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Friday
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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.

Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 581

RIN 3206–AG49

Processing Garnishment Orders for Child Support and/or Alimony

AGENCY: Office of Personnel Management.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations which were published on Wednesday, January 25, 1995, (60 FR 5044). The regulations updated the list of agents designated to accept service of process in garnishment actions.

EFFECTIVE DATE: February 24, 1995.

FOR FURTHER INFORMATION CONTACT: Murray M. Meeker, Attorney, Office of the General Counsel, (202) 606–1980.

SUPPLEMENTARY INFORMATION:

On January 25, 1995, OPM published a list of agents designated to receive legal process in garnishment actions where the indebtedness was based on child support and/or alimony. Subsequent to publication, we were advised by the Defense Finance and Accounting Service that they had consolidated certain offices and requested that we correct our final rule. This correction is in compliance with this request. This document also corrects designated agent information received from several other agencies who found errors in the January 25, 1995 publication.

More specifically, this document amends the ''General Notice for Certain Civilian Employees of the Army and the Navy'' under the Department of Defense listing to include civilian employees of the Army and Navy who are paid by the Defense Finance and Accounting Service—Denver Center; corrects the address for the designated agent under that heading; and amends the designated agent under the Air Force for Air Force Active Duty, Reserve, Air National Guard (ANG), and civilian employees of appropriated fund activities. In addition, this document corrects the agent listings for the Defense Mapping Agency, the Energy Department's Oakland Operations Office; the Department of Veterans Affairs' Sioux Falls Medical and Regional Office Center in South Dakota; the Federal Maritime Commission; and the Small Business Administration. This document also deletes the listing for the International Trade Commission.

Correction

In rule document 95–1781 beginning on page 5044 in the issue of Wednesday, January 25, 1995, make the following corrections:

Appendix A to Part 581—List of Agents Designated To Accept Legal Process

1. On page 5045, in the third column, under the heading ''Department of Defense,'' second paragraph, is corrected as follows:

Effective February 1, 1995, the Assistant General Counsel for Garnishment Operations, Defense Finance and Accounting Service, Cleveland Center (DFAS–CL/L), will be the designated agent for legal process for garnishment for child support and alimony from the pay of civilian employees who work at various Department of Defense installations and activities located throughout the United States, but who are paid by DFAS payroll centers in Charleston, Pensacola, and the Denver Center.

2. On page 5045, in the third column, under the heading ''Department of Defense,'' fifth paragraph, is corrected as follows:

For those employees known to be paid by the DFAS Charleston, Pensacola or Denver payroll centers, the garnishment should be served by certified mail directly on DFAS–CL/L at the following address: Assistant General Counsel for Garnishment Operations, Defense Finance and Accounting Service, Cleveland Center—Code L (DFAS–CL/L), PO Box 998002, Cleveland, OH 44199–8002, (216) 522–5301.

3. On page 5046, in the second column, under the heading ''Air Force,'' the designated agent listing is corrected as follows:

Air Force

1. Active Duty, Reserve, Air National Guard (ANG), and civilian employees of appropriated fund activities. Assistant General Counsel for Garnishment Operations, Defense Finance and Accounting Service, Cleveland Center—Code L (DFAS–CL/L,) PO Box 998002, Cleveland, OH 44199–8002, (216) 522–5301 * * *.

4. On page 5047, in the first column, under the heading ''Defense Mapping Agency,'' the designated agent listing is corrected as follows: Defense Mapping Agency, Associate General Counsel, Defense Mapping Agency (DMA), 3200 So. Second Street, ATTN: GCW, St. Louis, MO 63101–3399, (314) 263–4501.

5. On page 5047, in the third column, under the heading the ''Department of Energy,'' the designated agent listing for the San Francisco Field Office is changed to the Oakland Field Office as follows: 7. Oakland Operations Office, Director, Finance and Accounting Division, Department of Energy, 1301 Clay Street, Oakland, CA 94612–5208, (510) 637–1532.

6. On page 5052, in the first column, under the heading ''Treasury Department,'' the designated agent listing for the Savings Bond Division is corrected as follows: (3) U.S. Savings Bonds Division, Chief Counsel, Bureau of the Public Debt, 999 E Street, NW., Room 503, Washington, DC 20239, (202) 219–3320.

7. On page 5052, in the first column, under the heading ''Treasury Department,'' the designated agent listing for the Treasury Department's Bureau of Alcohol, Tobacco & Firearms Division is corrected as follows: (6) Bureau of Alcohol, Tobacco & Firearms, Chief Counsel, 650 Massachusetts Avenue, NW., Room 6100, Washington, DC 20226, (202) 927–7772.

8. On page 5059, in the first column, under the heading ''Department of Veterans Affairs,'' the designated agent listing for the Sioux Falls Medical and Regional Office Center in South Dakota is added as follows: Fiscal Officer, Sioux Falls Medical and Regional Office Center, PO Box 5046, Sioux Falls, SD 57117, (605) 333–6823.

9. On page 5061, in the second column, under the heading ''Federal Maritime Commission,'' the designated agent listing is corrected as follows:

Federal Maritime Commission

Director of Personnel or Deputy Director of Personnel, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573, (202) 523–5773.

10. On page 5062, in the first column, remove the designated agent listing for the International Trade Commission.

11. On page 5062, in the third column, under the heading ''Office of Personnel Management,'' the designated agent listing for payments of retirement benefits is corrected as follows: Associate Director for Retirement and Insurance, Office of Personnel Management, Court Order Benefit Branch, P.O. Box 17, Washington, DC 20044, (202) 606–0218.

12. On page 5062, in the third column, under the heading ''Overseas Private Investment Corporation,'' the designated agent listing is corrected as follows:

Overseas Private Investment Corporation

Director, Human Resources Management, Overseas Private Investment Corporation, 1100 New York Avenue, NW., Room 11201, Washington, DC 20527, (202) 336–8524.

13. On page 5063, in the second column, under the heading ''Small Business Administration,'' the designated agent listing for the Boston District Office is corrected as follows: District Director, Boston District Office, 150 Causeway Street, Boston, MA 02114, (617) 223–2100.

14. On page 5063, in the second column, under the heading ''Small Business Administration,'' the designated agent listing for the Jackson District Office is corrected as follows: District Director, Jackson District Office, 101 West Capitol Street, Suite 400, Jackson, MS 39201, (601) 965–5371.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 95–9230 Filed 4–13–95; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[FV95–985–3IFR]

Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 1995–96 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule increases the quantity of Class 3 (Native) spearmint oil produced in the Far West that handlers may purchase from, or handle for, producers during the 1995–96 marketing year. This rule was recommended by the Spearmint Oil Administrative Committee (Committee), the agency responsible for local administration of the marketing order for spearmint oil produced in the Far West. The Committee recommended this rule to avoid extreme fluctuations in supplies and prices and thus help to maintain stability in the Far West spearmint oil market.

DATES: Effective on April 14, 1995; comments received by May 15, 1995 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525, South Building, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–5698. All comments should reference the docket number and the date and page number of this issue of the Federal Register and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Robert J. Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 1220 SW. Third Avenue, room 369, Portland, Oregon 97204–2807; telephone: (503) 326–2724; or Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2525, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–8139.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 985 (7 CFR Part 985), regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, and designated parts of California, Nevada, Montana, and Utah), hereinafter referred to as the ''order.'' This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, salable quantities and allotment percentages may be established for classes of spearmint oil produced in the Far West. This rule increases the quantity of Class 3 spearmint oil produced in the Far West that may be purchased from or handled for producers by handlers during the 1995–96 marketing year, which ends on May 31, 1996. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act 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 provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the 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 his or her 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 date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially

small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are eight spearmint oil handlers subject to regulation under the order and approximately 260 producers of spearmint oil in the regulated production area. Of the 260 producers, approximately 160 producers hold Class 1 (Scotch) spearmint oil allotment base, and approximately 145 producers hold Class 3 (Native) spearmint oil allotment base. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those whose annual receipts are less than $500,000. A minority of handlers and producers of Far West spearmint oil may be classified as small entities.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity and whose income from farming operations are not exclusively dependent on the production of spearmint oil. The U.S. production of spearmint oil is concentrated in the Far West, primarily Washington, Idaho, and Oregon (part of the area covered by the order). Spearmint oil is also produced in the Midwest. The production area covered by the order normally accounts for approximately 75 percent of the annual U.S. production of spearmint oil.

This rule increases the quantity of Native spearmint oil that handlers may purchase from, or handle for, producers during the 1995–96 marketing year, which ends on May 31, 1996. This rule increases the salable quantity from 906,449 pounds to 1,004,976 pounds and the allotment percentage from 46 percent to 51 percent for Native spearmint oil for the 1995–96 marketing year.

The salable quantity is the total quantity of each class of oil that handlers may purchase from, or handle for, producers during a marketing year. The salable quantity calculated by the Committee is based on the estimated trade demand. The total salable quantity is divided by the total industry allotment base to determine an allotment percentage. Each producer is allotted a share of the salable quantity by applying the allotment percentage to the producer's allotment base for the applicable class of spearmint oil.

The initial salable quantity and allotment percentages for Scotch and Native spearmint oils for the 1995–96 marketing year were recommended by the Committee at its October 5, 1994, meeting. The Committee recommended salable quantities of 908,531 pounds and 906,449 pounds, and allotment percentages of 51 percent and 46 percent, respectively, for Scotch and Native spearmint oils. A proposed rule was published in the December 15, 1994, issue of the Federal Register (59 FR 64625). Comments on the proposed rule were solicited from interested persons until January 17, 1995. No comments were received. Accordingly, based upon analysis of available information, a final rule establishing the Committee's recommendation as the salable quantities and allotment percentages for Scotch and Native spearmint oils for the 1995–96 marketing year was published in the February 15, 1995, issue of the Federal Register (60 FR 8524).

Pursuant to authority contained in §§ 985.50, 985.51, and 985.52 of the order, at its February 22, 1995, meeting, the Committee recommended, with one member voting in opposition, that the salable quantity for Native spearmint oil for the 1995–96 marketing year be increased from 906,449 pounds to 1,004,976 pounds. The member voting in opposition did not favor an increase in the salable quantity and allotment percentage because he believed it was too early to determine what the market conditions will be during the 1995–96 marketing year. Based on the total allotment base of 1,970,542 pounds, the allotment percentage for Native spearmint oil is increased from 46 percent to 51 percent, resulting in a 98,527 pound increase in the salable quantity.

Native Spearmint Oil Recommendations

(1) Salable Quantity
October 5, 1994 .....906,449 pounds
February 22, 1995 .....1,004,976 pounds
(2) Allotment Base
October 5, 1994 .....1,970,542 pounds
February 22, 1995 .....1,970,542 pounds
(3) Allotment Percentage
October 5, 1994 .....46 percent
February 22, 1995 .....51 percent

In making this latest recommendation, the Committee considered all available information on supply and demand. The 1995–96 marketing year begins on June 1, 1995. Handlers have indicated that the available supply of Scotch spearmint oil appears adequate to meet anticipated demand through May 31, 1996. Handlers have indicated, however, that demand for Native spearmint oil is currently fairly strong and anticipate that this trend will likely continue into the next marketing year. Based upon this strengthening demand, as well as historical data that indicates the annual average of sales for the last eight years is 1,006,512 pounds, the Committee believes that an increase in the salable quantity to 1,004,976 pounds is necessary to meet anticipated demand. This level of demand was not anticipated by the Committee when it made its initial recommendation for the establishment of the Native spearmint oil salable quantity and allotment percentage for the 1995–96 marketing year.

The recommended salable quantity of 1,004,976 pounds of Native spearmint oil (an increase of 98,527 pounds), combined with a revised estimated carry-in of 100,000 pounds on June 1, 1995, results in a revised 1995–96 estimated available supply of 1,104,976 pounds. Thus, the revised estimate for the 1995–96 marketing year Native spearmint oil available supply is approximately 100,000 pounds higher than the annual average of sales for the past eight years. With this revision, the Committee anticipates that demand for Native spearmint oil during the 1995–96 marketing year will be adequately met.

The Department, based on its analysis of available information, has determined that an allotment percentage of 51 percent should be established for Native spearmint oil for the 1995–96 marketing year. This percentage will provide an increased salable quantity of 1,004,976 pounds of Native spearmint oil.

Based on available information, the Administrator of the AMS has determined that the issuance of this interim final rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including that contained in the prior proposed and final rules in connection with the establishment of the salable quantities and allotment percentages for Scotch and Native spearmint oils for the 1995–96 marketing year, the Committee's recommendation and other available information, it is found that to revise § 985.214 (60 FR 8524) to change the salable quantity and allotment percentage for Native spearmint oil, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the Federal Register because: (1) This interim final rule increases the quantity of Native spearmint oil that may be marketed during the marketing year beginning on June 1, 1995; (2) The quantity of Native

spearmint planted for the 1995–96 marketing year may be affected, thus handlers and producers should be apprised as soon as possible of the salable quantity and allotment percentage of Native spearmint oil contained in this interim final rule; and (3) This rule provides a 30-day comment period and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is amended as follows:

PART 985—SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. § 985.214 is amended by revising the introductory text and paragraph (b) to read as follows:

Note: This section will not appear in the annual Code of Federal Regulations.

§ 985.214 Salable quantities and allotment percentages—1995–96 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year beginning on June 1, 1995, shall be as follows:

* * * * *

(b) Class 3 (Native) oil—a salable quantity of 1,004,976 pounds and an allotment percentage of 51 percent.

Dated: April 7, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–9294 Filed 4–13–95; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Parts 1001, 1002, 1004, 1005, 1006, 1007, 1011, 1012, 1013, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1064, 1065, 1068, 1075, 1076, 1079, 1093, 1094, 1096, 1106, 1108, 1124, 1126, 1131, 1134, 1135, 1137, 1138, 1139

[Docket No. AO–14–A66, etc.; DA–92–11]

Milk in the New England and Other Marketing Areas; Order Amending the Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

7 CFR part	Marketing area	AO Nos.
1001	New England	AO–14–A66
1002	New York-New Jersey	AO–71–A81
1004	Middle Atlantic	AO–160–A69
1005	Carolina	AO–388–A6
1006	Upper Florida	AO–356–A30
1007	Georgia	AO–366–A35
1011	Tennessee Valley	AO–251–A37
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1013	Southeastern Florida	AO–286–A40
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1032	Southern Illinois-Eastern Missouri	AO–313–A40
1033	Ohio Valley	AO–166–A63
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1075	Black Hills, South Dakota	AO–248–A22
1076	Eastern South Dakota	AO–260–A31
1079	Iowa	AO–295–A43
1093	Alabama-West Florida	AO–386–A13
1094	New Orleans-Mississippi	AO–103–A55
1096	Greater Louisiana	AO–257–A42
1097[1]	Memphis, Tennessee	AO–219–A48
1098[1]	Nashville, Tennessee	AO–184–A57
1099[2]	Paducah, Kentucky	AO–183–A47
1106	Southwest Plains	AO–210–A54
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1135	Southwestern Idaho-Eastern Oregon	AO–380–A12
1137	Eastern Colorado	AO–326–A27
1138	New Mexico-West Texas	AO–335–A38
1139	Great Basin	AO–309–A32

[1] The Memphis, Tennessee, and Nashville, Tennessee, orders were terminated, effective July 31, 1993.

[2] The Paducah, Kentucky, order is not included in this final rule because a proposed termination of the order is being considered.

SUMMARY: This final rule implements the base month Minnesota-Wisconsin (M–W) price updated with a butter/powder/cheese formula as the replacement for the Minnesota-Wisconsin price series, which establishes minimum prices for milk under all Federal milk orders. Each of the amended orders was approved by producers who were eligible to have their milk pooled during the representative month for voting purposes. Referenda were conducted in

five markets and cooperative associations were polled in the other markets. One order that was included in this proceeding—Paducah, Kentucky—is not included in this rule because a proposed termination of the order is being considered.

EFFECTIVE DATE: June 1, 1995.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Branch Chief, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, PO Box 96456, Washington, DC 20090–6456, (202) 720–6274.

SUPPLEMENTARY INFORMATION: This administrative rule is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and therefore is excluded from the requirements of Executive Order 12866.

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 action will not have a significant economic impact on a substantial number of small entities. The amended orders will promote more orderly marketing of milk by producers and regulated handlers.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have 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) (the Act), 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 provision 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 his or her 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 date of the entry of the ruling.

Prior documents in this proceeding:

Notice of Hearing: Issued May 12, 1992; published May 15, 1992 (57 FR 20790).

Recommended Decision: Issued August 3, 1994; published August 6, 1994 (59 FR 40418).

Final Decision: Issued January 27, 1995; published February 7, 1995 (60 FR 7290).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the New England and other orders were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, for each of the specified orders, it is found that:

(1) The said orders as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the orders, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said orders, as hereby amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

(b) Determinations. It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within each of the specified marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order amending each of the specified orders is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders as hereby amended;

(3) The issuance of the order amending each of the specified orders, except the order regulating the handling of milk in the Michigan Upper Peninsula marketing area, is favored by at least two-thirds of the producers who were engaged in the production of milk for sale in the respective marketing areas; and

(4) The issuance of the order amending the order regulating the handling of milk in the Michigan Upper Peninsula marketing area is favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Parts 1001, 1002, 1004, 1005, 1006, 1007, 1011, 1012, 1013, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1064, 1065, 1068, 1075, 1076, 1079, 1093, 1094, 1096, 1106, 1108, 1124, 1126, 1131, 1134, 1135, 1137, 1138, 1139

Milk marketing orders.

Order Relative to Handling

It is therefore ordered, that on and after the effective date hereof, the handling of milk in each of the aforesaid marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby further amended, as follows:

1. The authority citation for 7 CFR Parts 1001, 1002, 1004, 1005, 1006, 1007, 1011, 1012, 1013, 1030, 1032, 1036, 1040, 1044, 1046, 1049, 1050, 1064, 1065, 1068, 1134, 1135, 1137, 1138, and 1139 is revised to read as follows:

Authority: 7 U.S.C. 601–674.

PART 1001—MILK IN THE NEW ENGLAND MARKETING AREA

1a. Section 1001.51 is revised to read as follows:

§ 1001.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for

manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1001.76 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent reporting period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent reporting period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1001.76 is amended by revising paragraph (b) to read as follows:

§ 1001.76 Butterfat differential.

* * * * *

(b) Round to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1001.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1002—MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

1. Section 1002.51 is revised to read as follows:

§ 1002.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1002.81 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile

Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent reporting period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1002.56 is amended by revising paragraphs (e), (f) and (g) and by adding a new paragraph (h), to read as follows:

§ 1002.56 Announcement of class prices and butterfat differential.

* * * * *

(e) The basic formula price for the preceding month, pursuant to § 1002.51, as reported by the United States Department of Agriculture.

(f) The average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, using the base month series, for the second preceding month, as reported by the United States Department of Agriculture.

(g) The average price per pound of Grade A (92-score) butter, at the Chicago Mercantile Exchange, for the preceding month, as reported by the United States Department of Agriculture.

(h) The average price per pound, of nonfat dry milk f.o.b. Western Area, for the preceding month, as reported by the United States Department of Agriculture.

* * * * *

3. Section 1002.81 is revised to read as follows:

§ 1002.81 Butterfat differential.

The butterfat differential for the adjustment of prices as specified in this part shall be plus or minus for each one-tenth of one percent of butterfat above or below 3.5 percent by an amount computed as follows: Round to the nearest one-tenth cent, 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1002.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. Section 1004.50 is amended by revising paragraph (d)(1) to read as follows:

§ 1004.50 Class and component prices.

* * * * *

(d) * * *

(1) Compute a butterfat differential per one percent butterfat, rounded to the nearest one-tenth cent, by multiplying the current month's butter price by 1.38, and subtract from the result an amount determined by multiplying 0.028 by the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1004.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

* * * * *

2. Section 1004.51 is revised to read as follows:

§ 1004.51 Basic formula prices.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1004.50(d)(1) and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the non dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per

hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

PART 1005—MILK IN THE CAROLINA MARKETING AREA

1. Section 1005.51 is revised to read as follows:

§ 1005.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1005.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfatS dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1005.74 is revised to read as follows:

§ 1005.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price(s) shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1005.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

1. Section 1006.51 is revised to read as follows:

§ 1006.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1006.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to

paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simply average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1006.74 is revised to read as follows:

§ 1006.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1006.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1007—MILK IN THE GEORGIA MARKETING AREA

1. Section 1007.51 is revised to read as follows:

§ 1007.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1007.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per

hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1007.74 is revised to read as follows:

§ 1007.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform prices for base and excess milk shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1007.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

1. Section 1011.51 is revised to read as follows:

§ 1011.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1011.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1011.74 is revised to read as follows:

§ 1011.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price(s) shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota

and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1011.51(a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1012—MILK IN THE TAMPA BAY MARKETING AREA

1. Section 1012.51 is revised to read as follows:

§ 1012.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1012.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1012.74 is revised to read as follows:

§ 1012.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1012.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1013—MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

1. Section 1013.51 is revised to read as follows:

§ 1013.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1013.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

Grade AA butter price. Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1013.74 is revised to read as follows:

§ 1013.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1013.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

1. Section 1030.59 is revised to read as follows:

§ 1030.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1030.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk and;

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the

annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1030.74 is revised to read as follows:

§ 1030.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1030.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1032—MILK IN THE SOUTHERN ILLINOIS-EASTERN MISSOURI MARKETING AREA

1. Section 1032.51 is revised to read as follows:

§ 1032.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1032.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1032.74 is revised to read as follows:

§ 1032.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1032.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

1. Section 1033.51 is revised to read as follows:

§ 1033.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1033.73 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1033.73 is revised to read as follows:

§ 1033.73 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1033.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1036—MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. Section 1036.51 is revised to read as follows:

§ 1036.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1036.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to

manufacture Cheddar cheese for the current month exceed or are less than the respective gross value for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1036.74 is revised to read as follows:

§ 1036.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1036.51(a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

1. Section 1040.51 is revised to read as follows:

§ 1040.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1040.51 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for the nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1040.74 is revised to read as follows:

§ 1040.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform prices shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1040.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A

butter price as reported by the Department.

PART 1044—MILK IN THE MICHIGAN UPPER PENINSULA MARKETING AREA

1. Section 1044.51 is revised to read as follows:

§ 1044.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1044.62 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Merchantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1044.62 is revised to read as follows:

§ 1044.62 Butterfat differential.

The applicable uniform prices to be paid pursuant to § 1044.70 shall be increased or decreased, for each one-tenth of one percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjust pursuant to § 1044.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1046—MILK IN THE LOUISVILLE–LEXINGTON–EVANSVILLE MARKETING AREA

1. Section 1046.51 is revised to read as follows:

§ 1046.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1046.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for

the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1046.74 is revised to read as follows:

§ 1046.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price(s) shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding months's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1046.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1049—MILK IN THE INDIANA MARKETING AREA

1. Section 1049.51 is revised to read as follows:

§ 1049.52 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1049.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined

pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1049.74 is revised to read as follows:

§ 1049.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1049.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

1. Section 1050.51 is revised to read as follows:

§ 1050.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1050.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1050.74 is revised to read as follows:

§ 1050.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1050.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1064—MILK IN THE GREATER KANSAS CITY MARKETING AREA

1. Section 1064.51 is revised to read as follows:

§ 1064.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1064.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph(b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1064.74 is revised to read as follows:

§ 1064.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to §§ 1064.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price, as reported by the Department.

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

1. Section 1065.51 is revised to read as follows:

§ 1065.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1065.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in

each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1065.74 is revised to read as follows:

§ 1065.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to §§ 1065.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price, as reported by the Department.

PART 1068—MILK IN THE UPPER MIDWEST MARKETING AREA

1. Section 1068.51 is revised to read as follows:

§ 1068.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1068.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1068.74 is revised to read as follows:

§ 1068.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1068.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1075—MILK IN THE BLACK HILLS, SOUTH DAKOTA MARKETING AREA

1. Section 1075.50 is amended by revising paragraph (c) to read as follows:

§ 1075.50 Class prices.

* * * * *

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

2. Section 1075.51 is revised to read as follows:

§ 1075.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1075.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

3. Section 1075.74 is revised to read as follows:

§ 1075.74 Butterfat differential.

The uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1075.51(a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Merchantile Exchange, Grade A butter price as reported by the Department.

PART 1076—MILK IN THE EASTERN SOUTH DAKOTA MARKETING AREA

1. Section 1076.51 is revised to read as follows:

§ 1076.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1076.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile

Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.37, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the change in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1076.74 is revised to read as follows:

§ 1076.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1076.51 (a) through (e), as reported by the Department. The basic formula price for the month computed pursuant to § 1076.51, as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1079—MILK IN THE IOWA MARKETING AREA

1. Section 1079.51 is revised to read as follows:

§ 1079.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1079.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the

annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1079.74 is revised to read as follows:

§ 1079.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1079.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade a butter price as reported by the Department.

PART 1093—MILK IN THE ALABAMA-WEST FLORIDA MARKETING AREA

1. Section 1093.51 is revised to read as follows:

§ 1093.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1093.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundreweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross value for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quality (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1093.74 is revised to read as follows:

§ 1093.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to §§ 1093.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price, as reported by the Department.

PART 1094—MILK IN THE NEW ORLEANS-MISSISSIPPI MARKETING AREA

1. Section 1094.51 is revised to read as follows:

§ 1094.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1094.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to

manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1094.74 is revised to read as follows:

§ 1094.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1094.51(a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price, as reported by the Department.

PART 1096—MILK IN THE GREATER LOUISIANA MARKETING AREA

1. Section 1096.51 is revised to read as follows:

§ 1096.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1096.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat Price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than

the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the State of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divided by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1096.74 is revised to read as follows:

§ 1096.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1096.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1099—MILK IN THE PADUCAH, KENTUCKY MARKETING AREA

1. Section 1099.51 is revised to read as follows:

§ 1099.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1099.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1099.74 is revised to read as follows:

§ 1099.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to §§ 1099.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A

butter price, as reported by the Department.

PART 1106—MILK IN THE SOUTHWEST PLAINS MARKETING AREA

1. Section 1106.51 is revised to read as follows:

§ 1106.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1106.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1106.74 is revised to read as follows:

§ 1106.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1106.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1108—MILK IN THE CENTRAL ARKANSAS MARKETING AREA

1. Section 1108.51 is revised to read as follows:

§ 1108.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1108.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for

the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price*. Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price*. Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price*. Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1108.74 is revised to read as follows:

§ 1108.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1108.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price, as reported by the Department.

PART 1124—MILK IN THE PACIFIC NORTHWEST MARKETING AREA

§ 1124.19 [Removed and Reserved]

1. Section § 1124.19 is removed and reserved.

2. Section 1124.50 is amended by revising the reference in paragraph (e) and paragraph (f)(2) from ''§ 1124.19(e)'' to ''paragraph (f)(3) of this section'' and adding a new paragraph (f)(3) to read as follows:

§ 1124.50 Class and component prices.

* * * * *

(f) * * *

(3) Compute a butterfat differential rounded to the nearest one-tenth cent, by multiplying the current month's butter price by 0.138, and subtract from the result an amount determined by multiplying 0.0028 by the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1124.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

* * * * *

3. Section 1124.51 is revised to read as follows:

§ 1124.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1124.50(f)(3) and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price*. Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price*. Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price*. Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price*. Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price*. Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than

the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

4. Section 1124.75 is amended by revising the reference in paragraph (a)(2)(i) from ''§ 1124.19'' to ''§ 1124.50(f)(3)''.

PART 1126—MILK IN THE TEXAS MARKETING AREA

1. Section 1126.51 is revised to read as follows:

§ 1126.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1126.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1126.74 is revised to read as follows:

§ 1126.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1126.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

1. Section 1131.51 is revised to read as follows:

§ 1131.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1131.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry

milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1131.74 is revised to read as follows:

§ 1131.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1131.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1134—MILK IN THE WESTERN COLORADO MARKETING AREA

1. Section 1134.51 is revised to read as follows:

§ 1134.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1134.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat

dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1134.74 is revised to read as follows:

§ 1134.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1134.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1135—MILK IN THE SOUTHWESTERN IDAHO-EASTERN OREGON MARKETING AREA

§ 1135.19 [Removed and Reserved]

1. Section 1135.19 is removed and reserved.

2. Section 1135.50 is amended by revising the reference in paragraph (e) and paragraph (f)(2) from ''§ 1135.19'' to ''paragraph (f)(3) of this section'' and adding a new paragraph (f)(3) to read as follows:

§ 1135.50 Class and component prices.

* * * * *

(f) * * *

(3) Compute a butterfat differential rounded to the nearest one-tenth cent, by multiplying the current month's butter price by 0.138, and subtract from the result an amount determined by multiplying 0.0028 by the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1135.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

* * * * *

3. Section 1135.51 is revised to read as follows:

§ 1135.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1135.50(f)(3) and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divided by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

§ 1135.74 [Amended]

4. Section 1135.74 is amended by revising the reference in paragraphs (b)(2)(i) and (b)(2)(ii) from ''§ 1135.19'' to ''§ 1135.50(f)(3)''.

PART 1137—MILK IN THE EASTERN COLORADO MARKETING AREA

1. Section 1137.51 is revised to read as follows:

§ 1137.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1137.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following produce prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for the nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1137.74 is revised to read as follows:

§ 1137.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1137.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1138—MILK IN THE NEW MEXICO-WEST TEXAS MARKETING AREA

1. Section 1138.51 is revised to read as follows:

§ 1138.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1138.74 and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price date determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National Cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

2. Section 1138.74 is revised to read as follows:

§ 1138.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the current month's butter price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1138.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

PART 1139—MILK IN THE GREAT BASIN MARKETING AREA

1. Section 1139.50 is amended by revising the reference in paragraph (d) from ''§ 1139.51(a)'' to ''paragraph (e)(1) of this section'' and by revising paragraph (e), to read as follows:

§ 1139.50 Class and component prices.

* * * * *

(e) *Butterfat price.* The butterfat price per pound shall be the total of paragraphs (e)(2) and (e)(3) of this section computed as follows:

(1) Compute a butterfat differential rounded to the nearest one-tenth cent, by multiplying the current month's butter price by 0.138, and subtract from the result an amount determined by multiplying 0.0028 by the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the ''base month'' series, adjusted pursuant to § 1139.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

(2) The skim milk value per hundredweight for the month, computed pursuant to paragraph (d) of this section, divided by 100; and

(3) The butterfat differential for the month computed pursuant to paragraph (e)(1) of this section multiplied by 10.

* * * * *

2. Section 1139.51 is revised to read as follows:

§ 1139.51 Basic formula price.

The basic formula price shall be the preceding month's average pay price for manufacturing grade milk in Minnesota and Wisconsin using the ''base month'' series, as reported by the Department, adjusted to a 3.5 percent butterfat basis using the butterfat differential for the preceding month computed pursuant to § 1139.50(e)(1) and rounded to the nearest cent, plus or minus the change in gross value yielded by the butter-nonfat dry milk and Cheddar cheese product price formula computed pursuant to paragraphs (a) through (e) of this section.

(a) The gross values of per hundredweight of milk used to manufacture butter-nonfat dry milk and Cheddar cheese shall be computed, using price data determined pursuant to paragraph (b) of this section and annual yield factors, for the preceding month and separately for the current month as follows:

(1) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the Grade AA butter price by 4.27;

(ii) Multiply the nonfat dry milk price by 8.07; and

(iii) Multiply the dry buttermilk price by 0.42.

(2) The gross value of milk used to manufacture Cheddar cheese shall be the sum of the following computations:

(i) Multiply the Cheddar cheese price by 9.87; and

(ii) Multiply the Grade A butter price by 0.238.

(b) The following product prices shall be used pursuant to paragraph (a) of this section:

(1) *Grade AA butter price.* Grade AA butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade AA butter price, as reported by the Department.

(2) *Nonfat dry milk price.* Nonfat dry milk price means the simple average for

the month of the Western Nonfat Dry Milk Low/Medium Heat price, as reported by the Department.

(3) *Dry buttermilk price.* Dry buttermilk price means the simple average for the month of the Western Dry Buttermilk price, as reported by the Department.

(4) *Cheddar cheese price.* Cheddar cheese price means the simple average for the month of the National cheese Exchange 40-pound block Cheddar cheese price, as reported by the Department.

(5) *Grade A butter price.* Grade A butter price means the simple average for the month of the Chicago Mercantile Exchange Grade A butter price, as reported by the Department.

(c) Determine the amounts by which the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk and the gross value per hundredweight of milk used to manufacture Cheddar cheese for the current month exceed or are less than the respective gross values for the preceding month.

(d) Compute weighting factors to be applied to the changes in gross values determined pursuant to paragraph (c) of this section by determining the relative proportion that the data included in each of the following paragraphs is of the total of the data represented in paragraphs (d)(1) and (d)(2) of this section:

(1) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for nonfat dry milk, 8.07, to determine the quantity (in hundredweights) of milk used in the production of butter-nonfat dry milk; and

(2) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Department, for the most recent preceding period, and divide by the annual yield factor for Cheddar cheese, 9.87, to determine the quantity (in hundredweights) of milk used in the production of American cheese.

(e) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (c) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (d) of this section.

Dated: April 6, 1995.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95–9009 Filed 4–13–95; 8:45 am]

BILLING CODE 3410–02–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Regulations; Handicapped Workshop Participation in Small Business Set-Aside Contracts; Correction

AGENCY: Small Business Administration.

ACTION: Final rule; correction.

SUMMARY: The Small Business Administration (SBA) is correcting an error in the preamble concerning its Small Business Size Regulations; Handicapped Workshop Participation in Small Business Set-aside Contracts, which appeared in the Federal Register on March 24, 1995 (60 FR 15477).

EFFECTIVE DATE: This rule is effective on April 14, 1995.

FOR FURTHER INFORMATION CONTACT: Gary M. Jackson, Assistant Administrator for Size Standards, (202) 205–6618.

SUPPLEMENTARY INFORMATION: In the second column of the Small Business Size Regulations; Handicapped Workshop Participation in Small Business Set-aside Contracts, published in the Federal Register on March 24, 1995 (60 FR 15477), the beginning of the **SUPPLEMENTARY INFORMATION** was inadvertently omitted and should be inserted after the **FOR FURTHER INFORMATION CONTACT** paragraph as follows:

SUPPLEMENTARY INFORMATION: Section 15(a) of the Small Business Act (the Act), 15 U.S.C. 644(a), provides Federal agencies the authority to reserve Federal contracts exclusively for small business competition. Pursuant to section 3(a) of the Act, 15 U.S.C. 632(a), and SBA's size regulations found at part 121 of title 13 of the Code of Federal Regulations (CFR), a concern eligible as a small business for these set-aside contracts must be a for-profit concern, independently-owned and operated, not dominant in its field of operation, and meet the applicable numerical size standard as prescribed under 13 CFR Section 121.601. The Small Business Administration Reauthorization and Amendments Act of 1994 amended Section 15(c) of the Act, 15 U.S.C. 644(c), by expanding the eligibility of entities which may participate in small business set-aside contracts to include public or private organizations for the handicapped during fiscal year 1995. *See* Pub. L. 103–403, section 305. However, this statutory revision limits the extent of participation by public or private handicapped organizations in small business set-aside awards to an aggregate amount not to exceed $40,000,000. The Act further provides that Federal agencies making awards to such organizations pursuant to provisions of this Act may use multi-year contracts, if appropriate.

Dated: April 10, 1995.

Philip Lader,

Administrator.

[FR Doc. 95–9208 Filed 4–10–95; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–37–AD; Amendment 39–9199; AD 95–06–53]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the Federal Register an amendment adopting Airworthiness Directive (AD) T95–06–53 that was sent previously to all known U.S. owners and operators of Boeing Model 737 series airplanes by individual telegrams. This AD requires identification of the part and serial numbers of the main rudder power control unit (PCU), and replacement of certain PCU's with serviceable parts, if necessary. This amendment is prompted by reports indicating that certain modified rudder PCU's malfunctioned and failed functional retesting. The actions specified by this AD are intended to prevent the rudder actuator piston and the rudder from operating with reduced force capability or moving in a direction opposite the intended direction due to malfunctioning of the rudder PCU; these conditions could result in reduced controllability of the airplane.

DATES: Effective May 1, 1995, to all persons except those persons to whom it was made immediately effective by telegraphic AD T95–06–53, issued March 14, 1995, which contained the requirements of this amendment.

