was held on March 13, 1995. At that meeting, stakeholders agreed to prioritize contaminants scheduled for future drinking water regulation. Each member of the group will do individual rankings and share those rankings with other members of the group. Rankings will be high/medium/low. Stakeholders will identify which factors were most significant in their ranking and what additional information they believe is important to issue a regulation. EPA staff will assemble the information and provide it to EPA management in order to develop a priority listing of future drinking water regulations.

The first group of contaminants to be ranked are: (1) disinfectants/disinfection byproducts/surface water microbial contaminants, (2) ground water microbial contaminants, (3) arsenic, (4) radon, and (5) other radionuclides. Rankings for these contaminants will begin to be discussed at the next public meeting, scheduled for April 10-11. Other contaminants to be ranked and discussed at future meetings are: (1) sulfate, (2) aldicarb/aldicarb sulfoxide/aldicarb sulfone, (3) acifluorfen, (4) acrylonitrile, (5) boron, (6) bromomethane, (7) cyanazine, (8) dicamba, (9) 2,4/2,6-dinitrotoluene (2,4/2,6-DNT), (10) ethylene thiourea (ETU), (11) hexachlorobutadiene (HCBBD), (12) manganese, (13) methomyl, (14) metolachlor, (15) metribuzin, (16) molybdenum, (17) 1,1,1,2-trichloroethylene (1,1,1,2-TCE), (18) 1,2,3-trichloropropane (1,2,3-TCP), (19) 1,3-dichloropropene (Telone II), (20) trifluralin, (21) zinc, and (22) nickel. Other contaminants may also be discussed.

In addition to the April 10-11, meeting, meetings are scheduled for April 25-26, May 11-12, and May 24-25, 1995 to discuss the contaminants listed above. The meetings will be held from 9:00 a.m. to 5:00 p.m. each day at 2828 Pennsylvania Avenue NW, Suite 402, Washington, D.C. For further information, including meeting materials, interested persons may contact Jan Auerbach at (202) 260-5274.

Interested persons may provide their rankings of one or more of these contaminants up to May 15, 1995, even if the discussion of the contaminant has already been held. Please contact Jan Auerbach for information on how to submit individual rankings for the Agency's consideration.

Dated: April 5, 1995.

Tudor Davies,

Director, Office of Science and Technology.

Cynthia Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 95-8875 Filed 4-10-95; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Executive Resources and Performance Review Board; Appointment of Members

As required by the Civil Service Reform Act of 1978 (Pub. L. 95-454), Chairman Reed E. Hundt appointed executives to the Executive Resources and Performance Review Board.

Andrew S. Fishel*
Roy J. Stewart
William E. Kennard
Robert M. Pepper
Kathleen M. Wallman

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95-8849 Filed 4-10-95; 8:45 am]

BILLING CODE 6712-01-M

Fifth WRC-95 Industry Advisory Committee Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, this notice advises interested persons of the fifth meeting of the WRC-95 Industry Advisory Committee.

DATES: April 20, 1995; 9:00 a.m.-12:00 p.m.

ADDRESSES: Latham & Watkins, 1001 Pennsylvania Avenue, N.W., Suite 1300 South, Washington, D.C. 20004.

SUPPLEMENTARY: The WRC-95 Industry Advisory Committee was established by the Federal Communications Commission to provide to the agency advice, technical support and recommendations relating to preparation of U.S. proposals and

positions for the 1995 World Radiocommunication Conference.

The proposed agenda for the fifth meeting is as follows:

Agenda

Fifth Meeting of the WRC-95 Industry Advisory Committee, Latham & Watkins, 1001 Pennsylvania Avenue, N.W., Suite 1300 South, Washington, D.C. 20004, April 20, 1995; 9:00 a.m.-12:00 p.m.

1. Opening Remarks
2. Approval of Agenda
3. Results of the Conference Preparatory Meeting
4. Draft WRC-95 Industry Advisory Committee Final Report on Recommended WRC-95 Proposals
5. Other Business

For further information, contact Audrey L. Allison, at (202) 739-0557, or Thomas M. Walsh, at (202) 418-0420, of the FCC's International Bureau.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95-8848 Filed 4-10-95; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Port of Houston Authority: Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916, and section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 800 North Capitol Street, N.W., 9th Floor. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in section 560.602 and/or 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should submit this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.
Agreement No.: 224-200930

Title: Port of Houston Authority/Coastal Cargo of Texas Inc. Terminal Agreement

Parties:

Port of Houston Authority ("Port")
Coastal Cargo of Texas, Inc. ("CCTI")
Filing Agent: Martha T. Williams, Port of Houston Authority, P.O. Box 2562, Houston, TX 77252-4327

Synopsis: The proposed Agreement authorizes CCTI to perform freight handling services at the Port's Care Terminal. The term of the Agreement expires March 28, 2000.

Dated: April 5, 1995.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 95-8780 Filed 4-10-95; 8:45 am]

BILLING CODE 6730-01-M

Empresa Lineas Maritimas Argentinas; Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 800 North Capitol Street, N.W., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in section 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-006400-037

Title: Inter-American Freight Conference Pacific Coast Agreement

Parties:

Empresa Lineas Maritimas Argentinas
Maruba S.C.A.
Norsul Internacional S.A.

Synopsis: The proposed amendment deletes references to Canada from the geographic scope of the Agreement. It also revises the voting procedures under Articles 8.03—Conduct of Meetings of Principals and 8.04—Conduction of All Other Meetings. In addition, it modifies Article 8.02—Actions Without a Meeting.

Agreement No.: 203-011340-003

Title: APL/OOCL Reciprocal Slot Exchange & Coordinated Sailing Agreement

Parties:

American President Lines, Ltd.
Orient Overseas Container Line Inc.
Synopsis: The proposed amendment provides for the suspension and contingent reapplication of the Agreement in the event and for the period that Agreement No. 203-011468 (A-PAC Agreement) shall become fully implemented and remains in effect.

Agreement No.: 207-011496

Title: Sea-Land/CTE Agreement

Parties:

Sea-Lane Service, Inc.
Compania Trasatlantica Espanola S.A.
Synopsis: The proposed Agreement authorizes the parties to establish a joint service in the trade between ports in Puerto Rico and U.S. ports in the range from Florida through Texas, on the one hand, and Mediterranean ports in Spain, France and Italy, and ports in Morocco, on the other hand, including inland or coastal points via such ports.

Agreement No.: 224-200929

Title: Port of San Francisco/Marine Terminals Corporation Nonexclusive Management Agreement

Parties:

Port of San Francisco
Marine Terminals Corporation
("MTC")
Synopsis: The proposed Agreement authorizes MTC to operate as a marine terminal operator and manager at Piers 27 and 28. In consideration for services rendered MTC will be compensated by users of the facility. The term of the Agreement shall be for five years.

Dated: April 5, 1995.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 95-8781 Filed 4-10-95; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM**James Barr Bulliard, Sr., et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies**

The notificants listed below have 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 the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal

Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 25, 1995.

A. Federal Reserve Bank of Atlanta
(Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. James Barr Bulliard, Sr., St. Martinville, Louisiana; to retain 10.41 percent of the voting shares of Teche Bancshares, Inc., St. Martinville, Louisiana, and thereby indirectly retain shares of Teche Bank & Trust Co., St. Martinville, Louisiana.

B. Federal Reserve Bank of St. Louis
(Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Mary Kathleen Fennewald, Trustee, for Mary Kathleen Fennewald U/T/A, and Trustee for Alphonse H. Fennewald Trust, Martinsburg, Missouri; to acquire an additional .35 percent, for a total of 11.5 percent, of the voting shares of Martinsburg Bancorp, Inc., Martinsburg, Missouri, and thereby indirectly acquire Martinsburg Bank, Mexico, Missouri.

Board of Governors of the Federal Reserve System, April 5, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-8850 Filed 4-10-95; 8:45 am]

BILLING CODE 6210-01-F

Mountain Bancshares, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written

presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than May 5, 1995.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Mountain Bancshares, Inc., Los Alamos, New Mexico; to become a bank holding company by acquiring 100 percent of the voting shares of Mountain Community Bank of Los Alamos, Los Alamos, New Mexico.

Board of Governors of the Federal Reserve System, April 5, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-8851 Filed 4-10-95; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

[Dkt. C-3563]

Abovo, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Massachusetts company and its president from making false or unsubstantiated performance claims about any communication aid they offer in the future, and from making representations concerning the efficacy of their communication devices in enabling individuals with disabilities to communicate through facilitated communication, unless the respondents possess competent and reliable scientific evidence to substantiate the representation.

DATES: Complaint and Order issued March 22, 1995.¹

FOR FURTHER INFORMATION CONTACT: Jeffrey Klurfeld or Kerry O'Brien, San Francisco Regional Office, Federal Trade Commission, 901 Market St., Suite 570, San Francisco, CA 94103. (415) 744-7920.

SUPPLEMENTARY INFORMATION: On Wednesday, January 4, 1995, there was

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

published in the **Federal Register** 60 FR 464, a proposed consent agreement with analysis in the Matter of Above, Inc., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments have been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Donald S. Clark,

Secretary.

[FR Doc. 95-8856 Filed 4-10-95; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3560]

American Institute of Smoking Cessation, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, an Illinois-based company and its two officers from making any representation about the relative or absolute performance or efficacy of any smoking cessation or weight loss program, unless they possess and rely upon competent and reliable scientific evidence to substantiate the representation, and from representing, through any endorsement or testimonial, the achievements of participants who attend their smoking cessation or weight-loss seminars unless the representation reflects the typical or ordinary experience of participants of such programs. In addition, the consent order prohibits the respondents from misrepresenting the contents, results or validity of any study, test, survey or report.

DATES: Complaint and Order issued March 3, 1995.¹

FOR FURTHER INFORMATION CONTACT:

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

Matthew Daynard, FTC/H-200, Washington, DC 20580. (202) 326-3291.

SUPPLEMENTARY INFORMATION: On Friday, August 5, 1994, there was published in the **Federal Register**, 59 FR 40026, a proposed consent agreement with analysis in the Matter of American Institute of Smoking Cessation, et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 450)

Donald S. Clark,

Secretary.

[FR Doc. 95-8857 Filed 4-10-95; 8:45 am]

BILLING CODE 6750-01-M

[File No. 932-3321]

European Body Concepts, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a suburban Washington, DC Based salon and its president from making false and unsubstantiated claims that their body wrap would cause weight-loss; would eliminate cellulite; and is completely safe for all users. In addition, it would require the respondents to convey prominent safety warnings to their customers in certain circumstances.

DATES: Comments must be received on or before June 12, 1995.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Nancy S. Warder, FTC/S-4002, Washington, DC 20580. (202) 326-3048.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade

Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's rules of practice (16 CFR 4.9(b)(6)(ii)).

In the Matter of European Body Concepts, Inc., Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, and James Marino, individually and as an officer of said corporations.

Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, and James Marino, individually and as an officer of said corporations ("proposed respondents"), and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between European Body Concepts, Inc., a Maryland corporation, by its duly authorized officer, European Body Concepts, Inc., a Virginia corporation, by its duly authorized officer, European Body Concepts, Inc., a North Carolina corporation, by its duly authorized officer, and James Marino, individually and as an officer of said corporations, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent European Body Concepts, Inc., a Maryland corporation, is organized, exists and does business under and by virtue of the laws of the State of Maryland, with its former office and principal place of business located at 1 Central Plaza, Suite 907, 11300 Rockville Pike, Rockville, Maryland 20852.

Proposed respondent European Body Concepts, Inc., a Virginia corporation, is organized, exists and does business under and by virtue of the laws of the State of Virginia, with its former office and principal place of business located at 6564 Loisdale Court, Suite 420, Springfield, Virginia 22150.

Proposed respondent European Body Concepts, Inc., a North Carolina corporation, is organized, exists and does business under and by virtue of the laws of the State of North Carolina, with its former office and principal place of business located at 1515 Mockingbird Lane, Suite 410, Charlotte, North Carolina 28209.

Proposed respondent James Marino is or was at relevant times herein an officer of said corporations. He formulated, directed and controlled the policies, acts and practices of said corporations and his address is 11940 Alpharetta Highway, Suite 907, Alpharetta, Georgia 30201.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint.

3. Proposed respondents waive:

- (a) Any further procedural steps;
- (b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and
- (c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as circumstances may require) and decision in disposition of this proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint, or that the facts as alleged in the draft of complaint, other than the jurisdictional facts, are true.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provision of § 2.34 of the Commission's rules, the Commission may, without further notice to the proposed respondents, (1) Issue its complaint corresponding in form and substance with the draft of complaint and its decision containing the

following order to cease and desist in disposition of the proceeding and (2) make information public with respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to Edward J. Carnot, counsel for proposed respondents, at 1370 Piccard Drive, Suite 290, Rockville, Maryland 20850, shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For purposes of this Order:

1. "Clearly and prominently" means as follows:

A. In a television or videotape advertisement, the disclosure shall be presented simultaneously in both the audio and video portions of the advertisement. The audio disclosure shall be delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend it. The video disclosure shall be of a size and shade, and shall appear on the screen for a duration, sufficient for an ordinary consumer to read and comprehend it.

B. In a radio advertisement, the disclosure shall be delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend it.

C. In a print advertisement the disclosure shall be in at least twelve (12) point type, in print that contrasts with the background against which it appears, and in a location that is sufficiently noticeable that the ordinary consumer will see and read it.

2. "Competent and reliable scientific evidence" means tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.

3. "European Body Wrap treatment" means the treatment used at European Body Concepts centers during which clients are wrapped in medical bandages and placed in vinyl body suits.

I

It is ordered that respondents European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, their successors and assigns, and their officers, James Marino, individually and as an officer and director of said corporations; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of the European Body Wrap treatment or any substantially similar treatment in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication, that:

- A. Such treatment causes weight loss;
- B. Such treatment causes weight loss without diet or exercise;
- C. Such treatment causes fast or easy weight loss;
- D. Such treatment eliminates cellulite;
- E. Such treatment causes weight loss at specific areas of the body;
- F. Users of such treatment are successful in maintaining their weight loss;
- G. Users of such treatment are successful in maintaining their inch loss; or
- H. Such treatment is completely safe for all users.

II

It is further ordered that respondents European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, their successors and assigns, and their officers, James Marino, individually and as an officer and director of said corporations; and respondents' agents, representatives and employees, directly or through any

partnership, corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of the European Body Wrap treatment in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication that:

A. Such treatment causes users to lose inches from their body measurements;

B. Such treatment causes inch loss without diet or exercise;

C. Such treatment causes fast or easy inch loss; or

D. Such treatment causes reduction in the size of specific areas of the body; unless, (1) such representation is true, and at the time of making such representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation; and (2) respondents disclose, clearly and prominently, that: (a) Any inch loss or reduction in body size will be temporary; *provided, however, that this disclosure shall not be required if respondents possess and rely upon competent and reliable scientific evidence demonstrating that any such inch loss or reduction in body size will not be temporary; and (b) such treatment does not cause weight loss; provided, however, that this disclosure shall not be required if respondent possess and rely upon competent and reliable scientific evidence demonstrating that such treatment causes weight loss.*

III

It is Further Ordered that respondents European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, their successors and assigns, and their officers; James Marino, individually and as an officer and director of said corporations; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of any body wrap treatment or any substantially similar treatment in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from:

A. Making any representation, directly or by implication, regarding the safety of any such treatment, unless respondents disclose, clearly and prominently, and in close proximity to such representation that the treatment

may be dangerous to the health of people with heart disease, high or low blood pressure, or diabetes and that any such person should consult a doctor before using the treatment;

B. Failing to disclose prior to purchase the warning set forth below to each prospective user of any such treatment

(i) By including the warning in the program description brochure delivered to each such person, with the warning printed in bold on the front panel in ten (10) point type surrounded by a bold two (2) point rule, in print that contrasts with the background against which it appears; or

(ii) If respondents cease to provide prospective users with a program description brochure, by delivering to each such person a five (5) by eight (8) inch card on which the warning and nothing else is printed in twelve (12) point type:

"CAUTION: If you suffer from heart disease, high or low blood pressure, or diabetes, you should consult your physician before using this treatment to determine whether it poses a risk to your health;" and

C. Failing to post in a conspicuous place where it is likely to be noticed by, and is legible to, prospective users, in the reception area of any location where any such treatment is offered for sale, sold, or used, a sign containing the warning in subpart B and nothing else printed in letters one inch high.

IV

It is further ordered that respondents European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, their successors and assigns, and their officers; James Marino, individually and as an officer and director of said corporations; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of any weight control or weight reduction treatment, program, product, or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, in any manner, directly or by implication, that any such treatment, program, product, or service has any effect on weight or body size, unless they disclose, clearly and prominently, and in close proximity to such representation that diet and/or increasing exercise is required to lose

weight; *provided however, that this disclosure shall not be required if respondents possess and rely upon competent and reliable scientific evidence demonstrating that the treatment, program, product, or service is effective without either dieting or increasing exercise.*

V

It is further ordered that respondents European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, their successors and assigns, and their officers; James Marino, individually and as the sole officer and director of said corporations; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of any weight control or weight reduction treatment, program, product, or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, in any manner, directly or by implication, that any endorsement (as "endorsement" is defined in 16 CFR 255.0(b)) represents the typical or ordinary experience of members of the public who use such treatment, program, product, or service.

VI

It is further ordered that respondents European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, their successors and assigns, and their officers; James Marino, individually and as an officer and director of said corporations; and respondents' agents, representatives and employees, directly or through any partnership, corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of any treatment, program, product, or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, in any manner, directly or by implication, that:

A. Such treatment, program, product, or service has any weight control, weight loss or weight maintenance benefit;

B. Such treatment, program, product, or service has any effect on cellulite;

C. Such treatment, program, product, or service has any effect on users' body measurements; or

D. Using any such treatment, program, product, or service designed or used to prevent weight gain or produce weight loss, reduce or eliminate fat or cellulite, or reduce body measurements is safe or without risk;

unless, at the time of making such representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation.

VII

Nothing in this Order shall prohibit respondents from making any representation that is specifically permitted in labeling for any product by regulations promulgated by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990.

VIII

Nothing in this Order shall prohibit respondents from making any representation for any drug that is permitted in labeling for any such drug under any tentative final or final standard promulgated by the Food and Drug Administration, or under any new drug application approved by the Food and Drug Administration.

IX

It is further ordered that respondents European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, and European Body Concepts, Inc., a North Carolina corporation, shall:

A. Within thirty (30) days after service of the Order, provide a copy of this Order to each of respondents' current principals, officers, directors, and managers, and to all personnel, agents, and representatives having sales, advertising, or policy responsibility with respect to the subject matter of this Order; and

B. For a period of five (5) years from the date of issuance of this Order, provide a copy of this Order to each of respondents' future principals, officers, directors, and managers, and to all personnel, agents, and representatives having sales, advertising, or policy responsibility with respect to the subject matter of this Order, within three (3) days after the person assume his or her responsibilities.

X

It is further ordered that for five (5) years after the last date of dissemination of any representation covered by this Order, respondents, or their successors

and assigns, shall maintain and upon request make available to the Federal Trade Commission or its staff for inspection and copying:

A. Copies of all advertisements which contain any such representation, including tape recordings of all broadcast advertisements;

B. All materials that were relied upon in disseminating such representation; and

C. All tests, reports, studies, surveys, demonstrations, or other evidence in their possession or control that contradict, qualify, or call into question such representation, or the basis relied upon for such representation, including but not limited to, complaints from consumers and complaints or inquiries from government organizations.

XI

It is further ordered that respondents European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, shall notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in their corporate structures, including but not limited to dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or affiliates, or any other corporate change that may affect compliance obligations arising out of this Order.

XII

It is further ordered that respondent James Marino shall for a period of five (5) years from the date of issuance of the Order, notify the Commission within thirty (30) days of the discontinuance of his present business or employment and of his affiliation with any new business or employment. Each notice affiliation with any new business or employment shall include respondent's new business address, and a statement describing the nature of the business or employment and his duties and responsibilities.

XIII

It is further ordered that the respondents herein shall within sixty (60) days after service upon them of this Order, and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from European Body Concepts, Inc., a Maryland corporation, European Body Concepts, Inc., a Virginia corporation, European Body Concepts, Inc., a North Carolina corporation, and James Marino (hereinafter sometimes referred to as "proposed respondents").

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will review again the agreement and comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint charges that the proposed respondents deceptively advertised a weight loss treatment that involved wrapping bandages soaked in mineral solution around the bodies of users who then put on vinyl body suits ("European Body Wrap Treatment"). According to the complaint, the proposed respondents falsely claimed that the European Body Wrap treatment: (a) Caused users to lose significant numbers of inches and pounds quickly and easily and without diet or exercise; (b) eliminated cellulite; (c) reduced the size of specific areas of the body; (d) enabled users to maintain their weight and inch loss and (e) was completely safe for all users.

The complaint also alleges that the proposed respondents falsely represented that the results achieved by testimonialists, featured in their advertising were typical of those experienced by members of the public who use the European Body Wrap treatment. Finally, the proposed respondents are charged with representing that the European Body Wrap treatment was completely safe for all users, but deceptively failing to disclose that it may be dangerous to the health of people with certain medical conditions such as heart disease, high or low blood pressure, and diabetes.

The proposed order contains six substantive provisions, Parts I through VI.

Part I prohibits proposed respondents from making the deceptive weight loss, cellulite reduction, and safety claims alleged in the proposed complaint for the European Body Wrap treatment or any substantially similar treatment. In addition, Part I bans the claim that users of the European Body Wrap treatment or

any substantially similar treatment are successful in maintaining their inch or weight loss.

Part II prohibits the proposed respondents from representing that any body wrapping treatment causes inch loss, does so quickly and easily or without diet or exercise, or causes inch loss at any specific part of the body, unless the claim is true and substantiated by competent and reliable scientific evidence. In addition, Part II requires the proposed respondents to disclose in conjunction with any such representation that the inch loss is temporary and that there is no weight loss, unless they can substantiate otherwise.

Part III.A requires proposed respondents to disclose, in conjunction with any representation about the safety of their body wrap treatment that body wrapping may be dangerous to the health of people with heart disease, high or low blood pressure, or diabetes. Under the proposed order, this disclosure must be clear and prominent, which is defined as being understandable in both the audio and visual portions of a television ad, as being in an understandable cadence in a radio ad, and as being in at least twelve point type in a sufficiently noticeable location in a print ad.

Part III.B requires that, prior to purchase, proposed respondents give each prospective purchaser of its body wrapping treatment the following warning:

CAUTION: If you suffer from heart disease, high or low blood pressure, or diabetes, you should consult your physician before using this treatment to determine whether it is dangerous to your health.

The warning must be included in a brochure describing the treatment (in which case it must be printed in bold, ten point type within a two point rule), or, if the brochure is discontinued, on a five by eight inch card (in twelve point type). Under Part III.C the proposed respondents must also display in the reception area of its facilities a sign with the same warning printed in one-inch high letters.

Part IV requires proposed respondents to disclose that diet or exercise is required to lose weight in connection with any representation about the effect of a treatment, program, product, or service on weight or body size, unless they have competent and reliable evidence to the contrary. Like the safety disclosure, this disclosure must also be clear and prominent as defined in the order.

Part V addresses proposed respondents' deceptive use of consumer testimonials. It prohibits misrepresentations in advertising for weight control or reduction treatments, programs, products, and services to the effect that any endorsement constitutes the typical and ordinary experience of members of the public who use the advertised treatment, program, product, or service.

Part VI.A-C contains fencing-in provisions that require proposed respondents to have prior substantiation for claims that any treatment, program, product, or service provides any benefit in terms of weight loss or weight maintenance or has an effect on cellulite or body measurements. Under Part VI.D proposed respondents are required to have substantiation for claims about the safety of weight loss or body shaping treatments, programs, products, or services.

Parts VII and VIII contain safe harbors for claims that are permitted on the labeling of foods and drugs under the applicable regulations of the Food and Drug Administration. The remaining provisions of the order are standard compliance provisions. Part IX requires the corporate respondents to provide copies of the order to relevant personnel. Part X requires the proposed respondents to keep records about covered claims for five years. Under Part XI, the corporate respondents are required to notify the Commission of certain changes in structure, and Part XII requires the individual respondent to notify the Commission of changes in his employment for the next five years. Finally, Part XIII of the proposed order obligates the respondents to file appropriate compliance reports.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 95-8858 Filed 4-10-95; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3561]

Gorayeb Seminars, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair

methods of competition, this consent order prohibits, among other things, two New Jersey-based companies and their officers from making any representation about the relative or absolute performance or efficacy of any smoking cessation or weight loss program, unless they possess and rely upon competent and reliable scientific evidence to substantiate the representation.

DATES: Complaint and Order issued March 3, 1995¹.

FOR FURTHER INFORMATION CONTACT: Matthew Daynard, FTC/H-200, Washington, DC. 20580. (202) 326-3291.

SUPPLEMENTARY INFORMATION: On Friday, August 5, 1994, there was published in the **Federal Register**, 59 FR 40032, a proposed consent agreement with analysis In the Matter of Gorayeb Seminars, Inc., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 95-8859 Filed 4-10-95; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3565]

IVAX Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order permits, among other things, IVAX, a Florida corporation, to acquire Zenith Laboratories, except for Zenith's rights to market or sell extended release generic verapamil under Zenith's exclusive distribution agreement with G.D. Searle & Co. Respondent is also

¹ Copies of the complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

required, for ten years, to obtain Commission approval before acquiring any stock in any entity that manufactures, or is an exclusive distributor for another manufacturer of, extended release generic verapamil in the United States.

DATES: Complaint and Order issued March 27, 1995.¹

FOR FURTHER INFORMATION CONTACT: Melissa Heydenreich, FTC/S-2224, Washington, DC 20580, (202) 326-2543.

SUPPLEMENTARY INFORMATION: On Thursday, January 5, 1995, there was published in the **Federal Register**, 60 FR 1782, a proposed consent agreement with analysis in the Matter of IVAX Corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 95-8860 Filed 4-10-95; 8:45 am]

BILLING CODE 6750-01-M

[File No. 931-0134]

Korean Video Stores, et al.; Proposed Consent Agreement With Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a Maryland based video store association and its members from entering into any agreement to raise or fix prices in the retail video tape rental business; and would require its members to display an announcement of the settlement in their respective stores and to publish the text of the corrective posters in three Korean-language newspapers in the Washington, DC area.

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

DATES: Comments must be received on or before June 12, 1995.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Joseph G. Krauss, FTC/H-324, Washington, DC 20580. (202) 326-2713.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, have been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's rules of practice (16 CFR 4.9(b)(6)(ii)).

In the Matter of: Korean Video Stores Association of Maryland, an unincorporated association,

Chang Hyun Cho, individually and trading and doing business as Hana Video;

Bong Soo Ha, individually and trading and doing business as Video Town;

Yoo Kwan Jun, individually and trading and doing business as Harford Video;

Dae Yong Kang, individually and trading and doing business as Daenamoo Video;

Yong Hoon Kang, individually and trading and doing business as Lotte Gifts Store;

Mi La Kim, individually and trading and doing business as Koryo Video;

Ki Sik Kim, individually and trading and doing business as Video Center;

Suk C. Kim, individually and trading and doing business as Nalee Video;

Ju Young Lee, individually and trading and doing business as Young Video;

Kyeong Hae Lee, individually and trading and doing business as Korean Corner;

Chang Jin Park, individually and trading and doing business as Samsung Video;

Mi Hwa Park, individually and trading and doing business as Sarangbang Video;

Young Min Ro, individually and trading and doing business as Hanyang Video;

Chae Sul Song, individually and trading and doing business as Lucky Gifts;

Tae Eung Yu, individually and trading and doing business as Hyundai Video; and

Seung Man Yun, individually and trading and doing business as Gaymi Video; File No. 931-0134.

Agreement Containing Consent Order

The Federal Trade Commission ("Commission"), having initiated an investigation of certain acts and practices of the Korean Video Stores Association of Maryland, Chang Hyun Cho, Bong Soo Ha, Yoo Kwan Jun, Dae

Young Kang, Yong Hoon Kang, Mi La Kim, Ki Sik Kim, Suk C. Kim, Ju Young Lee, Kyeong Hae Lee, Chang Jin Park, Mi Hwa Park, Young Min Ro, Chae Sul Song, Tae Eung Yu, and Seung Man Yun, and it now appearing that the Korean Video Stores Association of Maryland, Chang Hyun Cho, Bong Soo Ha, Yu Kwan Jeon, Dae Yong Kang, Yong Hoon Kang, Mi La Kim, Ki Sik Kim, Suk C. Kim, Ju Young Lee, Kyeong Hae Lee, Chang Jin Park, Mi Hwa Park, Young Min Ro, Chae Sul Song, Tae Eung Yu, and Seung Man Yun, hereinafter sometimes referred to as "proposed Respondents," are willing to enter into an agreement containing an Order to cease and desist from certain acts and providing for other relief,

It is hereby agreed by and between the proposed Respondents and counsel for the Commission that:

1. Proposed Respondent Korean Video Stores Association of Maryland is an unincorporated trade association. Its mailing address is c/o Nalee Video, 13-G Aquahart Plaza, Glen Burnie, MD 21061.

Proposed Respondent Chang Hyun Cho is an individual trading and doing business as Hana Video, 220 N. Crain Highway, Glen Burnie, MD 21061.

Proposed Respondent Bong Soo Ha is an individual trading and doing business as Video Town, 2092 Veirs Mill Road, Rockville, MD 20581.

Proposed Respondent Yu Kwan Jeon is an individual trading and doing business as Harford Video, 8904 Harford Road, Baltimore, MD 21234.

Proposed Respondent Dae Yong Kang is an individual trading and doing as Daenamoo Video, 5722 York Road, Baltimore, MD 21212.

Proposed Respondent Yong Hoon Kang is an individual trading and doing business as Lotte Gifts Store, 2201 N. Charles Street, Baltimore, MD 21218.

Proposed Respondent Mi La Kim is an individual trading and doing business as Koryo Video, 10820-G Rhode Island Avenue, Beltsville, MD 20705.

Proposed Respondent Ki Sik Kim is an individual trading and doing business as Video Center, 29 W. North Avenue, Baltimore, MD 21201.

Proposed Respondent Suk C. Kim is an individual trading and doing business as Nalee Video, 13-G Aquahart Plaza, Glen Burnie, MD 21061.

Proposed Respondent Ju Young Lee is an individual trading and doing business as Young Video, 11790 Parklawn Drive, Rockville, MD 20852.

Proposed Respondent Kyeong Hae Lee is an individual trading and doing business as Korean Corner, 12207 Veirs Mill Road, Wheaton, MD 20906.

Proposed Respondent Chang Jin Park is an individual trading and doing business as Samsung Video, 3425 N. Chatham Road #108, Ellicott City, MD 21042.

Proposed Respondent Mi Hwa Park is an individual trading and doing business as Sarangbang Video, 2430 York Road, Timonium, MD 21093.

Proposed Respondent Young Min Ro is an individual trading and doing business as Hanyang Video, c/o Lucky World (Laurel), 14222 Cherry Lane Ct., Laurel, MD 20707.

Proposed Respondent Chae Sul Song is an individual trading and doing business as Lucky Gifts, 1690-D Annapolis Road, Odenton, MD 21113.

Proposed Respondent Tae Eung Yu is an individual trading and doing business as Hyundai Video, 10539 Greenbelt Road, Seabrook, MD 20706.

Proposed Respondent Seung Man Yun is an individual trading and doing business as Gaymi Video, 801 S. Crain Highway, Glen Burnie, MD 21061.

2. Proposed Respondents admit all the jurisdictional facts set forth in the draft of complaint.

3. Proposed Respondent waive:

a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this agreement; and

d. Any claim under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed Respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by the proposed Respondents that the law has been violated as alleged in the draft of complaint or that the facts as alleged in the draft complaint, other than jurisdictional facts, are true.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to the proposed Respondents, (1) Issue its complaint correspondent in form and substance with the draft of complaint and its decision containing the following Order to cease and desist in disposition of the proceeding, and (2) make information public with respect thereto. When so entered, the Order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to Order to proposed Respondents' addresses as stated in this agreement shall constitute service. Proposed Respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the Order, and no agreement, understanding, representation or interpretation not contained in the Order or the agreement may be used to vary or contradict the terms of the Order.

7. Proposed Respondents have read the proposed complaint and Order contemplated hereby. Proposed Respondents understand that once the Order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the Order. Proposed Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

It is ordered that, as used in this Order, the following definitions shall apply:

(A) "Respondent Korean Video Association" means the Korean Video Stores Association of Maryland, its predecessors, subsidiaries, divisions, members, committees, and groups and affiliates controlled by the Korean Video Stores Association of Maryland, their directors, officers, employees, agents, and representatives, and their successors and assigns.

(B) "Individual Respondents" means Chang Hyun Cho, individually and trading and doing business as Hana Video; Bong Soo Ha, individually and trading and doing business as Video Town; Yoo Kwan Jun, individually and trading and doing business as Harford Video; Dae Yong Kang, individually and

trading and doing business as Daenamoo Video; Yong Hoon Kang, individually and trading and doing business as Lotte Gifts Store; Mi La Kim, individually and trading and doing business as Koryo Video; Ki Sik Kim, individually and trading and doing business as Video Center; Suk C. Kim, individually and trading and doing business as Nalee Video; Ju Young Lee, individually and trading and doing business as Young Video; Kyeong Hae Lee, individually and trading and doing business as Korean Corner; Chang Jin Park, individually and trading and doing business as Samsung Video; Mi Hwa Park, individually and trading and doing business as Sarangbang Video; Young Min Ro, individually and trading and doing business as Hanyang Video; Chae Sul Song, individually and trading and doing business as Lucky Gifts; Tae Eung Yu, individually and trading and doing business as Hyundai Video; Seung Man Yun, individually and trading and doing business as Gaymi Video; and their respective successors and assigns.

(C) "Respondents" means the Respondent Korean Video Association and the Individual Respondents.

(D) "Commission" means the Federal Trade Commission.

(E) "Video tapes" means pre-recorded video cassette tapes.

(F) "Retail video tape rental business" means the business of renting pre-recorded video cassette tapes for a fee to retail customers.

II

It is further ordered that Respondents, directly or indirectly, or through any corporation, association, or other device, in connection with the retail, video tape rental business, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, forthwith cease and desist from:

(A) Entering into, attempting to enter into, organizing, continuing, adhering to, or maintaining any combination, conspiracy, contract, agreement, understanding, plan, or program with any person in the retail video tape rental business to construct, fix, stabilize, raise, maintain, or otherwise interfere or tamper with the prices charged or other terms or conditions for retail video tape rentals;

(B) Recommending or encouraging any person in the retail video tape rental business to charge certain prices or set other terms or conditions for retail video tape rentals;

(C) For a period of three (3) years after the date this Order becomes final, continuing any formal or informal

meeting of the Respondent Korean Video Association or of any Individual Respondents, after:

1. Any person makes a statement, addressed to or audible to the body of the meeting, concerning the prices of retail video tape rentals and Respondents fail to declare such statement to be out of order;

2. Any person makes two such statements concerning the prices of retail video tape rentals and Respondents fail to eject him or her from the meeting; or

3. Two people make such statements concerning the prices of retail video tape rentals.

Provided, however, that without regard to the obligations of Respondent Korean Video Association under Paragraph II. (C), if a person making a prohibited statement is not ejected, and such meeting continues, then the Individual Respondents shall instead leave such meeting and within thirty (30) days after such meeting shall report to the Commission the circumstances of such meeting, a description of the prohibited statements and Respondents' actions in response thereto.

III

It is further ordered that Respondent Korean Video Association, directly or indirectly, or through any corporation, association, or other device, in connection with the retail video tape rental business, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, forthwith cease and desist from:

(A) Prohibiting, regulating, or advising against any form of price competition between or among persons in the retail video tape rental business; and

(B) Inviting, coordinating or providing a forum for any discussion or agreement between or among persons in the retail video tape rental business concerning prices charged for retail video tape rentals.

IV

It is further ordered that:

(A) Each Individual Respondent shall, within thirty (30) days after the date this Order becomes final, prepare and for a period of sixty (60) days, clearly display a corrective poster at each Individual Respondent's place of business. Each poster shall be in both English and Korean, shall be no less than two feet by two feet in size, and shall have the text of Appendices A and B, attached to this Order, enlarged and conspicuously displayed thereon; and

(B) Respondent Korean Video Association shall, within thirty (30) days after the date this Order becomes final, publish Appendix B to this Order in the Metropolitan Washington, DC editions of the Periodicals *Korea Times*, *Joong Ang Ilbo*, and *Chosun Ilbo*.

V

It is further ordered that:

(A) Respondent Korean Video Association and the Individual Respondents shall, within ninety (90) days after the date this Order becomes final, file with the Secretary of the Federal Trade Commission a verified written report setting forth in detail the manner and form in which Respondents have complied and are complying with this Order. Among such other information as may be required, the Individual Respondents' compliance reports shall contain a picture of the corrective poster as displayed and the dates such poster was displayed;

(B) Respondent Korean Video Association shall, annually for three (3) years on the anniversary of the date this Order becomes final, file with the Secretary of the Federal Trade Commission a verified written report setting forth in detail the manner and form in which Respondents have complied and are complying with this Order; and

(C) Respondent Korean Video Association and the Individual Respondents shall, for a period of three (3) years after the date this Order becomes final, notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in any Respondent, such as dissolution, assignment, sale resulting in the emergency of a successor organization, or the creation or dissolution of subsidiaries, or any change in such Respondent that may affect compliance obligations arising out of this Order.

VI

It is further ordered that, for the purpose of determining or securing compliance with this Order, Respondents shall permit any duly authorized representative of the Commission:

(A) Access, during office hours and in the presence of counsel, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of a Respondent relating to any matters contained in this Order; and

(B) Upon five days' notice to a Respondent and without restraint or interference from it, to interview

officers, directors, or employees of such Respondent.

VII

It is further ordered that this order shall terminate twenty (20) years from the date of issuance.

Appendix A

Announcement

The Korean Video Stores Association of Maryland (the "Korean Video Association") and its individual members (Chang Hyun Cho, Bong Soo Ha, Yoo Kwan Jun, Dae Young Kang, Young Hoon Kang, Mi La Kim, Ki Sik Kim, Suk C. Kim, Ju Young Lee, Kyenong Hae Lee, Chang Jin Park, Mi Hwa Park, Young Min Ro, Chae Sul Song, Tae Eung Yu, and Seung Man Yun) have entered into a consent agreement with the Federal Trade Commission ("Commission") to settle the Commission's charges that the Korean Video Association and its individual members named above violated section 5 of the Federal Trade Commission Act when they jointly decided to increase prices for retail video tape rentals in 1993. The U.S. antitrust laws, including the Sherman Act and the Federal Trade Commission Act, prohibit competitors in the same line of business from jointly setting prices they charge to their customers.

Pursuant to this consent agreement, the Commission has issued an Order that prohibits the Korean Video Association and its individual members from jointly deciding prices that they charge to their customers in the retail video tape rental business. The Order also prohibits the Korean Video Association and its individual members from taking any other actions that may harm price competition.

The Korean Video Association and its individual members also understand and agree to honor that each person in the retail video tape rental business must unilaterally and independently determine its own prices.

Korean Video Stores Association of Maryland

Chang Hyun Cho, Hana Video
Dae Yong Kang, Daenamoo Video
Ki Sik Kim, Video Center
Kyeong Hae Lee, Korean Corner
Young Min Ro, Hanyang Video
Seung Man Yun, Gaymi Video
Bong Soo Ha, Video Town
Yong Hoon Kang, Lotte Gifts Store
Suk C. Kim, Nalee Video
Chang Jin Park, Samsung Video
Chae Sul Song, Lucky Gifts
Yoo Kwan Jun, Harford Video
Mi La Kim, Koryo Video
Ju Young Lee, Young Video
Mi Hwa Park, Sarangbang Video
Tae Eung Yu, Hyundai Video

Appendix B

(Appendix B is the Korean version of Appendix A and is available from the Commission's Public Reference Branch, H-30, 6th and Pa. Ave., NW, Washington, DC 20580).

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission ("the Commission") has accepted an agreement to a proposed consent order from the Korean Video Stores Association of Maryland, Chang Hyun Cho, Bong Soo Ha, Yoo Kwan Jun, Dae Yong Kang, Yong Hoon Kang, Mi La Kim, Ki Sik Kim, Suk C. Kim, Ju Young Lee, Kyeong Hae Lee, Chang Jin Park, Mi Hwa Park, Young Min Ro, Chae Sul Song, Tae Eung Yu, and Seung Man Yun ("Respondents").

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission's investigation of this matter concerns the Respondents' joint retail video tape rental pricing activity in 1993. The Commission alleges in its proposed complaint that the Respondents agreed to increase the retail price of Korean language video tape rentals in the Metropolitan Washington, D.C. area; and, in furtherance of the joint price increase agreement, the Respondents announced the price increase to the general public by displaying at each Respondent's place of business a poster setting forth the joint price increase agreement and signed in the name of the Korean Video Stores Association of Maryland ("Video Association"). The Commission alleges that the Respondents' acts and practices constitute unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act.

The order, accepted for public comment, prohibits the Respondents from directly or indirectly entering into a price fixing agreement in the retail video tape rental business. The order also prohibits the Respondents from taking any other actions that may harm price competition in the retail video tape rental business. In addition, the order requires the individual Respondents to either discontinue or leave a meeting of the Respondents if a person or persons make impermissible statements concerning retail video tape rental fees.

The order would also prohibit the Video Association from interfering with its individual members' pricing decisions and from acting as a forum for discussion or agreement on retail video tape rental fees. The order further

requires the Respondents to display a corrective poster at each Respondent's place of business, and requires the Video Association to publish the Korean text (translated to Korean by Commission staff from the English version approved by the Commission) of the corrective poster in three major local Korean language daily newspapers.

Under the order, the Respondents are required to file written compliance reports with the Commission. The order terminates automatically twenty years from the date of issuance.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,
Secretary.

[FR Doc. 95-8861 Filed 4-10-95; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3562]

Louis Bass, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.
ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Wisconsin corporation, doing business as Crestwood Company, from making false or unsubstantiated performance claims about any communication aid it offers in the future, and from making representations concerning the efficacy of the communication devices in enabling individuals with disabilities to communicate through facilitated communication, unless the respondent possesses competent and reliable scientific evidence to substantiate the representation.

DATES: Complaint and Order issued March 13, 1995.¹

FOR FURTHER INFORMATION CONTACT: Jeffrey Klurfeld or Kerry O'Brien, San Francisco Regional Office, Federal Trade Commission, 901 Market St., Suite 570, San Francisco, CA. 94103. (415) 744-7920.

SUPPLEMENTARY INFORMATION: On Wednesday, January 4, 1995, there was published in the **Federal Register**, 60 FR 467, a proposed consent agreement with

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

analysis in the Matter of Louis Bass, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Donald S. Clark,
Secretary.

[FR Doc. 95-8862 Filed 4-10-95; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3564]

Wright Medical Technology, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.
ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Tennessee-based research and development corporation to transfer to the Mayo Foundation, the licensor of the implant technology to Orthomet, Inc., a complete copy of all assets relating to Orthomet's business of researching and developing orthopaedic implants for use in human hands, and also requires Wright Medical Technology to obtain Commission approval before acquiring any interest in any firm that has received, or has applied for, Food and Drug Administration approval to market orthopaedic hand implants in the United States.

DATES: Complaint and Order issued March 23, 1995.¹

FOR FURTHER INFORMATION CONTACT: Richard B. Dagen, FTC/S-2627, Washington, DC. 20580. (202) 326-2628.

SUPPLEMENTARY INFORMATION: On Wednesday, January 4, 1995, there was published in the **Federal Register**, 60 FR 460, a proposed consent agreement with analysis in the Matter of Wright Medical Technology, Inc., et al, for the purpose

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC. 20580.

of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 95-8863 Filed 4-10-95; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Meeting of the U.S. Advisory Board on Child Abuse and Neglect

AGENCY: Administration for Children and Families, DHHS.

ACTION: Notice of Meeting.

SUMMARY: The U.S. Advisory Board on Child Abuse and Neglect will hold a meeting in the Stonehenge Room in the Humphrey Building, Department of Health and Human Services, 200 Independence Avenue, SW., Washington, DC, 20201, from 9 a.m., Tuesday, April 25, through 4 p.m., Thursday, April 27, 1995.

During this meeting, the Advisory Board will hold a press conference and release its report: *A Nation's Shame: Fatal Child Abuse and Neglect in the U.S.*, on Wednesday, April 26, in the Small Auditorium of the Humphrey Building. This meeting is open to the public. If a sign language interpreter is needed, you may contact Michael Kharfen at (202) 401-9215.

FOR FURTHER INFORMATION CONTACT: Eileen H. Lohr, Program Analyst, U.S. Advisory Board on Child Abuse, and Neglect, Room 303-D, Humphrey Building, Washington, DC 20201, (202) 690-6053.

SUPPLEMENTARY INFORMATION: During this meeting, the Advisory Board will release the Board's Report: *A Nation's Shame: Fatal Child Abuse and Neglect in the U.S.*, on Wednesday, April 26; discuss a proposed Board report on cultural diversity; the reauthorization of the Child Abuse Prevention and

Treatment Act; and future Board endeavors.

Dated: April 13, 1995.

Preston Bruce,

Executive Director, U.S. Advisory Board on Child Abuse and Neglect.

[FR Doc. 95-8890 Filed 4-10-95; 8:45 am]

BILLING CODE 4184-01-P

Agency for Health Care Policy and Research

Health Care Policy and Research Special Emphasis Panel; Notice of Meeting

In accordance with section 10(a) of the Federal Advisory Committee Act (5 U.S.C. Appendix 2), announcement is made of the following special emphasis panel meeting scheduled for the month of May 1995:

Name: Health Care Policy and Research, Special Emphasis Panel.

Date and Time: May 24, 1995, 10:00 a.m.

Place: Executive Office Center, 2101 East Jefferson Street, Suite 502 Conference Room, Rockville, Maryland 20852. This meeting will be closed to the public.

Purpose: The Panel's charge is to provide advice and recommendations to the Secretary and to the Administrator, Agency for Health Care Policy and Research (AHCPR), regarding the scientific and technical merit of Phase II contract proposals submitted in response to a specific Request for Proposals (PHS 94-2). The purpose of the Phase I contract, entitled Children's Severity of Illness Index, was to develop preliminary identification items within each proposed scale. The contractors were to define the methodology and actions to achieve critical steps in the development of the model for measures of severity for children in critical care; identify a multidisciplinary team of experts in severity measurement, childhood growth and development, pediatrics and computer technology to staff the projects. The purpose of the Phase II contract is to utilize the best available methodologies to refine and test the Index. The offerors are to describe key steps in the process and factors which will be utilized to determine satisfactory completion of each step or the need for revision and identify appropriate clinical facilities as test sites.

Agenda: This meeting of the Panel will be devoted entirely to the technical review and evaluation of Phase II contract proposals submitted in response to a specific Request for Proposals. The Administrator, AHCPR, has made a formal determination that this meeting will not be open to the public. This is necessary to protect the free exchange of views and avoid undue interference with Panel and Department operations, and safeguard confidential proprietary information and personal information concerning individuals associated with the proposals that may be revealed during the sessions. This is in accordance with section 10(d) of the Federal Advisory Committee Act,

5 U.S.C. Appendix 2, Department regulations, 45 CFR section 11.5(a)(6), and procurement regulations, 48 CFR section 315.604(d).

Anyone wishing to obtain information regarding this meeting should contact Frantz Wilson, Center for General Health Services Extramural Research, Division of Primary Care, Agency for Health Care Policy and Research, Executive Office Center, 2101 E. Jefferson Street, Suite 502, Rockville, Maryland 20852, (301) 594-1357 extension 140.

Dated: April 4, 1995.

Clifton R. Gaus,

Administrator.

[FR Doc. 95-8898 Filed 4-10-95; 8:45 am]

BILLING CODE 4160-90-M

Agency for Health Care Policy and Research

Health Care Policy and Research Special Emphasis Panel; Notice of Meeting

In accordance with section 10(a) of the Federal Advisory Committee Act (5 U.S.C. Appendix 2), announcement is made of the following special emphasis panel meeting scheduled for the month of May 1995:

Name: Health Care Policy and Research, Special Emphasis Panel.

Date and Time: May 23, 1995, 9:00 a.m.

Place: Executive Office Center, 2101 East Jefferson Street, 6th Floor Conference Room 1, Rockville, Maryland 20852. This meeting will be closed to the public.

Purpose: The Panel's charge is to provide advice and recommendations to the Secretary and to the Administrator, Agency for Health Care Policy and Research (AHCPR), regarding the scientific and technical merit of Phase II contract proposals submitted in response to a specific Request for Proposals (PHS 94-2). The purpose of the Phase I contract, entitled Consumer Choices and Health Care Reform, was to determine factors important to consumers who make decisions about choosing health care plans, providers, and practitioners. The contractors were to develop a prototype decision support system, workbook, interactive video, or other tools for consumers to use when making these choices. The purpose of the Phase II contract is to develop an operational system with the capacity to be adapted to new categories of choices related to a reformed system of health care.

Agenda: This meeting of the Panel will be devoted entirely to the technical review and evaluation of Phase II contract proposals submitted in response to a specific Request for Proposals. The Administrator, AHCPR, has made a formal determination that this meeting will not be open to the public. This is necessary to protect the free exchange of views and avoid undue interference with Panel and Department operations, and safeguard confidential proprietary

information and personal information concerning individuals associated with the proposals that may be revealed during the sessions. This is in accordance with section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. Appendix 2, Department regulations, 45 CFR section 11.5(a)(6), and procurement regulations, 48 CFR section 315.604(d).

Anyone wishing to obtain information regarding this meeting should contact Frantz Wilson, Center for General Health Services Extramural Research, Division of Primary Care, Agency for Health Care Policy and Research, Executive Office Center, 2101 E. Jefferson Street, Suite 502, Rockville, Maryland 20852, (301) 594-1357 extension 140.

Dated: April 4, 1995.

Clifton R. Gaus,

Administrator.

[FR Doc. 95-8899 Filed 4-10-95; 8:45 am]

BILLING CODE 4160-90-M

Food and Drug Administration

Public Health Service; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HE (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970, and 56 FR 29484, June 27, 1991, as amended most recently in pertinent part 59 FR 52552, October 18, 1994) is amended to reflect an organizational change in the Food and Drug Administration (FDA).

FDA has increasing demands for integration and coordination among Agency information systems both in pursuit of new initiatives and in the continued execution of existing responsibilities. The Commissioner of Food and Drugs has determined that this integration and coordination can best be accomplished by establishing a Strategic Systems Staff, an Administrative Systems Automation Staff, and a Division of Plans, Methods, and Resources within the Office of Information Resources Management (OIRM). In addition, the Division of Information Management, and the Parklawn Computer Center will be transferred from the Office of Management to OIRM under the Office of Management and Systems.

Under Chapter HF, Section HF-B, Organization

1. Under the Office of Management and Systems (HFA7), Office of Information Resources Management (HFA8), insert the following new subparagraphs, Strategic Systems Staff

(HFA8A), Administrative Systems Automation Staff (HFA8B), Division of Plans, Methods, and Resources (HFA8C), Division of Information Management (HFA8D), and Parklawn Computer Center (HFA8E) reading as follows:

Strategic Systems Staff (HFA8A).

Provides overall coordination of strategic systems initiatives to ensure that Agency strategic goals and priorities are met while being responsive to users. Coordinates strategic systems project development, prioritization, and funding estimates and provides oversight accountability to assure sound project management practices for strategic systems initiatives. Represents Agency in discussions with PHS, HHS other governmental components, and external groups regarding strategic systems initiatives.

Coordinates the development of tactical implementation plans for strategic systems initiatives, including objectives, deliverables, funding, and timeframes. Monitors performance related to project plans and surfaces critical issues needing to be addressed.

Provides expert technical guidance to senior Agency officials on strategic systems development to improve operating efficiencies and capabilities.

Provides Agency leadership in the development and implementation of an overall information systems architecture, including technical information standards.

Provides technical oversight for major contracts which support the planning for, development of, and implementation of strategic systems initiatives (which provide support for, or are critical to, multiple Agency components). Evaluates and documents contractor performance, including costs, technical specifications, and schedules.

Administrative Systems Automation Staff (HFA8B). Develops strategic goals and objectives for the automation of FDA administrative processes in conjunction with overall Agency strategic plans and represents the Agency in discussions with PHS, HHS, other governmental components, and external groups regarding administrative management systems automation initiatives.

Manages the design, development, implementation, and operation of the Agency's automated administrative management system, including the modification of business practices to maximize the efficiency and effectiveness of administrative processes.

Coordinates administrative systems automation initiatives to ensure that

Agency management goals and priorities are consistent with statutory and regulatory requirements, Federal and HHS standards and policies, and internal operating needs.

Monitors performance related to project plans, contractor deliverables, and process improvements associated with automation of administrative management operations.

Provides support to FDA's administrative organizations for the enhancement modification, and maintenance of FDA's Integrated Administrative Management Systems.

Division of Plans, Methods, and Resources (HFA8C). Coordinates the development and integration of IRM planning processes. This includes development of the FDA Information Systems Strategic Plan in conjunction with the overall Agency Strategic Plan and the FDA 5-year Long Range IRM Strategic Plan developed to meet OMB requirements. Represents the Agency in discussions with PHS, HHS, other governmental components, and external groups regarding IRM planning issues. Provides support to other OIRM components in the development of tactical ADP plans. Serves as a central point for coordinating, consolidating, and developing IRM policy.

Develops and directs Agency management programs relating to reports, directives, correspondence, records, and forms. Conducts records and paperwork management studies for the Agency on either a periodic, self-initiated basis, or in response to requests for assistance.

Consolidates annual resource requests for all OIRM components, prepares annual budget requests, and administers OIRM's approved budgets from different funding sources. Provides administrative support services required by all OIRM components.

Serves as a focal point for certain Agencywide IRM activities such as support of FDA's IRM Council, coordination of FDA responses to IRM audit activities, and other external IRM initiatives. Carries out high-priority IRM projects and monitors major IRM projects managed by other FDA elements.

Division of Information Management (HFA8D). Supervises specific information resources management functions, including ADP security and the telecommunications program for FDA. Represents FDA on all Federal IRM issues (FIRMR) with HHS and other governmental and external organizations.

Provides FDA telecommunications services and initiates or reviews all

requisitions involving telecommunications.

Manages and monitors FDA's ADP Procurement Requests, contract proposals, and interagency agreements to assure that FIRMR requirements are adhered to.

Provides operational support to the Office of the Commissioner and Deputy Commissioners by providing consultation, technical advice, programming, systems analysis and assistance in the selection and use of equipment and services to process information

Directs the FDA ADP Security Program.

Parklawn Computer Center (HFA8E). Operates and manages the central computer facility in the Parklawn complex performing fee-for-service ADP functions for FDA and other PHS/HHS components.

Develops operational policy and procedures and provides technical support for scientific and administrative information systems operated within PCC.

Participates in the development of short-and long-range computer center plans to make the best possible use of resources and to consider new ADP systems methodologies.

Reviews and makes recommendations on hardware, software, and service procurements when requested by serviced agencies to assure compatibility with PCC equipment and conformance with established PCC policies and procedures.

Designs, develops, and operates the Departmental Information Management Exchange System (DIMES), the Departmental nationwide data communications network.

Develops and operates a Center Performance Management Program to evaluate hardware utilization and to measure workload processed to assure optimum operation.

2. Delete subparagraphs (h-5) Parklawn Computer Center (HFA79) and (h-8) Division of Information Management (HFA73), in their entirety.

Prior Delegations of Authority. Pending further delegations, directives, or orders by the Commissioner of Food and Drugs, all delegations of authority to positions of the affected organizations in effect prior to this date shall continue in effect in them or their successors.

Dated: March 23, 1995.

David A. Kessler,

Commissioner of Food and Drugs.

[FR Doc. 95-8853 Filed 4-10-95; 8:45 am]

BILLING CODE 4160-1-M

National Institutes of Health

National Institute of General Medical Sciences; Notice of Meeting of the National Advisory General Medical Sciences Council

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, National Institutes of Health, on May 18-19, 1995, Building 31, Conference Room 10, Bethesda, Maryland.

This meeting will be open to the public from 10:30 a.m. to 6 p.m. on May 18, and from 8:30 a.m. to 10:30 a.m. on May 19, for the discussion of program policies and issues, opening remarks, report of the Acting Director, NIGMS, and other business of Council. Attendance by the public will be limited to space available.

In accordance with provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 18 from 8:30 a.m. to 10:15 a.m., and on May 19, from 10:30 a.m. until adjournment, for the review, discussion, and evaluation of individual grant applications. The discussions of these applications could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Ann Dieffenbach, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AS-43H, Bethesda, Maryland 20892, telephone: 301-496-7301, FAX 301-402-0224, will provide a summary of the meeting, and a roster of Council members. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Mrs. Dieffenbach in advance of the meeting. Dr. W. Sue Shafer, Executive Secretary, NAGMS Council, National Institutes of Health, Natcher Building, Room 2AN-32C, Bethesda, Maryland 20892, telephone: 301-594-4499 will provide substantive program information upon request.

(Catalog of Federal Domestic Assistance Program Nos. 93.821, Biophysics and Physiological Sciences; 93.859, Pharmacological Sciences; 93.862, Genetics Research; 93.863, Cellular and Molecular Basis of Disease Research; 93.880, Minority Access Research Careers [MARC]; and 93.375, Minority Biomedical Research Support [MBRS]; Special Programs, 93.960.

Dated: April 3, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95-8802 Filed 4-10-95; 8:45 am]

BILLING CODE 4140-01-M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda

To review individual grant applications.

Name of SEP: Microbiological and Immunological Sciences.

Date: April 24, 1995.

Time: 2 p.m.

Place: NIH, Westwood Building, Room 235, Telephone Conference.

Contact Person: Dr. Jean Hickman, Scientific Review Admin., 5333 Westbard Ave., Room 235, Bethesda, MD 20892, (301) 594-7078.

Name of SEP: Multidisciplinary Sciences.

Date: April 24, 1995.

Time: 1 p.m.

Place: Holiday Inn, National Airport, VA.

Contact Person: Dr. Houston Baker, Scientific Review Admin., 5333 Westbard Ave., Room 2A15B, Bethesda, MD 20892, (301) 594-7374.

Name of SEP: Microbiological and Immunological Sciences.

Date: April 25, 1995.

Time: 1 p.m.

Place: NIH, Westwood Building, Room 236A, Telephone Conference.

Contact Person: Dr. William Branche, Scientific Review Admin., 5333 Westbard Ave., Room 236A, Bethesda, MD 20892, (301) 594-7297.

Name of SEP: Biological and Physiological Sciences.

Date: April 26, 1995.

Time: 3 p.m.

Place: NIH, Westwood Building, Room 225A, Telephone Conference.

Contact Person: Dr. Sherry Dupere, Scientific Review Administrator, 5333 Westbard Ave., Room 225A, Bethesda, MD 20892, (301) 594-7097.

Name of SEP: Clinical Sciences.

Date: April 27, 1995.

Time: 2 p.m.

Place: NIH, Westwood Building, Room 221, Telephone Conference.

Contact Person: Dr. Philip Perkins, Scientific Review Admin., 5333 Westbard Ave., Room 221, Bethesda, MD 20892, (301) 594-7324.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as

patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of property privacy.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the grant review cycle.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 3, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95-8803 Filed 4-10-95; 8:45 am]

BILLING CODE 4140-01-M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda

To review individual grant applications.

Name of SEP: Biological and Physiological Sciences.

Date: April 26, 1995.

Time: 3 p.m.

Place: NIH, Westwood Building, Room 225A, Telephone Conference.

Contact Person: Dr. Sherry Dupere, Scientific Review Administrator, 5333 Westbard Ave., Room 225A, Bethesda, MD 20892, (301) 594-7097.

Name of SEP: Chemistry and Related Sciences.

Date: April 28, 1995.

Time: 2 p.m.

Place: NIH, Westwood Building, Room 221, Telephone Conference.

Contact Person: Dr. Philip Perkins, Scientific Review Admin., 5333 Westbard Ave., Room 221, Bethesda, MD 20892, (301) 594-7324.

Name of SEP: Behavioral and Neurosciences.

Date: June 28-30, 1995.

Time: 8 a.m.

Place: Jefferson Hotel, Washington, DC.

Contact Person: Dr. David Simpson, Scientific Review Admin., 5333 Westbard Ave., Room 328, Bethesda, MD 20892, (301) 594-7170.

Name of SEP: Biological and Physiological Sciences.

Date: July 6-7, 1995.

Time: 8 a.m.

Place: American Inn, Bethesda, MD.

Contact Person: Dr. Nicholas Mazarella, Scientific Review Admin., 5333 Westbard Ave., Room 222B, Bethesda, MD 20892, (301) 594-7098.

Purpose/Agenda

To review Small Business Innovation Research Program grant applications.

Name of SEP: Clinical Sciences.

Date: July 10-11, 1995.

Time: 8:30 a.m.

Place: Holiday Inn, Bethesda, MD.

Contact Person: Dr. Gertude McFarland, Scientific Review Admin., 5333 Westbard Ave., Room 352, Bethesda, MD 20892, (301) 594-7080.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the grant review cycle.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 3, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95-8804 Filed 4-10-95; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

Office of the Assistant Secretary for Health; Statement of Organization, Functions and Delegations of Authority

Part H. Public Health Service (PHS), Chapter HA (Office of the Assistant Secretary for Health), of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (DHHS) (42 FR 61318, December 2, 1977), as amended most recently at 60 FR 8410, February 14, 1995 is amended to reflect functional changes in the Office of Minority Health (OMH), to more accurately reflect its responsibilities and activities.

Office of the Assistant Secretary for Health

Under Chapter HA, Office of the Assistant Secretary for Health, Section HA-20, Functions, following the statement of the Office of Minority Health (HAM), delete the titles and statements and substitute the following:

Division of Policy and Data (HAM2). The Division: (1) Develops DHHS-wide strategic plan for minority health programs and activities; (2) develops

and coordinates the OMH strategic plan; (3) coordinates the development and implementation of PHS plans and special initiatives; (4) analyzes current and prospective Federal activities that affect minority health, and recommends program initiatives to improve the health of minorities; (5) reviews the budget requests of PHS agencies to ensure requirements are adequate and consistent with the Secretary's minority health goals and strategic plans; (6) plans, coordinates and/or conducts studies and evaluations relating to the occurrence of diseases and health problems in minority populations; (7) plans and conducts statistical and data analyses on disease conditions and issues that impact minority populations; (8) coordinate efforts to improve the availability and quality of data on the health status of minority populations; and (9) coordinates evaluations, legislative activities, and reports to the Congress.

Division of Information and Education (HAM3). The Division: (1) Manages minority health information, education and awareness activities, including operation of the Office Minority Health Resource Center and the electronic Minority Health Network Bulletin Board; (2) collaborates with Federal and non-Federal organizations to develop and implement mechanisms for sharing timely information with minority communities, as well as individuals and organizations conducting research and programs to improve minority health; (3) manages public information activities and media and press relations; (4) provides technical assistance to Federal and State agencies for the promotion, development, and conduct of minority health education and promotion programs; (5) manages exhibits and develops visual and other graphic materials for OMH; and (6) coordinates publication clearance of OMH reports and informational materials.

Division of Program Operations (HAM4). In managing demonstration grant programs and cooperative agreements, the Division (1) develops notices announcing the availability of funds; (2) develops program guidelines; (3) develops, coordinates and provides technical assistance to grantees and partners in cooperative agreements; (4) monitors performance of grantees and recipients of cooperative agreements; and (5) coordinates with appropriate PHS agencies/offices and other Federal organizations who are contributing partners to the demonstration grants and cooperative agreements.

Division of Management Operations (HAM5). The Division: (1) Plans and

directs financial management activities, including budget formulation and execution; (2) works closely with the Division of Program Operations in providing grants management support for OMH grants, cooperative agreements, and interagency agreements, as well as interpreting grants administration policies and provisions; (3) provides technical assistance on grant matters and procedures to internal staff, applicants and grantees; (4) provides liaison on personnel management activities with the OASH personnel office; (5) provides administrative services in support of OMH; and (6) provides support in ADP, word processing and telecommunications equipment and systems for the OMH, including operation and maintenance of the Grants Tracking and Management Information System.

Under Chapter HA, Section HA-30, Delegations of Authority, add the following:

All delegations and redelegations of authority to officers and employees of the OMH which were in effect immediately prior to the effective date of this reorganization will be continued in effect in them or their successors, pending further redelegations, provided they are consistent with this reorganization.

Dated: March 27, 1995.

Anthony L. Itteilag,

Deputy Assistant Secretary for Health Management Operations.

[FR Doc. 95-8854 Filed 4-10-95; 8:45 am]

BILLING CODE 4160-17-M

Social Security Administration

1994-95 Advisory Council on Social Security; Meeting

AGENCY: Social Security Administration, HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces a meeting of the 1994-95 Advisory Council on Social Security (the Council).

DATES: Friday, April 21, 1995, 9:00 a.m. to 5:00 p.m. and Saturday, April 22, 1995, 9:00 a.m. to 3:00 p.m.

ADDRESSES: The Carnegie Endowment for International Peace, 2400 N Street, N.W., Washington, D.C. 20037, (202) 862-7900.

FOR FURTHER INFORMATION CONTACT: By mail—Dan Wartonick, 1994-95 Advisory Council on Social Security, Suite 705, 1825 Connecticut Avenue, NW, Washington, DC 20009; By

telephone—(202) 482-7117; By telefax—(202) 482-7123.

SUPPLEMENTARY INFORMATION:

I. Purpose

Under section 706 of the Social Security Act (the Act), the Secretary of Health and Human Services (the Secretary) appoints the Council every 4 years. The Council examines issues affecting the Social Security Old-Age, Survivors, and Disability Insurance (OASDI) programs, as well as the Medicare program and impacts on the Medicaid program, which were created under the Act.

In addition, the Secretary has asked the Council specifically to address the following:

- Social Security financing issues, including developing recommendations for improving the long-range financial status of the OASDI programs;
- General program issues such as the relative equity and adequacy of Social Security benefits for persons at various income levels, in various family situations, and various age cohorts, taking into account such factors as the increased labor force participation of women, lower marriage rates, increased likelihood of divorce, and higher poverty rates of aged women.

In addressing these topics, the Secretary suggested that the Council may wish to analyze the relative roles of the public and private sectors in providing retirement income, how policies in both sectors affect retirement decisions and the economic status of the elderly, and how the disability insurance program provisions and the availability of health insurance and health care costs affect such matters.

The Council is composed of 12 members in addition to the chairman: Robert Ball, Joan Bok, Ann Combs, Edith Fierst, Gloria Johnson, Thomas Jones, George Kourpias, Sylvester Schieber, Gerald Shea, Marc Twinney, Fidel Vargas, and Carolyn Weaver. The chairman is Edward Gramlich.

The Council met previously on June 24-25 (59 FR 30367), July 29, 1994 (59 FR 35942), September 29-30 (59 FR 47146), October 21-22 (59 FR 51451), November 18-19 (59 FR 55272), January 27 (60 FR 3416), February 10-11 (60 FR 5433), March 8-9 (60 FR 10091) and March 10-11 (60 FR 10090).

II. Agenda

The following topics will be presented and discussed:

- Options for ensuring the long-term financing of the Social Security program;

- Changes to Social Security benefits to ensure relative equity and adequacy; and

- Relative roles of the public and private sectors in providing retirement income.

The meeting is open to the public to the extent that space is available. Interpreter services for persons with hearing impairments will be provided. A transcript of the meeting will be available to the public on an at-cost-of duplication basis. The transcript can be ordered from the Executive Director of the Council.

(Catalog of Federal Domestic Assistance Program Nos. 93.802, Social Security-Disability Insurance; 93.803, Social Security-Retirement Insurance; 93.805, Social Security-Survivors Insurance.)

Dated: April 4, 1995.

David C. Lindeman,

Executive Director, 1994-95 Advisory Council on Social Security.

[FR Doc. 95-8777 Filed 4-10-95; 8:45 am]

BILLING CODE 4190-29-P

DEPARTMENT OF THE INTERIOR

Notice of Public Information Collection Requirement Submitted to OMB for Review

The Department of the Interior (DOI) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-11. Copies of the submission may be obtained by calling the Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Clearance Officer listed.

OMB Number: 1000-0002

Type of Review: New Collection/
Expedited Review

Title: Department of the Interior,
Freedom of Information Reinvention
Team Customer Survey

Description: This survey is being conducted to comply with National Performance Review initiatives. The information collected will be utilized to assess the effectiveness of, and public/customer satisfaction with, the DOI Freedom of Information Act (FOIA) process. It will allow the DOI to determine if, and where, changes to its FOIA process are needed to better meet the information needs of its FOIA requesters. The survey will be sent to a random sample of those members of the public who have submitted FOIA requests to the DOI. Response is voluntary.

Respondents: Individual members of the public and individuals affiliated with business or other for-profit institutions, with non-profit or not-for-profit institutions, or with state, local, tribal or foreign governments.