The incorporation by reference of Boeing Service Bulletin 737–27–1185,

dated April 15, 1993, as listed in the regulations, was approved previously by the Director of the Federal Register as of March 3, 1994 (59 FR 4570, February 1, 1994).

Comments for inclusion in the Rules Docket must be received on or before June 13, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–37–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Kenneth W. Frey, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2673; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: On January 3, 1994, the FAA issued AD 94–01–07, amendment 39–8789 (59 FR 4570, February 1, 1994), which is applicable to certain Boeing Model 737 series airplanes. That AD requires repetitive tests of existing main rudder power control units (PCU's), and eventual replacement of the main rudder PCU with a modified PCU. The modified PCU also was required to be functionally tested following modification and prior to installation. Recently, the FAA received two reports of in-service malfunctioning of certain rudder PCU's that had been modified by Aero Controls, Inc. Subsequently, these PCU's were removed from the airplanes and failed functional retesting.

In both of the reported cases, the secondary slide in the servo valve of these PCU's went past the intended maximum travel position. An examination of the PCU's tested revealed that the spring retainer backed off from the spring guide. If the secondary slide goes past the intended maximum travel position, the rudder actuator piston and the rudder could operate with reduced force capability or move in a direction opposite the intended direction. These conditions, if not corrected, could result in reduced controllability of the airplane.

Results of a preliminary investigation indicate that Aero Controls, Inc., may not have been using the proper tool to torque the spring retaining nut. The FAA has identified 36 PCU's that may have been modified and/or tested incorrectly by that repair station. This AD affects only those PCU's modified and/or tested by Aero Controls, Inc. The FAA is currently in the process of verifying that other repair stations and operators have properly modified and tested PCU's.

The FAA has confirmed that the PCU installed on the USAir Model 737 series airplane that was involved in an accident near Pittsburgh in September 1994 had not been modified. The PCU from that airplane has been subjected to thorough functional testing, and no evidence of failures or deficiencies has been found. The investigation of that accident is continuing. No determination has been made that the PCU was the cause of that accident. This AD is being issued to correct the conditions described above and is not related to the results of the Pittsburgh accident investigation.

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design, the FAA issued Telegraphic AD T95–06–53. The AD requires identification of the part number and serial number of the main rudder PCU, and replacement of certain PCU's with serviceable parts, if necessary.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this rule to clarify this long-standing requirement.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual telegrams issued on March 14, 1995, to all known U.S. owners and operators of Boeing Model 737 series airplanes. These conditions still exist, and the AD is hereby published in the Federal Register as an amendment to § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–37–AD.'' The postcard will be date stamped and returned to the commenter.

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

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

95–06–53 Boeing: Amendment 39–9199. Docket 95–NM–37–AD.

Applicability: All Model 737 series airplanes, 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) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent the rudder actuator piston and the rudder from operating with reduced force capability or moving in a direction opposite the intended direction, and resultant reduced controllability of the airplane, accomplish the following:

(a) Within 5 flights after the effective date of this AD, identify the part number and serial number of the main rudder power control unit (PCU).

(b) If the PCU is identified with a part number and serial number specified in the list below, prior to further flight, remove the PCU from the airplane, and replace it with a serviceable part.

Part No.	Serial No.(s)
65C37052–3 ...	17SS, 49, 90A, 101, 138, 149A, 191A, 308A, 374, EGG0282.
65C37052–5 ...	1211A.
65C37052–7 ...	399A, 710A, 926A, 935A, 1175A, 1237A, 1493A, 1504A, 1546, 1561A, 67700.
65C37052–8 ...	1090A, 1223, 1920, 2023A.
65C37052–9 ...	0184, 247, 394A, 641A, 1739A, 1746A, 1796A, 1849A, 1997A, 2181A.

(c) As of the effective date of this AD, no person shall install on any airplane a rudder PCU having a part number and serial number that is specified in the list contained in paragraph (b) of this AD unless paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD are accomplished.

(1) Perform a functional test of the PCU in accordance with Part II of the Accomplishment Instructions of Boeing Service Bulletin 737–27–1185, dated April 15, 1993. And

(2) Check the torque value on the spring retainer, Part Number 68021–5, to determine that it measures a minimum of 25 inch-pounds. If the torque value is less than 25 inch-pounds, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. And

(3) Repeat the functional test required by paragraph (c)(1) of this AD. The PCU must pass this functional test in order to be returned to service. And

(4) The measurement required by paragraph (c)(2) of this AD must be reported to the FAA, Transport Airplane Directorate, Seattle ACO, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; fax (206) 227–1181. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

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

(e) Special flight permits may be issued in accordance with §§ 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.

(f) The functional test shall be done in accordance with Boeing Service Bulletin 737–27–1185, dated April 15, 1993. The incorporation by reference of this document was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of March 3, 1994 (59 FR 4570, February 1, 1994). Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on May 1, 1995, to all persons except those persons to whom it was made immediately effective by telegraphic AD T95–06–53, issued on March 14, 1995, which contained the requirements of this amendment.

Issued in Renton, Washington, on April 5, 1995.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–8828 Filed 4–13–95; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 10, 101, 111, 123, 128, 141, 143, 145, 148, 159, and 178

[T.D. 95–31]

RIN 1515–AB53

Express Consignments; Formal and Informal Entries of Merchandise; Administrative Exemptions

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by adopting final rules that implement two Customs Modernization provisions of the North American Free Trade Agreement Implementation Act that seek to streamline the commercial operations of the U.S. Customs Service. One provision concerns raising administrative exemptions from duty, taxes, and fees on articles such as gifts and personal and household goods; the other concerns exemptions from entry

requirements for specified merchandise (undeliverable shipments, rail equipment, and instruments of international traffic). Further, the final rules also clarify the entry procedures for shipments by express consignment operators or carriers to make it clear that all such shipments must be entered, unless they are specifically exempted from entry requirements.

This document addresses public comments solicited by the interim regulations that were published in the Federal Register on June 13, 1994, and makes certain suggested changes to those interim regulations to add clarity and improve the readability of the final regulations.

EFFECTIVE DATE: May 15, 1995.

FOR FURTHER INFORMATION CONTACT: *For Operational Aspects:* Mike Compeau, Office of Field Operations, (202) 927–0762; *For Legal Aspects:* William G. Rosoff, Office of Regulations and Rulings, (202–482–7040).

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1993, the United States enacted the North American Free Trade Agreement Implementation Act (the Act), Pub. L. 103–182, 107 Stat. 2057. Title VI of the Act (107 Stat. 2170) contains some 60 provisions pertaining to Customs Modernization that seek to streamline and automate the commercial operations of the U.S. Customs Service. Two of these streamlining provisions are section 651 of Subtitle C and section 681 of Subtitle D. Section 651 amends section 321 of the Tariff Act of 1930, as amended (19 U.S.C. 1321), which pertains to the administrative exemption of certain articles from duty and taxes to avoid disproportionate expense and inconvenience to the Government; section 681 of Subtitle D amends the Harmonized Tariff Schedule of the United States (HTSUS), at General Note 4 (now General Note 13) and at various chapter Notes, to exempt certain other articles from unnecessary ''re-entry'' procedures as imports.

Administrative Exemptions and Section 651 of the Act

Prior to passage of the Act, section 321 authorized administrative exemptions from duty and taxes only up to specific minimal dollar limits on articles, such as gifts and personal and household goods, and in certain other situations. Although the statutorily-specified dollar amounts were adjusted periodically, as recently as 1983, they have not kept pace with inflation; the current amounts are not sufficiently high to permit the Secretary to meet the statutory goal of limiting expense to the Government disproportionate to the revenue that is collected.

Because of this continuing inflation problem and due to substantial increases in passenger arrivals and low-value entries, section 321 was amended by section 651 of the Act to increase the dollar amounts that trigger eligibility for administrative exemptions. But instead of setting maximum dollar amounts below which the Secretary was authorized to make the exemptions applicable, the amendments set minimum dollar amounts and authorize the Secretary to make the exemptions applicable up to an amount specified by regulation. Also, the exemptions were made applicable to the total of duties and taxes.

The provisions of section 651 also added a new provision to section 321 to allow Customs to waive collection of duties, fees, and taxes on entered merchandise where the duty amount is less than $20; however, no amendment to the regulations is promulgated at this time.

The regulations pertaining to administrative exemptions and entry procedures applicable to merchandise subject to section 321 are scattered throughout the Customs Regulations (19 CFR Chapter I): The provision containing the authorization to disregard a difference of less than $10 between the duty actually due on an entry and the estimated duties deposited is found at § 159.6 (19 CFR 159.6); provisions pertaining to *bona fide* gifts are found at §§ 10.152 and 145.32 (19 CFR 10.152 and 145.32); provisions pertaining to personal or household articles are found at §§ 148.51, 148.12 and 148.64 (19 CFR 148.51, 148.12 and 148.64); provisions pertaining to the $5 administrative exemption for all other articles are found at §§ 10.151 and 145.31 (19 CFR 10.151 and 145.31); and conditions for the exemptions provided for at §§ 10.151 and 10.152 are now found at § 10.153 (19 CFR 10.153). Also, § 128.24(d) (19 CFR 128.24(d)) refers to low-value shipments (*i.e.*, shipments valued at $5 or less) and provides that such shipments must be segregated from shipments valued at more than $5 when the special informal entry procedures provided for in part 128 are used. (This provision was intended to cover articles which could be administratively exempted from duties and taxes under section 321(a)(2)(C) (19 U.S.C. 1321(a)(2)(C)) (see T.D. 89–53, published in the Federal Register on May 8, 1989 (54 FR 19561)).) Other provisions relating to administrative exemptions and entry requirements are found in parts 111 (Customs brokers), 141 (Entry of merchandise), and 143 (Special entry procedures) of the Customs Regulations (19 CFR).

The Harmonized Tariff Schedule and Section 681 of the Act

Under present regulations, shipments which leave the U.S. and go undelivered to the country of destination (without having left the custody of the carrier or foreign customs service) are considered exports and must be ''re-entered'' into the U.S. as imports. Current regulations also provide that rail equipment brought into the U.S. from Canada, although not subject to duty, is subject to entry requirements, and instruments of international traffic (*e.g.*, containers, rail cars and locomotives, truck cabs, and trailers), although exempt from formal entry procedures, are subject to certain other procedures.

Section 681 of the Act amended the Harmonized Tariff Schedule of the United States (HTSUS) at General Note 4 (now General Note 13, *see*, Presidential Proclamation 6641, December 15, 1993, published in the Federal Register on December 20, 1993 (58 FR 67032, 66867)) to exempt from entry requirements certain shipments returned as undelivered, thereby facilitating their processing. Section 681 also amended various HTSUS chapter Notes to eliminate entry requirements for rail cars and locomotives on which no duty is owed, pursuant to terms of the U.S.-Canada Free-Trade Agreement (*see*, U.S.-Canada Free-Trade Implementation Act of 1988, Pub. L. 100–449, 102 Stat. 1851, 19 U.S.C. 2112 note), and to eliminate unnecessary entry procedures related to instruments of international traffic by providing for reporting requirements and the periodic payment of fees.

The interim regulations implementing aspects of these various provisions are found in parts 10, 123, and 141 of the Customs Regulations (19 CFR parts 10, 123, and 141).

Customs Regulations Amended by Interim Regulations

To implement the amendments to section 321 of the Tariff Act of 1930 and provisions of the HTSUS by sections 651 and 681, respectively, of the Act, and to clarify the procedures for shipments brought into the U.S. by express consignment operators and carriers, on June 13, 1994, Customs published interim regulations in the Federal Register as T.D. 94–51 (59 FR 30289). These interim regulations provided for a 30-day comment period and an effective date of 45 days after

publication, unless comments received demonstrated that there was good cause for not making the regulations effective on an interim basis. No comments received by Customs established such good cause. The published effective date of the interim regulations—July 28, 1994—subsequently became the subject of litigation, when, on July 25, 1994, the National Customs Brokers and Forwarders Association of America, Inc., filed a motion with the United States Court of International Trade (CIT) seeking to enjoin the implementation of the interim regulations, and were granted a temporary restraining order (TRO). Accordingly, on July 28, 1994, Customs published another document in the Federal Register as T.D. 94–61 (59 FR 38548) giving notice that the TRO had been issued and that the effective date of the regulations was delayed. A hearing was held on August 9, 1994, and on August 16, 1994, the Court issued a decision in *National Customs Brokers & Forwarders Ass'n of America, Inc.* v. *U.S.*, 18 CIT _____, 861 F.Supp. 121 (CIT 1994), which denied the plaintiff's motion for a preliminary injunction, revoked the temporary restraining order, and dismissed the case. The interim rules subsequently became effective on August 23, 1994, when T.D. 94–71 (59 FR 43283) was published in the Federal Register.

The interim regulations amended or revised twenty-one sections of the Customs Regulations that are scattered over ten parts of the Code of Federal Regulations (19 CFR) to conform them to the statutory changes made by the above-mentioned amendments, and solicited comments concerning these changes. The sections affected by the interim rule were §§ 10.151, 10.152, 10.153, 101.1, 111.3, 123.12, 128.21, 128.23, 128.24, 128.25, 128.26, 141.4, 143.21, 143.23, 143.26, 145.31, 145.32, 148.12, 148.51, 148.64, and 159.6 (19 CFR 10.151, 10.152, 10.153, 101.1, 111.3, 123.12, 128.21, 128.23, 128.24, 128.25, 128.26, 141.4, 143.21, 143.23, 143.26, 145.31, 145.32, 148.12, 148.51, 148.64, and 159.6).

Eighteen comments were received, which raised five areas of concern. The comments received and Customs responses to them are set forth below.

Discussion of Comments

Comments were received from Customs broker organizations (six), express consignment companies or organizations (five), groups representing other types of carriers (three), a Port Authority (one), a group representing the recording industry (one), the Joint Industry Group (one), and a Customs office (one). The comments raised five areas of concern involving: (1) Whether the interim regulations codified existing practices; (2) exempt merchandise under §§ 10.151 and 10.152; (3) unlicensed transactions under § 111.3; (4) procedures for express consignments under §§ 128.21, 128.23, and 128.24; and (5) entry requirements under §§ 141.4, 143.23, 143.26, and 145.31 and those pertaining to undeliverable shipments and international traffic. We address each of these concerns *seriatim*.

In General

Comment: Five commenters stated that the interim regulations should not be implemented or that there should be a longer comment period before implementation. Six commenters called for the immediate implementation of the interim regulations.

Customs Response: The issue of implementing interim regulations was addressed by the Court of International Trade (CIT) in *National Customs Brokers & Forwarders Ass'n of America, Inc.*, v. *U.S., 18 CIT* _____, 861 F.Supp. 121 (CIT 1994) (*National Customs Brokers*), wherein, the court found that Customs acted lawfully in promulgating interim regulations which affect certain administrative exemptions. Further, Customs feels that adequate time for commenting and analysis of those comments has been provided.

Comment: Two commenters stated that Customs had not considered the revenue effects of implementing the new administrative exemption levels.

Customs Response: Given that the Customs Modernization provisions of the Act declare the will and the objectives of Congress and the President to modernize Customs laws, Customs is not required to make such a consideration because, by its act of amending section 321, Congress indicated its policy determination with respect to cost-to-benefit analysis of expense and inconvenience versus revenue raised with regard to the entry of exempt low-value shipments. See, the legislative history of section 651, H.R. Rep. No. 361, 103rd Cong., 1st Sess., pt. 1, 145 (1993) and S. Rep. No. 189, 103rd Cong., 1st Sess. 93 (1993), and the discussion of this issue by the court in its decision in *National Customs Brokers*, cited above.

Comment: One commenter expressed concern that the interim regulations appear to associate the privileges in 19 U.S.C. 1321 only with express consignment processing. The commenter stated that since a carrier is not listed among the parties authorized to make entry of shipments valued at § 200 or less, a carrier may not be authorized to make entry, even though the carrier holds the air waybill document/data. The commenter ''strongly recommends'' that the interim regulations be amended to clarify that for these entries the carrier may present the air waybill or bill of lading on behalf of the owner or consignee.

Customs Response: The commenter's concern is ill-founded. A carrier *is* a nominal consignee and, therefore, is entitled to the privileges provided under the interim regulations for shipments valued § 200 or less. Regarding the initial concern that the interim regulations associate the privileges in section 1321 only with express consignment processing, this is exactly what the interim regulations do *not* do; they apply the same rules across the board, as much as is possible, so that now the privileges under the amended statute are extended generally and a ''level playing field'' results (i.e., see the amendments to §§ 143.21, 143.23, and 143.26, as well as those to parts 145 and 148). Accordingly, no change to the amendments is made based on this comment.

Comment: A commenter suggested the total elimination of part 128, because such regulations are superfluous and duplicative of existing provisions. The commenter stated that part 128 covers ''express consignments'' but does not define the term. Therefore, the commenter suggested that either part 128 be eliminated totally or it be amended to cover all consignments and all carriers. If it is decided to retain part 128, the commenter suggested that §§ 143.26 and 145.31, as well as other ''interim'' regulations ''designed to accommodate the 'express' industry'' be redesignated in part 128.

Customs Response: Initially, we note that it would be inconsistent with Pub. L. 103–182, which took special notice of the express consignment industry (see section 681 and H.R. Rep. No. 361, 103rd Cong., 1st Sess. pt. 1, 154–155 (1993)), for Custom to now eliminate that part of the Custom Regulations pertaining to that industry. As for the contention that Part 128 does not define ''express consignments'', the definition of ''express consignment operator or carrier'' in § 128.1(a) contains the following elements: That such businesses offer their special express service to the public under an advertised, reliable timely delivery on a door-to-door basis; and, that they operate in any mode or intermodally by moving cargo under closely integrated administrative control. Regarding the propriety of having a separate part 128 to regulate just the express industry, Customs has a long history of facilitating trade by addressing the

specific needs of groups or industries which have transactions with Customs. That is why other identifiable groups, such as vessel carriers (part 4), air carriers (part 122), land carriers (part 123), warehouses (parts 19 and 144), and foreign trade zones (part 146) have regulations applicable to their businesses located in easily identifiable parts of the Customs Regulations. Accordingly, no change to the amendments is made based on this comment.

Comment: A commenter cited Customs information-gathering and automation efforts and then argued that in the Interim Regulations Customs is informing the public that, for a ''majority of importations, those entered on informal Customs entries,'' Customs does not need the information which it had said it needed when it implemented these automation efforts.

Customs Response: The only change from the manifest requirements for express consignment shipments under part 128 is that the HTSUS (Harmonized Tariff Schedule of the United States) number is not required for shipments valued at § 200 or less (i.e., *not* for all informal entries). Customs believes that this change does not affect a ''majority of importations.'' Accordingly, no change to the amendments is made based on this comment.

Comment: A commenter stated that Customs should perform periodic inspections of all goods, including shipments valued at § 200 or less.

Customs Response: Customs fully agrees with this comment and, in fact, does perform examinations of shipments valued at less than § 200. These examinations are typically performed under structured programs such as statistically valid compliance measurements, random examinations, and targeted examinations.

Comment: One commenter stated that the regulations would allow unfettered entry according to unchallenged declarations of entry. Another commenter questioned how the FDA will enforce its statutes and regulations if Customs has no idea whether a package falls within FDA jurisdiction. This same commenter also questioned how Customs will enforce visa requirements for apparel and intellectual property rights, arguing that the Interim Regulations make no mention of how this will be done.

Customs Response: Customs disagrees with this statement. One of the concepts that permeates the Customs Modernization provisions is that an ''importer of record'' is held to a standard of ''reasonable care'' in discharging entry and related activities. This standard, coupled with the fact that Customs has every authority to challenge the contents of any documentation or data submitted, including value, presented for shipments entering the United States, enables Customs to rely on the specific description provided to determine whether a shipment is subject to another agency's requirements. However, because the ''reasonable care'' standard was not made express in the interim regulations, specifically at § 143.26, language providing for this standard is added, under the authority of 19 U.S.C. 1498(b).

In addition, it is Customs opinion that visa requirements will be enforced because merchandise for which there are visa requirements is encompassed by the provisions of § 10.153(g) (merchandise of a class or kind provided for in any absolute or tariff-rate quota), or, in the case of express shipments, by the provisions of § 128.24(a) (merchandise which is subject to quota or other quantitative restraints). Therefore, merchandise subject to visa does not qualify for duty-free treatment under the provisions of § 10.151. Accordingly, no change to the amendments is made based on this comment.

Comment: A commenter stated that Customs would virtually eliminate any possibility for detection of contraband shipments through subsequent review of importation documents.

Customs Response: Customs disagrees with this statement. Customs routinely performs port audits of manifest information, including low-value shipments. In addition, Customs can examine these shipments prior to release. (See also the response below to a similar comment under the heading ''Express consignment procedures under §§ 128.21, 128.23, and 128.24''.)

Exempt Merchandise Under §§ 10.151 and 10.152

Comment: One commenter contended that the preparation of an entry should not be required for any shipment valued at $200 or less. Two other commenters contended that shipments under 19 U.S.C. 1321 are exempt from entry as well as duty. These commenters also referred to what they believe to be favorable treatment for mail shipments.

Customs Response: Customs does not agree with these comments. These issues were clearly addressed in the **BACKGROUND** portion of T.D. 94–51 (the Federal Register document which amended the Customs Regulations on an interim basis (59 FR 30289)) (see also *National Customs Brokers,* which upholds Custom position in this regard). It is Customs position that the former § 10.151 did *not* exempt merchandise covered by it from entry; it exempted such merchandise from formal entry under 19 U.S.C. 1484. T.D. 94–51 clearly explains this. Regarding mail entries, § 145.31 provides that the *district director* does not need to prepare an entry as provided for in § 145.12. This is not a change from the previous provision, except that a reference to § 145.12 was added to make it clear that what is meant is that *Customs officers* need not prepare an entry for the covered shipment. Accordingly, no change to the amendments is warranted.

Comment: One commenter questioned Customs ability to determine if an importer has multiple shipments of low-value merchandise arriving on one day because an importer can use various couriers, carriers and the mail.

Customs Response: Customs disagrees that it would be unable to determine if an importer has multiple shipments. Customs performs post audits of manifests for both couriers and other carriers and it would be possible to identify violators through these procedures or simply through manifest reviews. Importers using the mail have no control over postal routing and a pattern of repeated shipments of low-value merchandise would be detected by Customs personnel responsible for processing the packages.

Comment: One commenter proposed that an invoice be attached to each manifest to verify the low value of shipments.

Customs Response: Customs disagrees with this proposal. Although Customs has the authority to require supporting documentation for any shipment, we feel that it would place an excessive burden on the trade community to require such documentation which, in the preponderance of cases, would simply duplicate information already provided. Accordingly, no change to the amendments is made based on this comment.

Comment: One commenter proposed that Customs maintain the *status quo* for shipments with a declared value of $100 or more.

Customs Response: Customs feels that this is not an option. Customs also notes that the amount set by 19 U.S.C. 1321(a)(2)(C) is a ''floor'' amount of $200.

Comment: One commenter suggested that the $100 ceiling for gifts in § 10.152 be changed to $200, consistent with the $200 ceiling for importations by one person on one day in § 10.151.

Customs Response: The dollar amounts currently provided in

§§ 10.151 and 10.152 are the ''floor'' amounts established by Congress when it amended 19 U.S.C. 1321. Although the Secretary of the Treasury is authorized to prescribe exceptions to any exemption provided for under section 321, changing a provision to provide for amounts greater than the floor amounts established requires an analysis of the expense and inconvenience to the Government compared to the revenue that would otherwise be collected. See, 19 U.S.C. 1321(b). When such an analysis is undertaken, this comment will be reconsidered. At this time, however, no change to § 10.152 can be made.

Unlicensed Transactions Under § 111.3

Comment: A commenter stated that although it does not challenge the decision as to the *type* of entry method which may be used for shipments under 19 U.S.C. 1321, it does challenge Customs taking of the authority to decide *who* will make such entries by the addition of § 111.3(e) to the Customs Regulations. The commenter also cited 19 U.S.C. 1641(b)(6) under which any person who intentionally transacts Customs business, other than on behalf of that person (*i.e.*, a person conducting Customs business for his or her own behalf), is liable to a $10,000 penalty. The commenter noted that, notwithstanding the above provisions, the Interim Regulations provide that shipments of $200 or less may be made by the owner, purchaser, *or consignee* of the shipment. The commenter argued that a consignee filing such an entry is clearly conducting Customs business other than on its own behalf and concluded that in this case the entry documents must be filed by the persons with the right to make entry under 19 U.S.C. 1484. Three other commenters challenged the provisions of § 143.26 which allow a consignee to make entry on shipments valued at $200 or less.

Regarding the amendment to § 111.3(e), another commenter noted that an importer is already allowed to make entry for his/her own account without being a Customs broker, and that Customs has issued instructions and messages showing concern about adequately enforcing cargo selectivity processing and protecting the revenue in regard to informal entries. The commenter further stated that extending the right to file informal entries to parties other than the actual importer or a licensed broker may compound existing problems. Also, the commenter asked what the power of attorney requirements would be for the party presenting an informal entry.

Another commenter noted the amendment to ''Customs business'' in 19 U.S.C. 1641(a)(2) made by Pub. L. 103–182 and noted that this indicates that the intent of Congress in promulgating the Customs Modernization provisions of the Act was to further restrict the amount and type of Customs business that could be performed by unlicensed parties.

Customs Response: In *National Customs Brokers,* the Court addressed these very contentions and concluded that ''* * * sections 1498 and 1484 support the conclusion that Customs has acted lawfully in promulgating regulations for the declaration and entry of exempt merchandise * * *''

Concerning power of attorney requirements, a power of attorney continues to be required in each instance in which a Customs broker is designated by the owner, purchaser, or consignee. The change effected by the Interim Regulations in this regard is that now, for shipments entitled to the privileges in 19 U.S.C. 1321, the consignee may make entry (see § 143.26(b)). Since the consignee in this situation makes such an entry in its own right, no Customs power of attorney (see 19 CFR 141.34 *et seq.*) is required in this situation. Accordingly, no change to the amendments is made based on these comments.

Comment: Arguing that Customs has historically required the person making entry not only to be knowledgeable about and accountable for the facts relating to an importation but also to submit documentation to substantiate that knowledge, a commenter stated that its reading of § 143.26, combined with the changes to Part 128, indicates that ''express'' entities (and their licensed brokers) may enter all shipments each individually valued at not over $1250 by merely submitting an ''entity'' manifest setting forth the freight bill number and a value not over $1250.

Customs Response: Regarding the ''right to make entry'' issues, as stated above, these issues were clearly addressed by the CIT's decision in *National Customs Brokers.* Regarding the treatment of shipments carried by express consignment operators or carriers, the Interim Regulations are very clear in creating a 3-tiered approach (shipments valued at $200 or less and otherwise qualifying may be entered informally, as provided for in 19 U.S.C. 1498 and § 128.24, and are entitled to the privileges in 19 U.S.C. 1321; shipments valued from $200 to $1250 may be entered informally, as provided for in 19 U.S.C. 1498 and § 128.24; and all other shipments must be entered under the formal entry procedures). If the commenter is questioning the use of ''in-house'' brokers by couriers, we note that this issue has been extensively dealt with by the Courts (*National Customs Brokers* v. *U.S.,* 13 CIT 803, 723 F.Supp. 1511 (1989); *National Customs Brokers & Forwarders Ass'n of America* v. U.S., 14 CIT 108, 731 F.Supp. 1076 (1990); *J.F.K. Customs Brokers Ass'n Inc.* v. *U.S.,* 745 F.Supp. 113 (E.D.N.Y. 1990)).

Express Consignment Procedures Under §§ 128.21, 128.23, and 128.24

Comment: One commenter suggested that the manifest requirements in § 128.21 be modified to require a description (of the imported merchandise) detailed enough so that the HTSUS classification applicable to the shipment can be determined from the description.

Another commenter stated that § 128.24(e) permits release of shipments valued at less than $200 without the requirement for an HTSUS number and § 128.24(d) exempts such shipments from the filing of an entry summary.

While two commenters supported not having a HTSUS number requirement, two other commenters stated that HTSUS numbers should be required for section 321 releases.

Those opposed to not requiring HTSUS numbers questioned if Customs would be able to enforce other government agency requirements, visa requirements, or Intellectual Property Rights (IPR) issues.

Customs Response: The requirement for a specific description of entered merchandise, as provided in the Interim Regulations, was contained in the previous provision (19 CFR 128.21(a)(4)). The only change from the previous provision is that, consistent with the amendment to 19 U.S.C. 1321(a)(2)(C), no entry summary or estimated duties are required and tariff classification information is not required for shipments qualifying for 19 U.S.C. 1321 treatment. In addition, Customs, under 19 CFR 143.22, has the option of requiring a formal entry for any shipment for which there are questions regarding admissibility, enforcement or revenue.

Regarding a requirement for HTSUS numbers on low-value entries, Customs does not feel that there is sufficient reason to require such merchandise identification when other required manifest information is adequate to enforce these provisions. Customs believes that the requirements to provide shipper/consignee information and a specific description, along with the country of origin and value of the merchandise, provide adequate

information to meet Customs enforcement responsibilities on low-value shipments. Accordingly, no change to the amendments is made based on this comment.

Comment: A commenter suggested that the requirement in § 128.21(a)(4)(i) for the HTSUS number on the manifest if the merchandise is required to be formally entered is redundant since the HTSUS number is provided via the CF 3461 or CF 7501 and the transmission of that data via the Automated Broker Interface (ABI).

Customs Response: The requirement has been in effect since express regulations were originally published. As this item is not directly related to the amendments made by sections 651 and 681 and was not included in the interim regulations, Customs does not support including the proposal in the final rule because there has not been a comprehensive analysis performed at this time. Accordingly, no change to the amendments is made based on this comment.

Comment: One commenter stated that ''express'' entities may enter shipments valued at less than $1,250 by merely submitting a manifest setting forth the freight bill number and the value.

Customs Response: We are unaware of any regulations which state this. Requirements for entry of express shipments valued between $200 and $1,250 are set forth in § 128.24; however, the information required goes far beyond a bill number and value. The requirements for release of shipments valued under $200 are defined in § 143.23 and also require more than a bill number and value information.

Comment: One commenter stated that it appears that shipments of any value may be entered via a manifest report.

Customs Response: The commenter did not cite any regulation or other basis for this comment. We are unaware of any regulation which would permit this.

Comment: A commenter requested removal or authorization of a waiver of the requirement in § 128.23 that entry numbers be furnished in a Customs-approved bar code format. Another commenter argued that transmission in a bar-coded format is ''operationally impossible.''

Customs Response: The requirement has been in effect since express consignment regulations were originally published. As this item was not directly related to the amendments made by sections 651 and 681 and was not included in the interim regulations, Customs does not support including the proposal in the final rule because there has not been a comprehensive analysis performed at this time. Accordingly, no change to the amendments is made based on this comment.

Comment: Four commenters suggested that § 128.23(b)(1) should require express consignment entities utilizing the procedures in part 128 to comply with the *applicable* Automated Commercial System (ACS) requirements.

Customs Response: Customs disagrees with this proposal, and believes that such a change to the regulations would actually serve to confuse the applicability of ACS requirements. Insertion of the word ''applicable'' would create confusion by inferring that the use of automated procedures is discretionary. Accordingly, no change to the amendments is made based on this comment.

Comment: One commenter asked that § 128.24(e) be clarified so that it is clear that the requirement for segregation of shipments valued at $200 or less from those valued at more than $200 when an advance manifest is used refers to segregation on the manifest.

Customs Response: We agree with this proposal. There was never any intent that actual shipments of low-value merchandise be physically segregated from other shipments. We feel this can be resolved by rewording the pertinent sentence to read ''such shipments must be segregated *on the manifest* from * * *.''

Entry Requirements Under §§ 141.4, 143.23, 143.26, and 145.31 and Those Pertaining to Undeliverable Shipments and International Traffic

Comment: A commenter stated that § 141.4(c) provides for exemption from entry for undeliverable articles under HTSUS General Note 13(e), subject to certain conditions. One of these conditions requires that the person claiming the exemption must submit a certification that the merchandise was intended to be exported to a foreign country. However, T.D. 55091(4), 95 Treas. Dec. 145 (1960), allows for the return of merchandise that was erroneously shipped to a foreign country. Thus, the commenter suggested that merchandise erroneously shipped to a foreign country should be exempt from entry under HTSUS General Note 13(e)—since these types of shipments were not intended to be exported—and that § 141.4(c) should so provide.

Customs Response: Customs does not agree with this suggestion. Two separate concepts are apparently being confused here: Goods erroneously shipped that may be administratively treated as nonexports/nonimports, and goods undeliverable abroad that, pursuant to statute, are required to be exported to be exempt from entry. As stated by the commenter, § 141.4(c) provides for the entry exemption statutorily available under General Note 13(e), which was amended by section 681 of the Act to provide, in part, that goods undeliverable abroad must have been exported in the first instance. Exportation is defined at § 101.1(k) of the Customs Regulations (19 CFR 101.1(k)) in terms of intent to unite goods to the mass of things belonging to some foreign country. Thus, an intent to export domestic goods to some foreign country must be present before the entry exemption available can be considered applicable. Under the provisions of T.D. 55091(4), however, merchandise that was erroneously shipped is administratively treated as if it was never exported, because there was no intent to export the goods, *i.e.,* to unite the goods to the mass of things belonging to a foreign country, in the first instance. While this may seem like a case of semantics, the concepts embrace different scenarios: The latter situation addressed in the T.D. is much narrower than the circumstances required to be met by the entry exemption available under General Note 13(e). To the extent that the commenter believes that the T.D. may be inconsistent with the provisions of § 141.4(c), it is encouraged to write in, under the provisions of part 177 of the Customs Regulations, for a clarification of the T.D., but Customs does not see any apparent contradiction between these two exemption provisions. Accordingly, no change to the amendments is made based on this comment.

Comment: A commenter stated that Customs should clarify that the merchandise involved cannot leave the custody of *either* the carrier *or* the foreign Customs service.

Customs Response: It seems obvious that the statutory requirement does not require the merchandise to be in the custody of *both* the carrier *and* the foreign Customs service.

Comment: A commenter argued that the Interim Regulations are inconsistent with an agreement reached between Customs and a railroad association, which provides that the importer (required to make the certification regarding age of the car under HTSUS subheading 9905.86.05 or the certification regarding the exportation within 1 year from the date of importation under HTSUS subheading 9905.86.10) should not have to make the certification; the requirement should be met by a certified list from the Association, with information regarding the cars.

Customs Response: In general, Customs must have a mechanism in place to ''ensure'' that rail cars and locomotives entering the U.S. are not subject to duties or taxes. The current interim regulation gives U.S. Customs the authority to establish evidentiary requirements.

With regard to bonding requirements, Customs is unaware of any other method to insure the performance of the obligations set forth in the regulations (other than a bond). Since there is a statutory requirement, compliance with which is guaranteed by a bond, and since the legislative history specifically authorized the requiring of such a bond (see the **BACKGROUND** to the Interim Regulations, under Other Exemptions from Entry), we see no alternative to requiring such a bond.

However, the commenter requested Customs to accept the railroad association's certification of eligibility for importation under HTSUS subheading 9905.86.05 instead of having the certification of particular railroads actually importing the cars; that the association should guarantee the accuracy of that certification and the fact that any car so imported would be timely exported. If the railroad association would be willing to post a bond that made it, rather than the actual importing railroad, responsible for any default of those two commitments and the association would further agree not to raise as a defense to an action the fact that it was not the importing railroad, then Customs would draft the appropriate bond language and seek to obtain the formal commitment of the Department of the Treasury that the Customs Service may accept such a bond from the association for the activity specified. Accordingly, no change to the regulations is made at this time.

Comment: Three comments—all from express companies—suggested that Customs should clarify that requiring documents under § 141.4(c)(2) to support claims for exemption from entry for undeliverable articles should not be done on a routine basis.

Customs Response: We disagree with this proposal. The express companies deal primarily with small, low-value shipments. HTSUS General Note 13(e), however, applies to all shipments. There are no restrictions upon mode of transport, value, country of origin, quota merchandise, or other agency requirements. Customs could conceivably receive claims for importation without entry on shipments of unlimited quantities or value. We oppose inclusion of any language which could be interpreted as limiting Customs authority to require supporting documentation. Accordingly, no change to the amendments is made based on this comment.

Comment: Four commenters contended that the documentation needed to enter a shipment valued at $200 or less, provided for in § 143.23(j), which does not include ''shipping weight,'' should be consistent with the documentation required to be on manifests submitted by express carriers under § 128.21(a)(6), which does include ''shipping weight.''