Estimated Number of Respondents: 1,000

Estimated Burden Hours per Response: .25 hours

Frequency of Response: annual

Estimated Total Reporting Burden: 250 hours

Clearance Officer: Indur Goklany, Department of the Interior (PPA), Washington, D.C. 20240, (202) 208-4915

OMB Reviewer: Don Arbuckle, Office of Management and Budget (OIRA), Washington, D.C. 20503, (202) 395-7340

Dated: April 4, 1995.

Albert C. Camacho,

Director, Office of Administrative Services.

[FR Doc. 95-8807 Filed 4-10-95; 8:45 am]

BILLING CODE 4310-RK-M

Bureau of Land Management

[OR-035-00-1430-01:G5P-097]

Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification; Oregon

AGENCY: Vale District, Baker Resource Area, Oregon, Bureau of Land Management.

ACTION: Notice.

SUMMARY: The following public lands in Baker County, Oregon, have been examined and found suitable for classification for lease or conveyance to the City of Unity, Oregon, under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et. seq.*). The City of Unity proposes to use the lands for a solid waste transfer site.

Willamette Meridian

T. 13 S., R. 37 E.,
Sec. 15, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$
Containing 2.5 acres more or less.

The lands are not needed for Federal purposes. Lease or conveyance is consistent with current BLM land use planning and would be in the public interest.

The lease/patent, when issued, will be subject to the following terms, conditions and reservations:

(1) Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

(2) A right-of-way for ditches and canals constructed by the authority of the United States.

(3) A right-of-way for the Denny Flat Road for the U.S. government.

(4) All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

Detailed information concerning this action is available for review at the Office of the Bureau of Land Management, Baker Resource Area, 1550 Dewey Ave., P.O. Box 987, Baker City, Oregon, 97814.

Upon publication of the notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the District Manager, 100 Oregon St., Vale, Oregon, 97918.

CLASSIFICATION COMMENTS: Interested parties may submit comments involving the suitability of the land for a solid waste transfer site. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

APPLICATION COMMENTS: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a solid waste transfer site.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

Dated: March 31, 1995.

James E. May,

District Manager.

[FR Doc. 95-8886 Filed 4-10-95; 8:45 am]

BILLING CODE 4310-33-P

Fish and Wildlife Service

Endangered and Threatened Species Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt and notice of availability.

Availability of an Environmental Assessment and Receipt of an Application for a Permit to Allow Incidental Take of the Threatened Coastal California Gnatcatcher by Palos Verdes Land Holdings Company and Zuckerman Building Company on the Ocean Trails Property in Los Angeles County, California.

SUMMARY: The U.S. Fish and Wildlife Service (Service) has received an application from the Palos Verdes Land Holding Company and Zuckerman Building Company (applicants) of Laguna Beach, California, for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The permit would authorize take of the threatened coastal California gnatcatcher (*Polioptila californica californica*) for 10 years on the Ocean Trails property in the City of Rancho Palos Verdes, California. The taking would be incidental to the lawful grading, construction, and operation of a proposed golf course/residential project. Pursuant to Section 10(a)(2)(A), the applicants have submitted a Habitat Conservation Plan (HCP) and Implementing Agreement (IA) with the permit application. Issuance of a section 10(a)(1)(B) permit constitutes a Federal action that must be analyzed pursuant to the National Environmental Policy Act of 1969. Accordingly, the Service has prepared an Environmental Assessment (EA) on the effects of the proposed issuance of the permit. This notice advises the public that the application, HCP, IA, and EA are available for review.

DATES: Written comments should be received on or before May 11, 1995.

ADDRESSES: Comments should be addressed to Mr. Gail Kobetich, Field Supervisor, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. Comments may be sent by facsimile to (619) 431-9618. Please refer to permit No. PRT-799348 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Dawes, Biologist, at the above address, or telephone (619) 431-9440. Individuals wishing copies of the application and documents for review

should immediately contact the above office. Documents also will be available for public inspection, by appointment, during normal business hours (8:00 a.m. to 4:30 p.m.) at the above address.

SUPPLEMENTARY INFORMATION: Under section 9 of the Act and its implementing regulations, "taking" of the coastal California gnatcatcher, a threatened species, is prohibited. Under limited circumstances, however, the Service may issue permits to take threatened wildlife species if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened species are in 50 CFR 17.32.

The applicants desire a permit to incidentally take 2 pairs of California gnatcatchers and approximately 17 acres of coastal sage scrub, disturbed coastal sage scrub, coastal bluff scrub, and disturbed coastal bluff scrub within a 261-acre project area. The applicants also desire unlisted species agreements for the coastal cactus wren (*Campylorhynchus brunneicapillus cousei*) and 6 sensitive plant species: ophanisma (*Aphanisma blitoides*), ocean locoweed (*Astragalus trichopodus* var. *trichopodus*), south coast saltscale (*Atriplex pacifica*), Catalina mariposa lily (*Calochortus catalinae*), seaside calandrinia (*Calandrinia maritima*), and bright green dudleya (*Dudleya vires*). Should these species be listed as threatened or endangered, the applicants will submit the HCP and IA in support of a permit amendment.

The proposed action includes 79 single family homes and an 18-hole public golf course. Measures to minimize and mitigate impacts include phased grading, revegetation, conservation easements, a coastal bluff/open-space preserve, removal of non-native plants, cowbird and predator trapping, and perpetual funding for habitat management.

The EA considers the environmental effects of the proposed action and 2 alternatives: a reduced project/reduced HCP alternative, and a no action/no take alternative. The no action and reduced project alternatives were not selected because neither provide the substantial long-term conservation benefits to the gnatcatcher and other candidate and sensitive species that would be provided under the proposed action.

The proposed action would result in a net gain of 61.4 acres of coastal sage scrub (29.7 acres on-site, 31.7 acres off-site) and 2.9 acres of coastal bluff (on-site) in dedicated preserves. Under the proposed action, the enhancement and permanent protection of coastal sage scrub habitat would provide substantial

long-term conservation benefits to the gnatcatcher. The proposed action also would provide substantial permanent conservation benefits to the cactus wren and 6 sensitive plant species, 3 of which are Federal category 2 candidates for listing.

Dated: April 5, 1995.

David L. McMullen,

Deputy Regional Director, Region 1, Portland, Oregon.

[FR Doc. 95-8820 Filed 4-10-95; 8:45 am]

BILLING CODE 4310-55-P

Fish and Wildlife Service

Endangered and Threatened Species Permits

AGENCY: Fish and Wildlife, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that Region 1 of the U.S. Fish and Wildlife Service has issued the following permits, between October 1, 1994 and March 31, 1995, for incidental take of threatened or endangered species from applications duly received according to section 10 of the Endangered Species Act of 1973, as amended (Act). Each permit listed as issued was granted only after it was determined to be applied for in good faith, and that it was consistent with the Act and applicable regulations.

Name	Permit No.	Issuance date
Nye County	776604	2/13/95
Weyerhaeuser Company	796822	2/14/95
Coast Range Conifers	791930	3/22/95
John Laing Properties, Inc.	788945	3/22/95

FOR FURTHER INFORMATION CONTACT: Chief, Division of Consultation and Conservation Planning, U.S. Fish and Wildlife Service, 911 NE 11th Avenue, Portland, Oregon 97232-4181 (503-231-6241). Please refer to the permit number listed above when requesting information.

Dated: April 5, 1995.

David L. McMullen,

Deputy Regional Director, Region 1, Portland, Oregon.

[FR Doc. 95-8821 Filed 4-10-95; 8:45 am]

BILLING CODE 4310-55-P

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 1, 1995. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127. Written comments should be submitted by April 26, 1995.

Carol D. Shull,

Chief of Registration, National Register.

DISTRICT OF COLUMBIA

District of Columbia State Equivalent

*Central National Bank
(Banks and Financial Institutions of
Washington, DC, MPS),
633 Pennsylvania Ave., NW.,
Washington, 95000526
Holmead, Anthony, Archeological Site,
Address Restricted,
Washington, 95000527
Studio House
2306 Massachusetts Ave., NW.,
Washington, 95000528*

FLORIDA

Lee County

*Olga School
(Lee County MPS),
S. Olga Rd.,
Olga, 95000509*

GEORGIA

Lumpkin County

*Hawkins Street Historic District,
Roughly, Hawkins St. from Church St. to N.
Meaders St., including adjacent parts of
Water, N. Chestatee and N. Park Sts.,
Dahlonega, 95000504*

IDAHO

Gem County

*Oregon Short Line Railway Depot,
119 N. Commercial Ave.,
Emmett, 95000506*

Power County

*Bethany Deaconess Hospital,
500 Pocatello Highway Ave.,
American Falls, 95000507*

Teton County

*Victor Railroad Depot,
70 Depot St.,
Victor, 95000508*

KANSAS

Butler County

*Douglas Township Community Building,
206 S. Forest,
Douglass, 95000512*

Jewell County

Jewell County Jail,
Jct. of Center and Madison, NE corner,
Mankato, 95000511

NEW YORK**Monroe County**

Tinker Cobblestone Farmstead
(*Cobblestone Architecture of New York State*
MPS),
1585 Calkins Rd.,
Henrietta, 95000502

PENNSYLVANIA**Blair County**

Williamsburg Historic District,
Approximately 30 square blocks centered
around Second and High Sts.,
Williamsburg, 95000518

Cambria County

Buck, A. W., House, 615 N. Center St.,
Edensburg, 95000521
Minersville Historic District, Roughly, along
Connelly Ave., Honan Ave., Garvey Pl. and
Iron St., Johnstown and West Taylor
Townships, Johnstown, 95000522
Revloc Historic District (Bituminous Coal and
Coke Resources of Pennsylvania MPS)
Roughly bounded by Highland Ave.,
Fourth St., Penn Ave. and Eighth St.,
Cambria Township, Revloc, 95000520

Centre County

College Heights Historic District, Roughly
bounded by Holmes St., Park Ave., Ridge
Ave., Sunset Rd., Hillcrest Ave., Woodland
Dr. and Mitchell Ave., State College,
95000514
Holmes-Foster—Highlands Historic District,
Roughly bounded by Buckhout St.,
Railroad and Highland Aves., High and
Keller Sts., and Irvin and Prospect Aves.,
State College, 95000513

Chester County

Parkesburg School, 360 Strasburg Ave.,
Parkesburg, 95000524
Worth—Jeffens Rural Historic District,
Roughly, along Lucky Hill, N. Wawaset,
Allerton and Creek Rds., East and West
Bradford Townships., Marshallton,
95000523

Schuylkill County

Patterson, Burd, House, 803 Mahantongo St.,
Pottsville, 95000515
St. Paul's Union Church and Cemetery, Jct.
of T-798 and PA 4037, SW corner, about
1 mi. E of Ringtown, Union Township,
Ringtown, 95000516

Westmoreland County

Vandergrift Historic District, Roughly
bounded by Lincoln, Sherman, Franklin
and Washington Aves., along the outer lot
lines. Vandergrift, 95000525

York County

Eichelberger High School 195 Stock St.,
Hanover, 95000517

TEXAS**Jeff Davis County**

Phantom Lake Spring Site, Address
Restricted, Toyahvale vicinity, 95000501

Washington County

Reue—Eickenhorst House, FM Hwy. 2621,
0.5 mi. E of jct. with TX 50, Brenham
vicinity, 95000519

WISCONSIN**Ashland County**

Memorial Hall, 1511 Ellis Ave., Ashland,
95000503

Columbia County

Portage Retail Historic District, Roughly,
Cook from Wisconsin to Main, Wisconsin
from Cook to Edgewater and DeWith from
Conant to Edgewater, Portage, 95000510

Iowa County

Plum Grove Primitive Methodist Church, Co.
Rd. BB, 0.7 mi. S of jct. with US 18/151.
Ridgeway, 95000505

[FR Doc. 95-8893 Filed 4-10-95; 8:45 am]

BILLING CODE 4310-70-M

**INTERNATIONAL TRADE
COMMISSION****Investigation No. 731-TA-730 (Preliminary)****Certain Light-Walled Rectangular Pipe
and Tube From Mexico**

AGENCY: International Trade
Commission.

ACTION: Institution and scheduling of a
preliminary antidumping investigation.

SUMMARY: The Commission hereby gives
notice of the institution of preliminary
antidumping investigation No. 731-TA-
730 (Preliminary) under section 733(a)
of the Tariff Act of 1930, as amended by
Section 212(b) of the Uruguay Round
Agreements Act (URAA), Pub. L. 103-
465, 108 Stat. 4809 (1994) (19 U.S.C.
§ 1673b(a)) to determine whether there
is a reasonable indication that an
industry in the United States is
materially injured, or is threatened with
material injury, or the establishment of
an industry in the United States is
materially retarded, by reason of
imports from Mexico of certain light-
walled rectangular pipe and tube,¹
provided for in subheading 7306.60.50
of the Harmonized Tariff Schedule of
the United States, that are alleged to be
sold in the United States at less than fair
value. The Commission must complete
preliminary antidumping investigations
in 45 days, or in this case by May 15,
1995. The Commission's views are due
at the Department of Commerce within
5 business days thereafter, or by May 22,
1995.

For further information concerning
the conduct of this investigation and

¹ The subject products are welded pipes and
tubes of nonalloy steel, having a wall thickness of
less than 4 millimeters, of rectangular (including
square) cross section.

rules of general application, consult the
Commission's Rules of Practice and
Procedure, part 201, subparts A through
E (19 CFR part 201), and part 207,
subparts A and B (19 CFR part 207).

EFFECTIVE DATE: March 31, 1995.

FOR FURTHER INFORMATION CONTACT: Jim
McClure (202-205-3191), Office of
Investigations, U.S. International Trade
Commission, 500 E Street SW.,
Washington, DC 20436. Hearing-
impaired persons can obtain
information on this matter by contacting
the Commission's TDD terminal on 202-
205-1810. Persons with mobility
impairments who will need special
assistance in gaining access to the
Commission should contact the Office
of the Secretary at 202-205-2000.
Information can also be obtained by
calling the Office of Investigations' remote
bulletin board system for
personal computers at 202-205-1895
(N,8,1).

SUPPLEMENTARY INFORMATION:**Background**

This investigation is being instituted
in response to a petition filed on March
31, 1995, by Southwestern Pipe, Inc.,
Houston, TX.

**Participation in the Investigation and
Public Service List**

Persons (other than petitioners)
wishing to participate in the
investigation as parties must file an
entry of appearance with the Secretary
to the Commission, as provided in
§§ 201.11 and 207.10 of the
Commission's rules, not later than seven
(7) days after publication of this notice
in the **Federal Register**. The Secretary
will prepare a public service list
containing the names and addresses of
all persons, or their representatives,
who are parties to this investigation
upon the expiration of the period for
filing entries of appearance.

**Limited Disclosure of business
Proprietary Information (BPI) Under an
Administrative Protective Order (APO)
and BPI Service List**

Pursuant to §§ 207.7(a) of the
Commission's rules, the Secretary will
make BPI gathered in this preliminary
investigation available to authorized
applicants under the APO issued in the
investigation, provided that the
application is made not later than seven
(7) days after the publication of this
notice in the **Federal Register**. A
separate service list will be maintained
by the Secretary for those parties
authorized to receive BPI under the
APO.

Conference

The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on April 21, 1995, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Jim McClure (202-205-3191) not later than April 18, 1995, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written Submissions

As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before April 26, 1995, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three (3) days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII, as amended by the URAA. This notice is published pursuant to § 207.12 of the Commission's rules.

Issued: April 6, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95-8941 Filed 4-10-95; 8:45 am]

BILLING CODE 7020-02-P

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32632]

Everett Railroad Company—Trackage Rights Exemption—Hollidaysburg and Roaring Spring Railroad Company

Hollidaysburg and Roaring Spring Railroad Company (HRS) has agreed to grant overhead trackage rights to Everett Railroad Company (Everett) over approximately 10.2 miles of rail line from milepost 8.0 at Hollidaysburg, PA, to milepost 18.2 at Roaring Spring, PA.¹ The trackage rights were to become effective on March 31, 1995.²

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on Robert A. Wimbish, Rea, Cross & Auchincloss, 1920 N Street, N.W., Suite 420, Washington, D.C. 20036.

As a condition to the use of this exemption, any employees affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: April 4, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95-8867 Filed 4-10-95; 8:45 am]

BILLING CODE 7035-01-P

¹ HRS has simultaneously filed a notice of exemption under 49 CFR 1150.31 to purchase and operate the line in question from Consolidated Rail Corporation (Conrail). See *Hollidaysburg and Roaring Spring Railroad Company—Acquisition and Operation Exemption—Consolidated Rail Corporation*, Finance Docket No. 32633. Alan W. Maples, the controlling stockholder of both HRS and Everett, has filed a related petition for exemption for the continuance in control of HRS upon its beginning operations as a carrier and has established a voting trust pending approval of the petition by the Commission. See *Alan W. Maples—Continuance in Control Exemption—Hollidaysburg and Roaring Spring Railroad Company*, Finance Docket No. 32631.

² The proposed consummation date is contingent on HRS acquiring the line from Conrail in Finance Docket No. 32633, which Everett states is "on or before March 31, 1995" (emphasis added). Under 49 CFR 1180.4(g)(1), consummation should not have occurred before March 28, 1995.

[Finance Docket No. 32633]

Hollidaysburg and Roaring Spring Railroad Company—Acquisition and Operation Exemption—Consolidated Rail Corporation

Hollidaysburg and Roaring Spring Railroad Company (HRS), a noncarrier, has filed a notice of exemption to acquire and operate approximately 10.2 miles of rail line (a portion of the Cove Running Track) owned by Consolidated Rail Corporation, extending from milepost 8.0 at Hollidaysburg, PA, to milepost 18.2 at Roaring Spring, PA.

This proceeding is related to *Alan W. Maples—Continuance in Control Exemption—Hollidaysburg and Roaring Spring Railroad Company*, Finance Docket No. 32631, wherein Alan W. Maples has concurrently filed a petition for exemption to continue control of HRS when it becomes a rail carrier upon consummation of the transactions described in this notice.¹ Also, related to this proceeding is *Everett Railroad Company—Trackage Rights Exemption—Hollidaysburg and Roaring Spring Railroad Company*, Finance Docket No. 32632, wherein HRS has agreed to grant overhead trackage rights to Everett Railroad Company once it acquires the line in question.

Any comments must be filed with the Commission and served on Robert A. Wimbish, Rea, Cross & Auchincloss, 1920 N Street, N.W., Suite 420, Washington, D.C. 20036.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: April 4, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95-8866 Filed 4-10-95; 8:45 am]

BILLING CODE 7035-01-P

¹ Alan W. Maples, the controlling stockholder of HRS, does not qualify for a class exemption under 49 CFR 1180.2(d)(2) because of his controlling ownership of two connecting carriers (HRS and Everett Railroad Company). Mr. Maples has established a voting trust to insulate himself from unauthorized acquisition of control of HRS until the petition for exemption for control is acted upon.

[Docket No. AB-290 (Sub-No. 158X)]

**Norfolk Southern Railway Company—
Abandonment Exemption—in Elberton,
GA**

Norfolk Southern Railway Company (NS) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon 1.9 miles of its line of railroad, between milepost P-48.5 and milepost P-50.4, in Elberton, GA.

NS has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over the line for at least 2 years; (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 May 11, 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 21, 1995. Petitions to reopen or requests for

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 the 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.

public use conditions under 49 CFR 1152.28 must be filed by May 1, 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: James R. Paschall, Three Commercial Place, Norfolk, VA 23510.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

NS 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 April 14, 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: April 5, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 95-8868 Filed 4-10-95; 8:45 am]

BILLING CODE 7035-01-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Judgment by Consent Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on March 24, 1995, a proposed consent decree in *United States v. Brentwood Industries, Inc.*, Civil Action No. 95-1731, was lodged on March 24, 1995 with the United States District Court for the Eastern District of Pennsylvania.

The proposed consent decree will resolve the United States' claims for violations of Section 113(b) of the Clean Air Act as amended, 42 U.S.C. § 7413(b), due to Brentwood's failure to apply for new source review permits as required by the Pennsylvania State Implementation Plan ("SIP"). 25 Pa. Code § 127.11 *et seq.* This action and settlement also arise from the failure of Brentwood to comply with the Emergency Planning and Community

Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045(c)(1) and regulations promulgated pursuant thereto.

The Department of Justice will receive comments relating to the proposed consent decree with Brentwood Industries, Inc., for a period of thirty (30) days from the date of this publication. Comments on the decree should be addressed to the Assistant Attorney General, Environment & Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States v. Brentwood Industries, Inc.*, Civil Action No. 95-1731, DOJ reference No. 90-5-2-1-1918.

A copy of the proposed consent decree may be examined at the Office of the United States Attorney, Eastern District of Pennsylvania, 615 Chestnut St., Philadelphia, Pa.; the Region III office of the Environmental Protection Agency, 841 Chestnut Street, Philadelphia, Pa.; and the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202-624-0892). A copy of the proposed decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. When requesting a copy of the proposed consent decree, please enclose a check in the amount of \$4.50 (twenty-five cents per page reproduction costs) payable to the "Consent Decree Library."

Joel Gross,

*Acting Chief, Environmental Enforcement
Section, Environment & Natural Resources
Division.*

[FR Doc. 95-8813 Filed 4-10-95; 8:45 am]

BILLING CODE 4410-01-M

Notice of Prospective Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Department of Justice Policy, 28 C.F.R. § 50.7, notice is hereby given that the Department of Justice is receiving comments on a proposed prospective purchaser agreement between the United States and G.L. Bryan Investments, Inc., with respect to the Chemical Sales Property in Denver, Colorado. The Chemical Sales Property is part of the larger Chemical Sales Superfund Site. Bryan Investments is a Colorado corporation in good standing, with its principal place of business in Denver, Colorado. The State of Colorado is also a party to the Agreement.

Under the proposed prospective purchaser agreement, Bryan Investments has made the following commitments: (1) Pay \$100,000 in cash upon obtaining title to the Chemical Sales Property; (2) perform a removal action with respect to all chemicals located above ground at the Chemical Sales Property; and (3) investigate the status of certain underground storage tanks at the Chemical Sales Property and remediate any contamination emanating from those tanks. In exchange, the United States and the State will provide a covenant not to sue to Bryan under the Comprehensive Environmental, Response, Compensation, and Liability Act for existing contamination at the Chemical Sales Property. The covenant not to sue is subject to Bryan's full compliance with the proposed Agreement.

The Department of Justice will receive written comments relating to the proposed Agreement for thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Chemical Sales Co., et al.*, D.J. Ref. No. 90-11-2-748B.

The proposed Agreement and exhibits may be examined at the following locations: the Region 8 Office of EPA, 999 18th Street, Suite 500, Denver, Colorado.

A copy of the proposed Agreement (if requested) may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. In requesting copies, please enclose a check in the amount of \$12.00 (25 cents per page reproduction cost) payable to the "Consent Decree Library."

Joel M. Gross,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 95-8809 Filed 4-10-95; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Department of Justice Policy, 28 CFR 50.7, notice is hereby given that on March 29, 1995, a proposed consent decree was lodged with the United States District Court for the District of Colorado in *United States v. Chemical Sales Company, et al.*, CA No. 94-M-2876. The proposed consent

decree settles claims asserted by the United States, at the request of the United States Environmental Protection Agency (EPA) and the United States Department of the Army, and by the State of Idaho for releases and threatened releases of hazardous substances at the Chemical Sales Superfund Site near Denver, Colorado. The persons and entities named as defendants are Chemical Sales Company, Inc.; Bernard Katz, individually, as a general partner of M.K. Partners, as personal representative of the Estate of Eunice Katz, as an acting trustee of the Bernard P. Katz Children's Trust; Daniel Katz, individually, as a general partner of M.K. Partners, as personal representative of the Estate of Moses Katz, and as an acting trustee of the Daniel I. Katz Trust; Myrna Kesselman; M.K. Partners; the Bank of Cherry Creek, as trustee of the Moses and Eunice Katz Trusts; and Lois Alterman, as an acting trustee for the Bernard P. Katz Children's Trust.

In the complaint, the United States asserted claims pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. 9607(a), the Federal Priorities Act, 31 U.S.C. 3713, and the Federal Debt Collection Procedure Act, 28 U.S.C. 3301, for recovery of costs that have been and will be incurred in response of releases and threatened releases of hazardous substances at the Chemical Sales Superfund Site near Denver, Colorado. The State of Colorado asserted a claim for recovery of costs pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a) and applicable State law theories.

Under the proposed Consent Decree, the Defendants have made the following commitments: (1) Pay \$1.125 million in cash, representing the proceeds of an insurance settlement between Chemical Sales Company and certain of its insurers; (2) pay up to \$1 million from various Katz family trusts and estates; (3) and transfer their interests in the Chemical Sales Property to G.L. Bryan Investments, Inc., pursuant to a prospective purchaser agreement between the United States and Bryan. In exchange, the United States and the State will provide a covenant not to sue to the Defendants (except defendant Bernard Katz) without the usual reopeners.

In exchange for the commitments made by the settling Defendants in the consent decree, the United States and the State of Colorado have agreed to provide the Defendants (except

defendant Bernard Katz) with a complete covenant not to sue without normal reopener provisions for the Site.

The Department of Justice will receive written comments relating to the proposed Consent Decree for thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Chemical Sales Co., et al.*, D.J. Ref. No. 90-11-2-748A.

The proposed Consent Decree and exhibits may be examined at the following locations: the Region 8 Office of EPA, 999 18th Street, Suite 500, Denver, Colorado. The complete Administrative Record for the Chemical Sales Superfund Site may be reviewed at the same location.

A copy of the Consent Decree and exhibits (if requested) may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. In requesting copies, please enclose a check in the amount of \$12.00 (25 cents per page reproduction cost) payable to the "Consent Decree Library."

Joel M. Gross,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 95-8810 Filed 4-10-95; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Partial Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that a proposed Partial Consent Decree in *United States v. Kenneth L. Thomas et al.*, Civil Action No. 93-4098-JLF (S.D. Ill.) entered into by the United States and defendant Kenneth L. Thomas, was lodged on March 28, 1995, with the United States District Court for the Southern District of Illinois. The proposed Partial Consent Decree resolves certain claims of the United States under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9607, with respect to the M.T. Richards, Inc. Site ("Site") in Crossville, Illinois. Under terms of the Partial Consent Decree, Kenneth L. Thomas will pay the United States \$25,000, plus interest, as specified in the Partial Consent Decree in return for the government's

covenant not to sue Mr. Thomas for past costs incurred at the Site.

The Department of Justice will receive comments relating to the proposed Partial Consent Decree for 30 days following publication of this Notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044-7611, and should refer to *United States v. Kenneth L. Thomas et al.*, D.J. Ref. No. 90-11-3-1112. The proposed Partial Consent Decree may be examined at the Office of the United States Attorney for the Southern District of Illinois, IL-S USA, Suite 300, 9 Executive Drive, Fairview Heights, Illinois 62208; the Region V Office of the United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, DC 20005, telephone no. (202) 624-0892. A copy of the proposed Partial Consent Decree may be obtained in person or by person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of \$5.25 (25 cents per page for reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 95-8811 Filed 4-10-95; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act

Notice is hereby given that on March 24, 1995, a proposed consent decree was lodged with the United States District Court for the District of Idaho in *United States v. Union Pacific Railroad Company, et al.*, Action No. CIV 95-0152-E-HLR. The proposed consent decree settles claims asserted by the United States at the request of the United States Environmental Protection Agency (EPA) and by the State of Idaho for releases of hazardous substances at the twenty-one square mile Bunker Hill Superfund Site in northern Idaho. The companies named as defendants are Union Pacific Railroad Company; and Stauffer Management Company and

Rhone-Poulenc, Inc. (collectively, the "Stauffer Entities").

In the complaint, the United States asserted claims against each of the defendants pursuant to Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. 9606 and 9607(a), and Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6973 (RCRA), for injunctive relief to abate an imminent and substantial endangerment to public health or welfare or the environment due to the release or threatened release of hazardous substances at the Bunker Hill Superfund Site in Shoshone County, Idaho. The United States also sought recovery of costs that have been and will be incurred in response to releases and threatened releases of hazardous substances at and from the Bunker Hill Superfund Site. The State of Idaho asserted a claim for recovery of costs pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), against each of the defendants.

Under the proposed Consent Decree, the Stauffer Entities have made the following commitments: (1) The Stauffer Entities will remediate the A-4 gypsum pond, a gypsum waste pile within the Site. (2) the Stauffer Entities will pay \$850,000 to the United States towards the demolition and remediation of the phosphate fertilizer plant with the Bunker Hill industrial complex. EPA will perform the work. (3) The Stauffer Entities will pay \$150,000 towards the Institutional Control Program costs at the Site. (4) The Stauffer Entities will pay an additional \$500,000 to the United States and an additional \$500,000 to the State of Idaho.

Union Pacific has made the following commitments under the Consent Decree: (1) Union Pacific will perform the remedial action for the entire seven mile right-of-way through the Site. (2) Union Pacific will pay the cost of disposal of principal threat waste materials removed from the right-of-way, and it will pay for the cost of disposal of any materials removed from the right-of-way subsequent to certification of remediation of the right-of-way. (3) Union Pacific will pay \$150,000 towards the Institutional Control Program costs at the Site. (4) Union Pacific will pay an additional \$500,000 to the United States and an additional \$500,000 to the State of Idaho as a premium for the covenant not to sue that UP is obtaining under the decree.

The Stauffer Entities and Union Pacific will also pay "future response costs" incurred by EPA and the State of

Idaho as that term is defined in the decree.

In exchange for the commitments made by the settling defendants in the consent decree, the United States and the State will provide settling defendants with covenants not to sue as set forth in the consent decree.

The Department of Justice will receive written comments relating to the proposed Consent Decree for thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Union Pacific Railroad Co., et al.*, D.J. Ref. No. 90-11-3-128I. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA.

The proposed Consent Decree and exhibits may be examined at the following locations: The Region 10 Office of EPA, 7th Floor Records Center, 1200 Sixth Avenue, Seattle, WA 98101; the Kellogg Public Library, 16 West Market, Kellogg, ID 83837; the Kellogg City Hall, 323 Main Street, Kellogg, ID 83837; the Smelterville City Hall, Smelterville, ID 83868; and the Pinehurst/Kingston Library, Pinehurst, ID 83850. The complete Administrative Record for the Bunker Hill Superfund Site may be reviewed at the EPA Region 10 office in Seattle and at the Kellogg Public Library.

A copy of the Consent Decree and exhibits (if requested) may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. In requesting copies, please enclose a check in the amount of \$26.50 (without exhibits) or \$202.75 (with exhibits) (25 cents per page reproduction cost) payable to the "Consent Decree Library."

Joel Gross,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 95-8812 Filed 4-10-95; 8:45 am]

BILLING CODE 4410-01-M

LIBRARY OF CONGRESS

Copyright Office

[Docket No. RM 94-4]

Cable Compulsory License: Specialty Station List

AGENCY: Copyright Office, Library of Congress.

ACTION: Extension of filing period.

SUMMARY: The Copyright Office is extending the filing period in Docket RM 94-4 (Specialty Station List) to accommodate parties who were unable to file within the time period originally set for compiling a new specialty station list. See 60 FR 4639 (January 24, 1995). The former deadline was March 27, 1995. The new deadline is April 24, 1995.

DATES: Filings should be received by April 24, 1995.

ADDRESSES: By mail: Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20023. By hand: Office of the General Counsel, U.S. Copyright Office, James Madison Memorial Building, Room 407, First and Independence Avenue, S.E.

FOR FURTHER INFORMATION CONTACT:

Marilyn J. Kretsinger, Acting General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone (202) 707-8380, Telefax (202) 707-8366.

SUPPLEMENTARY INFORMATION: Specialty station status is significant in the administration of the cable compulsory license, 17 USC 111. The Copyright Office announced in 1990 that it will create a new, up-to-date list of specialty stations at approximately three year intervals so that broadcasters and cable operators may plan their transmission arrangements. See 60 FR 4639 (January 24, 1995). We have discovered that many station owners either were not aware of the filing deadline in this proceeding or were not aware that the creation of a new list required filing an affidavit verifying specialty station status by each station that wants to be on the new list. Therefore, we are extending the deadline for filing such affidavits from March 27, 1995, until April 24, 1995. After that date the Office will publish a list of every station that submitted an affidavit seeking comment as to whether or not the listed stations meet the requirements for specialty station status set forth in former FCC regulations at 47 CFR 76.5 (kk)(1981). Finally, we will publish a new specialty station list for purposes of administering 17 USC 111.

Dated: April 7, 1995.

Marybeth Peters,

Register of Copyrights.

[FR Doc. 95-9017 Filed 4-10-95; 8:45 am]

BILLING CODE 1410-03-M

NATIONAL SCIENCE FOUNDATION

Collection of Information Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting an expedited notice of information collection that will affect the public. Interested persons are invited to submit comments by April 18, 1995. Copies of materials may be obtained at the NSF address or telephone number shown below.

(A) *Agency Clearance Officer.* Herman G. Fleming, Division of Contracts, Policy, and Oversight, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, or by telephone (703) 306-1243.

Comments may also be submitted to:

(B) *OMB Desk Officer.* Office of Information and Regulatory Affairs, ATTN: Jonathan Winer, Desk Officer, OMB, 722 Jackson Place, Room 3208, NEOB, Washington, DC 20503.

Title: NSF Surveys to Measure Customer Service Satisfaction.

Affected Public: Individuals, state or local governments, non-profit institutions, small businesses or organizations.

Respondents/Reporting Burden: 1,000 respondents; average 30 minutes per response.

Abstract: Executive Order 12862 requires that agencies survey customers to determine the kind and quality of services. Questionnaires will be sent to university-based customer community (predominately) to get perceptions of the quality and kind of our grant-making services. Information received will help us identify growth areas for improvement.

Dated: April 6, 1995.

Herman G. Fleming,

Reports Clearance Officer.

[FR Doc. 95-8895 Filed 4-10-95; 8:45 am]

BILLING CODE 7555-01-M

Task Force on the Future of the NSF Supercomputer Centers Program, Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Task Force on the Future of the NSF Supercomputer Centers Program (#1982)

Date and Time: April 27, 1995 1:00-8:00 pm, April 28, 1995 8:00 am-3:00 pm

Place: NSF, 4201 Wilson Blvd., Arlington, VA (tentatively scheduled for Rm. 375)

Type of Meeting: Open.

Contact Person: Dr. Robert Borchers, Director, Division of Advanced Scientific Computing, Directorate for Computer and Information Science and Engineering, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, 703/306-1970.

Minutes: May be obtained from the contact person listed above.

Meeting Purpose: The objective of the Task Force is to advise the NSF on the future of its Supercomputing Centers Program considering the changing nature of computing and information science and technology. Its scope will be limited to NSF's support for advanced computational science. This meeting is to seek advice and testimony from representatives of the supercomputer industry, academic leaders in High Performance Computing, representative users of the NSF Supercomputing Centers and some principal investigators of Grand Challenge Projects. The Task force will continue its discussions on the principles to be used in evaluating the options of future programs, and hear reports on visits of members to the four existing Supercomputer Centers.

Agenda

April 27, 1995 (1:00 to 8:00 pm)

1:00-5:00 Advice and testimony from members of the High Performance Computing Community.

6:00-8:00 Working Dinner—Subcommittee Reports

April 28, 1995 (8:00 am to 3:00 pm)

8:00-9:00 Assemble, Continental Breakfast
9:00-11:00 Advice and testimony from members of the High Performance Computing Community.

11:00-12:00 Subcommittee meetings

12:00-1:00 Working Lunch

1:00-2:00 Subcommittee Meetings, Center Inspection reports

2:00-3:00 Recap, review assignments, set next meeting agenda

Dated: April 5, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95-8818 Filed 4-10-95; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Graduate Education and Research Development; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Graduate Education and Research Development.

Date and Time: April 25-27, 1995; 8:30 a.m.-5:00 p.m.

Place: St. James Hotel, 950 24th St., NW., Board Room, Washington, DC 20037.

Type of Meeting: Closed.

Contact Person: Carolyn Lyons Piper, Asst. Program Director, 4201 Wilson Blvd. Room

907, Arlington, VA 22230, Telephone: 306-1696.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NATO Postdoctoral Fellowship Program (NATO).

Agenda: Review and Evaluate NATO proposals.

Reasons for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Reasons for Late Notice: Complications with meeting logistics.

Dated: April 5, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95-8817 Filed 4-10-95; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Two Public Forums for Alaskan Air Safety Study

As part of a special study of aviation safety in Alaska, the National Transportation Safety Board will convene two public forums. The forums will be held in Juneau, Alaska, on May 22, 1995, at the Westmark Baranof Hotel, 127 North Franklin St., and in Anchorage, Alaska, on May 24 and 25, at the Sheraton Anchorage Hotel, 401 East Sixth Avenue. For more information, contact Mike Benson, Office of Public Affairs, Washington, D.C. 20594, telephone (202) 382-0660.

Dated: April 5, 1995.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 95-8771 Filed 4-10-95; 8:45 am]

BILLING CODE 7533-01-P

NUCLEAR REGULATORY COMMISSION

Announcement of the NRC's Intent To Reduce the Scope of Work to States Under Contract to the NRC To Perform Environmental Monitoring in the Environs of Selected NRC Licensed Facilities

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Opportunity for Public Comment.

SUMMARY: The Nuclear Regulation Commission (NRC) is issuing an

announcement of its intent to reduce the scope of work for contracts with States which perform environmental monitoring in the environs of selected NRC licensed facilities. The NRC is seeking comment from interested parties regarding the proposed contract action discussed in the announcement presented in the appendix to this document. The NRC will consider comments received from interested parties in the final evaluation of the proposed contract action.

DATES: Comment period expires May 26, 1995. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: Submit written comments to Chief, Rules Review and Directives Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Written comments may also be delivered to 11545 Rockville Pike, Rockville, Maryland, from 7:30 am to 4:15 pm, Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Stephen Klementowicz, (301) 415-1084.

SUPPLEMENTARY INFORMATION: Announcement of the NRC's intent to reduce the scope of work to States under contract to the NRC to perform environmental monitoring in the environs of selected NRC licensed facilities appears in the appendix to this document.

Dated at Rockville, Maryland, this 5th day of April 1995.

For the Nuclear Regulatory Commission.

Charles L. Miller,

Chief, Emergency Preparedness and Radiation Protection Branch, Division of Technical Support, Office of Nuclear Reactor Regulation.

Appendix—Announcement of the NRC's Intent to Reduce the Scope of Work to States Under Contract to the NRC To Perform Environmental Monitoring in the Environs of Selected NRC Licensed Facilities

The Nuclear Regulatory Commission is soliciting comments on its plan to reduce the scope of work for the Cooperative Agreement program under which States are paid to conduct radiological environmental monitoring in the environs of selected nuclear facilities. The NRC plans to eliminate the scope of work in 1996 for the part of the program under which States obtain and analyze environmental samples. However, the NRC plans to continue the part of the program under which States participate in the NRC's direct radiation monitoring network. This reduction in the scope of work of the program directly affects 27 States. The

elimination of the environmental monitoring portion of the program will not have an impact on public health and safety and does not represent a reduction in plant safety.

The State Cooperative Agreement Program was established in the 1970s to provide NRC assistance to State radiological health programs, through the use of NRC-funded contracts, to perform measurements of radioactive material released into the environment from NRC-licensed facilities. The States issue an annual report to the NRC of all analyses they perform with comparisons of similar analyses performed by the respective nuclear facility. The NRC uses this data as a supplemental tool in assessing the performance of environmental monitoring programs conducted by nuclear power plants. The contracts for environmental monitoring were intended as a means to assist States with nuclear facilities to develop their own environmental monitoring programs, but not to fully fund them.

NRC-licensed facilities are under strict NRC requirements to monitor and control the release of radioactive materials to the air, water and ground around their facilities. The NRC inspects and reviews licensee conformance with the requirements on a routine basis.

In addition to the environmental monitoring portion of the program, which will cost \$1 million for 1995, the NRC has a provision in the contract, which will continue to remain, for the States to participate in the NRC's direct radiation monitoring network. The network provides continuous measurement of the ambient radiation levels around selected nuclear facilities by using small devices called thermoluminescent dosimeters (TLDs). The cost of this program for 1995 is \$195,000.

The environmental monitoring portion of the program was specifically chosen for elimination because of the excellent record maintained by NRC-licensed facilities in controlling the release of radiological effluents into the environment within regulatory limits. In addition, the elimination of the data supplied by the States will not adversely affect NRC's ability to effectively monitor and regulate NRC licensees in this area.

The NRC recognizes the excellent service and cooperation the States have provided under this program. However, the need to constantly examine and adjust programs to ensure that public health and safety is protected in the most cost-effective manner has necessitated the reduction in this program.

[FR Doc. 95-8871 Filed 4-10-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-306]

Northern States Power Company; Prairie Island Nuclear Generating Plant, Unit 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is

considering issuance of an exemption from Facility Operating License No. DPR-60, issued to Northern States Power Company, (the licensee), for operation of the Prairie Island Nuclear Generating Plant, Unit 2, located in Goodhue County, Minnesota.

Environmental Assessment

Identification of the Proposed Action

This Environmental Assessment has been prepared to address potential environmental issues related to the licensee's application of February 23 and March 3, 1995. The proposed action would exempt the licensee from the requirements of 10 CFR Part 50, Appendix J, Paragraph III.D.1.(a), to the extent that a one-time interval extension for the Type A test (containment integrated leak rate test) by approximately 24 months from the May 1995 refueling outage to the May 1997 refueling outage would be granted.

The Need for the Proposed Action

The proposed action is needed to permit the licensee to defer the Type A test from the May 1995 refueling outage to the May 1997 refueling outage, thereby saving the cost of performing the test and eliminating the test period from the critical path time of the outage.

Environmental Impact of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the proposed one-time exemption would not increase the probability or consequences of accidents previously analyzed and the proposed one-time exemption would not affect facility radiation levels or facility radiological effluents. The licensee has analyzed the results of previous Type A tests performed at Prairie Island Nuclear Generating Plant, Unit No. 2, to show good containment performance and will continue to be required to conduct the Type B and C local leak rate tests which historically have been shown to be the principal means of detecting containment leakage paths with the Type A tests confirming the Type B and C test results. It is also noted that the licensee, as a condition of the proposed exemption, would perform the visual containment inspection although it is only required by Appendix J to be conducted in conjunction with Type A tests. The NRC staff considers that these inspections, though limited in scope, provide an important added level of confidence in the continued integrity of the containment boundary. The NRC staff also notes that the Prairie Island Nuclear Generating Plant, Unit No. 2,

containment penetration and weld channel pressurization system provides a means for continuously monitoring potential containment leakage paths during power operation. The change will not increase the probability or consequences of accidents, no changes are being made in the types or amounts of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action. The NRC staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Prairie Island Nuclear Generating Plant dated May 1973.

Agencies and Persons Consulted

In accordance with its stated policy, the NRC staff consulted with the Minnesota State official regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letters dated February 23 and March 3, 1995, which are available for public

inspection at the Commission's Public Document Room. The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Dated at Rockville, Maryland, this 5th day of April 1995.

For the Nuclear Regulatory Commission.

Cynthia Carpenter,

Acting Director, Project Directorate III-1, Division of Reactor Projects-III/IV Office of Nuclear Reactor Regulation.

[FR Doc. 95-8844 Filed 4-10-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-275 and 50-323]

Pacific Gas and Electric Company, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from Facility Operating License Nos. DPR-80 and DPR-82, issued to Pacific Gas and Electric Company (the licensee), for operation of Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, located in San Luis Obispo, California.

Environmental Assessment

Identification of the Proposed Action

The proposed action would grant scheduler relief from the Section IV.F.3 of 10 CFR Part 50, Appendix E requirement for a biennial, full-scale emergency preparedness exercise. The action would allow the licensee to postpone its 1995 full-scale exercise until 1996 and subsequently conduct these exercises in even-numbered years.

The proposed action is in accordance with the licensee's application for exemption dated October 17, 1994.

The Need for the Proposed Action

The proposed action is needed to support the State of California's request to reschedule the Diablo Canyon Nuclear Power Plant (DCPP) offsite biennial exercise because currently both nuclear utilities (Pacific Gas and Electric Company and Southern California Edison) conduct their biennial, full-scale exercises in odd-numbered years, which creates a hardship for the State in terms of manpower and finances. The change would allow the State to participate in one exercise each year instead of two exercises every other year.

Environmental Impacts of the Proposed Action

The proposed exemption would not adversely affect the response capabilities of the licensee and governmental agencies. The most recent DCPD offsite exercise was conducted in 1993, and there were no issues identified which required immediate corrective actions. The Federal Emergency Management Agency (FEMA), by letter dated March 2, 1995, informed the NRC that such a schedule change would have no adverse implications on public health and safety. The Commission has completed its evaluation of the proposed action and concludes that the intent of Appendix E, Section IV.F.3 to ensure site emergency preparedness is maintained is met. Therefore, the change will not increase the probability or consequences of accidents, no changes are being made in the types or amounts of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts and would result in a hardship to the State of California. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for Diablo Canyon Nuclear Power Plant, Units Nos. 1 and 2.

Agencies and Persons Consulted

In accordance with its stated policy, on March 27, 1995, the staff consulted with the California State official, Mr. Steve Hsu of the Department of Health Services, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated October 16, 1994, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW, Washington, DC, and at the local public document room located at the California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Rockville, Maryland, this 4th day of April 1995.

For the Nuclear Regulatory Commission,
William H. Bateman,

Director, Project Directorate IV-2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95-8872 Filed 4-10-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341]

Detroit Edison Co.; Notice of Partial Denial of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has partially denied a request by Detroit Edison Company, (license) for an amendment to Facility Operating License No. NPF-43 issued to the licensee for operation of Fermi 2, located in Frenchtown Township, Monroe County, Michigan. Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on August 18, 1993 (58 FR 43925).

The purpose of the licensee's amendment request was to revise the Technical Specifications (TS) to allow use of an updated laboratory testing standard for surveillance testing of representative charcoal samples from the control room emergency filtration system (CREFS) and the standby gas

treatment system. Additionally, the CREFS ACTION STATEMENTS were to be revised to remove restrictions on CORE ALTERATIONS and handling of irradiated fuel in the secondary containment when the CREFS is inoperable under certain conditions.

The NRC staff has concluded that the licensee's request cannot be fully granted. The licensee was notified of the Commission's denial of the proposed change by a letter dated March 31, 1995.

By May 11, 1995, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or 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.

A copy of any petitions should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48266, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendment dated July 29, 1993, as supplemented October 8, 1993, and (2) the Commission's letter to the licensee dated March 31, 1995.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161. A copy of item (2) may be obtained upon written request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Document Control Desk.

Dated at Rockville, Maryland, this 31st day of March 1995.

For the Nuclear Regulatory Commission,

Timothy G. Colburn, Sr.,

Project Manager, Project Directorate III-I, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95-8842 Filed 4-10-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-382]

Entergy Operations Inc.; 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. NFP-38, issued to Entergy Operations Inc. (the licensee), for operation of the Waterford Steam Electric Station, Unit 3, located in St. Charles Parish, Louisiana.

The proposed amendment would remove a footnote tied to MODE 1 of Technical Specification (TS) Limiting Condition for Operation 3.1.1.3, moderator temperature coefficient (MTC). The deleted footnote was only valid for Cycle 2 and its removal is purely administrative. A new footnote is added to surveillance 4.1.1.3.2.c that proposes a one time deviation not to perform the specified two-thirds end-of-cycle (EOC) MTC test for Cycle 7. TS 3.1.1.3 requires that the most negative MTC value for this cycle to be less negative than the Core Operating Limits Report (COLR) specified a value of -3.3×10^{-4} delta k/k°F. Waterford 3 has determined that the most negative MTC value for the current cycle is -2.88×10^{-4} delta k/k°F. The MTC for Waterford 3 Cycle 7 has been determined to be well within the TS limit including applicable uncertainties.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine 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:

Waterford 3 is currently analyzed for a EOC limiting value of -3.3×10^{-4} delta k/k/°F. Under the proposed change, compliance with this TS Limit is assured by supporting data and analysis. The analysis demonstrates that the predicted EOC 7 best estimate MTC value is -2.88×10^{-4} delta k/k/°F. This is a conservative value because it includes a 26 EFPD extension beyond the actual end of full power reactivity. The margin to the TS limit is thus 0.42×10^{-4} delta k/k°F.

The probability and consequences of an accident previously evaluated will not be increased because this change does not modify any assumptions used in the input to the safety analyses. The current safety calculations will remain valid because the allowed range of MTC values will not change. Therefore, the proposed change will not involve any increase in the probability or consequences of any accident previously evaluated.

Plant operation and plant parameter TS limits will remain unchanged. There are no new changes in plant design nor are any new failure modes introduced. Therefore, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

Margin of safety will not be reduced because the range of allowed temperature coefficients will not be changed. The surveillance program consisting of beginning-of-cycle measurements was not affected. Explicit End-of-Cycle 7 MTC predictions have ensured that the MTC is and will remain within the range of specified values. Therefore, the proposed change will not involve any reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 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 15-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 15-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. 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, 11455 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 May 11, 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 University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, LA 70122. 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 a 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 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 the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no

significant hazards consideration. If a hearing is requested, 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 William D. Beckner: 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 N. S. Reynolds, Esq., Winston & Strawn, 1400 L Street, NW., Washington DC 20005-3502, 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 April 4, 1995, as supplemented by letter dated April 5, 1995, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the University of New Orleans

Library, Louisiana Collection, Lakefront, New Orleans, LA 70122.

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

Chandu P. Patel,

Project Manager, Project Directorate IV-1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95-8846 Filed 4-10-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-483]

Union Electric Company (Callaway Plant, Unit 1)

Exemption

I.

Union Electric Company (UE or the licensee) is the holder of Facility Operating License No. NPF-30, which authorizes operation of Callaway Plant, Unit 1 (the facility), at a rated power level not in excess of 3565 megawatts thermal. The facility is a pressurized water reactor located at the licensee's site in Callaway County, Missouri. The license provides among other things, that it is subject to all rules, regulations, and Orders of the U.S. Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect.

II.

Section III.D.1.(a) of Appendix J to 10 CFR Part 50 requires the performance of three Type A containment integrated leakage rate tests (CILRTs), at approximately equal intervals during each 10-year service period. The third test of each set shall be conducted when the plant is shutdown for the 10-year plant inservice inspection.

III.

By letters dated December 9, 1994, and January 27, 1995, UE requested relief from the requirement to perform a set of three Type A tests at approximately equal intervals during each 10-year service period. The requested exemption would permit an interval extension for the third Type A test of approximately 18 months (from the currently scheduled outage, March 1995, until the next planned refueling outage, September 1996). The exemption request would also permit the third Type A test of the first 10-year service period not to correspond with the end of the current American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) 10-year plant inservice inspection interval.

The licensee's request cites the special circumstances of 10 CFR 50.12,

paragraph (a)(2)(ii), as the basis for the exemption. The underlying purpose of the requirement to perform three Type A CILRTs, at approximately equal intervals during each 10-year service period, is to assure that leakage through the primary reactor containment is detected and does not exceed allowable leakage rate values. The licensee has stated that the existing Type B and C local leak rate test (LLRT) programs are not being modified by this request, and will continue to effectively detect containment leakage caused by the degradation of active containment isolation components as well as containment penetrations. It has been the consistent and uniform experience at Callaway during the three Type A tests conducted from 1984 to date, that any significant containment leakage paths are detected by the Type B and C testing. The Type A test results have only been confirmatory of the results of the Type B and C test results. Therefore, consistent with 10 CFR 50.12, paragraph (a)(2)(ii), application of the regulation in this particular circumstance would not serve, nor is it necessary to achieve, the underlying purpose of the rule.

IV.

Section III.D.1.(a) of Appendix J to 10 CFR Part 50 states that a set of three Type A leakage rate tests shall be performed at approximately equal intervals during each 10-year service period.

The licensee proposes an exemption to this section which would provide an interval extension for the Type A test by approximately 18 months. The Commission has determined that pursuant to 10 CFR 50.12(a)(1) this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present justifying the exemption; namely, that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule.

The NRC staff has reviewed the basis and supporting information provided by the licensee in the exemption request. The NRC staff has noted that the licensee has a good record of ensuring a leak-tight containment. All Type A tests were within the acceptance limits. The first Type A test passed with significant margin. The second Type A test confirmed leakage previously identified by Type C testing. The licensee subsequently replaced all containment boundary Essential Service

Water valves with an improved design stainless steel valve. This replacement improved LLRT results by 84% for the affected penetrations. The licensee has noted that the results of the Type A testing have been confirmatory of the Type B and C tests, which are performed biennially, and will continue to be performed. The NRC staff considers that these inspections and system enhancements, though limited in scope, provide an important added level of confidence in the continued integrity of the containment boundary.

The NRC staff has also made use of a draft staff report, NUREG-1493, which provides the technical justification for the present Appendix J rulemaking effort which also includes a 10-year test interval for Type A tests. The integrated leakage rate test, or Type A test, measures overall containment leakage. However, operating experience with all types of containments used in this country demonstrates that essentially all containment leakage can be detected by local leakage rate tests (Type B and C). According to results given in NUREG-1493, out of 180 ILRT reports covering 110 individual reactors and approximately 770 years of operating history, only about 3% of leakage that exceeds current requirements is detectable only by CILRTs, and those few failures were only marginally above prescribed limits. This study agrees well with previous NRC staff studies which show that Type B and C testing can detect a very large percentage of containment leaks. The Callaway experience has also been consistent with this.

The Nuclear Management and Resources Council (NUMARC), now the Nuclear Energy Institute (NEI), collected and provided the NRC staff with summaries of data to assist in the Appendix J rulemaking effort. NUMARC collected results of 144 ILRTs from 33 units; 23 ILRTs exceeded 1.0L_a. Of these, only nine were not due to Type B or C leakage penalties. The NEI data also added another perspective. The NEI data show that in about one-third of the cases exceeding allowable leakage, the as-found leakage was less than 2L_a; in one case the as-found leakage was less than 3L_a; one case approached 10L_a; and in one case the leakage was found to be approximately 21L_a. For about half of the failed ILRTs the as-found leakage was not quantified. These data show that, for those ILRTs for which the leakage was quantified, the leakage values are small in comparison to the leakage value at which the risk to the public starts to increase over the value of risk corresponding to L_a

(approximately 200L_a, as discussed in NUREG-1493).

Based on generic and plant specific data, the NRC staff finds the basis for the licensee's proposed exemption to allow a one-time exemption to permit a schedular extension of one cycle for the performance of the Appendix J Type A test to be acceptable.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this Exemption will not have a significant impact on the environment (60 FR 15611).

This Exemption is effective upon issuance and shall expire at the completion of the 1996 refueling outage.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 4th day of April 1995.

Elinor G. Adensam,

Acting Director, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95-8847 Filed 4-10-95; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-35567; File No. SR-OCC-95-02]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change Seeking to Make the Stock Loan/Hedge Program Available to Market-Maker and Specialist Accounts Established and Maintained by Clearing Members

April 5, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on February 13, 1995, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR-OCC-95-02) as described in Items I, II, and III below, which items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to make OCC's Stock Loan/Hedge Program available to accounts established and maintained with OCC by clearing members for market-makers and specialists.

¹ 15 U.S.C. 78s(b)(1) (1988).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The primary purpose of the proposed rule change is to make OCC's Stock Loan/Hedge Program² available to accounts established and maintained with OCC by clearing members for market-makers and specialists.³ Pursuant to OCC's By-Laws and Rules regarding its Stock Loan/Hedge Program, clearing members are permitted to carry stock loan and borrow positions in market-maker accounts.⁴ However, at the time OCC proposed its Stock Loan/Hedge Program, OCC was concerned that its Market-Maker Agreements⁵ did not adequately accommodate stock loans. Accordingly, OCC appended an Interpretation to Article XXI, Section 5 of its By-Laws stating that OCC would not permit stock loan positions and

stock borrow positions to be maintained in a market-maker's or specialist's account unless the market-maker or specialist had entered into an account agreement authorizing stock loan positions and stock borrow positions to be maintained in the account.⁶ In addition, OCC stated in SR-OCC-92-34 that it intended to submit revised versions of the various forms of Market-Maker Agreements to the Commission in a separate proposed rule change in the near future.

OCC has reviewed its current Market-Maker Agreement forms and concluded that the current forms do adequately accommodate the Stock Loan/Hedge Program. Section 1 of each Market-Maker Agreement causes the market-maker and the clearing member to each agree that OCC has a lien "on all long positions, securities, margin and other funds and assets in the Account." OCC believes that stock loan and borrow positions are "securities, margin and other funds and assets," and accordingly has concluded that this language adequately establishes its rights with respect to stock loan and borrow positions carried in market-maker accounts.

In addition, OCC has concluded that Section 3 of its Market-Maker Agreement causes market-makers signing the agreement to adequately authorize the clearing member to lend assets (*i.e.*, stock) in the account and to adequately authorize OCC to rely on the terms on which the assets are loaned.⁷

⁶ *Supra* note 2.

⁷ A stock loan is not the result of an "exchange transaction" for purposes of OCC's rules because it does not arise from a transaction on an exchange. OCC therefore was concerned that the language of Section 1 of the Market-Maker Agreement did not adequately accommodate stock loans because the language is limited to exchange transactions of market-makers for whom an account is established. However, a stock borrow or loan position is established by a lending clearing member or borrowing clearing member not by a market-maker. As defined in Article I, Section 1(S)(8), the term "stock borrow position" means the position of a borrowing clearing member in respect of a stock loan. In addition, in Article I, Section 1(S)(11), the term "stock loan position" means the position of a lending clearing member in respect of a stock loan. A borrowing clearing member does not need any authorization from a market-maker in whose account it instructs OCC to carry a stock borrow position because the position is entirely the responsibility of the clearing member. Similarly, a stock loan position is entirely the responsibility of the lending clearing member. However, because a stock loan position in a market-maker account may arise only from a clearing member's lending of stock held for the account of a market-maker for whom the account is carried (see Article XXI, Section 5(d) of OCC's By-Laws), a lending clearing member does need authority from a market-maker's stock and OCC needs authority from the market maker to permit the clearing member to lend a market-maker to rely upon the terms of the loan. As described in the text, OCC believes the current form of the

Therefore, OCC now believes that the Interpretation to Article XXI, Section 5 of its By-Laws is unnecessary and proposes to delete the Interpretation.

OCC believes the proposed rule change is consistent with the requirements of the Act, specifically Section 17A of the Act, and the rules and regulations thereunder because the rule proposal will facilitate the prompt and accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change will impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments have been solicited or received. OCC will notify the Commission of any written comments received by OCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which OCC consents, the Commission will:

(a) by order approve such proposed rule change or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be

Market-Maker Agreements cause market-makers to provide this authority to both the clearing member and OCC.

² For a description of OCC's Stock Loan/Hedge Program, refer to Securities Exchange Act Release No. 32638 (July 15, 1993), 58 FR 39264 [File No. SR-OCC-92-34] (order granting permanent approval of the Stock Loan/Hedge Program).

³ Market-makers and specialists are collectively referred to in this Notice as "market-makers," and accounts established and maintained with OCC by clearing members for market-makers, including separate market-maker's or specialist's accounts, combined market-maker's or specialists' accounts, registered trader's accounts and stock market-maker's or stock specialist's accounts (as described in Article VI, Section 3 of OCC's By-Laws) are collectively referred to in this Notice as "market-maker accounts."

⁴ For examples of permitted stock loan and borrow positions, refer to OCC By-Laws Article XXI, Section 5 stating that a stock loan position may not be maintained in a market-maker account unless the loaned stock to which the stock loan position relates is held for the account of the market-maker; OCC Rule 601(c) setting out margin requirements for market-maker accounts in which stock loan and borrow positions are carried; and OCC Rules 2209 and 2210 describing the treatment of stock loan and borrow positions of a suspended clearing member, including stock loan and borrow positions carried in market-maker accounts.

⁵ The term "Market-Maker Agreements" is used in this Notice to refer collectively to the three forms of agreement for market-maker accounts (*i.e.*, separate market-maker's accounts, combined market-maker's accounts, and joint accounts).

available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to the file number SR-OCC-95-02 and should be submitted by May 2, 1995.

For the Commission by the division of Market Regulation, pursuant to delegated authority.⁸

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95-8870 Filed 4-10-95; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-35566; File No. SR-OCC-95-03]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of a Proposed Rule Change Relating to OCC's Exercise-by-Exception Procedures Applicable to Expiring Index Options

April 5, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on February 16, 1995, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR-OCC-95-03) as described in Items I, II, and III below, which items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to reduce the threshold used to determine the in-the-money amount of index options (other than flexibly structured index options) carried in clearing members' customers' accounts in connection with OCC's exercise-by-exception processing procedures.²

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any

comments that it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to modify the exercise threshold for index option contracts, including Quarterly Index Expiration option contracts, carried in a clearing member's customer account in connection with OCC's exercise-by-exception ("ex-by-ex") processing procedures.³ The exercise threshold used for flexibly structured index options is not effected by the proposed change.

Two thresholds are currently specified in OCC's Rules; the first threshold is for index options carried in clearing members' customers' accounts, and the second threshold is for index options carried in all other clearing member accounts. The current threshold for customer positions is \$25.00 per index option contract and the threshold for all other positions is \$1.00 per index option contract. OCC proposes to reduce the threshold for customer positions to \$1.00 per index option contract. Any position in-the-money by that amount or more would be exercised unless the clearing member submitted a timely, contrary instruction to OCC. The proposed change to the threshold for ex-by-ex processing will not affect clearing members' obligations to their customers or correspondent brokers, which are determined by contract and by generally applicable principles of law.

The proposed change has been discussed with representatives from OCC's participant exchanges and clearing membership who have concurred in its implementation. Clearing member representatives have advised OCC that the change would reduce the risks associated with the expiration of index options as well as their operational costs. Accordingly,

³ Ex-by-ex processing presumes that a clearing member would desire to exercise all options that are in-the-money by a specified threshold. Accordingly, all options subject to ex-by-ex processing are identified as being in-the-money, at-the-money, or out-of-the-money in a report provided to the clearing member through C/MACS or by hard copy. Such report reflects that the clearing member instructs OCC to exercise all options that are in-the-money by the threshold amount. However, the clearing member can issue contrary instructions to OCC.

OCC believes that the proposed change would provide cost savings to its clearing membership without affecting the risk of processing expiring options.

OCC believes the proposed rule change is consistent with the requirements of the Act, specifically Section 17A of the Act, and the rules and regulations thereunder because the rule proposal will facilitate the prompt and accurate clearance and settlement of index options transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change will impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments have been solicited or received. OCC will notify the Commission of any written comments received by OCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which OCC consents, the Commission will:

- (a) by order approve such proposed rule change or
- (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW.,

⁸ 17 CFR 200.30-3(a)(12) (1994).

¹ 15 U.S.C. 78s(b)(1) (1988).

² Conforming changes have been proposed to OCC Rules 1804(a) and (b).

Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to the file number SR-OCC-95-03 and should be submitted by May 2, 1995.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.⁴

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95-8869 Filed 4-10-95; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-26265]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

April 5, 1995.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by May 1, 1995, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

The Southern Company (70-8595)

Notice of Proposal to Issue Common Stock; Order Authorizing Solicitation of Proxies

The Southern Company ("Southern"), 64 Perimeter Center East, Atlanta, Georgia 30346, a registered holding

company, has filed a declaration under sections 6(a), 7 and 12(e) of the Act and rules 54, 62 and 65 thereunder.

Souther proposes, from time to time through December 31, 2005, to issue up to one million shares of its common stock, par value \$5.00 per share ("Common Stock"), pursuant to The Outside Directors Stock Plan for Subsidiaries of The Southern Company ("Plan"). The Commons Stock to be issued was authorized by order dated November 2, 1993 (HCAR No. 25917) ("1993 Order"). In addition, the 1993 Order authorizes Southern to acquire Common Stock on the open market to deliver to a director in accordance with the Plan.

The Plan provides that any member of the Board of Directors of a System Company, defined in the Plan as Alabama Power Company ("Alabama Power"), Georgia Power Company ("Georgia Power"), Gulf Power Company ("Gulf Power"), Mississippi Power Company ("Mississippi Power") and Savannah Electric and Power Company ("Savannah Electric"), who is not otherwise actively employed by Southern or any of its subsidiaries or affiliates shall receive a portion of his or her annual retainer fee ("Retainer Fee"), as set forth in the table below, in unrestricted Common Stock of Southern, with the remainder of the Retainer Fee to be payable, in increments elected by the director, in cash or in unrestricted Common Stock of Southern. Initially, annual Retainer Fees for directors of the System Companies are as follows:

Company	Annual retainer fee	Dollar amount of required stock distribution
Alabama Power	\$20,000	\$3,000
Georgia Power	23,000	3,000
Gulf Power	12,000	2,000
Mississippi Power	12,000	2,000
Savannah Electric	12,000	2,000

The board of directors of Southern has adopted the Plan, subject to stockholder approval. The Plan will be administered by the Compensation Committee of the board of directors of Southern ("Committee"). The Committee will have the discretion to interpret the Plan, including any ambiguities contained therein and, subject to its provisions, to make all determinations necessary or desirable for the Plan's administration.

Outside directors shall have a one-time opportunity, pursuant to the Plan, to elect the remaining portion of his or her compensation in excess of the dollar amount of required stock distribution to

be paid in Common Stock. Such election shall be made on the form provided to the director by the Committee, which form shall acknowledge that once made, such election is irrevocable. Notwithstanding the foregoing, if, when and as permitted by the Commission, the Plan Administrator may allow a Participant to elect to change the amount of his or her Retainer Fee paid in Common Stock; provided, that such election shall not affect the dollar amount of such Participant's required Common Stock distribution.

Any Common Stock due to a nonemployee director will be paid on a quarterly basis, with the first such quarterly distribution being made on April 1 of each year and succeeding quarterly distributions being made on July 1, October 1, and January 1 of each year. Notwithstanding the foregoing, for purposes of the 1995 calendar year, no stock distributions shall be made prior to July 1, 1995; provided, however, that for participants who are directors of Alabama Power and Georgia Power the stock distribution to be made on July 1, 1995 quarterly distributions.

The amount of Common Stock to be distributed to a nonemployee director pursuant to the Plan shall initially be determined by first dividing the director's required and elected dollar amount of Common Stock compensation under the Plan by four and then dividing such quarterly quotient by the market value of the Common Stock on the date one day prior to the date of distribution, with subsequent distributions based on such quarterly quotient divided by the market value of the Common Stock on the date one day prior to the date of such subsequent distributions. For purposes of valuing such Common Stock, the term "market value" shall mean the average of the high and low prices of the Common Stock, as published in the Wall Street Journal in its report of New York Stock Exchange composite transactions, on the date such market value is to be determined (or the average of the high and low sale prices on the trading day immediately preceding such date if the Common Stock is not traded on the applicable valuation date).

Southern further proposes to submit the Plan for consideration and action by its stockholders at the annual meeting of such stockholders to be held on May 24, 1995, and in connection therewith, to solicit proxies from its stockholders. Consequently, Southern requests that the effectiveness of its declaration with respect to such solicitation of proxies be permitted to become effective as soon as practicable as provided in rule 62(d).

⁴ 17 CFR 200.30-3(a)(12) (1994).

Furthermore, Southern represents that, pursuant to rule 54, all of the criteria of rule 53 (a) and (b) are satisfied.

It appearing to the Commission that Southern's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith, pursuant to rule 62:

It Is Ordered, that the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forth with, pursuant to rule 62 and subject to the terms and conditions prescribed in rule 24 under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95-8798 Filed 4-10-95; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 99000162]

Kline Hawkes California SBIC, L.P.; Notice of Filing of An Application for a License to Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to

Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1995)) by Kline Hawkes California SBIC, L.P., 11726 San Vicente Blvd., Suite 300, Los Angeles, California 90049, for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958, as amended, (15 U.S.C. et. seq.), and the Rules and Regulations promulgated, thereunder. Kline Hawkes California SBIC, L.P. is a California limited partnership.

The Applicant's ultimate corporate general partner will be Kline Hawkes Management SBIC, Inc., located at the same address as the Applicant. The officers, directors, and owner of the corporate general partner are:

Name	Title	Ownership
Frank R. Kline, Jr.	Chairman of Board, Managing Director	100%
Edwin A. Moss	Director, Secretary, Managing Director .....	.....
Jerome S. Engel	Director, Treasurer, Managing Director .....	.....
Michael L. Luther, 4314 Marina City Drive, Marina Del Ray, CA 90292.	Director .....	.....
Thomas S. Volpe, 410 Occidental Avenue, San Mateo, CA 94402.	Director .....	.....

Messrs. Kline, Moss, and Engel have offices at 17726 San Vicente Blvd., Suite 300, Los Angeles, California.

The officers and directors of the Applicant's manager, Kline Hawkes & Company, are:

Name	Title
Frank R. Kline, Jr.	Chairman of Board, Managing Director.
Edwin A. Moss	Director, Secretary, Managing Director.
Jerome S. Engel	Director, Treasurer, Managing Director.
Thomas S. Volpe	Director.
Michael L. Luther	Director.

The following entity beneficially owns or controls 10 percent or more of the proposed SBIC's Regulatory Capital: Name: California Public Employees' Retirement System, Lincoln Plaza—400 P Street, Sacramento, California 95814

The applicant has total committed capital of \$30.0 million. It will be a source of debt and equity financings for qualified small business concerns, and will invest primarily in the state of California.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management,

including profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW, Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in Los Angeles, California (Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies).

Dated: April 5, 1995.

Robert D. Stillman,

Associate Administrator for Investment.

[FR Doc. 95-8779 Filed 4-10-95; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-95-15]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before April 21, 1995.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-200), Petition Docket No. 28183, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the

Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT:

Mr. D. Michael Smith, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-7470.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on April 6, 1995.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 28183.

Petitioner: United Airlines, Inc.

Sections of the FAR Affected: 14 CFR 121.291.

Description of Relief Sought: To allow B777 full-scale ditching certification without the requirement to construct stands at each exit, and to allow the full-scale ditching demonstration to be completed by launching and inflating a single slideraft.

[FR Doc. 95-8942 Filed 4-7-95; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

**Environmental Impact Statement:
Contra Costa County, California**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a draft environmental impact statement will be prepared for a proposed highway project in Contra Costa County, California.

FOR FURTHER INFORMATION CONTACT:

Mr. John Schultz, Chief, District Operations-A, Federal Highway Administration, 980 9th Street, Suite 400, Sacramento, California 95814-2724, Telephone: (916) 498-5041.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans), will prepare a draft environmental impact (EIS) for a proposal to improve State Route 4 between I-80 and the Cummings Skyway in Contra Costa County, a distance of about 8 kilometers. Improvements are considered necessary to improve operation and safety, and relieve congestion.

Alternatives under consideration include (1) taking no action, (2) constructing a new four-lane freeway, and (3) constructing a four-lane divided highway. Incorporated into and studied with various build alternatives will be design variations of grade and alignment. Transportation System Management strategies will be considered in conjunction with build alternatives.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A scoping meeting will be held in Hercules, California. In addition, a public hearing will be held when the draft EIS is completed. Public notice will be given of the time and place of the meeting and hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address previously provided in this document. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: April 4, 1995.

Mr. John Schultz,

Chief, District Operations-A, Sacramento, California.

[FR Doc. 95-8805 Filed 4-10-95; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration

[Notice Number 95-6]

International Radioactive Material Transportation Standards; Preliminary Draft of 1996 Revision Available for Comment

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of document availability and request for comments.

SUMMARY: A draft revision of the International Atomic Energy Agency's (IAEA) "Regulations for the Safe

Transport of Radioactive Material" (Safety Series No. 6), which is scheduled for publication in 1996, is available for review and comment. Public and industry are invited to provide comments on the revised draft of Safety Series No. 6 to assist RSPA in submitting comments to the IAEA by July 1, 1995. Comments will also aid RSPA in preparing U.S. positions on issues that need to be resolved prior to the final Revision Panel meeting scheduled for September 25-29, 1995 at the IAEA in Vienna, Austria.

DATE: Comments must be received on or before June 1, 1995.

ADDRESSES: Copies can be obtained from, and comments should be submitted to, the Dockets Unit (DHM-30), Room 8421, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh St. SW., Washington, DC 20590-0001; (202) 366-5046.

FOR FURTHER INFORMATION CONTACT: Richard Boyle, radioactive Materials Branch, Office of Hazardous Materials Technology, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590-0001; (202) 366-4545.

SUPPLEMENTARY INFORMATION: Many countries and international transport organizations throughout the world have adopted the standards of the IAEA's "Regulations for the Safe Transport of Radioactive Material" (Safety Series No. 6). The Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) permit the import and export of radioactive materials, under certain conditions, if packages are prepared for shipment in accordance with the IAEA regulations. The HMR for domestic transportation are periodically amended to achieve consistency with most of the IAEA regulations. This most recent draft of the IAEA regulations was prepared in January 1995. It is the result of many meetings at the IAEA since 1987 in which representatives from member nations proposed and reviewed needed changes to improve effectiveness of regulation for radioactive materials transportation.

The IAEA transport regulations are considered by the UN Committee on the Transport of Dangerous Goods as the standards to be followed for the international transportation of Class 7 hazardous materials. For many years, the International Civil Aviation Organization (ICAO), "Technical Instructions for the Safe Transport of Dangerous Goods by Air" and the International Maritime Organization (IMO), "International Maritime Dangerous Goods Code" have

incorporated essentially all minor and major changes in the IAEA standard with negligible variations. All nations with major nuclear programs involved with significant commercial transportation of nuclear materials incorporate the IAEA standards into their transportation regulations; in some cases the IAEA regulations are adopted by reference.

At the present time, both RSPA and the Nuclear Regulatory Commission are revising the domestic transportation regulations to incorporate most of the provisions of the 1985 IAEA regulations, as amended in 1990. It is expected that the U.S. regulations in the future will adopt provisions that will be in the 1996 IAEA regulations.

A few of the expected changes between the 1985 and 1996 IAEA regulations involve:

- A higher performance Type C package for large quantities of materials transported by air.
- Exclusive use of the International System of Units (SI Units) in the regulations and on labels and shipping documents.
- International Commission on Radiological Protection standards (ICRP 60/61) impacts on radiation protection programs and limitations on quantities and classification of radioactive materials.
- For fissile materials, calculational procedures for criticality and identification of Criticality Safety Index (CSI) on documents and packages.
- Revise shipping names and UN Identification Numbers.
- Specific requirements for uranium hexafluoride, both fissile and non-fissile.

It should be noted that during the time since January when the current draft was prepared, several technical meetings have been held resulting in changes in some of the provisions of the draft regulations. Some of these changes concern: content and performance criteria for Type C packages; grandfathering for package designs and special form; and requirements for uranium hexafluoride. Comments received on the January 1995 draft will be reviewed and considered by RSPA to the extent possible during meetings at the IAEA.

Issued in Washington, DC on April 5, 1995 under the authority delegated in 49 CFR Part 106, Appendix A.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 95-8839 Filed 4-10-95; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Departmental Offices, Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to 5 U.S.C. App. 10(a)(2), that a meeting will be held at the U.S. Treasury Department, 15th and Pennsylvania Avenue, NW., Washington, DC, on May 2 and May 3, 1995, of the following debt management advisory committee:

Public Securities Association, Treasury Borrowing Advisory Committee

The agenda for the meeting provides for a technical background briefing by Treasury staff on May 2, followed by a charge by the Secretary of the Treasury or his designate that the committee discuss particular issues, and a working session. On May 3, the committee will present a written report of its recommendations.

The background briefing by Treasury staff will be held at 11:30 a.m. Eastern time on May 2 and will be open to the public. The remaining sessions on May 2 and the committee's reporting session on May 3 will be closed to the public, pursuant to 5 U.S.C. App. 10(d).

This notice shall constitute my determination, pursuant to the authority placed in heads of departments by 5 U.S.C. App. 10(d) and vested in me by Treasury Department Order No. 101-05, that the closed portions of the meeting are concerned with information that is exempt from disclosure under 5 U.S.C. 552b(c)(9)(A). The public interest requires that such meetings be closed to the public because the Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community. When so utilized, such a committee is recognized to be an advisory committee under 5 U.S.C. App. 3.

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of the advisory committee, premature disclosure of the committee's deliberations and reports would be likely to lead to significant financial speculation in the securities market. Thus, these meetings fall within the exemption covered by 5 U.S.C. 552b(c)(9)(A).

The Office of the Under Secretary for Domestic Finance is responsible for maintaining records of debt management advisory committee

meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: April 4, 1995.

Frank N. Newman,

Deputy Secretary of the Treasury.

[FR Doc. 95-8819 Filed 4-10-95; 8:45 am]

BILLING CODE 4810-25-M

[Treasury Order Number: 106-01]

Delegations of Authority to Act for the Secretary on Trust Fund Boards

Dated: March 22, 1995.

By virtue of the authority vested in the Secretary of the Treasury, including the authority vested by 31 U.S.C. 321(b) and delegated to the Deputy Secretary by Treasury Order (TO) 101-05, I hereby delegate to the Fiscal Assistant Secretary or, in the absence of that official, the person designated to act in that capacity, the authority to represent the Secretary of the Treasury as a member of the:

1. National Archives Trust Fund Board (see 44 U.S.C. 2301) and to perform any act which the Secretary is authorized to perform in that capacity; and

2. Library of Congress Trust Fund Board (see 2 U.S.C. 154) and to perform any act which the Secretary is authorized to perform in that capacity.

3. CANCELLATIONS.

a. Treasury Order (TO) 106-01, "Delegation of Authority to Act for the Secretary on the National Archives Trust Fund Board," dated November 30, 1987.

b. TO 106-10, "The Library of Congress Trust Fund Board," dated June 22, 1978.

Frank N. Newman,

Deputy Secretary of the Treasury.

[FR Doc. 95-8782 Filed 4-10-95; 8:45 am]

BILLING CODE 4810-25-P

Fiscal Service

[Dept. Circ. 570, 1994 Rev., Supp. No. 20]

Surety Companies Acceptable on Federal Bonds; Acadia Insurance Company

A Certificate of Authority as an acceptable surety on Federal Bonds is hereby issued to the following company under Sections 9304 to 9308, Title 31, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular

570, 1994 Revision, on page 34139 to reflect this addition:

Acadia Insurance Company. BUSINESS ADDRESS: P.O. Box 9010, Westbrook, ME 04098-5010. PHONE: (207) 772-4300. UNDERWRITING LIMITATION *b/*: \$1,413,000. SURETY LICENSES *c/*: ME, NH, VT. INCORPORATED IN: Maine.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Funds Management Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (202) 874-6765.

Dated: April 4, 1995.

Charles F. Schwan III,

*Director, Funds Management Division,
Financial Management Service.*

[FR Doc. 95-8840 Filed 4-10-95; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1994 Rev., Supp. No. 19]

Surety Companies Acceptable on Federal Bonds; American Safety Casualty Insurance Company

A Certificate of Authority as an acceptable surety on Federal Bonds is hereby issued to the following company under Sections 9304 to 9308, Title 31, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1994 Revision, on page 34144 to reflect this addition:

American Safety Casualty Insurance Company. BUSINESS ADDRESS: 1900 The Exchange, Suite 450, Atlanta, Ga 30339. PHONE: (404) 916-1908. UNDERWRITING LIMITATION *b/*: \$584,000. SURETY LICENSES *c/*: AL, AK, CA,

CO, DE, DC, FL, GA, IN, IA, KS, MN, MS, NE, NV, NM, ND, OH, OK, PA, SC, SD, TN, TX, UT, VA, WA, WI. INCORPORATED IN: Delaware.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Funds Management Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (202) 874-6850.

Dated: April 4, 1995.

Charles F. Schwan III,

*Director, Funds Management Division,
Financial Management Service.*

[FR Doc. 95-8841 Filed 4-10-95; 8:45 am]

BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register

Vol. 60, No. 69

Tuesday, April 11, 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).

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board;
Regular Meeting.

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on April 13, 1995, from 10:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Floyd Fithian, Secretary to the Farm Credit Administration Board, (703) 883-4025, TDD (703) 883-4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. *Approval of Minutes*

B. *New Business*

1. *Regulations*

a. Final Rule on the Association Annual Meeting Information Statement [12 CFR Part 620] (Final)

b. Draft Final Rule Deleting Regulations Identified Through Regulatory Burden Initiative [12 CFR Parts 614, 615, 618] (Final).

2. *Other*

a. Employee Health Insurance Liability.
b. Nondiscrimination in Agency Programs and Activities.

Dated: April 6, 1995.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 95-9008 Filed 4-7-95; 2:57 pm]

BILLING CODE 6705-01-P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, April 13, 1995.

PLACE: 6th Floor, 1730 K Street N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Energy West Mining Co.*, Docket No. WEST 92-216-R (Issues include whether the judge erred in granting summary decision in resolving a disputed citation of violation of the ventilation plan.)

2. *U.S. Coal Inc.*, Docket No. SE 93-119. (Issues include whether the judge erred in concluding that the negligence of a non-supervisory employee, who is a certified electrician, is imputable to the operator for the purpose of assessing civil penalties.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(e).

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653-5629/(202) 708-9300 for TDD Relay/1-800-877-8339 for toll free.

Jean H. Ellen,

Chief, Docket Clerk.

[FR Doc. 95-9036 Filed 4-7-95; 3:06 pm]

BILLING CODE 6735-01-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, April 17, 1995.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

Matters to be Considered:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: April 7, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-9035 Filed 4-7-95; 2:57 pm]

BILLING CODE 6210-01-P

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m., Tuesday, April 18, 1995.

PLACE: The Board Room, 5th Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

6545 Marine Accident Report: Collision Between the Netherlands Antilles Passenger Ship NOORDAM and the Maltese Bulk Carrier MOUNT YMITOS, Gulf of Mexico, November 6, 1993.

6536 Brief of Pipeline Accident and Recommendations: Excavation-Caused Pipeline Break and Explosion in Building at 679 East 3rd Street, Saint Paul, Minnesota, July 22, 1993.

News Media Contact: Telephone: (202) 382-0660.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382-6525.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 95-9011 Filed 4-7-95; 2:57 pm]

BILLING CODE 7533-01-P

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of April 10, 17, 24, and May 1, 1995.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of April 10

There are no meetings scheduled for the Week of April 10.

Week of April 17—Tentative

Wednesday, April 19

10:00 a.m.

Briefing on IPE Program and Severe Accident Research Program (Public Meeting)
(Contact: Themis Speis, 301-415-6802)

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

2:00 p.m.

Briefing on EEO Program (Public Meeting)
(Contact: Vandy Miller, 301-415-7380)

Friday, April 21

10:00 a.m.
Briefing on Commission Decision Tracking System (CDTS) (Public Meeting)
(Contact: Samuel Chilk, 301-415-1875)

Week of April 24—Tentative

Tuesday, April 25

2:00 p.m.
Briefing on NRC Status of High-Level Waste Management Program (Public Meeting)
(Contact: Joseph Holonich, 301-415-6643)

Wednesday, April 26

10:00 a.m.
Briefing on Proposed Rule on Safety Equipment Reliability Data (Public Meeting)
(Contact: Charles Rossi, 301-415-7499)

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Thursday, April 27

10:00 a.m.
Briefing by IG and Staff Concerning Audit of HLW Licensing Support System (LSS) (Public Meeting)
(Contact: John Hoyle, 301-415-1968)

Week of May 1—Tentative

Wednesday, May 3

2:00 p.m.
Briefing on NRR Licensing Actions Program (Public Meeting)
(Contact: Roy Zimmerman, 301-415-1284)

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Additional information: By a vote of 3-0 on April 4, the Commission determined pursuant to U.S.C. 552b(e) and §9.107(a) of the Commission's rules that "Briefing by Executive Branch" (Closed—Ex. 1) be held on April 4, and on less than one week's notice to the public.

Affirmation of Final Rule on "Clarification of Decommissioning Funding Assurance Requirements" scheduled for April 5, *posponed*.

By a vote of 3-0 on April 6, the Commission determined pursuant to U.S.C. 552b(e) and §9.107(a) of the Commission's rules that "Affirmation of final Amendment to the Nuclear Power Plant License Renewal Rule (10 CFR Part 54)" (Public Meeting) be held on April 6, and on less than one week's notice to the public.

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that

no item has as yet been identified as requiring any Commission vote on this date.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292.

CONTACT PERSON FOR MORE INFORMATION:
William Hill (301) 415-1661.

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, DC 20555 (301-415-1963).

In addition, distribution of this meeting notice over the internet system will also become available in the near future. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to alb@nrc.gov or gkt@nrc.gov.

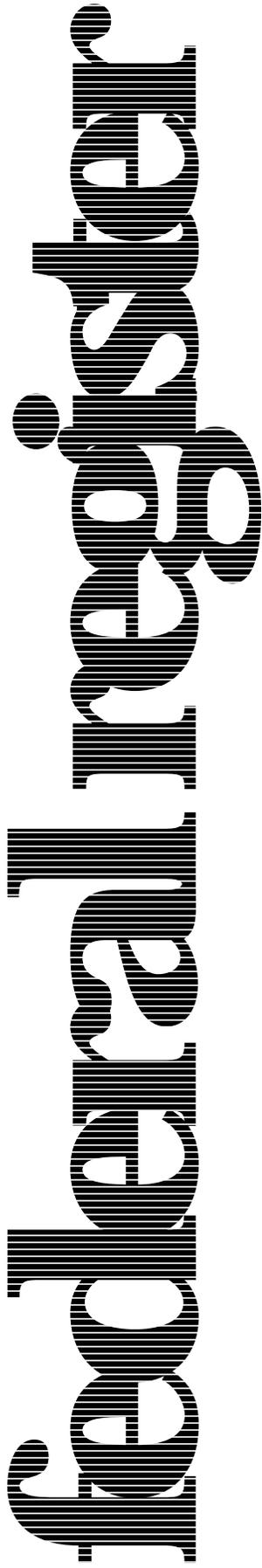
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William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 95-9022 Filed 4-7-95; 2:57 pm]

BILLING CODE 7590-01-M



Tuesday
April 11, 1995

Part II

**Department of
Housing and Urban
Development**

**NOFA for Fair Housing Initiatives
Program; 1995 Competitive Solicitation;
Notice**

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

**Office of the Assistant Secretary for
Fair Housing and Equal Opportunity**

[Docket No. N-95-3901; FR-3878-N-01]

**NOFA for Fair Housing Initiatives
Program; FY 1995 Competitive
Solicitation**

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of Funding Availability (NOFA).

SUMMARY: This NOFA announces the availability of up to \$14,580,530 of 1995 Fiscal Year (FY) funding for the Fair Housing Initiatives Program (FHIP). This program assists projects and activities designed to enforce and enhance compliance with the Fair Housing Act and substantially equivalent State and local fair housing laws. In the body of this document is information concerning the purpose of the NOFA, eligibility, available amounts, selection criteria, how to apply for funding, and how selections will be made.

DATES: An application kit for funding under this Notice will be available following publication of the Notice. The actual application due date will be specified in the application kit. However, applicants will be given at least 70 days from today's date, until June 20, 1995, to submit their applications. Applications will be accepted if they are received on or before the application due date, or are received within 7 days after the application due date, but with a U.S. postmark or receipt from a private commercial delivery service (such as Federal Express or DHL) that is dated on or before the application due date.

ADDRESSES: To obtain a copy of the application kit, please write the Fair Housing Information Clearinghouse, Circle Solutions, Inc., 8201 Greensboro Drive, Suite 600, McLean, VA 22102 or call the toll-free number 1-800-343-3442 (voice) or 1-800-290-1617 (TDD). Please also contact this number if information concerning this NOFA is needed in an accessible format.

FOR FURTHER INFORMATION CONTACT: Sharon Bower, Acting Director, Office of Fair Housing Initiatives and Voluntary Programs, Room 5234, 451 Seventh Street SW., Washington, DC 20410-2000. Telephone number (202) 708-0800. A telecommunications device (TDD) for hearing and speech impaired persons is available at (202) 708-0800. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

Application requirements associated with this program have been approved by the Office of Management and Budget, under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3054(h)), and assigned OMB control number 2529-0033.

I. Purpose and Substantive Description

(a) Authority

Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601-19 (Fair Housing Act), charges the Secretary of Housing and Urban Development with responsibility to accept and investigate complaints alleging discrimination based on race, color, religion, sex, handicap, familial status or national origin in the sale, rental, or financing of most housing. In addition, the Fair Housing Act directs the Secretary to coordinate action with State and local agencies administering fair housing laws and to cooperate with, and render technical assistance to, public or private entities carrying out programs to prevent and eliminate discriminatory housing practices.

Section 561 of the Housing and Community Development Act of 1987, 42 U.S.C. 3616 note, established the Fair Housing Initiatives Program (FHIP) to strengthen the Department's enforcement of the Fair Housing Act and to further fair housing. This program assists projects and activities designed to enforce and enhance compliance with the Fair Housing Act and substantially equivalent State and local fair housing laws. Implementing regulations are found at 24 CFR part 125.

Three general categories of activities were established at 24 CFR part 125 for FHIP funding under section 561 of the Housing and Community Development Act of 1987: The Administrative Enforcement Initiative, the Education and Outreach Initiative, and the Private Enforcement Initiative. Section 905 of the Housing and Community Development Act of 1992 (HCDA 1992) (Pub. L. 102-550, approved October 28, 1992), amended section 561 by adding specific eligible applicants and activities to the Education and Outreach and Private Enforcement Initiatives, as well as an entirely new Fair Housing Organizations Initiative.

More significantly, section 905 has established FHIP as a permanent program. As originally promulgated by section 561, FHIP was a demonstration program authorized to expire on September 30, 1992. Since this

demonstration period has passed, and FHIP is now a permanent program, the Department has determined that the requirements specifically tied to the demonstration period, namely, the testing guidelines at § 125.405, are no longer applicable to FHIP. Accordingly, the use of these testing guidelines is not required under this NOFA. The Department has executed a waiver of § 125.405 for the purposes of this NOFA, pending the elimination of this provision in the revision of 24 CFR part 125. Because section 905 does not eliminate any FHIP provisions other than those related to its status as a demonstration program, the Initiatives and activities currently eligible under 24 CFR part 125 remain eligible under this NOFA.

This NOFA further incorporates the HCDA 1992 section 905 FHIP additions to the extent of including the new eligible applicants and activities, and the new Fair Housing Organizations Initiative. The Department solicited public comment on the amendment of 24 CFR part 125 to effect the changes made by section 905 in a proposed rule published in the **Federal Register** on August 29, 1994 (59 FR 44596). For the purpose of future funding rounds, the Department will soon publish a rule finalizing the policies and procedures contained in the August 29, 1994 proposed rule. However, applications for FY 1995 funds will be subject to the requirements and deadlines in this NOFA. Eligible applicants should not wait for the final rule's publication to prepare and submit their FY 1995 applications in response to this NOFA.

Two of the new eligible applicants, fair housing enforcement organizations and qualified fair housing enforcement organizations, are given specific definitions, which apply to this NOFA, in section 905:

Fair housing enforcement organization means any organization that—

- (1) Is organized as a private, tax-exempt, nonprofit, charitable organization;
- (2) Is currently engaged in complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims; and
- (3) Upon the receipt of FHIP funds will continue to be engaged in complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims.

Qualified fair housing enforcement organization means any organization, whether or not it is solely engaged in fair housing enforcement activities, that—

(1) Is organized as a private, tax-exempt, nonprofit, charitable organization;

(2) Has at least 2 years experience in complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims; and

(3) Is engaged in complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims at the time of application for FHIP assistance.

On October 5, 1994, HUD published a Notice (59 FR 50763) inviting comments from potential applicants for FY 1995 FHIP funds, prior grantees and applicants, and any other interested parties, on the administration of FHIP funding. HUD was especially interested in soliciting comments on the application procedures for funding in general and the content of FHIP NOFAs in particular. By the expiration of the comment period on November 11, 1994, thirty-six comments had been received. HUD is grateful for these comments and has considered them in the development of the FY 1995 FHIP NOFA and Application Kit.

The program components of FHIP are described in the Catalog of Federal Domestic Assistance at 14.408, Administrative Enforcement Initiative; 14.409, Education and Outreach Initiative; 14.410, Private Enforcement Initiative; and 14.413, Fair Housing Organizations Initiative.

(b) Allocation Amounts

For FY 1995, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995 (approved September 28, 1994, Pub. L. 103-327) (95 App. Act) appropriated \$26,000,000 for the FHIP program. Of this amount, \$9,962,024 will be used to fund the second year of FY 1993/1994 multi-year awards. An additional \$1,457,446 is being utilized for the FY 1995 funding of FY 1994 awards. The remaining \$14,580,530 is being made available on a competitive basis to eligible organizations that submit timely applications and are selected in response to this NOFA. The funding selections will be made on the basis of criteria for eligibility, factors for award, and completeness of budget information.

The full cost of FY 1995 multi-year awards, under the Private Enforcement Initiative and for the purpose of establishing new organizations under the Fair Housing Organizations Initiative, will be funded from FY 1995 funds. Recipients of FY 1993/1994 multi-year awards may not apply for FY

1995 multi-year funds in the initiative under which they are currently funded. Recipients of FY 1993/1994 and FY 1995 multi-year awards will again be able to apply for such funds in the last fiscal year of their multi-year award.

The Department retains the right to shift funds between the FHIP Initiatives listed below, within statutorily prescribed limitations. The amounts included in this NOFA are subject to change based on fund availability. The total FY 1995 appropriation for the FHIP program is divided among the four FHIP Initiatives as follows:

(1) *Administrative Enforcement Initiative*. The amount of 3 million in FY 1995 funds is available under this NOFA for the Administrative Enforcement Initiative.

(2) *Education and Outreach Initiative*. The amount of \$6,750,000 in FY 1995 funds is being used for the Education and Outreach Initiative. Of this amount, \$3,119,749 is made available under this NOFA for National Education and Outreach Initiative programs. An additional \$3.5 million in FY 1995 funds is made available under this NOFA for regional, local, and community based programs. Furthermore, \$130,251 will be utilized for the FY 1995 funding of FY 1994 awards.

(3) *Private Enforcement (PE) Initiative*. The amount of \$9 million in FY 1995 funds is being used for the PE Initiative. Of this amount, \$3,015,299 is made available under this NOFA for four-year projects, with an award cap of \$600,000 and with incremental funding during the life of the award subject to periodic performance reviews. An additional \$5,330,928 will be used to fund the second year of FY 1993/1994 multi-year awards and \$653,773 will be utilized for the FY 1995 funding of FY 1994 awards.

Recipients of FY 1993/1994 multi-year PE Initiative awards may not apply for multi-year PE Initiative funds made available under this NOFA. Recipients of FY 1993/1994 and FY 1995 multi-year PE Initiative awards will again be able to apply for such funds in the last fiscal year of their multi-year award. Therefore, FY 1993/1994 multi-year PE Initiative grantees, whose current grant will not expire until August, 1996 or later, may not apply for multi-year PE Initiative funds until the FY 1996 FHIP solicitation. Recipients of FY 1995 four-year PE Initiative awards must wait until the FY 1999 FHIP solicitation to apply for further multi-year PE Initiative funds.

(4) *Fair Housing Organizations (FHO) Initiative*. The amount of \$7,250,000 in FY 1995 funds is being used for the FHO Initiative. Of this amount,

\$1,945,482 is being made available under this NOFA. The amount of \$945,482 is made available under this NOFA for the continued development of new organizations. The amount of \$1 million in FY 1995 funds is available for three-year projects for the purpose of establishing new organizations, with an award cap of \$500,000 and with incremental funding during the life of the award subject to periodic performance reviews.

An additional \$673,422 will be utilized for the FY 1995 funding of FY 1994 FHO Initiative awards for the continued development of existing organizations. Furthermore, \$4,631,096 in FY 1995 funds will be used to fund the second year of FY 1993/1994 FHO Initiative awards for the purpose of establishing new organizations.

Recipients of FY 1993/1994 multi-year awards for the purpose of establishing new organizations under the FHO Initiative may not apply for FY 1995 multi-year FHO Initiative funds. Recipients of FY 1993/1994 and FY 1995 multi-year FHO Initiative awards will again be able to apply for such funds in the last fiscal year of their multi-year award. Therefore, FY 1993/1994 multi-year FHO Initiative grantees, whose current grant will not expire until August, 1996 or later, may not apply for multi-year FHO Initiative funds until the FY 1996 FHIP solicitation. Recipients of FY 1995 four-year FHO Initiative awards must wait until the FY 1999 FHIP solicitation to apply for further multi-year FHO Initiative funds.

(c) Eligibility

Eligible activities, eligible applicants, and additional requirements under each Initiative are listed below. All activities and materials funded by FHIP must be reasonably accessible to persons with disabilities.

(1) *Administrative Enforcement Initiative*

(i) *Eligible applicants*. The Administrative Enforcement Initiative provides funding to State and local fair housing agencies administering fair housing laws certified by the Secretary as providing rights and remedies that are substantially equivalent to those provided in the Fair Housing Act. A State or local fair housing agency, to be eligible to participate in the Administrative Enforcement Initiative, must be certified by the Assistant Secretary as substantially equivalent under 24 CFR part 115, or have entered into an agreement with the Department for interim referrals, as provided in 24 CFR 115.11.

(ii) *Eligible activities.* Funding will be available to support enforcement and compliance activities conducted by eligible State and local agencies. Eligible activities may include (but are not limited to) the following:

(A) Projects that focus on the areas of mortgage lending, insurance redlining, and appraisal practices;

(B) Discovering and providing remedies for discrimination in the public and private real estate markets and real estate-related transactions, including, but not limited to, the making or purchasing of loans, the provision of other financial assistance for sales and rentals of housing, including insurance redlining and appraisal practices, and housing advertising;

(C) Implementing fair housing testing and other related enforcement activity programs;

(D) Conducting investigations of systemic discrimination for further enforcement processing by State or local agencies, or for referral to HUD and the Department of Justice; and

(E) Developing new procedures to increase the efficiency of operations, such as the use of computers for case processing, tracking, and Home Mortgage Disclosure Act (HMDA) analysis.

(iii) *Additional requirements.*

(A) Testers in testing activities funded with Administrative Enforcement Initiative funds must not have prior felony convictions or convictions of crimes involving fraud or perjury, and they must receive training or have demonstrated experience in testing procedures and techniques.

(B) *Term of contract.* Administrative Enforcement Initiative funding is only available for one-year projects, which may be for up to eighteen months in duration.

(C) Projects that appear to be aimed solely or primarily at research or data-gathering unrelated to existing or planned fair housing enforcement programs will not be approved. Data-gathering activities will require OMB approval under the Paperwork Reduction Act before commencement of the activity.

(D) No recipient of assistance under the Administrative Enforcement Initiative may use any funds provided by the Department for the payment of expenses in connection with litigation against the United States.

(E) *Case tracking log requirement.* Recipients of funds under the Administrative Enforcement Initiative shall be required to record, in a case tracking log (or Fair Housing Enforcement Log) to be supplied by

HUD, information appropriate to the funded project relating to the number of complaints of discrimination received; the basis of these complaints; the type and number of tests utilized in the investigation of each allegation; the time for case processing, including administrative or judicial proceedings; the cost of testing activities and case processing; and case outcome or relief provided. The recipient must agree to make this log available to HUD.

(2) *Education and Outreach Initiative*

(i) *Eligible applicants.* The following types of organizations are eligible to receive funding under the Education and Outreach Initiative:

(A) State or local governments;

(B) Qualified fair housing enforcement organizations (QFHO-Es);

(C) Fair housing enforcement organizations (FHO-Es);

(D) Public or private non-profit organizations or institutions and other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices;

(E) Fair Housing Assistance Program (FHAP) Agencies—State and local agencies funded by the Fair Housing Assistance Program (FHAP); and

(F) Community Housing Resource Boards (CHRBS).

(ii) *Eligible activities.* (A) *In general.* Each application for Education and Outreach Initiative funding must identify if it proposes a national, Fair Housing Month, regional or local, or community-based program. The kinds of activities that may be funded through this Initiative may include (but are not limited to) the following:

(1) Projects that focus on informing persons with disabilities, and/or their support organizations and service providers, housing providers, and the general public on the rights of disabled persons under the Fair Housing Act and on the location or availability of accessible housing or the modification of non-accessible housing;

(2) Projects that provide guidance to housing providers on meeting their Fair Housing Act obligation to make reasonable accommodations for persons with disabilities are also encouraged;

(3) Projects that will provide housing, mortgage lending, appraisal, and insurance counseling services;

(4) Developing informative material on fair housing rights and responsibilities;

(5) Developing fair housing and affirmative marketing instructional material for educational programs for national, regional and local housing industry groups;

(6) Providing educational seminars and working sessions for civic associations, community-based organizations, and other groups;

(7) Developing educational material targeted at persons in need of specific or additional information on their fair housing rights;

(8) Developing national, regional or local media campaigns regarding fair housing;

(9) Bringing housing industry and civic or fair housing groups together to identify illegal real estate practices and to determine how to correct them;

(10) Designing specialized outreach projects to inform all persons of the availability of housing opportunities;

(11) Developing and implementing a response to new or more sophisticated practices that result in discriminatory housing practices;

(12) Developing mechanisms for the identification of, and quick response to, housing discrimination cases involving the threat of physical harm;

(13) Developing and implementing school curriculums for fair housing courses;

(14) Developing and implementing a response to community opposition to the location of residential facilities for persons with disabilities, as defined under the Fair Housing Act, where supportive health or human services are provided in connection with the housing; and

(15) Developing materials and providing technical assistance to support compliance with housing adaptability and accessibility guidelines contained in the 1988 Fair Housing Amendments Act.

(16) Fair Housing Month activities which may be components of national, regional, local, or community based programs.

(B) *National programs.* (1) Activities eligible to be funded as national programs shall be designed to provide a centralized, coordinated effort for the development and dissemination of fair housing media products that may appropriately be used on a nationwide basis, including:

(i) Public service announcements, both audio and video;

(ii) Television, radio and print advertisements;

(iii) Posters; and

(iv) Pamphlets and brochures.

(2) National program applications will receive a preference of up to ten additional points if they:

(i) Demonstrate cooperation with real estate industry organizations (up to five points); and/or

(ii) Provide for the dissemination of educational information and technical

assistance to support compliance with the housing adaptability and accessibility guidelines contained in the Fair Housing Amendments Act of 1988 (up to five points).

(C) *Regional and local programs.* (1) Activities eligible to be funded as regional or local programs include any of the activities, to be implemented on a regional or local level, listed in paragraphs I.(c)(2)(ii)(A) and I.(c)(2)(ii)(B)(1), above, of this NOFA.

(2) For the purposes of this NOFA, activities that are "local" in scope are activities that are limited to a single unit of general local government, meaning a city, town, township, county, parish, village, or other general purpose political subdivision of a State. Activities that are "regional" in scope are activities that cover adjoining States or two or more units of general local government within a State.

(3) Every regional or local program application must include as one of its activities a procedure for referring persons with Fair Housing complaints to State or local agencies, private attorneys, or HUD and the Department of Justice for further enforcement processing.

(D) *Community-based programs.* (1) Activities eligible to be funded as community-based programs include any of the activities, to be implemented on a community-based level, listed in paragraphs I.(c)(2)(ii)(A) and I.(c)(2)(ii)(B)(1), above, of this NOFA. Community-based programs include school, church and community presentations, conferences or other educational activities.

(2) Activities that are "community-based" in scope are those which are focused on a particular neighborhood within a unit of general local government.

(3) Every community-based program application must include as one of its activities a procedure for referring persons with Fair Housing complaints to State or local agencies, private attorneys, or HUD and the Department of Justice for further enforcement processing.

(4) Projects for community-based activities proposed by community-based organizations will receive a preference of five additional points. For the purposes of this NOFA, a community-based organization is an organization whose members primarily come from a particular neighborhood within a unit of general local government.

(iii) *Additional requirements.* The following requirements are applicable to all applications under the Education and Outreach Initiative:

(A) All projects must address or have relevance to housing discrimination based on race, color, religion, sex, handicap, familial status or national origin.

(B) Projects may range in length from six to eighteen months in duration.

(C) Projects that appear to be aimed solely or primarily at research or data-gathering will not be approved. Data-gathering activities will require OMB approval under the Paperwork Reduction Act before commencement of the activity.

(3) *Private Enforcement (PE) Initiative*

(i) *Eligible applicants.* Organizations that are eligible to receive FY 1995 funding assistance under the PE Initiative are:

(A) Qualified fair housing enforcement organizations.

(B) Fair housing enforcement organizations with at least 1 year of experience in complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims.

(ii) *Eligible activities.* Applications are solicited for four year project proposals as described in 24 CFR 125.403 and in this NOFA. Applications may designate up to 20% of requested funds to promote awareness of the services provided by the project, but such promotion must be necessary for the successful implementation of the project. Project applications may involve:

(A) Discovering and providing remedies for discrimination in the public and private real estate markets and real estate-related transactions, including, but not limited to, the making or purchasing of loans, the provision of other financial assistance for sales and rentals of housing, including insurance redlining and appraisal practices, and housing advertising;

(B) Conducting investigations of systemic housing discrimination for further enforcement processing by State or local agencies, or for referral to private attorneys or to HUD and the Department of Justice;

(C) Professionally conducting testing or other investigative support for administrative and judicial enforcement;

(D) Linking fair housing organizations regionally in enforcement activities designed to combat broader housing market discriminatory practices;

(E) Establishing effective means of meeting legal expenses in support of litigation of fair housing cases;

(F) Testing and other investigative activities, including building the capacity for housing investigative

activities in unserved or underserved areas;

(G) Building the capacity to investigate, through testing and other investigative methods, housing discrimination complaints covering all protected classes, including persons with mental and physical disabilities;

(H) Carrying out special projects, including the development of prototypes to respond to new or sophisticated forms of discrimination against persons protected under title VIII, such as in the areas of independent living and architectural barriers;

(I) Providing funds for the costs and expenses of litigation, including expert witness fees.

(iii) *Additional requirements.*

(A) Testers in testing activities funded with PE Initiative funds must not have prior felony convictions or convictions of crimes involving fraud or perjury, and they must receive training or be experienced in testing procedures and techniques.

(B) Four-year projects must be for forty-eight months in duration, with an award cap of \$600,000 and with incremental funding during the life of the award subject to periodic performance reviews. Recipients of multi-year PE Initiative awards may not apply for additional multi-year PE Initiative funds until the last fiscal year of their multi-year award.

(C) Projects that appear to be aimed solely or primarily at research or data-gathering unrelated to existing or planned fair housing enforcement programs will not be approved. Data-gathering activities will require OMB approval under the Paperwork Reduction Act before commencement of the activity.

(D) In accordance with 24 CFR 125.404, no recipient of assistance under the PE Initiative may use any funds provided by the Department for the payment of expenses in connection with litigation against the United States.

(E) Recipients of funds under the Private Enforcement Initiative shall be required to record, in a case tracking log (or Fair Housing Enforcement Log) to be supplied by HUD, information appropriate to the funded project relating to the number of complaints of discrimination received; the basis of these complaints; the type and number of tests utilized in the investigation of each allegation; the time for case processing, including administrative or judicial proceedings; the cost of testing activities and case processing; and case outcome or relief provided. The recipient must agree to make this log available to HUD.

(4) *Fair Housing Organizations (FHO) Initiative.*

(i) *Purpose: Continued Development of Existing Organizations.*

(A) *Eligible applicants.* Eligible applicants for funding under this purpose of the FHO Initiative are:

(1) Qualified fair housing enforcement organizations;

(2) Other private nonprofit fair housing enforcement organizations; and

(3) Nonprofit groups organizing to build their capacity to provide fair housing enforcement.

(B) *Eligible activities.* Eligible activities for funding under this purpose of the FHO Initiative are any activities listed as eligible under the Private Enforcement Initiative in section I.(c)(3)(ii) of this NOFA and carried out as one-year projects.

(C) *Additional requirements.* The following requirements apply to activities funded under the Continued Development of Existing Organizations purpose of the FHO Initiative:

(1) *Operating budget limitation.* Funding under this purpose of the FHO Initiative may not be used to provide more than 50 percent of the operating budget of a recipient organization for any one year. For purposes of the limitation in this paragraph, *operating budget* means the applicant's total planned budget expenditures from all sources, including the value of in-kind and monetary contributions, in the year for which funding is sought.

(2) *Term of contract.* One-year projects may be for up to eighteen months in duration.

(ii) *Purpose: Establishing New Organizations.*

(A) *Eligible applicants.* Organizations that are eligible to receive FY 1995 funding assistance for the purpose of establishing new organizations under the FHO Initiative are:

(A) Qualified fair housing enforcement organizations.

(B) Fair housing enforcement organizations with at least 1 year of experience in complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims.

(B) *Eligible activities.* Eligible for funding under this purpose of the FHO Initiative are three-year projects that help establish, organize, and build the capacity of fair housing enforcement organizations in the targeted unserved and underserved areas identified in sections I.(c)(4)(ii)(C), or other underserved areas identified by the applicant in accordance with section I.(c)(4)(ii)(D), below, of this NOFA. The Department has considered a number of factors to identify the targeted areas

eligible for funding under this NOFA, including, for example, the amount of funds available; the lack of substantially equivalent state or local agencies, or private enforcement groups; and the presence of large concentrations of protected classes. In future NOFAs, the Department will consider additional targeted areas for funding.

(C) *Targeted areas.*

(1) A preference of ten additional points will be given for applications that propose to establish new fair housing enforcement organizations in localities within any of the following unserved areas:

- (i) New Hampshire;
- (ii) Puerto Rico; and
- (iii) Wyoming.

(2) A preference of five additional points will be given for applications that propose to establish new fair housing enforcement organizations in localities within any of the following underserved areas:

- (i) Alabama;
- (ii) Delaware;
- (iii) Oregon; and
- (iv) Utah.

(3) An applicant may seek funding to establish a new organization in a locality not included in the list of target areas, above, but in such a case, the applicant must submit sufficient evidence to establish the proposed area as being currently underserved by fair housing enforcement organizations and as containing large concentrations of protected classes. An applicant may provide additional evidence of the need to establish a fair housing organization in a locality by citing data and studies that indicate the presence of housing discrimination and/or segregation in the locality. An example of evidence that may be used for this purpose is provided in (but is not limited to) the study, *American Apartheid: Segregation and the Making of the Underclass*, by Nancy A. Denton and Douglas S. Massey (Harvard University Press, 1993).

(D) *Additional requirements.* The following requirements apply to activities funded under the Establishing New Organizations purpose of the FHO Initiative:

(1) *Term of contract.* Three-year projects must be thirty-six months in duration, with an award cap of \$500,000 and with incremental funding during the life of the award subject to periodic performance reviews. Recipients of multi-year awards for the purpose of establishing new organizations under the FHO Initiative may not apply for additional multi-year FHO Initiative funds until the last fiscal year of their multi-year award.

(iii) *Additional Requirements.* The following requirements apply to all activities funded under the Fair Housing Organizations Initiative:

(A) Testers in testing activities funded with FHO Initiative funds must not have prior felony convictions or convictions of crimes involving fraud or perjury, and they must receive training or be experienced in testing procedures and techniques.

(B) Projects that appear to be aimed solely or primarily at research or data-gathering unrelated to existing or planned fair housing enforcement programs will not be approved. Data-gathering activities will require OMB approval under the Paperwork Reduction Act before commencement of the activity.

(C) No recipient of assistance under the FHO Initiative may use any funds provided by the Department for the payment of expenses in connection with litigation against the United States.

(D) Recipients of funds under the FHO Initiative shall be required to record, in a case tracking log (or Fair Housing Enforcement Log) to be supplied by HUD, information appropriate to the funded project relating to the number of complaints of discrimination received; the basis of these complaints; the type and number of tests utilized in the investigation of each allegation; the time for case processing, including administrative or judicial proceedings; the cost of testing activities and case processing; and case outcome or relief provided. The recipient must agree to make this log available to HUD.

(d) *Selection Criteria/Ranking Factors*

(1) Selection Criteria for Ranking Applications for Assistance

In addition to the preference points indicated in section I.(c) for particular activities, all projects proposed in applications will be ranked on the basis of the following criteria for selection:

(i) *The anticipated impact of the project proposed on the concerns identified in the application.* (20 points) In determining the anticipated impact of the proposed project, HUD will consider the degree to which a proposed project addresses problems and issues that are significant fair housing problems and issues, as explained in the application, or based upon other information available to HUD. (The clarity and thoroughness of the project description can be considered in this determination.) This criterion will be judged on the basis of the applicant's submissions in response to paragraph III.(a)(1) of this NOFA under the

heading "Checklist of Application Submission Requirements."

(ii) *The extent to which the project will provide benefits in support of fair housing after funded activities have been completed.* (20 points) In determining the extent to which the project will provide benefits after funded activities have been completed, HUD will consider the degree to which the project will be of continuing use in dealing with housing discrimination after funded activities have been completed. This criterion will be judged on the basis of the applicant's submissions in response to paragraph III. (a)(6) and III.(a)(7) of this NOFA under the heading "Checklist of Application Submission Requirements."

(iii) *The extent to which the project will provide the maximum impact on the concerns identified in a cost-effective manner.* (20 points) In determining the extent to which the project will provide the maximum impact on the concerns identified in a cost effective manner, HUD will consider the quality and reasonableness of the proposed activities, timeline and budget for implementation and completion of the project. HUD will consider as well the adequacy and clarity of proposed procedures to be used by the agency for monitoring the progress of the project and ensuring its timely completion. These procedures may consist of a system for checking whether or not the milestones established by the project's timeline are being met. The applicant's capability in handling financial resources (e.g., adequate financial control procedures, accounting procedures) will be taken into account as part of the assessment. This may be evidenced by the applicant's financial management of previous FHIP or other civil rights project management, a certification from the cognizant auditor, and other documentation. This criterion will be judged on the basis of the applicant's submissions in response to paragraphs III.(a)(2), and III.(a)(5) of this NOFA under the heading "Checklist of Application Submission Requirements."

(iv) *The extent to which the applicant's professional and organizational experience will further the achievement of project goals.* (30 points) In determining the extent to which the applicant's professional and organizational experience will further the achievement of the project's goals, HUD will consider the applicant's experience in formulating and carrying out programs to prevent or eliminate discriminatory practices, including the applicant's management of past and current FHIP or other civil rights

projects, the experience and qualifications of existing personnel identified for key positions, or a description of the qualifications of new staff that will be hired, including subcontractors/consultants. For organizations submitting an application under the Education and Outreach Initiative, HUD will consider both fair housing experience and experience in implementing education, outreach or public information programs. This criterion will be judged on the basis of the applicant's submissions in response to paragraph III.(a)(3) of this NOFA under the heading "Checklist of Application Submission Requirements."

(v) *The extent to which the project utilizes other public or private resources that may be available.* (10 points). Both monetary and in-kind resources identified in the application are eligible for determining the extent to which other public or private resources are available. The resources that will be considered must be targeted specifically for the proposed project, and must be over and above the resources available to the applicant as a part of its usual, non-project operations for such expenses as salaries, equipment, supplies, and rent. This criterion will be judged on the basis of the applicant's submissions in response to paragraph III.(a)(4) of this NOFA under the heading "Checklist of Application Submission Requirements."

(2) Selection Process

Each application for funding will be evaluated competitively, and awarded points based on the Selection Criteria for Ranking Applications for Assistance identified in section I.(d)(1) of this NOFA. The final decision rests with the Assistant Secretary or designee. After eligible applications are evaluated against the factors for award and assigned a score, they will be organized by rank order. The rank ordering will be done separately for: each Initiative; each program component (national, regional/local, and community-based) of the Education and Outreach Initiative; or each purpose (continued development of existing organizations, and establishing new organizations) under the Fair Housing Organizations Initiative. Awards for each Initiative will be funded in rank order until all available funds have been obligated, or until there are no acceptable applications.

(3) Cost Factors

The Department expects to fund multiple applications as a result of this NOFA. At some point, however, two or more complete and eligible

applications, after evaluation against the Selection Criteria, may be considered equal in technical merit. At that point, the project's cost will become the deciding factor. Furthermore, an applicant's proposal will not be funded when costs are determined to be unrealistically low or unreasonably high.

(4) Applicants Limited to a Single Award

Applicants may apply for funding for more than one project or activity, however applicants are limited to a single award under this NOFA. If more than one eligible application is submitted by an applicant and is within funding range, the Department will select the award that is most favorable to both the applicant and the Department. In such cases, the Department will select the application that proposes a project or activity for the greatest length of time. If all such applications from the applicant are for the same duration, the Department will select the application that represents the largest funding award.

(5) Independence of Awards

Each project or activity proposed in an application must be independent and capable of being implemented without reliance on the selection of other applications submitted by the applicant or other applicants.

(e) Applicant Notification and Award Procedures

(1) Notification

No information will be available to applicants during the period of HUD evaluation, except for notification in writing to those applicants that are determined to be ineligible or that have technical deficiencies in their applications that may be corrected. Selectees will be announced by HUD upon completion of the evaluation process, subject to final negotiations and award.

(2) Negotiations

After HUD has ranked the applications and made an initial determination of applicants whose scores are within the funding range (but before the actual award), HUD may require that applicants in this group participate in negotiations to determine the specific terms of the cooperative or grant agreement. In cases where it is not possible to conclude the necessary negotiations successfully, awards will not be made.

If an award is not made to an applicant whose application is in the initial funding threshold because of an

inability to complete successful negotiations, and if funds are available to fund any applications that may have fallen outside the initial funding threshold, HUD will select the next highest ranking applicant and proceed as described in the preceding paragraph.

(3) Funding Instrument

HUD expects to award a cost reimbursable or fixed-price cooperative or grant agreement to each successful applicant. HUD reserves the right, however, to use the form of assistance agreement determined to be most appropriate after negotiation with the applicant.

(4) Reduction of Requested Grant Amounts and Special Conditions

HUD may approve an application for an amount lower than the amount requested, fund only portions of an application, withhold funds after approval, and/or require the grantee to comply with special conditions added to the grant agreement, in accordance with 24 CFR part 85.12, the requirements of this NOFA, or where:

- (i) HUD determines the amount requested for one or more eligible activities is unreasonable or unnecessary;
- (ii) The application does not otherwise meet applicable cost limitations established for the program;
- (iii) The applicant has requested an ineligible activity;
- (iv) Insufficient amounts remain in that funding round to fund the full amount requested in the application and HUD determines that partial funding is a viable option;
- (v) The applicant has demonstrated an inability to manage HUD grants, particularly Fair Housing Initiatives Program grants; or
- (vi) For any other reason where good cause exists.

(5) Performance Sanctions

A recipient failing to comply with the procedures set forth in its grant agreement will be liable for such sanctions as may be authorized by law, including repayment of improperly used funds, termination of further participation in the FHIP, reduction or limitation of further funding for administrative enforcement activities, and denial of further participation in programs of the Department or of any Federal agency.

II. Application Process

An application kit is required as the formal submission to apply for funding. The kit includes information on the Management Work Plan and Budget for

activities proposed by the applicant. An application may be obtained by writing the Fair Housing Information Clearinghouse, Circle Solutions, Inc. 8201 Greensboro Drive, Suite 600, McLean, VA 22102, or by calling the toll free number 1-800-343-3442 (voice) or 1-800-290-1617 (TDD). To ensure a prompt response, it is suggested that requests for application kits be made by telephone.

Completed applications are to be submitted to Sharon Bower, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, Room 5234, 451 Seventh Street, SW., Washington, DC 20410.

The application due date will be specified in the application kit. However, applicants will be given at least 70 days from today's date, until June 20, 1995, to submit their applications. Applications will be accepted if they are received on or before the application due date, or are received within 7 days after the application due date, but with a U.S. postmark or receipt from a private commercial delivery service (such as, Federal Express or DHL) that is dated on or before the application due date.

The application deadline is firm as to date. In the interest of fairness to all competing applicants, the Department will treat as *ineligible for consideration* any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems. A transmission by facsimile machine ("FAX") will not constitute delivery.

An applicant may apply for funding for more than one project or activity, but a separate application must be submitted for each of the following categories of funding:

- (1) Administrative Enforcement Initiative activities;
- (2) National programs under the Education and Outreach Initiative;
- (3) Regional or local activities under the Education and Outreach Initiative;
- (4) Community-based activities under the Education and Outreach Initiative;
- (5) Four-year projects under the Private Enforcement Initiative;
- (6) Continued Development of Existing Organizations activities under the Fair Housing Organizations Initiative; and
- (7) Three-year projects under the Fair Housing Organizations Initiative for Establishing New Organizations.

Although a separate application is required for each funding category, an application may propose more than one

type of eligible activity under each category. For example, both production and distribution of a public service message may be proposed in a single application for a national program under the Education and Outreach Initiative.

Applicants must submit all information required in the application kit and must include sufficient information to establish that the application meets the selection criteria set forth in section I.(d), above, of this NOFA.

III. Checklist of Application Submission Requirements

(a) *General requirements.* The application kit will contain a checklist of application submission requirements to complete the application process. Each application for FHIP funding must contain the following items:

(1) A description of the activities proposed for funding, and the practice or practices at the community, local, regional or national level that have adversely affected the achievement of the goal of fair housing, and that will be addressed by the proposed activities. This description must include a discussion and analysis of the housing practices identified, including available information and studies relating to discriminatory housing practices and their historical background, and relevant demographic data indicating the nature and extent of the impact of the described practices on persons seeking dwellings or services related to the sale, rental or financing of dwellings, in the general location where the applicant proposes to undertake activities;

(2) A budget—which must include \$5,000 per year—to be used for travel and associated costs for training sponsored or approved by the Department—and a timeline for the implementation of the proposed activities, consisting of a description of the specific activities to be conducted with FHIP funds, the geographic areas to be served by the activities, any reports to be produced in connection with the activities, the cost of each proposed activity and a schedule for the implementation and completion of the activities;

(3) A description of the applicant's experience in formulating or carrying out programs to prevent or eliminate discriminatory housing practices or in implementing other civil rights programs, the experience and qualifications of existing personnel identified for key positions, or a description of the qualifications of new

staff to be hired, including subcontractors/consultants;

(4) A statement indicating the need for FHIP funding in support of the proposed project and an estimate of other public or private resources that may be available to assist the proposed activities;

(5) A description of the procedures to be used by the applicant for monitoring the progress of the proposed activities and the applicant's planned or implemented financial control procedures that will demonstrate the applicant's capability in managing financial resources;

(6) A description of the fair housing benefits that successful completion of the project will produce, and the indicators by which these benefits are to be measured;

(7) A description of the degree to which the project will be of continuing use in dealing with housing discrimination after funded activities have been completed; and

(8) HUD Form 2880, Applicant Disclosures;

(9) A listing of any current or pending grants or contracts, or other business or financial relationships or agreements, to provide training, education, and/or self-testing services between the applicant and any entity or organization of entities involved in the sale, rental, advertising or provision of brokerage or lending services for housing. The listing must include the name and address of the entity or organization; a brief description of the services being performed or for which negotiations are pending; the dates for performance of the services; and the amount of the contract or grant. This listing must be updated during the grant negotiation period, at the end of the grant term, and for grants that will run for more than twelve months, at the end of the twelfth month.

(10) The applicant must submit a certification and disclosure in accordance with the requirements of section 319 of the Department of the Interior Appropriations Act (Pub. L. 101-121, approved October 23, 1989), as implemented in HUD's interim final rule at 24 CFR part 87, published in the **Federal Register** on February 26, 1990 (55 FR 6736). This statute generally prohibits recipients and subrecipients of Federal contracts, grants, cooperative agreements and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. If warranted, the applicant should include the Disclosure of Lobbying Activities form (SF-LLL).

(11) Prior to award execution, successful applicants must submit a certification that they will comply with the certification requirements contained in the application kit.

(b) *Additional Education and Outreach Initiative requirements.* In addition to meeting the application requirements contained in section III.(a), above, all proposals under the Education and Outreach Initiative must include the following:

(1) A description of how the activities or the final products of the projects can be used by other agencies and organizations and what modifications, if any, would be necessary for that purpose.

(2) Coordination of activities. Each non-governmental applicant for funding under the Education and Outreach Initiative that is located within the jurisdiction of a State or local enforcement agency or agencies administering a fair housing law that has been certified by the Department under 24 CFR part 115 as being a substantially equivalent fair housing law must provide, with its application, documentation that it has consulted with the agency or agencies to coordinate activities to be funded under the Education and Outreach Initiative. This coordination will ensure that the activities of one group will minimize duplication and fragmentation of activities of the other. Failure to submit the documentation required by this section will be treated as a technical deficiency in accordance with section IV., below, of this NOFA.

(3) Every regional/local or community-based program application must include as one of its activities a procedure for referring persons with Fair Housing complaints to State or local agencies, private attorneys, or HUD and the Department of Justice for further enforcement processing.

(c) *Additional Private Enforcement Initiative requirements.* In addition to meeting the application requirements contained in section III.(a), above, all proposals for testing under the Private Enforcement Initiative must include:

(1) Documentation that the applicant has at least one year of experience in carrying out a program to prevent or eliminate discriminatory housing practices, and has sufficient knowledge of fair housing testing to enable the applicant to implement a testing program successfully;

(2) A certification providing that the applicant will not solicit funds from or seek to provide fair housing educational or other services or products for compensation, directly or indirectly, to any person or organization which has

been the subject of testing by the applicant during a 12 month period following the test.

(d) *Additional Fair Housing Organizations Initiative requirements.* In addition to meeting the application requirements contained in section III.(a), above, the following application submission requirements apply to proposals under the Fair Housing Organizations Initiative:

(1) Each applicant under the continued development of existing organizations purpose of the Fair Housing Organizations Initiative must submit an operating budget that describes the applicant's total planned expenditures from all sources, including the value of in-kind and monetary contributions, in the year for which funding is sought. This operating budget will be used for the purposes of determining the extent of the 50% funding limitation on operating expenses.

(2) All proposals for testing under the Fair Housing Organizations Initiative must certify that the applicant will not solicit funds from or seek to provide fair housing educational or other services or products for compensation, directly or indirectly, to any person or organization which has been the subject of testing by the applicant during a 12 month period following the test.

IV. Corrections to Deficient Applications

Applicants will not be disqualified from being considered for funding because of technical deficiencies in their application submission, e.g., an omission of information such as regulatory/program certifications, or incomplete signatory requirements for application submission.

HUD will notify an applicant in writing of any technical deficiencies in the application. The applicant must submit corrections within 14 calendar days from the date of HUD's letter notifying the applicant of any technical deficiency.

The 14-day correction period pertains only to non-substantive, technical deficiencies or errors. Technical deficiencies relate to items that:

1. Are not necessary for HUD review under selection criteria/ranking factors; and
2. Would not improve the substantive quality of the proposal.

V. Other Matters

Prohibition Against Lobbying Activities

The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of

Section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) (the "Byrd Amendment") and the implementing regulations at 24 CFR part 87. These authorities prohibit recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the Executive or Legislative branches of the Federal government in connection with a specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. Under 24 CFR part 87, applicants, recipients and subrecipients of assistance exceeding \$100,000 must certify that no Federal funds have been or will be spent on lobbying activities in connection with the assistance.

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with the Department's regulations at 24 CFR Part 50 which implement Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays at the Office of the Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, DC 20410.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that the policies announced in this Notice would not have a significant impact on the formation, maintenance, and general well-being of families except indirectly to the extent of the social and other benefits expected from this program of assistance.

Executive Order 12612, Federalism

The General Counsel has determined, as the Designated Official for HUD under section 6(a) of Executive Order 12612, *Federalism*, that the policies contained in this Notice will not have federalism implications and, thus, are not subject to review under the Order. The promotion of fair housing policies is a recognized goal of general benefit without direct implications on the relationship between the national government and the states or on the distribution of power and responsibilities among various levels of government.

Drug-Free Workplace Certification

The Drug-Free Workplace Act of 1988 requires grantees of Federal agencies to certify that they will provide drug-free workplaces. Thus, each applicant must certify that it will comply with drug-free workplace requirements in accordance with 24 CFR part 24, subpart F.

Accountability in the Provision of HUD Assistance

HUD has promulgated a final rule to implement section 102 of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act). The final rule is codified at 24 CFR part 12. Section 102 contains a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992, HUD published at 57 FR 1942 additional information that gave the public (including applicants for, and recipients of, HUD assistance) further information on the implementation of section 102. The documentation, public access, and disclosure requirements of section 102 are applicable to assistance awarded under this NOFA as follows:

Documentation and public access requirements HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its quarterly **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these documentation and public access requirements.)

Disclosures HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than three years. All reports—both applicant disclosures and updates—will be made available in

accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

Section 103 HUD Reform Act

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 was published May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR Part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by Part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR Part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708-3815 (TDD/Voice). (This is not a toll-free number.) The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

Section 112 HUD Reform Act

Section 13 of the Department of Housing and Urban Development Act contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the **Federal Register** on May 17, 1991 (56 FR 22912) as 24 CFR part 86. If readers are involved in any efforts to influence the Department in these ways, they are urged to read the

final rule, particularly the examples contained in Appendix A of the rule.

Authority: 42 U.S.C. 3601-3619; 42 U.S.C. 3616 note.

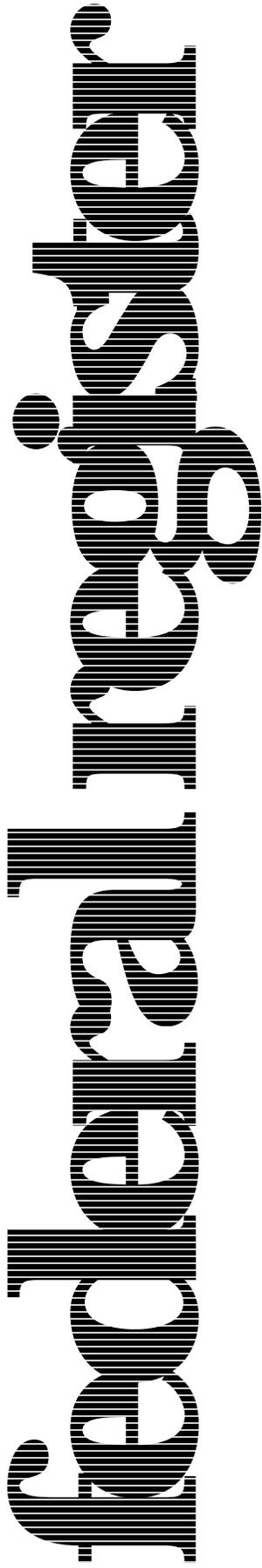
Dated: March 20, 1995.

Roberta Achtenberg,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 95-8784 Filed 4-10-95; 8:45 am]

BILLING CODE 4210-28-P



Tuesday
April 11, 1995

Part III

**Department of
Housing and Urban
Development**

Historically Black Colleges and
Universities Program; Notice of Funding
Availability for FY 1995

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

**Office of the Assistant Secretary for
Community Planning and
Development**

[Docket No. N-95-3899; FR-3894-N-01]

**Notice of Funding Availability for FY
1995 Historically Black Colleges and
Universities Program**

AGENCY: Office of the Assistant
Secretary for Community Planning and
Development, HUD.

ACTION: Notice of Funding Availability
(NOFA) for Fiscal Year (FY) 1995.

SUMMARY: This NOFA announces up to \$4.0 million of FY 1995 funding for the Historically Black Colleges and Universities (HBCU) Program plus any recaptured funds from prior appropriations. In the body of this document is information concerning the following:

- a. The purpose of the NOFA and information regarding available amounts, objectives, eligibility and selection criteria;
- b. Application processing, including how, where and when to apply and how selections will be made.

DATES: No applications will be accepted after 4:30 p.m. on August 9, 1995. This application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as *ineligible for consideration* any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems. Applications may not be submitted by facsimile (FAX).

ADDRESSES: For an application kit contact: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street, SW., Room 7255, Washington, DC, 20410-3500. Attn: HBCU Program. Requests must be in writing and may be sent to this address or may be made by facsimile machine to the following number: (202) 708-3363. The TDD number for the hearing impaired is (202) 708-2565. (This is not a toll-free number.) When requesting an application kit, please refer to document FR-3894, and provide your name, address (including zip code), and telephone number (including area code). Requests for HBCU application packages should be made immediately. HUD will

distribute application packages as soon as they become available.

Application Submission: An original and three copies of the completed application should be submitted to the following address: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street, SW., Room 7255, Washington, DC, 20410-3500. Attn: HBCU Program.

FOR FURTHER INFORMATION CONTACT: Dr. James Turk, Office of Technical Assistance, Department of Housing and Urban Development, 451 7th Street, SW., Room 7253, Washington, DC 20410. Telephone Number: (202) 708-3176. The TDD number for the hearing impaired is (202) 708-2565. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520). The control number for information described in this document is 2506-0122.

I. Purpose and Substantive Description

Purpose. This program is designed to assist HBCUs to expand their role and effectiveness in addressing community development in their localities. For the purposes of this program, the term "locality" includes any city, county, town, township, parish, village, or other general political subdivision of a State within which an HBCU is located. An HBCU located in a metropolitan statistical area (MSA), as established by the Office of Management and Budget, may consider its locality to be one or more of these entities within the entire MSA. The nature of the locality for each HBCU may, therefore, differ depending on its location.

Objectives. The objectives of this program are:

1. To help HBCUs expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development, consistent with the purposes of title I of the Housing and Community Development Act of 1974; and
2. To help HBCUs address the needs of their locality(ies) while furthering the following HUD values:
 - A Commitment to Community;
 - A Commitment to Support Families;

- A Commitment to Economic Lift;
- A Commitment to Reciprocity and to Balancing Individual Rights and Responsibilities.
- A Commitment to Reducing the Separations by Race and Income in American Life.

3. Consistent with section 3 of the Housing and Urban Development Act of 1968, it is HUD's policy to encourage and ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing.

Applicants must address objective 1 by successfully demonstrating how the proposed activities will expand the role of the HBCU in meeting local community economic development and/or housing needs while furthering HUD's values identified in objective 2.

A. Authority

This program is authorized under section 107(b)(3) of the Housing and Community Development Act of 1974 (the 1974 Act), which was added by section 105 of the HUD Reform Act of 1989. The program is governed by regulations contained in 24 CFR 570.201 through 570.207, 24 CFR 570.400, 570.404 and 24 CFR part 570, subparts A, C, J, K and O.

B. Allocation Amounts and Form

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act 1995 (approved September 28, 1994, Pub. L. 103-327) (1995 App. Act) appropriated \$44,000,000 for special purpose grants pursuant to section 107 of the Housing and Community Development Act of 1974. This notice announces HUD's intention to award up to \$4.0 million from these FY 1995 funds (plus any additional recaptured funds from prior appropriations) to fund HBCU projects. The maximum amount awarded to any applicant will be \$500,000. The awards will be made in the form of grants.

C. Eligibility

1. **Eligible Applicants.** Only HBCUs as determined by the Department of Education in 34 CFR 608.2 in accordance with that Department's responsibilities under Executive Order 12677, dated April 28, 1989, are eligible to submit applications.

2. **Eligible Activities.** Activities that may be funded under this NOFA are those activities eligible for Community

Development Block Grant (CDBG) funding. They are listed in 24 CFR 570.201 through 570.206. Basic eligible activities include:

- a. Identifying specific needs for affordable housing and increasing housing opportunities for low- and moderate-income persons throughout the locality;
- b. Providing adequate infrastructure to support housing and economic development;
- c. Meeting environmental review requirements to permit economic growth;
- d. Supporting community design projects with amenities to improve living conditions and to create a climate which invites investment;
- e. Forming partnerships with the State and local government to address the physical, social and economic needs of the community in a comprehensive manner;
- f. Developing programs that provide a continuum of care for the homeless;
- g. Working with local groups and organizations to combat discrimination in housing, mortgage credit and insurance, and to further fair housing;
- h. Promoting opportunities for the creation and expansion of small businesses and minority enterprises;
- i. Providing technical assistance and opportunities for homeownership;
- j. Providing assistance to preserve the inventory of low-income housing in the locality through rehabilitation and preservation efforts; and
- k. Promoting opportunities for training and employment of low-income residents in connection with HUD and other Federally-assisted projects and activities.

Those applicants planning to use funds for the provision of public services are bound by the statutory requirement that not more than 15% of the total grant amount be used for public service activities.

3. *Environmental Review.* If the applicant proposes activities involving rehabilitation of structures or construction of buildings, an environmental review by HUD is required and the proposed project must pass an environmental review in accordance with 24 CFR part 50, including the authorities at § 50.4. If the requirements of part 50 are not met, HUD reserves the right to terminate all or portions of the award. The grantee is not authorized to proceed with any activity requiring such approval until written approval is received from the HUD State environmental office in your area certifying that the project has been approved.

D. Selection Criteria/Rating Factors

An applicant must demonstrate that it meets the objectives of this HBCU program by scoring at least 12 of the possible 20 points on rating factor 1 (addressing the objectives) in order to qualify for funding. Applicants must also receive a minimum score of 70 out of the total of 100 points to be considered eligible for funding. Activities which are not eligible for funding under this program (see 24 CFR 570.207) will not be funded. If more than 50 percent of the amount requested in the application is for ineligible activities, the application will not be funded.

Applications for funding under this Notice will be evaluated competitively, and awarded points based on the factors identified below. The Department will rank the applications in descending order according to score. Applications meeting the minimum threshold requirements will be funded in rank order, until all available funds have been obligated, or until there are no acceptable applications.

Negotiations. After all applications have been rated and ranked and a determination of successful applicants has been made, HUD requires that all successful applicants participate in negotiations to determine the specific terms of the Statement of Work and grant budget. In cases where HUD cannot successfully conclude negotiations, awards will not be made. In such instances, HUD may elect to offer an award (in an amount not to exceed the amount of remaining funds available for the competition) to the next highest ranking applicant and proceed with negotiations as described above.

Optional Match. Although match is not required to qualify for funding, the Department wishes to stress that applicants that evidence a commitment of matching funds, in accordance with Rating Factor 4.b., below, are eligible for more rating points than those not having a match. The maximum number of rating points an applicant can receive for matching funds is 7 points out of the 100 point total. Applicants having a cash match will receive a higher number of points than those only providing in-kind services or not providing any match for program activities. Matching funds may be in the form of cash and/or in-kind goods or services.