Customs Response: We agree with this proposal. Because the weight of a shipment can provide valuable enforcement or compliance information, we feel that ''Weight'' should be included in the list of required information under § 143.23.

Comment: Four commenters proposed either to eliminate language from § 143.23(j) which refers to informal entries for shipments valued at less than $200, or provide statements which essentially assert that an entry is not required for these shipments.

Customs Response: Customs disagrees with the underlying premise of these commenters, *i.e.,* that such low-value shipments are exempt from entry requirements. As stated in the **BACKGROUND** portion of T.D. 94–51, the interim regulations amended Part 143 *to clarify* the procedures for entries of shipments, including shipments which may be entered under the procedures provided for by regulation. Only merchandise specifically exempt from entry, *i.e.,* so-called intangibles, under General Note 13, is exempt from all forms of entry. By adding paragraph (j) to § 143.23, Customs was clarifying the entry requirements that have always been applicable to low-value shipments. Thus, this amendment to § 143.23 did not constitute a change from current practice.

Regarding the propriety of promulgating such regulations, the commenter is advised to see the Court's decision in *National Customs Brokers,* which, in responding to the issue of whether merchandise authorized to be exempt, under section 321 of the Tariff Act of 1930, must be entered, reiterated that the Secretary is empowered to promulgate regulations with respect to entry of low-value exempt merchandise pursuant to 19 U.S.C. 1498(b) (also citing 19 U.S.C. 1484). Accordingly, no change to the amendments is made based on this comment.

Comment: One commenter stated that, operationally, a hard copy air waybill must be submitted, even though the required information can be submitted through AMS.

Customs Response: Customs notes that the reference to ''manifest'' in § 143.23 includes electronic manifests.

Comment: One commenter indicated that couriers do not have to tell Customs what imported goods actually are.

Customs Response: This is an incorrect statement. Sections 143.23 and 128.21(a) very clearly state that a specific description of the merchandise is required.

Comment: One commenter proposed that Customs should require the importer's identification number and the manufacturer's identification number for low-value shipments.

Customs Response: Customs disagrees with the proposal to require ID numbers. Customs believes that it can adequately fulfill its enforcement needs for low-value shipments based on the shipper and consignee information required in §§ 143.23 and 128.21(a). Accordingly, no change to the amendments is made based on this comment.

Comment: Another commenter stated that Customs would be unable to enforce embargoes because the courier does not have to furnish Customs and their computer with the country of origin.

Customs Response: Sections 143.23 and 128.21(a) clearly state that the country of origin of the merchandise is required information for release of merchandise under section 321 provisions.

Comment: A commenter suggested that §§ 143.26 and 145.31 be incorporated into part 128 of the CFR.

Customs Response: Customs disagrees with this proposal. Section 143.26 applies to all shipments which qualify for administrative exemptions, regardless of whether the shipment is express. Section 145.31 deals with shipments in the mail and is not applicable to express shipments. Accordingly, no change to these sections is made based on this comment.

Comment: One commenter suggested that §§ 143.26 and 145.31 should be revised to state that the consignee, other than the owner or purchaser, must show direct interest in, and a relationship to, an importation sufficient to meet basic custom entry requirements.

Customs Response: Customs disagrees with this suggestion. The suggestion is confusing in that a consignee, by its very nature, must have an interest in and a relationship to the importation. Accordingly, no change to these sections is made based on this comment.

Comment: Two commenters stated that mail importations are exempt from entry under § 145.31.

Customs Response: Customs believes that it is made clear in the revised § 10.151 that the provisions included in § 145.31 constitute an entry under informal entry procedures. Information needed for release of mail shipments under administrative exemptions is supplied in documentation accompanying the mail package. This accompanying documentation is the ''other document filed as the entry'' required by § 10.151.

Conclusion

As no material issues were raised in the comments that are not adequately addressed by existing regulations or by relevant judicial decisions, Customs has decided to finalize the amendments as proposed, with the minor editorial changes to §§ 128.24(e), 143.23, and 143.26 discussed above. Also, conforming amendments to §§ 10.151, Part 178, and the general authority citations to Parts 10, 101, 123, and 159 are made as follows: § 10.151 is revised to add oral declarations to the forms of evidence showing the fair retail value of imported merchandise; Part 178 is amended to indicate the OMB-assigned control numbers for the information collections contained at §§ 128.21, 128.23, 128.24, 141.4, and 143.23; at part 10, the reference to 19 U.S.C. 1202 is revised to add a parenthetical reference to General Note 20 of the Harmonized Tariff Schedule of the United States (HTSUS); at Part 101, the parenthetical HTSUS reference is revised to include a reference to General Note 20; at Part 123, section 1433 is added to the citations for title 19—it was inadvertently left out of the Interim Regulation text; and, at part 159, section 1504 is added to the citations for title 19—it also was inadvertently left out of the Interim Regulation text.

The Regulatory Flexibility Act, and Executive Order 12866

Based on the supplementary information set forth above and because the amendments contained in this document reflect existing statutory requirements or merely implement interpretations and policies that are already in effect under interim regulations, pursuant to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, it is certified that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, the regulations are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. This document does not meet the criteria for a ''significant regulatory action'' as specified in E.O. 12866.

Paperwork Reduction Act

The collections of information in these final regulations, contained in §§ 128.21, 128.23, 128.24, 141.4, and 143.23, were previously reviewed and approved by the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507) under control numbers 1515–0069 (§§ 128.21, 128.23 and 128.24) and 1515–0065 (§§ 141.4 and 143.23). The estimated average annual burden associated with this collection is .24 hours per respondent or recordkeeper. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the U.S. Customs Service, Paperwork Management Branch, Room 6316, 1301 Constitution Avenue, NW., Washington, DC 20229, or the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Drafting Information

The principal author of this document was Gregory R. Vilders, Attorney, Regulations Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects

19 CFR Part 10

Customs duties and inspection, Imports, Reporting and recordkeeping requirements, Value content.

19 CFR Part 101

Customs duties and inspection, Imports, Reporting and recordkeeping requirements, Shipments.

19 CFR Part 111

Administrative practice and procedure, Brokers, Customs duties and inspection, Imports, Licensing, Reporting and recordkeeping requirements.

19 CFR Part 123

Administrative practice and procedure, Canada, Customs duties and inspection, Imports, International traffic, Railroads, Reporting and recordkeeping requirements, Trade agreements (US-Canada Free Trade Agreement).

19 CFR Part 128

Customs duties and inspection, Entry, Express Consignments, Imports, Manifests.

19 CFR Part 141

Customs duties and inspection, Entry, Invoices, Powers of attorney, Reporting and recordkeeping requirements.

19 CFR Part 143

Automated broker interface, Customs duties and inspection, Electronic entry filing, Entry, Imports, Invoice requirements.

19 CFR Part 145

Customs duties and inspection, Imports, Mail, Postal service, Reporting and recordkeeping requirements.

19 CFR Part 148

Customs duties and inspection, Declarations, Reporting and recordkeeping requirements, Taxes, Trade agreements.

19 CFR Part 159

Computer technology, Customs duties and inspection, Entry, Imports, Value content.

19 CFR Part 178

Administrative practice and procedure, Exports, Imports, Reporting and recordkeeping requirements.

Amendments to the Regulations

For the reasons stated above, the interim rule amending Title 19, Chapter I, parts 10, 101, 111, 123, 128, 141, 143, 145, 148, 159, and 178 of the Customs Regulations (19 CFR parts 10, 101, 111, 123, 128, 141, 143, 145, 148, 159, and 178), which were published at 59 FR 30289–30296 on June 13, 1994 (T.D. 94–51), is adopted as a final rule with the following changes:

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. The general authority citation for part 10 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, 1481, 1484, 1498, 1508, 1623, 1624;

* * * * *

§ 10.151 [Amended]

2. In § 10.151, the words '', an oral declaration,'' are added following the words ''as evidenced by the'' in the first sentence.

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 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 continues 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.

§ 128.24 [Amended]

2. In § 128.24, the second sentence in paragraph (e) is amended by adding the words ''on the manifest'' following the words ''Such shipments must be segregated''.

PART 143—SPECIAL ENTRY PROCEDURES

1. The authority for part 143 continues to read as follows:

Authority: 19 U.S.C. 66, 1481, 1484, 1498, 1624.

2. In § 143.23, paragraph (j)(5) is amended by removing the word ''and''; paragraph (j)(6) is redesignated paragraph (j)(7); and by adding a new paragraph (j)(6) to read as follows:

§ 143.23 Form of entry.

* * * * *

(j) * * *

(6) Shipping weight; and

* * * * *

§ 143.26 [Amended]

3. In § 143.26, paragraphs (a) and (b) are each amended by adding the words '', using reasonable care,'' after the words ''may be entered''.

PART 159—LIQUIDATION OF DUTIES

1. The authority citation for part 159 is revised to read as follows:

Authority: 19 U.S.C. 66, 1500, 1504, 1624. Subpart C also issued under 31 U.S.C. 5151. Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

PART 178—APPROVAL OF INFORMATION COLLECTION REQUIREMENTS

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

Authority: 5 U.S.C. 301; 19 U.S.C. 1624; 44 U.S.C. 3501 *et seq.*

2. Section 178.2 is amended by adding, in appropriate numerical order according to the section number under the column indicated, the following information to read as follows:

19 CFR section description		OMB control No.
*	* * *	*
§ 128.21	Specific description of merchandise.	1515–0069
§ 128.23	Requirement of submission of Customs-approved bar-coded entry numbers for ACS processing.	1515–0069
§ 128.24	Requirement for Invoice, Advance Manifest, or Immediate Delivery application form.	1515–0069
*	* * *	*
§ 141.4	Requirement to make entry unless specifically exempt.	1515–0065
§ 143.23	Requirement to file entry summary form.	1515–0065

Michael H. Lane,

Acting Commissioner of Customs.

Approved: March 20, 1995.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 95–9192 Filed 4–13–95; 8:45 am]

BILLING CODE 4820–02–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Chapter III and Part 423

RIN 0960–AE07

Service of Process

AGENCY: Social Security Administration.

ACTION: Final rules.

SUMMARY: The Social Security Independence and Program Improvements Act of 1994 (SSIPIA), established the Social Security Administration (SSA) as an independent agency in the Executive Branch of the U.S. Government effective March 31, 1995. The Social Security Administration will continue to be responsible for the administration of the old-age, survivors, and disability insurance (OASDI) and the Supplemental Security Income (SSI) programs. The SSA is also required to continue to assist in the administration of the Medicare program, the Black Lung program, and the Coal Industry Retirees Health Benefits Act. Prior to March 31, 1995, SSA was an operating component of the Department of Health and Human Services (DHHS). These final rules generally adopt as SSA rules the same procedures and practices on service of legal process applicable to DHHS. These final rules also remove ''Department of Health and Human Services'' from the heading of Chapter III of title 20 of the Code of Federal Regulations.

EFFECTIVE DATE: April 14, 1995.

FOR FURTHER INFORMATION CONTACT: Harry J. Short, Legal Assistant, 3–B–1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–6243.

SUPPLEMENTARY INFORMATION:

Background

The rules at 45 CFR Part 4, entitled Service of Process, prescribe the procedures DHHS follows regarding service of legal process in lawsuits brought against the Department and its employees and in other process directed at the Department or its employees. These final rules adopt, with minor changes, the same procedures and practices set out in 45 CFR Part 4 that were applicable to SSA when it was a component of DHHS. All changes are technical, that is, changes in names, titles, addresses and legal citations. The changes in legal citations are due to changes to the Federal Rules of Civil Procedure (FRCP) effective December 1, 1993.

DHHS Policies Continued by SSA

These final rules contain SSA's method of service of legal process and reflect Rule 4 of the FRCP regarding service of process in civil litigation in Federal courts, including service on Federal agencies and officials. Rule (4)(i) specifies that service on a Federal agency or officer is to be made by sending a copy of the summons and complaint to the officer or agency by registered or certified mail.

These final rules also provide that service of a summons and complaint on SSA or on any SSA official sued in his or her official capacity may be made by mailing a copy to SSA's General Counsel. Such service will constitute service on SSA or the official, as required by Rule 4 of the FRCP. Process mailed directly to SSA's General Counsel will avoid the delays encountered when documents must be transferred from other offices.

The General Counsel will also accept service of subpoenas and other process served on the Commissioner or on SSA. These final rules specify certain employees in the Office of the General

Counsel who are authorized to accept such process when it is served by an individual personally rather than mailed. Subpoenas and other legal process directed to other than the specified officials of SSA will not be accepted unless special arrangements for acceptance of process are made in a particular case.

The Office of the General Counsel is authorized, but not required, to accept service of summonses and complaints initiating lawsuits against an SSA employee when the employee is sued in his or her individual capacity and the suit relates to the employee's official duties. Such service must nevertheless be accomplished in accordance with the provisions of Rule 4 applicable to service on individual defendants or, in the case of suits brought in State courts, in accordance with the applicable State requirements.

These final rules state that SSA will not ordinarily provide a receipt or other acknowledgment of process received, except for a return receipt associated with certified mail. Plaintiffs mailing a summons and complaint sometimes have enclosed a form by which they seek acknowledgment of receipt of the process. Completion of such forms is not required or contemplated by Rule 4. Since completion of the forms is time-consuming and creates unnecessary work for SSA employees, these rules reiterate the continuing practice of not returning such forms. Where an SSA official is sued in his or her individual capacity however, and service is accomplished pursuant to Rule 4(e) of the FRCP, SSA may return the acknowledgment form described in Rule 4(e).

Regulatory Procedures

SSA follows the Notice of Proposed Rulemaking and public comment procedures specified in the Administrative Procedure Act (the APA), 5 U.S.C. 553 (b) and (c), in the development of its regulations. The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. We have determined that, since these final rules generally reflect a continuation of the procedures and practices in effect when SSA was a component of DHHS, notice of proposed rulemaking and public comment procedures are unnecessary. The only changes are revisions in names, addresses, titles, legal citations and a heading. In addition, these final rules provide only rules of practice and procedure which do not require public comment procedures.

Executive Order (E.O.) No. 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these rules do not meet the criteria for a significant regulatory action under E.O. 12866. Thus, they were not subject to OMB review.

Regulatory Flexibility Act

We certify that these final rules will not have a significant economic impact on a substantial number of small entities because these rules affect only individuals and States. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act

These final rules impose no additional reporting and recordkeeping requirements subject to OMB clearance.

(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; 93.806, Special Benefits for Disabled Coal Miners; 93.807, Supplemental Security Income)

List of Subjects in 20 CFR Part 423

Courts.

Approved: March 30, 1995.

Shirley S. Chater,

Commissioner of Social Security.

For the reasons set out in the preamble and under the authority of 42 U.S.C. 1302, Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. The heading for Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows:

CHAPTER III—SOCIAL SECURITY ADMINISTRATION

2. A new part 423 is added to read as follows:

PART 423—SERVICE OF PROCESS

Sec.

Authority: 42 U.S.C. 901.

§ 423.1 Suits against the Social Security Administration and its employees in their official capacities.

Summonses and complaints to be served by mail on the Social Security Administration, the Commissioner of Social Security, or other employees of the Social Security Administration in their official capacities should be sent to the General Counsel, Social Security Administration, Room 611, Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235.

§ 423.3 Other process directed to the Social Security Administration or the Commissioner.

Subpoenas and other process (other than summonses and complaints) that are required to be served on the Social Security Administration or the Commissioner of Social Security in his or her official capacity should be served as follows:

(a) If authorized by law to be served by mail, any mailed process should be sent to the General Counsel, Social Security Administration, Room 611, Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235.

(b) If served by an individual, the process should be delivered to the mail room staff in the Office of the General Counsel, Room 611, 6401 Security Blvd., Baltimore, MD 21235 or, in the absence of that staff, to any Deputy General Counsel or secretary to any Deputy General Counsel of the Social Security Administration.

§ 423.5 Process against Social Security Administration officials in their individual capacities.

Process to be served on Social Security Administration officials in their individual capacities must be served in compliance with the requirements for service of process on individuals who are not governmental officials. The Office of the General Counsel is authorized but not required to accept process to be served on Social Security Administration officials in their individual capacities if the suit relates to an employee's official duties.

§ 423.7 Acknowledgment of mailed process.

The Social Security Administration will not provide a receipt or other acknowledgment of process received, except for a return receipt associated with certified mail and, where required, the acknowledgment described in rule 4(e) of the Federal Rules of Civil Procedure (28 U.S.C. App. 4(e)).

§ 423.9 Effect of regulations in this part.

The regulations in this part are intended solely to identify Social

Security Administration officials who are authorized to accept service of process. Litigants must comply with all requirements pertaining to service of process that are established by statute and court rule even though they are not repeated in this part.

[FR Doc. 95–9030 Filed 4–13–95; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 638

Job Corps: Allowances and Allotments

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: Job Corps is amending its regulations on student allowances and allotments. The objectives are: to increase the length of enrollment requirements for readjustment allowance eligibility, in order to encourage students to lengthen their enrollment and maximize Job Corps offerings and benefits; and to amend the allotment section to coincide with revisions in readjustment allowance accrual.

EFFECTIVE DATE: May 15, 1995.

FOR FURTHER INFORMATION CONTACT: Dana Davidson Johnson, Office of Job Corps, Division of Program Management and Review. Telephone: (202) 219–6568 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Job Corps is implementing a new pay and allotment system which will provide students with enough money to meet their basic needs, while adding greater incentives than are available in the current system to encourage student retention, performance, program completion, and length of enrollment. The rule enables the Job Corps Director to increase the number of paid days for eligibility for readjustment allowances. This will encourage students to stay in the program longer. Students thus can be better prepared for employment, particularly because this added time will encourage students to acquire social skills along with vocational and academic training.

Payroll will be conducted on a biweekly schedule versus the current twice-monthly procedure. The rule ties into the implementation of the new Student Pay, Allowance and Management Information System (SPAMIS) utilized by Job Corps. The new pay system will be much more responsive than the current system, with individual student pay levels and leave status maintained on a current basis and status changes made by the Job Corps Centers as they occur. The rule allows the accrual of readjustment allowances to be set for each paid day and allotments to be processed on a biweekly basis.

This was published as a proposed rule, with a request for comments, on November 1, 1994, 59 FR 54539–54540. Only one comment was received in response to the proposed rule—the Georgia Department of Labor encourages Job Corps to promulgate the rule in final as proposed. The Department of Labor agrees and in this document is doing so.

This rule applies only to allowances and allotments for Job Corps students. The rule is not classified as a ''significant regulatory action'' under Executive Order 12866, ''Regulatory Planning and Review''. It does not (1) materially alter the budgetary impact of entitlements or the rights and obligations of recipients thereof; or (2) raise novel legal or policy issues arising out of legal mandates in the President's priorities. It is not likely (3) to result in having an annual effect on the economy of $100 million or more; or (4) to create a serious inconsistency or interfere with action taken or planned by another agency. As required by the Regulatory Flexibility Act, the Department of Labor at the time the proposed rule was published, notified the Chief Counsel for Advocacy, Small Business Administration, and made the certification pursuant to 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 20 CFR Part 638

Contract programs, Labor, Training and employment programs.

Final Rule

Accordingly, 20 CFR part 638 is amended as follows:

1. The authority for part 638 continues to read as follows:

Authority: 29 U.S.C. 1579(a).

2. In § 638.524, paragraphs (b) and (c) are revised to read as follows:

§ 638.524 Allowances and allotments.

* * * * *

(b) The Job Corps Director shall ensure that each student receives a readjustment allowance for each paid day of satisfactory participation in Job Corps after termination from the program if he/she terminates after 210 days in pay status or after 180 days if he/she is a maximum benefits or vocational completer. In the event that a student receives a medical termination, he/she shall be eligible for the accrued readjustment allowance, regardless of length of stay or other considerations. See also paragraph (d) of this section. (Section 429(c)).

(c) The Job Corps Director shall establish procedures to allow students to authorize deductions from their readjustment allowance, which shall be matched by an equal amount from Job Corps funds and sent biweekly as an allotment by the SPAMIS Data Center to the student's spouse, child(ren) or other dependent, if such spouse, child(ren) or other dependent resides in any State in the United States.

* * * * *

Signed at Washington, DC, this 3rd day of April 1995.

Robert B. Reich,

Secretary of Labor.

[FR Doc. 95–9277 Filed 4–13–95; 8:45 am]

BILLING CODE 4510–30–M

Occupational Safety and Health Administration

29 CFR Part 1960

Basic Program Elements for Federal Employee Occupational Safety and Health Programs; Recordkeeping Requirements

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: OSHA is amending the recordkeeping requirements of its basic program element for Federal employee occupational safety and health programs. The changes hereby being made in 29 CFR part 1960 reflect the reporting requirements for private sector employers set forth at 29 CFR 1904.8.

EFFECTIVE DATE: This regulation is effective April 14, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. John E. Plummer, Director, Office of Federal Agency Programs, Room N3112, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C., 20210 (202–219–9329).

SUPPLEMENTARY INFORMATION: This modification to the requirements for reporting of fatalities and catastrophes occurring in Federal agencies set forth at 29 CFR 1960.70 is undertaken to make the reporting of such occurrences involving employees of the Federal government the same as those in private industry. The Federal workers should enjoy the same level of protection afforded an employee in the private

sector. This change will ensure the reporting of these serious incidents in a timely manner and enable OSHA to respond more quickly and efficiently.

This revision is procedural in character, therefore, this rule is not classified as a ''major rule'' under Executive Order 12291 because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States based enterprises to compete with foreign based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

This regulation changes the reporting requirements for fatalities and catastrophes in the Federal sector to reflect the requirements in the private sector. It does not add additional burden for the agencies. Therefore, it is not necessary to publish it for notice and comment pursuant to 5. U.S.C. 553(b).

Under authority granted by the United States Code, Title 5, sections 553 and 7902; the Occupational Safety and Health Act, sections 19 and 24; and Executive Order 12196, the Secretary of Labor is authorized to make these procedural revisions to 29 CFR part 1960.

Authority: This document was prepared under the direction of Mr. Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Accordingly, pursuant to sections 19 and 24 of the Occupational Safety and Health Act of 1970 (84 Stat, 1609, 1614; 29 U.S.C. 668, 673), 5 U.S.C. 553, Secretary of Labor's Order No. 1–90 (55 FR 9033), and Executive Order 12196, 29 CFR part 1960 is revised to make reporting requirements for fatalities and catastrophes in the Federal sector the same as those requirements in the private sector.

List of Subjects in 29 CFR Part 1960

Government employees, Occupational safety and health, Reporting and recordkeeping requirements.

Signed at Washington, DC, this 10th day of April 1995.

Joseph A. Dear,

Assistant Secretary.

For the reason set forth in the preamble, part 1960 of chapter XVII of title 29 of the Code of Federal Regulations is amended to read as follows:

PART 1960—BASIC PROGRAM ELEMENTS FOR FEDERAL EMPLOYEE OCCUPATIONAL SAFETY AND HEALTH PROGRAMS

1. The authority citation for part 1960 is revised to read as follows:

Authority: Sections 19 and 24 of the Occupational Safety and Health Act of 1970 (84 Stat. 1609, 1614; 29 U.S.C. 668, 673), 5 U.S.C. 553, Secretary of Labor's Order No. 1–90 (55 FR 9033), and Executive Order 12196.

2. Part 1960 of 29 CFR is amended by revising § 1960.70 to read as follows:

§ 1960.70 Reporting of serious accidents.

(a) Within 8 hours after the death of any employee from a work-related incident or the in-patient hospitalization of three or more employees as a result of a work-related incident, the Federal Agency head or his/her designee shall orally report the fatality/multiple hospitalization by telephone or in person to the Area Office of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, that is nearest to the site of the incident, or by using the OSHA toll-free central telephone number.

(b) This requirement applies to each such fatality or hospitalization of three or more employees which occurs within thirty (30) days of an incident.

(c) Exception: If the Federal Agency Head or designee does not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under paragraphs (a) and (b) of this section, the Federal Agency Head or designee shall make the report within 8 hours of the time the incident is reported to any agent or employee of the employer.

(d) Each report required by this section shall relate the following information: Establishment name; location of incident; time of the incident; number of fatalities or hospitalized employees; contact person; phone number; and a brief description of the incident.

(e) Agencies shall provide the Office of Federal Agency Programs with a summary report of each fatal and catastrophic accident investigation. The summaries shall address the date/time of accident, agency/establishment name and location, and consequences, description of operation and the accident, causal factors, applicable standards and their effectiveness, and agency corrective/preventive actions.

[FR Doc. 95–9278 Filed 4–13–95; 8:45 am]

BILLING CODE 4510–26–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2610 and 2622

Late Premium Payments and Employer Liability Underpayments and Overpayments; Interest Rate for Determining Variable Rate Premium; Amendments to Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This document notifies the public of the interest rate applicable to late premium payments and employer liability underpayments and overpayments for the calendar quarter beginning April 1, 1995. This interest rate is established quarterly by the Internal Revenue Service. This document also sets forth the interest rates for valuing unfunded vested benefits for premium purposes for plan years beginning in February 1995 through April 1995. These interest rates are established pursuant to section 4006 of the Employee Retirement Income Security Act of 1974, as amended. The effect of these amendments is to advise plan sponsors and pension practitioners of these new interest rates.

EFFECTIVE DATE: April 1, 1995.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026; telephone 202–326–4024 (202–326–4179 for TTY and TTD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: As part of title IV of the Employee Retirement Income Security Act of 1974, as amended (''ERISA''), the Pension Benefit Guaranty Corporation (''PBGC'') collects premiums from ongoing plans to support the single-employer and multiemployer insurance programs. Under the single-employer program, the PBGC also collects employer liability from those persons described in ERISA section 4062(a). Under ERISA section 4007 and 29 CFR 2610.7, the interest rate to be charged on unpaid premiums is the rate established under section 6601 of the Internal Revenue Code (''Code''). Similarly, under 29 CFR 2622.7, the interest rate to be credited or charged with respect to overpayments or underpayments of employer liability is the section 6601 rate. These interest rates are published by the PBGC in appendix A to the premium regulation and appendix A to the employer liability regulation.

The Internal Revenue Service has announced that for the quarter beginning April 1, 1995, the interest charged on the underpayment of taxes will be at a rate of 10 percent. Accordingly, the PBGC is amending appendix A to 29 CFR part 2610 and appendix A to 29 CFR part 2622 to set forth this rate for the April 1, 1995, through June 30, 1995, quarter.

Under ERISA section 4006(a)(3)(E)(iii)(II), in determining a single-employer plan's unfunded vested benefits for premium computation purposes, plans must use an interest rate equal to 80% of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid. Under § 2610.23(b)(1) of the premium regulation, this value is determined by reference to 30-year Treasury constant maturities as reported in Federal Reserve Statistical Releases G.13 and H.15. The PBGC publishes these rates in appendix B to the regulation.

The PBGC publishes these monthly interest rates in appendix B on a quarterly basis to coincide with the publication of the late payment interest rate set forth in appendix A. (The PBGC publishes the appendix A rates every quarter, regardless of whether the rate has changed.) Unlike the appendix A rate, which is determined prospectively, the appendix B rate is not known until a short time after the first of the month for which it applies. Accordingly, the PBGC is hereby amending appendix B to part 2610 to add the vested benefits valuation rates for plan years beginning in February of 1995 through April of 1995.

The appendices to 29 CFR parts 2610 and 2622 do not prescribe the interest rates under these regulations. Under both regulations, the appendix A rates are the rates determined under section 6601(a) of the Code. The interest rates in appendix B to part 2610 are prescribed by ERISA section 4006(a)(3)(E)(iii)(II) and § 2610.23(b)(1) of the regulation. These appendices merely collect and republish the interest rates in a convenient place. Thus, the interest rates in the appendices are informational only. Accordingly, the PBGC finds that notice of and public comment on these amendments would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making these amendments effective immediately.

The PBGC has determined that none of these actions is a ''significant regulatory action'' under the criteria set forth in Executive Order 12866, because they will not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for these amendments, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 2610

Employee benefit plans, Penalties, Pension insurance, Pensions, and Reporting and recordkeeping requirements.

29 CFR Part 2622

Business and industry, Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements, and Small businesses.

In consideration of the foregoing, part 2610 and part 2622 of chapter XXVI of title 29, Code of Federal Regulations, are hereby amended as follows:

PART 2610—PAYMENT OF PREMIUMS

1. The authority citation for part 2610 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1306, 1307.

2. Appendix A to part 2610 is amended by adding a new entry for the quarter beginning April 1, 1995, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix A to Part 2610—Late Payment Interest Rates

The following table lists the late payment interest rates under § 2610.7(a) for the specified time periods:

From	Through	Interest rate (percent)
* *	* *	*
April 1, 1995 .	June 30, 1995	10

3. Appendix B to part 2610 is amended by adding to the table of interest rates new entries for premium payment years beginning in February of 1995 through April of 1995, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 2610—Interest Rates for Valuing Vested Benefits

The following table lists the required interest rates to be used in valuing a plan's vested benefits under § 2610.23(b) and in calculating a plan's adjusted vested benefits under § 2610.23(c)(1):

For premium payment years beginning in—	Required interest rate [1]
* * * * *	
February 1995	6.28
March 1995	6.09
April 1995	5.96

[1] The required interest rate listed above is equal to 80% of the annual yield for 30-year Treasury constant maturities, as reported in Federal Reserve Statistical Release G.13 and H.15 for the calendar month preceding the calendar month in which the premium payment year begins.

PART 2622—EMPLOYER LIABILITY FOR WITHDRAWALS FROM AND TERMINATIONS OF SINGLE-EMPLOYER PLANS

4. The authority citation for part 2622 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1362–1364, 1367–68.

5. Appendix A to part 2622 is amended by adding a new entry for the quarter beginning April 1, 1995, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix A to Part 2622—Late Payment and Overpayment Interest Rates

The following table lists the late payment and overpayment interest rates under § 2622.7 for the specified time periods:

From	Through	Interest rate (percent)
* *	* *	*
April 1, 1995 .	June 30, 1995	10

Issued in Washington, DC, this 11th day of April 1995.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 95–9237 Filed 4–13–95; 8:45 am]

BILLING CODE 7708–01–M

29 CFR Parts 2619 and 2676

Valuation of Plan Benefits in Single-Employer Plans; Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal; Amendments Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulations on Valuation of Plan Benefits in Single-Employer Plans and Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal. The former regulation contains the interest assumptions that the PBGC uses to value benefits under terminating single-employer plans. The latter regulation contains the interest assumptions for valuations of multiemployer plans that have undergone mass withdrawal. The amendments set out in this final rule adopt the interest assumptions applicable to single-employer plans with termination dates in May 1995, and to multiemployer plans with valuation dates in May 1995. The effect of these amendments is to advise the public of the adoption of these assumptions.

EFFECTIVE DATE: May 1, 1995.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005, 202–326–4024 (202–326–4179 for TTY and TDD).

SUPPLEMENTARY INFORMATION: This rule adopts the May 1995 interest assumptions to be used under the Pension Benefit Guaranty Corporation's regulations on Valuation of Plan Benefits in Single-Employer Plans (29 CFR part 2619, the ''single-employer regulation'') and Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR part 2676, the ''multiemployer regulation'').

Part 2619 sets forth the methods for valuing plan benefits of terminating single-employer plans covered under title IV of the Employee Retirement Income Security Act of 1974, as amended. Under ERISA section 4041(c), all single-employer plans wishing to terminate in a distress termination must value guaranteed benefits and ''benefit liabilities,'' *i.e.*, all benefits provided under the plan as of the plan termination date, using the formulas set forth in part 2619, subpart C. (Plans terminating in a standard termination may, for purposes of the Standard Termination Notice filed with PBGC, use these formulas to value benefit liabilities, although this is not required.) In addition, when the PBGC terminates an underfunded plan involuntarily pursuant to ERISA section 4042(a), it uses the subpart C formulas to determine the amount of the plan's underfunding. Part 2676 prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of ERISA.

Appendix B to part 2619 sets forth the interest rates and factors under the single-employer regulation. Appendix B to part 2676 sets forth the interest rates and factors under the multiemployer regulation. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

The PBGC issues two sets of interest rates and factors, one set to be used for the valuation of benefits to be paid as annuities and one set for the valuation of benefits to be paid as lump sums. The same assumptions apply to terminating single-employer plans and to multiemployer plans that have undergone a mass withdrawal. This amendment adds to appendix B to parts 2619 and 2676 sets of interest rates and factors for valuing benefits in single-employer plans that have termination dates during May 1995 and multiemployer plans that have undergone mass withdrawal and have valuation dates during May 1995.

For annuity benefits, the interest rates will be 6.90% for the first 20 years following the valuation date and 5.75% thereafter. For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 5.50% for the period during which benefits are in pay status, 4.75% during the seven-year period directly preceding the benefit's placement in pay status, and 4.0% during any other years preceding the benefit's placement in pay status. The above annuity interest assumptions represent a decrease (from those in effect for April 1995) of .20 percent for the first 20 years following the valuation date and are otherwise unchanged. The lump sum interest assumptions represent a decrease (from those in effect for April 1995) of .25 percent for the period during which benefits are in pay status and the seven years directly preceding that period; they are otherwise unchanged.

Generally, the interest rates and factors under these regulations are in effect for at least one month. However, the PBGC publishes its interest assumptions each month regardless of whether they represent a change from the previous month's assumptions. The assumptions normally will be published in the Federal Register by the 15th of the preceding month or as close to that date as circumstances permit.

The PBGC has determined that notice and public comment on these amendments are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest rates and factors promptly so that the rates and factors can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in single-employer plans whose termination dates fall during May 1995, and in multiemployer plans that have undergone mass withdrawal and have valuation dates during May 1995, the PBGC finds that good cause exists for making the rates and factors set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866, because it will not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 2619

Employee benefit plans, Pension insurance, and Pensions.

29 CFR Part 2676

Employee benefit plans and Pensions.

In consideration of the foregoing, parts 2619 and 2676 of chapter XXVI, title 29, Code of Federal Regulations, are hereby amended as follows:

PART 2619—[AMENDED]

1. The authority citation for part 2619 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

2. In appendix B, Rate Set 19 is added to Table I, and a new entry is added to Table II, as set forth below. The introductory text of both tables is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 2618—Interest Rates Used to Value Lump Sums and Annuities

Lump Sum Valuations

In determining the value of interest factors of the form $v^{0:n}$ (as defined in § 2619.49(b)(1)) for purposes of applying the formulas set forth in § 2619.49(b) through (i) and in determining the value of any interest factor used in valuing benefits under this subpart to be paid as lump sums (including the return of accumulated employee contributions upon death), the PBGC shall employ the values of i_t set out in Table I hereof as follows:

(1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply.

(2) For benefits for which the deferral period is y years (y is an integer and $0 < y \leq n_1$), interest rate i_1 shall apply from the valuation date for a period of y years; thereafter the immediate annuity rate shall apply.

(3) For benefits for which the deferral period is y years (y is an integer and $n_1 < y \leq n_1 + n_2$), interest rate i_2 shall apply from the valuation date for a period of $y - n_1$ years, interest rate i_1 shall apply for the following n_1 years; thereafter the immediate annuity rate shall apply.

(4) For benefits for which the deferral period is y years (y is an integer and $y > n_1 + n_2$), interest rate i_3 shall apply from the valuation date for a period of $y - n_1 - n_2$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i_1 shall apply for the following n_1 years; thereafter the immediate annuity rate shall apply.

TABLE I

[Lump Sum Valuations]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	*
19	5–1–95	6–1–95	5.50	4.75	4.00	4.00	7	8

Annuity Valuations

In determining the value of interest factors of the form $v^{O:n}$ (as defined in § 2619.49(b)(1)) for purposes of applying the formulas set forth in § 2619.49 (b) through (i) and in determining the value of any interest factor used in valuing annuity benefits under the subpart, the plan administrator shall use the values of i_t prescribed in the Table II hereof.

The following table tabulates, for each calendar month of valuation ending after the effective date of this part, the interest rates (denoted by i_1, i_2 * * *, and referred to generally as i_t) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.