Rating Factors. The factors set forth below will be used by the Department to evaluate applications. Each application must contain sufficient information to be reviewed for its merits. The score of each factor will be

based on the qualitative and quantitative aspects demonstrated for each factor in an application. The factors, and the maximum number of points for each factor (out of a total of 100 points), are as follows:

1. *Addressing the Objectives.* (maximum points: 20)

The extent to which the applicant addresses the objectives of this program is examined by this factor. Applicants must address objective i. by successfully demonstrating how the proposed activities will expand the role of the HBCU in meeting local community economic development and/or housing needs while furthering HUD's values identified in objective ii.

a. The objectives of this program are:

- i. To help HBCUs expand their role and effectiveness in addressing community development needs in their localities, including neighborhood revitalization, housing, and economic development, consistent with the purposes of the 1974 Act; and
- ii. To help HBCUs address the needs of their localities in meeting the following HUD values:

- A Commitment to Community;
- A Commitment to Support Families;
- A Commitment to Economic Lift;
- A Commitment to Reciprocity and to Balancing Individual Rights and Responsibilities.
- A Commitment to Reducing the Separations by Race and Income in American Life.

iii. Consistent with section 3 of the Housing and Urban Development Act of 1968, it is HUD's policy to encourage and ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing.

b. In rating this factor, the Department will consider:

i. The extent to which the applicant demonstrates that the proposed activities and program will expand its role and effectiveness in addressing community development needs in its locality(ies), in accordance with the objective specified in section I.D.1.a.i. of this NOFA, above; and

ii. The extent to which the applicant demonstrates that the proposed activities will further one or more of the HUD values specified in section I.D.1.a.ii. of this NOFA, above.

iii. The extent to which the applicant demonstrates that it will provide to the greatest extent feasible, and consistent

with existing Federal, State, and local laws and regulations, job training, employment, contracting and other economic opportunities to section 3 residents and section 3 business concerns.

2. Substantial Impact in Achieving Objectives. (maximum points: 25)

The extent to which the applicant demonstrates that the proposed activities would have a substantial impact in achieving the objectives in sections I.D.1.a.i. and ii of this NOFA, above, is examined by this factor. In rating this factor the Department will consider:

a. The extent to which the applicant demonstrates how the proposed activities will address high priority needs identified in each locality's community development plan or program, or HUD-approved Consolidated Plan in accordance with 24 CFR part 91.

b. The extent to which the applicant demonstrates how the proposed activities will substantially address the needs of the locality within the framework of HUD's values.

3. Special Needs of Applicant or Locality. (maximum points: 10)

The extent to which the applicant demonstrates that the locality has special needs which will be addressed or met by the proposed activities, particularly with respect to benefitting low- and moderate-income persons, including minorities, is examined by this factor. In rating this factor, HUD will consider the urgency of the special need in the locality, particularly with respect to low- and moderate-income persons, including minorities.

4. Technical and Financial Feasibility and Match. (maximum points: 25)

The extent to which the applicant demonstrates the technical and financial feasibility for achieving the objectives, including local support for the activities proposed to be carried out in the locality and any matching funds proposed to be provided from sources other than the applicant, is examined by this factor. In rating this factor, the Department will consider:

a. The extent to which the applicant demonstrates the technical feasibility for achieving the objectives within the program period proposed;

b. The extent to which the applicant demonstrates the financial feasibility and local support for the activities to be carried out in the locality, as evidenced by the commitment, from sources other than the applicant, of matching funds, staffing, services, or other in-kind resources. (Applicants that evidence such a commitment of matching funds are eligible to receive a higher score

than those not having a match. See the discussion under the heading *Optional Match* in this section I.D., above.)

5. Capacity. (maximum points: 20)

The extent to which the applicant demonstrates the capacity to carry out satisfactorily the proposed activities in a timely fashion, including satisfactory performance in carrying out any prior HUD-assisted projects or activities, is examined by this factor. In rating this factor, the Department will consider:

a. The extent to which the applicant's proposed management plan:

- i. Clearly delineates staff responsibilities and accountability for all work required;
- ii. Presents a work plan with a clear and feasible schedule for conducting all project tasks; and
- iii. Presents a reasonable and adequate planned budget as reflected in the budget-by-task and supporting rationale and justification for the budget.

b. The extent to which the applicant demonstrates the recent and relevant work experience of the staff proposed to undertake the activities described in the Statement of Work.

c. The extent to which the applicant can demonstrate that its past and current projects funded by HUD and/or other Federal or private sector sources are or have been completed on schedule and have met or are meeting goals established for addressing local needs.

d. The extent to which the applicant demonstrates the proposed program manager's capacity, background and experience to carry out the proposed activities in a satisfactory and timely fashion, as evidenced by recent work experience in managing projects of the same or similar size, dollar amount, and types of activities as those proposed in the application.

II. Application Submission Requirements

Applicants must complete and submit applications for HBCU grants in accordance with instructions contained in the FY 1995 Historically Black Colleges and Universities Program application package. The application package will request information in sufficient detail for HUD to determine whether the proposed activities are feasible and meet all the requirements of applicable statutes and regulations. The application package requires a Statement of Work which clearly identifies the proposed activities, a narrative response to the Rating Factors identified in section I.D. of this NOFA, a schedule for the program, budgets, and a description of any other public or private resources proposed to be used in

the program. The application package also contains certifications that the applicant will comply with fair housing and civil rights requirements, program regulations, regulations in 24 CFR part 135 with regard to economic opportunities for low-income persons and business concerns, and other Federal requirements. Applicants should refer to the HBCU application package for further instructions.

III. Corrections to Deficient Applications

Immediately after the deadline for submission of applications, applications will be screened to determine whether all items were submitted. If the applicant fails to submit certain technical items, or the application contains a technical mistake, such as an incorrect signatory, the Department shall notify the applicant in writing that the applicant has 14 calendar days from the date of the written notification to submit the missing item, or correct the technical mistake. If the applicant does not submit the missing item within the required time period, the application will be ineligible for further processing.

The 14-day cure period pertains only to non-substantive technical deficiencies or errors. Technical deficiencies relate to items that:

1. Are not necessary for HUD review under selection criteria/rating factors; and
2. Would not improve the substantive quality of the proposal.

IV. Other Matters

(a) *Environmental Impact.* A Finding of No Significant Impact with respect to the environment has been made in accordance with the Department's regulations at 24 CFR Part 50 which implement Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays at the Office of the Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, DC 20410.

(b) *Federalism, Executive Order 12612.* The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies and procedures contained in this NOFA will not have substantial direct effects on States or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government. Specifically, the NOFA solicits HBCU applicants to expand their role in addressing

community development needs in their localities and does not impinge upon the relationships between the Federal government, and State and local governments.

(c) *Family, Executive Order 12606.* The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this document does not have potential for significant impact on family formation, maintenance, and general well-being. The notice only solicits HBCUs to apply for funding to address community development needs in their locality. Any impact on the family will be indirect and beneficial in that better planning of community development needs should result.

(d) *Prohibition Against Lobbying Activities.* The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) (The "Byrd Amendment") and the implementing regulations at 24 CFR part 87. These authorities prohibit recipients of federal contracts, grants, or loans from using appropriated funds for lobbying the Executive or Legislative branches of the federal government in connection with a specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. Under 24 CFR part 87, applicants, recipients, and subrecipients of assistance exceeding \$100,000 must certify that no federal funds have been or will be spent on lobbying activities in connection with the assistance.

(e) *Section 102 HUD Reform Act; Documentation and Public Access Requirements.* HUD will ensure that documentation and other information regarding each application submitted

pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these requirements.)

(f) *Section 103 HUD Reform Act.* HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 was published May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR Part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are limited by Part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR Part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708-3815. (This is not a toll-free number.) The Office of Ethics can

provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Regional or Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

(g) *Section 112 HUD Reform Act.* Section 13 of the Department of Housing and Urban Development Act contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the **Federal Register** on May 17, 1991 (56 FR 22912). If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in Appendix A of the rule.

Authority: Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301-5320); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d); 24 CFR 570.404.

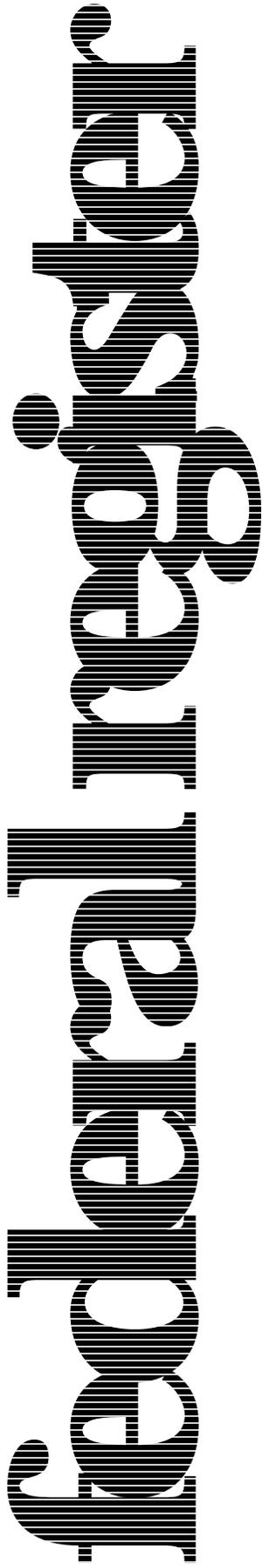
Dated: March 15, 1995.

Andrew Cuomo,

Assistant Secretary for Community Planning and Development.

[FR Doc. 95-8786 Filed 4-10-95; 8:45 am]

BILLING CODE 4210-29-P



Tuesday
April 11, 1995

Part IV

**Environmental
Protection Agency**

Clean Air Act: Acid Rain Program
Permits; Final Rule and Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 72**

[FRL-5186-3]

RIN 2060-AE59

Acid Rain Program: Permits**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

SUMMARY: Title IV of the Clean Air Act (the Act), as amended by the Clean Air Act Amendments of 1990, authorizes the Environmental Protection Agency (EPA or Agency) to establish the Acid Rain Program. The program sets emissions limitations to reduce acidic deposition and its serious, adverse effects on natural resources, ecosystems, materials, visibility, and public health. On January 11, 1993, the Agency promulgated final rules under title IV. Several parties filed petitions for review of the rules. On January 10, 1995, EPA and the parties signed a settlement agreement addressing reduced utilization issues.

Based on a review of the record, the Agency concludes that the January 11, 1993 regulations concerning reduced utilization should be revised. The overall effect of the revisions is to reduce the reporting and recordkeeping burden on utilities. The regulations require that, unless certain requirements are met, the designated representative of a unit in Phase I of the program whose annual utilization of fuel is less than its average annual utilization in 1985-1987 must submit a reduced utilization plan. The regulations also require designated representatives to submit end-of-year compliance reports that estimate the sulfur dioxide emissions resulting from any underutilization of Phase I units and to surrender allowances for the estimated emissions. The Agency is revising the regulations to simplify the criteria for determining if a reduced utilization plan must be submitted: Where the end-of-year reporting and allowance surrender requirements are met, such a plan is not required. Further, the Agency is revising the formulas for estimating emissions resulting from underutilization to correct errors, clarify certain provisions, and take account of and facilitate compliance by Phase I units with multiple owners or whose owners are required by law to purchase electricity from non-utility power production facilities.

The rule revision is being issued as a direct final rule because it is consistent

with the January 10, 1995 settlement and no adverse comment is expected.

EFFECTIVE DATE: This direct final rule will be effective on May 22, 1995 unless significant, adverse comments are received by May 11, 1995. If significant, adverse comments are timely received on any portion of the direct final rule, that portion of the direct final rule will be withdrawn through a notice in the **Federal Register**.

ADDRESSES: All written comments must be identified with the appropriate docket number and must be submitted in duplicate to: EPA Air Docket Section (LE-131), Waterside Mall, Room 1500, 1st floor, 401 M St., S.W., Washington DC 20460.

Docket No. A-93-40, containing supporting information used to develop the proposal, copies of all comments received, and responses to comments, is available for public inspection and copying from 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 3:30 p.m., Monday through Friday, excluding legal holidays, at EPA's Air Docket Section, Waterside Mall, Room 1500, 1st floor, 401 M St., S.W., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Dwight C. Alpern, Attorney-advisor, at (202) 233-9151, Acid Rain Division (6204J), U.S. Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460, or the Acid Rain Hotline at (202) 233-9620.

SUPPLEMENTARY INFORMATION: All public comment received on any portion of this direct final rule on which significant, adverse comments are timely received will be addressed in a subsequent final rule. That final rule will be based on the relevant portion of the rule revision that is noticed as a proposed rule in the Proposed Rules Section of this **Federal Register** and that is identical to this direct final rule. The contents of the preamble to the direct final rule are as follows:

- I. Background: Purposes of Reduced Utilization Plans and Allowance Surrender for Underutilization of Phase I Units
- II. Reduced Utilization Plan
- III. Dispatch System
 - A. Utility System and Identification of Dispatch System
 - B. Apportionment of Phase I Units
- IV. Emissions Rate
 - A. Non-Utility Generators
 - B. Dispatch System Emissions Rate
 - C. NERC Emissions Rate
- V. Administrative Requirements
 - A. Executive Order 12866
 - B. Unfunded Mandates Act
 - C. Paperwork Reduction Act
 - D. Regulatory Flexibility Act

E. Miscellaneous

I. Background: Purposes of Reduced Utilization Plans and Allowance Surrender for Underutilization of Phase I Units

A Phase I unit is underutilized if, in any year in Phase I, the total annual utilization of fuel at the unit is less than its baseline, i.e., its annual average fuel utilization for 1985-1987. The provisions of the Act that relate to reduced utilization or underutilization of Phase I units are found in sections 403(d) and 408(c)(1)(B).

In dividing the Acid Rain Program into two phases, i.e., Phase I applicable only to larger, dirtier units and Phase II applicable to virtually all utility units, the Congress recognized the potential for circumvention of Phase I emission reduction requirements. A Phase I unit, which receives allowances for its baseline, could simply reduce its utilization below baseline by shifting generation of electricity to a unit that was not covered by Phase I and did not have to use allowances to authorize its SO₂ emissions. The Phase I unit would retain the unused allowances but the same amount of SO₂ could be emitted by the second unit, which would not use up any allowances. See 58 FR 60951 (Nov. 18, 1993). In section 408(c)(1)(B), Congress adopted the solution of requiring submission of a reduced utilization plan by owners and operators of any Phase I unit that plans to reduce the unit's utilization in order to comply with Phase I emissions limitations. The plan must designate the units (referred to as "compensating units") to which generation was shifted or account for the reduced utilization through energy conservation or improved unit efficiency. 59 FR 60219 (Nov. 22, 1994).

Section 403(d) provides that the Acid Rain regulations must permit utilities to continue to operate in an economic and reliable fashion (e.g., through central dispatching that may result in shifting generation from Phase I units to other units or generators). However, section 403(d) also provides that the Acid Rain regulations must require utilities to compensate at the end of the year for emissions resulting from such operations and must facilitate orderly and competitive functioning of the allowance system. 56 FR 63019 (Dec. 3, 1991).

In order to achieve the objectives of both section 403(d) and section 408(c)(1)(B), EPA adopted, in the January 11, 1993 regulations, requirements concerning the submission of reduced utilization plans and allowance surrender for underutilization. The regulations

require that the designated representative of any Phase I unit with utilization below baseline apply formulas in §§ 72.91 and 72.92 estimating the emissions (if any) resulting from such underutilization and surrender allowances covering the estimated emissions. In this way, the emissions consequences of shifting generation from Phase I units are accounted for, and Phase I SO₂ emission reduction goals are preserved, without the designation of specific compensating units.

In addition, the January 11, 1993 regulations require the submission of a reduced utilization plan for any Phase I unit that is planned to be utilized below baseline as a method of complying with SO₂ emissions limitations. However, if the allowance surrender requirements are met and the unit meets criteria in § 72.43(e), a plan is not required. The criteria are broadly drawn. For example, under these criteria, a plan need not be submitted for underutilization caused by economic dispatching that reflected increases in generation costs (e.g., allowance costs) at the unit. The Agency adopted this approach of limiting the plan submission requirement because of concern that, *inter alia*, economic dispatch and operation of utility systems or power pools might be inhibited because utilities might be unable to designate compensating units. 56 FR 63021.

II. Reduced Utilization Plans

As noted above, § 72.43(e) of the January 11, 1993 regulations sets forth criteria for making retrospective determinations as to whether a Phase I unit was underutilized for the purpose of complying with SO₂ emissions limitations. If underutilization was for the purpose of compliance, then the unit must have a reduced utilization plan. If underutilization was incidental to utility operations, no plan is needed. In particular, a plan is not required if the allowance surrender requirements under §§ 72.91 and 72.92 are met and one of several demonstrations are made. The demonstrations involve showing that the unit's underutilization was caused by a dispatch-system-wide sales decline, a forced outage at the unit, or economic dispatching. If none of these demonstrations can be made, the Agency determines on a case-by-case basis, considering certain indicators set forth in § 72.43(e)(2), whether a plan should have been submitted.

The Agency has concluded that this approach is unnecessarily complicated and burdensome. Because of concerns that Phase I units would be unable to designate compensating units, the

criteria in § 72.43(e) for avoiding submission of a reduced utilization plan were designed to apply broadly. In particular, a plan is not required to the extent underutilization is caused by economic dispatching. Consequently, under these criteria, plan submission is largely optional so long as the allowance surrender requirements are met.

However, despite their broad scope, the criteria still leave some uncertainty as to whether the Agency will agree that a reduced utilization plan is not required even if allowances are surrendered. Further, owners and operators of Phase I units carry the burden of showing that the criteria are met. In fact, the January 11, 1993 regulations require Phase I unit owners and operators to show in their annual compliance certification reports the amounts of underutilization caused by sales decline, forced outage, or economic dispatching. 40 CFR 72.92(a)(2) (1993). The annual reports must also include specified information on forced outages at Phase I units. 40 CFR 72.92(a)(3) (1993). Additional submissions are required during the year in the event of a forced outage that will permanently shut down a Phase I unit and result in shifting generation to other units. 40 CFR 72.92(b)(1) (1993). Yet, this uncertainty and burden serve no real purpose if the allowance surrender requirements of §§ 72.91 and 72.92 are met. The allowance surrender procedures account for the emissions consequences of underutilization and consequent shifting of generation and therefore obviate the need for a reduced utilization plan under section 408(c)(1)(B) of the Act. Once underutilization is accounted for under §§ 72.91 and 72.92, there is no basis for requiring any further accounting through the designation of compensating units or energy conservation or unit efficiency measures.

The Agency concludes that § 72.43(e) should be revised so that the requirement to submit a reduced utilization plan for an underutilized Phase I unit is eliminated if the allowance surrender and reporting requirements of §§ 72.91 and 72.92 are met. This is a reasonable way of harmonizing sections 408(c)(1)(B) and 403(d) of the Act. The other criteria in § 72.43(e) are therefore superfluous and are removed. Sections 72.92(a)(2) and (3) and (b)(1) of the January 11, 1993 regulations, requiring submission of information in annual and other reports related to the removed criteria in

§ 72.43(e), are also unnecessary and are removed.¹

III. Dispatch System

The dispatch system of a unit plays an important role in the allowance surrender calculations under §§ 72.91 and 72.92. For example, if a Phase I unit has a reduced utilization plan, the amount of reduced utilization accounted for under the plan (by a compensating unit, conservation or improved unit efficiency measures, or sulfur-free generators) must be determined. See 40 CFR 72.91(a)(3) (1993) (requiring calculation of "plan reductions"). The percentage change in the total sales of the dispatch system is a factor in calculating reduced utilization accounted for by a sulfur-free generator. 40 CFR 72.91(a)(3)(iii) (1993). As a further example, the total generation produced by the units and generators in a dispatch system during a Phase I calendar year must be used to determine the percentage of total dispatch system sales for the year that was generated by units and generators in the dispatch system. That percentage is used in calculating the emissions rate that is in turn used to determine how many allowances must be surrendered for the year. 40 CFR 72.92(c)(2)(v)(A) (1993).

The Agency is revising § 72.33(a), (b), and (c) to clarify certain matters concerning the determination of a unit's dispatch system. In addition, while § 72.33(f) allowed owners and operators of Phase I units to request that a Phase I unit be apportioned among its owners and their dispatch systems, certain revisions of the provision are needed to make it more workable and to coordinate it with the allowance surrender procedures under §§ 72.91 and 72.92.

A. Utility System and Identification of Dispatch System

Under § 72.33, each Phase I unit must be treated as part of a dispatch system for purposes of the allowance surrender procedures,² and the unit's utility

¹ In addition, § 72.91(a) of the January 11, 1993 regulations is revised to make it clear that the reporting requirements in § 72.91 apply only to calendar years in Phase I. Since § 72.92(a) applies to calendar years covered by § 72.91, this limitation applies to reporting under both sections. This reflects the fact that reduced utilization is a problem only in Phase I, when a minority of utility units are subject to Acid Rain SO₂ emissions limitations. See 56 FR 63018 and 58 FR 3605.

² Because the allowance surrender procedures are found in both § 72.91 and § 72.92, § 72.33(a) is revised to refer to both sections. The same change is made, for the same reason, in § 72.33(c)(4) and (e)(2) and § 72.33(f)(2) (iv) and (v). This conforms

system (as defined in § 72.2) is its dispatch system unless a complete identification of dispatch system including that unit is submitted under § 72.33.

In the January 11, 1993 regulations, utility system is defined as all interconnected units and generators controlled by the same utility operating company, as reported in the National Allowance Data Base (NADB). The difficulty with this definition is that the NADB was published in final form in March 1993 and necessarily reflects information on utility systems as of that time. The Agency recognizes that the owners and operators of some units have changed since 1993 and, particularly in light of increased competition in the electric utility industry, that more changes may occur during Phase I. In order to clarify that designated representatives may submit identifications of dispatch system to correct the utility system in which a unit or generator is listed in the NADB and that is used as its dispatch system, the Agency is revising the utility-system definition. Section 72.2 now defines utility system as all interconnected units and generators operated by the same utility company and does not refer to the NADB. Section 72.33(e)(1) is revised to state that unless otherwise provided in an identification of dispatch system, a unit or generator included in the NADB retains, as its dispatch system, the utility system reported in the NADB.

The NADB lists one utility operating company for each Phase I unit, Phase II unit, and non-affected unit in the database. Section 72.33(b)(2) of the January 11, 1993 regulations states that, except as provided under § 72.33(f), no Phase I unit may be listed in more than one identification of dispatch system. Although § 72.33(b) of the January 11, 1993 regulations does not state explicitly that other units or generators also must be confined to a single identification of dispatch system, other provisions of the regulations reflect such a limitation. For example, § 72.33(f) states that, except for the provisions for apportioning Phase I units under § 72.33(f), all provisions of the regulations "applicable to an affected source or affected unit * * * apply to the entire unit." 40 CFR 72.33(f)(6) (1993). By further example, the provisions requiring calculation of the "total" generation of the units and generators in a dispatch system are based on entire units and generators and do not provide for division of a unit's

or generator's generation among more than one dispatch system, except for Phase I units apportioned under § 72.33(f). 40 CFR 72.92(c)(2)(v)(A) (1993). See also 40 CFR 72.91(a)(3)(iii)(A) (1993) ("actual annual" generation of the sulfur-free generator). In addition, dispatch system emissions rate, which is calculated using the actual annual emissions rate of all Phase II units in the dispatch system, is based on the utilization of entire units, and there is no provision allowing apportionment of Phase II units. 40 CFR 72.92(c)(2)(v)(C) (1993).

In order to remove any possible uncertainty concerning the treatment of Phase II units, non-affected units, and generators (including sulfur-free generators and, as discussed below, non-utility generators), the Agency is revising § 72.33(b)(2) to state that, with one exception, a unit or generator can be included in only one dispatch system.³ The only exception is provided in § 72.33(f), under which a petition to apportion a Phase I unit among two or more dispatch systems may be submitted and approved. Section 72.33(f) provides that, if the petition is approved, the portions of the Phase I unit will be treated as separate units under §§ 72.91 and 72.92, the allowance surrender provisions.

Several other revisions are made here to the provisions concerning identification of dispatch system. While the January 11, 1993 regulations require a complete identification of dispatch system to include a list of all units and sulfur-free generators in the dispatch system, the revised rule expands that list to include all generators, including sulfur-free generators and non-utility generators. The January 11, 1993 regulations also require that if the submissions under §§ 72.91 and 72.92 by all designated representatives of the units in the identified dispatch system do not conform to the system-wide data provided for the dispatch system, the Administrator must reject the identification of dispatch system and all the submissions and require resubmission using the utility system of each unit as that unit's dispatch system. The revised regulations make such rejection optional so that the Agency

may instead require corrections of the submissions and allow the identification of dispatch system to remain in effect. Sections 72.33(c)(4) and (e)(2) are revised to implement that change. Finally, § 72.33(b)(3) is revised so that the deadline for providing an identification of dispatch system is the same as for providing a petition to apportion a Phase I unit under § 72.33(f)(1), i.e., submission to EPA by January 30 of the year that the dispatch system is to take effect.

B. Apportionment of Phase I Units

The January 11, 1993 regulations only allow for the apportionment of Phase I units, and such apportionment is only for the purpose of applying the allowance surrender procedures of §§ 72.91 and 72.92. Under § 72.33(f) of the January 11, 1993 regulations, Phase I units with multiple owners may petition to divide up the unit, for allowance surrender, into portions, i.e., one or more individual owners' portions representing the owners' respective percentage ownership interests in the capacity of the unit and the remaining portion of the unit. The petition requests that each individual owner's portion be treated as part of a dispatch system different than the dispatch system of the remaining portion. If the petition is approved, the adjusted utilization (which, if greater than zero, is underutilization) is calculated for the entire unit for the Phase I year governed by the approved petition, and each portion of the unit takes its percentage of the adjusted utilization reflecting the ownership percentage that the portion of the unit represents. Each portion of the unit then uses its share of the entire unit's adjusted utilization in calculating how many allowances (if any) must be surrendered for underutilization of the Phase I units in its respective dispatch system.

The Agency received public comment expressing concern that requiring the portions of a Phase I unit to divide among them the adjusted utilization calculated for the entire unit fails to reflect differences among the Phase I unit owners' respective utilizations of their shares of the unit. While during the Phase I year one owner might take generation representing more than its percentage share of the baseline of the entire unit, another owner might take generation representing less than its percentage share.

Section 72.33(f) is revised to require the separate calculation of adjusted utilization under § 72.91 for each portion of the unit for which a petition to apportion is approved and for the remaining portion of the unit. This

³ The units and generators included in a given dispatch system under § 72.33(b) or (e) may be changed under § 72.33(d). A complete identification of dispatch system, reflecting the change, must be submitted for both the dispatch system from which the units or generators are removed and the dispatch system to which the units or generators are added. If the entire dispatch system from which the units or generators are removed is included in the dispatch system to which they are added, then an identification of dispatch system is necessary only for the latter dispatch system.

these provisions with other provisions in the January 11, 1993 regulations that cite both sections.

approach meets the commenters' concerns. The separate calculation of adjusted utilization is made a uniform requirement for all apportioned Phase I units in order to ensure that overall there is no net adverse environmental impact from apportionment and to avoid the potential confusion and administrative burden of having two entirely different approaches for calculating reduced utilization of apportioned units.

Public comment has also been directed at the requirement that apportionment be based exclusively on the owners' percentage ownership interest in the capacity of the Phase I unit. According to commenters, unit owners in some cases have entered into private agreements to divide up the allowances allocated to the unit based on percentage ownership of capacity during 1985–1987 while owners in other cases have agreed to divide up allocated allowances based on each owner's percentage share of utilization of the unit during 1985–1987. Commenters have requested that the regulations allow the basis for unit apportionment for purposes of allowance surrender to be consistent with the basis for dividing up the unit's allowance allocation.

The Agency is willing to meet these concerns and accommodate underlying private agreements among unit owners so long as the resulting regulatory provisions are not too complex and do not appear to cause overall any net adverse environmental impact. This is consistent with the Agency's general approach of avoiding interfering with existing relationships among owners and operators. See 58 FR 3598. Consequently, the revised § 72.33(f) allows the designated representative to elect in the apportionment petition one of two methods for apportioning the Phase I unit: the first method is based on the average of the owner's percentage ownership of the capacity of the unit for each year in 1985–1987; and the second method is based on the average of the unit's annual utilization that is attributed to the owner for 1985–1987. In order to avoid gaming by changing the apportionment method to minimize allowance surrender each year, the regulations make the selection of the apportionment method a one-time election for each Phase I unit. The same apportionment method must be used for all portions of the units for all years in Phase I for which any petition to apportion is approved and in effect.

Further, the Agency is concerned that, whichever apportionment method is elected, the baselines and actual utilizations for the portions of the unit

must not double-count or undercount any of the baseline and actual utilization for the entire unit. Consequently, the revised regulations require that the sum of the baselines of the portions of the unit (including the individual owners' portions and the remaining portion of the unit) equal 100% of the baseline of the entire unit. Similarly, for each Phase I year, the sum of the actual utilizations of the portions must equal 100% of the entire unit's actual utilization. In order to ensure that the attribution of a unit's utilization (whether baseline or actual utilization) to specific owners is not arbitrary, the regulations require that the same accounting procedures used to attribute the unit's fuel costs among the owners be used for attributing utilization. This is reasonable because fuel costs at a unit are directly related to the unit's utilization (i.e., the mmBtu of fuel consumed).

The revised § 72.33(f) establishes the requirements for the contents of a complete petition to apportion and provides that the Administrator may prescribe a format. In addition to the requirements in the January 11, 1993 regulations, the petition must include the election of apportionment method and a list of the units and generators and apportioned units to be included in the dispatch system proposed for each portion of the unit covered by the petition. The designated representative is not required to submit with the petition the documentation supporting the baselines for the portions of the unit or the dispatch systems proposed for each portion of the unit. The Agency maintains that this is a sound approach in light of: the certifications by the designated representatives that the information in the petition is true, accurate, and complete; the Agency's ability to require submission of additional information before acting on the petition or at any other time; and the potential for after-the-fact spot audits.

The January 11, 1993 regulations require that, with regard to the dispatch system proposed for each owner's portion of the unit, the dispatch system must be a group of all units and generators that are interconnected and centrally dispatched and that are included in the same utility system, holding company, or power pool. The difficulty with this requirement is that a Phase I unit to be apportioned has multiple owners and only one owner may be the operator. A non-operating owner's portion of the unit cannot be in the "utility system" of the non-operating owner's other units and generators because, as defined in § 72.2, only units and generators with the same

operator comprise a "utility system". In order to avoid this problem, the revised regulations require that the proposed dispatch system for each owner's portion of the unit include all units and generators that are interconnected and centrally dispatched by a single utility system, the service company of a single holding company, or a single power pool.

Upon approval of an apportionment petition and the proposed dispatch systems, the allowance surrender formulas are applied to each portion of the Phase I unit and its respective dispatch system. The designated representative of the apportioned unit must surrender all allowances required for surrender by each portion of the unit.

There is no provision in the January 11, 1993 regulations for termination of an approved apportionment of a Phase I unit. The Agency is concerned that after approval of an apportioned Phase I unit, circumstances may change so that the apportionment is no longer appropriate. For example, the owner of one portion of the apportioned unit could sell its entire interest in the unit and stop dispatching that portion of the unit. The dispatch system that, because of the approved apportionment, includes that portion of the unit would now include a portion of the unit that was no longer centrally dispatched along with the other units and generators in the dispatch system. That aspect of the approved apportionment (and the designated representative's certification concerning the continued central dispatching of the dispatch system) would no longer be accurate and the apportionment should be terminated. Of course, a new apportionment reflecting the new composition of ownership interests in the Phase I unit could be submitted for approval. Even without any change in ownership or dispatching, the owners of the Phase I unit might determine that an apportionment is no longer desirable. To accommodate changes in circumstance and to provide owners more flexibility, the revised regulations include a procedure for terminating apportionments. If a notice of termination is signed by the designated representatives of all units that could be affected by the termination (i.e., of all units included in all dispatch systems that include any portion of the unit) and submitted by January 30, the apportionment is terminated for that year and all remaining Phase I years.

IV. Emissions Rate

The January 11, 1993 regulations require that the emissions consequences

of underutilization for a dispatch system be estimated for each Phase I year by multiplying that underutilization (referred to as "dispatch system adjusted utilization") by an emissions rate for generation used by the dispatch system to compensate for the underutilization. The emissions rate is composed of an emissions rate for compensating generation produced by non-Phase I units and generators within the dispatch system and another emissions rate for compensating generation produced outside the dispatch system by non-Phase I, non-foreign units and generators and acquired by the dispatch system. To calculate the composite emissions rate, the emissions rate for generation within the dispatch system is weighted by a fraction equal to total generation by the units and generators in the dispatch system divided by total dispatch system sales (i.e., total sales for direct use or resale) of the named utility system, holding company, or power pool that is the dispatch system) for the year. The actual annual emissions rates of the Phase II units in the dispatch system are used as a proxy for the actual emissions rates of all non-Phase I units and generators in the dispatch system. Similarly, the emissions rate for generation outside the dispatch system is weighted by the fraction of total dispatch system sales that is accounted for by generation outside the dispatch system. NERC region emissions rates for non-Phase I, non-foreign units for 1985 are used as a proxy for the current emissions rates of non-Phase I, non-foreign units and generators.

In light of public comment concerning compensating generation from non-utility generators, the calculation of the emissions rate of non-Phase I units in the dispatch system, and 1985 NERC emissions rates, the Agency is revising these aspects of the January 11, 1993 regulations.

A. Non-Utility Generators

The Agency received public comment that some utilities are required by Federal or State law or by order of their State public utility commission to purchase electricity from non-utility generators. This required purchase of electricity may result in reduced utilization of the utility's own Phase I units. Since non-utility generators may have a different—apparently often lower—emissions rate than that of the utility's Phase II units or the NERC region emissions rate, the commenters urged that the formulas in § 72.92 be revised to take account of this third possible source of compensating generation.

The allowance surrender procedures in §§ 72.91 and 72.92 are not intended to result in a precise calculation of the emissions consequences of underutilization of Phase I units. The procedures were adopted to provide an administratively feasible method of developing reasonable estimates of the emissions resulting from generation compensating for underutilization. In light of this goal, the January 11, 1993 regulations establish a composite emissions rate based on two general categories of compensating generation. Because some utilities are obligated by law to purchase non-utility generation that may force them to reduce generation at their own units and because non-utility generators tend to have relatively low SO₂ emissions, the Agency is revising the regulations to take account of non-utility generation. This change increases somewhat the complexity of the allowance surrender formulas but, as a practical matter, only utilities that must buy from non-utility generators are affected by the change. While the Agency maintains that, on balance, the change is reasonable, the Agency stresses that the allowance surrender formulas are only intended to estimate emissions and that any more refinements that would further complicate the formulas would seem to be counterproductive.

The provisions incorporating non-utility generators into the allowance surrender procedures are premised on the fact that utilities acquiring non-utility generation have very limited information about the non-utility generators. Utilities contract to purchase non-utility generation but, as a result of not owning or operating these generators, have little or no knowledge about the fuels used by, and the heat rates and emission rates of, the generators. The Agency similarly has limited information about non-utility generators because they are not affected units. Consequently, the revised regulations use the available information on these generators (i.e., their emissions limitations and Kwh sales to utilities) to estimate emissions from compensating generation acquired from them.

In order to be treated as a non-utility generator, a power production facility cannot be an affected unit or a sulfur-free generator. The facility must use its most stringent federally enforceable or State enforceable SO₂ emissions limitation for the Phase I year as the estimate of its actual emissions rate.⁴

⁴If emissions limitations vary depending on the fuel used, the most stringent emissions limitation must be calculated for each fuel used. The resulting

With one exception, if no unit-specific limitation that can be expressed in lbs/mmBtu is applicable to the facility for the year, then the facility cannot be treated as a non-utility generator for that year. The only exception is where a facility without an emissions limitation is authorized by law to use only natural gas as fuel; in that case the most stringent emissions limitation for the facility is deemed to be 0.0006 lbs/mmBtu.⁵

As discussed above, the January 11, 1993 regulations calculate a composite emissions rate for a dispatch system reflecting compensating generation from within or from outside the dispatch system. The revised regulations introduce a third category, non-utility generation from non-utility generators, which equals the total generation acquired from non-utility generators that the dispatch system is required to purchase by Federal or State law or order of a utility regulatory commission or under a contract awarded as the result of a power purchase solicitation required by Federal or State law or utility regulatory commission order. To prevent double-counting, such generation is excluded in calculating the fractions of dispatch system sales accounted for by generation within or outside the dispatch system. Total non-utility generation from non-utility generators is used to calculate the fraction of dispatch system sales accounted for by such generators.

The non-utility generator average emissions rate is calculated using the most stringent emissions limitation (or for natural-gas-only facilities, the default emissions rate) for each non-utility generator from which the dispatch system was required to purchase electricity, weighted by the amount (kwh) of required electricity purchases during the year. The fraction of generation from non-utility generators and the non-utility generator average emissions rate are used, along with the comparable data for generation within and outside the dispatch system, to derive the composite emissions rate multiplied by the underutilization for the dispatch system for the year.⁶ This yields the total number of allowances

limitation with the highest lbs/mmBtu must be used as the estimate for the actual emissions rate of the non-utility generator.

⁵This default emissions rate is the average SO₂ emissions rate for natural gas and was used for purposes of allocating allowances to utility units under section 405 of the Act. See Compilation of Air Pollutant Emission Factors (AP-42), Vol. 1 at 1.4-1 through 1.4-3, US EPA (4th ed. 1985).

⁶The dispatch-system-wide data related to non-utility generators must be included in the dispatch system data report under § 72.92(b).

that must be surrendered by Phase I units in the dispatch system.

B. Dispatch System Emissions Rate

The January 11, 1993 regulations use the actual annual emissions rate for a dispatch system's Phase II units to estimate the emissions rate for the dispatch system's non-Phase I units. In the December 3, 1991 proposed regulations, the Agency proposed to weight the actual annual emissions rate for each Phase II unit by the amount of the Phase II unit's increase in utilization for the year over baseline. 56 FR 63147-48 (Dec. 3, 1991). The January 11, 1993 regulations adopted a simpler approach of weighting actual annual emissions rates by each Phase II unit's total utilization for the year. 58 FR 3685.

However, the Agency has received public comments suggesting that weighting by the increase over baseline provides a more realistic estimate. It seems reasonable to treat a utilization reduction since 1985-1987 of one unit in a dispatch system as being compensated for by a utilization increase since 1985-1987 of another unit in that dispatch system. Further, this approach is similar to that taken with regard to sulfur-free generators. Compensating generation claimed to be acquired from sulfur-free generators under a reduced utilization plan cannot exceed the amount of electricity produced by the sulfur-free generator in excess of the average annual amount produced by the generator in 1985-1987. See 58 FR 3682. For these reasons, the Agency is revising the provisions for calculating dispatch system emissions rate to weight Phase II units' actual emissions rates by each unit's increased utilization over baseline. However, the Agency recognizes that it is possible that no Phase II unit in a dispatch system has increased utilization over baseline. In that case, non-affected units are providing the compensating generation but, because of the lack of emissions data from such units, the Phase II unit emissions rate must still be used as a proxy for non-affected units' emissions rates. The revised regulations therefore provide that if no Phase II unit is used above baseline, an average rate must be calculated using the Phase II units' annual actual emissions rates weighted by each unit's total utilization. Moreover, if a dispatch system has no Phase II unit emissions rate for the year, the NERC region emissions data will be used instead.

C. NERC Region Emissions Rate

The January 11, 1993 regulations use 1985 NERC data to establish the non-Phase I, non-foreign emissions rate for

each NERC region. The 1985 emissions rate for units in the NERC region is multiplied by the fraction of non-Phase I, nonforeign units in the NERC region in order to exclude generation and resulting emissions from Phase I units and all foreign units and generators.

The Agency has learned through public comment that the figures in the regulations for the fraction of non-Phase I, non-foreign generation contained inadvertent errors and failed to actually exclude foreign generation. The Agency has recalculated the fractions of non-Phase I, non-foreign generation for each NERC region. Table 1 of the revised regulations includes the corrected figures so that foreign generation is excluded as intended.⁷

VI. Administrative Requirements

A. Executive Order 12866

Under Executive Order 12866, 58 FR 51735 (Oct. 4, 1993), the Administrator 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 entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that this rule is a "significant regulatory action" because the rule seems to raise novel legal or policy issues. As such, this action was submitted to OMB for

⁷The definition of "sulfur-free generation" is revised to make it clear that only facilities in the 48 contiguous states in the United States or the District of Columbia may qualify as sulfur-free generators under reduced utilization plans. All foreign generation (including foreign generation that involves no SO₂ emissions) that offset underutilization is already excluded from allowance surrender in the revised Table 1. Allowing foreign facilities to be designated as sulfur-free generators and the generation acquired from them to be used to offset underutilization would double-count such generation.

review. Any written comments from OMB to EPA, any written EPA response to those comments, and any changes made in response to OMB suggestions or recommendations are included in the docket. The docket is available for public inspection at the EPA's Air Docket Section, which is listed in the ADDRESSES section of this preamble.

B. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act") (signed into law on March 22, 1995) requires that the Agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year. Section 203 requires the Agency to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, the Agency must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The Agency must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the Agency explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this direct final rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less than \$100 million in any one year, the Agency has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, the Agency is not required to develop a plan with regard to small governments. However, as discussed in this preamble, the rule has the net effect of reducing the burden of part 72 of the Acid Rain regulations on regulated entities, including both investor-owned and municipal utilities.

C. Paperwork Reduction Act

The information collection requirements in this rule have been approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, and have been assigned control number 2060-0258.

This collection of information reduces the estimated burden, as compared to the burden under the January 11, 1993 regulations, by an average of 35 hours per response for about 110 responses. These estimates include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An Information Collection Request document and estimates of the public reporting burden were prepared in connection with the January 11, 1993 regulations. 56 FR 63098; 58 FR 3650.

Send comments regarding this burden analysis or any other aspect of this collection of information, including suggestions for reducing the burden, to Chief, Information Policy Branch, EPA, 401 M Street, SW. (Mail Code 2136), Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

D. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601, et seq., requires each federal agency to consider potential impacts of its regulations on small business "entities." Under 5 U.S.C. 604(a), an agency issuing a notice of proposed rulemaking must prepare and make available for public comment a regulatory flexibility analysis. Such an analysis is not required if the head of an agency certifies that a rule will not have a significant economic impact on a substantial number of small entities, pursuant to 5 U.S.C. 605(b).

In the preamble of the January 11, 1993 regulations, the Administrator certified that those regulations, including the provisions revised by today's final rule, would not have a significant impact. 58 FR 3649. The final rule revisions adopted today are not significant enough to change the economic impact addressed in the January 11, 1993 preamble. Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the revised rule will not have a significant, adverse impact on a substantial number of small entities.

E. Miscellaneous

In accordance with section 117 of the Act, issuance of this rule was preceded by consultation with any appropriate advisory committees, independent experts, and federal departments and agencies.

List of Subjects in 40 CFR Part 72

Environmental protection, Acid rain program, Air pollution control, Compliance plans, Electric utilities, Permits, Reporting and recordkeeping requirements, Sulfur dioxide.

Dated: March 31, 1995.

Carol M. Browner, Administrator, U.S. Environmental Protection Agency.

For the reasons set forth in the preamble, chapter I of title 40 of the Code of Federal Regulations is amended as follows.

PART 72—[AMENDED]

1. The authority citation for part 72 continues to read as follows:

Authority: 42 U.S.C. 7601 and 7651, et seq.

2. Section 72.2 is amended by revising the definitions for "sulfur-free generation" and "utility system" to read as follows:

§ 72.2 Definitions.

* * * * *

Sulfur-free generation means the generation of electricity by a process that does not have any emissions of sulfur dioxide, including hydroelectric, nuclear, solar, or wind generation. A "sulfur-free generator" is a generator that is located in one of the 48 contiguous States or the District of Columbia and produces "sulfur-free generation."

* * * * *

Utility system means all interconnected units and generators operated by the same utility operating company.

* * * * *

3. Section 72.33 is amended by revising paragraphs (a), (b)(2), (b)(3), (c)(2), (c)(4), (e), and (f) to read as follows:

§ 72.33 Identification of dispatch system.

(a) Every Phase I unit shall be treated as part of a dispatch system for purposes of §§ 72.91 and 72.92 in accordance with this section.

(b) * * *

(2) Except as provided in paragraph (f) of this section, each unit or generator may be included in only one dispatch system.

(3) Any identification of dispatch system must be submitted by January 30 of the first year for which the identification is to be in effect.

(c) * * *

(2) The list of all units and generators (including sulfur-free generators) in the dispatch system.

* * * * *

(4) The following statement: "I certify that, except as otherwise required under a petition as approved under 40 CFR 72.33(f), the units and generators listed herein are and will continue to be interconnected and centrally dispatched, and will be treated as a dispatch system under 40 CFR 72.91 and 72.92, during the period that this identification of dispatch system is in effect. During such period, all information concerning these units and generators and contained in any submissions under 40 CFR 72.91 and 72.92 by me and the other designated representatives of these units shall be consistent and shall conform with the data in the dispatch system data reports under 40 CFR 72.92(b). I am aware of, and will comply with, the requirements imposed under 40 CFR 72.33(e)(2)."

* * * * *

(e) (1) Any unit or generator not listed in a complete identification of dispatch system that is in effect shall treat its utility system as its dispatch system and, if such unit or generator is listed in the NADB, shall treat the utility system reported under the data field "UTILNAME" of the NADB as its utility system.

(2) During the period that the identification of dispatch system is in effect all information that concerns the units and generators in a given dispatch system and that is contained in any submissions under §§ 72.91 and 72.92 by designated representative of these units shall be consistent and shall conform with the data in the dispatch system data reports under § 72.92(b). If this requirement is not met, the Administrator may reject all such submissions and require the designated representatives to make the submissions under §§ 72.91 and 72.92 (including the dispatch system data report) treating the utility system of each unit or generator as its respective dispatch system and treating the identification of dispatch system as no longer in effect.

(f)(1) Notwithstanding paragraph (e)(1) of this section or any submission of an identification of dispatch system under paragraphs (b) or (d) of this section, the designated representative of a Phase I unit with two or more owners may petition the Administrator to treat, as the dispatch system for an owner's portion of the unit, the dispatch system of another unit.

(i) The owner's portion of the unit shall be based on one of the following apportionment methods:

(A) Owner's share of the unit's capacity in 1985-1987. Under this method, the baseline of the owner's portion of the unit shall equal the

baseline of the unit multiplied by the average of the owner's percentage ownership of the capacity of the unit for each year during 1985–1987. The actual utilization of the owner's portion of the unit for a year in Phase I shall equal the actual utilization of the unit for the year that is attributed to the owner.

(B) *Owner's share of the unit's baseline.* Under this method, the baseline of the owner's portion of the unit shall equal the average of the unit's annual utilization in 1985–1987 that is attributed to the owner. The actual utilization of the owner's portion of the unit for a year in Phase I shall equal the actual utilization of the unit for the year that is attributed to the owner.

(ii) The annual or actual utilization of a unit shall be attributed, under paragraph (f)(1)(i) of this section, to an owner of the unit using accounting procedures consistent with those used to determine the owner's share of the fuel costs in the operation of the unit during the period for which the annual or actual utilization is being attributed.

(iii) Upon submission of the petition, the designated representative may not change the election of the apportionment method or the baseline of the owner's portion of the unit.

The same apportionment method must be used for all portions of the unit for all years in Phase I for which any petition under paragraph (f)(1) of this section is approved and in effect.

(2) The petition under paragraph (f)(1) of this section shall be submitted by January 30 of the first year for which the dispatch system proposed in the petition will take effect, if approved. A complete petition shall include the following elements in a format prescribed by the Administrator:

(i) The election of the apportionment method under paragraph (f)(1)(i) of this section.

(ii) The baseline of the owner's portion of the unit and the baseline of any other owner's portion of the unit for which a petition under paragraph (f)(1) of this section has been approved or has been submitted (and not disapproved) and a demonstration that the sum of such baselines and the baseline of any remaining portion of the unit equals 100 percent of the baseline of the unit. The designated representative shall also submit, upon request, either:

(A) Where the unit is to be apportioned under paragraph (f)(1)(i)(A) of this section, documentation of the average of the owner's percentage ownership of the capacity of the unit for each year during 1985–1987; or

(B) Where the unit is to be apportioned under paragraph (f)(1)(i)(B) of this section, documentation showing

the attribution of the unit's utilization in 1985, 1986, and 1987 among the portions of the unit and the calculation of the annual average utilization for 1985–1987 for the portions of the unit.

(iii) The name of the proposed dispatch system and a list of all units (including portions of units) and generators in that proposed dispatch system and, upon request, documentation demonstrating that the owner's portion of the unit, along with the other units in the proposed dispatch system, are a group of all units and generators that are interconnected and centrally dispatched by a single utility company, the service company of a single holding company, or a single power pool.

(iv) The following statement, signed by the designated representatives of all units in the proposed dispatch system: "I certify that the units and generators in the dispatch system proposed in this petition are and will continue to be interconnected and centrally dispatched, and will be treated as a dispatch system under 40 CFR 72.91 and 72.92, during the period that this petition, as approved, is in effect."

(v) The following statement, signed by the designated representatives of all units in all dispatch systems that will include any portion of the unit if the petition is approved: "During the period that this petition, if approved, is in effect, all information that concerns the units and generators in any dispatch system including any portion of the unit apportioned under the petition and that is contained in any submissions under 40 CFR 72.91 and 72.92 by me and the other designated representatives of these units shall be consistent and shall conform to the data in the dispatch system data reports under 40 CFR 72.92(b). I am aware of, and will comply with, the requirements imposed under 40 CFR 72.33(f) (4) and (5)."

(3) (i) The Administrator will approve in whole, in part, or with changes or conditions, or deny the petition under paragraph (f)(1) of this section within 90 days of receipt of the petition. The Administrator will treat the petition, as changed or conditioned upon approval, as amending any identification of dispatch system that is submitted prior to the approval and includes any portion of the unit for which the petition is approved. Where any portion of a unit is not covered by an approved petition, that remaining portion of the unit shall continue to be part of the unit's dispatch system.

(ii) In approving the petition, the Administrator will determine, on a case-by-case basis, the proper calculation and treatment, for purposes of the reports

required under §§ 72.91 and 72.92, of plan reductions and compensating generation provided to other units.

(4) The designated representative for the unit for which a petition is approved under paragraph (f)(3) of this section and the designated representatives of all other units included in all dispatch systems that include any portion of the unit shall submit all annual compliance certification reports, dispatch system data reports, and other reports required under §§ 72.91 and 72.92 treating, as a separate Phase I unit, each portion of the unit for which a petition is approved under paragraph (f)(3) of this section and the remaining portion of the unit. The reports shall include all required calculations and demonstrations, treating each such portion of the unit as a separate Phase I unit. Upon request, the designated representatives shall demonstrate that the data in all the reports under §§ 72.91 and 72.92 has been properly attributed or apportioned among the portions of the unit and the dispatch systems and that there is no undercounting or double-counting with regard to such data.

(i) The baseline of each portion of the unit for which a petition is approved shall be determined under paragraphs (f)(1) (i) and (ii) of this section. The baseline of the remaining portion of such unit shall equal the baseline of the unit less the sum of the baselines of any portions of the unit for which a petition is approved.

(ii) The actual utilization of each portion of the unit for which a petition is approved shall be determined under paragraphs (f)(1) (i) and (ii) of this section. The actual utilization of the remaining portion of such unit shall equal the actual utilization of the unit less the sum of the actual utilizations of any portions of the unit for which a petition is approved. Upon request, the designated representative of the unit shall demonstrate in the annual compliance certification report that the requirements concerning calculation of actual utilization under paragraph (f)(1)(ii) and any requirements established under paragraph (f)(3) of this section are met.

(iii) Except as provided in paragraph (f)(5) of this section, the designated representative shall surrender for deduction the number of allowances calculated using the formula in § 72.92(c) and treating, as a separate Phase I unit, each portion of unit for which a petition is approved under paragraph (f)(3) of this section and the remaining portion of the unit.

(5) In the event that the designated representatives fail to make all the proper attributions, apportionments,

calculations, and demonstrations under paragraph (f)(4) of this section and §§ 72.91 and 72.92, the Administrator may require that:

(i) All portions of the unit be treated as part of the dispatch system of the unit in accordance with paragraph (e)(1) of this paragraph and any identification of dispatch system submitted under paragraph (b) or (d) of this section;

(ii) The designated representatives make all submissions under §§ 72.91 and 72.92 (including the dispatch system data report), treating the entire unit as a single Phase I unit, in accordance with paragraph (e)(1) of this paragraph and any identification of dispatch system submitted under paragraph (b) or (d) of this section; and

(iii) The designated representative surrender for deduction the number of allowances calculated, consistent with the reports under paragraph (f)(5)(ii) of this section and §§ 72.91 and 72.92, using the formula in § 72.92(c) and treating the entire unit as a single Phase I unit.

(6) The designated representative may submit a notification to terminate an approved petition by January 30 of the first year for which the termination is to take effect. The notification must be signed and certified by the designated representatives of all units included in all dispatch systems that include any portion of the unit apportioned under the petition. Upon receipt of the notification meeting the requirements of the prior two sentences by the Administrator, the approved petition is no longer in effect for that year and the remaining years in Phase I and the designated representatives shall make all submissions under §§ 72.91 and 72.92 treating the petition as no longer in effect for all such years.

(7) Except as expressly provided in paragraphs (f)(1) through (6) of this section or the Administrator's approval of the petition, all provisions of the Acid Rain Program applicable to an affected source or an affected unit shall apply to the entire unit regardless of whether a petition has been submitted or approved, or reports have been submitted, under such paragraphs. Approval of a petition under such paragraphs shall not constitute a determination of the percentage ownership in a unit under any other provision of the Acid Rain Program and shall not change the liability of the

owners and operators of an affected unit that has excess emissions under § 72.9(e).

4. Section 72.43 is amended by revising paragraph (e) to read as follows:

§ 72.43 Phase I reduced utilization plans.

* * * * *

(e) *Failure to Submit a Plan.* The designated representative of a Phase I unit will be deemed not to violate, during a Phase I calendar year, the requirement to submit a reduced utilization plan under paragraph (b)(1) or (4) of this section if the designated representative complies with the allowance surrender and other requirements of §§ 72.33, 72.91, and 72.92 of this chapter.

* * * * *

5. Section 72.91 is amended by revising the introductory language of paragraph (a) (the formula is unchanged) to read as follows:

§ 72.91 Phase I unit adjusted utilization.

(a) *Annual Compliance Certification Report.* The designated representative for each Phase I unit shall include in the annual compliance certification report the unit's adjusted utilization for the calendar year in Phase I covered by the report, calculated as follows:

* * * * *

6. Section 72.92 is amended by revising paragraphs (a), (b)(2)(ii)(F), (b)(2)(ii)(G), (b)(2)(ii)(H), (c)(2)(v) and Table 1, removing and reserving paragraph (b)(1), and adding paragraphs (b)(2)(ii)(I) and (b)(2)(ii)(J) to read as follows:

§ 72.92 Phase I unit allowance surrender.

(a) *Annual Compliance Certification Report.* If a Phase I unit's adjusted utilization for the calendar year in Phase I under § 72.91(a) is greater than zero, then the designated representative shall include in the annual compliance certification report the number of allowances that shall be surrendered for adjusted utilization using the formula in paragraph (c) of this section and the calculations that were performed to obtain that number.

(b) *Other Submissions.*

(1) [Reserved]

(2) * * *

(ii) * * *

(F) The calculation of "dispatch system emissions rate" under paragraph (c)(2)(v)(B) of this section;

(G) The calculation of "fraction of generation from non-utility generators" under paragraph (c)(2)(v)(C) of this section;

(H) The calculation of "non-utility generator average emissions rate" under paragraph (c)(2)(v)(F) of this section;

(I) A certification that each designated representative will use these figures, as appropriate, in its annual compliance certification report and will submit upon request the data supporting these calculations; and

(J) The signatures of all the designated representatives.

(c) * * *

(2) * * *

(v) *Calculating Emissions Rate.* "Emissions rate" (in lbs/mmBtu) is the weighted average emissions rate for sulfur dioxide of all units and generators, within and outside the dispatch system, that contributed to the dispatch system's electrical output for the year, calculated as follows:

$$\text{Emissions rate} = [\text{fraction of generation within dispatch system} \times \text{dispatch system emissions rate}] + [\text{fraction of generation from non-utility generators} \times \text{non-utility generator average emissions rate}] + [\text{fraction of generation outside dispatch system} \times \text{fraction of non-Phase 1 and non-foreign generation in NERC region} \times \text{NERC region emissions rate}]$$

Where:

(A) "Fraction of generation within dispatch system" is the fraction of the dispatch system's total sales accounted for by generation from units and generators within the dispatch system, other than generation from non-utility generators. This term equals the total generation (in Kwh) by all units and generators within the dispatch system for the calendar year minus the total non-utility generation from non-utility generators within the dispatch system for the calendar year and divided by the total sales (in Kwh) by the dispatch system for the calendar year.

(B) Dispatch system emissions rate" is the weighted average rate (in lbs/mmBtu) for the dispatch system calculated as follows:

Dispatch system emissions rate =

$$\sum_{i=1}^k g_i r_i \div \sum_{i=1}^k g_i$$

Where:

g_i = the difference between a Phase II unit's actual utilization for the calendar year and that Phase II unit's baseline. If that difference is less than or equal to zero, then the difference shall be treated as zero only for purposes of paragraph (c)(2)(v) of this section and that unit will be excluded from the calculation of dispatch system emissions rate.

Notwithstanding the prior sentence, if the actual utilization of each Phase II unit for the year is equal to or less than the baseline, then g_i shall equal a Phase II unit's actual utilization for the year. Notwithstanding any provision in this paragraph (c)(2)(v)(B) to the contrary, if the actual utilization of each Phase II unit in the dispatch system is zero or there are no Phase II units in the dispatch system, then the dispatch system emissions rate shall equal the fraction of non-Phase I and non-foreign generation in the NERC region multiplied by the NERC region emissions rate.

r_i = a Phase II unit's emissions rate (in lbs/mmBtu), determined in accordance with part 75 of this chapter, for the calendar year.

k = number of Phase II units in the dispatch system.

(C) "Fraction of generation from non-utility generators" is the fraction of the dispatch system's total sales accounted for by generation acquired from non-utility generators within or outside the dispatch system. This term equals the total non-utility generation from non-utility generators (within or outside the dispatch system) for the calendar year divided by the total sales (in Kwh) by the dispatch system for the calendar year.

(D) "Non-utility generator" is a power production facility (within or outside the dispatch system) that is not an affected unit or a sulfur-free generator and that has a "non-utility generator emissions rate" for the calendar year under paragraph (c)(2)(v)(F) of this section.

(E) "Non-utility generation" is the generation (in Kwh) that the dispatch system acquired from a non-utility generator during the calendar year as required by federal or State law or an order of a utility regulatory authority or under a contract awarded as the result of a power purchase solicitation required by federal or State law or an order of a utility regulatory authority.

(F) "Non-utility generator average emissions rate" is the weighted average rate (in lbs/mmBtu) for the non-utility generators calculated as follows:

Non-utility generator average emissions rate =

$$\frac{\sum_{i=1}^n N_i R_i}{\sum_{i=1}^n N_i}$$

Where:

N_i = non-utility generation from a non-utility generator;

R_i = non-utility generator emissions rate for the calendar year for a non-utility generator, which shall equal the most stringent federally enforceable or State enforceable SO₂ emissions limitation applicable for the calendar year to such power production facility, as determined in accordance with paragraphs (c)(2)(v)(F) (1), (2), and (3) of this section; and

n = number of non-utility generators from which the dispatch system acquired non-utility generation. If n equals zero, then the non-utility generator average emissions rate shall be treated as zero only for purposes of paragraph (c)(2)(v) of this section.

(1) For purposes of determining the most stringent emissions limitation, applicable emissions limitations shall be converted to lbs/mmBtu in accordance with Appendix B of this part. If an applicable emissions limitation cannot be converted to a unit-specific limitation in lbs/mmBtu under appendix B of this part, then the limitation shall not be used in determining the most stringent emissions limitation. Where the power production facility is subject to different emissions limitations depending on the type of fuel it uses during the calendar year, the most stringent emissions limitation shall be determined separately with regard to each type of fuel and the resulting limitation with the highest amount of lbs/mmBtu shall be treated as the facility's most stringent federally enforceable or State enforceable emissions limitation.

(2) If there is no applicable emissions limitation that can be used in determining the most stringent emissions limitation under paragraph (c)(2)(v)(F)(1) of this section, then the power production facility has no non-utility generator emissions rate for purposes of paragraphs (c)(2)(v) (D) and

(F) of this section and the generation from the facility shall be treated, for purposes of this paragraph (c)(2)(v) as generation from units and generators within the dispatch system if the facility is within the dispatch system or as generation from units and generators outside the dispatch system if the facility is outside the dispatch system.

(3) Notwithstanding paragraphs (c)(2)(v)(F) (1) and (2) of this section, if the power production facility is authorized under federal or State law to use only natural gas as fuel, then the most stringent emissions limitation for the facility for the calendar year shall be deemed to be 0.0006 lbs/mmBtu.

(G) "Fraction of generation outside dispatch system" = 1 - fraction of generation within dispatch system - fraction of generation from non-utility generators.

(H) "Fraction of non-Phase I and non-foreign generation in NERC region" is the portion of the NERC region's total sales generated by units and generators other than Phase I units or foreign sources in the unit's NERC region in 1985, as set forth in Table 1 of this section.

(I) "NERC region emissions rate" is the weighted average emission rate (in lbs/mmBtu) for the unit's NERC region in 1985, as set forth in Table 1 of this section.

TABLE 1.—NERC REGION GENERATION AND EMISSIONS RATE IN 1985

NERC region	Fraction of non-phase I and non-foreign generation in NERC region	NERC weighted average emissions rate (lbs/mmBtu)
WSCC	0.847	0.466
SPP	0.948	0.647
SERC	0.749	1.315
NPCC	0.423	1.058
MAPP	0.725	1.171
MAIN	0.682	1.495
MAAC	0.750	1.599
ERCOT	1.000	0.491
ECAR	0.549	1.564

[FR Doc. 95-8601 Filed 4-10-95; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 72**

[FRL-5186-4]

RIN 2060-AE59

Acid Rain Program: Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Title IV of the Clean Air Act (the Act), as amended by the Clean Air Act Amendments of 1990, authorizes the Environmental Protection Agency (EPA or Agency) to establish the Acid Rain Program. The program sets emissions limitations to reduce acidic deposition and its serious, adverse effects on natural resources, ecosystems, materials, visibility, and public health. On January 11, 1993, the Agency promulgated final rules under title IV. Several parties filed petitions for review of the rules. On January 10, 1995, EPA and the parties signed a settlement agreement addressing reduced utilization issues.

Based on a review of the record, the Agency concludes that the January 11, 1993, regulations concerning reduced utilization should be revised. The regulations require that, unless certain requirements are met, the designated representative of a unit in Phase I of the program whose annual utilization of fuel is less than the unit's average annual utilization in 1985-1987 submit reduced utilization plans. The regulations also require designated representatives to submit end-of-year compliance certification reports that, based on specified formulas, estimate the sulfur dioxide emissions resulting from underutilization of Phase I units and to surrender allowances for the

estimated emissions. The Agency is revising the regulations to simplify the criteria for determining whether a reduced utilization plan must be submitted: where the end-of-year reporting and allowance surrender requirements are met, such plans are not required. Further, the Agency is revising the formulas for estimating the emissions resulting from underutilization to correct certain errors, clarify certain provisions, and take account of and facilitate compliance by Phase I units that have multiple owners or whose owners are required by law to purchase electricity from non-utility power production facilities.

Because the rule revision is consistent with the January 10, 1995, settlement and the Agency does not anticipate receiving adverse comments, the revision is also being issued as a direct final rule in the final rules section of this **Federal Register**.

DATES: Comments on the regulations proposed by this action must be received on or before May 11, 1995.

ADDRESSES: *Comments.* All written comments must be identified with the appropriate docket number and must be submitted in duplicate to: EPA Air Docket Section (LE-131), Waterside Mall, Room 1500, 1st floor, 401 M St. SW., Washington, DC 20460.

Docket. Docket No. A-93-40, containing supporting information used to develop the proposal, copies of all comments received, and responses to comments, is available for public inspection and copying from 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 3:30 p.m., Monday through Friday, excluding legal holidays, at EPA's Air Docket Section, Waterside Mall, Room 1500, 1st floor, 401 M St. SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Dwight C. Alpern, Attorney-Advisor, at (202) 233-9151, Acid Rain Division (6204J), U.S. Environmental Protection Agency, 401 M St. SW., Washington, DC 20460, or the Acid Rain Hotline at (202) 233-9620.

SUPPLEMENTARY INFORMATION: If no significant, adverse comments are timely received, no further activity is contemplated in relation to this proposed rule and the direct final rule in the final rules section of this **Federal Register** will automatically go into effect on the date specified in that rule. If significant, adverse comments are timely received on any provision, that provision of the direct final rule will be withdrawn and all public comment received on that provision will be addressed in a subsequent final rule based on the relevant portions of this proposed rule. Because the Agency will not institute a second comment period on this proposed rule, any parties interested in commenting should do so during this comment period.

For further supplemental information, the detailed rationale, and the rule provisions, see the information provided in the direct final rule in the final rules section of this **Federal Register**.

List of Subjects in 40 CFR Part 72

Environmental protection, Acid rain program, Air pollution control, Compliance plans, Electric utilities, Permits, Reporting and recordkeeping requirements, Sulfur dioxide.

Dated: March 31, 1995.

Carol M. Browner,

Administrator, Environmental Protection Agency.

[FR Doc. 95-8602 Filed 4-10-95; 8:45 am]

BILLING CODE 6560-50-P

Tuesday
April 11, 1995

**Environmental
Protection Agency**

Part V

**Environmental
Protection Agency**

Federal Agency Hazardous Waste
Compliance Docket; Notice

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5177-9]

Federal Agency Hazardous Waste Compliance Docket**AGENCY:** U.S. Environmental Protection Agency.**ACTION:** Notice of Ninth Update of the Federal Agency Hazardous Waste Compliance Docket, Pursuant to CERCLA Section 120(c).

SUMMARY: Section 120(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), requires the Environmental Protection Agency (EPA) to establish a Federal Agency Hazardous Waste Compliance Docket. The docket is to contain certain information about Federal facilities that manage hazardous waste or from which hazardous substances have been or may be released. (As defined by CERCLA section 101(22), a release is any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.) CERCLA requires that the docket be updated every six months, as new facilities are reported to EPA by Federal agencies. The following list identifies the Federal facilities to be included in the ninth update of the docket (that is, facilities not previously listed on the docket and reported to EPA since the last update of the docket, 58 Federal Register [F.R.] 59790, November 10, 1993, which was current as of July 16, 1993). EPA policy specifies that, for each Federal facility that is included on the docket during an update, the responsible Federal agency must complete a preliminary assessment (PA) and, if warranted, a site inspection (SI) within 18 months of publication of the notice. Such site evaluation activities will help determine whether the facility should be included on the National Priorities List (NPL) and will provide EPA and the public with valuable information about the facility. In addition to the list of additions to the docket, this notice includes a section that comprises revisions (that is, corrections and deletions) of the previous docket list and a list of the facilities on the docket that have been evaluated and determined to be not appropriate for listing on the NPL at this time (the no further remedial action planned [NFRAP] list). At the time of publication of this notice, the new total

number of Federal facilities listed on the docket is 2,070.

DATES: This list is current as of September 10, 1994.

FOR FURTHER INFORMATION CONTACT: Toll-Free Telephone Line for the Docket, Telephone: (800) 548-1016, or locally (703) 883-8577.

SUPPLEMENTARY INFORMATION:**Table of Contents**

1. Introduction
2. Revisions of the Previous Docket
3. Process for Compiling the Updated Docket
4. Facilities Not Included
5. Information Contained on Docket Listing
6. Facility Status Reporting

1. Introduction

Section 120(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 United States Code (U.S.C.) 9620(c), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), required the establishment of the Federal Agency Hazardous Waste Compliance Docket. The docket contains information on Federal facilities that is submitted by Federal agencies to the U.S. Environmental Protection Agency (EPA) under sections 3005, 3010, and 3016 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6925, 6930, and 6937 and under section 103 of CERCLA, 42 U.S.C. 9603. Specifically, RCRA section 3005 establishes a permitting system for certain hazardous waste treatment, storage, and disposal (TSD) facilities; RCRA section 3010 requires waste generators and transporters and TSD facilities to notify EPA of their hazardous waste activities; and RCRA section 3016 requires Federal agencies to submit biennially to EPA an inventory of hazardous waste sites that the Federal agencies own or operate. CERCLA section 103(a) requires that the National Response Center (NRC) be notified of a release. CERCLA section 103(c) requires reporting to EPA the existence of a facility at which hazardous substances are or have been stored, treated, or disposed of and the existence of known or suspected releases of hazardous substances at such facilities.

The docket serves three major purposes: (1) to identify all Federal facilities that must be evaluated to determine whether they pose a risk to human health and the environment sufficient to warrant inclusion on the National Priorities List (NPL); (2) to compile and maintain the information submitted to EPA on such facilities under the provisions listed in section

120(c) of CERCLA; and (3) to provide a mechanism to make the information available to the public.