TABLE II

[Annuity Valuations]

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t=	i_t	for t=	i_t	for t=
* * *	*		*		*	*
May 1995	.0690	1–20	.0575	>20	N/A	N/A

PART 2676—[AMENDED]

3. The authority citation for part 2676 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1399(c)(1)(D), 1441(b)(1).

4. In appendix B, Rate Set 19 is added to Table I, and a new entry is added to Table II, as set forth below. The introductory text of both tables is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 2676—Interest Rates Used To Value Lump Sums and Annuities

Lump Sum Valuations

In determining the value of interests factors of the form $v^{O:n}$ (as defined in § 2676.13(b)(1)) for purposes of applying the formulas set forth in § 2676.13 (b) through (i) and in determining the value of any interest factor used in valuing benefits under this supbart to be paid as pump sums, the PBGC shall use the values of i_t prescribed in Table I hereof. The interest rates set forth in Table I shall be used by the PBGC to calculate benefits payable as lump sums benefits as follows:

(1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply.

(2) For benefits for which the deferral period is y years (y is an integer and $0 < y \leq n_1$), interest rate i_1 shall apply from the valuation date for a period of y years; thereafter the immediate annuity rate shall apply.

(3) For benefits for which the deferral period is y years (y is an integer and $n_1 < y \leq n_1 + n_2$), interest rate i_2 shall apply from the valuation date for a period of $y - n_1$ years, interest rate i_1 shall apply for the following n_1 years; thereafter the immediate annuity rate shall apply.

(4) For benefits for which the deferral period is y years (y is an integer and $y > n_1 + n_2$), interest rate i_3 shall apply from the valuation date for a period of $y - n_1 - n_2$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i_1 shall apply for the following n_1 years; thereafter the immediate annuity rate shall apply.

TABLE I

[Lump Sum Valuations]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	*
19	5–1–95	6–1–95	5.50	4.75	4.00	4.00	7	8

Annuity Valuations

In determining the value of interest factors of the form $v^{0:n}$ (as defined in § 2676.13(b)(1)) for purposes of applying the formulas set forth in § 2676.13 (b) through (i) and in determining the value of any interest factor used in valuing annuity benefits under this subpart, the plan administrator shall use the values of i_t prescribed in the table below.

The following table tabulates, for each calendar month of valuation ending after the effective date of this part, the interest rates (denoted by i_1, i_2, . . ., and referred to generally as i_t) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.

TABLE II

[Annuity Valuations]

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t=	i_t	for t=	i_t	for t=
*	*	*	*	*	*	*
May 1995	.0690	1–20	.0575	>20	N/A	N/A

Issued in Washington, DC, on this 11th day of April 1995.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 95–9238 Filed 4–13–95; 8:45 am]

BILLING CODE 7708–01–M

29 CFR Part 2644

Notice and Collection of Withdrawal Liability; Adoption of New Interest Rate

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Notice and Collection of Withdrawal Liability. That regulation incorporates certain interest rates published by another Federal agency. This amendment adds to the appendix of that regulation a new interest rate to be effective from April 1, 1995, to June 30, 1995. The effect of the amendment is to advise the public of the new rate.

EFFECTIVE DATE: April 1, 1995.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026; telephone 202–326–4024 (202–326–4179 for TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Under section 4219(c) of the Employee Retirement Income Security Act of 1974, as amended (''ERISA''), the Pension Benefit Guaranty Corporation (''the PBGC'') promulgated a final regulation on Notice and Collection of Withdrawal Liability. That regulation, codified at 29 CFR part 2644, deals with the rate of interest to be charged by multiemployer pension plans on withdrawal liability payments that are overdue or in default, or to be credited by plans on overpayments of withdrawal liability. The regulation allows plans to set rates, subject to certain restrictions. Where a plan does not set the interest rate, § 2644.3(b) of the regulation provides that the rate to be charged or credited for any calendar quarter is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 (''Selected Interest Rates'').

Because the regulation incorporates interest rates published in Statistical Release H.15, that release is the authoritative source for the rates that are to be applied under the regulation. As a convenience to persons using the regulation, however, the PBGC collects the applicable rates and republishes them in an appendix to part 2644. This amendment adds to this appendix the interest rate of 9.00 percent, which will be effective from April 1, 1995, through June 30, 1995. This rate represents an increase of .50 percent from the rate in effect for the first quarter of 1995. This rate is based on the prime rate in effect on March 15, 1995.

The appendix to 29 CFR part 2644 does not prescribe interest rates under the regulation; the rates prescribed in the regulation are those published in Statistical Release H.15. The appendix merely collects and republishes the rates in a convenient place. Thus, the interest rates in the appendix are informational only. Accordingly, the PBGC finds that notice of and public comment on this amendment would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making this amendment effective immediately.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866, because it will not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 2644

Employee benefit plans, Pensions.

In consideration of the foregoing, part 2644 of subchapter F of chapter XXVI of title 29, Code of Federal Regulations, is amended as follows:

PART 2644—NOTICE AND COLLECTION OF WITHDRAWAL LIABILITY

1. The authority citation for part 2644 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1399(c)(6).

2. Appendix A to part 2644 is amended by adding to the end of the table a new entry to read as follows:

Appendix A to Part 2644—Table of Interest Rates

* * * * *

From	To	Date of quotation	Rate (percent)
*	*	*	*
4/01/95	6/30/95	3/15/95	9.00

Issued in Washington, DC, on this 11th day of April 1995.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 95–9239 Filed 4–13–95; 8:45 am]

BILLING CODE 7708–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 90

[FCC No. 95–115]

Conditional Waiver To Use Television Channel 16 (482–488 MHz) in New York City Metropolitan Area for Public Safety Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; waiver.

SUMMARY: The Commission waives its rules regarding the allocation for spectrum for television broadcast service to permit the temporary assignment of frequencies in the 482–488 MHz band (television Channel 16) to public safety agencies in the New York City metropolitan area. Public safety use of these frequencies will be permitted for a period of at least five years or until the Commission assigns Channel 16 in New York City for advanced television service (ATV) and the television broadcast licensee is then ready to commence operation. This band is currently allocated to the broadcasting service but is not allotted for use in New York City. We find that circumstances exist that warrant a waiver of our rules to permit use of this spectrum by public safety radio services in the New York City metropolitan area. Granting this conditional waiver will provide public safety agencies with immediate spectrum relief that is urgently needed in the congested New York City metropolitan area.

EFFECTIVE DATE: May 15, 1995.

FOR FURTHER INFORMATION CONTACT: Ray LaForge, Office of Engineering and Technology, telephone (202) 739–0598.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order* adopted on March 14, 1995 and released on March 17, 1995. The complete text of this *Order* is available for inspection and copying during normal business hours in the FCC Public Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this *Order* also may be purchased from the Commission's duplication contractor, International Transcription Service, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20036, (202) 857–3800.

Summary of Order

The Commission concluded that the public safety agencies in the New York City metropolitan area have an urgent and immediate need for additional spectrum capacity for public safety communications. Further, we held that use of Channel 16 will provide immediate and necessary relief to these public safety agencies and will also allow for development of interoperability of communications between the public safety agencies. Finally, we decided that this spectrum relief for the New York City public safety agencies can be accomplished without adversely affecting existing TV operations or our plans for implementation of ATV. Therefore, we found that the conditional grant of a waiver to the Agencies to use television Channel 16 is in the public interest. We are conditioning the grant of the waiver to reflect the concerns of broadcasters, as indicated in the Appendix.

Ordering Clauses

It is hereby ordered that, the Joint Request for Waiver filed by the New York Public Safety Agencies is granted to the extent discussed herein, for a period of at least five years or until any television broadcast licensee in the New York City metropolitan area initiates use of Channel 16 for ATV broadcast operations, whichever is longer, Sections 2.106 and 90.311 of the Commission's Rules are waived so that New York City metropolitan area public safety agencies may use 482–488 MHz, for land mobile public safety services under the conditions specified in the Appendix. It is hereby further ordered that the Request for Waiver filed by the New York City Transit Police Department to use television Channel 19 Is Dismissed. These actions are taken pursuant to sections 4(i), 303 (c), (f), (g), and (r), and 309(a) of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 303 (c), (f), (g), and (r).

List of Subjects

47 CFR Part 2

Radio.

47 CFR Part 90

Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Appendix

In order to prevent interference between the proposed land mobile operations on Channel 16 in New York City and the existing television operations of WNEP–TV in Scranton, Pennsylvania on Channel 16 (FCC File Number BLCT–2623) and WPHL–TV in Philadelphia, Pennsylvania on Channel 17 (FCC File Number BLCT–2611), the

proposed land mobile operation will be restricted as follows:

Base station operation is permitted in the five boroughs of New York City and Nassau, Westchester and Suffolk Counties in New York, and Bergen County, New Jersey. Mobile operation is permitted in these counties and boroughs as well as outside these areas provided the distance from the Empire State Building (Geographic Coordinates: 40°44′54″ N, 73°59′10″ W) does not exceed 48 kilometers (30 miles).

Co-Channel Television Protection

For base stations to be located in the five boroughs that comprise the City of New York and other jurisdictions east of the Hudson River and Kill Van Kull, the maximum effective radiated power (ERP) will be limited to 225 watts at an antenna height of 152.5 meters (500 feet) above average terrain. Adjustment of the permitted power will be allowed provided it is in accordance with the ''169 kilometer Distance Separation'' entries specified in Table B or prescribed by Figure B of Section 90.309(a)(5) of the Rules.

For base stations to be located west of the Hudson River, the maximum ERP will be limited to the entries specified in Table B or prescribed by Figure B of Section 90.309(a)(5) of the Rules for the actual separation distance between the land mobile base station and the transmitter site of WNEP–TV, Scranton (Geographic Coordinates: 41°10′58″ N, 75°52′21″ W).

Mobile stations associated with such base stations will be restricted to 100 watts ERP in the area of operation extending eastward from the Hudson River and 10 watts ERP in the area of operation extending westward from the Hudson River. These restrictions offer 40 dB of protection to the Grade B coverage contour of WNEP–TV, Scranton.

Adjacent Channel Television Protection

The above parameters and conditions are considered to be sufficient to protect first-adjacent channel television station WPHL–TV, Philadelphia (Geographic Coordinates: 40°02′30″ N, 75°14′24″ W). Operation of mobile units within a radius of 48 kilometers (30 miles) from the Empire State Building would be no closer than 8 kilometers (5 miles) from the WPHL Grade B coverage contour. This will offer a 0 dB protection ratio to WPHL–TV.

Low Power Television Protection

LPTV station W17BM has no responsibility to protect land mobile operations on adjacent TV Channel 16 other than from spurious emissions. Land mobile licensees must correct, at their expense, interference caused by their operations to the reception of W17BM within its protected signal contour as defined in Section 74.707 of the Rules.

Periodic Reports

The Joint Committee of broadcasters and public safety agencies—as contemplated in the agreement—will file annual reports with the Commission regarding the status of implementation and progress toward the development of new spectrum efficient systems.

[FR Doc. 95–9219 Filed 4–13–95; 8:45 am]
BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 88–613; RM–6483 and RM–6712]

Radio Broadcasting Services; Dickson, TN, and Benton and Calvert City, KY

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: The Commission dismisses the petition filed by Jackson Purchase Communications for reconsideration of the *Report and Order* in MM Docket No. 88–613, 54 FR 53612, published December 29, 1989. Jackson Purchase Communications requested withdrawal of its petition, stating that it has received no consideration for such withdrawal. With this action, the proceeding is terminated.

EFFECTIVE DATE: April 14, 1995.

FOR FURTHER INFORMATION CONTACT: J. Bertron Withers, Jr., Mass Media Bureau, (202) 418–2180.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Bruce A. Romano,

Deputy Chief, Policy & Rules Division, Mass Media Bureau.

[FR Doc. 95–9282 Filed 4–13–95; 8:45 am]
BILLING CODE 6712–01–F

Proposed Rules

Federal Register
Vol. 60, No. 72
Friday, April 14, 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 JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

[INS No. 1669–94]

RIN 1115–AD77

Waiver of Certain Types of Visas

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This rule proposes to amend the Immigration and Naturalization Service (the Service) regulations which permit district directors, in individual cases, to waive nonimmigrant visa or passport requirements under section 212(d)(4)(A) of the Immigration and Nationality Act (the Act), if satisfied that a nonimmigrant alien is unable to present these documents because of an unforeseen emergency. The rule will clarify that carriers are liable for fines imposed under section 273(a) of the Act for bringing nonimmigrants to the United States who do not have a valid passport or nonimmigrant visa, or border crossing identification card, even if a waiver of these documents is granted by the district director at the time of admission into the United States. This change is necessary to conform the language of the regulations with the statutory requirement that a fine be imposed when a nonimmigrant is transported to the United States without the proper documentation.

DATES: Written comments must be submitted on or before June 13, 1995.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street NW., Room 5307, Washington, DC 20536. Please include INS number 1669–94 on your correspondence to ensure proper and timely handling.

FOR FURTHER INFORMATION CONTACT: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Immigration and Naturalization Service, 425 I Street NW., room 7228, Washington, DC 20536, telephone number (202) 616–7499.

SUPPLEMENTARY INFORMATION: Section 212(d)(4)(A) of the Act allows the Attorney General to waive the requirement that a nonimmigrant alien be in possession of a visa or passport if he or she is unable to present the necessary documents due to an unforeseen emergency. Section 273(b) of the Act imposes a fine upon a carrier for bringing aliens into the United States without proper documentation. The wording of the current regulation at § 212.1(g) has the unintended effect of relieving the carrier of fine liability if the district director granted a waiver of the nonimmigrant visa or passport requirement. In *Air BVI Ltd., Flight BL 410,* (BIA Unpublished Decision No. SAJ 10/50.670, August 26, 1992), the Board of Immigration Appeals (the Board) characterized the current regulation as creating a ''blanket'' waiver because of language in the regulation stating that ''a visa * * * is not required.'' The Board bases its decision on whether an alien's admission with a waiver relieves the carrier of liability to find by interpreting the regulations in effect at the time involved. *Matter of Plane ''CUT–604''*, 7 I&N 701 (BIA 1958). If the regulation creates a blanket waiver, by stating that no visa is required, no fine liability is incurred by the carrier. By contrast, a regulation that provides an ''individual'' waiver, by requiring a visa and a passport to be presented by a nonimmigrant, but providing for a waiver of this requirement, will not relieve the carrier of fine liability.

The rule proposes to remove the language, ''A visa and a passport are not required of a nonimmigrant * * *'' and clarifies that even when the district director waives the documentary requirements in the exercise of his or her discretion, on a case-by-case basis, and admits such a nonimmigrant to the United States, such admission will not eliminate the carrier's fine liability for bringing that alien to the United States without proper documentation (*Matter of Plane ''CUT–604''*). The fine procedures at 8 CFR part 280 remain applicable and require no change.

This rule further proposes to amend § 212.1(g) by removing the provision regarding waivers of the visa requirement granted pursuant to section 212(d)(4)(A) of the Act in the case of a national or resident of Cuba. This action is being taken because this provision is obsolete.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that the rule will not have significant economic impact on a substantial number of small entities. This rule merely removes any ambiguity between the current regulations and section 273 of the Act.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

Executive Order 12612

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

Executive Order 12606

the Commissioner of the Immigration and Naturalization Service certifies that she has assessed this rule in light of the criteria in Executive Order 12606 and has determined that this regulation will not have an impact on family well-being.

Paperwork Reduction Act

The information collection requirement contained in this rule has been cleared by the Office of Management and Budget under the provisions of the Paperwork Reduction Act. The OMB control number for this collection is contained in 8 CFR 299.5, Display of Control Numbers.

List of Subjects in 8 CFR Part 212

Aliens, Documentation, Nonimmigrant, Passport and visas, Waivers.

Accordingly, part 212 of chapter I of title 8 of the Code of Federal Regulations is proposed to be amended as follows:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. The authority citation for part 212 continues to read as follows:

Authority: 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1225, 1226, 1228, 1252; 8 CFR part 2.

2. In § 212.1, paragraph (g) is revised to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(g) *Unforeseen emergency.* A nonimmigrant seeking admission to the United States must present an unexpired visa, and passport valid for the amount of time set forth in section 212(a)(7)(B) of the Act, or a valid border crossing identification card at the time of application for admission, unless the nonimmigrant satisfies the requirements described in paragraphs (a) through (f) and (i) of this section. Upon a nonimmigrant's application on Form I–193, a district director at a Port-of-Entry may, in an exercise of his or her discretion, on a case-by-case basis, waive the documentary requirements, if satisfied that the nonimmigrant cannot present the required documents because of an unforeseen emergency. The district director or the deputy Commissioner may at any time revoke a waiver previously authorized pursuant to this paragraph and notify the nonimmigrant in writing to that effect.

* * * * *

Dated March 15, 1995.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 95–9272 Filed 4–13–95; 8:45 am]

BILLING CODE 4410–10–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

RIN 3150–AF20

Production and Utilization Facilities; Emergency Planning and Preparedness Exercise Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to revise its emergency planning regulations. The proposed rule would amend the current regulations governing domestic licensing of production and utilization facilities, as necessary, to facilitate greater flexibility in the licensee's emergency preparedness training activities during the ''off-year'' for implementing the current requirement for annual exercise of the onsite emergency plan which is conducted to evaluate major portions of licensees' emergency response capabilities. The proposed amendment would preserve the existing requirement that each licensee, at each site, exercise biennially with full participation by States and local governments within the plume exposure pathway emergency planning zone (EPZ); would reduce from annual to biennial the required frequency of exercise of the licensee's onsite emergency plan (which may be included in the biennial full participation exercise); would require licensees to ensure that adequate emergency response capabilities are maintained during the interval between biennial exercises by conducting drills, including at least one drill involving a combination of some of the principal functional areas of the licensee's onsite emergency response capabilities; and would require licensees to continue enabling State and local governments in plume exposure pathway EPZs to participate in exercises and in drills in the interval between the biennial full participation exercises. By undertaking this rulemaking, the Commission would grant, in part, a petition for rulemaking submitted by Virginia Electric Power Company on December 9, 1992.

DATES: The comment period expires July 13, 1995. Comments received after this date will be considered if practical to do so, but only those comments received on or before this date can be assured of consideration.

ADDRESSES: Comments may be sent to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attn: Docketing and Service Branch. Hand deliver comments to 11545 Rockville Pike, Maryland, between 7:45 a.m. and 4:15 p.m. on Federal workdays. Copies of comments received may be examined at the Commission's Public Document Room at 2120 L Street NW (Lower Level), Washington, DC.

Comments may be submitted electronically, in either ASCII text or WordPerfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board (BBS) on FedWorld. The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet. Background documents on the rulemaking are also available, as practical, for downloading and viewing on the bulletin board.

If using a personal computer and modem, the NRC rulemaking subsystem on FedWorld can be accessed directly by dialing the toll free number (800) 303–9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT–100 terminal emulation, the NRC rulemaking subsystem can then be accessed by selecting the ''Rules Menu'' option from the ''NRC Main Menu.'' Users will find the ''FedWorld Online User's Guides'' particularly helpful. Many NRC subsystems and data bases also have a ''Help/Information Center'' option that is tailored to the particular subsystem.

The NRC subsystem on FedWorld can also be accessed by a direct dial phone number for the main FedWorld BBS, (703) 321–3339, or by using Telnet via Internet: fedworld.gov. If using (703) 321–3339 to contact FedWorld, the NRC subsystem will be accessed from the main FedWorld menu by selecting the ''Regulatory, Government Administration and State Systems,'' then selecting ''Regulatory Information Mall.'' At that point, a menu will be displayed that has an option ''U.S. Nuclear Regulatory Commission'' that will take you to the NRC Online main menu. The NRC Online area also can be accessed directly by typing ''/go nrc'' at a FedWorld command line. If you access NRC from FedWorld's main menu, you may return to FedWorld by selecting the ''Return to FedWorld'' option from the NRC Online Main Menu. However, if you access NRC at FedWorld by using NRC's toll-free number, you will have full access to all NRC systems, but you will not have access to the main FedWorld system.

If you contact FedWorld using Telnet, you will see the NRC area and menus, including the Rules Menu. Although you will be able to download documents and leave messages, you will not be able to write comments or upload files (comments). If you contact FedWorld using FTP, all files can be accessed and downloaded but uploads are not allowed; all you will see is a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with descriptions, is available. There is a 15-minute time limit for FTP access.

Although FedWorld also can be accessed through the World Wide Web, like FTP that mode only provides access for downloading files and does not display the NRC Rules Menu.

For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, NRC, Washington, DC 20555, telephone (301) 415–5780; e-mail AXD3@nrc.gov.

Single copies of this proposed rulemaking may be obtained by written request or telefax ((301) 415–2260) from: Distribution Services, Printing and Mail Services Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington DC 20555. Certain documents related to this rulemaking, including comments received, may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. These same documents may also be viewed and downloaded electronically via the Electronic Bulletin Board established by NRC for this rulemaking as indicated above.

FOR FURTHER INFORMATION CONTACT: Michael T. Jamgochian, Regulation Development Branch, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Rockville, MD 20852 (301–415–6534).

SUPPLEMENTARY INFORMATION:

Background

The NRC has received a petition for rulemaking submitted by the Virginia Electric Power Company. The petition was assigned Docket No. PRM 50–58 on December 16, 1992. The petitioner has requested that the NRC amend Appendix E, Section IV, F.2., to 10 CFR Part 50, ''Emergency Planning and Preparedness for Production and Utilization Facilities,'' to change the requirement that each site exercise its emergency plan biennially rather than annually. The petitioner's proposed amendment would require each licensee to conduct a biennial integrated exercise of the emergency plan at each site and to take actions necessary to ensure that its emergency response capability is maintained during the 2-year interval. The petitioner believes that the annual graded exercise is but one of many indicators designed to provide reasonable assurance that actions can and will be taken during an emergency situation that will provide for the health and safety of the public.

The petitioner quotes 10 CFR Part 50, Appendix E, Section IV, F.2., which states that ''each licensee at each site shall annually exercise its emergency plan.'' [1] The petitioner contends that although not explicitly defined in the rule, this statement has been interpreted throughout the industry to require that each licensee at each site annually conduct an integrated exercise which will be evaluated by the NRC.

The petitioner states that regulations governing the frequency of State and local emergency planning exercises have been in place since 1984. These regulations require a biennial exercise of State and local emergency plans. Therefore, the petitioner contends that the requirement for an annual integrated exercise for the onsite organization is inconsistent and should be clarified.

The petitioner contends that emergency preparedness programs throughout the industry are designed to achieve and maintain an adequate level of emergency response capability. As defined by NUREG–0654/FEMA–REP–1, Rev. 1, ''Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants,'' a joint Nuclear Regulatory Commission/ Federal Emergency Management Agency (NRC/FEMA) report published in November 1980,[2] an exercise is an event that tests the integrated capability and major portions of the basic elements existing within emergency preparedness plans and organizations. The petitioner contends, therefore, that an exercise is designed to merely confirm the level of response. As confirmation, an annual exercise is not necessary to achieve the underlying intent of the rule which is to attain an acceptable level of emergency preparedness. The petitioner further contends that because the annual exercise is the primary mechanism presently used by the NRC to evaluate readiness, the resources dedicated to this event are naturally more focused on exercise performance than on emergency preparedness. The petitioner states that because of the effectiveness of the emergency preparedness program, the annual graded exercise merely represents a separate means for the NRC to evaluate the licensee's performance. The petitioner believes that the graded exercise has, in effect, become an end unto itself.

The petitioner contends that the response of offsite response organizations during exercises performed over the past 8 years has demonstrated that a biennial frequency is sufficient to provide reasonable assurance of the health and safety of the public. During this time, there has been no indication of a need to increase the frequency of the demonstration. The petitioner states further that although it is recognized that the Commission retained the annual frequency requirement for licensees when it amended its regulations in 1984 to allow State and local governments to participate in emergency preparedness exercises every 2 years, the request to amend 10 CFR part 50 is implicitly supported by another part of the Code of Federal Regulations. The petitioner contends that regulations issued by FEMA at 44 CFR 350.9, by virtue of their stated requirements for offsite response organizations, recognize that, within the context of those regulations, the biennial conduct of an exercise is sufficient to demonstrate that protective measures can be taken in the event of an accident, thereby providing reasonable assurance of the health and safety of the public. The petitioner further contends that provisions for giving the States and local response organizations the opportunity to participate in the licensee's drill and exercise program could be easily accommodated independent of the petitioner's proposed rule change.

The petitioner contends that technological advancements and applications have served to greatly enhance and automate accident assessment activities employed during an emergency response for both the licensee (through the use of Safety Parameter Display System and dose assessment computer models) and the Federal Government (through the use of the Emergency Response Data System and RASCAL, a computer dose assessment model). Improvements to equipment and facilities and programmatic enhancements within the nuclear emergency preparedness discipline over the past decade have elevated the level of response capability throughout the industry. As evidence, the petitioner refers to the results of the Systematic Assessment of Licensee Performance (SALP) program, a mechanism employed by the NRC to assess, among other things, emergency preparedness indicators. The petitioner indicates that during the period between 1980 and 1992, the industry-averaged SALP rating for emergency

[1] This quote does not reflect changes to the regulations that were made on March 25, 1994 (59 FR 14087), when the word ''onsite'' was added before the words ''emergency plan.''

[2] Copies of NUREGs may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop SSOP, Washington, DC 20402–9328. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. A copy is also available for inspection and/or copying at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

preparedness improved from 2.29 to 1.26. The overall average for emergency preparedness SALP ratings for this 12-year period is 1.61.

The Petitioner

The petitioner is a U.S. commercial nuclear power reactor licensee for North Anna Power Station, Units 1 and 2, and Surry Power Station, Units 1 and 2. The petitioner states that emergency planning regulations, promulgated as a result of the March 1979 accident at Three Mile Island, govern virtually all aspects of a licensee's emergency preparedness program and that they have done much to lay the basis for a structured formal response capability. The petitioner further states that maintenance and verification of emergency response capability are accomplished through the programs that ensure adequacy and effectiveness of plans, procedures, facilities, equipment, response personnel, and performance demonstrations. The petitioner focuses the petition on the need to conduct an annual exercise to ensure the adequacy of the emergency response capability. The petition is based on the petitioner's belief that the annual exercise is only one of many indicators designed to provide reasonable assurance that actions can and will be taken during an emergency situation that will protect the health and safety of the public.

The petitioner believes that the proposed amendment to 10 CFR part 50 would do nothing to undermine the provisions already in place for ensuring that identified deficiencies resulting from the conduct of exercise are corrected.

Need for the Suggested Amendments

The petitioner contends the current annual testing requirement of a licensee's emergency response capability exceeds the threshold needed for determining the adequacy of the level of response. Therefore, the adoption of a biennial demonstration frequency would allow an increase in cost efficiency for industry and the Federal Government. Emergency preparedness exercises conducted in 1990 and 1991 have averaged a total of approximately $20,000 per inspection in NRC fees for the Virginia Electric and Power Company. The petitioner estimates that each exercise costs approximately $200,000 in resource commitments for the company. The approximately 450 personnel required for each exercise could be more effectively utilized in their normal function rather than by participating in an unneeded test of response capability.

Furthermore, the petitioner states that, based on experience, approximately 750 staff hours are expended during the development of an exercise scenario. Emergency planning resources, therefore, could be more effectively applied to the development and maintenance of emergency preparedness activities rather than being absorbed by exercise demonstration activities, such as exercise scenario development, controller organization preparations, organization impacts and facility availability (e.g., control room simulator time).

The petitioner characterizes the present requirement as one that is resource intensive but of marginal importance to safety.

The Petitioner's Suggested Solution

The petitioner requests the NRC amend its regulations governing domestic licensing of production and utilization facilities, as necessary, to require that each licensee exercise its emergency plan for each site biennially rather than annually and to otherwise ensure that its emergency response capability is maintained during the 2-year interval. The petitioner requests that the NRC modify the existing regulation to provide greater clarification by explicitly defining the requirement.

The Petitioner's Suggested Amendments

Petitioner requests that the NRC:

1. Amend Section IV, Paragraph F.2., of Appendix E to 10 CFR Part 50, ''Domestic Licensing of Production and Utilization Facilities,'' to read as follows: ''Each licensee at each site shall conduct an integrated exercise every 2 years. The licensee shall take actions necessary to ensure the emergency response capabilities are maintained during the 2-year interval.''

2. Amend Section IV, Paragraph F.3.(f), of Appendix E to 10 CFR Part 50 to read as follows: ''Licensees shall enable any State or local government located within the plume exposure pathway EPZ to participate in exercises when requested by such State or local government.''

3. Revise Section IV, Paragraph F.2., of Appendix E to 10 CFR Part 50 to provide greater clarification regardless of any action taken to amend the existing rule. Although not explicitly defined in the regulation, it has been interpreted throughout the industry that the regulation requires each licensee to annually conduct an integrated exercise at each site that will be evaluated by the NRC.

Public Comments

A notice of filing of the petition, Docket No. PRM–50–58, was published in the Federal Register on March 4, 1993 (58 FR 12341). Public comments were requested by May 3, 1993. A total of 32 comment letters were received, of which 17 utilities, 5 State emergency management agencies and NUMARC supported the petition; while 7 State emergency management agencies, FEMA, and an environmental group opposed the petition.

Support of the petition for rulemaking could generally be characterized by the following public comments:

* * * an annual, graded NRC exercise is but one of many indicators designed to provide reasonable assurance that actions can be taken in the case of an emergency that are effective to protect the health and safety of the public.

* * * Power reactor licensee effectiveness in emergency planning has improved steadily to the point where annual observed exercises no longer provide a significant benefit let alone a benefit commensurate with their cost in dollars and diverted resources.

* * * Based on plant management's commitment to emergency preparedness * * * it is believed that biennial exercising is a sufficient frequency for determining the adequacy of a licensee's level of performance. It is well realized that a licensee cannot ignore emergency preparedness for 20 months and then train and fix facilities and procedures within 4 months in preparation for an exercise. Emergency preparedness' complex infrastructure demands a continual evaluation and maintenance program. Changing to biennial exercising should not lessen the high level of emergency preparedness * * *

As an alternate to NRC observation of an annual exercise to assess a licensee's response capability, the NRC can utilize the resident inspector during periodic drills to determine if the licensee's program is effective * * * Annual exercises are typically constructed to demonstrate everything * * * we are actually reinforcing the belief by State and local governments that every emergency at a nuclear power plant will go to general emergency (required for most annual exercises).

Opposition to the petition for rulemaking could also generally be characterized by the following public comments:

* * * the exercise is not simply an indicator for NRC evaluation of the level of emergency preparedness, but also serves as training and practice for maintaining skills * * * There may be sufficient turnover or reassignment of plant personnel that two years between exercises is too long.

Currently, many nuclear utilities are going through a period of 'streamlining' their organizations * * * there will be changes in utility personnel with assignments as accident responders. A two-year integrated emergency exercise will not allow personnel sufficient training in a new role.

Regardless of the individual and collective levels of proficiency or technical sophistication, we still find exercises useful in identifying planning, training, or resource needs. In the past, we have often used utility-only and partial-scale exercises to train new personnel, test new facilities, or strengthen our relationship with our nuclear utilities and other agencies. Given the importance of preparedness to overall nuclear safety, we do not believe that annual utility exercises pose an excessive burden. Relaxation of the current requirement is therefore not necessary and should be denied.

Additionally, FEMA's opposition to the petition in rulemaking focused on the following points:

The proposed relaxation of the annual exercise requirement to a biennial frequency should be carefully analyzed to address any diminution in preparedness that might occur either to onsite or offsite programs. Our experience in the Radiological Emergency Preparedness (REP) Program over the last ten years has shown the great importance of the biennial, FEMA-graded, REP exercises in achieving meaningful, measurable preparedness for offsite jurisdictions around nuclear power plants. However, although State and local emergency plans are meant to minimize health and safety risks to the public should a radiological accident affect offsite areas, the licensee's onsite emergency plans are designed not only to prevent a radiological accident from occurring, but to serve as the ''first line of defense'' to prevent the accident from posing offsite health and safety effects.

FEMA disagrees with VEPCO's characterization of the present annual onsite exercise requirement as being of marginal importance to safety. A licensee's onsite emergency preparedness is critical for protecting the public's health and safety, and we believe that the evaluation of a licensee's performance during annual onsite exercises is the most effective way to measure the level of a licensee's preparedness to respond to an emergency situation.

Issues Raised by Petitioner

The petitioner characterizes the present requirement as one that is resource intensive but of marginal importance to safety. The petitioner has identified a number of issues associated with the current requirement to conduct an emergency plan exercise annually as grounds for change. The issues presented by the petitioner are as follows:

(1) The requirement to conduct an integrated annual exercise is not clearly defined. Therefore the regulation should be clarified.

(2) The existing regulation, 10 CFR Part 50, Appendix E, is inconsistent with other regulations that govern the frequency of offsite response organization integrated exercises (i.e., 44 CFR Part 350).

(3) The performance of offsite response organizations during biennial exercises has confirmed that a biennial frequency is sufficient to provide the reasonable assurance finding.

(4) The existing regulation, 10 CFR 50.54(t), provides for an independent review of the adequacy of program implementation.

(5) The existing requirement to conduct an annual exercise is not necessary to achieve the underlying purpose of the rule. A biennial exercise is sufficient to provide an acceptable formal confirmation of capability.

(6) Reconsideration of the requirement is warranted in light of the completion and implementation of enhanced emergency preparedness facilities, the current level of industry proficiency and performance, and the increased industry sensitivity to emergency preparedness.

(7) Personnel could be more effectively utilized in their normal professional function rather than by participating in a resource-intensive integrated test that only serves to confirm the already existing level of the response capability.

(8) Emergency planning resources could be more effectively utilized to further the development and maintenance of emergency preparedness activities.

Commission Response

The Commission believes that it is important, in light of the discussion provided in the petition, to make clearer NRC's intent (under the existing rule) that licensees need not conduct annual exercises employing scenarios that progress to severe core damage and/or result in offsite releases. Historically, these scenarios were used in both the biennial full participation exercise of off-site emergency plans and the annual exercise of the licensee's onsite emergency plan. However, this is no longer necessary for the currently required annual exercises of the licensee's onsite emergency plan. Information Notice (IN) 87–54, ''Emergency Response Exercises,'' was issued to clarify NRC intent in this regard and to provide detailed guidance, specifically on the types of ''off-year'' training activities that licensees could perform during the interval between the biennial full participation exercises to maintain adequate EP response capabilities and satisfy the rule.

Some licensees have availed themselves of the flexibility afforded by the IN guidance to conduct realistic, interactive ''off-year'' training activities that simulate less severe events, such as a minor fire, loss of electric power, and equipment failure, and focus on the capability of the onsite emergency response organization to diagnose problems and develop actions to successfully mitigate the scenario event. However, as noted in the petition, many licensees continue to employ severe scenarios in annual exercises of their onsite emergency plans.

Accordingly, the Commission is proposing to modify Section IV.F.2.b. of 10 CFR Part 50, Appendix E, to reduce from annual to biennial the required frequency of exercise of the onsite emergency plan (which may be included in the biennial full participation exercise specified in IV.F.2.c.), and to require that licensees conduct training drills, including at least one drill involving a combination of some of the principal functional areas of the licensee's onsite emergency response capabilities, during the interval between biennial full participation exercises to ensure that adequate emergency response capabilities are maintained. The principal functional areas of emergency response include activities such as management and coordination of emergency response, accident assessment, protective action decisionmaking, and plant system repair and corrective actions.

This approach is consistent with a comment from one State that was not opposed to the petition but would prefer that some guidelines be included in Appendix E requiring plant specific internal exercises during the ''off year'' to ensure plant personnel familiarity with their response plans rather than the vague expectancy that this activity will be done. Furthermore, licensees would continue to enable State and local governments in the plume exposure pathway EPZs to participate in drills in the interval between exercises, thus preserving their training opportunities.

In response to FEMA's opposition to this petition for rulemaking, the Commission notes that although the existing requirements relating to licensees' off-year EP activities are being modified (most noticeably by eliminating the need for a full formal exercise of the licensee's onsite emergency plan in the ''off-years''), the Commission is confident that there is no diminution of preparedness or increase in risk to the public. Licensees are specifically required under the proposed rule to maintain adequate emergency response capabilities between the biennial full participation exercises, and will now be conducting realistic drills, including at least one drill involving a combination of some of the principal functional areas of the licensee's onsite emergency response

capabilities, during that interval. The principal functional areas of emergency response include activities such as management and coordination of emergency response, accident assessment, protective action decisionmaking, and plant system repair and corrective actions.

The Commission believes that the proposed changes may result in the reallocation and more effective utilization of resources within some licensees' EP programs in order to further the development and maintenance of emergency preparedness capabilities during the ''off-year'' periods. It is not clear, however, that these changes will result in significant overall cost savings. The Commission cautions specifically against expectations that the proposed changes will necessarily result in significant reductions in NRC inspection activity directed to observation and evaluation of licensees' off-year EP maintenance activities, because they may be modified under the new rule. Also, licensees will, upon request, submit scenarios for NRC review in support of future inspections as may be deemed necessary by NRC.

Summary

After considering the arguments presented by the petitioners and evaluating all public comments received, and based on the further understanding of the issues involved gained from 13 years of experience evaluating licensee emergency preparedness exercises, the Commission concludes that:

(1) The required frequency for full formal exercise of the licensee's onsite emergency plan should be reduced from annual to biennial;

(2) The means by which licensees are expected to train and maintain their emergency response capabilities and readiness in the 2-year interval between evaluated exercises should be changed by requiring licensees to conduct drills, including at least one drill involving a combination of some of the principal functional areas of the licensee's onsite emergency response capabilities; and

(3) Opportunities for training by State and local governments should be preserved.

The principal functional areas of emergency response include activities such as management and coordination of emergency response, accident assessment, protective action decisionmaking, and plant system repair and corrective actions.

During the specified drills, activation of all of the licensee's emergency response facilities (TSC, OSC, and EOF) would not be necessary, licensees would have the opportunity to consider accident management strategies, supervised instruction would be permitted, operating staff would have the opportunity to resolve problems (success paths) rather than have controllers intervene, and the drills could focus on onsite training objectives.

The proposed revisions would relieve licensees from the current requirement to conduct annually a full formal exercise of the licensee's onsite emergency plan, and make clear that licensees have flexibility in choosing the activities that are to be conducted in the 2-year period between biennial full-participation exercises in order to maintain their emergency response capabilities. Greater flexibility in the training of the onsite emergency response organization could provide significant benefits to some licensees. For example, licensees could eliminate the practice of developing scenarios that proceed to severe core damage, offsite releases, or to higher emergency classification levels. Licensees would have greater opportunity to conduct realistic emergency response training with supervised instruction that allowed the operating staff to consider accident management strategies, diagnose problems and be given credit for actions that would mitigate scenario events (e.g., ''success paths'').

This approach is also responsive to comments from FEMA, some States, and others who expressed concern about possible decreased licensee training and readiness in the period between biennial exercises. Under the proposed approach, licensees will still be required to conduct emergency response training and drills of the onsite emergency response organization, and to provide training opportunities to State and local government personnel during the interval between biennial exercises.

Additionally, 10 CFR Part 50.47 (a)(1) is being revised in order to correct a typographical error that appeared in the 1993 edition of Title 10, Parts 0 to 50 of the Code of Federal Regulations.

Submission of Comments in Electronic Form

Commenters are encouraged to submit, in addition to the original paper copy, a copy of the letter in electronic form on a 5.25 or 3.5 inch computer diskette: IBM PC/DOS or MS/DOS format. Data files should be provided in WordPerfect format or unformatted ASCII code. The format and version should be identified on the diskette's external label.

Finding of No Significant Environmental Impact: Availability

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that this rule, if adopted, would not be a major Federal action significantly affecting the qualify of the human environment; and therefore, an environmental impact statement is not required. The proposed rule would update and clarify the emergency planning regulations relating to exercises. It does not involve any modification to any plant or revise the need for or the standards for emergency plans. There is no adverse effect on the quality of the environment. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC 20037.

Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C 3501 et. seq.). Existing requirements were approved by the Office of Management and Budget approval Number 3150–0011.

Regulatory Analysis

The Commission has prepared a regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The analysis is available for inspection in the NRC Public Document Room, 2120 L St., NW (Lower Level), Washington, DC 20037. Single copies of the analysis may be obtained from Michael T. Jamgochian, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 415–6534.

Regulatory Flexibility Act Certification

The proposed rule would not have a significant impact on a substantial number of small entities. The proposed rule would update and clarify ambiguities in the emergency planning regulations relating to exercises. Nuclear power plant licensees do not fall within the definition of small business in Section 3 of the Small Business Act (15 U.S.C. 632), the Small Business Size Standards of the Small Business Administration in 13 CFR Part 121, or the Commission's Size Standards published at 56 FR 56671 (November 6, 1991). As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b),

the Commission hereby certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required.

Backfit Analysis

The proposed changes are intended to clarify the intent of the existing rule and facilitate greater flexibility in licensees' conduct of off-year emergency response training activities; but this action does not seek to impose any new or increased requirements in this area. The proposed changes would permit, but not require, licensees to change their existing emergency plans and procedures to employ scenarios in off-year training or drills that do not go to severe core damage or result in offsite exposures. No backfitting is intended or approved in connection with this proposed rule change.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Penalties, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR Part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

2. In § 50.47, paragraph (a)(1) is revised to read as follows:

§ 50.47 Emergency plans.

(a)(1) Except as provided in paragraph (d) of this section, no initial operating license for a nuclear power reactor will be issued unless a finding is made by the NRC that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. No finding under this section is necessary for issuance of a renewed nuclear power reactor operating license.

* * * * *

3. Appendix E to part 50 is amended by revising section IV.F., paragraphs 2.b., and e. to read as follows:

Appendix E to Part 50—Emergency Planning and Preparedness for Production and Utilization Facilities

* * * * *

IV. Content of Emergency Plans

F. Training

2. * * *

b. Each licensee at each site shall conduct an exercise of its onsite emergency plan every two years. The exercise may be included in the full participation biennial exercise required by paragraph 2.c. of the section. In addition, the licensee shall take actions necessary to ensure that adequate emergency response capabilities are maintained during the interval between biennial exercises by conducting drills, including at least one drill involving a combination of some of the principal functional areas of the licensee's onsite emergency response capabilities. The principal functional areas of emergency response include such activities as management and coordination of emergency response, accident assessment, protective action decisionmaking, and plant system repair and corrective actions. During these drills, activation of all of the licensee's emergency response facilities (TSC, OSC, and EOF) would not be necessary, licensees would have the opportunity to consider accident management strategies, supervised instruction would be permitted, operating staff would have the opportunity to resolve problems (success paths) rather than have controllers intervene, and the drills could focus on onsite training objectives.

* * * * *

e. Licensees shall enable any State or local government located within the plume exposure pathway EPZ to participate in the licensee's drills when requested by such State or local government.

* * * * *

Dated at Rockville, Maryland, this 7th day of April, 1995.

For The Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 95–9222 Filed 4–13–95; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 119, 121, 125, 127 and 135

Forum With the Administrator and Deputy Administrator; Public Meeting on Commuter Operations and General Certification and Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting and forum with the Administrator and Deputy Administrator.

SUMMARY: The FAA is issuing this notice to advise the public of an open forum with the Administrator and Deputy Administrator. Later on the same day the FAA will hold a public meeting on the notice of proposed rulemaking, Commuter Operations and General Certification and Operations, published in the Federal Register on March 29, 1995 [60 FR 16230]. The purpose of these meetings is to provide an opportunity for the public to comment on regulatory aviation issues in general and specifically on the commuter rulemaking.

DATES: The meetings will be held on May 18, 1995, beginning at 9:30 a.m. Meeting times are as follows:

9:30 a.m.–11:00 a.m.—Open forum with the Administrator and Deputy Administrator

1:00 p.m.—Public meeting on the commuter NPRM.

ADDRESSES: The meeting will be held in Anchorage, Alaska, at the Loussac Library, 3600 Denali Street, Assembly Chambers, Level 1.

Persons unable to attend any of the meetings may mail their comments in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Rules Docket (AGC–200), Docket No. 28154, 800 Independence Avenue NW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Requests to present a statement at the public meeting on the commuter NPRM or questions regarding the logistics of the meeting should be directed to Linda Williams, Federal Aviation Administration, Office of Rulemaking (ARM–109), 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267–9685; fax (202) 267–5075, or Sandra Paxton, Federal Aviation Administration, Alaska Region Headquarters (AAL–1), 222 West 7th Avenue, #14, Anchorage, AK 99533, telephone: (907) 271–5645.

Questions concerning the subject matter of the public meeting on the commuter NPRM should be directed to Katherine Hakala, Flight Standards Service (AFS–250), Federal Aviation Administration, 800 Independence Avenue, Washington, DC 20591. Telephone: (202) 267–8137.

SUPPLEMENTARY INFORMATION:

Background

President Clinton has set a goal of re-inventing the regulatory process and making major improvements in the way it serves the American people. The

Administrator has made a commitment to establish stronger partnerships with the individuals, businesses, and other entities that government regulations impact. To fulfill this commitment, the FAA has planned a series of forums throughout the United States in which the Administrator and Deputy Administrator will listen to the regulated community, the traveling public, and the people responsible for ensuring compliance so that they can work together to achieve compliance. As indicated in the planned agenda, the first portion of the May 18 meeting will be an open forum with the Administrator and Deputy Administrator. Interested persons may comment on a variety of issues important to them. The FAA would be particularly interested in hearing what actions in our mutual relationship work well and which ones do not.

Following the forum with the Administrator and Deputy Administrator, the FAA will conduct a public meeting, beginning at 1:00 p.m., on the recently published commuter proposed rule. Comments from the public on this meeting should be directed specifically to the proposed rule.

The notice of proposed rulemaking was published in the Federal Register on March 29, 1995. If adopted, the proposed rule would require certain commuter operators that now conduct operations under part 135 to conduct those operations under part 121. The commuter operators that would be affected are those part 135 operators conducting scheduled passenger-carrying operations in airplanes that have a passenger-seating configuration of 10 to 30 seats and those conducting scheduled passenger-carrying operations in turbojets regardless of seating configuration. The proposed rule would revise the requirements concerning operating certificates and operations specifications. The rule would also propose certain management officials for all operators under parts 121 and 135.

The closing date for comments on the proposal is June 27, 1995. To give the public an additional opportunity to comment on the proposed rule the FAA is planning this public meeting. Other meetings may be planned at various locations.

Persons interested in obtaining a copy of the proposed commuter rule should contact Linda Williams at the address or telephone number provided in **FOR FURTHER INFORMATION CONTACT.**

Participation at the Public Meeting on the Commuter NPRM

Requests from persons who wish to present oral statements at the public meeting on the commuter NPRM should be received by the FAA no later than May 5, 1995. Such requests should be submitted to Linda Williams as listed in the section titled **FOR FURTHER INFORMATION CONTACT** and should include a written summary of oral remarks to be presented and estimated time needed for the presentation. Requests received after the date specified above will be scheduled if time is available during the meeting; however, the name of those individuals may not appear on the written agenda. The FAA will prepare an agenda of speakers that will be available at the meeting. To accommodate as many speakers as possible, the amount of time allocated to each speaker may be less than the amount of time requested.

Public Meeting Procedures

The following procedures are established to facilitate the public meeting on the commuter NPRM:

1. There will be no admission fee or other charge to attend or to participate in the public meeting. The meeting will be open to all persons who have requested in advance to present statements or who register on the day of the meeting (between 12:30 p.m. and 1:00 p.m.) subject to availability of space in the meeting room.

2. The public meeting may adjourn early if scheduled speakers complete their statements in less time than currently is scheduled for the meeting.

3. The FAA will try to accommodate all speakers; therefore, it may be necessary to limit the time available for an individual or group.

4. Participants should address their comments to the panel. No individual will be subject to cross-examination by any other participant.

5. Sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting.

6. Representatives of the FAA will conduct the public meeting. A panel of FAA personnel involved in this issue will be present.

7. The meeting will be recorded by a court reporter. A transcript of the meeting and any material accepted by the panel during the meeting will be included in the public docket (Docket No. 28154). Any person who is interested in purchasing a copy of the transcript should contact the court reporter directly. This information will be available at the meeting.

8. The FAA will review and consider all material presented by participants at the public meeting. Position papers or material presenting views or information related to the proposed NPRM may be accepted at the discretion of the presiding officer and subsequently placed in the public docket. The FAA requests that persons participating in the meeting provide 10 copies of all materials to be presented for distribution to the panel members; other copies may be provided to the audience at the discretion of the participant.

9. Statements made by members of the public meeting panel are intended to facilitate discussion of the issues or to clarify issues. Because the meeting concerning the commuter NPRM is being held during the comment period, final decisions concerning issues that the public may raise cannot be made at the meeting. FAA officials will, however, ask questions to clarify statements made by the public and to ensure a complete and accurate record. Comments made at this public meeting will be considered by the FAA when deliberations begin concerning whether to adopt any or all of the proposed rules.

10. The meeting is designed to solicit public views and more complete information on the proposed rule. Therefore, the meeting will be conducted in an informal and nonadversarial manner.

Issued in Washington, DC, on April 11, 1995.

Thomas C. Accardi,

Director, Flight Standards Service.

[FR Doc. 95–9387 Filed 4–12–95; 1:17 pm]

BILLING CODE 4910–13–M

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

RIN 0960–AE10

Administrative Review Process, Prehearing Proceedings and Decisions by Attorney Advisors

AGENCY: Social Security Administration.

ACTION: Proposed rule.

SUMMARY: We propose to amend our regulations to provide, on a temporary basis, that in claims for Social Security or Supplemental Security Income (SSI) benefits based on disability, attorney advisors in our Office of Hearings and Appeals (OHA) will have authority to conduct certain prehearing proceedings, and where the record developed as a result of these proceedings warrants, to

issue decisions that are wholly favorable to the parties to the hearing.

Because requests for an administrative law judge (ALJ) hearing have increased dramatically in recent years, and cases pending in our hearing offices have reached unprecedented levels, we have taken a number of actions designed to help us hear and decide these cases more efficiently. The rules we are proposing in this notice of proposed rulemaking are an important part of our efforts in this regard.

DATES: To be sure that your comments are considered, we must receive them no later than May 15, 1995.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, P.O. Box 1585, Baltimore, Maryland 21235, sent by telefax to (410) 966–2830, sent by E-mail to ''regulations@ssa.gov'', or delivered to the Division of Regulations and Rulings, Social Security Administration, 3–A–3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below. The electronic file of this document is available on the Federal Bulletin Board (FBB) at 9:00 a.m. on the date of publication in the Federal Register. To download the file, modem dial (202) 512–1387. The FBB instructions will explain how to download the file and the fee. This file is in Wordperfect and will remain on the FBB during the comment period.

FOR FURTHER INFORMATION CONTACT: Harry J. Short, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, Social Security Boulevard, Baltimore, Maryland 21235, (410) 965–6243.

SUPPLEMENTARY INFORMATION:

Background

The Social Security Administration (SSA) decides claims for Social Security benefits under title II of the Social Security Act (the Act) and for SSI benefits under title XVI of the Act in an administrative review process that generally consists of four steps. Claimants who are not satisfied with the initial determination we make on a claim may request reconsideration. Claimants who are not satisfied with our reconsidered determination may request a hearing before an ALJ, and claimants who are dissatisfied with an ALJ's decision may request review by the Appeals Council. Claimants who have completed these steps, and who are not satisfied with our final decision, may request judicial review of the decision in the Federal courts.

Generally, when a claim is filed for Social Security or SSI benefits based on disability, a State agency makes the initial and reconsideration disability determination for us. A hearing requested after we have made a reconsideration determination is conducted by an ALJ in one of the 132 hearing offices we have nationwide.

Applications for Social Security and SSI benefits based on disability have risen dramatically in recent years. The number of new disability claims SSA received in Fiscal Year (FY) 1994—3.56 million—represented a 40 percent increase over the number received in FY 1990. Requests for an ALJ hearing also have increased dramatically. In FY 1994, our hearing offices had almost 540,000 hearing receipts and most of these were related to requests for a hearing filed by persons claiming disability benefits. In that year, the number of hearing receipts we received exceeded the number of receipts we received in FY 1990 by more than 70 percent.

Despite management initiatives that resulted in a record increase in ALJ productivity in FY 1994, and the hiring of more than 200 new ALJs and more than 800 new support staff in that year, the number of cases pending in our hearing offices has reached unprecedented levels—more than 480,000 at the end of FY 1994.

On September 19, 1994, the Commissioner of Social Security published a *Plan for a New Disability Claim Process* in the Federal Register (59 FR 47887). That document sets forth our long term plans for redesigning and fundamentally improving the overall disability claim process. On a separate track from that longer term plan, we have developed short term initiatives to reduce the number of cases pending in our hearing offices. As part of our short term disability process improvements, we are issuing this notice of proposed rulemaking (NPRM) regarding a temporary change in our administrative review procedures.

Under the proposed rule, attorney advisors would conduct certain prehearing proceedings and, where appropriate, issue decisions that are wholly favorable to the claimant and any other party to the hearing. We are proposing that this procedure remain in effect for a period of time not to exceed two years from the effective date of a final rule authorizing the procedure unless the rule is extended by the Commissioner of Social Security by publication of a final rule in the Federal Register.

Regulatory Provisions

We propose to add new §§ 404.942 and 416.1442 to our regulations to authorize attorney advisors in OHA to conduct certain prehearing proceedings and, where appropriate, make decisions based on the documentary record that are wholly favorable to the parties. Our purpose in proposing these regulations is to expedite the processing of cases pending at OHA without infringing on the right of a claimant to a hearing before an ALJ.

The authority of an attorney advisor to conduct prehearing proceedings and to make decisions would be temporary, and it would apply only in the limited circumstances described below. Also, the attorney advisor's conduct of certain prehearing proceedings would not delay the scheduling of a hearing before an ALJ. If the prehearing proceedings were not concluded before the hearing date, the case would be sent to the ALJ unless a decision wholly favorable to the claimant and all other parties was in process, or the claimant and all other parties to the hearing agreed in writing to delay the hearing until the prehearing proceedings are completed.

Prehearing proceedings could be conducted by the attorney advisor under the proposed rule if new and material evidence is submitted; there is an indication that additional evidence is available; there is a change in the law or regulations; or there is an error in the file or some other indication that a wholly favorable decision could be issued. A decision by an attorney advisor would be mailed to all parties. The notice of decision would state the basis for the decision and advise the parties that an ALJ will dismiss the hearing request unless a request to proceed with the hearing was made by a party within 30 days after the date the notice of the decision was mailed.

We believe that these temporary procedures will enable us to manage our pending hearing requests in a more timely manner. They also may provide information that can help us better identify cases that can be decided without a hearing before an ALJ and improve our ability to narrow the issues that must be resolved before a decision can be made.

In view of the salutary effect we expect the rules to have on our ability to improve our service to claimants, and the importance we place on ensuring that we adjudicate claims timely and accurately, we are providing a 30-day comment period for these rules rather than the 60-day comment period we usually provide. We believe that in this instance a 30-day period is sufficiently

long to allow the public a meaningful opportunity to comment on the proposed rules, in accordance with Executive Order 12866.

Regulatory Procedures

Executive Order No. 12866

We have consulted with the Office of Management and Budget (OMB) and determined that this rule does not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, the rule is not subject to OMB review.

Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect only individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act

These regulations impose no new reporting or recordkeeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance Program Nos. 93.802, Social Security-Disability Insurance; 93.807, Supplemental Security Income)

List of Subjects

20 CFR Part 404

Administrative practice and procedure, Death benefits, Disability benefits, Old-Age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income (SSI), Reporting and recordkeeping requirements.

Dated: April 5, 1995.

Shirley S. Chater,

Commissioner of Social Security.

For the reasons set out in the preamble, subpart J of part 404 and subpart N of part 416 of chapter III of title 20 of the Code of Federal Regulations are amended as set forth below:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

1. The authority citation for subpart J of part 404 continues to read as follows:

Authority: Secs. 201(j), 205 (a), (b), and (d)–(h), 221(d), 225 and 1102 of the Social Security Act; 31 U.S.C. 3720A; 42 U.S.C. 401(j), 405 (a), (b), and (d)–(h), 421(d), 425 and 1302; sec. 5 of Pub. L. 97–455, 96 Stat. 2500; sec. 6 of Pub. L. 98–460, 98 Stat. 1802.

2. New § 404.942 is added under the undesignated center heading ''Hearing Before an Administrative Law Judge'' to read as follows:

§ 404.942 Prehearing proceedings and decisions by attorney advisors.

(a) *General.* After a hearing is requested but before it is held, an attorney advisor in our Office of Hearings and Appeals may conduct prehearing proceedings as set out in paragraph (c) of this section. If upon the completion of these proceedings, a decision that is wholly favorable to you and all other parties may be made, an attorney advisor, instead of an administrative law judge, may issue such a decision. The conduct of the prehearing proceedings by the attorney advisor will not delay the scheduling of a hearing. If the prehearing proceedings are not completed before the date of the hearing, the case will be sent to the administrative law judge unless a wholly favorable decision is in process or you and all other parties to the hearing agree in writing to delay the hearing until the proceedings are completed.

(b) *When prehearing proceedings may be conducted by an attorney advisor.* An attorney advisor may conduct prehearing proceedings if you have filed a claim for benefits based on disability and—

(1) New and material evidence is submitted;

(2) There is an indication that additional evidence is available;

(3) There is a change in the law or regulations; or

(4) There is an error in the file or some other indication that a wholly favorable decision may be issued.

(c) *Nature of the prehearing proceedings that may be conducted by an attorney advisor.* As part of the prehearing proceedings, the attorney advisor, in addition to reviewing the existing record, may—

(1) Request additional evidence that may be relevant to the claim, including medical evidence; and

(2) If necessary to clarify the record for the purpose of determining if a wholly favorable decision is warranted, schedule a conference with the parties.

(d) *Notice of a decision by an attorney advisor.* If the attorney advisor issues a wholly favorable decision under this section, we shall mail a written notice of the decision to all parties at their last known address. We shall state the basis for the decision and advise all parties that an administrative law judge will dismiss the hearing request unless a party requests that the hearing proceed. A request to proceed with the hearing must be made in writing within 30 days after the date the notice of the decision of the attorney advisor is mailed.

(e) *Effect of actions under this section.* If under this section, an administrative law judge dismisses a request for a hearing, the dismissal is binding in accordance with § 404.959 unless it is vacated by an administrative law judge or the Appeals Council pursuant to § 404.960. A decision made by an attorney advisor under this section is binding unless—

(1) A party files a request to proceed with the hearing pursuant to paragraph (d) of this section and an administrative law judge makes a decision;

(2) The Appeals Council reviews the decision on its own motion pursuant to § 404.969 as explained in paragraph (f)(3) of this section; or

(3) The decision of the attorney advisor is revised under the procedures explained in § 404.987.

(f) *Ancillary provisions.* For the purposes of the procedures authorized by this section, the regulations of part 404 shall apply to—

(1) Authorize an attorney advisor to exercise the functions performed by an administrative law judge under §§ 404.1520a and 404.1546;

(2) Define the term ''decision'' to include a decision made by an attorney advisor, as well as the decisions identified in § 404.901; and

(3) Make the decision of an attorney advisor subject to review by the Appeals Council under § 404.969 if an administrative law judge dismisses the request for a hearing following issuance of the decision, and the Appeals Council decides to review the decision of the attorney advisor anytime within 60 days after the date of the dismissal.

(g) *Sunset provision.* The provisions of this section will no longer be effective on (insert date two years after the date the final rule is published in the Federal Register) unless they are extended by the Commissioner of Social Security by publication of a final rule in the Federal Register.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

1. The authority citation for subpart N of part 416 continues to read as follows:

Authority: Sec. 1102, 1631, and 1633 of the Social Security Act; 42 U.S.C. 1302, 1383, and 1383b.

2. New § 416.1442 is added under the undesignated center heading ''Hearing

Before an Administrative Law Judge'' to read as follows:

§ 416.1442 Prehearing proceedings and decisions by attorney advisors.

(a) *General.* After a hearing is requested but before it is held, an attorney advisor in our Office of Hearings and Appeals may conduct prehearing proceedings as set out in paragraph (c) of this section. If upon the completion of these proceedings, a decision that is wholly favorable to you and all other parties may be made, an attorney advisor, instead of an administrative law judge, may issue such a decision. The conduct of the prehearing proceedings by the attorney advisor will not delay the scheduling of a hearing. If the prehearing proceedings are not completed before the date of the hearing, the case will be sent to the administrative law judge unless a wholly favorable decision is in process or you and all other parties to the hearing agree in writing to delay the hearing until the proceedings are completed.

(b) *When prehearing proceedings may be conducted by an attorney advisor.* An attorney advisor may conduct prehearing proceedings if you have filed a claim for SSI benefits based on disability and—

(1) New and material evidence is submitted;

(2) There is an indication that additional evidence is available;

(3) There is a change in the law or regulations; or

(4) There is an error in the file or some other indication that a wholly favorable decision may be issued.

(c) *Nature of the prehearing proceedings that may be conducted by an attorney advisor.* As part of the prehearing proceedings, the attorney advisor, in addition to reviewing the existing record, may—

(1) Request additional evidence that may be relevant to the claim, including medical evidence; and

(2) If necessary to clarify the record for the purpose of determining if a wholly favorable decision is warranted, schedule a conference with the parties.

(d) *Notice of a decision by an attorney advisor.* If the attorney advisor issues a wholly favorable decision under this section, we shall mail a written notice of the decision to all parties at their last known address. We shall state the basis for the decision and advise all parties that an administrative law judge will dismiss the hearing request unless a party requests that the hearing proceed. A request to proceed with the hearing must be made in writing within 30 days after the date the notice of the decision of the attorney advisor is mailed.

(e) *Effect of actions under this section.* If under this section, an administrative law judge dismisses a request for a hearing, the dismissal is binding in accordance with § 416.1459 unless it is vacated by an administrative law judge or the Appeals Council pursuant to § 416.1460. A decision made by an attorney advisor under this section is binding unless—

(1) A party files a request to proceed with the hearing pursuant to paragraph (d) of this section and an administrative law judge makes a decision;

(2) The Appeals Council reviews the decision on its own motion pursuant to § 416.1469 as explained in paragraph (f)(3) of this section; or

(3) The decision of the attorney advisor is revised under the procedures explained in § 416.1487.

(f) *Ancillary provisions.* For the purposes of the procedures authorized by this section, the regulations of part 416 shall apply to—

(1) Authorize an attorney advisor to exercise the functions performed by an administrative law judge under §§ 416.920a, 416.924d(b), and 416.946;

(2) Define the term ''decision'' to include a decision made by an attorney advisor, as well as the decisions identified in § 416.1401; and

(3) Make the decision of an attorney advisor subject to review by the Appeals Council under § 416.1469 if an administrative law judge dismisses the request for a hearing following issuance of the decision, and the Appeals Council decides to review the decision of the attorney advisor anytime within 60 days after the date of the dismissal.

(g) *Sunset provision.* The provisions of this section will no longer be effective on (insert date 2 years after the date the final rule is published in the Federal Register) unless they are extended by the Commissioner of Social Security by publication of a final rule in the Federal Register.

[FR Doc. 95–9028 Filed 4–13–95; 8:45 am]
BILLING CODE 4190–29–P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

RIN 1024–AC25

Alaska; Trapping Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule; re-opening of public comment period.

SUMMARY: This proposed rule is a clarification of the National Park Service (NPS) restriction on the use of firearms and other weapons by trappers. The rulemaking addresses only the clarification of the language regarding trapping and the use of firearms in the taking of wildlife under a trapping license. This proposed rule, the substance of which was printed as a proposed rule along with a proposed rule to prohibit same-day-airborne hunting in national park areas on November 15, 1994 (59 FR 58804), extends the comment period for another 60–days to allow additional review and comment by interested groups and persons. The same-day-airborne hunting portion of the original proposed rule was published as a Final Rule on April 11, 1995 in a separate document.

DATES: Comments will be accepted until June 13, 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:

Extended Comment Period: Firearm Restriction for Trapping

This document announces a 60-day re-opening of the comment period for the trapping clarification portion of the proposed rule published in the Federal Register on November 15, 1994 (59 FR 58804). The clarification portion, 36 CFR 13.21(d)(5), of the proposed rule, relates to existing regulations (36 CFR 13.1(u) and 36 CFR 1.4(a)) that generally prohibit the use of a firearm for trapping in NPS-managed areas in Alaska. The initial comment period expired on December 15, 1994. Many comments received during this comment period, including comments from local advisory groups, governmental units and Alaska residents, requested additional time to review the proposed clarification and the existing regulation. Although this provision of the regulation has been in effect since 1981, there is apparent confusion regarding its intent and effect, as well as its relationship to existing hunting and trapping practices. The extended comment period will allow full examination of these issues. Accordingly, the comment period for the clarification portion of the proposed rule concerning the use of firearms and weapons to take wildlife under a trapping license is hereby extended for

an additional 60 days. The existing prohibition remains in effect and further rulemaking on this portion of the original proposed rule is held in abeyance until after review of the public comments.

Dated: April 7, 1995.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95–9251 Filed 4–13–95; 8:45 am]

BILLING CODE 4310–70–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93–74; RM–8153]

Radio Broadcasting Services; Yermo, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: This document dismisses a petition filed on behalf of Antelope Broadcasting, Co., Inc., permittee of Station KYHT(FM), Yermo, California, requesting the substitution of Channel 287B1 for Channel 287A at Yermo, and modification of its facilities accordingly, based upon its withdrawal of interest in pursuing its modification request through the rule making process. *See* 58 FR 19395, April 14, 1993. With this action the proceeding is terminated.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 93–74, adopted April 3, 1995, and released April 11, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95–9221 Filed 4–13–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 95–37, RM–8586]

Television Broadcasting Services; Waimanalo, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Joyce Cathcart, proposing the allotment of Television Channel 56 to Waimanalo, Hawaii, as that community's first local television service. The allotment can be made consistent with the minimum distance separation requirements of Section 73.610 of the Commission's Rules. The coordinates for the proposed allotment of Channel 56 to Waimanalo are 21–21–00 and 157–43–12. This proposal is not affected by the freeze on television allotments or applications.

DATES: Comments must be filed on or before June 1, 1995, and reply comments on or before June 16, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Joyce Cathcart, 1508 Halekoa Drive, Ainakoa, Hawaii (Petitioner).

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 95–37, adopted March 28, 1995, and released April 10, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 1919 M Street, NW, Room 246, or 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95–9220 Filed 4–13–95; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 234

[FRA Docket No. RSGC–6; Notice No. 3]

RIN 2130—AA92

Selection and Installation of Grade Crossing Warning Systems; Notice of Proposed Rulemaking

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Change of hearing date and extension of comment period.

SUMMARY: On April 7, 1995, FRA published in the Federal Register a notice changing the hearing date in this rulemaking from May 9, 1995 to April 24, 1995.

FRA has reconsidered the hearing schedule as a result of comments from members of the public regarding the hardship that would be imposed on those wishing to participate in the hearings by the shortened time from resulting from the date change.

FRA is accordingly canceling the hearing scheduled for April 24, 1995 and will instead hold two days of hearings in this matter on Tuesday June 6, and Wednesday, June 7, 1995. The hearing location remains the same and will be held in room 2230 of the Nassif Building, DOT Headquarters Building, 400 Seventh S.W., Washington, D.C.

The comment period in this rulemaking is also being extended. Comments will be accepted through June 14, 1995.

We apologize for any inconvenience this rescheduling may cause however, we believe that this change in hearing dates will provide greater opportunity for all interested parties to participate in this rulemaking.

DATES: (1) Written comments must be received no later than June 14, 1995. Comments received after that date will be considered to the extent possible

without incurring additional expense or delay.

(2) A public hearing will be held at 9:30 a.m. on June 6, 1995 and at 9:30 a.m. on June 7, 1995. Any person who wishes to speak at the hearing should notify the FRA Docket Clerk at least five working days before to the hearing, by telephone or by mail.

ADDRESSES: (1) Written comments should be submitted to the Docket Clerk, Office of Chief Counsel, FRA, 400 Seventh Street N.W., Washington, D.C. 20590. Persons desiring to be notified that their written comments have been received by FRA should submit a stamped, self-addressed 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.

(2) A public hearing will be held in room 2230 of the Nassif Building, 400 Seventh Street S.W. Washington, D.C. Persons desiring to speak at the hearing should notify the Docket Clerk by telephone (202–366–0628) or by writing to the Docket Clerk at the address above.

FOR FURTHER INFORMATION CONTACT: Bruce F. George, Chief, Highway-Rail Crossing and Trespasser Programs Division, Office of Safety, FRA, 400 Seventh Street S.W., Washington, D.C. 20590 (telephone 202–366–0533), or Mark Tessler, Trail Attorney, Office of Chief Counsel, FRA, 400 Seventh Street S.W., Washington, D.C. 20590 (telephone 202–366–0628).

Issues in Washington, D.C. on April 11, 1995.

Donald M. Itzkoff,

Deputy Administrator.

[FR Doc. 95–9359 Filed 4–13–95; 8:45 am]

BILLING CODE 4910–06–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Public Hearings on Proposed Endangered Status With Critical Habitat in Arizona, and Threatened Status in Texas, for the Cactus Ferruginous Pygmy-owl

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule: notice of public hearing and reopening of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that public hearings will be held and the comment period reopened on the proposed rule to list the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) as an endangered species with critical habitat in Arizona, and as threatened in Texas. The hearings and the reopening of the comment period will allow all interested parties to submit oral or written comments on the proposal.

DATES: The public hearings will be held from 6 p.m. to 9 p.m. on May 8, 1995, in Tucson, Arizona, and from 7 p.m. to 10 p.m. on May 10, 1995, in Weslaco, Texas. The comment period for this proposal will be reopened on May 1, 1995, and will close on May 30, 1995. Comments must be received by the closing date. Any comments that are received after the closing date may not be considered in the final decision on the proposal.

ADDRESSES: The public hearings will be held at the Senior Ballroom, Student Union Memorial Building, University of Arizona, Tucson, Arizona and at Hoblitzelle Auditorium, Texas A&M Experimental Station, 2145 E. Highway 83, Weslaco, Texas. Written comments should be sent to the State Supervisor, U.S. Fish and Wildlife Service, 2321 W. Royal Palm Road, Phoenix, Arizona 85021–4951. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Service address.

FOR FURTHER INFORMATION CONTACT: Jeffrey A. Humphrey, State Supervisor, Arizona Ecological Services State Office (See **ADDRESSES** section) (telephone 602/640–2720; facsimile 602/640–2730)

SUPPLEMENTARY INFORMATION:

Background

The breeding range of the cactus ferruginous pygmy-owl extends from south-central Arizona south through western Mexico, and from southern Texas south through northeastern Mexico. Within these regions, the species occurs in riverbottom woodlands, coastal plain oak associations, thornscrub, and Sonoran desert scrub. The cactus ferruginous pygmy-owl is threatened to varying degrees across its range by loss and modification of habitat, lack of adequate protective regulations, and other factors. A proposed rule to list this species as endangered with critical habitat in Arizona, and as threatened in Texas, was published in the Federal Register (59 FR 63975) on December 12, 1994.

Pursuant to 50 CFR 424.16(c)(2), the Service may extend or reopen a comment period upon finding that there is good cause to do so. Full participation of the affected public in the species listing process, allowing the Service to consider the best scientific and commercial data available in making a final determination on the proposed action, is deemed as sufficient cause.

Section 4(b)(5)(E) of the Act, as amended (16 U.S.C. 1531 *et seq.*), requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. In response to numerous requests, the Service is holding two hearings. The two public hearings will be held on the dates and at the addresses described above.

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement and present it to the Service at the start of the hearing. In the event there is a large attendance, the time allotted for oral statements may have to be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearings or mailed to the Service. Legal notices announcing the dates, times, and locations of the hearings will be published in local newspapers.

The comment period on the proposal originally closed on April 11, 1995. In order to accommodate the hearings, the Service also reopens the public comment period. Written comments may now be submitted until May 30, 1995, to the Service office in the **ADDRESSES** section.

Author

The primary author of this notice is Jeffrey A. Humphrey (see **ADDRESSES**).

Authority

The authority for this action is 16 U.S.C. 1531–1544.

Dated: April 10, 1995.

Lynn B. Starnes,

Acting Regional Director, Region 2, Fish and Wildlife Service.

[FR Doc. 95–9233 Filed 4–13–95; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 60, No. 72
Friday, April 14, 1995

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

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

April 7, 1995.