The initial list of Federal facilities to be included on the docket was published on February 12, 1988 (53 Federal Register [F.R.] 4280). Updates of the docket have been published on November 16, 1988 (54 F.R. 46364); December 15, 1989 (54 F.R. 51472); August 22, 1990 (55 F.R. 34492); September 27, 1991 (56 F.R. 49328); December 12, 1991 (56 F.R. 64898); July 17, 1992 (57 F.R. 31758); February 5, 1993 (58 F.R. 7298); and November 10, 1993 (58 F.R. 59790). This notice constitutes the ninth update of the docket.

Today's notice is divided into four sections: (1) additions, (2) deletions, (3) corrections, and (4) a list of facilities classified as no further remedial action planned (NFRAP). The additions section lists newly identified facilities that have been reported to EPA since the last update and that now are being included on the docket. The deletions section lists facilities that EPA is deleting from the docket. The corrections section lists changes in information about facilities already listed on the docket. The NFRAP list is the list of all docket facilities to which EPA has assigned a status of no further remedial action planned.

The information submitted to EPA on each Federal facility is maintained in the docket repository located in the EPA Regional office of the Region in which the facility is located (see 53 F.R. 4280 [February 12, 1988] for a description of the information required under those provisions). Each repository contains the documents submitted to EPA under the reporting provisions and correspondence relevant to the reporting provisions for each facility. A complete national index of the information found in the Regional docket repositories is maintained at EPA's Federal Facilities Enforcement Office in Washington, D.C. and is available to the public. The index for each Region is available for public review at each Regional repository. Contact the toll-free telephone line for the docket at (800) 548-1016, or locally (703) 883-8577, for information on locations of Regional repositories and on making arrangements to obtain specific documents.

2. Revisions of the Previous Docket

Following is a discussion of the revisions of the previous docket, including additions, deletions, and corrections.

2.1 Additions

Today, 231 facilities are being added to the docket, primarily because of new information obtained by EPA (for example, recent reporting of a facility pursuant to RCRA sections 3005, 3010, or 3016 or CERCLA section 103). For all facilities being added to the docket, it is EPA's policy that the responsible Federal agency must complete the required preliminary assessment (PA) and, if warranted, a site inspection (SI) within 18 months of the date of this publication.

Of the 231 facilities being added to the docket, 20 are facilities that have reported to the NRC the release of a reportable quantity (RQ) of a hazardous substance. Under section 103(a) of CERCLA, a facility is required to report to the NRC the release of a hazardous substance in a quantity that equals or exceeds the established RQ. Reports of releases received by the NRC, the U.S. Coast Guard (USCG), and EPA are transmitted electronically to the Transportation Systems Center at the U.S. Department of Transportation (DOT), where they become part of the Emergency Response Notification System (ERNS) database. ERNS is a national computer database and retrieval system that stores information on releases of oil and hazardous substances. Facilities being added to the docket and facilities already listed on the docket for which an ERNS report has been filed are identified by the notation "103(a)" in the "Reporting Mechanism" column.

It is EPA's policy generally not to list on the docket facilities that are small-quantity generators (SQG) and that never generated more than 1,000 kilograms (kg) of hazardous waste in any single month. If a facility has generated more than 1,000 kg of hazardous waste in any single month (that is, if the facility is an episodic generator), it will be added to the docket. In addition, facilities that are SQGs, but that have reported releases under CERCLA section 103 or hazardous waste activities pursuant to another reporting mechanism will be listed on the docket and will undergo site evaluation activities, such as a PA and, when appropriate, an SI. All such facilities will be listed on the docket, whether or not they are SQGs pursuant to RCRA. As a result, some of the facilities that EPA is adding to the docket today are SQGs that had not been listed on the docket but that have reported releases or hazardous waste activities to EPA under another reporting provision.

In the process of compiling the documents for the Regional repositories, EPA identified a number of facilities that had previously submitted PA reports, SI reports, Department of Defense (DoD) Installation Restoration Program (IRP) reports, or reports under another Federal agency environmental restoration program, but had not submitted a notification form under CERCLA section 103. Section 120(c)(3) of CERCLA requires that EPA include on the docket information submitted under section 103. In general, section 103 requires certain persons to provide notice of certain releases of hazardous substances. The reports under Federal agency environmental restoration programs mentioned above contain information similar to that provided pursuant to CERCLA section 103 and are considered equivalent forms of notification for the docket. Thus, EPA believes that a facility that has provided information equivalent to a CERCLA section 103 notification, such as a report under a Federal agency environmental restoration program, should be included on the docket, regardless of the absence of formal notification under CERCLA section 103. Therefore, some of the facilities that EPA is adding today are being placed on the docket because they have submitted the reports described above.

EPA also includes privately owned, government-operated facilities (POGO) on the docket. CERCLA section 120(c) requires that the docket contain information submitted under RCRA sections 3005, 3010, and 3016 and CERCLA section 103, all of which impose duties on operators as well as owners of facilities. In addition, other subsections of CERCLA section 120 refer to facilities "owned or operated" by an agency or other instrumentality of the Federal government. That terminology clearly includes facilities that are operated by the Federal government, even if they are not owned by it. Specifically, CERCLA section 120(e), which sets forth the duties of the Federal agencies after a facility has been listed on the NPL, refers to the Federal agency that "owns or operates" the facility. In addition, the primary basis for assigning responsibility for conducting PAs and SIs, as required when a facility is listed on the docket, is Executive Order 12580, which assigns that responsibility to the Federal agency having "jurisdiction, custody, or control" over a facility. An operator may be deemed to have jurisdiction, custody, or control over a facility.

2.2 Deletions

Today, 106 facilities are being deleted from the docket for various reasons, such as incorrect reporting of hazardous waste activity, change in ownership, and exemption as an SQG under RCRA (40 Code of Federal Regulations [CFR] Part 262.44). Facilities being deleted no longer will be subject to the requirements of CERCLA section 120(d).

2.3 Corrections

Changes necessary to correct the previous docket were identified by both EPA and Federal agencies. The changes needed varied from simple changes in addresses or spelling to corrections of the recorded name and ownership of a facility. In addition, some changes in the names of facilities were made to establish consistency in the docket. Many new entries are simply corrections of typographical errors. For each facility for which a correction has been entered, the original entry (designated by an "O"), as it appeared in the February 12, 1988 notice or subsequent updates, is shown directly below the corrected entry (designated by a "C") for easy comparison.

3. Process for Compiling the Updated Docket

In compiling the newly reported facilities for the update being published today, EPA extracted the names, addresses, and identification numbers of facilities from four EPA databases—ERNS, the Biennial Inventory of Federal Agency Hazardous Waste Activities, the Resource Conservation and Recovery Information System (RCRIS), and the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS)—that contain information about Federal facilities submitted under the four provisions listed in CERCLA section 120(c).

Extensive computer checks compared the current docket list with the information obtained from the databases identified above to determine which facilities were, in fact, newly reported and qualified for inclusion on the update. In spite of the quality assurance efforts EPA has undertaken, state-owned or privately owned facilities that are not operated by the Federal government may have been included. Such problems are caused by procedures historically used to report and track data on Federal facilities; EPA is working to resolve them. Representatives of Federal agencies are asked to write to EPA's docket coordinator at the following address if revisions of this update information are necessary: Federal

Agency Hazardous Waste Compliance Docket Coordinator, Federal Facilities Enforcement Office (Mail Code 2261), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

4. Facilities Not Included

As explained in the preamble to the original docket (53 F.R. 4280), the docket does not include the following categories of facilities (note, however, that any of these types of facilities may, when appropriate, be listed on the NPL):

- Facilities formerly owned by a Federal agency and now privately owned will not be listed on the docket. However, facilities that are now owned by another Federal agency will remain on the docket and the responsibility for conducting PAs and SIs will rest with the current owner.

- SQG that have never produced more than 1,000 kg of hazardous waste in any single month and that have not reported releases under CERCLA section 103 or other hazardous waste activities under RCRA section 3016 will not be listed on the docket.

- Facilities that are solely transporters, as reported under RCRA section 3010, will not be listed on the docket.

5. Information Contained on Docket Listing

As discussed above, the update information below is divided into four separate sections. The first section is a list of new facilities that are being added to the docket. The second section is a list of facilities that are being deleted from the docket. The third section comprises corrections of information included on the docket. The fourth section is a list of facilities classified as NFRAP. Each facility listed for the update has been assigned a code that indicates a more specific reason(s) for the addition, deletion, or correction. The code key precedes the lists.

It is EPA's policy that all facilities on the additions list to this ninth docket update must submit a PA and, if warranted, an SI to EPA within 18 months of the date of this publication. The PA must include existing information about a site and its surrounding environment, including a thorough examination of human, food-chain, and environmental targets, potential waste sources, and migration pathways. From information in the PA or other information coming to EPA's attention, EPA will determine whether a followup SI is required. An SI augments the data collected in a PA. An SI may reflect sampling and other field data that are used to determine whether

further action or investigation is appropriate. This policy includes any facility for which there is a change in the identify of the responsible Federal agency. The reports should be submitted to the Federal facilities coordinator in the appropriate EPA Regional office.

The facilities listed in each section are organized by state and then grouped alphabetically within each state by the Federal agency responsible for the facility. Under each state heading is listed the name and address of the facility, the Federal agency responsible for the facility, the statutory provision(s) under which the facility was reported to EPA, and the correction code(s).

The statutory provisions under which a facility reported are listed in a column titled "Reporting Mechanisms." Applicable mechanisms are listed for each facility: for example 3010, 3016, and 103c.

The complete list of Federal facilities that now make up the docket is not being published today. However, the list is available to interested parties and can be obtained by calling the toll-free telephone line for the docket at (800) 548-1016, or locally (703) 883-8577. As of today, the total number of Federal facilities that appear on the docket is 2,070.

6. Facility Status Reporting

In response to numerous requests from Federal agencies, EPA has expanded the docket database to include information on the NFRAP status of facilities listed. A prevalent concern has been the inability to identify facilities that, after submitting all necessary site assessment information, were found to warrant no further involvement on the part of EPA at the time. Accordingly, EPA has expanded the docket database to include a column indicating the facility's status.

The status codes are:

U=Undetermined

N=No further remedial action planned (NFRAP)

P=Currently proposed for the NPL

F=Currently final on the NPL

R=Removed from the proposed NPL and no longer considered for the final NPL

D=Deleted from the final NPL

EPA changed the site assessment recommendation site evaluation accomplished (SEA) to NFRAP. NFRAP is a term used in the Superfund site assessment program to identify facilities for which EPA has found that currently available information indicates that listing on the NPL is not likely and further assessment is not appropriate at

the time. NFRAP status does not represent an EPA determination that no environmental threats are present at the facility or that no further environmental response action of any kind is necessary. NFRAP status means only that the facility does not appear, from the information available to EPA at this time, to warrant listing on the NPL, and that, therefore, EPA anticipates no further involvement by EPA in site assessment or cleanup at the facility. However, additional CERCLA response actions by the Federal agency that owns or operates the facility, whether remedial or removal actions, may be necessary at a facility that has NFRAP status. The status information contained in the docket database is the result of Regional evaluation of information taken directly from CERCLIS. (CERCLIS is a database that helps EPA Headquarters and Regional personnel manage sites, programs, and projects. It contains the official inventory of all CERCLA (NPL and non-NPL) sites and supports all site planning and tracking functions. It also integrates financial data from preresidential, remedial, removal, and enforcement programs.) The status information was taken from CERCLIS and sent to the Regional docket coordinators for review. The results of those reviews were incorporated into the status field in the docket database. Subsequently, a list of all facilities having NFRAP status (those for which an "N" appears in the status field) was generated; the list is being published today.

Important limitations apply to the list of facilities that have NFRAP status. First, the information is accurate only as of July 16, 1993. Second, a facility's status may change at any time because of any number of factors, including new site information or changing EPA policies. Finally, the list of facilities that have NFRAP status is based on Regional review of CERCLIS data, is provided for information purposes only, and should not be considered binding upon either the Federal agency responsible for the facility or EPA.

The status information in the docket database will be reviewed, and a new list of facilities classified as NFRAP will be published at each docket update.

Dated: March 14, 1995.

Barry N. Breen,

Director, Federal Facilities Enforcement Office.

Docket Revisions

Categories of Revisions for Docket Update by Correction Code.

Categories for Deletion of Facilities

- (1) Small-Quantity Generator
- (2) Not Federally Owned
- (3) Formerly Federally Owned
- (4) No Hazardous Waste Generated
- (5) (This correction code is no longer used.)
- (6) Redundant Listing/Site on Facility
- (7) Combining Sites Into One Facility/ Entries Combined
- (8) Does Not Fit Facility Definition (All Are Vessels)
- (9) No Hazardous Waste (Responsible Federal Agency Changed)
- (10) Small-Quantity Generator (Responsible Federal Agency Changed)
- (11) No Hazardous Waste (Temporary Storage Only)
- (12) Not Federally Owned (Small-Quantity Generator)
- (13) Redundant Listing/Site on Facility (Federal Agencies Will Coordinate)

- (14) Small-Quantity Generator (Never Actually Built)

Categories for Addition of Facilities

- (15) Small-Quantity Generator With Either a RCRA 3016 or CERCLA 103 Reporting Mechanism
- (16) One Entry Being Split Into Two/ Federal Agency Responsibility Being Split
- (17) New Information Obtained Showing That Facility Should Be Included
- (18) Facility Was a Site on a Facility That Was Disbanded; Now a Separate Facility
- (19) Sites Were Combined Into One Facility
- (19A) New Facility

Categories for Corrections of Information About Facilities

- (20) Reporting Provisions Change

- (20A) Typo Correction/Name Change/ Address Change

- (21) Changing Responsible Federal Agencies (New Responsible Federal Agency Has 18 Months to Submit PA)
- (22) Changing Responsible Federal Agencies and Title (New Responsible Federal Agency Has 18 Months to Submit PA)
- (23) New Reporting Mechanism Added at Update
- (24) Reporting Mechanism Determined to Be Not Applicable After Review of Regional files

Note: Further information on definitions of categories can be obtained by calling the toll-free telephone line for the docket at (800) 548-1016, or locally (703) 883-8577.

FEDERAL FACILITIES DOCKET, DOCKET ADDITIONS

Facility name	Facility address	City	State	ZIP Code	Agency	Reporting mechanism	Correction code
Canyon Creek Radio Relay Station.	T7S R6E Sec15 FM	Big Delta	AK	99737	Air Force	3010 103c 3016	17
Pillar Mountain White Alice Communications Site.	T27S R20W S36 SM	Kodiak	AK	99615	Air Force	103c	19A
BLM-Feather River Airstrip ..	T7S R37W S34&35 7 T8S R37W S2&3.	Nome	AK	.....	Interior	103c	19A
BLM-O'Brian Creek Dump ...	T7S R32E S9 NW¼, 50 MI South of City.	Eagle	AK	.....	Interior	103c	19A
BLM-Walker Fork Dump	T26N R22E S4 N½ N½ 49 MI N of City.	Chicken	AK	.....	Interior	103c	19A
FWS-Alaska Maritime NWR: Cape Thompson.	2355 Kachemak Drive, Suite 101.	Homer	AK	99603	Interior	103c	19A
NPS-Denali National Park: Banjo Mine.	Lat 63 33 10N, Long 150 51 47W.	Denali National Park.	AK	99755	Interior	103c	19A
NPS-Denali National Park: Red Top Mine.	Denali National Park	Denali Park	AK	99755	Interior	103c	19A
NPS-Denali National Park: Stampede Mine.	Lat 63 43.5N, Long 150 24.0E.	Denali National Park.	AK	99755	Interior	103c	19A
NPS-Katmai NP&P: Nanek Recreation Site #2.	Katmai National Park & Preserve.	King Salmon	AK	99613	Interior	103c	17
NPS-Wrangell St. Elias NP&P: Nabesna Mine.	Wrangell St. Elias Nat. Park & Preserve.	Glenallen	AK	99588	Interior	103c	17
Point McIntyre Dew Station .	12M NW of CY	Deadhorse	AK	99740	Navy	103c	19A
FAA-Chandalar Station	Chandalar Lake Nav Aids 112M NW of CY.	Ft Yukon	AK	99740	Transportation ...	103c	19A
FAA-Petersburg Facility	Unmanned site Mitkof Island	Petersburg	AK	99833	Transportation ...	103c	19A
FAA-Shuyak Station	Shuyak Island 60M N of Kodiak.	Kodiak	AK	99615	Transportation ...	103c 3010	19A
FAA-Slana Facility	Slana Arprt Copper RV Lowland.	Slana	AK	99586	Transportation ...	103c 3010	19A
Montgomery Air National Guard.	4600 S Richardson Rd, P.O. Box 250224.	Montgomery	AL	36108	Air Force	3016	19A
Hanceville Substation .....	.....	Hanceville	AL	.....	Tennessee Valley Authority.	103a	19A
Kwajalein Atoll	Kwajalein Atoll	APO	AP	96555	Army	3016	19A
Neal Smith Property	Rt #1	Ashdown	AR	71822	.....	3016	19A
Arkadelphia Site-Degray Lake.	30 IP Circle	Arkadelphia	AR	71923	Corps of Engineers, Civil.	3010	19A
PRI South Pacific Inc	Utulei	Pago Pago	AS	96799	.....	3010	19A
Golden Falcon Company	23rd St./1M West of Ave B .	Yuma	AZ	85364	.....	103c	19A
Phelps Dodge Historical Smelter.	Hwy 92	Bisbee	AZ	85603	.....	103c	19A
Buckeye Range .....	.....	Buckeye	AZ	.....	Army	3016	19A
Casa Grande Range	320 E. Cottonwood Lane ...	Casa Grande	AZ	85222	Army	3016	19A
Douglas Range	1401 Eighth St	Douglas	AZ	85607	Army	3016	19A

FEDERAL FACILITIES DOCKET, DOCKET ADDITIONS—Continued

Facility name	Facility address	City	State	ZIP Code	Agency	Reporting mechanism	Correction code
Florence Military Reservation.	1001 North Florence Blvd ...	Florence	AZ	85232	Army	3016 103c	19A
Safford Range	4001 First Ave	Safford	AZ	85546	Army	3016	19A
DEA-Apache Junction	1891 South Apache	Apache Junction	AZ	.....	Justice	103a	19A
Yuma Border Patrol Sector ..	350 First St	Yuma	AZ	85364	Justice	3010	19A
Cottonwood Station	40 Silverwood	Summit Valley ..	CA	92387	.....	3010	19A
Kaiser Eagle Mountain	N of Hwy 10 8M off Kaiser Rd.	Desert Center ...	CA	92239	.....	103c	19A
Logistics Support Center	1310 Cucamonga Ave	Ontario	CA	91761	.....	3010	19A
RCA Antenna Farm	451 Mesa Rd	Bolinas	CA	94924	.....	103c	19A
Cleveland NF: Mt. Laguna Landfill.	10845 Rancho Bernardo, Suite 200.	San Diego	CA	.....	Agriculture	103c	19A
Plumas NF: Ponderosa Reservoir.	159 Lawrence Street, Box 11500.	Quincy	CA	95971	Agriculture	103c 3016 3010	16
Shasta-Trinity NF: Lakeshore Landfill.	2400 Washington Avenue ...	Redding	CA	96001	Agriculture	3016	19A
Six River NF: Mad River Landfill.	1330 Bayshore Way	Eureka	CA	.....	Agriculture	103c	19A
George Air Force Base-Superior Valley Range.	S13 14 24 T305 R46E	China Lake	CA	99999	Air Force	103c	19A
Bell Organizational Maintenance Shop #6.	5300 Bandini Avenue	Bell	CA	90201	Army	3016	19A
Fort Irwin Mates .....	.....	Fort Irwin	CA	92310	Army	3016	19A
Fresno (Shields) Organizational Maintenance Shop.	5575 East Shields Avenue ..	Fresno	CA	93727	Army	3016	19A
Royce Del Metals	North Blosser & West Main St.	Santa Maria	CA	.....	Corps of Engineers, Civil.	103a	19A
Texaco Section 8 Central Solid Waste Site.	T32S/R24E MBD&M	Taft	CA	93268	Energy	103c	19A
Texaco Section 8 Gas Plant	T32S/R24E MDB&M	Taft	CA	93268	Energy	103c	19A
BLM-Blythe Landfill	7 Miles N. of City of Blythe ..	Blythe	CA	92225	Interior	103c	19A
BLM-Morning Star Mine	15M NE of Cima	Cima	CA	92323	Interior	103c	19A
BLM-Nipton Unauthorized Landfill.	1 MI NW of Nipton	Nipton	CA	92624	Interior	103c	19A
BLM-San Bernardino County Landfill-Apple Valley.	Sec 29, T.5N, R.2W	Apple Valley	CA	92307	Interior	103c	19A
Shaver Lake Landfill	Dinkey Creek Road	Shaver Lake	CA	93664	Interior	103c	19A
Siskon Mine	T14N, R5E, Secs. 20-29	Somes Bar	CA	95568	Interior	103c	19A
Monterey Naval Post-graduate School Annex.	1 Grace Hopper Avenue	Monterey	CA	93940	Navy	3010	19A
Nise West (South Complex)	4297 Pacific Hwy	San Diego	CA	92186	Navy	3010	19A
Salton Sea Test Base	Hwy 86	Salton City	CA	92275	Navy	103c	19A
San Nicolas Island Outlying Landing Field.	.....	San Nicolas Island.	CA	93042	Navy	3010	19A
Santa Cruz Naval Industrial Reserve Ordnance Plant.	16020 Empire Grade Rd	Santa Cruz	CA	95060	Navy	103c	19A
City of Industry Postal Service.	15421 E. Gale Ave	City of Industry ..	CA	91745	Postal Service ...	103c 3010	19A
Falconers Transformer Storage Area.	500 Star Street	Colorado Springs.	CO	.....	Air Force	103a	19A
Aurora-Buckley	2 Miles SE	Aurora	CO	80011	Army	3016	19A
Fort Morgan Substation	Intersection of I-76 & CO Hwy 52.	Ft Morgan	CO	80701	Energy	103c	19A
Water & Power Resources ..	Denver Federal Center, Bldg 56.	Denver	CO	80225	General Services Administration.	103c	19A
BP-Littleton Federal Correction Institute.	9595 West Quincy Avenue ..	Littleton	CO	80123	Justice	103c	19A
Middletown Army Reserve Center.	Mile Lane	Middletown	CT	.....	Army	103c	19A
Milford Army Reserve Center.	26 Seamans Lane	Milford	CT	.....	Army	103c	19A
Windsor Locks Area Maint. Support Activity 72G.	536 Spring Street	Windsor Locks ..	CT	.....	Army	103c	19A
IRS-Washington	1111 Constitution Avenue, N.W.	Washington	DC	.....	Treasury	103a	19A
New Castle Air National Guard 1664 Tag Fac.	12 Pennsway, Greater Wilmington Airport.	New Castle	DE	.....	Air Force	103c	19A
New Castle Training Site-Rifle Range.	Bldg 1A 1197 River Rd	New Castle	DE	19720	Army	3016	19A

FEDERAL FACILITIES DOCKET, DOCKET ADDITIONS—Continued

Facility name	Facility address	City	State	ZIP Code	Agency	Reporting mechanism	Correction code
Cross Florida Barge Canal (Buckman Lock), SAJ.	Near State Rt 40 at Canal ..	Palatka	FL	32177	Corps of Engineers, Civil.	3016	19A
CG-D7 OAN Lighthouse .....	.....	St. Petersburg ...	FL	33131	Transportation ...	103a	19A
Tamiami International Flight Service Transmitter.	West of Chrome Avenue	Miami	FL	.....	Transportation ...	103a	19A
Coastal Plains Experiment Station.	PO Box 748	Tifton	GA	31793	Agriculture	3016	19A
Russell Research Center	950 College Station Road ...	Athens	GA	30613	Agriculture	3016 3010	17
Savannah Air National Guard.	165 ALG, 1401 Robert B Miller Jr Dr.	Garden City	GA	31408	Air Force	3016	19A
Kipapa Fuel Storage Annex	Off Route 99 (Kamehameha Hwy).	Honolulu	HI	96789	.....	103c	19A
Waikakalaua Fuel Storage Annex.	Off Rte 99, Kamehameha Highway.	Honolulu	HI	96854	Air Force	103c	19A
Cherokee Army Reserve Center.	1807 Industrial Road	Cherokee	IA	51012	Army	3010	19A
IAAP Middletown/Wets .....	.....	Middletown	IA	52638	Army	3016	19A
Waverly Wets	2 Miles South	Waverly	IA	50677	Army	3016	19A
Caribou NF: Paris Work Center.	94 East 100 South	Paris	ID	83261	Agriculture	3010	19A
Targhee NF: Snake River Work Center.	Hwy 26 5 MI W of Cy	Swan Valley	ID	83449	Agriculture	3010	19A
Kimama	22 Miles North Rupert	Rupert	ID	.....	Army	3016	19A
Orchard Range	16 Miles South	Boise	ID	83707	Army	3016	19A
Libertyville Training Site	Half Day Rd and Milwaukee Ave.	Vernon Hills	IL	60061	.....	3010	19A
Specialty Sealant IEPA	7800 S Woodlawn Ave	Chicago	IL	60619	.....	3010	19A
O'Hare Air Reserve Facilities.	Building 10, Mannheim Rd ..	Chicago	IL	60666	Air Force	103c	19A
Elwood 86th Reserve Command.	Hoff Rd	Elwood	IL	60421	Army	3010	19A
Homewood	Riegal & 187th Street	Homewood	IL	60430	Army	3016	19A
Joliet Training Area	Joliet Tng Area C/O Dmail ..	Joliet	IL	.....	Army	3016	19A
North Riverside TS	8660 West Cermak Rd	North Riverside ..	IL	60546	Army	3016	19A
Chicago Site	Calumet Harbor	Chicago	IL	60606	Corps of Engineers, Civil.	3010	19A
Former Air Force Plant 39 ...	7400 S Cicero Ave	Chicago	IL	60629	Corps of Engineers, Civil.	3010	19A
Talley Defense Systems JAAPGP64.	6 Miles S of Elwood off Rt 53.	Elwood	IL	60421	Defense	3010	19A
Aurora Post Office	N Broadway (Rt. 25) and Indiana Circle.	Aurora	IL	60505	Postal Service ...	103c	19A
Crystal Lake Postal Service	301 E Congress Pkwy	Crystal Lake	IL	60060	Postal Service ...	3010	19A
Forbes Field Air National Guard.	5920 E Street, 190th AREFG/DE Forbes Fie.	Topeka	KS	66619	Air Force	103c	17
Cave Run Lake	Bridge at Cave Run Lake	Morehead	KY	40351	.....	3010	19A
Kentucky Air National Guard Staniford Field.	1019 Old Grade Ln, 123 AW/EM.	Louisville	KY	40213	Air Force	103c	19A
Louisville Air National Guard	1019 Old Grade Ln	Louisville	KY	40213	Air Force	3016	19A
Lexington Armed Forces Reserve Center.	151 Votech Drive	Lexington	KY	40510	Army	3010	19A
Shelbiana Site	Route 1, Box 501	Shelbiana	KY	41562	Corps of Engineers, Civil.	3010	19A
Boston Defense Support Activity—Barnes Building.	495 Summer Street	South Boston ...	MA	.....	Army	103c	19A
Rehoboth Nike 19 TS	Fairview Ave	Rehoboth	MA	02769	Army	3016	19A
New England Regional Laboratory.	60 Westview St	Lexington	MA	02173	EPA	3010 103a	19A
CG-Gloucester Station	17 Harbor Loop Road	Gloucester	MA	01930	Transportation ...	103a	19A
Fort Ritchie	Attn: ANRT-ENE, Bldg 603	Fort Ritchie	MD	21719	Army	3016 3010	15
Fort Ritchie-Raven Rock Site (AJCC).	Harbaugh Valley Rd	Blue Ridge Smtt.	MD	17214	Army	3016	19A
Olney	5115 Riggs Road	Olney	MD	20879	Army	3016	19A
Woodstock	2845 Hernwood Road	Woodstock	MD	21163	Army	3016	19A
Greenspring-Launch	Ridge Rd	Greenspring	MD	21117	Defense	103c	19A
Auburn Training Site Organizational Maint. Shop #2.	Stevens Mill Road	Auburn	ME	04210	Army	3016	19A
Bangor Organizational Maintenance Shop #3.	28 Hayes St	Bangor	ME	04401	Army	3016	19A
Caswell Training Site	5 Miles	Caribou	ME	04750	Army	3016	19A

FEDERAL FACILITIES DOCKET, DOCKET ADDITIONS—Continued

Facility name	Facility address	City	State	ZIP Code	Agency	Reporting mechanism	Correction code
Hiawatha NF: Byers Lake Resort.	1.22 MI West & 1.22 MI North of Steuben.	W Sec of Schoolcraft City.	MI	49829	Agriculture	103c	19A
Hiawatha NF: Grand Island Site.	1 MI off Lake Superior Shore 3 MI NW of.	Grand Island	MI	49829	Agriculture	103c	19A
Hiawatha NF: Moran Work Center & Landfill.	10 MI Northwest of Saint Ignace.	Brevoort Township.	MI	49829	Agriculture	103c	19A
Hiawatha NF: Nahma Landfill.	3 MI NW of Nahma	Nahma Township.	MI	49829	Agriculture	103c	19A
Fort Custer .....	.....	Battle Creek	MI	49012	Army	3016	19A
Newport	800 E. Newport	Newport	MI	48166	Army	3016	19A
Bay City Cert Site	9th and 18th W Saginaw and Wat.	Bay City	MI	48708	EPA	3010	19A
Electro Voice	600 Cecil St	Buchanan	MI	49107	EPA	3010	19A
Detroit Postal Service	1365 W Fort St	Detroit	MI	48233	Postal Service ...	3010	19A
FAA-Crowell	2250 E Peck Rd	Crowell	MI	48422	Transportation ...	3010	19A
St. Joseph North Phd Light	18535 Lite List	St. Joseph	MI	49417	Transportation ...	3010	19A
Snelling Small Arms Range Annex.	5001 St Hwy 5	Minneapolis	MN	55450	.....	3010	19A
BIA-Red Lake	Red Lake Agency	Red Lake	MN	56671	Interior	3010	19A
Camp Clark Training Site/ Utes.	4 Miles So Hwy 71, PO Box 265.	Nevada	MO	64772	Army	3016	19A
Truman Reservoir T.S.	P.O. Box 1247	Sedalia	MO	65302	Army	3016	19A
Wappapello Training Site ...	Highway T	Wappapello	MO	63966	Army	3016	19A
St. Louis Federal Court-house Site.	111 S 11th St	St. Louis	MO	63102	General Services Administration.	3010	19A
Grenada	Youngs Landing	Grenada	MS	38901	Corps of Engineers, Civil.	103a	19A
Waterways Experiment Station.	3909 Halls Ferry Rd	Vicksburg	MS	39180	Corps of Engineers, Civil.	3016	19A
Opheim Radar Station	2 Miles West of Opheim	Opheim	MT	59250	.....	103c 103a	19A
Fort William Henry Harrison	Williams Street	Helena	MT	59604	Army	3016	19A
Fort Fisher Training Site	Natl Grd Trng Center	Kure Beach	NC	28449	Army	3016	19A
Tarheel Army Missile Plant	204 Graham-Hopedale Road.	Burlington	NC	27215	Army	103c	19A
Wilmington Organizational Maintenance Shop #17.	1401 N Kerr Ave	Wilmington	NC	28405	Army	3016	19A
Garrison Dam & Lake Sakakawea.	T146N R84W Sec 6	Riverdale	ND	58545	Corps of Engineers, Civil.	103c	19A
Camp Ashland	Camp Ashland	Ashland	NE	68003	Army	3016	19A
Hastings Training Site	R.R. 2, P.O. Box 178	Hastings	NE	68901	Corps of Engineers, Civil.	3016	19A
Grenier Field Army Reserve Center.	Galaxy Drive	Manchester	NH	.....	Army	103c	19A
Keene Army Reserve Center.	682 Main Street	Keene	NH	.....	Army	103c	19A
Ottati & Goss Superfund Site.	Route 125	Kingston	NH	03848	EPA	3010	19A
Dona Anna Range Camp Mates.	20 Miles East	Las Cruces	NM	88001	Army	3016	19A
Carlsbad	PO Box 207	Carlsbad	NM	.....	Energy	103a	19A
Sandia National Laboratories-Tonopah.	Hwy 6	Tonopah	NV	89049	Energy	3016	19A
American Antimony Corporation.	T 26N R. 34E Section 28 ...	Lovelock	NV	89419	Interior	103c	19A
NPS-Lake Mead Nat. Rec. Area: Boulder Beach Landfl.	Lake Mead National Recreation Area.	Boulder City	NV	.....	Interior	103c	17
Floyd Annex Site	Koenig Road	Floyd	NY	13440	Air Force	103c	19A
Ogdensburg Customs House.	127 North Water	Ogdensburg	NY	13669	General Services Administration.	3010	19A
Saratoga Springs Navy Housing Management Office.	26 Quiet Harbor Dr—2000 FT E.	Saratoga Springs.	NY	12866	Navy	3010	19A
CMHA Olde Cedar Estates	2617 Central Ave	Cleveland	OH	44115	.....	3010	19A
Toledo Air National Guard ...	2660 South Eber Road	Swanton	OH	43558	Air Force	3016	19A
Newton Falls-Utes 1	8 Miles Rte 2	Newton Falls	OH	44444	Army	3016	19A
Rickenbacker-Columbus	7116 1st St	Columbus	OH	43217	Army	3016	19A

FEDERAL FACILITIES DOCKET, DOCKET ADDITIONS—Continued

Facility name	Facility address	City	State	ZIP Code	Agency	Reporting mechanism	Correction code
Bainbridge Site	504 Reservoir Rd	Bainbridge	OH	45612	Corps of Engineers, Civil.	3010	19A
Caesar Creek Lake Bridge ..	Bridge at Caesar Creek Lake.	Waynesville	OH	45068	Corps of Engineers, Civil.	3010	19A
Delaware Site	3920 US 23 North	Delaware	OH	43015	Corps of Engineers, Civil.	3010	19A
Marietta Site	Ohio and Post St	Marietta	OH	45740	Corps of Engineers, Civil.	3010	19A
Mount Sterling Site	21897 Deer Creek Lake	Mt Sterling	OH	43143	Corps of Engineers, Civil.	3010	19A
West Fork Lake Bridge	Bridge at West Fork Lake ...	Cincinnati	OH	45240	Corps of Engineers, Civil.	3010	19A
Zanesville Site	4969 Dillon Dam Rd	Zanesville	OH	43701	Corps of Engineers, Civil.	3010	19A
US Enrichment Corp	3930 US Rte 23 South Site C.	Piketon	OH	45661	Energy	3010	19A
Dayton Medical Center	4100 West 3rd Street, Building 330.	Dayton	OH	45428	Veterans Affairs	103a	19A
Tulsa Air National Guard	138FG/EMO 4200 N 93rd E Avenue.	Tulsa	OK	.....	Air Force	103a	19A
Corvallis/Camp Adair	39434 Rifle Range Road	Corvallis	OR	97330	Army	3016	19A
Edgely Manor Industrial Park (Simon Site).	Silvi Avenue	Bristol Township	PA	19007	.....	103c	19A
PSP Lancaster Barracks	Rt. 30 E	Lancaster	PA	.....	.....	103a	19A
Sun Oil Co-Chevron International Corp.	3001 Penrose Avenue	Philadelphia	PA	19145	.....	103c	19A
San Juan Army Air Support Facility.	Box 3786	San Juan	PR	00904	Army	3016	19A
North Kingston Army Air Support Facility.	Quonset State Airport	North Kingstown	RI	02852	Army	3016	19A
Warwick Organizational Maintenance Shop #3.	Airport Road	Warwick	RI	02886	Army	3016	19A
Nashville Air National Guard	240 Knapp Blvd	Nashville	TN	37217	Air Force	3016	19A
Milan Utes	4 Miles South	Milan	TN	38350	Army	3016	19A
Smyrna-Grubbs Kyle Training Site.	1 Mile North, Smyrna	Smyrna	TN	37167	Army	3016	19A
Tullahoma Training Site	One Mile East	Tullahoma	TN	37388	Army	3016	19A
Spring City Substation	Highway 27	Spring City	TN	.....	Tennessee Valley Authority.	103a	19A
Wake Island Airfield	Det 1 15 LG/CC	Wake Island APO AP.	TT	96518	Air Force	3010 3016	19A
Bul-Man Construction Company.	5214 Burleson Rd #308	Austin	TX	78744	.....	3010	19A
McMullen Target Site	FM 624 10M W Hwy 16	Tilden	TX	78072	.....	3010	19A
Angelina National Forest	Vicinity State Highway 103 and US 59.	Lufkin	TX	75901	Agriculture	103a	19a
Bergstrom Air Reserve Station.	2502 Hwy 71E Bldg 635	Austin	TX	78719	Air Force	3010	19A
Camp Swift (Utes #3)	Rt 2, Box 151X FM 973	Bastrop	TX	76802	Army	3016	19A
Galveston Federal Armory ..	5301 Avenue South	Galveston	TX	77550	Army	3016	19A
Gatesville (Mates)	N Fort Hood SH 36 & 28th St.	Gatesville	TX	76528	Army	3016	19A
Houston Organizational Maintenance Shop #36.	15150 Westheimer Pky	Houston	TX	77082	Army	3016	19A
Saginaw (CSMS #1)	855 E. Industrial	Saginaw	TX	76131	Army	3016	19A
Spatz Airbase	902 Carter	Hondo	TX	78861	Corps of Engineers, Civil.	3010	19A
Houston Medical Center	2002 Holcombe Boulevard ..	Houston	TX	77030	Veterans Affairs	103a	19A
Fort Douglas (Fort Carson Subinstallation).	AFZC-D-DEH	Salt Lake City ..	UT	84113	Army	103c	19A
IRS-Ogden	183 West 30th Street	Ogden	UT	84401	Treasury	3010	19A
Comarco IBS Bus Maintenance Garage.	51 Post Office Rd	Gravelly Point ..	VA	22202	.....	3010	19A
New England Log Homes, Inc.	Old Route 58 West	Lawrenceville	VA	23868	.....	103c	19A
Sandston Army Air Support Facility.	700 Portugee Rd	Sandston	VA	23150	Army	3016	19A
Sandston Organizational Maint. Shops #1 & #2.	6041 Beulah Rd	Sandston	VA	23150	Army	3016	19A
Fine Petroleum	2801 St Julian Ave	Norfolk	VA	23510	EPA	3010	19A

FEDERAL FACILITIES DOCKET, DOCKET ADDITIONS—Continued

Facility name	Facility address	City	State	ZIP Code	Agency	Reporting mechanism	Correction code
Parr Warehouses	GSA Bldg B	Springfield	VA	22150	General Services Administration.	3010	19A
Blair Hangar Army Air Support Facility.	Alex Hamilton Airport	St. Croix	VI	00850	Army	3016	19A
International Arrivals Building.	Alex Hamilton Airport	St. Croix	VI	00850	Army	3016	19A
St. Croix Property & Fiscal Office.	9 Estate Diamond—Fredriksted.	St. Croix	VI	00840	Army	3010	19A
Chester Army Reserve Center.	Route 11	Chester	VT	.....	Army	103c	19A
T.S. Ethan Allen Air Force Base, RS.	Bldg. #5, Camp Johnson	Colchester	VT	05446	Army	3016	19A
Okanogan NF: Tonasket	T37N R27E WM S16 Okanogan Riv Vly.	Tonasket	WA	98855	Agriculture	103c	19A
Kent National Guard Bureau	24410 Military Road	Kent	WA	98032	Army	103c	19A
Kent Organizational Maintenance Shop #5.	24410 Military Road	Kent	WA	98032	Army	3016	19A
Redmond National Guard Bureau.	17230 NE 95th Street	Redmond	WA	98052	Army	103c	19A
Spokane Army Air Support Facility #2.	Spokane Intl Airport	Spokane	WA	99219	Army	3016	19A
Vancouver Barracks	HQ, Vancouver Barracks B-638.	Vancouver	WA	98661	Army	3016	19A
Watercraft Support Maintenance Center.	321 E. Alexander	Tacoma	WA	98421	Army	3016	19A
NOAA-Manchester Field Station.	7305 Beach Drive East	Port Orchard	WA	98366	Commerce	103c	17
FS-North Central Forest Experiments Station.	5985 County Highway K	Rhineland	WI	54501	Agriculture	103a	19A
Nicolet NF: Alvin East Landfill.	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 25 T41N R13 3.	Alvin	WI	54542	Agriculture	103c	19A
Nicolet NF: Binder Lake Dump Site.	Section 29 T33 N R16E	Lakewood	WI	54138	Agriculture	103c	19A
Nicolet NF: Butternut Lake Site.	Section 33 T40N R12E	Hiles Township	WI	54501	Agriculture	103c	19A
Nicolet NF: County Trunk Highway "T" Site.	Section 3 T31N R15E	Doty Township	WI	54149	Agriculture	103c	19A
Nicolet NF: Former Crooked Lake Dump Site.	7 MI S of Lakewood 8 MI W of Stephenson.	Riverview	WI	54114	Agriculture	103c	19A
Nicolet NF: Island Lake Site	Section 19 T32N R16E	Lakewood	WI	54138	Agriculture	103c	19A
Nicolet NF: Laona Sanitary Landfill.	Section 11 T35N R15E	Blackwell	WI	54541	Agriculture	103c 103a	19A
Nicolet NF: Newald Landfill .	SW $\frac{1}{4}$ NW $\frac{1}{4}$ SEC 26 T38N R14E.	Ross	WI	54511	Agriculture	103c	19A
Nicolet NF: Phelps Site	Section 35 T42N R11E	Phelps	WI	54554	Agriculture	103c	19A
Nicolet NF: Roberts Lake Dump Site.	Northern Part of Nicolet National Forest.	Freedom Township.	WI	54566	Agriculture	103c	19A
Nicolet NF: Silver Lake Dump Site.	.5 MI Southeast of Silver Lake.	Laona	WI	54541	Agriculture	103c	19A
Equipment Concentration Site.	3050 Ft McCoy Bldg	Sparta	WI	54656	Army	3010	19A
Lady Smith Reserve Center	819 W Summit Ave	Lady Smith	WI	54848	Army	3010	19A
TS Racine County Line Range.	6 MI Northwest Racine	Racine	WI	53403	Army	3016	19A
Cytec Industries Chemical Fire.	Route 2 South	Belmont	WV	26134	.....	103c	19A
Point Pleasant Organizational Maintenance Shop #6.	Rte 62, N 6 MI (Old Ord Wks).	Point Pleasant	WV	25550	Army	3016	19A
Cheyenne Organizational Maintenance Shop #4.	P.O. Box 1709	Cheyenne	WY	82003	Army	3016	19A
Rock Springs Oil Shale Report.	7 MI W of Rock Springs	Rock Springs	WY	82902	Energy	103c	19A
NPS-Grand Teton Nat. Park: Beaver Creek Boneyard.	Grand Teton National Park .	Moose	WY	83012	Interior	103c	17

FEDERAL FACILITIES DOCKET, DOCKET DELETIONS

Facility name	Facility address	City	State	ZIP Code	Agency	Reporting mechanism	Correction code
Dera-Kodiak Tracking Station.	Cape Chiniak Rd, End of	Kodiak	AK	99615		103c	3
M-I Drilling Fluids Company-Anchorage.	721 W 1st Ave	Anchorage	AK	99501		3010	2
Fort Yukon White Alice Site.	E. of Town	Fort Yukon	AK	99740	Air Force	3016 103c	6
Kotzebue Army National Guard 3rd Sct BN HQ.	Kotzebue Air Force Site	Kotzebue	AK	99752	Army	3010 103c	2
PHS-Kanakanak Hospital	2.5 Mi SW of Village	Dillingham	AK	99576	Health and Human Services.	103a	4
FAA-Aniak Airport	61' 34N 159' 31'W	Aniak	AK	99557	Transportation	103c 3016	2
BLM-Phoenix Construction Services, Inc.	Natchez Trace Parkway Rte. 2.	Florence	AL	35633	Interior	3010	4
Huntsville Primary Substation.	Huntsville Primary Substation.	Huntsville	AL		Tennessee Valley Authority.	103a	4
Muscle Shoals Hazardous Storage Facility.	Hwy 133	Muscle Shoals	AL		Tennessee Valley Authority.	103a	6
American Samoa Power	American Samoa	American Samoa.	AS			103c	4
Casa Grande Valley Newspapers.	1104 N Pinal Ave	Casa Grande	AZ	85222		3010	2
Casa Grande Valley Newspapers.	200 W Second St	Casa Grande	AZ	85222		3010	2
Lockheed Aeromod Center Inc.	1555 E Aero Park Blvd	Tucson	AZ	85706		3010	2
BLM-Glendale Landfill	Glendale Ave & 115th Ave B.	Glendale	AZ	85307	Interior	103c	2
BLM-Phoenix	3707 N 7th Street	Phoenix	AZ	85014	Interior	3010	4
Laxfuel Corporation		Los Angeles	CA	90045		103c	2
Oakland City of Housing Authority.	1180 25th Avenue	Oakland	CA	94601	Housing and Urban Development.	3010	2
NPS-Pinnacles National Monument.	Pinnacles National Monument.	Paicines	CA	95023	Interior	3010	1
DEA-Los Angeles	350 S Figueroa St	Los Angeles	CA	90071	Justice	3010	11
Bayview Hills Housing Area.	1840 Saipan Drive	San Diego	CA	92139	Navy	3010	1
Crabill Heights Housing Area.	8471 Jordan St	San Diego	CA	92139	Navy	3010	1
Camp Nimitz Area	Naval Training Ctr	San Diego	CA		Navy	103c	6
Chesterton Quarters Housing Area.	7468 Wellington St	San Diego	CA	92111	Navy	3010	1
De Steiguer Naval Station	Berth 5 10th Ave Terminal	San Diego	CA	92101	Navy	3010	8
Fallbrook Napalm Demilitarization Facility.	Naval Weapons Stat, Fallbrook.	Fallbrook	CA	92028	Navy	3016	6
Long Beach Naval Air Station Sima NRMF.	Long Beach Naval Air Sta	Long Beach	CA	90822	Navy	3010	6
Port Hueneme Naval Exchange Cleaners.	NVL Const Bat Ctr Bld #75.	Port Hueneme	CA	93041	Navy	3010	6
Seal Beach Naval Weapons Station Pomona Annex.	1675 Mission Blvd	Pomona	CA	91769	Navy	103c 3010	6
Stanislaus Landfill		Patterson	CA		Navy	103a	2
Fresno Post Office	1900 E Street	Fresno	CA	93706	Postal Service	3010	1
San Francisco Postal Service.	151 Mendell Street	San Francisco	CA	94124	Postal Service	103a	6
San Francisco Postal Service Vehicle Maintenance.	1300 Evans Ave	San Francisco	CA	94188-9721	Postal Service	103c 3010	4
Rockwell International Flight Ops.	5885 W Imperial Highway	Los Angeles	CA	90245	Transportation	3010	3
Robert H. Freytag Property.	3102 North Overland Trail	La Porte	CO	80535		3016	2
BLM-Anvil Points Oil Shale Station.	8 Mi W of Rifle on I-70	Rifle	CO	81650	Interior	103c	6
BLM-Placerville Tram Site	T44NR11WSEC35 Hwy 62.	Placerville	CO	81430	Interior	103c	2
Colonel Frank M. Williams Army Reserve Center.	11700 NW 27th Ave	Miami	FL	33167	Army	3005 3010	1

FEDERAL FACILITIES DOCKET, DOCKET DELETIONS—Continued

Facility name	Facility address	City	State	ZIP Code	Agency	Reporting mechanism	Correction code
Lt. Clarence Lovejoy Army Reserve Center.	4823 N Hubert Ave	Tampa	FL	33614	Army	3005 3010	1
Orlando Army Air Support Facility 49.	8601 Ave B	Orlando	FL	32812	Army	3005 3010	1
Palatka Area Maintenance Support Activity—55M.	Star Route #1, Box 8	Palatka	FL	32177	Army	3010 3005	1
NPS—Gulf Islands National Seashore.	Fort Pickens Rd	Gulf Breeze	FL	32561	Interior	103c	1
Tallahassee Federal Correction Institution.	501 N.E. Capital Circle ...	Tallahassee	FL	32311	Justice	103a	1
Orlando Naval Training Center.	Bennett and Maguire	Orlando	FL	32813	Navy	3010	6
Augusta Area Maintenance Support Activity—54G.	3311 Wrightsboro Road ...	Augusta	GA	30904	Army	3010 3005	1
FAA—Regional Office	340 Norman Berry Drive ..	East Point	GA	30320	Transportation ...	103a	4
Agana River and Paseo Site.	Leary Jct	Agana	GU	96910	Navy	103c	2
Finegayan Housing Abandoned Dump.	Naval Communications Center.	S Finegayan	GU	96630	Navy	103c	2
OCA Navy Supply Dump Site.	S of Saupon Pt	OCA	GU	96911	Navy	103c	2
Pearl Harbor Navy Exchange Laundry Facility.	Moanalua Road and Kaimakani Street.	NAS, Pearl Harbor.	HI	96860	Navy	103c 3010	6
BLM-Howe Dumpsite	T6NR29ESec31	Howe	ID	83244	Interior	103c	4
DEA-Chicago Field Division Office.	7401 S Pulaski	Chicago	IL	60629	Justice	3010	11
Marion Medical Center	2401 W Main St	Marion	IL	62959	Veterans Affairs	3010	1
Former Jeffersonville Quartermaster Depot.	Located on Segrams Property Clark County.	Jeffersonville	IN	47130	Army	3016 103c	3
Bourne National Cemetery	MA National Cemetery	Bourne	MA	02532	Veterans Affairs	3016	1
Brockton Medical Center ..	940 Belmont Street	Brockton	MA	02401	Veterans Affairs	3016	1
West Roxbury Medical Center.	1400 VFW Parkway	West Roxbury ...	MA	02132	Veterans Affairs	3016	1
NIH-Animal Center	Elmer School Road	Poolesville	MD	20837	Health and Human Services.	3010	1
NIH—NCI Biomarkers and Prevention.	9610 Medical Center Drive (Keywest).	Rockville	MD	20850	Health and Human Services.	3010	1
Patuxent Wildlife Research Center.	Rt 197 and Powdermill Rd	Laurel	MD	20708	Interior	103c 3010	6
Perry Point Medical Center	Bldg 23H	Perry Point	MD	21902	Veterans Affairs	3010	1
Delta Defense Fuel Support Point.	RR Rt. 1 Gladstone	Delta	MI	49837	Defense	3016	6
Detroit District	3331 Radar Rd	Sault Ste Marie .	MI	49783	Defense	3010	4
DEA-Detroit	231 W Lafayette	Detroit	MI	48226	Justice	3010	11
Ann Arbor Medical Center	2215 Fuller Rd	Ann Arbor	MI	48105	Veterans Affairs	3010	1
BATFA-Kansas City	811 Grand Ave Rm 106 ..	Kansas City	MO	64106	Treasury	3010	11
National Marine Fisheries Service.	Pivers Island Off US Hwy 70 West.	Beaufort	NC	28512	Commerce	3010 3016	1
Mclvor Alice Estate of	823 Mclvor Rd	Oaks Corners ...	NY	14518	.....	3010	2
Elmira Army Maintenance Support Activity-2.	Judson St	Elmira	NY	14901	Army	3010	2
Malone Army Reserve Center.	111 Finney Blvd	Malone	NY	12953	Army	3010	6
West Valley Demonstration Project.	10300 Rock Springs Road	West Valley	NY	14171	Energy	3005 3010 3016	2
IRS Brookhaven Service Center.	1040 Waverly Ave	Holtsville	NY	11742	General Services Administration.	3010	4
NPS-Federal Hall National Memorial.	26 Wall Street	New York	NY	10005	Interior	3010	1
NPS-Theodore Roosevelt Birthplace.	28 E 20th Street	New York	NY	10003	Interior	3010	1
FBP-Brooklyn	830 Third Ave Bldg 1	Brooklyn	NY	11232	Justice	3010	4
Far Rockaway General Mail Facility.	1836 Mott Ave	Far Rockaway ...	NY	11691	Postal Service ...	3010	4
Jamaica Vehicle Maintenance Facility.	180—66 Liberty Avenue ...	Jamaica	NY	11433	Postal Service ...	3010	4

FEDERAL FACILITIES DOCKET, DOCKET DELETIONS—Continued

Facility name	Facility address	City	State	ZIP Code	Agency	Reporting mechanism	Correction code
Vacant Building	74 E Main St	Trumansburg	NY	14886	Small Business Administration.	3010	2
Erie Industrial Park	Erie Industrial Pk Bldg 2 ..	Port Clinton	OH	43452	Corps of Engineers, Civil.	3010	3
Rossford Depot	851 Third St	Perrysburg	OH	43551	Corps of Engineers, Civil.	3010	3
Shenango Disposal Site, ORP.	.....	.....	OH	.....	Corps of Engineers, Civil.	3016	6
Madras Army Air Field	Cherry Road	Madras	OR	97741	Army	103c	3
Pittsburgh Postal Service ..	7th & Grant Streets	Pittsburgh	PA	.....	General Services Administration.	103a	2
Aqueduct & Sewer Authority.	Road 3 KM 14.3 Barrio Obrero Station.	Santurce	PR	00916	.....	103a	2
McEntire Air National Guard Base.	.....	Columbia	SC	.....	Air Force	103c	6
New Albany Substation	299 Substation Road	New Albany	TN	.....	Tennessee Valley Authority.	103a	4
Ripley Substation	Webb Road	Ripley	TN	.....	Tennessee Valley Authority.	103a	4
Houston Army Reserve Center 02 (AMSA 4).	7077 Perimeter Park Drive.	Houston	TX	77041	Army	3010	6
Ashley NF: Only Chance Mine.	355 North Vernal Ave	Vernal	UT	84078	Agriculture	3016	2
BLM-IRECO Chemical	17SR1ESEC5, 6, 7 Pelican Pt Site A&B.	Lehi	UT	84043	Interior	3005 3010 3016 103c	2
Salt Lake City Post Office Garage.	1760 West 2100 South ...	Salt Lake City ...	UT	84199	Postal Service ...	3010	1
Arlington	File Repository 1232 SE ..	Arlington	VA	22202	Commerce	3010 103c	10
Herndon Office	925 Springvale Road	Herndon	VA	22070	Defense Mapping Agency.	103c	6
St. Thomas	St. Thomas Beach	St. Thomas	VI	00801	.....	103c	2
Spokane Industrial Park ...	.....	Spokane	WA	99216	.....	103c	3
FHA-LMC Farms	Rt. #1 Box 363	Mubton	WA	98935	Agriculture	3016	12
Ephrata Army National Guard.	1st & East Street Corner ..	Ephrata	WA	98823	Army	3010	2
Spokane Army Reserve Center.	N 3800 Sullivan Rd	Spokane	WA	99216	Army	3010	4
Yakima Army National Guard.	1702 Pacific Highway	Yakima	WA	98901	Army	3010 3016	2
BPA-Cosmopolis	Arcadia Drive	Cosmopolis	WA	98537	Energy	103a	4
BPA-Lapine	US Forest Service Road 288.	Lapine	WA	99362	Energy	103a	1
BPA-Maple Valley Substation.	2500 Royal Hill Drive	Renton	WA	.....	Energy	103a	1
BPA-Monroe	25414 Old Pipeline Road	Monroe	WA	98272	Energy	103a	4
BPA-Snow King Substation.	3602 Maltoy Road	Bothell	WA	.....	Energy	103a	1
Seattle Navy Facility	Pier 90	Seattle	WA	96698	Navy	103a	1
FWS-Horicon National Wildlife Refuge.	Rural Route 2	Mayville	WI	53050	Interior	3010	1
Tomah Medical Center	Veterans Dr	Tomah	WI	54660	Veterans Affairs	3010	1

FEDERAL FACILITIES DOCKET, DOCKET CORRECTIONS

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism	Correction codes
C Dera-Kodiak Tracking Station.	Cape Chiniak Rd, End of.	Kodiak	AK	99615	.....	103c	20A
O Dera-Kodiak Tracking Station.	Cape Chiniak Rd, End of.	Kodiak	AK	.....	.....	103c	
C Cape Newenham Air Force Station.	11 ACW/CC	Elmendorf AFB ..	AK	99506	Air Force	3010 3016 103c	20A
O Cape Newenham Air Force Station.	11 TCW/CC Bay	Elmendorf AFB ..	AK	99506	Air Force	3010 3016 103c	
C Cape Romanzof Air Force Station.	11 ACW/CC	Elmendorf	AK	99506	Air Force	3010 103c 3016	20A
O Cape Romanzof Air Force Station.	11 TCW/CC	Elmendorf	AK	99506	Air Force	3010 103c 3016	

FEDERAL FACILITIES DOCKET, DOCKET CORRECTIONS—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism	Correction codes
C Clear Air Force Station.	13 MWS/CC	Anderson	AK	99704	Air Force	3010 103c 3005	23
O Clear Air Force Station.	13 MWS/CC	Anderson	AK	99704	Air Force	3010 103c	
C Fort Yukon White Alice Site.	E. of Town	Fort Yukon	AK	99740	Air Force	3016 103c	22
O BLM-Fort Yukon White Alice Site.	E. of Town	Fort Yukon	AK	99740	Interior	3016 103c	
C Indian Mountain Air Force Station.	11 ACW/CC	Elmendorf AFB .	AK	99506	Air Force	3010 103c 3016	20A
O Indian Mountain Air Force Station.	11 TCW/CC	Elmendorf AFB .	AK	99506	Air Force	3010 103c 3016	
C Murphy Dome Air Force Station.	11 TCW/CC	Elmendorf AFB .	AK	99506	Air Force	3010 3016 103c	23
O Murphy Dome Air Force Station.	11 TCW/CC	Elmendorf AFB .	AK	99506	Air Force	3010 3016	
C Tatalina Air Force Station.	11 ACW/CC	Elmendorf AFB .	AK	99506	Air Force	3010 103c 3016	20A
O Tatalina Air Force Station.	11 TCW/CC	Elmendorf AFB .	AK	99506	Air Force	3010 103c 3016	
C Tin City Air Force Station.	11 ACW/CC	Elmendorf AFB .	AK	99506	Air Force	3010 103c 3016	20A
O Tin City Air Force Station.	11 TCW/CC	Elmendorf AFB .	AK	99506	Air Force	3010 103c 3016	
C Fort Richardson	Army Guard Rd & Davis Hwy.	Fort Richardson	AK	99505	Army	3005 3010 3016 103c 103a	23
O Fort Richardson	Army Guard Rd & Davis Hwy.	Fort Richardson	AK	99505	Army	3005 3010 3016 103c	
C Fort Wainwright	ASZR-FW-DC	Fort Wainwright	AK	99703-5500	Army	3005 3010 3016 103c	20A
O Fort Wainwright .....	.....	Fort Wainwright	AK	99703-5500	Army	3005 3010 3016 103c	
C Noatak National Guard Bureau.	(Unspecified)	Noatak	AK	99761	Army	103c 3016	23
O Noatak National Guard Bureau.	(Unspecified)	Noatak	AK	99761	Army	103c	
C Fort Greely	Fort Greely Airport	Delta Junction ...	AK	99737	Corps of Engineers, Civil.	103c 3016 3005	23
O Fort Greely	Fort Greely Airport	Delta Junction ...	AK	99737	Corps of Engineers, Civil.	103c 3016	
C Anchorage Defense Fuel Support Point.	1217 Anchorage Port Road.	Anchorage	AK	99501	Defense	3016 3010	23
O Anchorage Defense Fuel Support Point.	1217 Anchorage Port Road.	Anchorage	AK	99501	Defense	3016	
C BLM-Icy Cape Dewline Site.	Wainwright, 50 Mi NE ...	Wainwright	AK	99782	Interior	103c	20A
O BLM-Icy Cape Dew Line Site.	Wainwright, 50 Mi NE ...	Wainwright	AK	99782	Interior	103c	
C BLM-Sagwon Airstrip Dump.	T5R4ESec10-11	Sagwon	AK	99513	Interior	3016 103c	20A
O BLM-Sagwon Airstrip .	T5R4ESec10-11	Sagwon	AK	99513	Interior	3016 103c	
C BLM-Tanacross Airfield.	Lat 63 Degree 22' North Long 143 Degrees 20' West.	Tanacross	AK	99776	Interior	103c	20A
O BLM-Tanacross Airfield.	Tanacross Airfield	Tanacross	AK	99776	Interior	103c	
C FWS-Amchitka Island, Alaska Maritime NWR.	2355 Kachemak Dr., Suite 101.	Homer	AK	99502	Interior	3010 3016	20A
O FWS-Amchitka Island	51-32 N 179-00 E	Amchitka Island	AK	99502	Interior	3010 3016	
C FWS-Brownlow Point Dewline Site.	101 12th Ave., Box 20 ..	Fairbanks	AK	99723	Interior	103c 3016	20A
O FWS-Brownlow Point Dewline Site.	Barrow, 265 Mi SE	Barrow	AK	99723	Interior	103c 3016	
C FWS-Demarcation Point Dewline Site.	101 12th Ave., Suite 20	Fairbanks	AK	99723	Interior	103c 3016	20A
O FWS-Demarcation Point Dewline.	Barrow, 380 Mi SE	Barrow	AK	99723	Interior	103c 3016	
C FWS-Kenai NWR Swan Lake Moose Research Station.	2139 Ski Hill Road	Soldotna	AK	99619	Interior	103c	20A

FEDERAL FACILITIES DOCKET, DOCKET CORRECTIONS—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism	Correction codes
O FWS-Kenai Wildlife Rfg Swan Lk Moose Research Sta.	.....	Soldotna	AK	99619	Interior	103c	
C FWS-Nuvagak Dewline Site.	101 12th Ave., Box 20 ..	Fairbanks	AK	99723	Interior	103c	20A
O FWS-Nuvagak Dewline Site.	170 Miles East of Prudhoe Bay.	Barrow	AK	99723	Interior	103c	
C FWS-Skilak Guard Station.	P.O. Box 2139	Soldotna	AK	99669	Interior	103c 3016	20A
O FWS-Skilak Guard Station.	.....	Soldotna	AK	99669	Interior	103c 3016	
C FWS-Swanson River Oil Field.	P.O. Box 2139	Soldotna	AK	99669-2139	Interior	3016 103c	20A
O FWS-Swanson River Oil.	Ski Hill Road	Soldotna	AK	99669-2139	Interior	3016 103c	
C NPS-Bering Land Bridge NP: Lava Lake.	P.O. Box 220	Nome	AK	99762	Interior	103c 3016 3010	20A, 23
O NPS-Bering Land Bridge National Preserve.	P.O. Box 220	Nome	AK	99762	Interior	103c 3016	
C CG-Loran Station on Sitkinak.	Sitkinak Island	Sitkinak Island ..	AK	99615	Transportation ...	103c	22
O BLM-Loran Station on Sitkinak.	Sitkinak Island	Sitkinak Island ..	AK	99615	Interior	103c	
C FAA-Chandalar Station.	Chandalar Lake Nav Aids, 110 Mi N of City.	Fort Yukon	AK	99740	Transportation ...	103c	22, 20A
O BLM-Chandalar Dump	T16S, R11E, Sec9 UM 155 Mi SE Cy.	Barrow	AK	99723	Interior	103c	
C FAA-Cold Bay Station	Cold Bay Airport	Cold Bay	AK	99571	Transportation ...	103c	20A
O FAA-Cold Bay .....	.....	.....	AK	.....	Transportation ...	103c	
C FAA-Cordova Station .	Copper River Highway 10 M S of Cy.	Cordova	AK	99574	Transportation ...	103c	20A
O FAA-Cordova .....	.....	.....	AK	.....	Transportation ...	103c	
C FAA-Coughlan Island	T40S R65E S32&33 Copper River ME.	Auke Bay	AK	99821	Transportation ...	3016 103c	20A, 22
O FS-Coghlan Island .....	.....	Auke Bay	AK	99821	Agriculture	3016 103c	
C FAA-Deadhorse Station.	Deadhorse Airport Nav Aids.	Deadhorse	AK	99740	Transportation ...	103c	20A
O FAA-Deadhorse .....	.....	.....	AK	.....	Transportation ...	103c	
C FAA-Iliamna Site	Iliamna	Iliamna	AK	99606	Transportation ...	3016 103c	22
O BLM-Iliamna Site	Iliamna	Iliamna	AK	99606	Interior	3016 103c	
C FAA-Juneau Station ..	9341 Glacier Highway Nav Aids.	Juneau	AK	99801	Transportation ...	103c	20A
O FAA-Juneau .....	.....	.....	AK	.....	Transportation ...	103c	
C FAA-Lake Minchumina Airport.	Ramp at Lk Minchumina Arpt.	Lake Minchumina.	AK	99757	Transportation ...	3010 3016 103c 3005	20A, 23
O FAA-Lake Minchumina Arpt.	Ramp at Lk Minchumina Arpt.	Lake Minchumina.	AK	99757	Transportation ...	3010 3016 103c	
C FAA-Point Woronzof RTR Facility.	Anchorage International Airport Area.	Anchorage	AK	99502	Transportation ...	103c	20A
O FAA-Point Woronzot RTR Facility.	Anchorage International Airport Area.	Anchorage	AK	99502	Transportation ...	103c	
C FAA-Sand Point Station.	On Peninsula Towards Aleutian Island Chain.	Sandpoint	AK	99661	Transportation ...	103c	20A
O FAA-Sand Point .....	.....	.....	AK	.....	Transportation ...	103c	
C FAA-Sitka	Japonski Island Naval Air Station.	Sitka	AK	99835	Transportation ...	103c 3010	23
O FAA-Sitka	Japonski Island Naval Air Station.	Sitka	AK	99835	Transportation ...	103c	
C FAA-Skwentna Facility	Skwentna Arprt Area	Skwentna	AK	99667	Transportation ...	3010 3016 103c	23
O FAA-Skwentna Facility.	Skwentna Arprt Area	Skwentna	AK	99667	Transportation ...	3010	
C FAA-Tanana Air Field Station.	Tanana Airport Nav Aids	Tanana	AK	99777	Transportation ...	103c	20A
O FAA-Tanana Air Field	Tanana Airport	Tanana	AK	99777	Transportation ...	103c	
C Ketchikan Coast Guard Base.	S Tongass Hwy-S Cy Limits.	Ketchikan	AK	99901	Transportation ...	3010	20A
O Ketchikan Coast Guard Base.	S Tongass Hwy-S Cy Limits.	Ketchikan	AK	99901	Transportation ...	3010	

FEDERAL FACILITIES DOCKET, DOCKET CORRECTIONS—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism	Correction codes
C Kodiak Coast Guard Support Center.	Womans Bay Kodiak Isl	Kodiak	AK	99619	Transportation ...	3010 103c 3016 3005	23
O Kodiak Coast Guard Support Center.	Womans Bay Kodiak Isl	Kodiak	AK	99619	Transportation ...	3010 103c 3016	
C Point Spencer Coast Guard Dump Site.	Port Clarence-60 MI NW of Cy.	Nome	AK	99762	Transportation ...	103c 3010	23
O Point Spencer Coast Guard Dump Site.	Port Clarence-60 MI NW of Cy.	Nome	AK	99762	Transportation ...	103c	
C Summit Air Navigation Site.	Cantwell Pks Hwy 5 MI S Nav Aids.	Summit	AK	99729	Transportation ...	3016 3010 103c	23
O Summit Air Navigation Site.	Cantwell Pks Hwy 5 MI S Nav Aids.	Summit	AK	99729	Transportation ...	3016	
C FAA-Dewline Site Collinson.	290 Miles SE of Barrow	Barrow	AK	99723	Transportation ...	103c	22
O Dewline Site Collinson	290 Miles SE of Barrow	Barrow	AK	99723	Air Force	103c	
C Maxwell Air Force Base.	3800 Air Base Group DEE.	Maxwell AFB	AL	36112	Air Force	3010 103c 3016 103a	23
O Maxwell Air Force Base.	3800 Air Base Group DEE.	Maxwell AFB	AL	36112	Air Force	3010 103c 3016	
C Colbert Fossil Plant ...	Off US Hwy 72 W	Tuscumbia	AL	35674	Tennessee Valley Authority.	3005 3010 103c 103a	23
O Colbert Fossil Plant ...	Off US Hwy 72 W	Tuscumbia	AL	35674	Tennessee Valley Authority.	3005 3010 103c	
C Muscle Shoals Power Service Center.	AL Hwy 133	Muscle Shoals ..	AL	35660	Tennessee Valley Authority.	3005 3010 3016 103a	20A
O Muscle Shoals Power Stores.	AL Hwy 133	Muscle Shoals ..	AL	35660	Tennessee Valley Authority.	3005 3010 3016 103a	
C Mobile Coast Guard Base.	South Broad St	Mobile	AL	36615	Transportation ...	3010 103a	23
O Mobile Coast Guard Base.	South Broad St	Mobile	AL	36615	Transportation ...	3010	
C Pine Bluff Arsenal	Highway 65	Pine Bluff	AR	71602	Army	3005 3010 3016 103c 103a	23
O Pine Bluff Arsenal	Highway 65	Pine Bluff	AR	71602	Army	3005 3010 3016 103c	
C Prescott NF: Golden Belt Mine.	.....	Prescott	AZ	86303	Agriculture	103c 3016 103a	23
O Prescott NF: Golden Belt Mine.	.....	Prescott	AZ	86303	Agriculture	103c 3016	
C Prescott NF: Upper Hassayampa Creek Mines.	.....	Prescott	AZ	86303	Agriculture	103c 3016 103a	23
O Prescott NF: Upper Hassayampa Creek Mines.	.....	Prescott	AZ	86303	Agriculture	103c 3016	
C Prescott NF: Upper Lynx Creek Mines.	344 South Cortez	Prescott	AZ	86303	Agriculture	103c 3016 3010 103a	23
O Prescott NF: Upper Lynx Creek Mines.	344 South Cortez	Prescott	AZ	86303	Agriculture	103c 3016	
C WAPA-Parker Dam Switchyard.	Lat-340942/Long-1141636.	Parker	AZ	85344	Energy	103a 3010	20A
O WAPA-Parker Dam ...	Lat-340942/Long-1141636.	Parker	AZ	85344	Energy	103a 3010	
C Gila River Site #2	T3S R63 Sec 3	Gila River Indian Resv.	AZ	85247	Interior	103c 103a	23
O Gila River Site #2	T3S R63 Sec 3	Gila River Indian Resv.	AZ	85247	Interior	103c	
C NPS-Orphan Mine	P.O. Box 129	Grand Canyon ..	AZ	86023	Interior	103c 103a	23, 20A
O NPS-Grand Canyon National Park.	P.O. Box 129	Grand Canyon ..	AZ	86023	Interior	103c	
C Stanford #1	NR Ave I & County Highway.	Yuma	AZ	85365	Interior	103c	20A
O Stanford #1	NR Ave I & County Highway.	Yuma	AZ	85365	Interior	103c	
C Stanford #2	Yavapai County	Yuma	AZ	86322	Interior	103c	20A
O Stanford #2	Yavapai County	Yuma	AZ	86322	Interior	103c	
C Prescott Medical Center.	500 Hwy 89 North	Prescott	AZ	86313	Veterans Affairs	3010	21
O Prescott Medical Center.	500 Hwy 89 North	Prescott	AZ	86313	Veterans Administration.	3010	