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

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

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

Revision

• Agriculture Marketing Service
Lawn and Turf Seed Mixtures, Germination Test Dates, and Certain Labeling Requirements under the Federal Seed Act
Business or other for-profit; Farms; State, Local or Tribal Government; 17,820 responses; 36,798 hours
James P. Triplitt (301) 504–9430

• Animal & Plant Health Inspection Service
Prohibited and Restricted Importation of Meats, Animal Byproducts, Poultry, Organisms and Vectors into the United States
Individuals or households; Business or other for-profit; Not-for-profit institutions; Federal Government; State, Local or Tribal Government; 10,106 responses; 31,154 hours
Dr. Frank Kriewaldt (301) 734–4401

• Federal Crop and Insurance Corporation
Macadamia Orchard Inspection Report FCI–554
Individuals or households; Farms; 400 responses; 400 hours
Bonnie Hart (202) 690–3595

• Federal Crop and Insurance Corporation
Texas Citrus Grove Inspection Report FCI–19–C
Individuals or households; Farms; 50,000 responses; 75,000 hours
Bonnie Hart (202) 690–3595

• Agricultural Marketing Service
Regulations for Inspection and Certification of Quality of Agricultural and Vegetable Seeds Under the Agricultural Marketing Act of 1946
LS–375
Business or other for-profit; Farms; State, Local, or Tribal Government; 1,804 responses; 451 hours
James P. Triplitt (301) 504–9430

• Consolidated Farm Service Agency
7 CFR Part 704 and 7 CFR Part 1410—Conservation Reserve Program (CRP)
CRP–1, Appendix, 1A Continuation, 1C, 1D, 1E, CRP–2, CRP–15, ASCS–893, CCC–111, 113, 113A, 114, CRP–41, CRP–1F, CRP–15–1
Individuals or households; Farms; 277,750 responses; 50,955 hours
Cheryl Zavodny (202) 720–6825

Extension

• Office of Finance & Management
Debt Collection
Individuals or households; Business or other for-profit; Farms; 2,400 responses; 2,400 hours
Reynaldo Gonzalez (202) 720–1168

• Forest Service
State and Private Forestry Assistance; Stewardship Incentive Program; Food, Agriculture, Conservation, and Trade Act of 1990 (1990 Farm Bill)
USDA Forms SIP–245, –36, –502, –211, –211–1
Individuals or households; Business or other for-profit: Not-for-profit institutions; Farms; Federal government; 30,000 responses; 62,100 hours
Mary Carol Koester (202) 205–1381

• Foreign Agricultural Service
No Form is Required
Individuals or households; Business or other for-profit; 30 responses; 60 hours
Pamela McKenzie (202) 690–1632

Donald E. Hulcher,
Deputy Departmental Clearance Officer.

[FR Doc. 95–9158 Filed 4–13–95; 8:45 am]

BILLING CODE 3410–01–M

Agricultural Research Service

National Genetic Resources Advisory Council

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463), the Agricultural Research Service announces the following meeting:

Name: National Genetic Resources Advisory Council.

Date: May 16–17, 1995.

Time: 8:30 a.m.–5 p.m., May 16, 1995. 8:30 a.m.–5 p.m., May 17, 1995.

Place: USDA, South Building, Room 3109, 14th and Independence Avenue, SW., Washington, DC 20250.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: To advance the development of the National Genetic Resources Program.

Contact Person: Henry L. Shands, Director, National Genetic Resources Program, Building 005, Room 115, BARC–West, Beltsville, Maryland 20705. Telephone: 301–504–5059.

Done at Beltsville, MD., this 30th day of March 1995.

Henry L. Shands,
Director, National Genetic Resources Program.

[FR Doc. 95–9263 Filed 4–13–95; 8:45 am]

BILLING CODE 3410–03–M

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, DC, 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; science planning as it relates to forestry and natural resources; 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, DC, 20090–6090; telephone (202) 205–1665.

Dated: April 7, 1995.

William D. Carlson,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 95–9292 Filed 4–13–95; 8:45 am]

BILLING CODE 3410–22–M

Data Collection Guidelines To Be Used in Formulating New Crop Insurance Policies

AGENCY: Federal Crop Insurance Corporation, Office of Risk Management, Consolidated Farm Service Agency.

ACTION: Notice of issuance of guidelines for data collection to assist the Federal Crop Insurance Corporation in researching the feasibility of formulating crop insurance policies for new crops.

SUMMARY: The Federal Crop Insurance Corporation (''FCIC'') publishes this notice to advise all interested parties of FCIC's guidelines for data collection to assist the Corporation in researching the feasibility of formulating crop insurance policies for new crops.

EFFECTIVE DATE: April 14, 1995.

ADDRESSES: Research and Evaluation Branch, FCIC, P.O. Box 419293, Kansas City, Missouri 64141.

FOR FURTHER INFORMATION CONTACT: Vondie W. O'Conner, Jr., Acting Chief, or Floyd Niernberger, Specialty Crop Coordinator, Research and Evaluation Branch, FCIC, P.O. Box 419293, Kansas City, Missouri 64141. Telephone (816) 926–6343.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to outline the data required by FCIC to develop new crop insurance programs. Proposals for new insured crops, along with any of the following supporting data, can be forwarded to FCIC at the address listed above. The person or organization initiating the new crop program request can facilitate the request by submitting as much of the supporting data as possible. For data not readily available, or for questions or assistance, please contact FCIC at the respective Consolidated Farm Service Agency (CFSA) office or the FCIC Research and Evaluation Branch at the address listed above. Submissions in electronic formats such as ASCII, WordPerfect, or Lotus are encouraged but not required.

This is a summary of the content of the New Crop Program Development Handbook (FCIC 23010). A copy of the Handbook is available by request from the address listed above. This summary of data requirements is organized into five areas and describes the typical information evaluated by FCIC.

I. New Crop Program Request Criteria

A. All new crop program requests should include:

(1) A petition or similar request, or recommendation by an FCIC Regional Service Office requesting coverage of a new crop and indicating how a minimum 10% level of participation by growers of the crop in the area of the request will be achieved.

(2) An estimate of the number of acres of the crop grown in the area, and the percentage that crop comprises of all crop acres in the area.

(3) An estimate of the value of the crop grown in the area, and the percentage that crop value comprises of the total crop value of all crops grown in the area.

(4) An estimate of the average percent contribution to individual farm income of the crop for those producers growing the crop in the area.

(5) An estimate of the economic significance of the crop to the area for the next five years, and the reasons for any significant expected changes.

B. In addition, priority will be given to requests that meet at least *one* of the following criteria:

(1) The annual value of the crop produced exceeds $3,000,000 in the National Agricultural Statistics Service defined crop reporting district for which coverage is requested.

(2) The annual value of the crop produced exceeds $9,000,000 within the state for which coverage is requested.

(3) The annual value of the crop produced exceeds $15,000,000 in all states covered by the affected FCIC Regional Service Office.

(4) At the national level, the annual value of the crop produced exceeds $30,000,000.

II. Risk Profile and Analysis

These data should provide historical information for the crop.

A. Perils affecting the crop:

(1) Natural perils (e.g. fire, drought, hail, etc.);

(2) Economic perils—such as market perils, changes in consumer taste, or marketing orders; and

(3) Human perils—such as risk associated with failure to follow good farming practices, theft, etc.

B. Loss valuation:

(1) How is damage to the crop evaluated?

C. Market requirements and characteristics:

(1) Where is the crop marketed?

(2) How is the crop marketed?

D. Available loss control techniques:

(1) Production risks—For example, can losses be prevented or mitigated by use of irrigation, avoiding varieties susceptible to loss, preventative pest and disease control measures; by use of frost protection methods, site selection, cultivar selection, cultural practices, or pest, weed, and disease control measures; by reconditioning or salvage.

(2) Market risk—Identify forward contracting tools available, or futures or options market tools available.

(3) Problems associated with storage of the crop—Are there geographic price differences?

III. Actuarial Sufficiency and Data Availability

Provide data indicating:

A. What producer production records are available to identify yields;

B. As much historical yield data as possible;

C. What production records are available to identify production costs;

D. Farm budgets or other production cost analysis;

E. Marketing data; and

F. Extension farm evaluation information.

IV. Agronomic and Horticultural Suitability

These data include written recommendations and supporting documentation from the Extension Service, independent field research facilities, or other experts on acceptable plant varieties for the area. This documentation should cover the following areas:

A. Acceptable plant varieties for the area;

B. Cultural conditions;

C. Grower and industry association records and recommendations;

D. Soil Conservation Service land use capabilities and recommendations; and

E. Other test results or studies.

V. Marketing Dynamics

Describe where and how the market operates for the proposed crop. Specifically, provide the following:

A. Market characteristics:
(1) Use—fresh or processed;
(2) If processed, how;
(3) Market size;
(4) Market location; and
(5) Market age;
B. Marketing services:
(1) Pricing—contract or open market;
(2) Grading;
(3) Marketing Orders;
(4) Storage facilities;
(5) Processing facilities; and
(6) Fresh market packing facilities.
B. Market competition:
(1) Domestic market; and
(2) International market.

Notice

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501, *et seq.*), the FCIC herewith gives notice of the availability of the ''New Crop Program Development Handbook'' containing the data collection guidelines for use in developing new crop insurance programs.

Authority: 7 U.S.C. 1506(l).

Done in Washington, D.C. on April 4, 1995.

Suzy Dittrich,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 95–9196 Filed 4–13–95; 8:45 am]

BILLING CODE 3410–08–P

Forest Service

Cleanup and Rehabilitation of the White King and Lucky Lass Uranium Mines, Fremont National Forest, Lake County, OR

AGENCY: Forest Service, USDA.

ACTION: Cancellation of an environmental impact statement.

SUMMARY: On August 10, 1989, a Notice of Intent (NOI) to prepare an environmental impact statement (EIS) for the Cleanup and Rehabilitation of the White King and Lucky Lass Uranium Mines on the Lakeview Ranger District of the Fremont National Forest was published in the Federal Register (54 FR 32837). A revised NOI was published in the Federal Register on February 12, 1991 (56 FR 5676). The draft EIS was released in August 1991, with a Notice of Availability date of August 23, 1991 (56 FR 41842). The Forest Service has decided not to prepare the final EIS on this proposal because an RI/FS will be prepared; therefore, this Notice of Intent is rescinded.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this cancellation to Janine Cannon, Environmental Coordinator, Lakeview Ranger District, Lakeview, Oregon 97630; phone (503) 947–6333.

Dated: March 31, 1995.

Charles R. Graham,

Forest Supervisor.

[FR Doc. 95–9235 Filed 4–13–95; 8:45 am]

BILLING CODE 3410–11–M

South Manti Timber Salvage; Manti-La Sal National Forest, Sanpete and Sevier Counties, UT

AGENCY: Forest Service, USDA.

ACTION: Revised Notice of Intent to prepare an environmental impact statement.

SUMMARY: The USDA, Forest Service, Manti-La Sal National Forest is preparing an environmental impact statement (EIS) to disclose the environmental effects of timber salvage on the Ferron and Sanpete Ranger Districts. The Notice of Intent to prepare an environmental impact statement published February 28, 1994 (Vol. 59, No. 39, page 9462) indicated the draft EIS would be available for public review June, 1994 and the final EIS released September 16, 1994.

Completion has been delayed and revised dates for filing the draft and final EIS have been developed. The Draft EIS is estimated to be filed with the Environmental Protection Agency and available for public review May, 1995. The final EIS is expected to be released September, 1995. All other information published in the February 28, 1994 Federal Notice remains relevant.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and EIS should be directed to David Hatfield, Interdisciplinary Team Leader, Manti-La Sal National Forest, 599 West Price River Drive, Price, Utah, 84501. Phone (801) 637–2817.

Dated: April 7, 1995.

Aaron L. Howe,

Acting Forest Supervisor.

[FR Doc. 95–9240 Filed 4–13–95; 8:45 am]

BILLING CODE 3410–11–M

Natural Resources Conservation Service

Buffalo River Tributaries Watershed, Searcy, Marion, Newton, Pope and Van Buren Counties, AR

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR Part 1500); and the Natural Resources Conservation Service Regulations (7 CFR Part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Buffalo River Tributaries Watershed, Searcy, Marion, Newton, Pope, and Van Buren Counties, Arkansas.

FOR FURTHER INFORMATION CONTACT: Thomas H. Wehri, State Conservationist, Natural Resources Conservation Service, Room 5404, Federal Office Building, 700 West Capitol Avenue, Little Rock, AR, 72201, (501) 324–5445.

SUPPLEMENTARY INFORMATION: The environmental assessment of action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Thomas H. Wehri, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project purpose is watershed protection, (water quality improvement). The planned words of improvement include conservation plans which will provide for land treatment and nonstructural (conservation easements) measures. Land treatment measures include 33,000 acres of pasture improvement, three miles of streambank stabilization, 500 acres of critical area treatment, installation of 25 animal waste management facilities. Nonstructural measures include 820 acres of conservation easements needed to establish filter strips, preserve and reestablish riparian zones.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on

file and may be reviewed by contacting Thomas H. Wehri. No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the Federal Register.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904, Watershed Protection and Flood Prevention, and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and Local officials.)

Dated: April 7, 1995.

Thomas H. Wehri,

State Conservationist.

[FR Doc. 95–9243 Filed 4–13–95; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews.

SUMMARY: The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with March anniversary dates. In accordance with the Commerce Regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: April 14, 1995.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 353.22(a) and 355.22(a) (1994), for administrative reviews of various antidumping and countervailing duty orders and findings with March anniversary dates.

Initiation of Reviews

In accordance with sections 19 CFR 353.22(c) and 355.22(c), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. The Department is not initiating an administrative review of any exporters and/or producers who were not named in a review request because such exporters and/or producers were not specified as required under § 353.22(a) (19 CFR 353.22(a)). We intend to issue the final results of these reviews not later than March 31, 1996.

	Period to be Reviewed
Antidumping Duty Proceedings:	
Bangladesh:	
Shop Towels (A–538–802):	
Eagle Star Mills, Ltd.	03/01/94–02/28/95
Greyfab (Bangladesh) Ltd.	
Hashem Int.	
Khaled Textile Mills Ltd.	
Shabnam Textiles	
Sonar Cotton Mills (Bangladesh) Ltd.	
Brazil:	
Ferrosilicon (A–351–820):	
Companhia de Ferro Ligas da Bahia (FERBASA)	03/01/94–02/28/95
Companhia Brasileira Carbureto de Calcio (CBCC)	
Germany:	
Brass Sheet and Strip (A–428–602):	
Wieland-Werke AG	03/01/94–02/28/95
India:	
Sulfanilic Acid (A–533–806):	
Kokan Synthetics	03/01/94–02/28/95
M/S Kay International	
Japan:	
Certain Stainless Steel Butt-Weld Pipe and Tube Fittings (A–588–702):	
Daido Steel Co., Ltd.	03/01/94–02/28/95
Taikei Industries Co., Ltd.	
Korea:	
Steel Wire Rope (A–580–811):	
Manho Rope Mfg. Co., Ltd.	03/01/94–02/28/95

	Period to be Reviewed
Boo Kook Corporation	
Chun Kee Steel & Wire Rope Co.	
Chung Woo Rope Co., Ltd.	
Ssang Yong Steel Wire Rope Co.	
Hanboo Wire Rope, Inc.	
Kumho Rope	
Sung Jin	
Yeonsin Metal	
Atlantic & Pacific	
Dae Heung Industrial Co.	
Dae Kyung Metal	
Dong-Il Metal	
Dong-Il Steel Mfg. Co., Ltd.	
Dong Young	
Jinyang Wire Rope, Inc.	
Korea Sangsa Co.	
Korea Rope Company	
Korope Co.	
Kwang Shin Undustries	
Kwangshin Rope	
Myung Jin Co.	
Seo Hae Ind.	
Seo Jin Rope	
Sungsan Special Steel Processing	
Thailand:	
Certain Circular Welded Pipes and Tubes (A–549–502):	
Pacific Pipe Co., Ltd.	03/01/94–02/28/95
S.A.F. Corporation	
Saha Thai Steel Pipe Company	
Orient Star Consolid.	
Orient Star Shpg. Age.	
The People's Republic of China:	
Sulfanilic Acid (A–570–815):	
Hainan Garden Trading Co.*	08/01/94–07/31/94
Sinochem Shandong*	
Ye De Chemical Industry Co.*	
All other exporters of sulfanilic acid from the People's Republic of China are conditionally covered by this review.	
United Kingdom:	
Certain Hot-Rolled Lead and Bismuth Carbon Steel Products (A–412–810):	
UES Holdings Limited/UES Steels Limited	03/01/94–02/28/95
Countervailing Duty Proceedings:	
Germany:	
Certain Hot-Rolled Lead and Bismuth Carbon Steel Products (C–428–812)	01/01/94–12/31/94
India:	
Sulfanilic Acid (C–533–807)	01/01/94–12/31/94
Netherlands:	
Standard Chrysanthemums (C–421–601)	01/01/94–12/31/94
South Africa:	
Ferrochrome (C–791–001)	01/01/94–12/31/94
Thailand:	
Certain Apparel (C–549–401)	01/01/94–12/31/94
United Kingdom:	
Certain Hot-Rolled Lead and Bismuth Carbon Steel Products (C–412–811)	01/01/94–12/31/94
Suspension Agreements:	
Brazil:	
Frozen Concentrated Orange Juice (C–351–005)	01/01/94–12/31/94
Colombia:	
Roses and Other Fresh Cut Flowers (C–301–003)	01/01/94–12/31/94
Venezuela:	
Gray Portland Cement and Clinker (C–307–804)	01/01/94–12/31/94

* Inadvertently omitted from previous initiation notice.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 353.34(b) and 355.34(b).

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)) and 19 CFR 353.22(c)(1) and 355.22(c)(1).

Dated: April 12, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–9405 Filed 4–13–95; 8:45 am]

BILLING CODE 3510–DS–M

[A–122–057]

Replacement Parts for Self-Propelled Bituminous Paving Equipment From Canada; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On November 21, 1994, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on replacement parts for self-propelled bituminous paving equipment from Canada (59 FR 59993). The review period is September 1, 1990 through August 31, 1991. This review involves one manufacturer/exporter of this merchandise, the Allatt Paving Division of Ingersoll-Rand Canada Inc. (Allatt). After considering the comments submitted by petitioner and respondent, we determine the dumping margin for this period to be 6.86 percent.

EFFECTIVE DATE: April 14, 1995.

FOR FURTHER INFORMATION CONTACT: Gayle Longest or Kelly Parkhill, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On November 21, 1994, the Department published in the Federal Register the preliminary results of its administrative review of the antidumping duty order on replacement parts for self-propelled bituminous paving equipment from Canada (59 FR 59993) covering the period September 1, 1990 through August 31, 1991. This review involves one manufacturer/exporter of this merchandise, Allatt. The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Review

Imports covered by this review are shipments of replacement parts for self-propelled bituminous paving equipment, excluding attachments and parts for attachments. This merchandise is currently classifiable under *Harmonized Tariff Schedule* (HTS) item numbers 4016.93.10, 7315.11.00, 7315.89.50, 7315.90.00, 8336.50.00, 8479.99.00, 8481.20.00, 8482.10.10, 8483.90.90, 8539.29.20, 8544.20.00, 8544.41.00, 8544.51.80, 8544.60.20, and 9015.30.40. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received comments from the petitioner, Blaw-Knox, and from the Road Machinery Division of Ingersoll-Rand, which is the successor to the respondent.

Comment 1: The petitioner claims that the Department improperly made adjustments to foreign market value (FMV) for pre-sale home market movement costs through a circumstance-of-sale adjustment and the exporter's sales price (ESP) offset. Petitioner maintains that these adjustments are prohibited by the decision of the Court of Appeals for the Federal Circuit (the Federal Circuit) in *Ad Hoc Committee of AD–NM–TX–FL Producers of Gray Portland Cement* v. *United States,* 13 F.3d 398 (Fed. Cir. 1994).

Respondent maintains that Ingersoll-Rand did not claim pre-sale home market movement charges, and therefore that the issue is moot. (*See* Supplemental Questionnaire Response dated December 2, 1993, Section B–1 Format Sheets, p. 2).

Department's Response: We agree with the respondent. No pre-sale home market movement charges were claimed and the Department did not make any adjustment to FMV for these expenses.

Comment 2: The respondent argues that the Department incorrectly adjusted the United States price (USP) to account for certain home market taxes. The respondent maintains that the Department's current methodology is the result of the decision of the Court of International Trade (CIT) in *Federal-Mogul Corp.* v. *United States,* Slip Op. 93–194 (CIT 1993) (*Federal-Mogul*), in which the court ordered the Department to adjust USP by the *ad valorem* tax rate at the same point in the chain of commerce at which the tax is imposed in the home market. Thus, the respondent claims that the first step of the Department's current tax methodology, as mandated in *Federal-Mogul,* is to increase USP by applying the home market tax rate to the price of U.S. sales at the point at which the product would be taxed in the home market. According to the respondent, the second step of the Department's tax methodology involves making an additional deduction to USP and FMV by multiplying each adjustment by the *ad valorem* tax rate. The respondent disagrees with the second step of the Department's methodology because it believes that the second round of adjustments does not conform with the requirement that the Department calculate accurate margins. Furthermore, even if these second step adjustments are warranted, the respondent maintains that the Department has not applied the stated methodology correctly.

According to the respondent, the Department states in its preliminary results that the second step of the tax methodology is made to avoid creating dumping margins where they would not exist if no taxes were imposed, in accordance with *Silicomanganese From Venezuela* (59 FR 31205) and *Zenith Electronics Corp.* v. *United States,* 988F.2d 1573 (Fed. Cir. 1993) (*Zenith*). The respondent argues that the Department has misinterpreted the holding of the *Zenith* opinion. The respondent claims that the *Zenith* decision does not require the Department to make specific adjustments to avoid margin creation resulting from the multiplier effect. Furthermore, the respondent argues that the Department's current tax methodology actually increases dumping margins, which is in conflict with the Department's duty to calculate accurate margins. Despite the CIT's decision upholding the Department's current tax methodology (*see Independent Radionic Workers of America* v. *United States,* 862 F. Supp. 422, 426 (CIT 1994); *see also Torrington Co.* v. *United States,* 866 F. Supp. 1434, 1436 (CIT 1994)), the respondent claims that the statute does not authorize the second step to the Department's tax methodology and that this methodology has not yet been reviewed by the Federal Circuit.

In addition, the respondent argues that even if the Department's tax methodology is valid under the law, the Department did not correctly apply it in the preliminary results of this case. The respondent maintains that the second step tax adjustment is made to eliminate any residual tax that would have been included in the ultimate USP or FMV as a result of movement costs that were included in the tax base but were later deducted in deriving the ultimate comparison price. *See Silicomanganese from Venezuela* (59 FR 31205). The respondent claims that in the preliminary results the Department incorrectly made tax adjustments for all price adjustments, including other price adjustments that were not deductions.

Specifically, the respondent argues that the Department made a tax

adjustment to both PP and ESP sales for the difference-in-merchandise adjustment (difmer), which is incorrect because the difmer is an independent statutory adjustment made to FMV to account for differences in physical characteristics when a product sold in the United States does not have an exact match with a product sold in the home market. *See* 19 U.S.C. § 1677b(a)(4)(C); 19 CFR 353.57. According to the respondent, because the difmer is not an adjustment for differences in circumstances of sale, pursuant to 19 U.S.C. § 1677(a)(4)(B), it should not affect the tax added to USP or FMV. The respondent claims that the Department's tax adjustment for the difmer is in conflict with the directive established in *Daewoo Electronics Co., Ltd.* v. *United States*, 760 F. Supp. 200 (CIT 1991) (*Daewoo*), in which it is stated that tax adjustments are appropriate only to account for differences in the circumstances of sale. Thus, the respondent claims, by making this inappropriate adjustment to the difmer, the Department has increased the FMV unnecessarily, and thereby increased any dumping margins in comparisons where the difmer was a positive number.

Furthermore, the respondent does not agree with tax adjustments that the Department made to FMV corresponding to adjustments that were added to derive FMV. The respondent claims that tax adjustments made for additions to FMV are in conflict with the Department's stated policy of making tax adjustments only for costs which are deducted from the USP on which the tax was calculated. Moreover, the respondent argues that after the Department makes its tax adjustments corresponding to deductions, USP and FMV no longer contain any residual tax resulting from costs that were a part of the original tax base. However, when the Department makes tax adjustments for costs that it adds to FMV, these costs result in creating margins that the initial adjustments were supposed to prevent. Thus, the respondent maintains, the Department should only make adjustments for costs that are deducted from the original tax base.

Department's Position: The tax methodology used in this administrative review is the Department's current administrative practice. *See Federal-Mogul.* In *Federal-Mogul*, the CIT rejected our revised implementation of the Act's instructions on taxes and prohibited us from applying a purely tax-neutral margin calculation methodology. Accordingly, the Department changed its practice, as instructed by the CIT, and adjusted USP for home market tax by multiplying the home market tax rate by the USP at the point in the chain of commerce of the U.S. merchandise that is analogous to the point in the home market chain of commerce at which the foreign government applies the home market consumption tax, and have added the result to USP. In accordance with our tax methodology, we have also deducted from the USP and FMV those portions of the respective home market tax and the USP tax adjustments attributable to expenses included in the foreign market and U.S. bases of the tax if those expenses are later deducted to calculate FMV and USP. Specifically, we are deducting the *difference* between home market selling expenses and U.S. selling expenses, whether they are added to or deducted from FMV. Furthermore, all adjustments to U.S. price are required to be multiplied by the tax rate, including the difmer. These adjustments to the foreign market tax and the U.S. price tax adjustment are necessary to prevent the methodology for calculating the U.S. price tax adjustment from creating antidumping duty margins where no margins would exist if no taxes were levied upon foreign market sales.

The adjustment to avoid the margin creation effect is in accordance with the Federal Circuit's holding that the application of the USP tax adjustment under section 772(d)(1)(C) of the Tariff Act should not create a dumping margin if pre-tax FMV does not exceed USP. *See Zenith.* In addition, the Federal Circuit specifically has held that an adjustment should be made to mitigate the impact of expenses that are deducted from FMV and USP upon the USP tax adjustment and the amount of tax included in FMV. *See Daewoo.* However, the mechanics of the Department's adjustments to the U.S. and foreign market tax amounts as described above are not identical to those suggested in *Daewoo.* With regard to the respondent's concern that this methodology expands the margins, the Federal Circuit in *Zenith* held that ''[b]y engaging in dumping, the exporters themselves are responsible for the multiplier effect. The multiplier effect does not create a dumping margin where one does not already exist.'' *See Zenith* at 1581–82. For the foregoing reasons, we have not amended our treatment of U.S. and home market taxes for these final results.

Comment 3: The respondent argues that in calculating the FMV for ESP sales, the program was incorrect in that the U.S. packing costs were multiplied by the absolute amount of tax rather than multiplied by the tax rate. In addition, the respondent claims that when the Department recalculated the U.S. credit expense for ESP and PP sales, the Department applied the credit rate to the unit price, without first subtracting discounts. Thus, the respondent maintains that corrections should be made to the FMV calculation for ESP sales and to the U.S. credit expenses.

Department's Position: We agree with the respondent. We have corrected our calculations for these inadvertent errors.

Comment 4: The respondent maintains that there were two different tax rates in Canada during the review period: the FST, which was a value-added tax that was included in the price of the subject merchandise until December 31, 1990, and the GST, a goods and services tax levied after January 1, 1991, which is not included in the price charged to the customer. The respondent argues that in *Federal-Mogul Corp.* v. *United States*, Slip Op. 94–186, 8–9 (CIT, Dec. 7, 1994), the CIT determined that such home market taxes should only be applied to the part of the review period in which the tax was in effect. The respondent argues that to prevent the tax rate change from distorting the dumping margin, the Department should use the tax rate that would be applied to the U.S. sale in comparisons where the tax rates differ because the sale in one market occurred in 1990 and the sale in the other market occurred in 1991.

Department's Position: We agree that the home market tax rate should be adjusted to account for the differences in tax rates during 1990 and 1991; however, we disagree with respondent's proposal to use the tax rate that would be applied to the U.S. sale in comparisons where the tax rates differ. To account for the differences in the tax rates during the two periods, the Department instead derived a weighted-average tax rate for the period of review based on the volume of home market sales made during 1990 and 1991. In our calculations for these final results, we have used the home market weighted-average tax rate specific to the period of review for all comparisons of home market and U.S. sales.

Final Results of Review

We determine the following dumping margin to exist for the period September 1, 1990 through August 31, 1991:

Manufacturer/exporter	Margin (percent)
Allatt (Ingersoll-Rand)	6.86

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries.

Individual differences between USP and FMV may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of these final results of administrative review for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed company will be the rate as listed; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) cash deposits for all other manufacturers or exporters will be 20.12 percent. This is the ''new shipper'' rate established during the first final results published by the Department in the Federal Register on February 16, 1982 (47 FR 6681). We have determined that this rate is the appropriate rate, because we are unable to ascertain the ''all others'' rate from the Treasury less-than-fair-value investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibilities concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Failure to comply is a violation of the APO.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: April 7, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–9274 Filed 4–13–95; 8:45 am]

BILLING CODE 3510–DS–P

[C–201–003]

Ceramic Tile From Mexico; Final Results of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On November 10, 1994, the Department of Commerce (the Department) published in the Federal Register its preliminary results of administrative review of the countervailing duty order on ceramic tile from Mexico (59 FR 56057) for the period January 1, 1992 through December 31, 1992. We have now completed this review and determine the total bounty or grant to be zero or *de minimis* for 32 companies, and 2.08 percent *ad valorem* for all other companies. In accordance with 19 CFR 355.7, any rate less than 0.5 percent *ad valorem* is *de minimis.* We will instruct the U.S. Customs Service to assess countervailing duties as indicated above.

EFFECTIVE DATE: April 14, 1995.

FOR FURTHER INFORMATION CONTACT: Gayle Longest or Kelly Parkhill, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On November 10, 1994, the Department published in the Federal Register (59 FR 56057) the preliminary results of its administrative review of the countervailing duty order on ceramic tile from Mexico (47 FR 20012; May 10, 1982). The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

We invited interested parties to comment on the preliminary results. On December 12, 1994, a case brief was submitted by Ceramica Regiomontana, S.A., a producer of the subject merchandise which exported ceramic tile to the United States during the review period (respondent).

The review period is January 1, 1992, through December 31, 1992. This review involves 33 companies and the following programs:

(1) BANCOMEXT Financing for Exporters;
(2) The Program for Temporary Importation of Products used in the Production of Exports (PITEX);
(3) Other BANCOMEXT preferential financing;
(4) Other Dollar-Denominated Financing Programs;
(5) Fiscal Promotion Certificates (CEPROFI);
(6) Import duty reductions and exemptions;
(7) State tax incentives;
(8) Article 15 Loans;
(9) NAFINSA FONEI-type financing; and
(10) NAFINSA FOGAIN-type financing.

In accordance with the recent Court of International Trade (CIT) decision in *Ceramica Regiomontana, S.A. et al.* v. *United States,* Slip Op. 94–74, the Department is changing the rate of 2.55 percent *ad valorem* preliminarily assigned to Ceramica Regiomontana to the country-wide rate of 2.08 percent *ad valorem*.

Applicable Statute and Regulations

The Department is conducting this administrative review in accordance with section 751(a) of the Act. Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

Scope of Review

Imports covered by this review are shipments of Mexican ceramic tile, including non-mosaic, glazed, and unglazed ceramic floor and wall tile. During the review period, such merchandise was classifiable under the *Harmonized Tariff Schedule* (HTS) item numbers 6907.10.0000, 6907.90.0000, 6908.10.0000, and 6908.90.0000. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

Calculation Methodology for Assessment and Cash Deposit Purposes

We calculated the total bounty or grant on a country-wide basis by first calculating the bounty or grant for each company subject to the administrative review. We then weight-averaged the rate received by each company using as the weight its share of total Mexican exports to the United States of the

subject merchandise, including all companies, even those with *de minimis* and zero rates. We then summed the individual companies' weighted-average rate to determine the total bounty or grant from all programs benefitting exports of the subject merchandise to the United States.

Since the country-wide rate calculated using this methodology was above *de minimis*, as defined by 19 CFR 355.7(1994), we proceeded to the next step, and examined the total bounty or grant calculated for each company to determine whether individual company rates differed significantly from the weighted-average country-wide rate, pursuant to 19 CFR 355.22(d)(3). Thirty-two companies had a significantly different total bounty or grant during the review period pursuant to 19 CFR 355.22(d)(3). Accordingly, these companies are treated separately for assessment and cash deposit purposes. All other companies are assigned the country-wide rate.

Analysis of Comments

Comment 1. As in past reviews, Ceramica Regiomontana contends that the Department does not have the legal authority to assess countervailing duties on ceramic tile from Mexico and must terminate the review. Effective April 23, 1985, the date of the ''Understanding Between the United States and Mexico regarding Subsidies and Countervailing Duties'' (the Understanding), Mexico became a ''country under the Agreement.'' Therefore, Ceramica Regiomontana argues that 19 U.S.C. 1671 requires an affirmative injury determination as a prerequisite to the imposition of countervailing duties on any Mexican merchandise imported on or after April 23, 1985. Furthermore, Ceramica Regiomontana argues that the only applicable statutory authority for this review would be 19 U.S.C. 1303; however, because Mexico became a country under the Agreement, the provisions of section 1303 could no longer apply. Therefore, Ceramica Regiomontana maintains the Department has no authority to conduct this review and the review should be terminated.

Department's Position. We fully addressed this issue in a previous administrative review of this countervailing duty order. *See Ceramic Tile from Mexico; Final Results of Countervailing Duty Administrative Review* (55 FR 50744; December 10, 1990). The CIT and the U.S. Court of Appeals for the Federal Circuit (Federal Circuit) have sustained the Department's legal position that Mexican imports subject to an outstanding countervailing duty order already in effect when Mexico entered into the Understanding are not entitled to an injury test pursuant to section 701 of the Act and paragraph 5 of the Understanding (*Ceramica Regiomontana, S.A., et. al* v. *United States*, Slip Op. 96–78, Court No. 89–06–00323 (May 5, 1994) (*Ceramica Regiomontana*''); *Cementos Anajuac del Golfo, S.A.* v. *U.S.*, 879 F.2d 847 (Fed. Cir. 1989), cert. denied, 110 S.CT. 1318 (1989)). The countervailing duty order on ceramic tile from Mexico was published prior to Mexico's entering into the Understanding and, therefore, imports of ceramic tile are not entitled to an injury test pursuant to section 701 of the Act.

Comment 2. Ceramica Regiomontana argues that the Department failed to include zero or *de minimis* companies in calculating the country-wide subsidy rate. Ceramica Regiomontana maintains that the Federal Circuit has ruled on this issue in *Ipsco, Inc.* v. *United States* (Ipsco), 899 F.2d 1192, 1197 (Fed. Cir. 1990), and the Department is required to follow this ruling. According to Ceramica Regiomontana, the Federal Circuit's interpretation of *Ipsco* is that ''the country-wide countervailing duty rate calculation should be made inclusive of those companies receiving no benefit or *de minimis* in instances where such methodology would result in a zero or *de minimis* rate as well as in instances where the country-wide countervailing duty rate is greater than *de minimis*.'' Ceramica Regiomontana also argues that the CIT has recently affirmed the *Ipsco* decision in *Ceramica Regiomontana,* and that the Department should follow the CIT's holdings by including *de minimis* and zero companies in the calculation of the country-wide rate.

Department's Position. We agree that, pursuant to the CIT's holding in *Ceramica Regiomontana, de minimis* and zero rate companies should be included in the calculation of the country-wide rate. Accordingly, all 33 companies covered by this administrative review have been included in the calculation of the country-wide rate as stated in the above section of this notice concerning calculation methodology for assessment and cash deposit purposes. In accordance with the recent CIT decision in *Ceramica Regiomontana,* we are thus assigning the country-wide rate of 2.08 percent *ad valorem* to Ceramica Regiomontana.

Comment 3. As in past administrative reviews, Ceramica Regiomontana contends that the Department incorrectly treated the benefit from the PITEX program as a grant. According to Ceramica Regiomontana, PITEX benefits should be calculated as interest-free loans similar to the Department's treatment of loan duty deferrals under a Peruvian program in *Cotton Sheeting and Sateen from Peru; Final Results of Administrative Review of Countervailing Duty Order* (49 FR 34542).

Ceramica Regiomontana contends that the Department provides no legal justification for refusing to treat PITEX as an interest-free loan rather than a grant in *Certain Textile Mill Products from Mexico; Final Results of Countervailing Duty Administrative Review* (56 FR 50858). Furthermore, Ceramica Regiomontana argues that the Department ''bases its refusal to calculate PITEX as an interest-free loan on the difficulty of doing the calculation.'' Ceramica Regiomontana maintains that although there is no certainty whether a company will ultimately be exempt from payment of all or a portion of the duty, the deferral should be treated as a loan rather than a grant in accordance with legal requirements.

Department's Position. We fully addressed this issue in the previous administrative review of this case. *See Ceramic Tile from Mexico; Final Results of Countervailing Duty Administrative Review* (57 FR 24247; June 8, 1992). Under PITEX, an exporter may temporarily import machinery for five years. At the end of five years, the exporter can renew the temporary stay on an annual basis indefinitely. Since payment of import duties upon conversion to permanent import status is based on the depreciated value of the equipment at the time it is converted to permanent import status, the exporter can continue the temporary import status until the depreciated value of the equipment is zero and no import duties are owed. Therefore, duty exemptions under PITEX are properly treated as grants, and we expensed them in full at the time of importation, when the exporters otherwise would have paid duties on the imported machinery. Id.; *Final Negative Countervailing Duty Determination; Silicon Metal From Brazil* (56 FR 26988). Ceramica Regiomontana has presented us with no new evidence or arguments on this issue.

Comment 4. Ceramica Regiomontana argues that the calculation of the PITEX net subsidy is incorrect, because the Department improperly divided the PITEX benefit by each company's total exports. Ceramica Regiomontana contends that since the machinery imported under the PITEX program may be used to produce products for both the

export and domestic markets, the benefits from the program should be divided by total sales rather than by total exports. Furthermore, Ceramica Regiomontana argues that the program does not limit the use of imported machinery to production for export products only. According to Ceramica Regiomontana, machinery imported by the company is used for production of merchandise for both export and domestic markets. Ceramica Regiomontana claims that the Department's allocation method in PITEX is incorrect because it does not measure the benefit of the subsidy to the recipient and the proper method of allocation would be based on total sales.

Department's Position. We disagree. In order to meet the eligibility criteria for the PITEX program, a company is required to have a proven export record, and to use the imported merchandise (both raw materials and equipment) in the production of goods for export. Since receipt of benefits under PITEX is tied to the company's exports, thereby making the program an export subsidy, the proper basis for allocation of these benefits is total exports, as opposed to total sales. *See Certain Textile Mill Products from Mexico; Final Results of Countervailing Duty Administrative Review* (56 FR 12175, 12178; March 22, 1991).

Final Results of Review

As a result of our review, we determine the total bounty or grant to be zero or *de minimis* for the following 32 companies during the 1992 review period and 2.08 percent *ad valorem* for all other companies. In accordance with 19 CFR 355.7, any rate less than 0.5 percent *ad valorem* is *de minimis.*

(1) Adrian Sifuentes Jimenez.
(2) Agustin Cedillo Ruiz.
(3) Alejandro Estrada Silva.
(4) Apolonio Arias Vasquez.
(5) Arturo Leija Lucio.
(6) Aurelio Cedillo Ruiz.
(7) Azuelejos Decorativos Carrillo, S.A.
(8) Efrain Medina Carrillo.
(9) Emilio Pacheco.
(10) Faustino Nuncio Silva.
(11) Ima Regiomontana, S.A. de C.V.
(12) Industrias Intercontinental, S.A. de C.V.
(13) Internacional de Ceramica, S.A. de C.V.
(14) Javier Leija Lucio.
(15) Jesus Gallegos Loivares.
(16) Jesus Jimenez Lucio.
(17) Jose Arellano Valdez.
(18) Jose Dolores Hernandez.
(19) Jose Silva Romero.
(20) Juan Cortez Coronel.
(21) Leopoldo Montiel Rincon.
(22) Luis Najera Flores.
(23) Luis Paulino Flores.
(24) Norberto Cuellar Zuniga.
(25) O.H. Internacional, S.A. de C.V.
(26) Pedro Lopez Alonso.
(27) Raul Leija.
(28) Recubrimientos Mezquital, S.A. de C.V.
(29) Ricardo Berrones.
(30) Taller de Azuelejos Coloniales.
(31) Vicente Jalomo Reyna.
(32) Zenon Cortez Coronel.

Therefore, the Department will instruct the Customs Service to liquidate, without regard to countervailing duties, entries of the subject merchandise from Mexico exported by the 32 companies listed above for the period on or after January 1, 1992, and on or before December 31, 1992, and to assess countervailing duties of 2.08 percent of the f.o.b. invoice price of shipments from all other companies for the same period.

The Department will instruct the Customs Service to collect cash deposits of zero estimated countervailing duties for the 32 companies listed above and 2.08 percent *ad valorem* estimated countervailing duties, as provided by section 751(a)(1) of the Act, on shipments of this merchandise from all other companies entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)), 19 CFR 355.22 and 19 CFR 355.25.

Dated: April 7, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–9275 Filed 4–13–95; 8:45 am]

BILLING CODE 3510–DS–P

[C–201–001]

Leather Wearing Apparel from Mexico; Final Results of Changed Circumstances Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of changed circumstances countervailing duty administrative review.

SUMMARY: On February 13, 1995, the Department of Commerce (the Department) published the preliminary results of its changed circumstances countervailing duty administrative review. We examined whether Maquiladora Pieles Pitic, S.A. de C.V. (MPP) and Finapiel de Mexico, S.A. de C.V. (Finapiel), two manufacturers/exporters of leather wearing apparel from Mexico to the United States, had received bounties or grants during the first three quarters of 1994. We have now completed this review and determine that neither company received bounties or grants during this time period under any programs previously found countervailable, and, consequently, their cash deposit rate should be zero.

EFFECTIVE DATE: April 14, 1995.

FOR FURTHER INFORMATION CONTACT: Brian Albright or Cameron Cardozo, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On August 25, 1994, the Department published the final results of the last administrative review of the countervailing duty order on leather wearing apparel from Mexico, covering the January 1, 1992 through December 31, 1992 review period (46 FR 21357; April 10, 1981). In that review, 65 companies which the Government of Mexico (GOM) certified did not receive benefits from the programs under review received a cash deposit rate of zero. All other companies, which did not respond to our questionnaire, including MPP and Finapiel, received a cash deposit rate of 13.35 percent based on best information available.

On December 1, 1994, the GOM requested a changed circumstances review to examine the cash deposit rate applicable to MPP and Finapiel. In its request, the GOM stated that MPP and Finapiel were excluded from the list of GOM-certified zero-benefit recipients submitted to the Department in the recently completed administrative review due to an oversight by the GOM. With its request, the GOM provided company and government certifications that MPP and Finapiel did not apply for or receive any net subsidy during the first three quarters of 1994 from the programs that were previously found countervailable or not-used, and will not apply for or receive any such net subsidy in the future, in accordance with 19 CFR 355.22(a)(2)(1994). The GOM also stated that it has taken steps to ensure that the type of oversight which occurred in this case will not be

repeated in future administrative reviews.

On December 21, 1994 (59 FR 65755), the Department initiated a changed circumstances review to examine the cash deposit rate for MPP and Finapiel. On February 13, 1995, the Department published in the Federal Register the preliminary results of its changed circumstances countervailing duty administrative review on leather wearing apparel from Mexico (60 FR 8221). We have now completed this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). The review covers the period January 1, 1994 through September 30, 1994, two manufacturers/exporters, and the following programs:

(A) BANCOMEXT Loans and Export Financing
(B) Certificates of Fiscal Promotion (CEPROFI)
(C) FOGAIN
(D) FONEI
(E) State Tax Incentives
(F) PITEX
(G) Import Duty Reductions and Exemptions
(H) Article 15 Loans

Scope of Review

Imports covered by this review are shipments of Mexican leather wearing apparel. These products include leather coats and jackets for men, boys, women, girls, and infants, and other leather apparel products including leather vests, pants, and shorts. Also included are outer leather shells and parts and pieces of leather wearing apparel. This merchandise is currently classifiable under *Harmonized Tariff Schedule* (HTS) item numbers 4203.10.4030, 4203.10.4060, 4203.10.4085 and 4203.10.4095. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Act and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received no comments.

Final Results of Review

As a result of this review, we have determined that, during the first three quarters of 1994, MPP and Finapiel did not use any of the programs examined in the last administrative review of this order (59 FR 43815; August 25, 1994), and therefore their cash deposit rate should be zero.

The Department will instruct the Customs Service to continue to suspend liquidation and to collect zero cash deposits of estimated countervailing duties, as provided by the Act, on shipments of Mexican leather wearing apparel from MPP and Finapiel exported on or after the date of publication of this notice of final results of review. These instructions shall remain in effect until publication of the final results of the next administrative review.

This changed circumstances review and notice are in accordance with section 751(b)(1) of the Act (19 U.S.C. 1675(b)(1)) and 19 CFR 355.22(h).

Dated: April 7, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–9276 Filed 4–13–95; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

Textile Exporters' Forum; Notice of Open Meeting

A Textile Exporters' Forum will be held on April 27, 1995. The meeting will be from 2 p.m. to 4 p.m. in the Main Conference Room on the sixth floor at the office of Milliken & Company, 1045 6th Avenue, New York, New York.

The Forum is sponsored by the Department of Commerce to discuss textile and apparel export issues.

Agenda: The Textile Export Management Company (TEXPORT) and working with Export Trading Companies; the status of Electronic Sourcing for the Textile and Apparel Industry; the Economic Outlook for the Textile and Apparel Industry; and the Office of Textiles and Apparel Export Expansion Program.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes, contact William Dawson (202/482–5155).

Dated: April 10, 1995.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95–9217 Filed 4–13–95; 8:45 am]

BILLING CODE 3510–DR–F

Foreign-Trade Zones Board

[Order No. 738]

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: Grant of Authority for Subzone Status, Gleason Corporation (Gear Production Equipment), Rochester, New York

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 Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the County of Monroe, New York, grantee of Foreign-Trade Zone 141, for authority to establish special-purpose subzone status at the gear production equipment manufacturing plant of the Gleason Corporation in Rochester, New York, was filed by the Board on March 28, 1994, and notice inviting public comment was given in the Federal Register (FTZ Docket 14–94, 59 FR 17511, 4–13–94); and,

Whereas, the Board has found that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board hereby authorizes the establishment of a subzone (Subzone 141D) at the Gleason Corporation plant in Rochester, New York, at the location described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 7th day of April 1995.

Susan G. Esserman,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest: John J. Da Ponte, Jr., *Executive Secretary.*

[FR Doc. 95–9273 Filed 4–13–95; 8:45 am]

BILLING CODE 3510–DS–P

National Oceanic and Atmospheric Administration

[I.D. 032795B]

Endangered Species; Permits

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

ACTION: Notice of receipt of an application for a scientific research permit (P509B), and issuance of modification 1 to permit 878 (P553).

SUMMARY: Notice is hereby given that Carlos Diez and Robert van Dam (P509B) have applied in due form for a permit to take 200 listed hawksbill and 20 listed green sea turtles (*Eretmochelys imbricata* and *Chelonia mydas*) for the purpose of scientific research, and on March 15, 1995, a modification request to Permit 878 was received from the Florida Department of Environmental Protection (P553) to tag listed sea turtles.

DATES: Written comments must be received on or before May 15, 1995.

ADDRESSES: Documents submitted in connection with the above application and permit modification are available for review by interested persons in the following offices by appointment:

Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, MD 20910–3226 (301–713–1401); and

Southeast Region, NMFS, NOAA, 9721 Executive Center Drive, St. Petersburg, FL 33702–2432 (813-893-3141).

Written data or views, or requests for a public hearing on this application should be submitted to the Chief, Endangered Species Division, Office of Protected Resources.

SUPPLEMENTARY INFORMATION: Application 509B requests a permit under the authority of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217-227). The applicant proposes to capture turtles by hand, to be examined, photographed, measured, tagged. Some of these turtles may be lavaged, have blood samples taken, or have satellite telemeters attached.

Those individuals requesting a hearing (see **ADDRESSES**) should set out the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in this application summary are those of the Applicant and do not necessarily reflect the views of NMFS.

Notice is hereby also given that on March 31, 1995, as authorized by the provisions of the ESA, NMFS issued Modification 1 to Permit Number 878 to tag listed sea turtles subject to certain conditions set forth therein. Issuance of this modification, as required by the ESA, was based on a finding that such modification: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the listed species which are the subject of the permit; (3) is consistent with the purposes and policies set forth in section 2 of the ESA. This modification was also issued in accordance with and is subject to parts 217-222 of Title 50 CFR, the NMFS regulations governing listed species permits.

April 10, 1995.

Robert C. Ziobro,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 95–9270 Filed 4–13–95; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 041095C]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a public meeting of its Reef Fish and Red Snapper Advisory Panels (AP) on May 1, 1995, from 1:00 p.m. to 5:00 p.m. and May 2, 1995, from 8:00 a.m. to 3:00 p.m. The APs will meet jointly to review Draft Amendment 11 to the Reef Fish Fishery Management Plan (FMP).

ADDRESSES: The meeting will be held at the Radisson Bay Harbor Inn, 7700 Courtney Campbell Causeway, Tampa, FL 33607; telephone: (813) 281–8900.

FOR FURTHER INFORMATION CONTACT: Steven M. Atran, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, Florida 33609; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: Issues that will be addressed in the FMP include: Proposed modifications of the framework procedure for specifying total allowable catch including changes in procedures, the definition of optimum yield, and the criteria for specifying the length of a stock recovery program for overfished reef fish species; permitting issues including dealer and vessel permit conditions, transferability of vessel permits and fish trap endorsements, implementation of a new vessel permit moratorium for the fishery, and permits for charter and head boats; allowing hook-and-line harvest of reef fish by shrimp vessels; enforcement issues including definitions of bait and of fish for personal consumption that are exempt from the head and tails attached requirement, dealer transport requirements during transfer from vessel to fish house, and allowance of recreational bag limits of red snapper on commercial vessels during commercial closures; changes to amberjack size and bag limits and a commercial seasonal amberjack closure; changes to gag/black grouper and red snapper size limits; an aggregate recreational bag limit for reef fish. A copy of the agenda can be obtained by calling 813–228–2815.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Julie Krebs at the above address by April 24, 1995.

Dated: April 10, 1995.

Alfred J. Bilik,

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

[FR Doc. 95–9269 Filed 4–13–95; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 040595B]

Marine Mammals

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

ACTION: Request to export a nonreleasable beached and stranded marine mammal (P584).

SUMMARY: Notice is hereby given that the Fort MacArthur Marine Mammal Care Center has requested authorization to export for public display purposes one nonreleasable beached and stranded Northern elephant seal from its rehabilitation facility in San Pedro, CA, to Mundo Aquatico, at Zoomarine, in Albufeira, Portugal.

ADDRESSES: The request for authorization and related documents are available for review upon written request from the Chief, Permits Division, F/PR1, Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, MD 20910–3226 (301/713–2289).

Relevant written comments about this request should be submitted to the above address by May 15, 1995.

SUPPLEMENTARY INFORMATION: Fort MacArthur Marine Mammal Care Center and Mundo Aquatico are requesting authorization for the export of one nonreleasable rehabilitated female Northern elephant seal (*Mirounga angustirostris*) for the purpose of public display under the Marine Mammal Protection Act of 1972 (MMPA), as amended (16 U.S.C. 1361 *et seq.*).

The subject marine mammal, stranded in Santa Monica, CA, has been under rehabilitation for suspected head trauma since April 1, 1994. A determination of unreleasability was made by the attending veterinarian and submitted to the NMFS Southwest Region on January 25, 1995. NMFS concurs with this determination.

The permanent retention or export for public display purposes of a beached or stranded marine mammal taken for the purpose of rehabilitation under § 109(h) of the MMPA must be authorized by NMFS. Under the MMPA 1994 amendments, in order to obtain any marine mammal for public display purposes, the recipient must: (1) Offer a program for education or conservation purposes that is based on professionally recognized standards of the public display community; (2) be registered or hold a license issued under 7 U.S.C. 2131 *et seq.*, i.e., from the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture (or, for foreign facilities, meet comparable standards); and (3) maintain facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis and to which access is not limited or restricted other than by charging of an admission fee.

In this regard, the required certifications and statements provided by Mundo Aquatico and the Portuguese Government have been submitted to NMFS and APHIS, and have been found appropriate and sufficient to allow consideration of the request.

Dated: April 10, 1995.

Ann D. Terbush,

Chief, Permits and Documentation Division, National Marine Fisheries Service.

[FR Doc. 95–9234 Filed 4–13–95; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 032495D]

Marine Mammals

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

ACTION: Modification no. 1 to scientific research permit no. 887 (P79H).

SUMMARY: Notice is hereby given that a request for modification of scientific research permit no. 887, submitted by the Institute of Marine Sciences, University of California, Santa Cruz, CA 95064 (principal investigator: Dr. Ronald J. Schusterman), has been granted.

ADDRESSES: The permit, as modified, and related documents are available for review upon written request or by appointment, in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and

Director, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213 (310/980–4015).

SUPPLEMENTARY INFORMATION: On January 25, 1995, notice was published in the Federal Register (60 FR 4891) that a modification of permit no. 887, issued March 16, 1994 (59 FR 12266), had been requested by the above-named organization. The modification was granted under 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 permittee is authorized to retain one beached/stranded rehabilitated elephant seal obtained from Sea World (identified as SWC-MA–94–30B). Experiments to measure the seals' visual sensitivity to white light will be conducted.

Dated: April 10, 1995.

Ann D. Terbush,

Chief, Permits & Documentation Division, National Marine Fisheries Service.

[FR Doc. 95–9271 Filed 4–13–95; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 15, 1995.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman, (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Disk, Flexible
7045–01–365–2069

7045–01–365–2070
7045–01–365–2071
NPA: North Central Sight Services, Inc., Williamsport, Pennsylvania

Services

Grounds Maintenance, Basewide, Fort Huachuca, Arizona
NPA: Cochise County Association for the Handicapped, Bisbee, Arizona
Food Service Attendant, Offutt Air Force Base, Nebraska
NPA: Black Hills Workshop and Training Center, Rapid City, South Dakota
Grounds Maintenance, U.S. Army Reserve Center, 1816 East Main Street, Albemarle, North Carolina
NPA: Options of Albemarle, Inc., Albemarle, North Carolina
Grounds Maintenance, Naval and Marine Corps Reserve Center, 3190 Gilbert Avenue, Cincinnati, Ohio
NPA: Cincinnati Restorations, Inc., Cincinnati, Ohio
Grounds Maintenance, U.S. Army Reserve Center, 1984 Whiskey Road, Aiken, South Carolina
NPA: Tri-Development Center of Aiken County, Inc., Aiken, South Carolina
Grounds Maintenance, U.S. Army Reserve Center, 1420 John C. Calhoun Drive, S.E., Orangeburg, South Carolina
NPA: Orangeburg County Disabilities and Special Needs Board, Orangeburg, South Carolina
Janitorial/Custodial, Navy Family Housing Units, Naval Construction Battalion Center, Port Hueneme, California
NPA: Association for Retarded Citizens—Ventura County, Inc., Camarillo, California
Janitorial/Related Exterior Maintenance, VA Outpatient Clinic, 351 East Temple Street, Los Angeles, California
NPA: Asian Rehabilitation Services, Inc., Los Angeles, California
Order Processing Service, General Services Administration, Federal Supply Service Bureau, Philadelphia, Pennsylvania
NPA: Delco Blind/Sight Center Delaware County Branch, Pennsylvania Association for the Blind, Chester, Pennsylvania

Beverly L. Milkman,

Executive Director.

[FR Doc. 95–9260 Filed 4–13–95; 8:45 am]

BILLING CODE 6820–33–P

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the procurement list.

SUMMARY: This action adds to the Procurement List a commodity and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: May 15, 1995.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On June 24, July 22, 1994, February 3, 10, 17 and 24, 1995 the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (59 FR 32686, 37466, 60 FR 6702, 7945, 9326 and 10373) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodity and services, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the commodity and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodity and services.

3. The action will result in authorizing small entities to furnish the commodity and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and services proposed for addition to the Procurement List.

Accordingly, the following commodity and services are hereby added to the Procurement List:

Commodity

Cassette, Mailing Container
8115–00–NIB–0003

(Requirements for the Library of Congress, Washington, DC)

Services

Administrative Services, U.S. Department of Energy, Idaho Operations Office, Idaho Falls, Idaho
Janitorial/Custodial, Naval Outlying Landing Field, Imperial Beach, California
Janitorial/Custodial, John Weld Peck Federal Building, 550 Main Street, Cincinnati, Ohio
Janitorial/Custodial, Department of the Army, Jimmy Doolittle Building, Columbia Metro Airport, West Columbia, South Carolina
Janitorial/Custodial, Federal Building and U.S. Courthouse, 500 S. Barstow Commons, Eau Claire, Wisconsin

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 95–9261 Filed 4–13–95; 8:45 am]

BILLING CODE 6820–33–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 95–C0010]

Giant Bicycle Inc., a Corporation; Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional acceptance of a settlement agreement under the Consumer Product Safety Act.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the Federal Register in accordance with the terms of 16 CFR 1118.20(e)–(h). Published below is a provisionally-accepted Settlement Agreement with Giant Bicycle Inc., a corporation.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by May 1, 1995.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 95–C0010, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Melvin I. Kramer, Trial Attorney, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504–0626.

SUPPLEMENTARY INFORMATION: The text of the Agreement and Order appears below.

Dated: April 7, 1995.

Sadye E. Dunn,

Secretary.

Settlement Agreement and Order

1. Giant Bicycle, Inc. (hereinafter, ''Giant''), a corporation, enters into this Settlement Agreement (hereinafter, ''Agreement'') with the staff of the Consumer Product Safety Commission, and agrees to the entry of the Order described herein. The purpose of the Agreement and Order is to settle the staff's allegations that Giant knowingly caused the introduction into commerce of certain banned hazardous substances, namely bicycles, that did not comply with the Commission's Requirements for Bicycles, 16 CFR Part 1512, in violation of section 4(a) of the Federal Hazardous Substances Act (FHSA), 15 U.S.C. § 1263(a).

I. Jurisdiction

2. The Commission has jurisdiction over Giant and the subject matter of this Settlement Agreement pursuant to sections 3(a)(1) and 30(a) of the Consumer Product Safety Act (hereinafter, ''CPSA''), 15 U.S.C. §§ 2052(a)(1) and 2079(a), and sections 2(f)(1)(D), 4(a) and 5(c) of the FHSA, 15 U.S.C. §§ 1261(f)(1)(D), 1263(a) and 1264(c).

II. The Parties

3. The ''staff'' is the staff of the Consumer Product Safety Commission, an independent regulatory commission of the United States established pursuant to section 4 of the CPSA, 15 U.S.C. § 2053.

4. Giant is a corporation organized and existing under the laws of the State of Virginia with its principal corporate offices located at 475 Apra St., Rancho Dominguez, CA 90220. Giant is engaged, among other things, in the business of importing and selling in the United States children's bicycles.

III. Allegations of the Staff

5. From at least October 1993, to January 1995, Giant introduced into interstate commerce approximately 1,000 of several models of bicycles. These bicycles failed to comply with various sections of the Commission's Requirements for Bicycles, (16 CFR Part 1512) including, but not limited to, violations of § 1512.16 (requirements for reflectors) and § 1512.15 (requirements for seats).

6. Because these bicycles failed to meet the requirements of the Requirements for Bicycles, each of them is a banned hazardous substance under 16 CFR 1500.18(a)(12) of the FHSA regulations and section 2(q)(1)(A) of the FHSA, 15 U.S.C. 1261(q)(1)(A). The knowing introduction or delivery for introduction into interstate commerce, or the receipt in interstate commerce and the delivery or proffered delivery thereof for pay, of these banned hazardous substances by Giant are prohibited acts pursuant to section 4 (a) and (c) of the FHSA, 15 U.S.C. § 1263 (a) and (c) and subjects the firm to civil penalties under section 5(c) of the FHSA, 15 U.S.C. 1264(c)(1).

IV. Response of Giant

7. Giant denies the allegations of the staff that it has knowingly introduced or delivered for introduction into commerce, or that it received in interstate commerce and delivered or proffered for delivery thereof for pay the aforesaid bicycles, or that it has violated the FHSA in any way.

V. Agreement of the Parties

8. The Consumer Product Safety Commission has jurisdiction over Giant and the subject matter of this Settlement Agreement and Order under the following acts: Consumer Product Safety Act (15 U.S.C. § 2051 *et seq.*), and the Federal Hazardous Substances Act, 15 U.S.C. 1261 *et seq.*

9. Giant agrees to pay to the Commission the amount of Eighty-Five Thousand Dollars ($85,000), as set forth in the attached Order and incorporated herein by reference, and further agrees to take the agreed upon corrective actions regarding the allegedly violative products which are the subject of this Agreement.

10. The Commission does not make any determination that Giant knowingly violated the FHSA. The Commission and Giant agree that this Agreement is entered into for the purposes of settlement only.

11. Upon final acceptance of this Settlement Agreement by the Commission and issuance of the Final Order, Giant knowingly, voluntarily and completely, waives any rights it may have in this matter (1) to an administrative or judicial hearing, (2) to judicial review or other challenge or contest of the validity of the Commission's actions, (3) to a determination by the Commission as to whether Giant failed to comply with the FHSA as aforesaid, and (4) to a statement of findings of fact and conclusions of law.

12. For purposes of section 6(b) of the CPSA, 15 U.S.C. § 2055(b), this matter shall be treated as if a complaint had been issued; and, the Commission may publicize the terms of the Settlement Agreement and Order.

13. Upon provisional acceptance of this Settlement Agreement and Order by the Commission, this Settlement Agreement and Order shall be placed on the public record and shall be published in the Federal Register in accordance with the procedures set forth in 16 CFR 1118.20(e)–(h). If the Commission does not receive any written request not to accept the Settlement Agreement and Order within 15 days, the Settlement Agreement and Order will be deemed finally accepted on the 16th day after the date it is published in the Federal Register.

14. The parties further agree that the Commission shall issue the attached Order, incorporated herein by reference; and that a violation of the Order shall subject Giant to appropriate legal action.

15. Agreements, understandings, representations, or interpretations made outside of this Settlement Agreement and Order may not be used to vary or to contradict its terms.

16. The provisions of the Settlement Agreement and Order shall apply to Giant and each of its successors and assigns.

Dated: April 5, 1995.

Respondent Giant Bicycle, Inc.

By: Nicholas Andrade,

Senior Vice President, Giant Bicycle, Inc. 475 Apra St., Rancho Dominguez, CA 90220.

Commission Staff

David Schmeltzer,

Assistant Executive Director, Office of Compliance.

Eric L. Stone,

Acting Director, Office of Compliance, Division of Administrative Litigation.

Dated: April 6, 1995.

By: Melvin I. Kramer,

Trial Attorney, Office of Compliance, Division of Administrative Litigation.

Provisionally accepted and Provisional Order issued on the 7th day of April, 1995.

By Order Of The Commission:

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Order

Upon consideration of the Settlement Agreement entered into between respondent Giant Bicycle, Inc., a corporation, and the staff of the Consumer Product Safety Commission; and the Commission having jurisdiction over the subject matter and Giant; and it appearing that the Settlement Agreement is in the public interest, it is

Ordered, that the Settlement Agreement be and hereby is accepted; and it is

Further Ordered, that within 20 days of service of this final Order upon Giant, Giant shall pay to the Order of the

Consumer Product Safety Commission the amount of Eighty-Five Thousand Dollars ($85,000).

[FR Doc. 95–9046 Filed 4–13–95; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Office of the Secretary of the Army; Availability for Final Environmental Impact Statement (FEIS) for Proposed Deep Draft Dredging at Military Ocean Terminal, Sunny Point, NC

AGENCY: Department of Defense, United States Army.

ACTION: Notice of availability.

SUMMARY: The Military Ocean Terminal, Sunny Point, located along the west bank of the Cape Fear River in southeastern North Carolina, is 25 miles south of Wilmington and 5 miles north of Southport. The proposed improvements consist of dredging to deepen the south and center basins and their entrance channels from 34 feet mean low water (m.l.w.) to 38 feet m.l.w., plus 2 feet of overdepth, and to widen these entrance channels from 300 feet to 400 feet. Also, a portion of the center basin will be widened from 800–1,000 feet wide to 1,500 feet wide. Existing permanent navigation facilities require improvements to provide sufficient depth and width to allow the safe passage and maneuvering of modern deep-draft vessels and to permit loading them to their designed capacity and draft. Dredged material disposal will be at the Wilmington Ocean Dredged Material Disposal Site, although other reasonable alternatives are addressed in the Final Environmental Impact Statement (FEIS).

Significant resources which may occur in the area and be impacted by the proposed plan include endangered species; estuarine, marine, and terrestrial habitat; estuarine, marine, and terrestrial life, historic properties; water quality; recreational and aesthetic resources; and wetlands.

Alternatives:

a. No action/maintaining status quo.

b. Improvement of existing navigation facilities. Federal, State, and local officials; conservation groups; and interested businesses, groups, and individuals are invited to comment on the FEIS. In order to be considered, comments should be received no later than 30 days from the date the Environmental Protection Agency publishes the Notice of Availability in the Federal Register.

ADDRESSES: Written comments may be forwarded to: District Engineer, U.S. Army Corps of Engineers, Wilmington District, (Attention: Mr. Philip Payonk), PO Box 1890, Wilmington, NC 28402–1890.

FOR FURTHER INFORMATION CONTACT: Questions regarding this proposal may be directed to Mr. Payonk, (919) 251–4589.

Dated: April 10, 1995.

Lewis D. Walker,

Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health) OASA (I, L&E).

[FR Doc. 95–9205 Filed 4–13–95; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Group, invites comments on proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: An expedited review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by May 15, 1995.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 400 Maryland Avenue SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill, (202) 708–9915. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Information Resources Group, publishes this notice with the attached proposed information collection request prior to submission of this request to OMB. This notice contains the following information: (1) Type of review requested, e.g., expedited; (2) Title; (3) Abstract; (4) Additional Information; (5) Frequency of collection; (6) Affected public; and (7) Reporting and/or Recordkeeping burden. Because an expedited review has been requested, a description of the information to be collected is also included as an attachment to this notice.

Dated: April 10, 1995.

Gloria Parker,

Director, Information Resources Group.

Office of Postsecondary Education

Type of Review: Expedited.

Title: Perkins Loan Program (Formerly National Direct/Defense Student Loan Program) Assignment Form.

Frequency: Annually.

Affected Public: Individual or households.

Reporting Burden: Responses: 63,000, Burden Hours: 31,500.

Recordkeeping Burden: Recordkeepers: 0, Burden Hours: 0.

Abstract: Schools participating in the Perkins Loan Program may use this ED form 553 to submit defaulted loans to the Department. This form will serve as a transmittal document in the assignment of defaulted loans to the Federal government for collection. Copies of the ED form 553 and instructions can be obtained by calling (202) 708–4766.

Additional Information: Clearance for this information collection is requested by May 15, 1995. An expedited review is requested in order for schools to have an immediate mechanism to submit their uncollected outstanding loans to the Department. Without an expedited review, many schools will continue to be incapable of assigning their accounts to the Department resulting in further delays in the collection process of these student loans.

[FR Doc. 95–9194 Filed 4–13–95; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Spent Nuclear Fuel Management Cost Evaluation Report

AGENCY: Department of Energy.

ACTION: Notice of availability.

SUMMARY: The Department of Energy has issued a Spent Nuclear Fuel Management Cost Evaluation Report. Cost information from this report will be used in several ways: (1) As a basis for further cost studies and budget formulation, (2) to provide relative cost data for consideration of decisions resulting from the analyses contained in the Department of Energy Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs Draft Environmental Impact Statement (SNF & INEL EIS) (DOE/EIS–0203) (Volume 1).; and 3) to support the DOE's Baseline Environmental Management Report (BEMR) to Congress.

ADDRESSES: The Spent Nuclear Fuel Management Cost Evaluation Report is available in Department of Energy Public Reading Rooms, Navy Information Locations, and other locations which are listed below.

FOR FURTHER INFORMATION CONTACT: Mr. Brian Edgerton, U.S. Department of Energy, Idaho Operations Office, 850 Energy Plaza, MS 1136, Idaho Falls, Idaho, 83401, at (208) 526–1081.

SUPPLEMENTARY INFORMATION: During the last fifty years, the Department of Energy has engaged in extensive nuclear energy operations that have made large contributions to our national defense and knowledge of nuclear technology. In the process, substantial quantities of spent nuclear fuel were generated. The Department must manage and dispose of that spent nuclear fuel and any other spent fuel that may become part of its spent fuel inventory.

In August 1994, the Department issued the Assumptions and Methodology Document for review and comment. A Notice of Availability was issued on August 17, 1994 (59 FR 42216). The Assumptions and Methodology Document described the proposed assumptions and methods that would be employed in conducting a cost evaluation of alternatives for managing the Department's spent nuclear fuel. The public comments received on the Assumptions and Methodology document were considered in preparing the Spent Nuclear Fuel Cost Evaluation Report.

DOE Public Reading Rooms

U.S. Department of Energy
Oakland Operations Office
Environmental Information Center
1301 Clay Street, Room 700 North
Oakland, CA 94612
(510) 637–1762
Monday–Friday: 8:30 a.m. to 5:00 p.m.

U.S. Department of Energy
Rocky Flats Office
Public Reading Room
Front Range Community, College Library
3645 West 112th Avenue
Level B, Center of the Building
Westminster, CO 80030
(303) 469–4435
Monday & Tuesday: 10:30 a.m. to 6:30 p.m.
Wednesday: 10:00 a.m. to 4:00 p.m.
Thursday: 8:00 a.m. to 4:00 p.m.

U.S. Department of Energy, Headquarters
Freedom of Information Reading Room
1E–190 Forrestal Building
1000 Independence Avenue, SW.
Washington, DC 10585
(202) 586–6020
Monday–Friday: 9:00 a.m. to 4:00 p.m.

U.S. Department of Energy
Idaho Operations Office
Public Reading Room
1776 Science Center Drive
Idaho Falls, ID 83402
(208) 526–9162
Monday–Friday: 8:00 a.m. to 5:00 p.m.

U.S. Department of Energy
Chicago Operations Office
Public Reading Room
University of Illinois at Chicago Library
Government Documents Section
801 South Morgan Street
Chicago, IL 60607
(312) 996–2738
Monday–Friday: 8:00 a.m. to 10:00 p.m.
Saturday: 10:00 a.m. to 5:00 p.m.

U.S. Department of Energy
Albuquerque Operations Office
Public Reading Room
National Atomic Museum
20358 Wyoming Boulevard, SE
Albuquerque, NM 87185
(505) 845–4378
Monday–Friday: 9:00 a.m. to 5:00 p.m.

U.S. Department of Energy
Los Alamos Area Office
Public Reading Room
1350 Central Ave., Suite 101
Los Alamos, NM 87544
(505) 665–2127
Monday–Friday: 9:00 a.m. to 5:00 p.m.

U.S. Department of Energy
Nevada Operations Office
Public Reading Room
Coordination and Information Center
3084 South Highland Drive
Las Vegas, NV 89106
(702) 295–0731
Monday–Friday: 7:00 a.m. to 4:00 p.m.

U.S. Department of Energy
Fernald Field Office
Public Environmental Center
JANTER Building
10845 Hamilton-Cleves Highway
Harrison, OH 45030
(513) 738–0164
Monday, Thursday: 9:00 a.m. to 8:00 p.m.
Tuesday, Wednesday, Friday: 9:00 a.m. to 4:30 p.m.
Saturday: 9:00 a.m. to 1:00 p.m.

U.S. Department of Energy
Savannah River Operations Office
Public Reading Room
Road 1A, Building 703A, D232
Aiken, SC 29802
(803) 725–1408
Monday–Thursday: 8:00 a.m. to 11:00 p.m.
Friday: 8:00 a.m. to 5:00 p.m.
Saturday: 10:00 a.m. to 5:00 p.m.
Sunday: 2:00 p.m. to 11:00 p.m.

U.S. Department of Energy
Oak Ridge Operations Office
Public Reading Room
55 Jefferson Avenue
Oak Ridge, TN 37831
(615) 576–1216
Monday–Friday: 8:00 a.m. to 11:30 a.m. and 12:30 p.m. to 5:00 p.m.

U.S. Department of Energy
Richland Operations Office
Public Reading Room
Washington State University Tri-Cities
100 Sprout Road, Room 13OW
Richland, WA 99352
(509) 376–8583
Monday–Friday: 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m.