FEDERAL FACILITIES DOCKET, DOCKET CORRECTIONS—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism	Correction codes
C Shasta-Trinity NF: Golinsky Mine.	2400 Washington Avenue.	Redding	CA	96001	Agriculture	103c 3016	20A
O Shasta-Trinity National Forest.	2400 Washington Avenue.	Redding	CA	96001	Agriculture	103c 3016	
C Sierra NF: Bass Lake Landfill.	1130 O St. Room 3017 .	Fresno	CA	93721	Agriculture	103c 3016	20A
O Sierra National Forest	1130 O St. Room 3017 .	Fresno	CA	93721	Agriculture	103c 3016	
C Los Angeles Air Force Base.	2400 El Segundo Blvd ..	Los Angeles	CA	90009	Air Force	3010 103c 3016	23
O Los Angeles Air Force Base.	2400 El Segundo Blvd ..	Los Angeles	CA	90009	Air Force	3010 103c	
C Aerospace Corporation.	2400 E El Segundo Blvd	El Segundo	CA	90245	Defense Logistics Agency.	3010	21
O Aerospace Corporation.	2400 E El Segundo Blvd	El Segundo	CA	90245	.....	3010	
C Stockton	Rough & Ready Island Bldg 414.	Stockton	CA	95203	General Services Administration.	3010	21
O Stockton	Rough & Ready Island Bldg 414.	Stockton	CA	95203	General Services Admin.	3010	
C BLM—Adin Transfer Station.	1 Mi SE of Adin; T.39N,R9E, Sec 27.	Adin	CA	96006	Interior	103c 3016	20A
O BLM—Adin Transfer Station.	1 Mi SE of Adin; T.39N,R9E, Sec 27.	Adin	CA	.....	Interior	103c 3016	
C BLM—Afton Canyon/ Union Pacific Railroad.	T10—11R4—6Sec4—22 ...	Afton	CA	92365	Interior	3016 103c	20A
O BLM—Afton Canyon/ Union Pacific Railroad.	T10—11R4—6Sec4—22 ...	Afton	CA	.....	Interior	3016 103c	
C BLM—Blue Rock Mill-site.	T8SR37E Sec8SESE	Big Pine	CA	93513	Interior	103c	20A
O BLM—Blue Rock Mill-site.	T8SR37E Sec8SESE .....	.....	CA	.....	Interior	103c	
C BLM—Coachella Landfill.	End of 44th Ave, Off Dillon.	Indio	CA	92201	Interior	103c	20A
O BLM—Coachella Landfill.	.....	Indio	CA	.....	Interior	103c	
C BLM—Upper Middle Park Canyon Trespas Dump.	T22 S., R.45E., Sec 27 .	Ballarat	CA	93562	Interior	103c	20A
O BLM—Upper Middle Park Canyon Trespas Dump.	.....	Inyo County	CA	.....	Interior	103c	
C BLM—Victory Millsite ..	T11NR12W Sec32, Silver Queen Road.	Mojave	CA	93501	Interior	103c	20A
O BLM—Victory Millsite ..	T11NR12W Sec32 .....	.....	CA	.....	Interior	103c	
C BR—Parker Dam .....	.....	Parker	CA	92267	Interior	3010 103c	23
O BR—Parker Dam .....	.....	Parker	CA	92267	Interior	3010	
C Merced Falls	Nearest City: Merced Falls.	Merced Falls	CA	.....	Interior	103c	20A
O BLM—Merced Falls	Nearest City: Merced Falls.	Merced Falls	CA	.....	Interior	103c	
C Narcotics Task Force Laboratory.	2461 Impala	Carlsbad	CA	92008	Justice	103a 103c	23
O Narcotics Task Force Laboratory.	2461 Impala	Carlsbad	CA	92008	Justice	103a	
C Ames Research Center.	Environmental Health & Safety.	Moffett Field	CA	94035	NASA	3010 3016 103a	23
O Ames Research Center.	Environmental Health & Safety.	Moffett Field	CA	94035	NASA	3010 3016	
C Bayview Hills Housing Area.	1840 Saipan Drive	San Diego	CA	92139	Navy	3010	20A
O Bayview Navy Housing.	1840 Saipan Drive	San Diego	CA	92139	Navy	3010	
C Cabrillo Heights Housing Area.	8471 Jordan St	San Diego	CA	92139	Navy	3010	20A
O Cabrillo Heights Navy Housing.	8471 Jordan St	San Diego	CA	92139	Navy	3010	
C Centerville Beach Naval Facility.	Centerville Beach Road	Ferndale	CA	95536	Navy	103c 3010 3016	23
O Centerville Beach Naval Facility.	Centerville Beach Road	Ferndale	CA	95536	Navy	103c 3010	

FEDERAL FACILITIES DOCKET, DOCKET CORRECTIONS—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism	Correction codes
C Chesterton Quarters Housing Area.	7468 Wellington St	San Diego	CA	92111	Navy	3010	20A
O Chesterton Navy Housing.	7468 Wellington St	San Diego	CA	92111	Navy	3010	
C Civil Engineering Laboratory.	NCBC	Port Hueneme ..	CA	93043	Navy	3010 103a 103c	23
O Civil Engineering Laboratory.	NCBC	Port Hueneme ..	CA	93043	Navy	3010 103a	
C Coronado Naval Amphibious Base.	On Route 75 on the Strand.	San Diego	CA	91255	Navy	3010 103c 3016 103a	23
O Coronado Naval Amphibious Base.	On Route 75 on the Strand.	San Diego	CA	91255	Navy	3010 103c 3016	
C El Centro Naval Air Facility.	Route 80	El Centro	CA	92234	Navy	3005 3010 103c 3016 103a	23
O El Centro Naval Air Facility.	Route 80	El Centro	CA	92234	Navy	3005 3010 103c 3016	
C Fallbrook Naval Weapons Station Annex.	Seal Beach	Fallbrook	CA	92028	Navy	103c 3016	23
O Fallbrook Naval Weapons Station Annex.	Seal Beach	Fallbrook	CA	92028	Navy	103c	
C Imperial Beach Naval Communication Station.	Outlying Landing Field Bldg 162 Rt 75 & Palm Ave.	Imperial Beach ..	CA	92032	Navy	3005 3010 103c 103a	20A
O Imperial Beach Naval Communications Station.	Outlying Landing Field Bldg 162 Rt 75 & Palm Ave.	Imperial Beach ..	CA	92032	Navy	3005 3010 103c 103a	
C Naval Facilities Engineering Service Center.	560 Center Drive	Port Hueneme ..	CA	93043	Navy	103a	20A, 22
O Port Hueneme Civil Engineering Laboratory.	Building 560	Port Hueneme ..	CA	93043	Corps of Engineers, Civil.	103a	
C Oakland Naval Supply Center, Alameda Annex.	.....	Alameda	CA	94501	Navy	103c	20A
O Alameda Annex Naval Supply Center.	.....	Alameda	CA	94501	Navy	103c	
C Point Mugu Naval Air Warfare Center.	Pacific Coast Highway ..	Point Mugu	CA	93042	Navy	3016 103a	20A, 23
O Point Mugu Naval Air Station.	Naval Air Weapons Station.	Point Mugu	CA	93042	Navy	3016	
C Pomona Naval Industrial Reserve Ordnance Plant.	Pomona/Mission Boulevard.	Pomona	CA	91766	Navy	103c 3010	23, 20A
O Pomona Industrial Reserve Ordnance Plant.	Pomona/Mission Boulevard.	Pomona	CA	91766	Navy	103c	
C Port Hueneme Naval Construction Battalion Center.	Ventura Road and Channel Island Boulevard.	Port Hueneme ..	CA	93043	Navy	103a 3010	23
O Port Hueneme Naval Construction Battalion Center.	Ventura Road and Channel Island Boulevard.	Port Hueneme ..	CA	93043	Navy	103a	
C San Diego Naval Hospital.	Camp Pendleton Naval Station.	San Diego	CA	92055	Navy	3010 103c 103a	23
O San Diego Naval Hospital.	Camp Pendleton Naval Station.	San Diego	CA	92055	Navy	3010 103c	
C Treasure Island Naval Station.	Treasure Island	San Francisco ...	CA	94130	Navy	3005 3010 3016 103c 103a	23
O Treasure Island Naval Station.	Treasure Island	San Francisco ...	CA	94130	Navy	3005 3010 3016 103c	
C Western Division, Naval Facilities Engineering Command.	900 Commodore Drive ..	San Bruno	CA	.....	Navy	103c	20A
O San Bruno Naval Facilities Engineering Command WES.	900 Commodore Drive ..	San Bruno	CA	.....	Navy	103c	

FEDERAL FACILITIES DOCKET, DOCKET CORRECTIONS—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism	Correction codes
C Los Angeles Medical Center.	11296 Wilshire & Sawfelle Blvd.	Los Angeles	CA	.....	Veterans Affairs	103c	21
O Los Angeles Medical Center.	11296 Wilshire & Sawfelle Blvd.	Los Angeles	CA	.....	Veterans Administration.	103c	
C Menlo Park Medical Center.	795 Willow Rd	Menlo Park	CA	94025	Veterans Affairs	3010	21
O Menlo Park Medical Center.	795 Willow Rd	Menlo Park	CA	94025	Veterans Administration.	3010	
C Bennett Army National Guard Facility.	15 Miles SW of Bennett	Bennett	CO	80102	Army	103c 3016	23
O Bennett Army National Guard Facility.	15 Miles SW of Bennett	Bennett	CO	80102	Army	103c	
C Connecticut Air National Guard Bradley Base.	Bradley ANG Base	East Granby	CT	06026	Air Force	3010 103c	23
O Connecticut Air National Guard Bradley Base.	Bradley ANG Base	East Granby	CT	06026	Air Force	3010	
C East Lyme Naval Underwater Systems Center.	Dodge Pond Field Station.	East Lyme	CT	06357	Navy	3010 3016 103c	23
O East Lyme Naval Underwater Systems Center.	Dodge Pond Field Station.	East Lyme	CT	06357	Navy	3010 3016	
C New London Naval Underwater Systems Center.	New London Laboratory	New London	CT	06320	Navy	3010 103c 103a	23
O New London Naval Underwater Systems Center.	New London Laboratory	New London	CT	06320	Navy	3010 103c	
C Long Island Sound Coast Guard Group.	120 Woodward Ave	New Haven	CT	06512	Transportation ...	3010 103c	23
O Long Island Sound Coast Guard Group.	120 Woodward Ave	New Haven	CT	06512	Transportation ...	3010	
C Fort McNair	350 P Street, S.W.	Washington	DC	20319	Army	3010 103c 103a	23
O Fort McNair	350 P Street, S.W.	Washington	DC	20319	Army	3010 103c	
C Customs Field Office .	1200 Pennsylvania Avenue.	Washington	DC	20004	General Services Administration.	3010 103c	21
O Customs Field Office .	1200 Pennsylvania Avenue.	Washington	DC	20004	General Services Administration.	3010 103c	
C Washington Office	2nd and M Street, SE ...	Washington	DC	20407	General Services Admin.	3010 103c	21
O Washington Office	2nd and M Street, SE ...	Washington	DC	20407	General Services Admin.	3010 103c	
C Dover Air Force Base	436 SUG/CC	Dover AFB	DE	19902	Air Force	3005 3010 3016 103c 103a	23, 20A
O Dover Air Force Base	436 ABG/CC	Dover AFB	DE	19902	Air Force	3005 3010 3016 103c	
C FWS-Bombay Hook National Wildlife Refuge.	Route 1, Box 147	Smyrna	DE	19977	Interior	103c	20A
O FWS-Bombay Hook National Wildlife Refuge.	Marshtown Rd	Little Creek	DE	19977	Interior	103c	
C Orlando Army Air Support Facility 49.	8601 Ave B	Orlando	FL	32812	Army	3005 3010	20A
O AFA 49—A Orlando	8601 Ave B McCoy NTC Annex.	Orlando	FL	32812	Army	3005 3010	
C Palatka Area Maintenance Support Activity-55M.	Star Route #1, Box 8 ...	Palatka	FL	32177	Army	3010 3005	20A
O Palatka Army Maintenance Support Activity-55M.	4300 St Johns Ave	Palatka	FL	32077	Army	3010 3005	
C Cecil Field Naval Air Station.	103rd St. & Normandy Blvd.	Cecil Field	FL	32215	Navy	3005 3010 3016 103c 103a	23

FEDERAL FACILITIES DOCKET, DOCKET CORRECTIONS—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism	Correction codes
O Cecil Field Naval Air Station.	103rd St. & Normandy Blvd.	Cecil Field	FL	32215	Navy	3005 3010 3016 103c	
C Jacksonville Naval Supply Center.	P.O. Box 26938	Jacksonville	FL	32226-6938	Navy	103c 3005 103a	23
O Jacksonville Naval Supply Center.	P.O. Box 26938	Jacksonville	FL	32226-6938	Navy	103c 3005	
C Naval Technical Training Center Corry Station.	Lillian Highway	Pensacola	FL	.....	Navy	103c 103a	20A
O NTTC Corry Station ...	.....	Pensacola	FL	.....	Navy	103c 103a	
C Panama City Coastal Systems Station.	Hwy 98 Code 6310MC ..	Panama City	FL	32407	Navy	3005 3010 3016 103a	23
O Panama City Coastal Systems Station.	Hwy 98 Code 6310MC ..	Panama City	FL	32407	Navy	3005 3010 3016	
C Augusta Area Maintenance Support Activity-54G.	3311 Wrightsboro Road	Augusta	GA	30904	Army	3010 3005	20A
O Augusta Army Maintenance Support Activity-54G.	3311 Wrightsboro Rd	Augusta	GA	30904	Army	3010 3005	
C Fort Benning	GA Hwy 1 & US 27	Fort Benning	GA	31905	Army	3005 3010 3016 103c 103a	23
O Fort Benning	GA Hwy 1 & US 27	Fort Benning	GA	31905	Army	3005 3010 3016 103c	
C Atlanta Medical Center.	1670 Clairmont Road	Decatur	GA	30033	Veterans Affairs.	3005 3010 3016	21
O Atlanta Medical Center.	1670 Clairmont Road	Decatur	GA	30033	Veterans Administration.	3005 3010 3016	
C Guam Fleet and Industrial Supply Center.	Marine Drive	Piti	GU	96630	Navy	3010 3016 103a	23
O Guam Fleet and Industrial Supply Center.	Marine Drive	Piti	GU	96630	Navy	3010 3016	
C Palehua Solar Observatory.	South Tip of Wainae Mt. Range.	Ewa Beach	HI	96706	Air Force	3016 103c	20A, 23
O Palehua Solar Observatory.	.....	.....	HI	.....	Air Force	3016	
C Honolulu Naval Computers & Telecommunications Area.	Eastern Pacific Area	Honolulu	HI	.....	Navy	3016 103c	20A
O Honolulu Naval Communication Area Master Station.	Eastern Pacific Area	Honolulu	HI	.....	Navy	3016 103c	
C Lualualei National Response Team Facility.	Lualualei Valley Oahu Island.	Lualualei	HI	.....	Navy	103c	20A
O Lualualei National Response Team Facility.	Lualualei Valley Oahu Island.	Lualualei	HI	.....	Navy	103c	
C Pacific Missile Range Facility.	Pacific Missile Range Facility.	Kekaha	HI	96752	Navy	3005 3010 3016 103c	23
O Pacific Missile Range Facility.	Pacific Missile Range Facility.	Kekaha	HI	96752	Navy	3005 3010 3016	
C Wahiawa Nctams Eastpac.	Off Center St Oahu Island.	Wahiawa	HI	96786	Navy	103c 3010	20A, 23
O Wahiawa Navcams	Off Center St Oahu Island.	Wahiawa	HI	.....	Navy	103c	
C CG-Honolulu Coast Guard Base.	Sand Island	Honolulu	HI	96819	Transportation ...	3010 103c	20A, 23
O Honolulu Coast Guard Base.	Sand Island	Honolulu	HI	96819	Transportation ...	3010	
C Fort Des Moines (Inactive).	225 E Army Post Rd	Des Moines	IA	50315	Army	103c 103a 3016	23
O Fort Des Moines (Inactive).	225 E Army Post Rd	Des Moines	IA	50315	Army	103c 103a	
C Clearwater NF: Clayton Creek Dump.	T 39N, R 11E, Sec 21 ..	Headquarters	ID	83534	Agriculture	103c 3016	20A, 23
O Clearwater National Forest.	T 39N, R 11E, Sec 21 ..	Headquarters	ID	83534	Agriculture	103c	
C Payette NF: Cinnabar Mine.	Krassel District	Yellowpine	ID	.....	Agriculture	3016 103c	20A, 23
O Payette NF: Cinnabar Mine.	Krassel District .....	.....	ID	.....	Agriculture	3016	

FEDERAL FACILITIES DOCKET, DOCKET CORRECTIONS—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism	Correction codes
C Salmon NF: Blackbird Mine.	P.O. Box 729	Salmon	ID	83467	Agriculture	103c 3016 3010	23
O Salmon NF: Blackbird Mine.	P.O. Box 729	Salmon	ID	83467	Agriculture	103c 3016	
C Boise Air National Guard-Gowen Field.	43 33 N, 116 13 W	Boise	ID	83705	Air Force	3005 3010 103c	22
O BLM-Idaho Air National Guard-Gowen Field.	43 33 N, 116 13 W	Boise	ID	83705	Interior	3005 3010 103c	
C Mountain Home Air Force Base.	366 CSG/DE	Mountain Home AFB.	ID	83648	Air Force	3005 3010 3016 103c 103a	23
O Mountain Home Air Force Base.	366 CSG/DE	Mountain Home AFB.	ID	83648	Air Force	3005 3010 3016 103c	
C BLM-Blue Dome Unauthorized Dump.	T10NR30E Sec 30	Blue Dome	ID	83464	Interior	103c 3016	23
O BLM-Blue Dome Unauthorized Dump.	T10NR30E Sec 30	Blue Dome	ID	83464	Interior	103c	
C BLM-Hulet Dump	T.35.R.IW. Sec. 15	Murphy	ID	83650	Interior	103c 3016	23
O BLM-Hulet Dump	T.35.R.IW. Sec. 15	Murphy	ID	83650	Interior	103c	
C BLM-Liberty	T3S, R33E, Sec 19E, 20N, 21SWNW;NWNW 30N.	Liberty	ID	83221	Interior	103c	20A
O BLM-Liberty	T3S, R33E, Sec 19E, 20N, 21SWNW;NWNW 30N.	Liberty	ID	.....	Interior	103c	
C BLM-National Guard Impact Area.	Sec (ALL) T2&3S, R2&3E.	Unincorporated .	ID	83709	Interior	103c	22
O National Guard Impact Area.	Sec (ALL) T2&3S, R2&3E.	Unincorporated .	ID	83709	Air Force	103c	
C BLM-Pine Creek	T47 48 49 N R2E Near Pinhurst.	Pinhurst	ID	83850	Interior	103c	20A
O BLM-Pine Creek	T47,48,49N R2E	Near Pinhurst	ID	.....	Interior	103c	
C BLM-Reeder Flying Service Airstrip #3.	T8S, R13E, Sec 6	Glenns Ferry	ID	83623	Interior	103c 3010 3005	23
O BLM-Reeder Flying Service Airstrip #3.	T8S, R13E, Sec 6	Glenns Ferry	ID	83623	Interior	103c 3010	
C BR-Minidoka Landfill ..	.....	Rupert	ID	83350	Interior	103c	20A
O BLM-Minidoka Landfill	.....	Rupert	ID	83350	Interior	103c	
C Argonne National Laboratory.	9700 S. Cass Ave Dupage County.	Argonne	IL	60439	Energy	3005 3010 3016 103c 103a	23
O Argonne National Laboratory.	9700 S. Cass Ave Dupage County.	Argonne	IL	60439	Energy	3005 3010 3016 103c	
C FWS-Sangamo Electric Dump/Crab Orchard NWF.	P.O. Box J	Carterville	IL	62518	Interior	3005 3010 3016 103c	20A
O FWS-Crab Orchard NWR Sangamo Dump.	Ordill Ind. Area Williamson County.	Carterville	IL	62518	Interior	3005 3010 3016 103c	
C Danville Medical Center Hospital.	1900 E Main St	Danville	IL	61832	Veterans Affairs	103c	21, 20A
O Danville Medical Center Hospital.	1900 E Main St	Danville	IL	.....	Veterans Administration.	103c	
C Edward Hines Medical Center Hospital.	5th & Roosevelt Rd	Hines	IL	60141	Veterans Affairs	3010	21
O Edward Hines Medical Center Hospital.	5th & Roosevelt Rd	Hines	IL	60141	Veterans Administration.	3010	
C Hines Supply Depot ...	1st Ave and 21st St	Hines	IL	60141	Veterans Affairs	3010	21
O Hines Supply Depot ..	1st Ave and 21st St	Hines	IL	60141	Veterans Administration.	3010	
C Marion Medical Center.	2401 W Main St	Marion	IL	62959	Veterans Affairs	3010	21
O Marion Medical Center.	2401 W Main St	Marion	IL	62959	Veterans Administration.	3010	
C Wayne-Hoosier NF: Branchville Site.	811 Constitution Avenue	Bedford	IN	47421	Agriculture	103c 3016	20A
O Wayne-Hoosier NF: Branchville Site.	.....	Bedford	IN	47421	Agriculture	103c 3016	

FEDERAL FACILITIES DOCKET, DOCKET CORRECTIONS—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism	Correction codes
C Greenup Lock and Dam.	5121 New Dam Road ...	Greenup	KY	41144	Corps of Engineers, Civil.	3010	20A
O Greenup	5121 New Dam Road ...	Greenup	KY	41144	Corps of Engineers, Civil.	3010	
C Lexington Federal Correctional Institution.	3301 Leestown Rd	Lexington	KY	40511	Justice	3005 3010 103c	23
O Lexington Federal Correctional Institution.	3301 Leestown Rd	Lexington	KY	40511	Justice	3005 3010	
C FWS-Lacassine National Wildlife Refuge.	HCR 63, Box 186	Lake Arthur	LA	70549	Interior	103c	20A
O FWS-Lacassine National Wildlife Refuge.	Route 1	Lake Arthur	LA	70549	Interior	103c	
C Alexandria Medical Center.	Shreveport Hwy 2.5M N	Alexandria	LA	71301	Veterans Affairs	3010	21, 20A
O Pineville Medical Center.	Shreveport Hwy 2.5M N	Pineville	LA	71301	Veterans Administration.	3010	
C New Orleans Medical Center.	1601 Perdido Street	New Orleans	LA	70112	Veterans Affairs	3010	21
O New Orleans Medical Center.	1601 Perdido Street	New Orleans	LA	70112	Veterans Administration.	3010	
C Shreveport Medical Center.	510 East Stoner Ave	Shreveport	LA	71130	Veterans Affairs	103a	21
O Shreveport Medical Center.	510 East Stoner Ave	Shreveport	LA	71130	Veterans Administration.	103a	
C Natick Research Development and Engineering Center.	Kansas St	Natick	MA	01760	Army	3010 3016 103c	23
O Natick Research Development and Engineering Center.	Kansas St	Natick	MA	01760	Army	3010 3016	
C FWS-Parker River National Wildlife Refuge.	Northern Boulevard Plum Island.	Newburyport	MA	01950	Interior	103c 3016	20A
O FWS-Parker River Refuge.	Plum Island Turnpike and Ocean Ave.	Newburyport	MA	01950	Interior	103c 3016	
C Bedford Naval Weapons Industrial Reserve Plant.	Hartwell Road	Bedford	MA	01730	Navy	3016 103c 103a	23
O Bedford Naval Weapons Industrial Reserve Plant.	Hartwell Road	Bedford	MA	01730	Navy	3016 103c	
C South Weymouth Coast Guard Bouy Depot.	Trotter Road	South Weymouth.	MA	02190	Transportation ...	3005 3010 103c	23
O South Weymouth Coast Guard Bouy Depot.	Trotter Road	South Weymouth.	MA	02190	Transportation ...	3005 3010	
C Woods Hole Coast Guard Base.	Little Harbor Road	Falmouth	MA	02543	Transportation ...	3010 103c	23
O Woods Hole Coast Guard Base.	Little Harbor Road	Falmouth	MA	02543	Transportation ...	3010	
C Bourne National Cemetery.	MA National Cemetary ..	Bourne	MA	02532	Veterans Affairs	3016	21
O Bourne National Cemetery.	MA National Cemetary ..	Bourne	MA	02532	Veterans Administration.	3016	
C Brockton Medical Center.	940 Belmont Street	Brockton	MA	02401	Veterans Affairs	3016	21
O Brockton Medical Center.	940 Belmont Street	Brockton	MA	02401	Veterans Administration.	3016	
C West Roxbury Medical Center.	1400 VFW Parkway	West Roxbury ...	MA	02132	Veterans Affairs	3016	21
O West Roxbury Medical Center.	1400 VFW Parkway	W Roxbury	MA	02132	Veterans Administration.	3016	
C Phoenix Control (Nike).	Sunnybrook Road	Jacksonville	MD	21131	Army	3016 103c 3010	23
O Phoenix Control (Nike).	Sunnybrook Road	Jacksonville	MD	21131	Army	3016 103c	
C Social Security Complex.	6401 Security Blvd	Baltimore	MD	21235	General Services Administration.	3010	21
O Social Security Complex.	6401 Security Blvd	Baltimore	MD	21235	General Services Admin.	3010	

FEDERAL FACILITIES DOCKET, DOCKET CORRECTIONS—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism	Correction codes
C FWS-Patuxent Wildlife Research Center.	Rt 197 at Powdermill Road.	Laurel	MD	20708	Interior	3016 103c 3010	23
O FWS-Patuxent Wildlife Research Center.	Rt 197 at Powdermill Road.	Laurel	MD	20708	Interior	3016 103c	
C Annapolis Naval Station.	Naval Station Complex Annapolis.	Annapolis	MD	21402	Navy	3010 103c 103a	23
O Annapolis Naval Station.	Naval Station Complex Annapolis.	Annapolis	MD	21402	Navy	3010 103c	
C David Taylor Research Center.	Carderock Laboratory ...	Bethesda	MD	20084	Navy	3010 103c 103a	23
O David Taylor Research Center.	Carderock Laboratory ...	Bethesda	MD	20084	Navy	3010 103c	
C National Naval Medical Center.	8901 Wisconsin Ave	Bethesda	MD	20814	Navy	3005 3010 3016 103c 103a	23
O National Naval Medical Center.	8901 Wisconsin Ave	Bethesda	MD	20814	Navy	3005 3010 3016 103c	
C Patuxent River Naval Air Station.	NE of Route 235	Patuxent River ..	MD	20670	Navy	3005 3010 3016 103c 103a	23
O Patuxent River Naval Air Station.	NE of Route 235	Patuxent River ..	MD	20670	Navy	3005 3010 3016 103c	
C Perry Point Medical Center.	Bldg 23H	Perry Point	MD	21902	Veterans Affairs	3010	21
O Perry Point Medical Center.	Bldg 23H	Perry Point	MD	21902	Veterans Administration.	3010	
C FWS-Seal Island National Wildlife Refuge.	P.O. Box 1077	Calais	ME	04619	Interior	103c	20A, 22
O Seal Island	C/O Seal Island National Wildlife Refuge.	Milbridge	ME	04658	Defense	103c	
C South Portland Coast Guard Base.	High Street	South Portland ..	ME	04106	Transportation ...	3010 103c	23
O South Portland Coast Guard Base.	High Street	South Portland ..	ME	04106	Transportation ...	3010	
C Togus Medical Center	Route 17	Togus	ME	04330	Veterans Affairs	3016 3010	23, 21
O Togus Medical Center	Route 17	Togus	ME	04330	Veterans Administration.	3016	
C Hiawatha NF: Munising Landfill.	SW ¼ of Sec 19 T46N R18W.	Escanaba	MI	49829	Agriculture	103c 3016	20A
O Hiawatha National Forest.	2727 N Lincoln Road ...	Escanaba	MI	49829	Agriculture	103c 3016	
C Huron-Manistee NF: Ranger Station.	12 N Charles	White Cloud	MI	49348	Agriculture	103c 3010 3016	20A
O Huron-Manistee National Forest Chemical Waste.	12 N Charles	White Cloud	MI	49348	Agriculture	103c 3010 3016	
C Phelps/Collins Airport	Airport Road	Alpena	MI	49707	Air Force	3010 3016 103a	23
O Phelps/Collins Airport	Airport Road	Alpena	MI	49707	Air Force	3010 3016	
C Tank Automotive Command.	6501 E 11 Mile Rd Macomb County.	Warren	MI	48090	Army	3005 3010 3016 103c 103a	23
O Tank Automotive Command.	6501 E 11 Mile Rd Macomb County.	Warren	MI	48090	Army	3005 3010 3016 103c	
C Ann Arbor Medical Center.	2215 Fuller Rd	Ann Arbor	MI	48105	Veterans Affairs	3010	21
O Ann Arbor Medical Center.	2215 Fuller Rd	Ann Arbor	MI	48105	Veterans Administration.	3010	
C Battle Creek Medical Center.	5600 Armstrong Rd	Battle Creek	MI	49016	Veterans Affairs	3010	21
O Battle Creek Medical Center.	5600 Armstrong Rd	Battle Creek	MI	49016	Veterans Administration.	3010	
C Fort Snelling National Cemetery, Minneapolis.	7601 34th Avenue South.	Minneapolis	MN	55450	Veterans Affairs	3016 103c	21
O Fort Snelling National Cemetery, Minneapolis.	7601 34th Avenue South.	Minneapolis	MN	55450	Veterans Administration.	3016 103c	
C Minneapolis Medical Center.	One Veterans Dr	Minneapolis	MN	55417	Veterans Affairs	3010 3016	21

FEDERAL FACILITIES DOCKET, DOCKET CORRECTIONS—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism	Correction codes
O Minneapolis Medical Center.	One Veterans Dr	Minneapolis	MN	55417	Veterans Administration.	3010 3016	
C Minneapolis Medical Center.	54th St & 48th Ave S	Minneapolis	MN	55417	Veterans Affairs	3010	21
O Minneapolis Medical Center.	54th St & 48th Ave S	Minneapolis	MN	55417	Veterans Administration.	3010	
C Federal Center	2306 East Bannister Road.	Kansas City	MO	64131-3088	General Services Administration.	3010 3016 103c	21
O Federal Center	2306 East Bannister Road.	Kansas City	MO	64131-3088	General Services Admin.	3010 3016 103c	
C Kansas City	1500 Bannister Road	Kansas City	MO	64131	General Services Admin.	3010 3016 103c 103a	21, 23
O Kansas City	1500 Bannister Road	Kansas City	MO	64131	General Services Admin.	3010 2016 103c	
C St Louis	1222 Spruce	St Louis	MO	63103	General Services Administration.	3005 3010 103a	21, 23
O St Louis	1222 Spruce	St Louis	MO	63103	General Services Admin.	3005 3010	
C BATFA-Kansas City ...	811 Grand Ave Rm 106	Kansas City	MO	64106	Treasury	3010	21
O BATFA-Kansas City ..	811 Grand Ave Rm 106	Kansas City	MO	64106	General Services Administration.	3010	
C John J. Pershing Medical Center.	1500 N Westwood Blvd	Poplar Bluff	MO	63901	Veterans Affairs	3010	21
O John J. Pershing Medical Center.	1500 N Westwood Blvd	Poplar Bluff	MO	63901	Veterans Administration.	3010	
C Midway Island Naval Air Facility.	FPO	San Francisco ...	MQ	96614-1200	Navy	3016 103a	23
O Midway Island Naval Air Facility.	FPO	San Francisco ...	MQ	96614-1200	Navy	3016	
C Camp McCain National Guard.	P.O. Box 686	Elliott	MS	38926	Army	3010 3016	23
O Camp McCain National Guard.	P.O. Box 686	Elliott	MS	38926	Army	3010	
C Gulfport Naval Construction Battalion Center.	33rd Ave	Gulfport	MS	39501	Navy	3010 103c 103a	23
O Gulfport Naval Construction Battalion Center.	33rd Ave	Gulfport	MS	39501	Navy	3010 103c	
C FS-Regional Field Service Facility.	14th and Catlin	Missoula	MT	59807	Agriculture	103a 103c 3010	23
O FS-Regional Field Service Facility.	14th and Catlin	Missoula	MT	59807	Agriculture	103a	
C Kootenai NF: Libby Airport Wood Trea.	Libby Airport	Libby	MT	59923	Agriculture	3016 103c	23
O Kootenai NF: Libby Airport Wood Trea.	Libby Airport	Libby	MT	59923	Agriculture	3016	
C Fort Peck Project	Yellowstone Rd	Fort Peck	MT	59223	Corps of Engineers, Civil.	3010 103a	23
O Fort Peck Project	Yellowstone Rd	Fort Peck	MT	59223	Corps of Engineers, Civil.	3010	
C FWS-Charles M. Russell National Wildlife Refuge.	P.O. Box 110	Lewistown	MT	59457	Interior	3010 103c	20A
O FWS-Charles M. Russell Refuge.	T21N, R2E, Sec 15	Turkey Joe Landing.	MT	59457	Interior	3010 103c	
C NPS-Cape Hatteras National Seashore.	Dare County	Rodanthe	NC	27968	Interior	103c	22
O Cape Hatteras National Seashore.	Dare County	Rodanthe	NC	27968	Transportation ...	103c	
C Camp Lejeune Military Reservation.	NC Hwy 24 & US Hwy 16.	Camp Lejeune ..	NC	28542	Navy	3005 3010 3016 103c 103a	23
O Camp Lejeune Military Reservation.	NC Hwy 24 & US Hwy 16.	Camp Lejeune ..	NC	28542	Navy	3005 3010 3016 103c	
C FWS-Rainwater Basin Wetlands Management District.	P.O. Box 1686	Kearney	NE	68933	Interior	103c	20A

FEDERAL FACILITIES DOCKET, DOCKET CORRECTIONS—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism	Correction codes
O FWS-McMurtry Marsh	South Highway 6, 10 Miles East of Hastings.	Hastings	NE	68933	Interior	103c	
C Cold Regions Research and Engineering Laboratory.	Route 10	Hanover	NH	03755	Army	103c 3016	23
O Cold Regions Research and Engineering Laboratory.	Route 10	Hanover	NH	03755	Army	103c	
C Manchester Medical Center Ash Dump.	718 Smyth Road	Manchester	NH	03104	Veterans Affairs	103c	21
O Manchester Medical Center Ash Dump.	718 Smyth Road	Manchester	NH	03104	Veterans Administration.	103c	
C Belle Mead Supply Depot.	Belle Mead #1 Route 206.	Belle Mead	NJ	08502	General Services Administration.	3010 103c 103a	21
O Belle Mead Supply Depot.	Belle Mead #1 Route 206.	Belle Mead	NJ	08502	General Services Admin.	3010 103c 103a	
C Raritan Depot	4700 Woodbridge Avenue.	Edison	NJ	08817	General Services Administration.	3005 3010 3016 103c	21
O Raritan Depot	4700 Woodbridge Avenue.	Edison	NJ	08817	General Services Admin.	3005 3010 3016 103c	
C Somerville Depot	Route 206	Somerville	NJ	08876	General Services Administration.	103c	21
O Somerville Depot	Route 206	Somerville	NJ	08876	General Services Admin.	103c	
C FWS-Barnegat Division, Edwin B. Forsythe NWR.	PO Box 544	Barnegat	NJ	08005	Interior	3016 103c	20A
O FWS-Edwin B. Forsythe National Wildlife Refuge.	700 West Bay Avenue ..	Barnegat	NJ	08005	Interior	3016 103c	
C East Orange Medical Center.	Tremont Ave	East Orange	NJ	07019	Veterans Affairs	3010	21
O East Orange Medical Center.	Tremont Ave	East Orange	NJ	07019	Veterans Administration.	3010	
C Hillsborough Supply Depot.	Route 206	Hillsborough Twp.	NJ	08853	Veterans Affairs	103c 3010	21
O Hillsborough Supply Depot.	Route 206	Hillsborough Twp.	NJ	08853	Veterans Administration.	103c 3010	
C Lyons Medical Center	Knollcraft Road	Lyons	NJ	07939	Veterans Affairs	3010 103c	21
O Lyons Medical Center	Knollcraft Road	Lyons	NJ	07939	Veterans Administration.	3010 103c	
C BLM-Standard Transpipe Corp.	S. of Alamogordo, NM on Hwy 54.	Alamogordo	NM	88310	Interior	103c 3016	20A
O BLM-Standard Transpipe Corp.	T17S, R9E, Secs 18 and 19.	Alamogordo	NM	88310	Interior	103c 3016	
C Albuquerque Hospital	2100 Ridgecrest	Albuquerque	NM	87106	Veterans Affairs	3005 3010 3016 103c	21
O Albuquerque Hospital	2100 Ridgecrest	Albuquerque	NM	87106	Veterans Administration.	3005 3010 3016 103c	
C Utah Test & Training Range.	.....	Wendover	NV	89835	Air Force	103c	20A
O Utah Test & Training Range.	Immediately SW of Wendover.	Wells	NV	89835	Air Force	103c	
C BLM-Argentum Mill	NE¼ Sec 17 T3N R36E	Esmerelda County.	NV	89010	Interior	103c	20A
O BLM-Argentum Mill	T3NR36ESec17	Esmerelda County.	NV	89010	Interior	103c	
C Indian Springs Landfill	.....	Clark County	NV	.....	Interior	103c	20A
O BLM-Indian Springs Landfill.	.....	Clark County	NV	.....	Interior	103c	
C Stewart Air National Guard Base.	Stewart International Airport.	Newburgh	NY	12550	Air Force	103c 3010 3016	23
O Stewart Air National Guard Base.	Stewart International Airport.	Newburgh	NY	12550	Air Force	103c	
C Youngstown Test Annex.	Balmer Rd	Porter Center	NY	14131	Air Force	103c 3016	23
O Youngstown Test Annex.	Balmer Rd	Porter Center	NY	14131	Air Force	103c	

FEDERAL FACILITIES DOCKET, DOCKET CORRECTIONS—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism	Correction codes
C Bellmore Maintenance Facility.	2755 Maple Ave	Bellmore	NY	11710	Army	3010 3016	23
O Bellmore Maintenance Facility.	2755 Maple Ave	Bellmore	NY	11710	Army	3010	
C Farmingdale Organizational Maintenance Shop #43.	25 Baiting Place Road ..	Farmingdale	NY	11735	Army	3010	21
O Farmingdale Organizational Maintenance Shop #43.	25 Baiting Place Road ..	Farmingdale	NY	11735	Air Force	3010	
C Sage Complex	510 Stewart Dr W	North Syracuse .	NY	13212	Army	3010	21
O Sage Complex	510 Stewart Dr W	North Syracuse .	NY	13212	.....	3010	
C Webster Army Maintenance Support Activity-7.	517 Old Ridge Road	Webster	NY	14580	Army	3010 103c	23
O Webster Army Maintenance Support Activity-7.	517 Old Ridge Road	Webster	NY	14580	Army	3010	
C West Point Military Academy.	Rt 9W—Bldg 733	West Point	NY	10996	Army	3005 3010 3016 103c 103a	23
O West Point Military Academy.	Rt 9W—Bldg 733	West Point	NY	10996	Army	3005 3010 3016 103c	
C Knolls Atomic Power Laboratory-Kesselring Site.	Atomic Project Road	West Milton	NY	12020	Energy	3005 3010 3016 103c 103a	23
O Knolls Atomic Power Laboratory-Kesselring Site.	Atomic Project Road	West Milton	NY	12020	Energy	3005 3010 3016 103c	
C Brooklyn Information Agency.	29th & 3rd Ave, Door 15	Brooklyn	NY	11232	General Services Administration.	3010	21
O Brooklyn Information Agency.	29th & 3rd Ave, Door 15	Brooklyn	NY	11232	General Services Admin.	3010	
C Emmanuel Cellard Federal Building.	225 Cadman Plaza	Brooklyn	NY	11201	General Services Administration.	3010	21
O Emmanuel Cellard Federal Building.	225 Cadman Plaza	Brooklyn	NY	11201	General Services Admin.	3010	
C Federal Building	252 7th Ave	New York	NY	10001	General Services Administration.	3010	21
O Federal Building	252 7th Ave	New York	NY	10001	General Services Admin.	3010	
C IRS Brookhaven Service Center.	1040 Waverly Ave	Holtsville	NY	11742	General Services Administration.	3010	20A
O IRS Center	1040 Waverly Ave	Holtsville	NY	11742	General Services Admin.	3010	
C Merchandise Control Sales Section.	6 World Trade Center ...	New York	NY	10048	General Services Administration.	3010	21
O Merchandise Control Sales Section.	6 World Trade Center ...	New York	NY	10048	General Services Admin.	3010	
C New York	201 Varick St	New York	NY	10014	General Services Administration.	3010	21
O New York	201 Varick St	New York	NY	10014	General Services Admin.	3010	
C FWS-Iroquois National Wildlife Refuge.	P.O. Box 517	Alabama	NY	14003	Interior	3016 103c	20A
O FWS-Iroquois National Wildlife Refuge.	Casey Rd	Alabama	NY	14003	Interior	3016 103c	
C NPS-Federal Hall National Memorial.	26 Wall Street	New York	NY	10005	Interior	3010	20A
O NPS-Federal Hall NM	26 Wall Street	New York	NY	10005	Interior	3010	
C NPS-Statue of Liberty Natl Monument: Ellis Island.	National Monument Liberty Island	Liberty Island	NY	10004	Interior	3010	20A

FEDERAL FACILITIES DOCKET, DOCKET CORRECTIONS—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism	Correction codes
O NPS-Statue of Liberty Natl Monument: Ellis Island.	.....	Liberty Island ...	NY	10004	Interior	3010	
C NPS-Theodore Roosevelt Birthplace.	28 E 20th Street	New York	NY	10003	Interior	3010	20A
O NPS-Theodore	28 E 20th Street	New York	NY	10003	Interior	3010	
C Pennsylvania Ave/Fountain Ave Landfills.	Pennsylvania Ave, Shore Pkwy.	Brooklyn	NY	11207	Interior	3010	20A
O BLM-Pennsylvania Ave/Fountain Ave Landfills.	Pennsylvania Ave, Shore Pkwy.	Brooklyn	NY	11207	Interior	3010	
C Calverton Naval Weapons Industrial Reserve Plant.	Wading River—Manor Rd.	Calverton	NY	11933	Navy	103c 3016	23
O Calverton Naval Weapons Industrial Reserve Plant.	Wading River—Manor Rd.	Calverton	NY	11933	Navy	103c	
C Binghamton Post Office.	111 Henry Street	Binghamton	NY	13902	Postal Service ...	3010 103c	20A, 23
O Binghamton Post Office.	115 Henry Street	Binghamton	NY	13902	Postal Service ...	3010	
C Far Rockaway General Mail Facility.	1836 Mott Ave	Far Rockaway ...	NY	11691	Postal Service ...	3010	22
O Far Rockaway Postal Service.	1836 Mott Ave	Far Rockaway ...	NY	11691	.....	3010	
C Castle Point Hospital .	Rte 9D	Castle Pt	NY	12511	Veterans Affairs	3010 103c	21
O Castle Point Hospital .	Rte 9D	Castle Pt	NY	12511	Veterans Administration.	3010 103c	
C Lima Defense Plant Representative Office.	1155 Buckeye Rd, Allen County.	Lima	OH	45804-1898	Army	3010 3016 103c	20A
O Lima Defense Plant Representative Office.	Defense Logistics Agency, DPRO General Dynamics—Lima, 1155 Buckeye Rd.	Lima	OH	45804-1898	Army	3010 3016 103c	
C Shenango Disposal Site, ORP.	Ohio Rt 88 County Road 225 Shenango Disposal Site.	Vernon Township.	OH	44428	Corps of Engineers, Civil.	3010 3016	20A
O Pittsburgh Army Engineering District.	Ohio Rt. 88 County Road 225 Shenango Disposal Site.	Vernon Township.	OH	44428	Corps of Engineers, Civil.	3010 3016	
C Portsmouth Gaseous Diffusion Plant.	US Rte 235	Piketon	OH	45661	Energy	3005 3010 3016 103c 103a	20A
O Portsmouth Gaseous Diffusion Plant.	US Rte 23S Pike County.	Piketon	OH	45661	Energy	3005 3010 3016 103c 103a	
C FWS-Wichita Mountains National Wildlife Refuge.	Route 1, Box 448	Indiahoma	OK	.....	Interior	3016 103c	20A
O FWS-Wichita Mountains National Wildlife Refuge.	Comanche County .....	.....	OK	.....	Interior	3016 103c	
C Siuslaw NF: Mt. Hebo Air Force Station.	8 MI E of Hwy 22	Hebo	OR	97122	Agriculture	103c 3010 3016	23, 22
O Mt. Hebo Air Force Station.	8 MI E of Hwy 22	Hebo	OR	97122	Air Force	103c 3010	
C Madras Army Air Field	Cherry Road	Madras	OR	97741	Army	103c	22
O Madras Air Force Station.	Cherry Road	Madras	OR	97741	Air Force	103c	
C Charles E. Kelley Support Center.	US Army	Oakdale	PA	15071	Army	3010 103c	20A
O Chas Kelly Support Center.	US Army	Oakdale	PA	15071	Army	3010 103c	
C The Former Marietta Air Force Station.	Rt 441	Marietta	PA	.....	General Services Administration.	103c	21
O The Former Marietta Air Force Station.	Rt 441	Marietta	PA	.....	Air Force	103c	
C FWS-Erie National Wildlife Refuge.	Rd 1, Wood Duck Lane	Guy Mills	PA	16327	Interior	103c	20A

FEDERAL FACILITIES DOCKET, DOCKET CORRECTIONS—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism	Correction codes
O FWS-Erie National Wildlife Refuge.	One Wood Duck Lane ..	Guy Mills	PA	16327	Interior	103c	
C FWS-John Heinz Natl Wildlife Refuge at Tinicum.	Scott Plaza 2, Suite 104	Philadelphia	PA	19032	Interior	3016 103c	20A
O FWS-John Heinz National Wildlife Refuge.	Off Folcroft Ave	Folcroft	PA	19032	Interior	3016 103c	
C MSHA	PO Box 10940	Pittsburgh	PA	15236	Labor	3010 103c 3016	22
O PETC	PO Box 10940	Pittsburgh	PA	15236	Energy	3010 103c 3016	
C Philadelphia Naval Shipyard.	Broad St-North Div. Code 114.	Philadelphia	PA	19112	Navy	3005 3010 3016 103c 103a	23
O Philadelphia Naval Shipyard.	Broad St-North Div. Code 114.	Philadelphia	PA	19112	Navy	3005 3010 3016 103c	
C IRS Philadelphia Service Center.	11601 Roosevelt Blvd ...	Philadelphia	PA	19255	Treasury	3010	20A
O Internal Revenue Service Center.	11601 Roosevelt Blvd ...	Philadelphia	PA	19255	Treasury	3010	
C Butler Medical Center	325 New Castle	Butler	PA	16001	Veterans Affairs	103a 3010	21
O Butler Medical Center	325 New Castle	Butler	PA	16001	Veterans Administration.	103a 3010	
C Philadelphia Medical Center.	University and Woodland Ave.	Philadelphia	PA	19104	Veterans Affairs	3010 103a 3016	21
O Philadelphia Medical Center.	University and Woodland Ave.	Philadelphia	PA	19104	Veterans Administration.	3010 103a 3016	
C Camp Santiago	Route 1	Salinas	PR	00751	Army	103c 3010	23
O Camp Santiago	Route 1	Salinas	PR	00751	Army	103c	
C Fort Allen	Route 1	Juana Diaz	PR	00665	Army	103c 3010 3016	23
O Fort Allen	Route 1	Juana Diaz	PR	00665	Army	103c	
C Fort Buchanan	Route 28	San Juan	PR	00934	Army	3005 3010 103c 3016	23
O Fort Buchanan	Route 28	San Juan	PR	00934	Army	3005 3010 103c	
C Center For Energy and Environmental Research.	Road 108 KM 1.1	Mayaguez	PR	00708	Energy	3016 103c	23
O Center For Energy and Environmental Research.	Road 108 KM 1.1	Mayaguez	PR	00708	Energy	3016	
C Vieques East	Vieques	Vieques	PR	00765	Navy	103c 3005 3010 3016	20A
O Eastern Vieques	Vieques	Vieques	PR	00765	Navy	103c 3005 3010 3016	
C FWS-Ninigret National Wildlife Refuge.	P.O. Box 307	Charlestown	RI	02813	Interior	3016 103c	20A
O FWS-Ninigret Natl Wildlife Refuge Disposal Areas.	P.O. Box 307	Charlestown	RI	02813	Interior	3016 103c	
C FWS-Sachuest Point National Wildlife Refuge.	P.O. Box 307	Charlestown	RI	02813	Interior	103c	20A
O FWS-Sachuest Point Dump National Wildlife Refuge.	Sachuest Point Road ...	Middletown	RI	02840	Interior	103c	
C FWS-Trustom Pond National Wildlife Refuge.	P.O. Box 307	Charlestown	RI	02813	Interior	103c	20A
O FWS-Trustom Pond Natl Wildlife Refuge Disp Areas.	990 Schoolhouse Road .	South Kingstown	RI	02879	Interior	103c	
C Charleston Naval Weapons Station.	Redbank Road	Charleston	SC	29408	Navy	3005 3010 3016 103c 103a	23
O Charleston Naval Weapons Station.	Redbank Road	Charleston	SC	29408	Navy	3005 3010 3016 103c	
C Fort Randall Project ...	Box 19	Pickstown	SD	57367	Corps of Engineers, Civil.	3010 103a	23

FEDERAL FACILITIES DOCKET, DOCKET CORRECTIONS—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism	Correction codes
O Fort Randall Project ..	Box 19	Pickstown	SD	57367	Corps of Engineers, Civil.	3010	
C Oahe Dam	Oahe Power Plant	Pierre	SD	57501	Corps of Engineers, Civil.	103a	20A
O Pierre Hydroelectric Plant.	I-90	Pierre	SD	57501	Corps of Engineers, Civil.	103a	
C Holston Army Ammunition Plant.	West Stone Drive	Kingsport	TN	37660	Army	3005 3010 3016 103c 103a	23
O Holston Army Ammunition Plant.	West Stone Drive	Kingsport	TN	37660	Army	3005 3010 3016 103c	
C Ensley Engineer Yard	1726 Mithcell Rd	Memphis	TN	38109	Corps of Engineers, Civil.	3010 3016	23
O Ensley Engineer Yard	1726 Mithcell Rd	Memphis	TN	38109	Corps of Engineers, Civil.	3010	
C Hartsville Site	TN Hwy 25	Hartsville	TN	37050	Tennessee Valley Authority.	3010 103a	23
O Hartsville Site	TN Hwy 25	Hartsville	TN	37050	Tennessee Valley Authority.	3010	
C Sequoyah Nuclear Plant.	Hixson Pike Rd	Daisys	TN	37319	Tennessee Valley Authority.	3005 3010 103c 103a	23
O Sequoyah Nuclear Plant.	Hixson Pike Rd	Daisys	TN	37319	Tennessee Valley Authority.	3005 3010 103c	
C DNA Johnston Atoll ...	Johnston Atoll Pacific Ocean.	Lat 16 44 N Lon 169 31 W.	TT	96305	Air Force	3005 3010 103a 3016	23
O DNA Johnston Atoll ...	Johnston Atoll Pacific Ocean.	Lat 16 44 N Lon 169 31 W.	TT	96305	Air Force	3005 3010 103a	
C Lackland Training Center.	Ray Ellison Dr & Hwy 90.	San Antonio	TX	78236	Air Force	3005 3010 3016	23
O Lackland Training Center.	Ray Ellison Dr & Hwy 90.	San Antonio	TX	78236	Air Force	3005 3010	
C Randolph Air Force Base.	12 ABG/DE	San Antonio	TX	78150	Air Force	3005 3010 3016 103c 103a	23
O Randolph Air Force Base.	12 ABG/DE	San Antonio	TX	78150	Air Force	3005 3010 3016 103c	
C Reese Air Force Base	64 ABG/DE	Lubbock	TX	79489	Air Force	3005 3010 3016 103c 103a	23
O Reese Air Force Base	64 ABG/DE	Lubbock	TX	79489	Air Force	3005 3010 3016 103c	
C Fort Worth Federal Center 7FS.	501 Felix Street	Fort Worth	TX	78753	General Services Administration.	3010	21
O Fort Worth Federal Center 7FS.	501 Felix Street	Fort Worth	TX	78753	General Services Admin.	3010	
C FWS-Laguna Atascosa National Wildlife Refuge.	P.O. Box 450	Rio Hondo	TX	.....	Interior	103c	20A
O FWS-Laguna Atascosa Wildlife Refuge.	5 MI E of City on Hwy 1847.	Rio Hondo	TX	.....	Interior	103c	
C Ashley NF: Only Chance Mine.	355 North Vernal Ave ...	Vernal	UT	84078	Agriculture	3016	20A
O Ashley National Forest.	355 North Vernal Ave ...	Vernal	UT	84078	Agriculture	3016	
C Ogden Defense Depot	500 West 12th Street ...	Ogden	UT	84407-5000	Defense Logistics Agency.	3016 103c 3010 103a	23
O Ogden Defense Depot	500 West 12th Street ...	Ogden	UT	84407-5000	Defense Logistics Agency.	3016 103c 3010	
C BLM-Chevron Red Wash Unit.	T7SR7ESec22	Vernal	UT	84078	Interior	3016 103c 103a	23
O BLM-Chevron Red Wash Unit.	T7SR7ESec22	Vernal	UT	84078	Interior	3016 103c	
C Cottonwood Canyon ..	T37SR21ESec3	Hite	UT	84511	Interior	3016 103c	20A
O BLM-Cottonwood Canyon.	T37SR21ESec3	Hite	UT	84511	Interior	3016 103c	
C Ore Buying Station-Moab.	T26SR22ESec6 PARCLABC.	Moab	UT	84532	Interior	3016 103c	20A
O BLM-Ore Buying Station-Moab.	T26SR22ESec6 PARCLABC.	Moab	UT	84532	Interior	3016 103c	

FEDERAL FACILITIES DOCKET, DOCKET CORRECTIONS—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism	Correction codes
C Salt Lake City Medical Center.	500 Foothill Boulevard ..	Salt Lake City ...	UT	84148	Veterans Affairs	3016	21
O Salt Lake City Medical Center.	500 Foothill Boulevard ..	Salt Lake City ...	UT	84148	Veterans Administration.	3016	
C Fort A.P. Hill	US Rt 301 & State Rt 608.	Bowling Green ..	VA	22427-5000	Army	3005 3010 3016 103c 103a	20A
O Fort A.P. Hill	US Rte 301	Bowling Green ..	VA	22427-5000	Army	3005 3010 3016 103c 103a	
C Fort Belvoir	ATZA-DEH-EN Bldg 1442, Williams Hall.	Fort Belvoir	VA	22060-5113	Army	3005 3010 3016 103c	20A
O Fort Belvoir	ATZA-DEH-EN Bldg 1442.	Fort Belvoir	VA	22060-5113	Army	3005 3010 3016 103c	
C Fort Myer	US Army Ft Myer	Fort Myer	VA	22211	Army	3010 103c 3016	23
O Fort Myer	US Army Ft Myer	Fort Myer	VA	22211	Army	3010 103c	
C Fort Pickett	Bldg 134 Military Road ..	Fort Pickett	VA	23824	Army	3010 103c 103a 3016	20A, 23
O Fort Pickett	Fort Pickett	Blackstone	VA	23824	Army	3010 103c 103a	
C FWS-Eastern Shore Virginia Natl Wildlife Refuge.	RFD 1, Box 122B	Cape Charles	VA	23310	Interior	3016 103c 3010	20A
O FWS-Eastern Shore Virginia National Wildlife Refug.	RD 1 Box 122B	Cape Charles	VA	23310	Interior	3016 103c 3010	
C FWS-Plumtree Island National Wildlife Refuge.	P.O. Box 6286	Virginia Beach ..	VA	23662	Interior	103c	20A
O FWS-Plumtree Island National Wildlife Refuge.	East of Poquoson	Poquoson	VA	23662	Interior	103c	
C FHA-LMC Farms	Rt #1 Box 363	Mubton	WA	98935	Agriculture	3016	21,20A
O LMC Farms	Rt #1 Box 363	Mubton	WA	98935	.....	3016	
C Okanogan NF: Alder Creek.	.....	Twisp	WA	98856	Agriculture	103c	20A
O Okanogan NF: Alder Creek.	.....	Twisp	WA	98856	Agriculture	103c	
C Okanogan NF: Bonaparte.	.....	Chesaw	WA	98844	Agriculture	103c	20A
O Okanogan NF: Bonaparte.	.....	Chesaw	WA	98844	Agriculture	103c	
C Okanogan NF: Eight Mile Ranch.	.....	Winthrop	WA	98862	Agriculture	103c	20A
O Okanogan NF: Eight Mile Ranch.	.....	Winthrop	WA	98862	Agriculture	103c	
C Okanogan NF: Kerr ...	.....	Conconully	WA	98819	Agriculture	103c	20A
O Okanogan NF: Kerr ...	.....	Conconully	WA	98819	Agriculture	103c	
C Okanogan NF: Lost Lake.	.....	Chesaw	WA	98844	Agriculture	103c	20A
O Okanogan NF: Lost Lake.	.....	Chesaw	WA	98844	Agriculture	103c	
C Okanogan NF: Minnie Mine.	T32N, R22E, S-23 8 Mi S of Twisp.	Twisp	WA	98856	Agriculture	3016 103c	20A
O Okanogan NF: Minnie Mine.	T32N, R22E, S23	Twisp	WA	98856	Agriculture	3016 103c	
C Okanogan NF: Twisp .	T33N R22E WM S17 SW¼ NW½.	Twisp	WA	98856	Agriculture	103c	20A
O Okanogan NF: Twisp	.....	Twisp	WA	98856	Agriculture	103c	
C Wenatchee NF: Holden Mine.	T31N R17E WM Sec7 ..	Wenatchee	WA	98807	Agriculture	3016 103c	20A
O Wenatchee National Forest.	Box 811	Wenatchee	WA	98807	Agriculture	3016 103c	
C Yakima Army National Guard.	1702 Pacific Highway	Yakima	WA	98901	Army	3010 3016	23
O Yakima Army National Guard.	1702 Pacific Highway	Yakima	WA	98901	Army	3010	
C Yakima Firing Center .	Yakima Firing Center	Yakima	WA	98901	Army	3005 3010 3016 103c	23

FEDERAL FACILITIES DOCKET, DOCKET CORRECTIONS—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism	Correction codes
O Yakima Firing Center	Yakima Firing Center	Yakima	WA	98901	Army	3005 3010 3016	
C Economic Development—Columbia Gardens.	Columbia Gardens	Pasco	WA	.....	Commerce	103c 3016	20A
O Columbia Gardens ....	.....	Pasco	WA	.....	Commerce	103c 3016	
C BPA-Ross Complex ...	5411 NE Hwy 99	Vancouver	WA	98663	Energy	3010 3016 103c 103a 3005	23
O BPA-Ross Complex ...	5411 NE Hwy 99	Vancouver	WA	98663	Energy	3010 3016 103c 103a	
C Old Navy Dump/Manchester (USEPA/NOAA).	7411 Beach Dr E	Manchester	WA	98353	EPA	3010 3016	20A
O Region 10, Environmental Services Division Lab.	7411 Beach Dr E	Manchester	WA	98353	EPA	3010 3016	
C Indian Island Naval Undersea Warfare Eng Station.	Indian Island	Hadlock	WA	98339-5000	Navy	3010 3016 103c 3005	23
O Indian Island Naval Undersea Warfare Eng Station.	Indian Island	Hadlock	WA	98339-5000	Navy	3010 3016 103c	
C Jackson Park Landfill	Austin Road at Shore Drive.	Bremerton	WA	98278	Navy	103c	20A
O Jackson Park Landfill	Unnamed Road East of Root Rd.	Bremerton	WA	98278	Navy	103c	
C Seattle Naval Station .	7500 Sand Point Way ...	Seattle	WA	98115	Navy	3010 103a	23
O Seattle Naval Station .	7500 Sand Point Way ...	Seattle	WA	98115	Navy	3010	
C Nicolet NF: Lakewood Sanitary Landfill.	15085 Hwy 32	Lakewood	WI	54501	Agriculture	3016 103c 103a	20A, 23
O Nicolet NF: Laona & Lakewood SLF.	68 South Stevens	Rhinelanders	WI	54501	Agriculture	3016	
C Pewaukee Army Reserve Center.	619 W Wisconsin Ave ...	Pewaukee	WI	53072	Army	3010 103c	23
O Pewaukee Army Reserve Center.	619 W Wisconsin Ave ...	Pewaukee	WI	53072	Army	3010	
C FWS—St. Croix Wetland Management District.	146 West 2nd Street	New Richmond .	WI	54017	Interior	3010	20A
O FWS—New Richmond	1618 220th Ave Rural Area.	New Richmond .	WI	54017	Interior	3010	
C Tomah Medical Center.	Veterans Dr	Tomah	WI	54660	Veterans Affairs	3010	21
O Tomah Medical Center.	Veterans Dr	Tomah	WI	54660	Veterans Administration.	3010	
C Robert C. Byrd Locks and Dam.	Rt 2	Apple Grove	WV	25502	Corps of Engineers, Civil.	103a	22, 20A
O Gallapolis Lock and Dam.	Rt 2	Apple Grove	WV	.....	Navy	103a	
C Beckley Medical Center.	200 Veterans Ave	Beckley	WV	25801	Veterans Affairs	3010	21
O Beckley Medical Center.	200 Veterans Ave	Beckley	WV	25801	Veterans Administration.	3010	
C Martinsburg Hospital ..	Route 9	Martinsburg	WV	25401	Veterans Affairs	103c	21
O Martinsburg Hospital .	Route 9	Martinsburg	WV	25401	Veterans Administration.	103c	
C High Plains Grassland Research Station.	8408 Hildreth Road	Cheyenne	WY	82009	Agriculture	3016 103c	23, 21
O High Plains Grassland Research Station.	8408 Hildreth Road	Cheyenne	WY	82009	CIA	3016	

FEDERAL FACILITIES DOCKET, NFRAP STATUS FACILITIES

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism
Dera-Kodiak Tracking Station Chugach NF: Kenai Lake Work Center.	Cape Chiniak Rd, End of MI 23.5 Seward Highway	Kodiak	AK	99615	.....	103c
		Seward	AK	99664	Agriculture	103c 3010 3016

FEDERAL FACILITIES DOCKET, NFRAP STATUS FACILITIES—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism
Anvil Mountain	Anvil MT 6.5 MI N of Nome ...	Nome	AK	99762	Air Force	103c 3016
Bear Creek Air Force Station Landfill.	Yukon River on N Shore	Tanana	AK	99777	Air Force	103c 3010 3016
Bethel Air Force Station	Airport-W End of Main Road ..	Bethel	AK	99559	Air Force	3010 3016 103c
Big Mountain Air Force Sta- tion.	S Shoure Iliamna/S Side Big Mtn.	Big Mountain AFS.	AK	99501	Air Force	3010 103c 3016
Campion Air Force Station	4 Miles NE of Galena	Galena	AK	99765	Air Force	3016 3010 103c
Cape Romanzof Air Force Station.	11 ACW/CC	Elmendorf	AK	99506	Air Force	3010 103c 3016
Dewline Site Bar-Main	Barter Isl., 1/2 MI E of NE Shr	Kaktovik	AK	99747	Air Force	103c 3016
Dewline Site Liz-3	Kuk River & Chukchi Sea	Wainwright	AK	99782	Air Force	3010 103c 3016
Driftwood Bay Air Force Sta- tion.	N Coast Unalaska Island	Driftwood Bay ...	AK	99553	Air Force	103c 3016
Fort Yukon Air Force Station .	N of Ylota Slough	Fort Yukon	AK	99740	Air Force	3010 103c 3016
Gold King Creek RRS	T8S R2W Sec 22, 27	Valdez	AK	99686	Air Force	103c 3010 3016
Granite Mountain Air Force Station Landfill.	14 MI NW of CY	Haycock	AK	99762	Air Force	103c 3010 3016
Indian Mountain Air Force Station.	11 ACW/CC	Elmendorf AFB .	AK	99506	Air Force	3010 103c 3016
Kalakaket Creek	S Shore of Kala Creek	Galena	AK	99741	Air Force	3010 103c 3016
Murphy Dome Air Force Sta- tion.	11 TCW/CC	Elmendorf AFB .	AK	99506	Air Force	3010 3016 103c
Nikolski Air Force Station Landfill.	W Coast of Umnak IS	Nikolski	AK	99638	Air Force	103c 3016
North River Radio Relay	North River	Unalakleet	AK	99684	Air Force	3016
Port Heiden Air Force Station	NW Shore of Heiden Bay	Port Heiden	AK	99549	Air Force	103c 3016 3010
Port Moller	55 59'22" N 160 34' 29.374" W Alaska Peninsula.	Port Moller	AK	99999	Air Force	3010 103c 3016
Sparrenvohn Air Force Station	11 TCW/CC	Elmendorf AFB .	AK	99506	Air Force	3010 103c 3016
Tatalina Air Force Station	11 ACW/CC	Elmendorf AFB .	AK	99506	Air Force	3010 103c 3016
Tin City Air Force Station	11 ACW/CC	Elmendorf AFB .	AK	99506	Air Force	3010 103c 3016
Gerstle River Test Site	T13S R14E Sec 9, 15, 16	Fort Greely	AK	98733	Army	3005 3010 3016 103c
NOAA-National Marine Fish- eries Service.	Pribilof Island	St. Paul Islands	AK	99660	Commerce	103c
Anchorage Defense Fuel Sup- port Point.	1217 Anchorage Port Road ...	Anchorage	AK	99501	Defense	3016 3010
Whittier Tank Farm	3/4 MI N of Town	Whittier	AK	99693	Defense	103c 3016
BLM-Maclaren Glacier Mine ..	Fairbanks MER T19S R6E Sec 14 NE Sec 11.	Paxson	AK	99737	Interior	103c
BLM-Old Man Camp Site	T19N R14W, Sec 19 and T19N, R15W, Sec 24.	Fairbanks Merid- ian.	AK	99720	Interior	103c
BLM-Paxson Dump	T22S, R12E, Sec 31	Fairbanks Merid- ian.	AK	99737	Interior	103c
BLM-Peard Bay Dewline Site	Barrow, 50 MI SW	Barrow	AK	99723	Interior	103c
BLM-Pump Station 12 Dump Site NWSW.	T4S, R1E, Sec26	Copper Center ..	AK	99573	Interior	103c
BLM-Red Devil Mine Waste Ponds.	L61-10-12 L149-56-48	Bethel	AK	99656	Interior	3016 103c
BLM-Sag River Dump	T8S, R14E, Sec8	Umiat Meridian .	AK	99740	Interior	103c
BLM-Skull Cliff Loran Station .	23 Miles SW of Barrow on Coast.	Barrow	AK	99723	Interior	103c
BLM-Slana Dump Site	Mile 67 of Denali Hwy .....	.....	AK	99729	Interior	103c
BLM-Tangle Lakes Dump Site	Mile 22 Denali Hwy	Paxson	AK	99737	Interior	103c
FWS-Brownlow Point Dewline Site.	101 12th Ave., Box 20	Fairbanks	AK	99723	Interior	103c 3016
FWS-Demarcation Point Dewline Site.	101 12th Ave., Suite 20	Fairbanks	AK	99723	Interior	103c 3016
FWS-Skilak Guard Station	P.O. Box 2139	Soldotna	AK	99669	Interior	103c 3016
FWS-Swanson River Oil Field	P.O. Box 2139	Soldotna	AK	99669-2139	Interior	3016 103c
NPS-Denali National Park and Preserve.	P.O. Box 9	Denali Park	AK	99755	Interior	3016 103c
Northeast Cape St. Lawrence Island.	70 MI E of Savoonga St Law- rence.	Northeast Cape	AK	99769	Navy	3010 3016 103c
Fairbanks Vehicle Mainte- nance Facility.	5400 Mail Trail Way	Fairbanks	AK	99709	Postal Service ...	3010 103c
CG-Loran Station on Sitkinak	Sitkinak Island	Sitkinak Island ..	AK	99615	Transportation ...	103c
FAA-Air Route Traffic Center .	5400 Davis Highway	Anchorage	AK	99506	Transportation ...	103c 3010
FAA-Aniak Airport	61' 34N 159' 31'W	Aniak	AK	99557	Transportation ...	103c 3016
FAA-Big Lake Vortac Site	Big Lake	Big Lake	AK	99687	Transportation ...	103c
FAA-Biorka Island	6 MI W of Sitka	Sitka	AK	99835	Transportation ...	3010 3016 103c

FEDERAL FACILITIES DOCKET, NFRAP STATUS FACILITIES—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism
FAA-Cape Yakataga Facility ..	Cape Yakataga	Cape Yakataga ..	AK	99574	Transportation ...	3010 3016
FAA-Chandalar Station	Chandalar Lake Nav Aids, 110 MI N of City.	Fort Yukon	AK	99740	Transportation ...	103c
FAA-Cold Bay Station	Cold Bay Airport	Cold Bay	AK	99571	Transportation ...	103c
FAA-Cordova Station	Copper River Highway 10 M S of CY.	Cordova	AK	99574	Transportation ...	103c
FAA-Coughlan Island	T40S R65E S32&33 Copper River ME.	Auke Bay	AK	99821	Transportation ...	3016 103c
FAA-Deadhorse Station	Deadhorse Airport Nav Aids ..	Deadhorse	AK	99740	Transportation ...	103c
FAA-Dillingham Airport	Dillingham	Dillingham	AK	99576	Transportation ...	3016 103c
FAA-Duncan Canal .....	.....	.....	AK	.....	Transportation ...	103c
FAA-Dutch Harbor .....	.....	Dutch Harbor	AK	.....	Transportation ...	103c
FAA-Fairbanks Station	5640 Airport Way	Fairbanks	AK	.....	Transportation ...	103c
FAA-Fire Island Air Warning Station.	Cook Inlet Section 7 & 8 Range.	Anchorage	AK	99506	Transportation ...	3010 3016 103c
FAA-Gulkana Ans	Gulkana Airport	Gulkana	AK	99586	Transportation ...	103c
FAA-Gustavus	Gustavus Airport Nav Aids	Gustavus	AK	99826	Transportation ...	103c
FAA-Haines Air Navigation Site.	Haines-FAA Road	Haines	AK	99827	Transportation ...	103c
FAA-Homer Airport	Homer	Homer	AK	99603	Transportation ...	3016 103c
FAA-Iliamna Site	Iliamna	Iliamna	AK	99606	Transportation ...	3016 103c
FAA-Juneau Station	9341 Glacier Highway Nav Aids.	Juneau	AK	99801	Transportation ...	103c
FAA-King Salmon Station	Airport S of CY Nav Aids	King Salmon	AK	99613	Transportation ...	103c
FAA-Kotzebue Airport	Kotzebue Airport	Kotzebue	AK	99752	Transportation ...	3016 103c
FAA-Lake Hood Facility	T13N R4W S34 NE	Anchorage	AK	99518	Transportation ...	103c
FAA-Lake Minchumina Airport	Ramp at Lk Minchumina Arpt	Lake Minchumina.	AK	99757	Transportation ...	3010 3016 103c 3005
FAA-North Nenana Vortac Site.	Nenana	Nenana	AK	99760	Transportation ...	3016 103c
FAA-Northway Staging Field ..	Northway Village	Northway Village	AK	99764	Transportation ...	3016 103c 3010
FAA-Point Woronzof RTR Fa- cility.	Anchorage International Air- port Area.	Anchorage	AK	99502	Transportation ...	103c
FAA-Puntilla Air Navigation Site.	Puntilla Lake	Puntilla Lake	AK	99999	Transportation ...	3016 103c
FAA-Sisters Island	Sisters Island Nav Aids	Juneau	AK	99803	Transportation ...	103c
FAA-Sitka	Japonski Island Naval Air Sta- tion.	Sitka	AK	99835	Transportation ...	103c 3010
FAA-Skwentna Facility	Skwentna Arprt Area	Skwentna	AK	99667	Transportation ...	3010 3016 103c
FAA-St. Mary's Air Navigation	Yukon Delta National Wildlife Refuge.	St. Mary's	AK	.....	Transportation ...	103c
FAA-Talkeetna Airport	Talkeetna Airport	Talkeetna	AK	99676	Transportation ...	3016 103c
FAA-Tanana Air Field Station	Tanana Airport Nav Aids	Tanana	AK	99777	Transportation ...	103c
FAA-Umiat Airstrip Staging Area.	N Bank Colville River	Umiat	AK	99723	Transportation ...	103c
FAA-Unalakeet Airport	Unalakeet	Unalakeet	AK	99684	Transportation ...	3016 103c
FAA-Woody Island Navigation Site.	Woody Island	Kodiak	AK	99615	Transportation ...	3016 103c
St. Paul Island Coast Guard Loran Station.	USDOT—CG St Paul Is Loran Stat.	St Paul Island ...	AK	99660	Transportation ...	3010
Maxwell Air Force Base	3800 Air Base Group Dee	Maxwell AFB	AL	36112	Air Force	3010 103c 3016 103a
Bellefonte Nuclear Plant	Off US Hwy 72	Hollywood	AL	36401	Tennessee Val- ley Authority.	3005 3010 103c
Browns Ferry Nuclear Plant ...	US Hwy 72	Athens	AL	35611	Tennessee Val- ley Authority.	3010
Colbert Fossil Plant	Off US Hwy 72 W	Tuscumbia	AL	35674	Tennessee Val- ley Authority.	3005 3010 103c 103a
Guntersville Hydro Plant	Off US Hwy 431, 11 Mi NW of Guntersville.	Guntersville	AL	35976	Tennessee Val- ley Authority.	3010
Muscle Shoals Power Service Center.	AL Hwy 133	Muscle Shoals ..	AL	35660	Tennessee Val- ley Authority.	3005 3010 3016 103a
National Fertilizer and Envi- ronmental Research Ctr.	Wilson Dam Road	Muscle Shoals ..	AL	35660	Tennessee Val- ley Authority.	3005 3010 3016 103c
Widows Creek Fossil Plant	Off US Hwy 72 W	Stevenson	AL	35772	Tennessee Val- ley Authority.	3005 3010 103c
Wilson Hydro Plant	AL Hwy 133	Florence	AL	35660	Tennessee Val- ley Authority.	3010
Guam Naval Magazine	Apra Hbr Hts Area by Fena Resv.	Apra Harbor	AQ	96910	Navy	103c

FEDERAL FACILITIES DOCKET, NFRAP STATUS FACILITIES—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism
South Central Family Farm Research Center.	Rt. 2, Box 144A Hwy 23 South.	Booneville	AR	.....	Agriculture	3016
Fort Chaffee	Building 239	Fort Chaffee	AR	72905	Army	3005 3010 3016 103c
Millwood Resident Engineers Office.	Route 1	Ashdown	AR	.....	Corps of Engineers, Civil.	103c
Combustion Research Facility	Nctr Bldg. 45	Jefferson #72070.	AR	72079	EPA	3005 3010 3016
Sky Harbor International Airport.	2001 S. 32nd St	Phoenix	AZ	85034	Air Force	3010
Fort Huachuca	RCRA Units	Fort Huachuca ..	AZ	85613	Army	3010 3016 103c 103a
Sierra NF: Bass Lake Landfill Plant #19	1130 O St. Room 3017	Fresco	CA	93721	Agriculture	103c 3016
Norwalk Defense Fuel Supply Center.	4297 Pacific Coast Hwy	San Diego	CA	92101-5001	Air Force	103c 3016 3010
Lawrence Berkeley Laboratory.	15306 Norwalk Blvd	Norwalk	CA	90650	Defense Logistics Agency.	3010 3016 103c
Stanford Linear Accelerator Center.	1 Cyclotron Rd	Berkeley	CA	94720	Energy	3005 3010 3016
NPS—El Portal RR Flat	2575 Sandhill Rd	Menlo Park	CA	94305	Energy	3010 3016 103c 103a
NPS—Sequoia & Kings Canyon National Park.	Hwy 140	El Portal	CA	95318	Interior	103c
Civil Engineering Laboratory ..	Ash Mountain	Three Rivers	CA	93271	Interior	3005 3010 3016 103c
Crows Landing Naval Air Logistics Force.	NCBC	Port Hueneme ..	CA	93043	Navy	3010 103a 103c
Fallbrook Naval Weapons Station Annex.	Nalf Crows Landing	Crows Landing ..	CA	95313	Navy	3010 3016
Imperial Beach Naval Communication Station.	Seal Beach	Fallbrook	CA	92028	Navy	103c 3016
Oakland Naval Regional Medical Center.	Outlying Landing Field Bldg 162 Rt 75 & Palm Ave.	Imperial Beach ..	CA	92032	Navy	3005 3010 103c 103a
Point Sur Naval Facility	8750 Mountain Blvd	Oakland	CA	94627	Navy	3010 103c
San Diego Naval Facilities Engineering Command.	Naval Facility Point Sur	Big Sur	CA	93920	Navy	3010
Skaggs Island Naval Security Group Activity.	Western Division	San Diego	CA	92136	Navy	103c
Colorado Springs Academy ...	Skaggs Island	Sonoma	CA	95476	Navy	3010 3016
Lowry Air Force Base	AFA/DE	Colorado Springs.	CO	80840	Air Force	3010 103c
Peterson Air Force Base	3415 CES/DE	Lowry AFB	CO	80230	Air Force	3005 3010 3016 103c 103a
Grand Junction Projects Office.	1003 SSG/CC	Peterson AFB ...	CO	80914	Air Force	3005 3010 103c
Solar Energy Research Institute.	3597 B-3/4 RD PO2567	Grand Junction .	CO	81502-5504	Energy	3016 103c
Wapa-Power Operations	1617 Cole Blvd	Golden	CO	80401	Energy	3005 3010 3016 103c
National Enforcement Investigation Center.	1800 S. Rio Grande Ave	Montrose	CO	81401	Energy	103c
BLM-Bookcliff Landfill	DFC	Denver	CO	80225	EPA	3010
BLM-Chaffee County Landfill .	T1NR101WSec6, UTEPM, 4 MI E. of Grand Junction.	Grand Junction .	CO	81501	Interior	103c
BLM-Delta County Landfill	T.51.N.R.8.E.Sec.21, US Hwy 285 10M North of Salida.	Salida	CO	.....	Interior	103c
BLM-Eagle County Landfill	T14NR95WSec10, 6THPM	Eckert	CO	81418	Interior	3010 103c
BLM-Fremont	T4NR83WSec10&11 .....	.....	CO	.....	Interior	103c
BLM-Montrose County Dump	T48NR12Esec19	Cata Paxi	CO	.....	Interior	103c
BLM-Orchard Mesa Landfill ...	T48NR19WSec22	Montrose	CO	.....	Interior	103c
BLM-Placerville Tram Site	T2SR1Esec4,5 Hwy 50-SW of 29 3/4 Rd.	Grand Junction .	CO	81506	Interior	103c
BLM-San Miguel Landfill #1 ...	T44NR11WSec35 Hwy 62	Placerville	CO	81430	Interior	103c
BLM-San Miguel Landfill #2 ...	T44NR15WSec26	Nataurita	CO	.....	Interior	103c
BLM-Sawpit Tram Site (ORE Storage).	T44NR17WSec18	Slick Rock	CO	.....	Interior	103c
BLM-Town of Mesa Landfill ...	T43NR10WSec18	Saw Pit	CO	81435	Interior	103c
BR-Loveland	T10S, R96W, Sec22	Molina	CO	.....	Interior	103c
GS-Denver, NWQL	910 Van Buren	Loveland	CO	80537	Interior	3010 103c
NPS-Denver Service Center ..	5293 Ward Rd	Denver	CO	80225	Interior	3010 3016
NPS-Rocky Mountain National Park.	755 Parfet St., Box 25287	Denver	CO	80225	Interior	3016 103c
Denver Bulk Mail Center	Estes Park	Estes Park	CO	.....	Interior	103c
	7755 E. 56th Ave	Denver	CO	80238	Postal Service ...	3016 103c

FEDERAL FACILITIES DOCKET, NFRAP STATUS FACILITIES—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism
Central Direct Fed. Division Materials-FHWA.	6th St., Bldg. 52, DFC	Denver	CO	80225	Transportation ...	3005 3010 103c 3016
Transportation Test Center ...	21 Miles NE Pueblo Mem Airport.	DOT Test Track Rd.	CO	81001	Transportation ...	3005 3010 3016
Stratford Engine Plant	550 South Main Street	Stratford	CT	06497	Army	3005 3010 3016
Knolls Atomic Power Laboratory-Windsor Site.	Prospect Hill Road	Windsor	CT	06095	Energy	3005 3010 3016 103c 103a
East Lyme Naval Underwater Systems Center.	Dodge Pond Field Station	East Lyme	CT	06357	Navy	3010 3016 103c
New London Naval Underwater Systems Center.	New London Laboratory	New London	CT	06320	Navy	3010 103c 103a
Fort McNair	350 P Street, S.W	Washington	DC	20319	Army	3010 103c 103a
U.S. Soldiers and Airmens Home.	Michigan Ave. N.E	Washington	DC	20317	Defense	3010 3016 103c
Customs Field Office	1200 Pennsylvania Avenue ...	Washington	DC	20004	General Services Administration.	3010 103c
Washington Naval Research Laboratory.	4555 Overlook Ave	Washington	DC	20375	Navy	3005 3010 3016 103c 103a
Bureau of Engraving & Printing.	14th & C Sts SW	Washington	DC	20228	Treasury	3005 3010 103c 103a
Canal Site	Main St, North St Georges ...	Newcastle	DE	19733	Corps of Engineers, Civil.	3016 103c
Wildlife Research Field Station.	2820 E University Ave	Gainesville	FL	32601	Agriculture	103c
Avon Park Air Force Base	56 Combat Support Group/DE	MacDill AFB	FL	33608	Air Force	3005 3010 3016
Cape Canaveral Air Force Base.	6550 ABG/DEEV	Patrick AFB	FL	32925	Air Force	3005 3010 3016 103c 103a
MacDill Air Force Base	56 Combat Support Group/DE	MacDill AFB	FL	33608	Air Force	3005 3010 3016 103c
Patrick Air Force Base	6550 ABG/DEEV	Patrick AFB	FL	32925	Air Force	3005 3010 3016 103c 103a
Colonel Frank M. Williams Army Reserve Center.	11700 NW 27th Ave	Miami	FL	33167	Army	3005 3010
Lt. Clarence Lovejoy Army Reserve Center.	4823 N Hubert Ave	Tampa	FL	33614	Army	3005 3010
Orlando Army Air Support Facility 49.	8601 Ave B	Orlando	FL	32812	Army	3005 3010
Lynn Haven Defense Fuel Support Point.	W end of 10th Street	Lynn Haven	FL	32444	Defense Logistics Agency.	3010 3016 103c
Tampa Defense Fuel Support Point.	Box 13736	Tampa	FL	33611	Defense Logistics Agency.	3010 3016 103c
NPS-Gulf Islands National Seashore.	Fort Pickens Rd	Gulf Breeze	FL	32561	Interior	103c
Kennedy Space Center	NASA Mail Code DF-EMS	Kennedy Space Center.	FL	32899	NASA	3005 3010 3016 103c 103a
Key West Naval Air Station-Boca Chica.	Naval Air Station	Key West	FL	33042	Navy	3005 3010 3016 103c 103a
Mayport Naval Air Station	PO Box 265 Naval Station	Mayport	FL	32228	Navy	3005 3010 3016 103c 103a
Panama City Coastal Systems Station.	Hwy 98 Code 6310MC	Panama City	FL	32407	Navy	3005 3010 3016 103a
Key West Coast Guard Station.	.....	Key West	FL	33040	Transportation ...	3010
Mayport Coast Guard Base ...	PO Box 385	Mayport	FL	32267	Transportation ...	3010 103c
Miami Beach Coast Guard Base.	100 MacArthur Cswy	Miami Beach	FL	33139	Transportation ...	3005 3010
St. Petersburg Coast Guard Station.	600 8th Ave SE	St Petersburg ...	FL	33701	Transportation ...	3010
Dobbins Air Force Base	94 CSG/DE	Marietta	GA	30069	Air Force	3016 103c
Moody Air Force Base	347 CSG/DE	Moody AFB	GA	31669	Air Force	3005 3010 3016 103c
Plant #6 (Lockheed)	86 S Cobb Drive Zone 54	Marietta	GA	30063	Air Force	3005 3010 3016
Fort Benning	GA Hwy 1 & US 27	Fort Benning	GA	31905	Army	3005 3010 3016 103c 103a
Fort Gillem	Attn AFZK-EH-C	Forest Park	GA	30330	Army	3005 3010 3016 103c
Fort Gordon and National Signal Center.	ATZHFE EC	Fort Gordon	GA	30905	Army	3005 3010 3016 103c 103a
Fort Stewart	24th Infantry Div AFZP-DEN-E.	Fort Stewart	GA	31314	Army	3005 3010 3016 103c

FEDERAL FACILITIES DOCKET, NFRAP STATUS FACILITIES—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism
Hunter Army Airfield	24th Infantry Div AFZP—DEN—E.	Fort Stewart	GA	31314	Army	3005 3010 3016 103c
Kings Bay Naval Submarine Base.	GA State Hwy Spur	Kings Bay	GA	31547	Navy	3005 3010 3016 103c 103a
Atlanta Medical Center	1670 Clairmont Road	Decatur	GA	30033	Veterans Affairs	3005 3010 3016
Guam Naval Hospital	Naval Hosp Guam	Naval Hosp Guam.	GU	96638	Navy	103c
WAPA-Hinton	PO Box 1012	Hinton	IA	51024	Energy	3005 3010 3016
Urbandale Bulk Mail Center ...	4000 NW 109th Street	Urbandale	IA	50395	Postal Service ...	3016
Clearwater NF: Clayton Creek Dump.	T 39N, R 11E, Sec 21	Headquarters ...	ID	83534	Agriculture	103c 3016
Idaho Panhandle National Forests.	1201 Ironwood Dr	Coeur D'Alene ..	ID	83814	Agriculture	3016 3010 103c
Sheep Experiment Station	HC 62, Box 2010	Dubois	ID	83423	Agriculture	3016 103c
Soil and Water Management Research Unit.	Route 1, Box 186, 3600 East	Kimberly	ID	83341	Agriculture	3016 103c
BLM-Black Mesa Dump	T6S, R10E, Sec 13	Glenns Ferry	ID	83623	Interior	103c
BLM-Blue Dome Unauthorized Dump.	T10NR30E Sec30	Blue Dome	ID	83464	Interior	103c 3016
BLM-Browns Gulch	T6S, R7E, Sec 10, W1/2	Bruneau	ID	83604	Interior	103c
BLM-Bruneau Open Dump ...	T9S, R5E, Sec 4	Bruneau	ID	83604	Interior	3016 103c
BLM-Butte North Isolated Tract Hazardous Site.	T12S, R21E, Sec5	Burley	ID	83318	Interior	103c
BLM-Cassia County #1	T 13S, R 21E, Sec 13	Oakley	ID	83346	Interior	103c
BLM-Cassia County #2	T 12S, R 21E, Sec 32	Oakley	ID	83346	Interior	103c
BLM-Cassia County #3	T 12S, R 21E, Sec 31	Oakley	ID	83346	Interior	103c
BLM-Castleford Butte	T10S, R12E, Sec23	Castleford	ID	83321	Interior	103c
BLM-Cedar Butte S. End Dumpsite.	T22 SR32E Sec 15	Rockford	ID	83221	Interior	103c
BLM-Central Cove Landfill	T3N, R4W, Sec8 and 9	Caldwell	ID	83605	Interior	3016 103c
BLM-Clarks Air Service Airstrip-Jarbridge RA.	T6S, R9E, Sec27	Glenns Ferry	ID	83623	Interior	103c
BLM-Clover Hollow Illegal Airstrip.	T5S R7E Sec7 SESW 8 MI S of CY.	Mountain Home	ID	83647	Interior	103c
BLM-COW Hollow Hazardous Waste Dump.	T.14.S.R.31.E.Sec.34	Juniper	ID	83706	Interior	103c
BLM-Delamar Silver Mine	T15S, R35E	Owyhee	ID	83650	Interior	103c
BLM-Dry Lakes Air Service Airstrip-Cascade RA.	T1N, R3W, Sec26	Canyon	ID	83650	Interior	103c
BLM-Edmonds Unauthorized Dump.	T7NR38E Sec24&25	Edmonds	ID	83445	Interior	103c
BLM-Elk City	T29NR8E SEC23	Elk City	ID	83525	Interior	3016 103c
BLM-Gem County Landfill	Dewey Lane, 10M East of Emmett.	Emmett	ID	83617	Interior	103c
BLM-German Lake	T7SR25E Sec.10	Minidoka	ID	83343	Interior	103c 3016
BLM-Grace Illegal Dump	T10S, R39E, Sec24	Grace	ID	83241	Interior	103c
BLM-Hammett Dump	T5S, R9E, Sec28	Hammett	ID	83627	Interior	103c
BLM-Hell's Half Acre, E. Finger.	T1SR36E Sec 4	Firth	ID	83236	Interior	103c
BLM-Hell's Half Acre, W. Finger.	T1SR36E Sec 32	Firth	ID	83236	Interior	103c
BLM-Hoff Road Site	T2S R32E Sect 35 SW of SW	Blackfoot	ID	83221	Interior	3010
BLM-Howe Dumpsite	T6NR29E Sec31	Howe	ID	83244	Interior	103c
BLM-Hulet Dump	T.35.R.IW. Sec. 15	Murphy	ID	83650	Interior	103c 3016
BLM-Jerome County Landfill ..	.....	Jerome County .	ID	83338	Interior	103c
BLM-Leslie Dump Site-1	T 7N, R25E, Sec34	Leslie	ID	83249	Interior	103c
BLM-Leslie Dump Site-4 SW .	T 6N, R24E, Sec18	Leslie	ID	83249	Interior	103c
BLM-Menan Unauthorized Dump.	T6N, R38E, Sec26 and 27	Madison	ID	83440	Interior	103c
BLM-Montview	T8N, R34E, Sec22 NWNW E of City.	Montview	ID	83435	Interior	103c
BLM-Morgan's Pasture	T1N R35E Sec 33 & 34	Shelly	ID	83274	Interior	3010 103c
BLM-Mud Lake Airport	T6N R34E Sect 18 NE of NE	Mud Lake	ID	83450	Interior	3010
BLM-National Guard Impact Area.	Sec (all) T2&3S, R2&3E	Unincorporated .	ID	83709	Interior	103c
BLM-North Creek Mill	T6NR29E Sec6	Howe	ID	83244	Interior	103c
BLM-Owyhee Co. Grandview Landfill.	T6SR4E Sec14	Bruneau	ID	83604	Interior	103c
BLM-Owyhee Co. Marsing/ Homedale Landfill.	Johnson Rd. T4N R5W S32 SW 1/4.	Marsing-Homedale.	ID	83639	Interior	103c

FEDERAL FACILITIES DOCKET, NFRAP STATUS FACILITIES—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism
BLM-Owyhee Co. Wilson Creek Landfill.	T1SR34ESec13	Marsing	ID	83639	Interior	103c
BLM-Pesticide Dump Site, Reynolds.	T2SR3W Sec31	Reynolds	ID	83650	Interior	103c
BLM-Pesticide Dumpsite Sec. 5.	Boise Dist Sec. 5	Murphy	ID	83650	Interior	103c
BLM-Pickles Butte (Davidson's Air Service).	T2NR3WSec28 Missouri Av 2.5MI W-Mora Canal.	Nampa	ID	83651	Interior	103c
BLM-Pullman Mine	T29N R4W S14	Cottonwood	ID	83522	Interior	103c
BLM-Reeder Flying Service Airstrip #1.	T6SR12ESec33	Glenns Ferry	ID	83623	Interior	103c
BLM-Reeder Flying Service Airstrip #2.	T9SR12ESec13	Buhl	ID	83316	Interior	103c
BLM-Reeder Flying Service Airstrip #3.	T8S, R13E, Sec6	Glenns Ferry	ID	83623	Interior	103c 3010 3005
BLM-Shoshone (Gwinn Cave)	T4S R17E S14	Shoshone	ID	83352	Interior	3016 103c
BLM-Springfield Dumpsite	T3SR32ESec12	Springfield	ID	83277	Interior	103c
BLM-Springfield Unauthorized Dumpsite.	T35NR32ESec15	Springfield	ID	83277	Interior	103c
BLM-Twin Falls Co #4	T12S, R 19E, Sec 12	Murtaugh	ID	83344	Interior	103c
BLM-Twin Falls Co #5	T12S, R 19E, Sec 11	Murtaugh	ID	83344	interior	103c
BLM-Twin Falls Co Murtaugh (East) Landfill.	T11S, R 19E, Sec 10	Twin Falls	ID	83301	Interior	103c 3016
BLM-Upper Little Lost Unauthorized Dump.	T11N R 26E Sec 10 12 MI NW of Cy/T11N, R26 E, Sec 10.	Clyde	ID	82349	Interior	103c
BLM-Warrior Road	T35N, R1W, Sec 11 Nearest City Kona.	Kona	ID	83634	Interior	103c
BLM-Wiregrass Reservoir Site	T11S R36E Sec 13 NW of NE	Downey	ID	83234	Interior	3010
BR-Minidoka Dam	Rt. 4, Box 292	Rupert	ID	83350	Interior	3010 3016
BR-Minidoka Landfill	Routes 16 & 59 Kane County	Rupert	ID	83350	Interior	103c
Fermi National Accelerator Laboratory.	1900 E Main St	Batavia	IL	60510	Energy	3005 3010 3016 103c
Danville Medical Center Hospital.	1900 E Main St	Danville	IL	61832	Veterans Affairs	103c
Former Jeffersonville Quartermaster Depot.	Located on Segrams Property Clark County.	Jeffersonville	IN	47130	Army	3016 103c
New Haven Defense Logistics Agency Depot.	State Rt. 14	New Haven	IN	46774	Defense Logistics Agency.	3010
Atchison Defense Industrial Plant Equipment Facil.	Old Rte 1	Atchison	KS	66002	Army	103c
Region 7, Environmental Services Division Lab.	25 Funston Road	Kansas City	KS	66115	EPA	3005 3010 3016 103c
Armor School and Center at Fort Knox.	Hwy 31 W	Fort Knox	KY	40121	Army	3005 3010 3016 103a
Fort Campbell	AFZB-FE-ECE	Fort Campbell ...	KY	42223	Army	3005 3010 3016 103c
Lexington Bluegrass Depot Activity.	US Hwy 421	Richmond	KY	40475	Army	3005 103c
Lexington-Bluegrass Army Depot.	Haley Rd	Lexington	KY	40511	Army	3005 3010 3016 103c 103a
Louisville Naval Ordnance Station.	Southside Dr. MDS 42	Louisville	KY	40214	Navy	3005 3010 3016
Southern Regional Research Center.	1100 Robert E. Lee Blvd	New Orleans	LA	70124	Agriculture	3010 3016 103c
England Air Force Base	23 CSG/DE	England AFB ...	LA	71311	Air Force	3005 3010 3016 103c
New Orleans Military Ocean Terminal.	4400 Dauphine St	New Orleans	LA	70145	Army	103c
SPR-Weeks Island	2 MI NW of Cypremont	Cypremont	LA	70560	Energy	103c
SPR-West Hackberry	3.8 MI W of Hackberry, Hwy 390.	Hackberry	LA	.....	Energy	103c
FWS-Lacassine National Wildlife Refuge.	HCR 63, Box 186	Lake Arthur	LA	70549	Interior	103c
New Orleans Naval Support Activity.	2600 Gen Meyer Ave Bldg 101.	New Orleans	LA	.....	Navy	103c
New Orleans Coast Guard Base.	4640 Urquhart Street	New Orleans	LA	70117	Transportation ...	3010
New Orleans Medical Center .	1601 Perdido Street	New Orleans	LA	70112	Veterans Affairs	3010
Boston Postal Service	135 A Street	Boston	MA	02210	Postal Service ...	3010

FEDERAL FACILITIES DOCKET, NFRAP STATUS FACILITIES—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism
Woods Hole Coast Guard Base.	Little Harbor Road	Falmouth	MA	02543	Transportation ...	3010 103c
Adelphi Laboratory Center	2800 Powder Mill Rd	Adelphi	MD	20783	Army	3005 3010 3016 103c
National Institute of Standards and Technology.	Quince Orchard Rd	Gaithersburg	MD	20760	Commerce	3005 3010 103c
National Marine Fisheries Service.	South Morris Street Ext.	Oxford	MD	21654	Commerce	103c 3010
Defense National Stockpile Center.	710 Ordnance Road	Baltimore	MD	21226	Defense Logistics Agency.	3005 3010 3016 103c
NIH-Bethesda	9000 Rockville Pike	Bethesda	MD	20892	Health and Human Services.	3005 3010 3016 103c 103a
Goddard Space Flight Center	Greenbelt Road	Greenbelt	MD	20771	NASA	3010 103c
Annapolis Naval Academy	Annapolis Naval Complex	Annapolis	MD	21402	Navy	3005 3010 3016 103c
National Naval Medical Center.	8901 Wisconsin Ave	Bethesda	MD	20814	Navy	3005 3010 3016 103c 103a
Casco Bay Defense Fuel Support Point.	Rt 123	South Harpswell Neck.	ME	04079	Defense Logistics Agency.	3010 3016 103c
Searsport Defense Fuel Support Point.	Trundy Road Box 112	Searsport	ME	04974	Defense Logistics Agency.	3010 3016 103c
FWS-Seal Island National Wildlife Refuge.	P.O. Box 1077	Calais	ME	04619	Interior	103c
Gouldsboro Naval Security Group Activity.	Bldg 41 (Operations Site)	Gouldsboro	ME	04624	Navy	103c
Winterharbor Naval Security Group Activity.	Route 186	Winterharbor	ME	04693	Navy	3010 103c
Huron-Manistee NF: Ranger Station.	12 N. Charles	White Cloud	MI	49348	Agriculture	103c 3010 3016
Tank Automotive Command ..	6501 E. 11 Mile Rd Macomb County.	Warren	MI	48090	Army	3005 3010 3016 103c 103a
Harrisville Defense Fuel Support Point.	US Hwy 23	Harrisville	MI	48740	Defense	103c
Ann Arbor Motor Vehicle Emission Laboratory.	2565 Plymouth Road	Ann Arbor	MI	48105	EPA	3010
Minneapolis St. Paul Bulk Mail Center.	3165 S. Lexington Ave	St. Paul	MN	55121	Postal Service ...	3010
Schuster Farm	Sec58 S17 T55N R33W	Gower	MO	.....	Agriculture	103c
MO Aviation Classification & Repair Activity Depot.	2501 Lester Jones Ave	Springfield	MO	65803	Army	103c 3010
Defense Mapping Agency-Fee	3200 S. Second Street	St. Louis	MO	63118	Defense Mapping Agency.	3010
Defense Mapping Agency-Fee	8900 S. Broadway	St. Louis	MO	63118	Defense Mapping Agency.	3010
Mobile Incinerator	SE¼ NW¼ NW¼ Sec 20	McDowell	MO	65769	EPA	3010 103c
St. Louis	1222 Spruce	St. Louis	MO	63103	General Services Administration.	3005 3010 103a
BM-Rolla Research Center	1300 Bishop Ave	Rolla	MO	65401	Interior	103c
Columbus Air Force Base	14 ABG/DE	Columbus AFB	MS	39701	Air Force	3005 3010 3016 103c
Keesler Air Force Base	3380 CES/DE	Keesler AFB	MS	39534	Air Force	3005 3010 3016 103c
Engineering Environmental Waterway Laboratory.	PO Box 631	Vicksburg	MS	39180	Army	3005 3010 3016 103c
Gulfport Naval Construction Battalion Center.	33rd Ave	Gulfport	MS	39501	Navy	3010 103c 103a
Fort Keogh Livestock and Range Research Laboratory.	Route 1, Box 2021	Miles City	MT	59301	Agriculture	3016 103c
Malmstrom Air Force Base	Facility 1501 Perimeter Rd	Great Falls	MT	59402	Air Force	3005 3010 3016 103c 103a
BPA-Hot Springs Substation TLM Complex.	Hwy 28, S. of Hot Springs, Sec 14 T21N RW.	Hot Springs	MT	59845	Energy	103c
Component Development and Integration Facility.	Industrial Park	Butte	MT	59702	Energy	3016
BLM-Illegal Airstrip John Greytak.	Section 6 T11N R27E	Flatwillow	MT	.....	Interior	103c
BLM-Jet Fuel Refinery Site	T14NR31E 4 MI E of Mosby ..	Mosby	MT	.....	Interior	103c

FEDERAL FACILITIES DOCKET, NFRAP STATUS FACILITIES—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism
BLM-Roundup Landfill	1.5 Miles Northwest of Roundup.	Roundup	MT	.....	Interior	103c
BLM-Sluice Gulch Leaking Adit.	T6SR15WSec5 .....	.....	MT	.....	Interior	103c
BLM-Steamboat Point	T25NR10Sec18PMM	Loma	MT	.....	Interior	103c
BLM-Thorium City Waste Dump.	T105R15WSec21,22,27,28	Grant	MT	59734-3016	Interior	3016 103c
BLM-Tungsten Mill Tailings	T45W9WSec4,5,9	Glen	MT	59732	Interior	103c
FWS-Charles M. Russell National Wildlife Refuge.	P.O. Box 110	Lewistown	MT	59457	Interior	3010 103c
FWS-National Bison Range ...	Cnty Rd 212 in Moiese	Moiese	MT	59824	Interior	3010 103c
Lyons Station	45 Mi. So of Ennis on Hwy 287.	Ennis	MT	59749	Interior	3010
West Fork Ranger Station	15 Miles South of Darby Mt on.	West Fork RS ...	MT	59829	Interior	3010
Pope Air Force Base	317 CSG/CC	Pope AFB	NC	28308	Air Force	3005 3010 103c 3016
Abemarle Army Reserve Center.	1816 E Main St	Abemarle	NC	28001	Army	3010 103c
Asheville Army Reserve Center.	224 Louisiana	Asheville	NC	28806	Army	3010 103c
Brevard Army Reserve Center	E French Broad St	Brevard	NC	28712	Army	3010 103c
Charlotte #1 Army Reserve Center.	1300 Westover Dr	Charlotte	NC	28205	Army	3010 103c
Durham #1 Army Reserve Center.	1228 Carrol St	Durham	NC	27701	Army	3010 103c
Durham #2 Army Reserve Center.	724 Foster St	Durham	NC	27701	Army	3010 103c
Garner Army Reserve Center	2017 Garner St	Garner	NC	27529	Army	3010 103c
Greensboro Army Reserve Center.	1120 Church St	Greensboro	NC	27405	Army	3010 103c
Greenville Army Reserve Center.	1391 N Mem Dr	Greenville	NC	27834	Army	3010 103c
Hickory Army Reserve Center	1500 12th Street NW	Hickory	NC	28601	Army	3010 103c
High Point Army Reserve Center.	156 Parris Ave	High Point	NC	28307	Army	3010 103c
Lumberton Army Reserve Center.	1400 Carthage Rd	Lumberton	NC	28358	Army	3010 103c
Morehead City Army Reserve Center.	405 Fisher St	Morehead City ..	NC	28557	Army	3010 103c
Raleigh Army Reserve Center	3115 Western Blvd	Raleigh	NC	27606	Army	3005 3010 103c
Rocky Mount Army Reserve Center.	804 Fairview Rd	Rocky Mount	NC	28701	Army	3010 103c
Salisbury Army Reserve Center.	1825 Woodleaf Rd, PO Box 1927.	Salisbury	NC	28114	Army	3010 103c
Wilmington Army Reserve Center.	2144 Lakeshore Dr	Wilmington	NC	28401	Army	3010 103c
National Marine Fisheries Service.	Pivers Island off US Hwy 70 West.	Beaufort	NC	28512	Commerce	3010 3016
National Institute of Environmental Health Science.	S on Alexander Dr	Research Triangle Park.	NC	27709	Health and Human Services.	3005 3010 103c
Bogue Burn Pit Marine Corps Auxiliary Landing Bogu.	Mcalf Bogue	Morehead City ..	NC	28557	Navy	3016 103c
Fort Macon Coast Guard Station.	PO Box 237	Atlantic Beach ...	NC	28512	Transportation ...	3010 103c
North Dakota Agricultural Experiment Station.	1605 W. College St	Fargo	ND	58105	Agriculture	3010 3016 103c
Northern Great Plains Research Laboratory.	PO Box 459, Hwy 6 S	Mandan	ND	58554	Agriculture	3016 103c
Minot Air Force Base	41 CSG/CC	Minot AFB	ND	58705	Air Force	3005 3010 3016 103c
Concrete Missile Early Warning Station.	DET 1 57 AD/DE	Concrete	ND	58221	Army	103c 3010 3005
Grand Forks Defense Fuel Support Point.	Grand Forks AFB 42nd Street	Grand Forks	ND	58201	Defense Logistics Agency.	3010 3016 103c
Section 5 Impoundment	SW¼NW¼SE¼ of Sec 5	Glenvil Township.	NE	.....	Agriculture	103c
Newington Defense Fuel Support Point.	Patterson Lane	Newington	NH	03801	Defense Logistics Agency.	3010 3016 103c

FEDERAL FACILITIES DOCKET, NFRAP STATUS FACILITIES—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism
Bayonne Military Ocean Terminal.	Foot of 32nd Street	Bayonne	NJ	07002	Army	3005 3010 3016 103c 103a
Fort Monmouth	Tinton & Pinebrook	Tinton Falls	NJ	07724	Army	3010 3016 103c 103a
Fort Monmouth Evans Area #1.	Marconi Road	Wall Township ..	NJ	07719	Army	3010 3016 103c
SFC NV Brittan Army Reserve Center.	39th and Federal Street	Camden	NJ	08105	Army	3010
Storck Army Reserve Center	Shore Road	Northfield	NJ	08225	Army	3010
Stryker Reserve Center	2150 Nottingham Way	Trenton	NJ	08619	Army	3010
NOAA/NMFS/NEFC	Sandy Hook Laboratory	Highlands	NJ	07732	Commerce	3005 3010
New Brunswick Laboratory-ERDA.	986 Jersey Avenue	New Brunswick ..	NJ	08903	Energy	3016 103c
Somerville Depot	Route 206	Somerville	NJ	08876	General Services Administration.	103c
FWS-Great Swamp National Wildlife Refuge.	Rd 1, Box 152	Basking Ridge ..	NJ	07920	Interior	3016 103c
NPS-Gateway National Recreational Area.	Fort Hancock	Sandy Hook-Brooklyn.	NJ	07732	Interior	3010 3016 103c
East Orange Medical Center	Tremont Ave	East Orange	NJ	07019	Veterans Affairs	3010
Hillsborough Supply Depot	Route 206	Hillsborough Twp.	NJ	08853	Veterans Affairs	103c 3010
Lyons Medical Center	Knollcraft Road	Lyons	NJ	07939	Veterans Affairs	3010 103c
Cibola NF: Cobb Resources Corporation.	Cibola National Forest	Magdalena	NM	87825	Agriculture	103c 3016
Jornada Experimental Range	1700 Jornada Road	Las Cruces	NM	88001	Agriculture	3016
Lincoln NF: High Rolls Mining District.	3.3 M S of Inter. of W US 82 ..	High Rolls	NM	88325	Agriculture	103c 3016
Santa Fe NF: La Bajada Mine	1.25 Mi Upstream from La Bajada.	La Bajada	NM	.....	Agriculture	103c
Melrose Range	25 Mi W of Cannon AFB	Melrose	NM	88124	Air Force	3005 3010 3016
Fort Wingate Depot Activity	10 Miles East of Gallup on I-10.	Gallup	NM	87310	Army	3005 3010 3016 103c
Gasbuggy	T29N, R4W S36; 55 M E. of Farmington.	Dulce (Near)	NM	.....	Energy	103c
Lovelace Inhalation Toxicology Research Institute.	Bldg. 9200, Kirtland AFB East	Albuquerque	NM	87185	Energy	103c 3016
BLM-Amax Chemical Company.	Eddy County	Artesia	NM	88201	Interior	103c 3016
BLM-Anthony Landfill	T26S R4E Sec30 NW¼ + E½ of Lot 2.	Anthony	NM	88021	Interior	103c 3016
BLM-Artesia Landfill	T17SR25E Sec10	Artesia	NM	88210	Interior	103c 3016
BLM-Blanco Landfill	T29NR10W Sec13	Blanco	NM	87412	Interior	103c 3016
BLM-Bloomfield Landfill	T29N, R11W, Sec34	Bloomfield	NM	87413	Interior	3016 103c
BLM-Blue Canyon Allotment ..	T20SR5W Sec8	Hatch	NM	87937	Interior	103c 3016
BLM-Carlsbad Landfill	T21SR27E Sec27NMPH	Carlsbad	NM	.....	Interior	103c 3016
BLM-Chaparral Landfill	T26SR5E Sec14	Chaparral	NM	.....	Interior	103c 3016
BLM-Eddy Potash Company ..	3071 Potash Mine Road	Carlsbad	NM	88220	Interior	103c 3016
BLM-Espanola Landfill	T20N R9E Sec 6N MPH	Espanola	NM	87532	Interior	103c 3016
BLM-Hatch Landfill	T19S, R3W, Sec4, Lot1	Hatch	NM	87937	Interior	103c 3016
BLM-Hill Landfill	T22SR1E SecS3&4NMPH	Hill	NM	.....	Interior	103c 3016
BLM-Hyde Mine	35/32/46 & 108/41/26	Gallup	NM	87301	Interior	103c 3016
BLM-International Mineral and Chemical.	P.O. Box 71	Carlsbad	NM	88220	Interior	103c 3016
BLM-Kerr McGee Laguna Toston.	Lee County	Hobbs	NM	88240	Interior	103c 3016
BLM-Kerr McGee Potash Company.	Lee County	Hobbs	NM	88240	Interior	103c
BLM-Kirtland Landfill	T30NR14W Sec31	Kirtland	NM	87412	Interior	3016 103c
BLM-La Union Landfill	T27SR3E Sec18 Dona Ana Co	La Union	NM	88021	Interior	3016 103c
BLM-Las Cruces Landfill	T23SR2E Sec11	Las Cruces	NM	88001	Interior	3016 103c
BLM-Lemitar Landfill	T2SR1W Secs13&24	Lemitar	NM	.....	Interior	103c 3016
BLM-Mesquite Landfill	T24SR3E Sec29NMPH	Mesquite	NM	.....	Interior	103c 3016
BLM-National Potash Company.	Eddy & Lee Countys	Carlsbad	NM	88220	Interior	103c 3016
BLM-Orogrande Landfill	T22SR8E Sec14SWSESW	Orogrande	NM	.....	Interior	103c 3016
BLM-San Antonio Landfill	T5SR1E Sec6NMPH	San Antonia	NM	.....	Interior	103c 3016
BLM-Standard Transpipe Corp.	So. of Alamogordo, NM on Hwy 54.	Alamogordo	NM	88310	Interior	103c 3016
BLM-Thoreau Landfill	T14NR13W Sec20NMPH	Thoreau	NM	.....	Interior	103c 3016

FEDERAL FACILITIES DOCKET, NFRAP STATUS FACILITIES—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism
BLM-UNM Hazardous Waste Storage Facility.	T23s, R2E, Sec23	Las Cruces	NM	88001	Interior	3005 3010 3016 103c
BLM-Velarde Landfill	T22NR9ESec20NMPH	Velarde	NM	87582	Interior	103c 3016
BLM-Waste Elec. Transformer Site No. 1.	T4SR1WSec17,20	Socorro	NM	87801	Interior	103c
BLM-Waterflow Landfill	T30 NR 16W Sec35	Waterflow	NM	87421	Interior	103c 3016
Albuquerque Hospital	2100 Ridgecrest	Albuquerque	NM	87106	Veterans Affairs	3005 3010 3016 103c
Tonopah Test Range (Sandia National Laboratory).	PO Box 10359	Tonopah	NV	89049	Energy	3005 3010 103c 103a 3016
BLM-Henderson Landfill	T21S R63E Section 28, 29	Henderson	NV	.....	Interior	103c
BLM-Rio Tinto Copper Mine ..	Sec 10 & 11 T45N R53E MDM.	Mountain City	NV	89831	Interior	103c
Plum Island Animal Disease Center.	Plum Island	Orient Point	NY	11957	Agriculture	3016 103c
Hancock Field	Taft and Thompson Roads	North Syracuse .	NY	13212	Air Force	3010 3016 103c
Niagara Falls Air Force Reserve Facility.	914 Tag/DE PO Box F La-Salle Station.	Niagara Falls IAP.	NY	14304	Air Force	3005 3010 3016 103c
Plant #38	Porter & Balmer Rds	Porter TWP	NY	14131	Air Force	3005 3010 3016 103c
Stewart Air National Guard Base.	Stewart International Airport ..	Newburgh	NY	12550	Air Force	103c 3010 3016
Youngstown Test Annex	Balmer Rd	Porter Center	NY	14131	Air Force	103c 3016
Amherst Army Reserve Center.	100 N Forest Rd	Buffalo	NY	14221	Army	3010
Bellmore Maintenance Facility	2755 Maple Ave	Bellmore	NY	11710	Army	3010 3016
Elihu Root Army Reserve Center.	Burrstone Road	Utica	NY	13502	Army	3010
Fort Hamilton	Ft Hamilton	Brooklyn	NY	11252	Army	3010 103c
Fort Totten	Bayside	Queens	NY	11359	Army	3010 103c
Roosevelt Army Reserve Center.	101 Oak St	Hempstead	NY	11550	Army	3010
TSG H.C. Lockwood Army Reserve Center.	111 Finney Blvd	Malone	NY	12953	Army	3010
Watervliet Arsenal	Broadway	Watervliet	NY	12189	Army	3005 3010 3016 103a
Webster Army Maintenance Support Activity-7.	517 Old Ridge Road	Webster	NY	14580	Army	3010 103c
West Point Military Academy .	Stewart Army Subpost	West Point	NY	10996	Army	3016
West Point Military Academy .	RT 9W-Bldg 733	West Point	NY	10996	Army	3005 3010 3016 103c 103a
Verona Defense Fuel Support Point.	Main St	Verona	NY	13478	Defense Logistics Agency.	3010 3016 103c
Colonie Interim Storage Site ..	1130 Central Ave	Colonie	NY	12205	Energy	3005 3010 3016
Knolls Atomic Power Laboratory-Kesselring Site.	Atomic Project Road	West Milton	NY	12020	Energy	3005 3010 3016 103c 103a
Knolls Atomic Power Laboratory-Knolls Site.	River Rd	Niskayuna	NY	12301-1072	Energy	3005 3010 3016 103c
Niagara Falls Storage Site	East of Route 18, North of Pletcher.	Lewistown	NY	14092	Energy	3016 103c
Brooklyn Information Agency .	29th & 3rd Ave, Door 15	Brooklyn	NY	11232	General Services Administration.	3010
Emmanuel Cellard Federal Building.	225 Cadman Plaza	Brooklyn	NY	11201	General Services Administration.	3010
Federal Building	252 7th Ave	New York	NY	10001	General Services Administration.	3010
Merchandise Control Sales Section.	6 World Trade Center	New York	NY	10048	General Services Administration.	3010
New York	201 Varick St	New York	NY	10014	General Services Administration.	3010
FWS-Iroquois National Wildlife Refuge.	PO Box 517	Alabama	NY	14003	Interior	3016 103c
FWS-Montezuma National Wildlife Refuge.	3395 Route 5 & 20 East	Seneca Falls	NY	13148	Interior	3010 3016 103c
NPS-Fire Island National Seashore.	120 Laurel Street	Patchogue	NY	11772	Interior	3016 3010

FEDERAL FACILITIES DOCKET, NFRAP STATUS FACILITIES—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism
NPS-Gateway National Recreational Area.	Floyd Bennett Field	Brooklyn	NY	11234	Interior	103c
NPS-United Nuclear	Old Rte. 55	Pawling	NY	12564	Interior	103c 3010
Pennsylvania Ave/Fountain Ave Landfills.	Pennsylvania Ave, Shore Pkwy.	Brooklyn	NY	11207	Interior	3010
Brooklyn Naval and Marine Corps Reserve Center.	Floyd Bennett Field	Brooklyn	NY	11234	Navy	103c
Mitchel Field Housing Facility	Navsta New York Housing Office, Bldg. 19, West Road, Mitchel Field.	Garden City	NY	11530	Navy	103c
Mitchel Manor Housing Facility.	Navsta New York Housing Office, 85 A Mitchel Avenue.	East Meadow	NY	11554	Navy	103c
New York Naval Station	207 Flushing Ave	Brooklyn	NY	11251	Navy	3010 103c
Rochester Naval Industrial Reserve Ordinance Plant.	121 Lincoln Avenue	Rochester	NY	14653	Navy	103c
Stapleton Naval Station	Stapleton	Staten Island	NY	10304	Navy	3010
Binghamton Post Office	111 Henry Street	Binghamton	NY	13902	Postal Service	3010 103c
Manhattan General Mail Facility.	West 29th St and 9th Ave	New York	NY	10001	Postal Service	3010 103c
Aids to Navigation Team	7063 Lighthouse Drive	Saugerties	NY	12477	Transportation	3010
Moriches Coast Guard Group	100 Moriches Island Rd	East Moriches	NY	11940	Transportation	3010
Shinnecock Coast Guard Station.	.....	Hampton Bays	NY	11946	Transportation	3010
Support Center Governor's Island.	C/O US Coast Guard Group ..	Governor's Island.	NY	10004	Transportation	3010 103c
Castle Point Hospital	Rte. 9D	Castle Pt	NY	12511	Veterans Affairs	3010 103c
Columbus Defense Construction Supply Center.	3990 E. Broad St. Franklin County.	Columbus	OH	43215	Army	3005 3010 3016 103c
Lima Defense Plant Representative Office.	1155 Buckeye Rd, Allen County.	Lima	OH	45804-1898	Army	3010 3016 103c
Electronic Supply Center	1507 Wilmington Pike Montgomery County.	Dayton	OH	45444	Defense	3010 3016 103c
Cincinnati Defense Fuel Support Plant.	4820 River Rd Hamilton County.	Cincinnati	OH	45233	Defense Logistics Agency.	3010 3016 103c
Andrew W. Breidenbach Environmental Research Ctr.	26 W. St. Clair Street	Cincinnati	OH	45268	EPA	3005 3010 3016
Center Hill Hazardous Waste Engrg Research Lab.	5595 Center Hill Road	Cincinnati	OH	45268	EPA	3005 3010 3016
Testing and Evaluation Facility.	1600 Gest Street	Cincinnati	OH	45203	EPA	3005 3010 3016
Plum Brook	Taylor & Columbus Rd Erie County.	Sandusky	OH	44870	NASA	3010 3016 103c 103a
Grazinglands Research	P.O. Box 1199	El Reno	OK	73036	Agriculture	3016 103c
Plant Sciences and Water Conservation Laboratory.	1301 N. Western Rd	Stillwater	OK	74076	Agriculture	3016 103c
Range and Pasture Research	2000 18th Street	Woodward	OK	73801	Agriculture	103c 3016
137th Tactical Airlift Wing	Will Rogers World Airport	Oklahoma City	OK	.....	Air Force	103c
Vance Air Force Base	71 ABG/DE	Enid	OK	73702	Air Force	3005 3010 3016 103c
Fort Sill Field Artillery	Bldg 1950	Fort Sill	OK	73503	Army	3005 3010 3016 103c
Fort Gibson Lake .....	.....	Pryor	OK	74361	Corps of Engineers, Civil.	3016
Robert S. Kerr Lock Dam & Reservoir.	Star Route 4	Sallisaw	OK	74063	Corps of Engineers, Civil.	3005 3010 3016
BIA-Caddo County Landfill #1	SE/4 Sec7 T5N R11W SW/4 Sec8.	Apache	OK	.....	Interior	103c
FWS-Wichita Mountains National Wildlife Refuge.	Route 1, Box 448	Indiahoma	OK	.....	Interior	3016 103c
FS-Lowell Ranger Station	Rd 1806-433 on Spur 447 ...	Lowell	OR	97452	Agriculture	3010
Siuslaw NF: Mt. Hebo Air Force Station.	8 MI E. of Hwy 22	Hebo	OR	97122	Agriculture	103c 3010 3016
Willamette National Forest	Highway 126 35 MI E of CY ..	Eugene	OR	97440	Agriculture	3016 103c
Keno Air Force Station	Haymaker Mt Rd Peak end of Rd.	Keno	OR	97627	Air Force	3010
Kingsley Field	114 TFTS/CC	Klamath Falls	OR	97601	Air Force	3010 3016 103c
Astoria Field Office	Hwy 30 & Maritime Rd	Astoria	OR	97103	Corps of Engineers, Civil.	3010 3016
Bonneville Dam Air Enforcement Division.	N of CY on Riv	Bonneville	OR	97008	Corps of Engineers, Civil.	3010 103a 3016

FEDERAL FACILITIES DOCKET, NFRAP STATUS FACILITIES—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism
North Pacific Division-Materials Laboratory.	1491 NW Graham Ave	Troutdale	OR	97050	Corps of Engineers, Civil.	3010
Portland 3 Mile Canyon Site ..	184 1.2 MI W of Exit 147	Arlington	OR	97812	Corps of Engineers, Civil.	3010
The Dalles Dam Air Enforcement Division.	Exit 88	The Dalles	OR	97058	Corps of Engineers, Civil.	3010
Willamette Falls Locks	West Linn	West Linn	OR	97068	Corps of Engineers, Civil.	103c 3016
BPA-Alvey Substation	86000 Franklin	Eugene	OR	97405	Energy	3010 103c
BPA-Oregon City	16885 Eaden Road	Oregon City	OR	97045	Energy	103a
BPA-Troutdale Substation	Sundial Rd	Troutdale	OR	97060	Energy	3010 103c
Corvallis Environmental Research Laboratory.	200 SW 35th St	Corvallis	OR	97333	EPA	3010
BLM-Lytle Boulevard Dump ...	T19SR46ESec31T20R46	Vale	OR	97918	Interior	3016 103c
BLM-Merlin Landfill	T35SR6WSec27	Merlin	OR	97532	Interior	3016 103c
BLM-Minexco Millsite	T9SR42ESec8	Baker	OR	97814	Interior	3016 103c
BLM-Slides Dump Site	T15SR46ESec35,LOTS1,2	Ontario	OR	97914	Interior	3016 103c
BLM-Vale City Dumpsite	T18SR45ESec32	Vale	OR	97918-0008	Interior	3016 103c
BM-Albany Laboratory	1450 SW Queen Ave	Albany	OR	97321	Interior	3010 3016
NPS-Crater Lake National Park.	Hwy 62	Crater Lake	OR	97604	Interior	3010 103c
Tongue Point Job Corps Center.	Betwn MP 95 & 96 Hwy 30 ...	Astoria	OR	97103	Labor	3010 103c
Astoria Coast Guard Base	Hwy 30 at Tongue Point	Astoria	OR	97103	Transportation ...	3010
Coos Bay Ant	4333 Boat Basin Rd	Charleston	OR	97420	Transportation ...	3010
Portland Marine Safety Coast Guard Station.	6767 N Basin	Portland	OR	97217	Transportation ...	3010
Greater Pittsburgh International Airport.	911 TAG/DE	Pittsburgh	PA	15231	Air Force	3016 103c
Charles E. Kelly Support Center.	US Army	Oakdale	PA	15071	Army	3010 103c
Philadelphia Defense Personnel Support Center.	2800 S 20th St	Philadelphia	PA	19101	Army	3005 3010 3016
Bettis Atomic Power Laboratory.	PO Box 109 Bettis Rd	West Mifflin Borough.	PA	15122-0109	Energy	3005 3010 3016 103c
NPS-Gettysburg National Military Park.	Rd 1	Gettysburg	PA	17325	Interior	103c
NPS-Valley Forge National Historic Park.	Rte 23	Valley Forge	PA	19481	Interior	103c 3010
Camp Santiago	Route 1	Salinas	PR	00751	Army	103c 3010
Fort Allen	Route 1	Juana Diaz	PR	00665	Army	103c 3010 3016
Fort Buchanan	Route 28	San Juan	PR	00934	Army	3005 3010 103c 3016
Center for Energy and Environmental Research.	Road 108 KM 1.1	Mayaguez	PR	00708	Energy	3016 103c
Ceiba Naval Station	Roosevelt Roads	Ceiba	PR	00635	Navy	3005 3010 3016 103c
Roosevelt Roads Naval Station.	Villa Verde Street Drydock & Repair Facility.	Miramar	PR	00903	Navy	3005 3010 3016
Vieques East	Vieques	Vieques	PR	00765	Navy	103c 3005 3010 3016
Borinquen Coast Guard Air Station.	Ramey Air Force Base	Aquadilla	PR	00604	Transportation ...	3010 103c
Beaufort Marine Corps Air Station.	LaFrene Road	Beaufort	SC	29904	Navy	3005 3010 3016 103c 103a
Beaufort Naval Hospital	SC Highway 280	Beaufort	SC	29902	Navy	3010
Charleston Naval Shipyard	Viaduct Road	Charleston	SC	29408	Navy	3005 3010 3016
Charleston Naval Weapons Station South Annex.	Remount Road	North Charleston	SC	29406	Navy	103c
Black Hills NF: Custer Ranger District.	647 North 3rd St	Custer	SD	57730	Agriculture	3010 3016
Black Hills NF: Spokane Munitions.	R6E, T25, SW¼, Sec 26	Spokane	SD	.....	Agriculture	103c 3016
Silver King Mines Inc	US Hwy. 18	Edgemont	SD	57735	Tennessee Valley Authority.	3010 103c
Holston Army Ammunition Plant.	West Stone Drive	Kingsport	TN	37660	Army	3005 3010 3016 103c 103a
Memphis Naval Air Station	Millington-Arlington Road	Millington	TN	38054	Navy	3005 3010 3016 103c
Allen Fossil Plant	2574 Plant Rd	Memphis	TN	38109	Tennessee Valley Authority.	3005 3010 3016 103c 103a

FEDERAL FACILITIES DOCKET, NFRAP STATUS FACILITIES—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism
Bull Run Fossil Plant	Edgemoor Rd., 6 Mi SE of Oak Ridge.	Oak Ridge	TN	37930	Tennessee Valley Authority.	3010
Cumberland Fossil Plant	TN Highway 149 South	Cumberland City	TN	37050	Tennessee Valley Authority.	3010
Hartsville Site	TN Hwy 25	Hartsville	TN	37050	Tennessee Valley Authority.	3010 103a
John Sevier Fossil Plant	TN Hwy 70E	Rogersville	TN	37134	Tennessee Valley Authority.	3005 3010 103c
Kingston Fossil Plant	Off I-40 East	Kingston	TN	37763	Tennessee Valley Authority.	3005 3010 103c
Sequoyah Nuclear Plant	Hixson Pike Rd	Daisy	TN	37319	Tennessee Valley Authority.	3005 3010 103c 103a
Watts Bar Nuclear Plant	TN Hwy 68	Spring City	TN	37381	Tennessee Valley Authority.	3005 3010 103c
Conservation and Production Research Laboratory.	½ Mile W., T-40 S	Bushland	TX	79012	Agriculture	3016 103c
Cotton Insects Research Laboratory.	.....	Brownsville	TX	78520	Agriculture	103c
Honey Bee Research Laboratory.	.....	Weslaco	TX	78520	Agriculture	103c
Knipling-Bushland Livestock Insects Laboratory.	Intersection SH 16 and IH 10	Kerrville	TX	78028	Agriculture	3016
Subtropical Agriculture Research Laboratory.	FM 1015, South Expressway 83.	Weslaco	TX	76115	Agriculture	3010 3016
147th Wing at Ellington Field	Clothier Avenue	Houston	TX	77209	Air Force	103c 3016
Bergstrom Air Force Base	67 CSG/DE	Bergstrom AFB	TX	78743	Air Force	3005 3010 3016 103c 103a
Dyess Air Force Base	96 CSG/CC	Abilene	TX	79607	Air Force	3005 3010 3016 103c 103a
Nederland Air National Guard	Highway 69	Nederland	TX	77627	Air Force	103c
Sheppard Air Force Base	3750 ABG/DE	Wichita Falls	TX	76311	Air Force	3005 3010 3016 103c
Canyon Lake Recreation Area	North Side of Canyon Lake (by dam).	San Antonio	TX	78234	Army	103c
Corpus Christi Army Maintenance Support Activity.	2022 Saratoga	Corpus Christi	TX	78415	Army	3005 3010 103c 103a
Fort Bliss Air Defense Center	Pershing Drive	Fort Bliss	TX	79916	Army	3005 3010 3016 103c 103a
Fuels & Lubricant Research Laboratory.	6220 Cueva	San Antonio	TX	78284	Army	103c
Saginaw Aircraft Plant	Blue Mound Road Highway 156.	Saginaw	TX	76131	Army	3010 103c
Terrell Nike Missile Site	½ MI E. of Hwy 205	Terrell	TX	75160	Army	103c
Lake Lavon-North Gully Site 1	Highway 380	Wylie	TX	75077	Corps of Engineers, Civil.	3016
Lake Lavon-St Paul Site 2	S End Rolling Meadows St	Wyle	TX	75098	Corps of Engineers, Civil.	103c
Houston laboratory	6608 Hornwood Dr	Houston	TX	77074	EPA	3010 103c
FWS-Laguna Atascosa National Wildlife Refuge.	P.O. Box 450	Rio Hondo	TX	.....	Interior	103c
NPS-Padre Island National Seashore Bone Yard.	Park Road 22	Corpus Christi	TX	78418	Interior	3010 3016 103c
Bastrop Federal Correctional Institution.	Hwy95 8MI NE of Bastrop	Bastrop	TX	78602	Justice	3010 3016
L.B. Johnson Space Center	2101 NASA Road	Houston	TX	77058	NASA	3005 3010 3016 103a
Chase Field Naval Air Station	SW 202 5 MI E. of Beeville	Beeville	TX	78103	Navy	3005 3010 103c
Kingsville Naval Air Station	Military Highway	Kingsville	TX	78363	Navy	3010 103c 103a
Plant #78	35 MI. NW of Brigham City, Mail Stop 250.	Brigham City	UT	84302	Air Force	3010 3016 103c

FEDERAL FACILITIES DOCKET, NFRAP STATUS FACILITIES—Continued

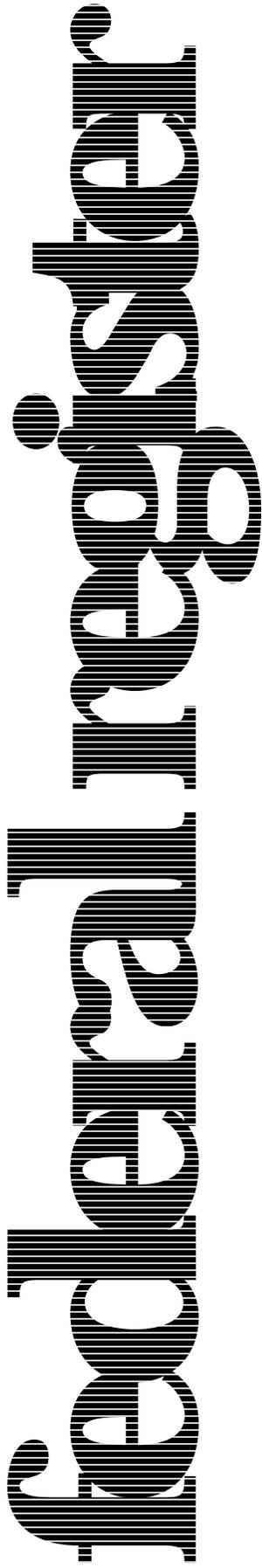
Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism
BLM-Chevron Red Wash Unit	T7SR7E Sec22	Vernal	UT	84078	Interior	3016 103c 103a
BLM-Desert Mound Mine	T34NR13W Sec35	Cedar City	UT	84720	Interior	3016 103c
BLM-East Summit Mining Claims.	T31WR20W Sec11,14 .....	.....	UT	.....	Interior	3016 103c
BLM-Frye Canyon Tailing	T36SR16E Sec34	Hite	UT	84511	Interior	3016 103c
BLM-Ireco Chemical	17SR1E Sec5,6,7 Pelican Pt Site A&B.	Lehi	UT	84043	Interior	3005 3010 3016 103c
BLM-Mercur Canyon Outwash	Highway 73, East of Tooele Army Depot.	Tooele	UT	84074	Interior	3016 103c
BLM-Silver Maple Claims	T2SR4E Sec3, 4 Utah Hwy 248.	Park City	UT	84060	Interior	3016 103c
BLM-Snowville Landfill	T14N, R9W, Sec32	Snowville	UT	84336	Interior	103c
BLM-Wendover Landfill	T1S, R19W, Sec3, Lots 1 And 2, 3 MI E of Wendover.	Wendover	UT-	84083	Interior	103c 3016
Cottonwood Canyon	T37SR21E Sec3	Hite	UT	84511	Interior	3016 103c
Ore Buying Station-Moab	T26SR22E Sec6 PARCLABC ..	Moab	UT	84532	Interior	3016 103c
Oyster Point Development Corp.	610 Thimble Shoals Blvd	Newport Nes	VA	23601	Air Force	103c
Arlington Hall Station	US Army	Warrenton	VA	22186	Army	3010 103c
Arlington Marine Corps Battalion Headquarters ARL.	Henderson Hall	Arlington	VA	22214	Navy	103c
Roanoke Navy and Marine Corps Reserve.	5301 Barnes Ave	Roanoke	VA	24019	Navy	3010 103c
Okanogan NF: Alder Creek ...	.....	Twisp	WA	98856	Agriculture	103c
Okanogan NF: Bonaparte .....	.....	Chesaw	WA	98844	Agriculture	103c
Okanogan NF: Eight Mile Ranch.	.....	Winthrop	WA	98862	Agriculture	103c
Okanogan NF: Kerr .....	.....	Conconully	WA	98819	Agriculture	103c
Okanogan NF: Lost Lake .....	.....	Chesaw	WA	98844	Agriculture	103c
Okanogan NF: Minnie Mine ...	T32N, R22E, S-23 8 MI S of TWISP.	Twisp	WA	98856	Agriculture	3016 103c
Okanogan NF: Twisp	T33N, R22E WM S17 SW¼ NW½.	Twisp	WA	98856	Agriculture	103c
Pacific N.W. Forest Range Experiment Station.	3625 93rd Ave S.	Tumwater	WA	98501	Agriculture	3016 103c
BPA-Bell Substation	E 2400 Hawthorne Rd	Mead	WA	98021	Energy	3010 3016 103c 103a
BPA-Columbia Substation	St Hwy 28 6 MI S of CY	Rock Island	WA	98850	Energy	3016 103c
BPA-Midway Substation	Priest Rapids off Hwy 24	Sunnyside	WA	98944	Energy	3010 3016 103c
BPA-Olympia Substation	5340 Trosper Road SW	Olympia	WA	98502	Energy	3010 3016 103c 103a
BPA-Port Angeles	1400 E Park Street	Port Angeles	WA	98362	Energy	103a
BPA-Snohomish Substation ...	10th & Avenue D	Snohomish	WA	98290	Energy	3010 3016 103c 103a
BLM-Enlo Powerhorse AKA Similkameen.	T40NR27E Sec13	Oroville	WA	98844	Interior	103c
BLM-Oroville Landfill	T40NR27 Sec18	Oroville	WA	98844	Interior	103c 3016
BR-Chandler Power & Pumping Plant.	Old Inland Empire Hwy	Benton City	WA	99320	Interior	103c
BR-Grand Coulee Dam Project.	PO Box 620	Grand Coulee ...	WA	99133	Interior	3010 3016
Br-Smith Wasteway	5 MI. E. of Pasco	Pasco	WA	.....	Interior	3016 103c
Camp Wesley Harris Marine Facility.	Seabeck Hwy 3 MI W of CY ..	Bremerton	WA	98310	Navy	103c
Jim Creek Naval Radio Station T.	4 Miles East of State Highway 530 at Oso.	Oso	WA	98223	Navy	103c
Seattle Naval Station	7500 Sand Point Way	Seattle	WA	98115	Navy	3010 103a
FAA-Mica Peak	T24N, R45E, S14	Mica	WA	99023	Transportation ...	103c 3016

FEDERAL FACILITIES DOCKET, NFRAP STATUS FACILITIES—Continued

Facility name	Facility address	City	State	ZIP code	Agency	Reporting mechanism
Seattle Coast Guard Support Center.	1519 Alaskan Way S	Seattle	WA	98134	Transportation ...	3010
Seattle Coast Guard Support Center Annex.	2700 W Commodore Way	Seattle	WA	98119	Transportation ...	3010
Forest Products Laboratory ...	One Gifford Pinchot Drive	Madison	WI	53705	Agriculture	3005 3010 3016
Pewaukee Army Reserve Center.	619 W Wisconsin Ave	Pewaukee	WI	53072	Army	3010 103c
Milwaukee Coast Guard Group Base.	2420 Lincoln Memorial Dr	Milwaukee	WI	53207	Transportation ...	3010
High Plains Grassland Research Station.	8408 Hildreth Road	Cheyenne	WY	82009	Agriculture	3016 103c
Hoe Creek .....	.....	Gillette	WY	.....	Energy	103c
WAPA-Casper Field Br	W of Mt View on Spider Rd ...	Mills	WY	82644	Energy	103c
BLM-Baroil Landfill	T26NR90WSec26	Baroil	WY	.....	Interior	103c
BLM-Boulder Landfill	T31NR108WSec3	Boulder	WY	.....	Interior	103c
BLM-Cody Landfill	T52NR101WSec20	Cody	WY	.....	Interior	103c
BLM-Old Lysite Landfill	T30NR91WSec1 .....	.....	WY	.....	Interior	103c
BLM-Riverton Landfill	T34NR96WSec26, 1/2 MI E of Riverton.	Riverton	WY	82501	Interior	103c
BLM-South Bighorn County Landfill.	T52NR93WSec20 .....	.....	WY	.....	Interior	103c

[FR Doc. 95-7355 Filed 4-10-95; 8:45 am]

BILLING CODE 6560-50-F



Tuesday
April 11, 1995

Part VI

**Department of
Transportation**

Federal Highway Administration

23 CFR Part 655

**National Standards for Traffic Control
Devices: Revision of the Manual on
Uniform Traffic Control Devices; Final
Rule Correction**

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****23 CFR Part 655**

[FHWA Docket No. 89-1]

RIN 2125-AD50

National Standards for Traffic Control Devices; Revision of the Manual on Uniform Traffic Control Devices

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Corrections to final amendments to the Manual on Uniform Traffic Control Devices (MUTCD).

SUMMARY: This document incorporates by reference into the Code of Federal Regulations errata corrections to the MUTCD, Part VI, Standards and Guides for Traffic Controls for Street and Highway Construction, Maintenance, Utility, and Incident Management Operations. The MUTCD is incorporated by reference in 23 CFR 655, subpart F, and recognized as the national standard for traffic control on all public roads. These corrections affect part VI of the MUTCD in its entirety, and are intended to improve the safety of workers, pedestrians, and motorists in temporary traffic control zones.

EFFECTIVE DATE: The final rule is effective April 11, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Michael E. Robinson, Office of Highway Safety, (202) 366-2193, or Mr. Wilbert Baccus, Office of Chief Counsel, (202) 366-0780, Federal Highway Administration, 400 Seventh Street, SW., Room 3419, Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: The MUTCD is available for inspection and copying as prescribed in 49 CFR Part 7, appendix D. Part VI of the MUTCD may be purchased for \$16.00 from the Superintendent of Documents, U. S. Government Printing Office, Washington, DC 20402, Stock No. 050-001-00316-3.

The FHWA both receives and initiates requests for amendments to the MUTCD. Each request is assigned an identification number which indicates, by Roman numeral, the organizational part of the MUTCD affected and, by Arabic numeral, the order in which the request was received (e.g., Request VIII-9).

This amendment, which the FHWA is incorporating by reference into 23 CFR 655, contains errata corrections to Part VI of the MUTCD, Standards and Guides for Traffic Control for Street and Highway Construction, Maintenance,

Utility, and Incident Management Operations. Part VI sets forth principles and prescribes standards for temporary traffic control zone operations on streets and highways in the United States. Also, part VI addresses the design, administration, and operation of street and highway temporary traffic control plans and projects. With the current emphasis on repairing the Nation's highways and improving safety in temporary traffic control zone areas, an updated and more accurate part VI will better serve the highway community. Previous **Federal Register** actions regarding changes to part VI are contained in FHWA docket number 89-1, Notice No. 7.

The text changes resulting from this amendment to the MUTCD have been titled "Errata No.1 to the 1988 Edition of MUTCD, Revision 3" dated November 1994. It will be available from the Government Printing Office (GPO), Superintendent of Documents, Washington, D.C. 20402, (202) 783-3238. Everyone currently appearing on the FHWA Office of Highway Safety's **Federal Register** mailing list will be sent a copy.

Discussion of Amendments

The FHWA discovered several errors in Part VI after the document was incorporated by reference into 23 CFR 655 on December 10, 1993 (FHWA docket number 89-1, Notice No. 7). The errors were not substantial in nature, and the FHWA has been able to correct most of them by way of "pen and ink" changes to provide text clarification and consistency and correct grammatical, typographical, and pictorial errors. Examples of errors that were corrected include: assigning numbers to several signs for which no numbers had been provided in the original Part VI; using correct terminology for certain signs and other traffic control devices (e.g., octagonal in shape in lieu of square); correcting distances (i.e., changing the term "2S" to "Buffer Space" in some Typical Application diagrams); and changing a "shall" to a "should" condition for Truck Mounted Attenuators (this was an inadvertent change made during the rulemaking process).

Another correction involved figure VI-9 on page 62 and figure TA-4 on page 115. As revised, the MUTCD part VI disallowed the use of four or more lights arranged horizontally, as the caution mode for Arrow Displays. The FHWA has since learned that making the electrical modifications needed to alter Arrow Displays which currently use the horizontal arrangement would cause an undue financial burden on

many public agencies. After further review of this matter, the FHWA has found no research or operational experience showing the horizontal caution mode display creates an unsafe condition. Accordingly, the FHWA has decided to allow the use of such devices; figure VI-9 on page 62 and figure TA-4 on page 115 have been modified to allow the use of four or more lights in a horizontal direction as the caution mode for Arrow Displays. As modified, this section gives public agencies an option to use either method of operation.

Rulemaking Analyses and Notices

The Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.*, allows agencies engaged in rulemaking to dispense with prior notice to the public when the agency for the 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 incorporates by reference into 23 CFR part 655 a document containing errata changes to Part VI of the MUTCD. These changes are not substantive in nature; for the most part they involve the correction of grammatical, typographical, and pictorial errors. 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 Department of Transportation regulatory policies and procedures. This action merely incorporates by reference into 23 CFR part 655 a document containing non-substantive errata changes to part VI of the MUTCD. The economic impact of these changes is expected to be minimal. For this reason, the FHWA has determined that a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub.L. 96-354, 5 U.S.C. 601-612), the FHWA has evaluated the effects of this rule on small entities. Based on the evaluation, the FHWA hereby certifies that this action will not have a significant economic impact on

a substantial number of small entities. This action merely incorporates by reference into 23 CFR part 655 a document containing non-substantive errata changes to part VI of the MUTCD.

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 this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. The MUTCD is incorporated by reference in 23 CFR part 655, subpart F, which requires that changes to the national standards issued by the FHWA shall be adopted by the States or Federal Agencies within two years of issuance. This amendment is in keeping with the Secretary of Transportation's authority under 23 U.S.C. 109(d), 315, and 402(a) to promulgate uniform guidelines to promote the safe and efficient use of the Highway. To the extent that these amendments override any existing State requirements regarding traffic control devices, they do so in the interest of national uniformity.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

This action does not contain a 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 agency 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 655

Design standards, Grant programs—transportation, Highways and roads, Incorporation by reference, Signs, Traffic regulations.

The FHWA hereby amends chapter I of title 23, Code of Federal Regulations, part 655, as set forth below.

PART 655—TRAFFIC OPERATIONS

1. The authority citation for part 655 continues to read as follows:

Authority: 23 U.S.C. 101(a), 104, 105, 109(d), 114(a), 135, 217, 307, 315, and 402(a); 23 CFR 1.32 and 1204.4; and 49 CFR 1.48(b).

Subpart F—[Amended]

2. In §655.601, paragraph (a) is revised to read as follows:

§ 655.601 Purpose.

* * * * *

(a) Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), FHWA, 1988, including Revision No. 1 dated January 17, 1990, Revision No. 2 dated March 17, 1992, Revision No. 3 dated September 3, 1993, Revision No. 4 dated January 4, 1995, and "Errata No. 1 to the 1988 MUTCD, Revision 3," dated November 1994. This publication is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 and is on file at the Office of the **Federal Register**, 800 N. Capitol St., Suite 700, Washington, DC. The 1988 MUTCD, including Revision No. 3 dated September 3, 1993, may be purchased from the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington, DC 20402 and has Stock No. 050-001-00308-2. The amendments to the MUTCD, titled "1988 MUTCD Revision 1," dated January 17, 1990, "1988 MUTCD Revision 2," dated March 17, 1992, "1988 MUTCD Revision No. 3" dated September 3, 1993, Revision No. 4 dated January 4, 1995, and "Errata No. 1 to the 1988 MUTCD, Revision 3" dated November 1994 are available from the Federal Highway Administration, Office of Highway Safety, HHS-20, 400 Seventh Street SW., Washington, DC 20590. These documents are available for inspection and copying as prescribed in 49 CFR part 7, appendix D.

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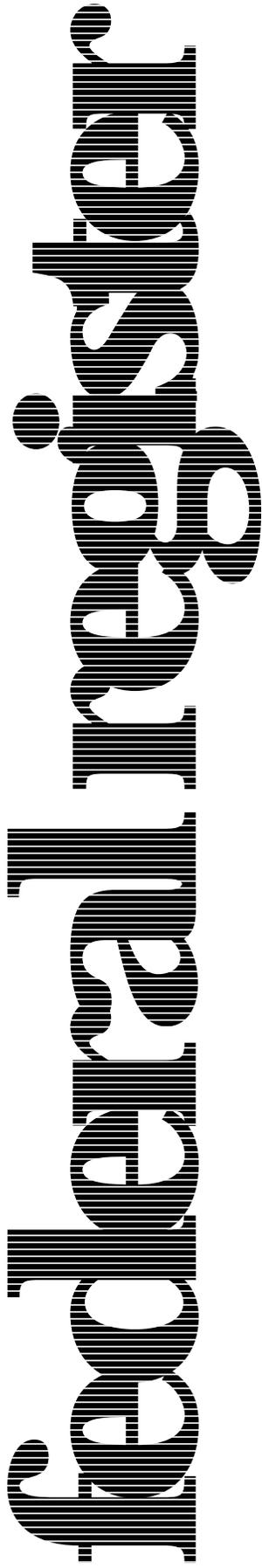
Issued on April 4, 1995.

Rodney E. Slater,

Federal Highway Administrator.

[FR Doc. 95-8838 Filed 4-10-95; 8:45 am]

BILLING CODE 4910-22-P



Tuesday
April 11, 1995

Part VII

**Department of
Housing and Urban
Development**

Office of the Assistant Secretary for
Public and Indian Housing

**NOFA for Emergency Shelter Grants Set-
Aside for Indian Tribes and Alaskan
Native Villages; Notice**

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N-95-3893; FR-3879-N-01]

NOFA for Emergency Shelter Grants Set-Aside for Indian Tribes and Alaskan Native Villages

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

ACTION: Notice of funding availability.

SUMMARY: This NOFA announces the availability of \$1,568,000 in funds for emergency shelter grants to be allocated to Indian tribes and Alaskan Native villages by competition for Fiscal Year (FY) 1995. Assistance provided to Indian tribes and Alaskan Native villages under this NOFA will be used to help improve the quality of existing emergency shelters for the homeless, to make available additional emergency shelters, to meet the costs of operating emergency shelters and of providing essential social services to homeless individuals, and to help prevent homelessness. This ESG set-aside allocation will increase the availability and expedite receipt of program funds to Native American communities. This NOFA contains: (1) Information concerning eligible applicants, (2) Information on funding available within each HUD Indian program region, (3) Information on application requirements and procedures, and (4) A description of applicable statutory changes to the ESG program.

DATES: Applications must be received by the appropriate HUD Office of Native American Programs (ONAP) by no later than 3:00 p.m. local time (i.e., the time in the office to which the application is submitted) on May 26, 1995.

Application materials will be available from each appropriate area ONAP.

ADDRESSES: Application packages are available from the HUD area Offices of Native American Programs listed in Appendix 2 to this NOFA. The ONAP serving the area in which the applicant's project is located must receive an original application and one copy no later than 3:00 p.m. local time (i.e., the time in the office to which the application is submitted) on the deadline date.

FOR FURTHER INFORMATION CONTACT: Bruce Knott, Director, Housing and Community Development Division, Office of Native American Programs, Department of Housing and Urban Development, Room B-133, 451

Seventh Street SW., Washington, DC 20410-7000; telephone (202) 755-0068, TDD (202) 708-0850. (These telephone numbers are not toll free.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this Notice of Funding Availability (NOFA) have been submitted to the Office of Management and Budget (OMB) for review. The approval number will be published in the **Federal Register** through separate notice.

I. Purpose and Substantive Description

A. Authority and Purpose

The Emergency Shelter Grants (ESG) program was first established in section 101(g) of Public Law 99-500 (approved October 18, 1986), making appropriations for Fiscal Year (FY) 1987 as provided in H.R. 5313. The program was reauthorized with amendments in the Stewart B. McKinney Homeless Assistance Act, as amended (42 U.S.C. 11371-11378) (McKinney Act). Section 832(f) of the National Affordable Housing Act (NAHA) (Pub. L. 101-625, approved November 28, 1990), provided for the explicit eligibility of Indian tribes for ESG program assistance, and established a set-aside allocation for Indian tribes that is equal to 1 percent of the amounts appropriated for the ESG program. Regulations governing the ESG program are in 24 CFR part 576, except as superseded by statutory amendments under NAHA and the Housing and Community Development Act of 1992 (1992 Act) (Pub. L. 102-550, approved October 28, 1992), as discussed below.

As a result of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1995 (Pub. L. 103-327, approved September 28, 1994), \$156,800,000 is available for the Emergency Shelter Grants (ESG) Program as authorized by Subtitle B, Title IV of the Stewart B. McKinney Homeless Assistance Act, as amended. Of that amount, \$1,568,000 (1 percent of the total) was set aside for Indian tribes and Alaskan Native villages. The proposed rule on the Emergency Shelter Grants Program; Set-Aside Allocation for Indian Tribes and Alaskan Native Villages, published in the **Federal Register** on April 5, 1993 (58 FR 17764), describes the method for allocating these funds.

These grants will be governed by all provisions applicable to the ESG Program, including the provisions in the Housing and Community Development Act of 1992 that became effective upon

that law's enactment, such as the authorization to make eligible the use of grant funds for staff costs relating to the operation of emergency shelters up to a maximum amount of 10 percent of the grant, and the requirement that the recipient establish a "formal process" in order to terminate assistance under the program.

Assistance provided to Indian tribes and Alaskan Native villages under this NOFA will be used to help improve the quality of existing emergency shelters for the homeless, make available additional emergency shelters, meet the costs of operating emergency shelters and of providing essential social services to homeless individuals, and help prevent homelessness. This ESG set-aside allocation will increase the availability and expedite receipt of program funds to Native American communities.

B. Statutory Amendments

This NOFA addresses section 832 of NAHA, which contains numerous amendments to the McKinney Act, and several amendments to the ESG Program in the 1992 Act. These statutory amendments supersede applicable provisions of the program regulations found in 24 CFR part 576. This NOFA describes these statutory changes to assist Indian tribes in complying with program requirements, including the NAHA and 1992 Act amendments (see appendix 1 of this NOFA for a listing of statutory amendments that apply to this program).

II. Application Process

A. Allocation Amounts

This NOFA announces the availability of a total of \$1,568,000 in funding provided by HUD's appropriations act for FY 1995 to fund competitive grants to Indian tribes for emergency shelter grants. Set-aside allocations of the total amount to each area Office of Native American Programs (ONAP) are detailed in the following chart:

ALLOCATION OF ESG SET-ASIDE FOR INDIAN TRIBES BY HUD AREA ONAPS FOR FY 1995

Eastern/Woodlands	\$261,307
Southern Plains	309,758
Northern Plains	296,666
Southwest	418,578
Northwest	135,436
Alaska	146,255
Total	1,568,000

HUD reserves the right to negotiate reductions in the amounts requested by applicants based on the overall demand

for the funds. HUD further reserves the right to reallocate these amounts as provided in section II.F, Ranking and Selection, of this NOFA. Each Indian tribe must spend all of the grant amounts it is awarded within 24 months of the date of the grant award by HUD. Any emergency shelter grant amounts that are not spent within this time period may be recaptured and added to the following fiscal year's ESG set-aside for Indian tribes.

B. Eligibility and Threshold Requirements

(1) Eligible Applicants

Eligible applicants are any Indian Tribe, band, group, or nation, including Alaskan Indians, Aleuts, and Eskimos, and any Alaskan native village of the United States which is considered an eligible recipient under Title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450), or which had been an eligible recipient under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221). Eligible recipients under the State and Local Fiscal Assistance Act of 1972 are those that have been determined eligible by the Department of the Treasury, Office of Revenue Sharing.

Tribal organizations which are eligible under Title I of the Indian Self-Determination and Education Assistance Act may apply on behalf of any Indian Tribe, band, group, nation, or Alaskan native village eligible under that act for funds under this part when one or more of these entities have authorized the Tribal organization to do so through concurring resolutions. Such resolutions must accompany the application for funding. Eligible Tribal organizations under Title I of the Indian Self-Determination and Education Assistance Act will be determined by the Bureau of Indian Affairs.

Only eligible applicants shall receive grants. However, eligible applicants may contract or otherwise agree with noneligible entities such as States, cities, counties, or other organizations to assist in the preparation of applications and to help implement assisted activities. For instance, private nonprofit organizations are not eligible to apply directly to HUD for a grant, but may receive funding from a grantee if the grantee determines that the nonprofit has the financial and organizational capacity to carry out the proposed activities.

(2) Thresholds

The selection process for the Indian tribe set-aside program consists of a

preliminary threshold review. The applicant must clearly demonstrate and HUD will review each application to determine whether:

- (a) The application is adequate in form, time, and completeness;
- (b) The applicant is eligible; and
- (c) The proposed activities and persons to be served are eligible for assistance under the program.

C. Obtaining Applications

Application packages are available from the HUD area Offices of Native American Programs listed in Appendix 2 to this NOFA.

D. Submitting Applications

The ONAP serving the area in which the applicant's project is located must receive an original application and one copy no later than 3:00 p.m. local time (i.e., the time in the office to which the application is submitted) on the deadline date May 26, 1995.

Applications transmitted by FAX will not be accepted. A determination that an application was received on time will be made solely on receipt of the original application at the appropriate Office of Native American Programs serving the applicant's project.

The deadline is firm as to date and hour. In the interest of fairness to all competing applicants, HUD will treat any application that is received after the deadline as ineligible for consideration. Applicants should take this practice into account and make early submission of their materials to avoid any risk of ineligibility brought about by unanticipated delays or other delivery-related problems.

E. Rating Criteria

Applications that fulfill each of the threshold review requirements described in Section II.B, Eligibility and Threshold Requirements, of this NOFA will be rated up to 100 points based on the following criteria.

(1) *Applicant capacity (30 points)*. HUD will award up to 30 points to an applicant that demonstrates the ability to carry out activities under its proposed program within a reasonable time, and in a successful manner, after execution of the grant agreement by HUD. Reviewers' knowledge of the applicant's previous experience will weigh heavily in the scoring. Documented evidence of poor or slow performance will enter strongly into that determination. The applicants that rate highest on this criterion will show substantial experience as an organization and/or staff in past endeavors that are directly related to the proposed project.

The applicant will receive the following points if it:

30 Shows *substantial* experience as an organization and/or staff in past endeavors that are *directly and comprehensively* related to the proposed projects; and demonstrates *assurance* of assisting the homeless within a reasonable time.

20 Shows *substantial* experience as an organization and/or staff in past endeavors that are *closely* (but not directly or comprehensively) related to the proposed project; and shows *promise* of assisting the homeless within a reasonable time.

10 Shows *limited* experience as an organization and/or staff in past endeavors that are *closely* (but not directly or comprehensively) related to the proposed project; and shows *promise* of assisting the homeless within a reasonable time.

5 Shows *limited* experience as an organization and/or staff in past endeavors that are only *remotely* related to the proposed project; or some evidence exists that brings into question the organization's capacity to implement the proposed project; and it is *unclear* whether the organization will be able to assist the homeless within a reasonable time.

0 Shows *no* evidence as an organization and/or staff in past endeavors that relate to the demands of the proposed project; *and* substantial evidence exists that the organization is *incapable* of implementing the proposed project; and documented evidence exists that the organization *will not be able* to assist the homeless within a reasonable time.

(2) *Need (20 points)*. HUD will award up to 20 points to an applicant that demonstrates the existence of an unmet need for the proposed project in the area to be served. The applicants that rate highest on this criterion will: (a) clearly define the unmet housing and essential services needs of the homeless population proposed to be served in the area to be served by the project, (b) demonstrate in-depth knowledge of the population to be served and its needs, and (c) set forth an outreach strategy that assures that the intended population will be served.

The applicant will receive the following points if it:

20 *Clearly* defines the unmet housing and supportive services needs of the homeless population(s) to be served *in the area to be served* by the project. That unmet need (as described) is *great* relative to other applications reviewed. Presents evidence of use of *credible* surveys or other data gathering mechanisms to support claims made.

Application reveals *in-depth* understanding of the population(s) to be served and of its unmet housing and supportive services needs. Entry and outreach policies will *ensure* that the population(s) proposed to be served will *actually* be served by the project.

15 *Generally* defines the unmet housing and supportive services needs of a homeless population(s) to be served, but not as is comparable in magnitude to most other applications reviewed. Presents evidence of use of *acceptable* surveys or other data gathering mechanisms to support claims made. Application reveals *in-depth* understanding of the population(s) to be served and of its unmet housing and supportive services needs. Entry and outreach policies will *ensure* that the population(s) proposed to be served will *actually* be served by the project.

10 *Generally* defines the unmet housing and supportive service needs of a homeless population(s) to be served, but not as clearly in the specific area to be served. That unmet need (as described) is comparable in magnitude to most other applications reviewed. Presents evidence of use of *acceptable* surveys or other data gathering mechanisms to support claims made. Application reveals *general* understanding of the population(s) to be served and of its unmet housing and supportive services needs. Entry and outreach policies will *likely ensure* that the population(s) proposed to be served will *actually* be served.

5 Offers a *fragmentary description* of the unmet housing and supportive services needs of the homeless population(s) to be served by the project with *minimal evidence supporting the claim*. That unmet need (as described) is less in magnitude than most other applications reviewed. Supportive documentation is *very limited or tangential* to the unmet needs described. Application reveals only *limited* understanding of the population(s) proposed to be served or of its unmet needs. Entry and outreach policies relate *only indirectly* to the population(s) that the applicant proposes to serve.

0 *Fails to delineate* the unmet housing and supportive services needs of the homeless population(s) to be served by the project. Application reveals a *complete absence of understanding* of the population(s) to be served or of its unmet housing and supportive services needs.

(3) *Service to homeless population (20 points)*. HUD will award up to 20 points to an applicant that proposes to serve that part of the Indian homeless population that is most difficult to reach

and serve, i.e., those persons having a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, sleeping accommodations for human beings. In urban areas, this is usually referred to as living "on the street." To the extent that Indians living on reservations live in such situations (e.g., sleeping in cars, abandoned structures, out in the open), they meet the definition of living in conditions similar to living on the street.

HUD will focus upon proposed outreach and intake plans, and especially the degree to which such plans would maximize the likelihood that homeless persons would be served by the proposed project. The outreach strategy/intake procedures to seek out and evaluate the needs of the population to be served should be clearly described in the application.

The applicant will receive the following points if it:

20 *Clearly* specifies the reasons that individuals will be hard to reach in terms of their geographic location, specific problems, or their willingness to enter into the program; and states *clearly* how outreach to these individuals will be achieved by the applicant or with other organizations; and *specifically* reveals how intake process will be used to identify the needs of the population to be served.

10 *States only* that individuals will be hard to reach and does not contain any description of their geographic location, specific problems, or their willingness to enter into the program; and does not describe what outreach process will be used to seek out those individuals by the applicant or with other organizations; and states that an intake process will be used to identify the needs of the population to be served.

5 *States only* that individuals will be hard to reach and does not contain any description of their geographic location, specific problems, or their willingness to enter into the program; and does not describe what outreach process will be used to seek out those individuals by the applicant or with other organizations; and contains *little information* about what intake process will be used to identify the needs of the population to be served.

0 *Fails to delineate* that the population is hard to reach or what outreach measures will be used to contact the population to be served by the project.

(4) *Appropriateness of essential services (30 points)*. HUD will award up to 30 points to an applicant that proposes essential services that: (a) are appropriate to the needs of the

population proposed to be served; (b) are used or coordinated with existing sources of supportive services and networks of support in the community; and (c) to the degree possible, help to move residents to longer term housing situations. Applicants should describe what services are available and how they will make those services accessible to the people they serve. In addition, HUD will evaluate the means by which the people to be served will be assisted in moving to permanent housing that is appropriate and affordable. Applicants should describe what resources are available to assist the population they serve to find permanent housing.

The applicant will receive the following points if it:

30 Proposes a program of essential services that is *comprehensive* and that gives promise of being of very high quality; and that is *generally appropriate* to the needs of the population proposed to be served, responds to the changing needs of that population(s), *offers a personalized response* to the individual needs of the residents served; and *coordinates extensively* with other sources, public and private, of essential services and networks of support already existing within the community; and *can demonstrate with reasonable certainty* that the results of the program are likely to be successful. The applicant will have access to housing counseling, assistance with applying for other Federal, State, or local housing assistance programs, referrals to other organizations involved in these activities, or other assistance such as moving assistance, security deposits, or landlord/tenant negotiation directly related to entering transitional or permanent adequate and affordable housing.

20 Proposes a program of essential services that is *reasonably comprehensive* and that gives promise of being of good quality; that responds to a genuine need, as identified in Element (3); proposes use of other sources of essential services and existing networks of support; and offers *reasonable assurance* that the results of the program are likely to be successful. The applicant will have access to housing counseling, assistance with applying for other Federal, State, or local housing assistance programs, referrals to other organizations involved in these activities, or other assistance such as moving assistance, security deposits, or landlord/tenant negotiation directly related to entering transitional or permanent adequate and affordable housing.

10 Proposes a program of essential services that is *reasonably comprehensive* and that gives promise of being of good quality; that responds to a genuine need, as identified in Element (3); proposes use of other sources of essential services and existing networks of support; and offers *reasonable assurance* that the results of the program are likely to be successful. The applicant will have access to housing counseling, assistance with applying for other Federal, State, or local housing assistance programs, or be able to make referrals to other organizations involved in these activities.

5 Presents a proposed project with a few services that meet basic needs but are *not designed* to encourage residents to move to greater independence within an emergency shelter environment.

0 Presents a proposed project with *no essential services* or with services that are *clearly inappropriate* to the population to be served; success is *highly unlikely*. The application fails to indicate how or when residents will be able to leave emergency shelter for transitional or permanent housing.

F. Ranking and Selection

Applications from Indian tribes within the area served by the applicable HUD Office of Native American Programs will be assigned a rating score and placed in ranked order, based upon the rating criteria listed in Section II.E of this NOFA. Only those applications receiving at least 50 total points will be given funding consideration. In the final stage of the selection process, qualified applicants will be selected for funding in accordance with their ranked order within each area ONAP, to the extent that funds are available within that area ONAP's jurisdiction.

In the event of a tie between applicants, the applicant with the highest total points for rating criterion (2), Need, in section II.E of this NOFA, will be selected. In the event of a procedural error that, when corrected, would warrant selection of an otherwise eligible applicant under this NOFA, HUD may select that applicant when sufficient funds become available.

Depending on the availability of funds, HUD may fund qualified applications regardless of location. If an area ONAP has insufficient funds to make awards to all of its qualified applicants, HUD may reallocate funds to that office from any other area ONAP that has funds remaining after making awards to all of its qualified applications.

III. Checklist for Application Submission Requirements

A checklist of submission requirements is provided at Appendix 3 to this NOFA, to assist the applicant in preparing a complete application.

IV. Corrections to Deficient Applications

HUD will notify the applicant if there are any curable technical deficiencies in the application. Curable technical deficiencies relate to minimum eligibility requirements (such as certifications and signatures) that are necessary for funding approval but that do not relate to the quality of the applicant's program proposal under the selection criteria. The applicant must submit corrections in accordance with the information provided by HUD within 14 calendar days of the date of the HUD notification.

In accordance with the provisions of 24 CFR part 4, subpart B, HUD may contact an applicant to seek clarification of an item in an applicant's application, or to request additional or missing information. The clarification or the request for additional or missing information shall not relate to items that would improve the substantive quality of the application pertinent to the funding decision.

V. Other Matters

A. Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. This Finding is available for public inspection between 7:30 a.m. to 5:30 p.m. weekdays in the Office of the Rules Docket Clerk in the Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-0500.

B. Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this NOFA will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, this NOFA is not subject to review under the Order. This NOFA announces the availability of funds set aside for Indian tribes for emergency

shelter activities and invites applications from eligible applicants.

C. Family Impact

The General Counsel, as the Designated Official for Executive Order 12606, *the Family*, has determined that this NOFA, to the extent the funds provided under it are directed to families, has the potential for a beneficial impact on family formation, maintenance, and general well-being. Since any impact on families is beneficial, no further review is considered necessary.

D. Economic Opportunities for Low- and Very Low-Income Persons

All applicants are herein notified that the provisions of section 3 of the Housing and Urban Development Act of 1968, as amended, and the regulations in 24 CFR part 135 are applicable to funding awards made under this NOFA. One of the purposes of the assistance is to give to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, job training, employment, contracting, and other economic opportunities to section 3 residents and section 3 business concerns. Tribes that receive HUD assistance described in this part shall comply with the procedures and requirements of this part to the maximum extent consistent with, but not in derogation of, compliance with section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)).

E. Section 102 of the HUD Reform Act: Documentation and Public Access Requirements; Applicant/Recipient Disclosures

Documentation and public access requirements. HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations in 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for

further information on these documentation and public access requirements.)

Disclosures. HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations in 24 CFR part 15. (See 24 CFR part 12, subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

F. Section 103 of the HUD Reform Act

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a) was published in the **Federal Register** on May 13, 1991 (56 FR 22088), and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to this funding competition. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

G. Section 112 of the HUD Reform Act

Section 13 of the Department of Housing and Urban Development Act contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by HUD and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance

received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the **Federal Register** on May 17, 1991 (56 FR 22912). If readers are involved in any efforts to influence HUD in these ways, they are urged to read that final rule, particularly the examples contained in Appendix A of that rule.

H. Prohibition Against Lobbying Activities

The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) (the Byrd Amendment), and the implementing regulations in 24 CFR part 87. These authorities prohibit recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the executive or legislative branches of the Federal government in connection with a specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. Under 24 CFR part 87, applicants, recipients, and subrecipients of assistance exceeding \$100,000 must certify that no Federal funds have been or will be spent on lobbying activities in connection with the assistance. Indian Housing Authorities (IHAs) established by an Indian tribe as a result of the exercise of their sovereign power are excluded from coverage, but IHAs established under State law are not excluded from coverage.

I. The Catalog of Federal Domestic Assistance Program Number is 14.231.

Authority: 42 U.S.C. 11376; 42 U.S.C. 3535(d).

Dated: April 5, 1995.

Joseph Shuldiner,

Assistant Secretary for Public and Indian Housing.

Appendix 1—Statutory Amendments (Section I.B)

National Affordable Housing Act Amendments: Sections (1)–(6) below describe the relevant NAHA amendments.

(1) *Extension of eligibility to Indian tribes.* Section 832(f) of NAHA (42 U.S.C. 11371–11378) expressly extends eligibility for assistance under the ESG program to Indian tribes, and has the effect of applying the same formula as used in the Community Development Block Grant (CDBG) program for determining the amount of ESG funds to be set aside for Indian tribes. The 1 percent figure for the Indian tribe set-aside is dictated by sections 832(f)(3) and 913(b) of NAHA (42 U.S.C. 5306).

(2) *Administrative costs.* Section 832(b)(1) of NAHA (42 U.S.C. 11378) permits recipients to use up to 5 percent of an ESG program grant for administrative purposes. This amount equals 5 percent of the total of amounts of ESG funds requested for all other eligible activities. Administrative costs include: costs of accounting for the use of grant funds, preparing reports for submission to HUD or to the State, obtaining program audits, conducting environmental reviews, coordinating program activities, and similar costs related to administering the grant. These costs do not include the costs of carrying out other activities eligible under the ESG program.

(3) *Use of funds for essential services.* Section 832(c) of NAHA (42 U.S.C. 11374(a)(2)(B)) increased the percentage of a grant that may be used to provide essential services from 20 percent to 30 percent. Consistent with this amendment, HUD will apply its waiver authority in section 414(b) of the McKinney Act to the new, higher 30 percent limitation. As with the previous 20 percent limit, the 30 percent limit is to be measured against the aggregate amount of each emergency shelter grant to an Indian tribe. Section 832(f)(6) of NAHA makes the limitations on the provision of essential services applicable to Indian tribes.

(4) *Use of funds for prevention of homelessness.* Homelessness prevention was added as a category of eligible activities by section 423 of the Stewart B. McKinney Homeless Assistance Amendments Act (Pub. L. 100–688, approved November 7, 1988), which also treated these activities as "essential services." However, section 832(d) of NAHA (42 U.S.C. 11374(a)(4)) withdraws homelessness prevention activities from categorization as "essential services," and imposes a separate limit of 30 percent of the aggregate amount of assistance to any recipient, including an Indian tribe, that may be used for efforts to prevent homelessness.

Thus, under NAHA, essential services and homelessness prevention are now each subject to a 30 percent cap. However, unlike the category of essential services, there is no statutory authority to permit a waiver of the cap on the amount of assistance that may be used for homelessness prevention activities. By its express terms, the statutory waiver is available only in the category of essential services.

(5) *Confidentiality of records for family violence services.* Section 832(e) of NAHA (42 U.S.C. 11375(c)(5)) requires each recipient to certify that it will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services with ESG program assistance. In addition, the address or location of any ESG-assisted housing used as a family violence shelter may not be made public without the written authorization of persons responsible for the operation of the shelter. This new certification is included in the application kit, as provided in Section III of this NOFA.

(6) *Establishes habitability standards.* Section 832(g) of NAHA (42 U.S.C. 11376(c)) requires the Secretary to prescribe the minimum standards of habitability

appropriate to ensure that emergency shelters assisted by this program are environments that provide appropriate privacy, safety, and sanitary and other health-related conditions for homeless persons and families. A description of the Minimum Habitability Standards and the required certification is included in the application kit, as provided in Section III of this NOFA. The Habitability Standards that have been developed under section 832(g) of NAHA to apply to emergency shelters are as follows:

(a) *Structure and materials.* The shelter shall be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the occupants from the environment.

(b) *Access.* The shelter shall be accessible and capable of being utilized without unauthorized use of other private properties. The building shall provide an alternate means of egress in case of fire.

(c) *Space and security.* Each occupant shall be afforded adequate space and security for the occupant's person and belongings. Each occupant shall be provided an acceptable place to sleep.

(d) *Interior air quality.* Every room or space shall be provided with natural or mechanical ventilation. The shelter shall be free of

pollutants in the air at levels that threaten the health of the occupants.

(e) *Water supply.* The water supply shall be free from contamination at levels that threaten the health of the recipients.

(f) *Sanitary facilities.* Shelter occupants shall have access to sanitary facilities that are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste.

(g) *Thermal environment.* The shelter shall have adequate heating and cooling facilities in proper operating condition.

(h) *Illumination and electricity.* The shelter shall have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. Sufficient electrical sources shall be provided to permit use of essential electrical appliances while assuring safety from fire.

(i) *Food preparation and refuse disposal.* All food preparation areas shall contain suitable space and equipment to store, prepare, and serve food in a sanitary manner.

(j) *Sanitary condition.* The shelter and its equipment shall be maintained in sanitary condition.

Housing and Community Development Act of 1992 Amendments: Sections (7)–(9) below

describe the relevant changes of the 1992 Act.

(7) *Certification of involvement of homeless individuals and families.* The recipient must certify that, to the maximum extent practicable, it will involve homeless individuals and families, through employment, volunteer services, or otherwise, in providing services and in constructing, renovating, maintaining, and operating facilities, when assistance is provided for those activities under the program.

(8) *Termination of assistance.* The recipient may terminate assistance provided to an individual or a family only in accordance with a formal process established by the recipient that recognizes the rights of the individuals affected, which may include a hearing.

(9) *Eligibility of staff costs.* Staff costs relating to the operation of emergency shelters are specifically recognized as an eligible activity, but not more than 10 percent of the amount of any grant may be used for these costs. Staff costs for maintenance of and security for emergency shelters will not be counted against the 10 percent cap.

APPENDIX 2.—HUD OFFICES OF NATIVE AMERICAN PROGRAMS

Tribes and IHAs located	ONAP address
East of the Mississippi River (including all of Minnesota and Iowa).	Eastern/Woodlands Office of Native American Programs, 5P, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, Illinois 60604-3507, (312) 353-1282 or (800) 735-3239, TDD Numbers: 1-800-927-9275 or 312-886-3741.
Louisiana, Missouri, Kansas, Oklahoma, and Texas except for Isleta del Sur.	Southern Plains Office of Native American Programs, 6.IPl, Murrah Federal Building, 200 NW 5th Street, Oklahoma City, Oklahoma 73102-3202 (405) 231-4101, TDD Numbers: 405-231-4181 or 405-231-4891.
Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.	Northern Plains Office of Native American Programs, 8P, First Interstate Tower North, 633 17th Street, Denver, Colorado 80202-3607, (303) 672-5462, TDD Number: 303-844-6158.
Arizona, California, New Mexico, Nevada, and Isleta del Sur in Texas.	Southwest Office of Native American Programs, 9EPID, Two Arizona Center, 400 North Fifth Street, Suite 1650, Phoenix, Arizona 85004-2361, (602) 379-4156, TDD Number: 602-379-4461.
Idaho, Oregon, and Washington	Northwest Office of Native American Programs, 10Pl, 909 First Avenue, Suite 300, Seattle, Washington 98104-1000, (206) 220-5270, TDD Number: (206) 220-5185.
Alaska	Alaska Office of Native American Programs, 10.1Pl, 949 East 36th Avenue, Suite 401, Anchorage, Alaska 99508-4399, (907) 271-4633, TDD Number: (907) 271-4328.

Appendix 3—Checklist of Application Submission Requirements

Applicants must complete and submit applications in accordance with the instructions contained in the application kit. The following is a checklist of the application contents that will be specified in the application kit:

- _____ (1) Applicant Information, including name, address, contact person, and telephone number.
- _____ (2) Standard Form 424;

- _____ (3) Certifications of compliance with the requirements of:
 - _____ (a) 24 CFR 576.21(a)(4)(ii), concerning assistance provided for homelessness prevention activities; 567.51(b)(2)(v), concerning the funding of ESG activities in commercial facilities; 576.73, concerning the continued use of buildings as emergency shelters or the population to be served; 576.75, concerning building standards; 576.77, concerning assistance to the homeless; and 576.80, concerning displacement and relocation;
 - _____ (b) The Indian Civil Rights Act (25 U.S.C. 1301), and section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b));
 - _____ (c) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);
 - _____ (d) The Age Discrimination Act of 1975 (42 U.S.C. 6101-07);
 - _____ (e) Executive Orders 11625, 12432, and 12138, promoting the use of

- minority business enterprises and women-owned businesses to the maximum extent consistent with the Indian Self-Determination and Education Assistance Act;
- _____ (f) The requirements of 24 CFR part 24, concerning the Drug-Free Workplace Act of 1988;
- _____ (g) Section 832(e)(2)(C) of NAHA, concerning the confidentiality of records pertaining to any individual provided family violence prevention or treatment services;
- _____ (h) Section 832(g) of NAHA, concerning minimum habitability standards prescribed by the Department;
- _____ (i) Section 104(g) of the Housing and Community Development Act of 1974 and 24 CFR part 58, concerning assumption of the HUD environmental review responsibilities;
- _____ (j) Section 576.71(b)(2)(vii), concerning compliance with tribal law in the submission of an application for an

emergency shelter grant, and possession of legal authority to carry out emergency shelter grant activities.

____(k) Prohibitions on the use of Federal funds for lobbying, and the completion of SF-LLL, Disclosure Form to Report Lobbying, if applicable.

____(l) 42 U.S.C. 11375(c)(7), as added by the Housing and Community Development Act of 1992, concerning the involvement through employment, volunteer services, or otherwise, to the maximum extent practicable, of homeless individuals and families in

constructing, renovating, maintaining, and operating facilities assisted under the ESG program, and in providing services for occupants of these facilities.

____(m) Section 3 of the Housing and Urban Development Act of 1968, as amended, and the regulations in 24 CFR part 135.

____(4) Form HUD-2880, Applicant/Recipient Disclosure/Update Form, if applicable.

____(5) Project Summary and Proposed Budgets.

____(6) Description of the homeless population to be served.

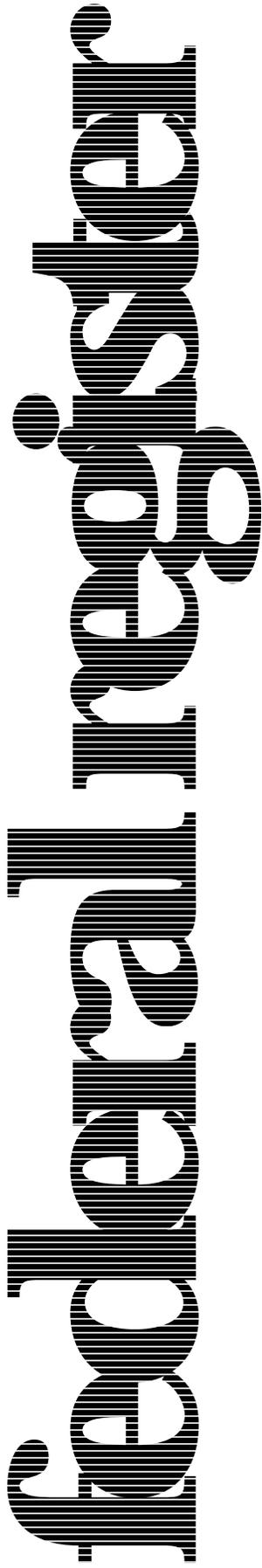
____(7) Facility Description.

____(8) Narrative addressing the rating criteria.

____(9) Matching funds certification as required under § 576.51(b)(2)(ii), § 576.71, and section 415 of the McKinney Act (42 U.S.C. 11375(a)).

[FR Doc. 95-8909 Filed 4-10-95; 8:45 am]

BILLING CODE 4210-33-P



Tuesday
April 11, 1995

Part VIII

**Department of the
Interior**

National Park Service

36 CFR Part 13
Alaska, Hunting Regulations; Final Rule

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

RIN 1024-AC25

Alaska; Hunting Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prohibits hunting in National Park Service (NPS) areas in Alaska on the same day in which a hunter has flown in an aircraft. The rule as originally proposed (59 FR 58804) also included a clarification of the NPS restriction on use of firearms and other weapons by trappers. This final rule addresses only the Same-Day-Airborne Hunting portion of the proposed rule. The clarification of the language regarding trapping and the use of firearms under a trapping license will be addressed under a separate document with an extended comment period.

EFFECTIVE DATE: April 11, 1995.

ADDRESSES: Comments should be addressed to Robert D. Barbee, Regional Director, National Park Service, 2525 Gambell Street, Anchorage, AK 99503-2892 (Fax 907-257-2533).

FOR FURTHER INFORMATION CONTACT: Paul Hunter, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503-2892 (Telephone 907-257-2646; Fax 907-257-2410).

SUPPLEMENTARY INFORMATION:

Background

The National Park Service "Organic Act" (16 U.S.C. 1, *et seq.*) provides authority for the management of NPS areas in accordance with the fundamental purposes established for each area. The basic purpose established by the Organic Act is "* * * to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations". In addition, each area established may also have other legislatively designated purposes.

In 1980, Congress passed the Alaska National Interest Lands Conservation Act (ANILCA, 16 U.S.C. 3101) which established new, and added to existing, NPS units in Alaska. Sections 201 and 202 of ANILCA established purposes for which each NPS unit will be managed. Section 203 of ANILCA directs that these new and additional areas are to be administered according to the NPS

"Organic Act" and the other applicable provisions of ANILCA. Also, Section 1313 of ANILCA directs that National Preserves in Alaska will be administered and managed in the same way as a national park except as otherwise provided in ANILCA. Section 1110 provides for the use of airplanes in NPS areas subject to reasonable regulation to protect the natural and other values of the areas. The intent of Congress to allow hunting and trapping in specified NPS areas in Alaska is implemented through Title 36 part 13 of the Code of Federal Regulations (CFR).

Hunting and Trapping in NPS Areas in Alaska

Prior to 1975, same-day-airborne taking of wildlife was allowed in Alaska by State regulation. Starting in 1975, the State began prohibiting same-day-airborne hunting of many species of wildlife while continuing to allow for same-day-airborne land and shoot trapping. Because wolves may be taken under State law with either a hunting or trapping license, and State law provides for taking by firearm with a trapping license, wolves could still be taken by the land and shoot method on the same-day-airborne despite the prohibition for same-day-airborne hunting.

On June 17, 1981, Federal regulations (36 CFR Part 13) were adopted for NPS areas in Alaska, including a regulation (36 CFR 13.1(u)) which limited trapping in NPS areas to taking by snares, traps, mesh, or other implements designed to entrap animals. As a result, use of a firearm under the State authorization for land and shoot trapping was precluded in NPS areas.

From 1981 until 1986, NPS managers operated on the assumption that the State prohibition of same-day-airborne hunting and the NPS prohibition of use of a firearm for trapping eliminated the possibility of land-and-shoot taking of wolves and most other wildlife in NPS areas. However, at the January 1986 Board of Game meetings, the NPS learned that State wildlife managers were unaware of the NPS trapping restriction and that State tagging records indicated that as many as 20 wolves may have been taken in NPS preserves by the land-and-shoot trapping method during that season. Shortly thereafter, the NPS Regional Director met with the Commissioner of the State Department of Fish and Game to explain the NPS trapping regulation. This was followed with a letter dated February 14, 1986, to the Commissioner formally conveying the NPS prohibition of firearm use for trapping.

In 1987, the State Board of Game revised same-day-airborne provisions

for wolves by eliminating the previous allowance for trapping and establishing such an allowance for hunting. This action had implications for national preserves in Alaska where same-day-airborne takings were previously prohibited by the NPS preclusion of use of firearms for trapping. This was the first time that wolves could legally be taken on the same-day-airborne in NPS areas in Alaska.

In response to the State change in same-day-airborne taking rules for wolves, the NPS adopted an emergency one-year regulation from November, 1988 to November, 1989, prohibiting same-day-airborne hunting of wolves in NPS preserves. At the same time, the NPS began drafting a proposed rule for permanent adoption. The proposed rule was published in the **Federal Register** on June 9, 1989 (54 FR 24852). Written comments were accepted and public hearings were held in sixteen communities during the Summer of 1989. After analyzing the public comments, the NPS in 1990 prepared, but did not publish, a final rule.

However, as a result of consultations between the State of Alaska and the NPS, the State agreed to exclude the NPS preserves from the State regulation allowing same-day-airborne hunting of wolves. State regulations were changed in August, 1990 to specifically exclude same-day-airborne hunting allowances in national preserves. On October 30, 1990, the NPS published a Notice in the **Federal Register** (55 FR 45663) announcing the exception for the preserves.

In 1992 the State Board of Game again prohibited same-day-airborne hunting of wolves statewide and did not reauthorize same-day-airborne land and shoot trapping. Consequently, for about one year, same-day-airborne taking of wolves in Alaska was not allowed under either a State hunting or trapping license. Then in 1993, the State Board of Game reauthorized same-day-airborne land and shoot trapping of wolves. This action essentially returned same-day-airborne taking of wildlife to the pre-1987 status when it was allowed for trapping but not hunting.

While the 1993 State action did not directly impact the NPS, it did result in a strong public reaction that, because of the perception that the State action did affect NPS areas, included many requests that the NPS move ahead with the rulemaking that was first proposed in 1989. Consequently, the 1989 proposed rule was revised and published in the **Federal Register** on November 15, 1994 (59 FR 58804), with the intent of accomplishing the following:

1. Prohibit same-day-airborne taking of fifteen designated wildlife species.
2. Satisfy statutory mandates to provide for hunting and trapping in specified NPS areas in Alaska.
3. Maintain compatibility between hunting and trapping activities and statutory purposes.
4. Provide more effective and consistent enforcement of State and Federal hunting and trapping laws and regulations.

In consideration of NPS law and policy, and Federal Airborne Hunting Act purposes and enforceability, the NPS has determined that this final rule will reduce the incidence of aircraft harassment of wildlife and the potential for aircraft assisted taking of wildlife in units of the NPS.

Summary of Comments Received in 1989

The original proposed rule (54 FR 24852) afforded the public a comment period of 60 days (extended to 70 days). During the comment period, public meetings were held in Alaska in Anchorage, King Salmon, Wasilla, Chignik, McGrath, Fairbanks, Glennallen, Eagle, Kenai, Bettles, Iliamna, Yakutat, Kotzebue, Juneau, and Nome, as well as in Washington, D.C. Ninety-three oral comments were recorded at the public meetings and 1,312 written comments were received prior to the end of the comment period.

Summary of 1994 Comments

The revised proposed rule (59 FR 58804) had a 30-day public comment period. During the comment period public hearings were held in Anchorage and Fairbanks at which sixteen persons presented oral comments. The NPS also received ninety letters, cards, and facsimile comments within the official comment period.

After considering all public comments from both comment periods, the NPS has decided to proceed with a final rule on the same-day-airborne portion of the revised proposed rule. The clarification of the trapping portion of the proposed rule will be covered under a separate document with an extended comment period.

Analysis of Comments

1. Widespread Support for the Proposed Regulations

Analysis of supporting views is consolidated in this paragraph because the various supporting comments generally repeat the reasons presented by the NPS in the published Proposed Rule documents (54 FR 24852 and 59 FR 58804). Overall, the comments

supported the prohibition of same-day-airborne land-and-shoot hunting. The NPS received a total of 1,405 comments (1,312 written and ninety-three oral) during the 1989 comment period, and 106 (ninety written and sixteen oral) during the 1994 comment period. Ninety-three percent (1,406 comments) favored the proposed rule and seven percent (105 comments) opposed the rule.

2. Opinions of Alaska Residents Were Seriously Considered

Several commenters who oppose the proposed rule expressed their belief that the NPS ignores opinions of Alaska residents and relies on comments from outside Alaska. While most opposition to the proposed rule came from Alaska residents, more than two-thirds of the comments from Alaska support the proposed rule. Alaska residents submitted a total of 322 comments, with sixty-nine percent favoring the proposed rule and thirty-one percent opposed.

The NPS considered all public opinions and views on the proposed rule and did not disregard opinions of Alaskan residents. In fact, special attention was given to comments and concerns received from Alaskans. The decision to extend the comment period for the trapping clarification portion of the proposed rule was a direct result of requests from Alaska residents involved with trapping activities, local governmental bodies, members of local advisory groups, Native organizations, and individual Alaska residents. Even so, while the response from Alaska residents was mixed, a significant majority of commenting Alaskans, including many uniquely knowledgeable persons such as hunting guides, hunters, pilots, and representatives of local rural residents directly affected by same-day-airborne taking of wildlife, support the same-day-airborne rule.

3. The Proposed Rule Would Not Violate the Special Aircraft Access Provisions of ANILCA

Several commenters expressed concern that the proposed rule violates the procedure for implementing restrictions on aircraft access under Section 1110 of ANILCA. This section of ANILCA, among other things, limits the restrictions that may be placed on aircraft access for traditional activities. After carefully reviewing the potential applicability of Section 1110 to the proposed same-day-airborne rule, it was concluded early in the rulemaking process that the regulation does not restrict aircraft access for hunting, trapping, fishing or any other traditional

activity permitted by ANILCA or other law. Furthermore, at the time ANILCA was passed, same-day-airborne taking of wildlife was a widely restricted hunting method under State law, as it is today. However, even if found to be an aircraft access restriction as certain commenters asserted, the NPS believes that the administrative process used for this rule would meet the requirements established for adoption of such restrictions.

4. The State of Alaska's Authority to Regulate the Taking of Fish and Wildlife Is Limited by Federal Law

Many of those opposing the rule commented that the State either has or should have sole authority to regulate the taking of fish and wildlife in Alaska. The proposed rule is seen as unauthorized and unwarranted Federal interference with the State's jurisdiction over fish and wildlife. While this argument is often raised as an objection to Federal actions regarding fish and wildlife management, the NPS is legally obligated to manage the NPS areas in Alaska in accordance with statutory mandates and purposes. While the NPS follows State law to the fullest extent possible in the management of fish and wildlife, there are situations in which there is a conflict between State law and Congressional mandates for Federal areas. Federal subsistence law under ANILCA is perhaps the most well-known example of such a conflict in Alaska, but there are other examples of which the same-day-airborne method of taking in NPS areas is one. The NPS has been able, over the years, to manage within the State framework for same-day-airborne taking of wildlife as described above. However, changes in the State approach to wildlife management and corresponding adjustments in the application of same-day-airborne rules threaten to violate the separate and distinct Federal mandates established for NPS areas. This rulemaking recognizes that State and Federal mandates differ in this case and adopts a separate Federal rule for NPS areas that complies with applicable Federal law and policy for park areas. The NPS remains committed to managing fish and wildlife in a way that avoids unnecessary interference with State management of resident wildlife resources.

5. The Proposed Rule Is Not Based on a Biological Problem

Many commenters stated that there is not a biological basis for the proposed regulation because wildlife populations are generally healthy and are managed by the State to maintain continued

viability of populations. The NPS acknowledges that the proposed rule is not based on biological concerns for the health of wildlife populations and such reasons have not been used as a justification for the rulemaking. The reasons stated in the two **Federal Register** publications of the proposed rule, and above in this document, are the basis for this rule. Existing closure regulations under both State and Federal law appear to be sufficient to protect wildlife when biological data indicates this is necessary, and this rule should not be interpreted as suggesting that State wildlife management is in any way deficient in this regard.

Immediate Effective Date

The final rule establishes a prohibition on hunting on the same day in which the hunter has flown on an aircraft. The rule is based upon the determination that activities such as those allowed under State authorizations for same-day-airborne taking of wildlife conflict with NPS management mandates and policies, and invite enforcement problems with the Federal Airborne Hunting Act. The rule is intended to reduce the incidence of aircraft harassment of wildlife and to reduce the potential for aircraft assisted taking of wildlife. The rationale for the rule is more fully discussed at 59 FR 58804.

In accordance with the Administrative Procedure Act (APA) (5 U.S.C. 553(d)(3)), the NPS has determined that publishing this final rule 30 days prior to the rule becoming effective could result in public confusion resulting from reliance on the January 13, 1995, State of Alaska authorization of same-day-airborne caribou hunting in several NPS areas that will be closed to such hunting by this rule. Therefore, in accordance with 5 U.S.C. 553(d)(3), the NPS finds good cause to make this rule effective on the date published in the **Federal Register**.

Drafting Information

The primary authors of this regulation are Lou Waller, John Hiscock, Steve Shackleton and Paul Hunter of the NPS Alaska Regional Office.

Paperwork Reduction Act

This rulemaking does not contain information collection requirements that

require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The economic effects of this rulemaking are local in nature and negligible in scope.

The NPS has determined that this proposed rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

- (a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;
- (b) Introduce incompatible uses that may compromise the nature and characteristics of the area, or cause physical damage to it;
- (c) Conflict with adjacent ownerships or land uses;
- (d) Cause a nuisance to adjacent owners or occupants; or
- (e) Affect the State hunting population generally.

Based on this determination, the regulation is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental guidelines in 516 DM 6, (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

The rule has been evaluated in accordance with Section 810 of ANILCA and the NPS has determined there will be no significant restriction on subsistence uses. It is worthy of note that the Federal Subsistence Board has prohibited same-day-airborne taking of ungulates (except deer), bear, wolves, wolverines and furbearers for subsistence uses on all Federal public lands in Alaska (50 CFR Part 100).

List of Subjects in 36 CFR Part 13

Alaska, National Parks, Reporting and record keeping requirements.

In consideration of the foregoing, 36 CFR Chapter I, Part 13 is amended as follows:

PART 13—NATIONAL PARK SYSTEM UNITS IN ALASKA

1. The authority citation for part 13 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 462(k), 3101 *et seq.*; Section 13.65(b) also issued under 16 U.S.C. 1361, 1531.

2. Section 13.21 is amended by removing and reserving paragraph (a), and revising paragraphs (d) and (e), to read as follows:

§ 13.21 Taking of fish and wildlife.

(a) [Reserved]

* * * * *

(d) *Hunting and trapping.* (1) Hunting and trapping are allowed in national preserves in accordance with applicable Federal and non-conflicting State law and regulations.

(2) Violating a provision of either Federal or non-conflicting State law or regulation is prohibited.

(3) Engaging in trapping activities as the employee of another person is prohibited.

(4) It shall be unlawful for a person having been airborne to use a firearm or any other weapon to take or assist in taking any species of bear, caribou, Sitka black-tailed deer, elk, coyote, arctic and red fox, mountain goat, moose, Dall sheep, lynx, bison, musk ox, wolf and wolverine until after 3 a.m. on the day following the day in which the flying occurred. This prohibition does not apply to flights on regularly scheduled commercial airlines between regularly maintained public airports.

(e) *Closures and restrictions.* The Superintendent may prohibit or restrict the non-subsistence taking of fish or wildlife in accordance with the provisions of § 13.30 of this chapter. Except in emergency conditions, such restrictions shall take effect only after the Superintendent has consulted with the appropriate State agency having responsibility over fishing, hunting, or trapping and representatives of affected users.

Dated: March 12, 1995.

George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95-8692 Filed 4-10-95; 8:45 am]

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April 11, 1995

Tuesday
April 11, 1995

Part IX

The President

Proclamation 6783—Cancer Control Month

Presidential Documents

Title 3—

Proclamation 6783 of April 7, 1995

The President

Cancer Control Month, 1995

By the President of the United States of America

A Proclamation

Almost all of us have been touched by the devastating effects of cancer. In its many forms, cancer has been one of the most persistent and deadly health problems of this century. With the coming of spring—a time of rebirth—it is especially appropriate for us to renew our commitment to fighting cancer, to take pride in the progress we have made in combatting this disease, and to recognize the work still to be done.

In the 24 years since the signing of the National Cancer Act, we have made significant strides against cancer. Through diligent research, we have identified major risk factors for the disease—including diet, lack of exercise, and smoking—and we have worked to educate Americans to minimize these risks in their lives. New approaches to treatment have been developed in recent years, and new medicines are continually being refined and tested.

Among women in the United States who develop cancer, lung cancer claims the most lives, followed closely by breast cancer. An estimated 1 in 8 women will be diagnosed with breast cancer at some point in their lives—up from 1 in 20 just two decades ago. In this decade, an estimated 2 million women will be diagnosed with breast cancer or cervical cancer, with more than 500,000 of these women dying as a result. Cancers of the uterus, ovaries, and colon are also on the rise among women in this country.

We are making progress, however. For example, from 1989 to 1992, the numbers of women dying from breast cancer actually declined—the largest short-term decrease since 1950. With the advances in treatment upon early detection, screening mammography has never been more important. My Administration is launching a nationwide campaign to increase awareness of Medicare coverage for screening mammography. Additionally, most States now have laws requiring private insurers to offer coverage for biannual screening mammography, and third-party reimbursement is increasing. Together, these measures are helping more women to benefit from this potentially life-saving procedure.

Remarkable progress has also been made against childhood cancers as a result of the unflagging persistence of researchers in laboratories and hospitals across the country. Although the number of children affected by cancer is increasing, the number of deaths from childhood cancer continues to drop dramatically. Improved diagnostic and prognostic techniques and important advances in treatment have given renewed hope to children with leukemia, Wilms' tumor, neuroblastoma, and brain tumors. We are seeing a steady increase in the number of adult survivors of these childhood cancers.

Every one of us has a part to play in the fight against this disease and much work remains to eradicate it. Continuing research is essential to reducing the incidence of cancer for all our citizens.

In 1938, the Congress of the United States passed a joint resolution requesting the President to issue an annual proclamation declaring April as "Cancer Control Month."

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the month of April 1995 as Cancer Control Month. I invite the Governors of the 50 States and the Commonwealth of Puerto Rico, the Mayor of the District of Columbia, and the appropriate officials of all other areas under the American flag to issue similar proclamations. I also ask health care professionals, private industry, community groups, insurance companies, and all other interested organizations and individual citizens to unite in support of our Nation's determined efforts to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of April, in the year of our Lord nineteen hundred and ninety-five, and of the Independence of the United States of America the two hundred and nineteenth.



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Reader Aids

Federal Register

Vol. 60, No. 69

Tuesday, April 11, 1995

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202-523-5227
Public inspection announcement line	523-5215
Corrections to published documents	523-5237
Document drafting information	523-3187
Machine readable documents	523-4534

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230
---------------------	----------

Other Services

Data base and machine readable specifications	523-4534
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the hearing impaired	523-5229

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FEDERAL REGISTER PAGES AND DATES, APRIL

16765-16978.....	3
16979-17190.....	4
17191-17432.....	5
17433-17624.....	6
17625-17980.....	7
17981-18342.....	10
18343-18538.....	11

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:	
6781.....	17979
6782.....	17981
6783.....	18537

5 CFR

Ch. LII.....	17625
Proposed Rules:	
316.....	17655

7 CFR

97.....	17188
201.....	16979
272.....	17628
273.....	17628
354.....	17631
457.....	16765
918.....	17633
925.....	16765
927.....	17983
946.....	17433
979.....	16767
982.....	16768
985.....	16770, 17434
1050.....	18343
1126.....	17191
1131.....	17192
1413.....	17984
1427.....	17984

Proposed Rules:

335.....	18374
956.....	17274
981.....	17466

9 CFR

92.....	17634
---------	-------

10 CFR

2.....	18344
436.....	18326
600.....	17985
Proposed Rules:	
70.....	18035
52.....	17902, 17924, 17947

11 CFR

100.....	17193
104.....	17193
113.....	17193

12 CFR

3.....	17986
208.....	17436
215.....	17635
226.....	16771
400.....	17625
Proposed Rules:	
792.....	18036

13 CFR

107.....	17438
----------	-------

14 CFR

25.....	17194
39.....	16780, 16782, 17438, 17440, 17987, 17988, 17990, 17991
71.....	17196, 17442, 18346
97.....	17198, 17199
Proposed Rules:	
39.....	16813, 16815, 16817, 17030, 17385, 17487, 17489, 18374, 18376
71.....	17284, 18038

16 CFR

1700.....	17992
Proposed Rules:	
248.....	17032
409.....	17491
436.....	17656
460.....	17492
1700.....	17660

17 CFR

200.....	17201
Proposed Rules:	
239.....	17172
270.....	17172
274.....	17172

18 CFR

284.....	16979
Proposed Rules:	
35.....	17662
141.....	17726
388.....	17726

19 CFR

7.....	18347
11.....	18347
12.....	18347
18.....	18347
19.....	18347
24.....	18347
54.....	18347
101.....	18347
102.....	18347
111.....	18347
114.....	18347
123.....	18347
128.....	18347
132.....	18347
134.....	18347
141.....	18347
145.....	18347
146.....	18347
148.....	18347
151.....	18347
152.....	18347
177.....	18347
181.....	18347
191.....	18347

20 CFR	916.....17504	63.....18020, 18026	97.....17134
404.....17443	917.....17739	72.....17100, 18462	98.....17134
Proposed Rules:	918.....17498	73.....17100	105.....17134
Ch. III.....17731	920.....18046	74.....17100	151.....17134
21 CFR	924.....18044	75.....17100	153.....17134
20.....16962	925.....17504	77.....17100	154.....17134
101.....17202	926.....17495	78.....17100	401.....18366
176.....18349	931.....17501	81.....16996	403.....18366
178.....18349, 18352	934.....17495	122.....17950	404.....18366
310.....17611	935.....17741, 18380	124.....17950	Proposed Rules:
876.....17208	936.....17498	136.....17160	Ch. I.....17287
1310.....17636	938.....18046	258.....17649	Ch. II.....17763
Proposed Rules:	943.....17498	260.....17001	67.....17290
876.....17611	944.....17501	271.....18356, 18358, 18360	47 CFR
22 CFR	946.....17743	300.....16808, 17004	73.....17023, 17253
514.....16785	948.....18381	372.....18361	Proposed Rules:
23 CFR	950.....17495	720.....17005	1.....17294
655.....18520	32 CFR	721.....17005	63.....17763
24 CFR	290.....18005	723.....17005	73.....17048
215.....17388	354.....18006	763.....18364	48 CFR
236.....17388	355.....18006	Proposed Rules:	915.....18030
570.....17445	357.....18006	Ch. I.....17288	916.....18030
813.....17388	359.....18006	51.....17509	970.....18030
905.....17388, 18174	360.....18006	52.....16823, 16824, 16829,	1802.....18032
913.....17388	361.....18006	17034, 17288, 17289, 17746,	1850.....18032
950.....18174	374.....18006	18385	1852.....18032
3500.....16985	Proposed Rules:	55.....17748	6101.....17023
Proposed Rules:	63.....17507	58.....17509	Proposed Rules:
29.....17968	247.....18049	63.....16829, 16920, 18071,	6.....17295
26 CFR	33 CFR	18078	12.....17184
1.....17216	3.....17222	70.....17750	16.....17295
Proposed Rules:	117.....18006	72.....18472	52.....17184, 17295
1.....17286, 17731, 18377,	154.....17134	81.....17034, 17756	Ch. V.....17764
18378	155.....17134	86.....17509	49 CFR
27 CFR	162.....16793	122.....17958	173.....17398
55.....17446	165.....16793, 18008	124.....17958	178.....17398
72.....17446	Proposed Rules:	372.....16830	180.....17398
178.....17446	Ch. I.....17287	761.....17510	552.....17254
179.....17446	117.....18061	799.....18079	554.....17254
Proposed Rules:	165.....16818, 16820, 16821,	41 CFR	573.....17254
53.....18039	18063, 18065, 18066, 18068	101-20.....17653	576.....17254
55.....17494	211.....18069	43 CFR	577.....17254
72.....17494	402.....18384	12.....17237	1043.....16808
178.....17494	34 CFR	Proposed Rules:	1084.....16808
179.....17494	350.....17424	426.....16922	Proposed Rules:
28 CFR	351.....17424	427.....16922	Ch. I.....17049
2.....18353	352.....17424	Public Land Orders:	Ch. II.....18390
0.....17456	353.....17424	7131.....18030	190.....17295
Proposed Rules:	356.....17424	Proposed Rules:	191.....17295
2.....18378, 18379	36 CFR	3100.....18081	192.....17295
29 CFR	7.....17639	44 CFR	193.....17295
580.....17221	13.....18532	64.....17005	194.....17295
30 CFR	37 CFR	65.....17007, 17009, 17011,	195.....17295
914.....16985, 17637	1.....16920	17012	196.....17295
915.....17458	38 CFR	67.....17013, 17020	197.....17295
938.....16788	2.....18354	Proposed Rules:	198.....17295
Proposed Rules:	3.....18354	65.....17758	199.....17295
Ch. 1.....18044	39 CFR	67.....17035, 17042	234.....17770
901.....18044	20.....18009	45 CFR	50 CFR
902.....17495	265.....17224	Proposed Rules:	650.....17272
904.....17498	Proposed Rules:	2544.....17761	655.....17464
906.....17501	232.....17287	46 CFR	663.....16811
913.....17734	40 CFR	12.....17134	672.....17465
914.....17736	9.....17100, 18009	13.....17134	675.....17028, 17653
915.....17504	52.....16799, 16801, 16803,	15.....17134	Proposed Rules:
	16806, 16989, 16996, 17226,	30.....17134	17.....16836, 17296
	17229, 17232, 18010	31.....17134	Ch. VI.....17770
		35.....17134	641.....17511
		78.....17134	642.....18391
		90.....17134	655.....18391
			675.....17512