Navy Information Locations

Norfolk Naval Shipyard

Chesapeake Central Library
298 Cedar Rd.
Chesapeake, VA 23320–5512
(804) 436–8300
Monday–Thursday: 9:00 a.m. to 9:00 p.m.
Friday–Saturday: 9:00 a.m. to 5:00 p.m.
Sunday: 1:00 p.m. to 5:00 p.m.

Newport News Public Library
Grissom Branch
366 Deshazor Dr.
Newport News, VA 23602
(804) 886–7896
Monday–Thursday: 9:00 a.m. to 9:00 p.m.
Friday–Saturday: 9:00 a.m. to 6:00 p.m.

Kirn Library
301 East City Hall Ave.
Norfolk, VA 23510
(804) 441–2429
Monday–Thursday: 9:00 a.m. to 9:00 p.m.
Friday: 9:00 a.m. to 5:30 p.m.
Saturday: 9:00 a.m. to 5:00 p.m.

Hampton Public Library
4207 Victoria Boulevard
Hampton, VA 23669
(804) 727–1154
Monday–Thursday: 9:00 a.m. to 9:00 p.m.
Friday–Saturday: 9:00 a.m. to 5:00 p.m.

Portsmouth Public Library, Main Branch
601 Court St.
Portsmouth, VA 23704
(804) 393–8501
Monday–Thursday: 9:00 a.m. to 9:00 p.m.
Friday–Saturday: 9:00 a.m. to 5:00 p.m.

Virginia Beach Central Library
4100 Virginia Beach Blvd.
Virginia Beach, VA 23452
(804) 431–3001
Monday–Thursday: 10:00 a.m. to 9:00 p.m.
Friday–Saturday 10:00 a.m. to 5:00 p.m.
Sunday: 1:00 p.m. to 5:00 p.m.

Puget Sound

Kitsap Regional Library
1301 Sylvan Way
Bremerton, WA 98310
(206) 377–7601
Monday–Thursday: 9:30 a.m. to 9:00 p.m.
Friday–Saturday: 9:30 a.m. to 5:30 p.m.
Sunday: 12:30 p.m. to 5:30 p.m.

Kitsap Regional Library
Downtown Branch, 612 5th Ave.
Bremerton, WA 98310
(206) 377–3955
Monday–Friday: 10:00 a.m. to 6:00 p.m.

SM25, University of Washington Libraries
University of Washington, Seattle, WA 98185
(206) 543–9158
Monday–Thursday: 7:30 a.m. to 12:00 midnight
Friday: 7:30 a.m. to 6:00 p.m.
Saturday: 9:00 a.m. to 5:00 p.m.
Sunday: 12:00 p.m. to 12:00 midnight

Suzzallo Library
SM25, University of Washington Libraries
University of Washington, Seattle, WA 98185
(206) 543–9158
Monday–Thursday: 7:30 a.m. to 12:00 midnight
Friday: 7:30 a.m. to 6:00 p.m.
Saturday: 9:00 a.m. to 5:00 p.m.
Sunday: 12:00 p.m. to 12:00 midnight

Portsmouth Naval Shipyard

Rice Public Library
8 Wentworth St.
Kittery, ME 03904
(207) 439–1553
Monday–Wednesday, Friday: 10:00 a.m. to 5:00 p.m.
Thursday: 10:00 a.m. to 8:00 p.m.
Saturday: 10:00 a.m. to 4:00 p.m.

Portsmouth Public Library
8 Islington St.
Portsmouth, NH 03801
(804) 393–8501
Monday–Thursday: 9:00 a.m. to 9:00 p.m.
Friday–Saturday: 9:00 a.m. to 5:00 p.m.

Pearl Harbor

Aiea Public Library
99–143 Monalua Rd.
Aiea, HI 96701
(808) 488–2654
Monday, Thursday: 10:00 a.m. to 8:00 p.m.
Tuesday, Wednesday, Friday, Saturday: 10:00 a.m. to 5:00 p.m.

Hawaii State Library
478 S. King St.
Honolulu, HI 96813
(808) 586–3535
Monday, Wednesday, Friday, Saturday: 9:00 a.m. to 5:00 p.m.
Tuesday, Thursday: 9:00 a.m. to 8:00 p.m.

Pearl City Public Library
1138 Waimano Home Rd., Pearl City, HI 96782
(808) 455–4134
Monday–Wednesday: 10:00 a.m. to 8:00 p.m.
Thursday–Saturday: 10:00 a.m. to 5:00 p.m.
Sunday: 1:00 p.m. to 5:00 p.m.

Pearl Harbor Naval Base Library
Code 90L, 1614 Makalapa Dr.
Pearl Harbor, HI 96860–5350
(808) 471–8238
Tuesday–Thursday: 10:00 a.m. to 7:00 p.m.
Friday–Saturday: 9:00 a.m. to 5:00 p.m.

Kesselring Site

Albany Public Library
Reference and Adult Services
161 Washington Ave.
Albany, NY 12210
(518) 449–3380
Monday–Thursday: 9:00 a.m. to 9:00 p.m.
Friday: 9:00 a.m to 6:00 p.m.
Saturday: 9:00 a.m. to 5:00 p.m.

Saratoga Springs Public Library
320 Broadway, Saratoga Springs NY 12866
Monday–Thursday: 9:00 a.m. to 9:00 p.m.
Friday: 9:00 a.m. to 6:00 p.m.
Saturday: 9:00 a.m. to 5:00 p.m.
Sunday: 1:00 p.m. to 5:00 p.m.

Schenectady County Library
99 Clinton St., Schenectady NY 12305
(518) 388–4511
Monday–Thursday: 9:00 a.m. to 9:00 p.m.
Friday–Saturday: 9:00 a.m. to 5:00 p.m.

Other Information Locations

Main Library

University of Arizona, Tucson, AZ 85721
(602) 621–6433
School Hours: Sunday–Thursday: 8:00 a.m. to 1:00 a.m.
Friday–Saturday: 9:00 a.m. to 5:00 p.m.
Summer Hours: Monday–Thursday: 7:30 a.m. to 11:00 p.m.
Friday: 7:30 a.m. to 6:00 p.m.
Saturday: 10:00 a.m. to 8:00 p.m.
Sunday: 12:00 noon to 11:00 p.m.

Main Library
University of California at Irvine
Government Publications Receiving Dock
Irvine, CA 92717
(714) 856–7290
School Hours: Monday–Thursday: 8:00 a.m. to 7:00 p.m.
Friday: 8:00 a.m. to 5:00 p.m.
Saturday–Sunday: 1:00 p.m. to 5:00 p.m.
Summer Hours: Monday–Friday: 8:00 a.m. to 5:00 p.m.
Saturday–Sunday: 1:00 p.m. to 5:00 p.m.

Pleasanton Public Library-Reference Desk
400 Old Bernal Avenue
Pleasanton, CA 94566
(510) 462–3535
Monday, Tuesday: 1:00 p.m. to 8:00 p.m.
Wednesday, Thursday: 10:00 a.m. to 6:00 p.m.
Saturday: 2:00 p.m. to 6:00 p.m.
Sunday: 1:00 p.m. to 5:00 p.m.

San Diego Public Library
820 ''E'' Street
San Diego, CA 92101
(619) 236–5867
Monday–Thursday: 10:00 a.m. to 9:00 p.m.
Friday–Saturday: 9:30 a.m. to 5:30 p.m.
Sunday: 1:00 p.m. to 5:00 p.m.

Denver Public Library
1357 Broadway
Denver, CO 80203
(303) 640–8845
Monday–Wednesday: 10:00 a.m. to 9:00 p.m.
Thursday–Saturday: 10:00 a.m. to 5:30 p.m.
Sunday: 1:00 p.m. to 5:00 p.m.

George A. Smathers Libraries
Library West
University of Florida Library
Room 241
P.O. Box 117001
Gainesville, FL 32611–7001
(904) 392–0367
Monday–Thursday: 8:00 a.m. to 9:30 p.m.
Friday: 8:00 a.m. to 5:00 p.m.
Sunday: 2:30 p.m. to 9:30 p.m.

Atlanta Public Library
1 Margaret Mitchell Square

Atlanta, GA 30303
(404) 730–1700
Monday: 9:00 a.m. to 6:00 p.m.
Tuesday–Thursday: 9:00 a.m. to 8:00 p.m.
Friday: 9:00 a.m. to 5:00 p.m.
Saturday: 10:00 a.m. to 5:00 p.m.

Reese Library
Augusta College
2500 Walton Way
Augusta, GA 30904–2200
(706) 737–1744
School Hours: Monday–Thursday: 7:45 a.m. to 10:30 p.m.
Friday: 7:45 a.m. to 5:00 p.m.
Saturday: 9:00 a.m. to 5:00 p.m.
Sunday: 1:30 p.m. to 9:30 p.m.
Summer Hours: Monday–Friday: 8:00 a.m. to 5:00 p.m.

Chatham-Effingham-Liberty Regional Library
2002 Bull Street
Savannah, GA 31401
(912) 234–5127
Monday–Thursday: 9:00 a.m. to 9:00 p.m.
Friday: 9:00 a.m. to 6:00 p.m.
Saturday: 10:00 a.m. to 6:00 p.m.

Parks Library
Iowa State University
Government Publications Department
Ames, IA 50011–2140
(515) 294–3642
School Hours: Monday–Thursday: 7:30 a.m. to 12:00 midnight
Friday: 7:30 a.m. to 10:00 p.m.
Saturday: 10:00 a.m. to 10:00 p.m.
Sunday: 12:30 p.m. to 12:00 midnight
Summer Hours: Monday–Thursday: 7:30 a.m. to 10:00 p.m.
Friday: 7:30 a.m. to 5:00 p.m.
Saturday: 12:30 p.m. to 5:00 p.m.
Sunday: 12:30 p.m. to 10:00 p.m.

Boise Public Library
715 South Capitol Boulevard, Boise, ID 83702
(208) 384–4023
Monday, Friday: 10:00 a.m. to 6:00 p.m.
Tuesday–Thursday: 10:00 a.m. to 9:00 p.m.
Saturday: 1:00 p.m. to 5:00 p.m.

Idaho Department of Health and Welfare
Idaho National Engineering Laboratory Oversight Program Library
1410 North Hilton
Boise, ID 83706
(208) 334–0498
Monday–Friday: 8:00 a.m. to 5:00 p.m.

Idaho State Library
325 West State Street
Boise, ID 83702
(208) 334–2152
Monday–Friday: 9:00 a.m. to 5:00 p.m.

Shoshone-Bannock Library
Bannock and Pima Streets
HRDC Building
Fort Hall, ID 83203
(208) 238–3882
Monday–Friday: 8:00 a.m. to 4:30 p.m.

Idaho Falls Public Library
457 Broadway
Idaho Falls, ID 83402
(208) 529–1462
Monday–Thursday: 8:00 a.m. to 7:00 p.m.
Friday: 8:00 a.m. to 5:00 p.m.
Saturday: 9:00 a.m. to 1:00 p.m.

University of Idaho Library
Rayburn Street
Moscow, ID 83844–2353
(208) 885–6344
Monday–Friday: 8:00 a.m. to 12:00 midnight
Saturday: 9:00 a.m. to 12:00 midnight
Sunday: 10:00 a.m. to 12:00 midnight

Pocatello Public Library
812 East Clark Street
Pocatello, ID 83201
(208) 232–1263
Monday–Thursday: 10:00 a.m. to 9:00 p.m.
Friday–Saturday: 10:00 a.m. to 6:00 p.m.

Twin Falls Public Library
434 Second Street East
Twin Falls, ID 83301
(208) 733–2964
Monday–Thursday: 10:00 a.m. to 6:00 p.m
Friday: 10:00 a.m. to 5:00 p.m.
Saturday: 12:00 noon to 5:00 p.m.

Main Library
Third Floor
University of Illinois
801 South Morgan
Mail Code 234
Chicago, IL 60607
(312) 413–2594
Monday–Thursday: 7:30 a.m. to 10:00 p.m.
Friday: 7:30 a.m. to 5:00 p.m.
Saturday: 10:00 a.m. to 5:00 p.m.
Sunday: 1:00 p.m. to 9:00 p.m.

Documents Library
200–D University of Illinois
1408 W. Gregory Drive
Urbana, IL 61801
(217) 244–2060
School Hours: Monday–Thursday: 8:00 a.m. to 12:00 midnight
Friday: 8:00 a.m. to 6:00 p.m.
Saturday: 9:00 a.m. to 6:00 p.m.
Sunday: 1:00 p.m. to 12:00 midnight
Summer Hours: Monday–Thursday: 8:00 a.m. to 9:00 p.m.
Friday: 8:00 a.m. to 6:00 p.m.
Saturday: 9:00 a.m. to 5:00 p.m.
Sunday: 1:00 p.m. to 5:00 p.m.

Engineering Library
Purdue University
West Lafayette, IN 47907
(317) 494–2871
School Hours: Monday–Friday: 8:00 a.m. to 12:00 midnight
Saturday: 9:00 a.m. to 5:00 p.m.
Sunday: 12:00 noon to 12:00 midnight
Summer Hours: Monday–Friday: 8:00 a.m. to 8:00 p.m.

Manhattan Public Library
Julliette and Poyntz
Manhattan, KS 66502
(913) 776–4741
Monday–Friday: 9:00 a.m. to 9:00 p.m.
Saturday: 9:00 a.m. to 6:00 p.m.
Sunday: 2:00 p.m. to 6:00 p.m.

Massachusetts Institute of Technology
Science Library
160 Memorial Drive Building 14
Cambridge, MA 02139
(617) 253–5685
Monday–Thursday: 8:00 a.m. to 12:00 midnight
Friday, Saturday: 8:00 a.m. to 8:00 p.m.
Sunday: 12:00 noon to 12:00 midnight

O'Leary Library
University of Massachusetts
1 University Ave
Lowell, MA 01854
(508) 934–3205
School Hours: Monday–Thursday: 7:30 a.m. to 11:00 p.m.
Friday: 7:30 a.m. to 5:00 p.m.
Saturday: 10:00 a.m. to 6:00 p.m.
Summer Hours: Monday–Friday: 8:30 a.m. to 9:00 p.m.
Sunday: 2:00 p.m. to 7:00 p.m.

Worchester Public Library
3 Salem Square
Worchester, MA 01608
(508) 799–1655
Monday, Wednesday: 12:00 noon to 9:00 p.m.
Tuesday: 10:00 a.m. to 9:00 p.m.
Thursday–Saturday: 10:00 a.m. to 5:30 p.m.

Bethesda Public Library
7400 Arlington Road
Bethesda, MD 20814
(301) 986–4300
Monday–Thursday: 10:00 a.m. to 8:30 p.m.
Friday: 10:00 a.m. to 5:00 p.m.
Saturday: 9:00 a.m. to 5:00 p.m.
Sunday: 1:00 p.m. to 5:00 p.m.

Gaithersburg Regional Library
18330 Montgomery Village Avenue
Gaithersburg, MD 20879
(301) 840–2515
Monday–Thursday: 10:00 a.m. to 8:30 p.m.
Friday: 10:00 a.m. to 5:00 p.m.
Saturday: 9:00 a.m. to 5:00 p.m.
Sunday: 1:00 p.m. to 5:00 p.m.

Hyattsville Public Library
6530 Adelphi Road
Hyattsville, MD 20782
(301) 779–9330
Monday–Thursday: 10:00 a.m. to 9:00 p.m.
Friday: 10:00 a.m. to 6:00 p.m.
Saturday: 10:00 a.m. to 5:00 p.m.
Sunday: 1:00 p.m. to 5:00 p.m.

Ann Arbor Public Library
343 South 5th Avenue
Ann Arbor, MI 48104
(313) 994–2333, [*42219]
Monday: 10:00 a.m. to 9:00 p.m.
Tuesday–Friday: 9:00 a.m. to 9:00 p.m.
Saturday: 9:00 a.m. to 6:00 p.m.
Sunday: 1:00 p.m. to 5:00 p.m.

Zanhow Library
Saginaw Valley State University
7400 Bay Road
University Center, MI 48710
(517) 790–4240
School Hours: Monday–Thursday: 8:00 a.m. to 11:00 p.m.
Friday: 8:00 a.m. to 4:30 p.m.
Saturday: 9:00 a.m. to 5:00 p.m.
Sunday: 1:00 p.m. to 9:00 p.m.
Summer Hours: Monday–Thursday: 8:00 a.m. to 10:30 p.m.
Friday: 8:00 a.m. to 4:30 p.m.
Saturday: 10:00 a.m. to 2:00 p.m.
Sunday: 1:00 p.m. to 5:00 p.m.

Ellis Library
University of Missouri
Columbia, MO 65201
(314) 882–0748
School Hours: Monday–Thursday: 7:30 a.m. to 12:00 midnight
Friday: 7:30 a.m. to 11:00 p.m.
Saturday: 9:00 a.m. to 9:00 p.m.
Sunday: 12:00 noon to 1:00 a.m.
Summer Hours: Monday, Thursday: 8:00 a.m. to 8:00 p.m.
Tuesday–Friday: 8:00 a.m. to 5:00 p.m.
Saturday: 12:00 noon to 5:00 p.m.

Curtis Laws Wilson Library
University of Missouri Library
Rolla, MO 65401–0249
(314) 341–4227
School Hours: Monday–Thursday: 8:00 a.m. to 12:00 midnight
Friday: 8:00 a.m. to 10:30 p.m.
Saturday: 8:00 a.m. to 5:00 p.m.
Sunday: 2:00 p.m. to 12:00 midnight
Summer Hours: Monday–Friday: 8:00 a.m. to 10:00 p.m.
Saturday: 8:00 a.m. to 5:00 p.m.
Sunday: 2:00 p.m. to 10:00 p.m.

D.H. Hill Library
North Carolina State University
P.O. Box 7111
Raleigh, NC 27695–7111
(919) 515–3364
School Hours: Monday–Thursday: 7:00 a.m. to 1:00 a.m.
Friday: 7:00 a.m. to 6:00 p.m.
Saturday: 9:30 a.m. to 5:30 p.m.
Sunday: 1:00 p.m. to 1:00 a.m.
Summer Hours: Monday–Thursday: 7:00 a.m. to 11:00 p.m.
Friday: 7:00 a.m. to 6:00 p.m.
Saturday: 9:30 a.m. to 5:30 p.m.
Sunday: 1:00 p.m. to 11:00 p.m.

Omaha Public Library
215 S. 15th Street
Omaha, NE 68102
(402) 444–4800
Monday–Thursday: 9:00 a.m. to 9:00 p.m.
Friday, Saturday: 9:00 a.m. to 5:30 p.m.
Sunday: 1:00 p.m. to 5:00 p.m.

General Library
University of New Mexico
Albuquerque, NM 87131–1466
(505) 277–5441
School Hours: Monday–Thursday: 8:00 a.m. to 9:00 p.m.
Friday: 8:00 a.m. to 5:00 p.m.
Saturday: 1:00 p.m. to 5:00 p.m.
Sunday: 1:00 p.m. to 5:00 p.m.
Summer Hours: Monday–Friday: 8:00 a.m. to 6:00 p.m.
Saturday: 10:00 a.m. to 5:00 p.m.

Central Buffalo Public Library
Science and Technology Department
Lafayette Square
Buffalo, NY 14203
(716) 858–7098
Monday–Wednesday, Friday–Saturday: 8:30 a.m. to 6:00 p.m.
Thursday: 8:30 a.m. to 8:00 p.m.
Sunday: 1:00 p.m. to 5:00 p.m.

Lockwood Library
State University of New York-Buffalo
Buffalo, NY 14260–2200
(716) 645–2816
School Year: Monday–Thursday: 8:00 a.m. to 10:45 p.m.
Friday: 8:00 a.m. to 9:00 p.m.
Saturday: 9:00 a.m. to 5:00 p.m.
Sunday: 1:00 p.m. to 10:45 p.m.
Summer Hours: Monday, Wednesday, Thursday, Friday: 9:00 a.m. to 6:00 p.m.
Tuesday: 9:00 a.m. to 10:00 p.m.
Sunday: 1:00 p.m. to 9:00 p.m.

Engineering Library
Cornell University
Carpenter Hall, Main Floor
Ithaca, NY 14853
(607) 255–5762
School Hours: Monday–Thursday: 8:00 a.m. to 11:00 p.m.
Friday: 8:00 a.m. to 6:00 p.m.
Saturday: 10:00 a.m. to 6:00 p.m.
Sunday: 12:00 p.m. to 11:00 p.m.
Summer Hours: Monday–Friday: 8:00 a.m. to 6:00 p.m.
Saturday: 12:00 p.m. to 6:00 p.m.

Cardinal Hayes Library
Manhattan College
4531 Manhattan College Parkway
Riverdale, NY 10471
(718) 920–0100
School Hours: Monday–Thursday: 8:00 a.m. to 11:00 p.m.
Friday: 8:00 a.m. to 6:30 p.m.
Saturday: 10:00 a.m. to 5:00 p.m.
Sunday: 1:00 p.m. to 11:00 p.m.
Summer Hours: Monday–Friday: 8:30 a.m. to 6:30 p.m.

Brookhaven National Laboratory
25 Brookhaven Avenue
Building 477 A
P.O. Box 5000
Upton, NY 11973–5000
(516) 282–3489
Monday–Friday 8:30 a.m. to 9:00 p.m.
Saturday–Sunday: 10:00 a.m. to 6:00 p.m.

Columbus Metropolitan Library
96 South Grant Avenue
Columbus, OH 43215
(614) 645–2710
Monday–Thursday: 9:00 a.m. to 9:00 p.m.
Friday–Saturday: 9:00 a.m. to 6:00 p.m.
Sunday: 1:00 p.m. to 5:00 p.m.

Kerr Library
Oregon State University
Corvallis, OR 97331–4905
(503) 737–0123
Monday–Friday: 7:45 a.m. to 2:00 a.m.
Saturday–Sunday: 10:00 a.m. to 2:00 a.m.
Summer Hours: Monday–Friday: 7:45 a.m. to 9:00 p.m.
Saturday: 10:00 a.m. to 5:00 p.m.
Sunday: 10:00 a.m. to 9:00 p.m.

Brantford Price Millar Library
Portland State University
934 S.W. Harrison, Portland, OR 97201
(503) 725–4617
Monday–Friday: 8:00 a.m. to 10:00 p.m.
Saturday: 10:00 a.m. to 10:00 p.m.
Sunday: 11:00 a.m. to 10:00 p.m.

Pattee Library
Pennsylvania State University
University Park, PA 16801
(814) 865–2112
School Hours: Monday–Thursday: 8:00 a.m. to 12:00 midnight
Friday: 8:00 a.m. to 10:00 p.m.
Saturday: 8:00 a.m. to 9:00 p.m.
Sunday: 1:00 p.m. to 12:00 midnight
Summer Hours: Monday–Thursday: 7:45 a.m. to 10:00 p.m.
Friday: 7:45 a.m. to 9:00 p.m.
Saturday: 8:00 a.m. to 9:00 p.m.
Sunday: 1:00 p.m. to 10:00 p.m.

Narragansett Public Library
35 Kingston Road
Narragansett, RI 02882
(401) 789–9507
Monday: 10:00 a.m. to 9:00 p.m.
Tuesday–Friday: 10:00 a.m. to 6:00 p.m.
Saturday: 10:00 a.m. to 5:00 p.m.
(Saturday hours September to May only)

Charleston County Main Library
404 King Street
Charleston, SC 29403
(803) 723–1645
Monday–Thursday: 9:30 a.m. to 9:00 p.m.
Friday–Saturday: 9:30 a.m. to 6:00 p.m.
Sunday: 2:00 p.m. to 6:00 p.m.

South Carolina State Library
1500 Senate Street
Columbia, SC 29201
(803) 734–8666
Monday–Friday: 8:15 a.m. to 5:30 p.m.

Saturday: 9:00 a.m. to 1:00 p.m.

Clinton Public Library
118 South Hicks Street
Clinton, TN 37716
(615) 457–0519
Monday, Thursday: 10:00 a.m. to 8:00 p.m.
Tuesday, Wednesday, Friday, Saturday: 10:00 a.m. to 5:00 p.m.

Harriman Public Library
601 Walden Street, Harriman, TN 37748
(615) 882–3195, Monday–Thursday: 9:00 a.m. to 5:00 p.m.
Friday–Saturday: 9:00 a.m. to 1:00 p.m.

Kingston Public Library
1000 Bradford Way Building #3
Kingston, TN 37763
(615) 376–9905
Monday, Thursday: 10:00 a.m. to 7:30 p.m.
Tuesday, Wednesday, Friday: 10:00 a.m. to 5:30 p.m.
Saturday: 10:00 a.m. to 2:00 p.m.

Lawson McGhee Public Library
500 West Church Avenue
Knoxville, TN 37902
(615) 544–5750
Monday–Thursday: 9:00 a.m. to 8:30 p.m.
Friday: 9:00 a.m. to 5:30 p.m.
Saturday–Sunday: 1:00 p.m. to 5:00 p.m.

Oak Ridge Public Library
Civic Center
Oak Ridge, TN 37830
(615) 482–8455
Monday–Thursday: 10:00 a.m. to 9:00 p.m.
Friday: 10:00 a.m. to 6:00 p.m.
Saturday: 9:00 a.m. to 6:00 p.m.
Sunday: 2:00 p.m. to 6:00 p.m.

Oliver Springs Public Library
607 Easterbrook Avenue
Oliver Springs, TN 37840
(615) 435–2509
Tuesday–Thursday: 2:00 p.m. to 4:00 p.m.
Saturday: 9:00 a.m. to 12:00 midnight

Rockwood Public Library
117 North Front Avenue
Rockwood, TN 3 7854
(615) 354–1281
Monday, Wednesday, Friday, Saturday: 10:00 a.m. to 5:00 p.m.
Tuesday, Thursday: 10:00 a.m. to 8:00 p.m.

General Library, University of Texas
PCL 2.402X, Austin, TX 78713
(512) 495–4262
School Hours: Monday–Friday: 8:00 a.m. to 2:00 a.m.
Saturday: 9:00 a.m. to 2:00 a.m.
Sunday: 12:00 p.m. to 2:00 a.m.
Summer Hours: Monday–Friday: 8:00 a.m. to 10:00 p.m.
Saturday: 9:00 a.m. to 10:00 p.m.
Sunday: 12:00 noon to 10:00 p.m.

Evans Library
Texas A&M University, MS 5000
College Station, TX 77843–5000
(409) 845–8850
School Hours: Monday–Thursday: 7:00 a.m. to 12:00 midnight
Friday: 7:00 a.m. to 10:00 p.m.
Saturday: 9:00 a.m. to 10:00 p.m.
Sunday: 12:00 noon to 10:00 p.m.
Summer Hours: Monday–Thursday: 7:00 a.m. to 11:00 p.m.
Friday: 7:00 a.m. to 7:00 p.m.
Saturday: 9:00 a.m. to 5:00 p.m.
Sunday: 1:00 p.m. to 11:00 p.m.

Marriott Library
University of Utah
Salt Lake City, UT 84112
(801) 581–8394
School Hours: Monday–Thursday: 7:00 a.m. to 11:00 p.m.
Friday: 7:00 a.m. to 5:00 p.m.
Saturday: 9:00 a.m. to 5:00 p.m.
Sunday: 11:00 a.m. to 9:00 p.m.
Summer Hours: Monday–Thursday: 7: 00 a. m. to 10:00 p.m.
Friday: 7:00 a.m. to 5:00 p.m.
Saturday: 9:00 a.m. to 5:00 p.m.
Sunday: 1:00 p.m. to 5:00 p.m.

Alderman Library
University of Virginia, Charlottesville, VA 22903–2498
(804) 924–3133
School Hours: Monday–Thursday: 8:00 a.m. to 12:00 midnight
Friday: 8:00 a.m. to 6:00 p.m.
Saturday: 9:00 a.m. to 6:00 p.m.
Sunday: 12:00 p.m. to 12:00 midnight
Summer Hours: Monday–Thursday: 8:00 a.m. to 10:00 p.m.
Friday: 8:00 a.m. to 6:00 p.m.
Saturday: 9:00 a.m. to 6:00 p.m.
Sunday: 2:00 p.m. to 10:00 p.m.

Owen Science & Engineering Library
Washington State University, Pullman, WA 99164–3200
(509) 335–4181
School Hours: Monday–Thursday: 8:00 a.m. to 11:00 p.m.
Friday: 8:00 a.m. to 9:00 p.m.
Saturday: 12:00 noon to 9:00 p.m.
Sunday: 12:00 noon to 11:00 p.m.
Summer Hours: Monday, Thursday: 7:30 a.m. to 11:00 p.m.
Tuesday, Wednesday, Friday: 7:30 a.m. to 6:00 p.m.
Saturday–Sunday: 12:00 noon to 6:00 p.m.

Foley Center
Gonzaga University
East 502 Boone Avenue
Spokane, WA 99258
(509) 328–4220, extension 3125
School Hours: Monday–Thursday: 8:00 a.m. to 12:00 midnight
Friday–Saturday: 8:00 a.m. to 9:00 p.m.
Sunday: 11:00 a.m. to 12:00 midnight
Summer Hours: Monday–Friday: 8:00 a.m. to 9:00 p.m.
Saturday: 10:00 a.m. to 6:00 p.m.
Sunday: 1:00 p.m. to 7:00 p.m.

Madison Public Library
201 W. Mifflin Street
Madison, WI 53703
(608) 266–6350
Monday–Wednesday: 8:30 a.m. to 9:00 p.m.
Thursday–Friday: 8:30 a.m. to 5:30 p.m.
Saturday: 9:00 a.m. to 5:30 p.m.

Teton County Public Library
320 South King Street
Jackson, WY 83001
(307) 733–2164
Monday, Wednesday, Friday: 10:00 a.m. to 5:30 p.m.
Tuesday, Thursday: 10:00 a.m. to 9:00 p.m.
Saturday: 10:00 a.m. to 5:00 p.m.
Sunday: 1:00 p.m. to 5:00 p.m.

Issued in Washington, DC on April 7, 1995.

Jill E. Lytle,

Deputy Assistant Secretary, Waste Management.

[FR Doc. 95–9267 Filed 4–13–95; 8:45 am]

BILLING CODE 6450–01–P

Office of Fossil Energy

[FE Docket No. 95–15–NG]

Renaissance Energy (U.S.) Inc.; Order Granting Long-Term Authorization to Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Renaissance Energy (U.S.) Inc. authorization to import up to 2,800 Mcf per day of Canadian natural gas from the date of the authorization until November 1, 2004.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586–9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., March 30, 1995.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 95–9268 Filed 4–13–95; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Project No. P–11495–000]

Public Notice of Intent To Conduct Public Scoping Meetings and a Site Visit

April 7, 1995.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Type of Application: Original for Major Project.

b. Project No.: 11495–000.

c. Date filed: August 26, 1994.

d. Applicant: Nooksack River Hydro, Inc., Bothell, WA.

e. Name of Project: Clearwater Creek.

f. Location: On Clearwater Creek, near Deming, Whatcom County, WA.

g. Filed Pursuant to: Federal Power Act, 16 USC 791(a)–825(r).

h. Applicant Contact: Mr. Lon Covin, Hydro West Group, Inc., 1422 130th Avenue NE., Bellevue, WA 98005, (206) 455–0234.

i. FERC Contact: Mr. Surender M. Yepuri, P.E., (202) 219–2847.

j. Deadline date for written comments on scoping (environmental issues): May 26, 1995.

k. Status of Environmental Analysis: On December 15, 1994, the Federal Energy Regulatory Commission (FERC) issued a Notice of Intent to Prepare an Environmental Impact Statement (EIS) for the Clearwater Creek Project (FERC No. 11495) and Warm Creek Project (FERC No. 10865).

l. Intent to Conduct Public Scoping Meetings: Two scoping meetings will be conducted on Tuesday, May 9, 1995, at 7:00 p.m., and Wednesday, May 10, 1995, at 10:00 a.m.

Location: Hampton Inn, 3985 Bennett Drive, Bellingham, WA 98225.

Interested individuals, organizations, and agencies with environmental expertise are invited to attend either or both meetings and assist the staff in identifying the scope of environmental issues that should be analyzed in the EIS.

To help focus discussions at the meetings, a scoping document outlining subject areas to be addressed in the EIS will be mailed to agencies and interested individuals on the Commission mailing list. Copies of the scoping document will also be available at the scoping meetings.

Persons choosing not to speak at the meetings, but who have views on issues or information relevant to the issues, may submit written statements for inclusion in the public record at the meeting. In addition, written comments may be filed with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC, 20426, by the deadline date shown in Item (j) above. All written correspondence should clearly show the following caption on the first page: Clearwater Creek Hydro Project, FERC No. 11495.

Intervenors—those on the Commission's service list for this proceeding (parties)—are reminded of the Commission's Rules of Practice and Procedure, requiring parties filing documents with the Commission to serve a copy of the document on each person whose name appears on the official service list.[1] Further, if a party or interceder files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Site Visit: A site visit to the Clearwater Creek Hydro project is planned for May 9, 1995. Those who wish to attend should plan to meet at 9:00 a.m. at the Acme Country Kitchen on Route 9 in Acme, Washington.

m. Description of Project: The proposed project would consist of: (1) A 10-foot-high, 75-foot-long reinforced concrete diversion weir with a crest elevation of 1,665 feet on the National Geodetic Vertical Datum; (2) a 40-foot-wide, 80-foot-long, and 18-foot-high concrete intake structure; (3) a 63-inch-diameter, 8,785-foot-long steel penstock; (4) a 48-foot-wide, 48-foot-long, and 35-foot-high concrete powerhouse equipped with a vertical Pelton turbine generator unit with a rated capacity of 6.0 MW; (5) an 80-foot-long tailrace; (6) a 35-kV, 11.4-mile-long transmission line; and (7) appurtenant equipment.

n. Purpose of Project: Project power would be sold to a local utility.

o. Available Locations of Application: A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street NE., Room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the applicant's office (see item (h) above).

Lois D. Cashell,

Secretary.

[FR Doc. 95–9204 Filed 4–13–95; 8:45 am]

BILLING CODE 6717–01–M

[1] The official service list can be obtained by calling the Office of the Secretary, Dockets Branch at (202) 208–2020.

[Docket No. CP95–304–000]

Shell Western E&P Inc.; Notice of Petition for Declaratory Order

April 10, 1995.

Take notice that on April 6, 1995, Shell Western E&P Inc. (SWEPI), 200 North Dairy, Houston, Texas 77001, filed a petition in Docket No. CP95–304–000, requesting that the Commission declare that a 33-mile, 6-inch pipeline extending from the outlet of a carbon dioxide (CO_2) recovery plant north of Denver City, Texas to an interconnection with a Hinshaw pipeline in Lea County, New Mexico, is a gathering facility exempt from Commission jurisdiction pursuant to Section 1(b) of the Natural Gas Act, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

SWEPI states that it is the operator of the Denver Unit, an established oil and gas producing unit with approximately 1200 wells and an extensive network of gathering and re-injection lines connecting the wells within the unit to the Denver Unit CO_2 Recovery Plant (DUCRP), all located in Gaines and Yoakum Counties, Texas. It is indicated that since 1983, the Denver Unit has been under carbon dioxide (CO_2) flood, an enhanced oil recovery process where CO_2 is injected into a subterranean reservoir to recover additional oil. It is also indicated that the plant was built in 1984 to remove water, hydrocarbons and hydrogen sulfide from the produced CO_2 stream at the Denver Unit so that the CO_2 is pure enough to re-inject. SWEPI states that one of the by-products of the CO_2 separation process is low Btu, off-spec gas having a Btu content of 700 Btu, a CO_2 content of 12 percent by volume, and a nitrogen content of up to 25 percent by volume. It is stated that small quantities of the off-spec gas are sold to other plants in the area for fuel, but the majority of the off-spec gas is circulated and re-injected along with the CO_2 because previously there was no existing market for that product.

SWEPI states that the pipeline is an existing liquids line that would be converted to gas service and used to move the off-spec gas from the plant to a point where it can be transported to the only feasible market for the product, an electric generating plant operated by

Southwestern Public Service Company in Lea County, New Mexico located approximately 35 miles from the plant. SWEPI states that the gas to be delivered into the pipeline is not pipeline quality, and cannot be commingled or transported with any other natural gas.

In support of its claim that the primary function of the pipeline is gathering, SWEPI indicates that the facility meets the gathering criteria set forth in *Farmland Industries, Inc.*, 23 FERC ¶61.063 (1983), as modified by later Commission orders, indicating the following:

Length and Diameter of the Line

SWEPI states that onshore lines of comparable and greater length and diameter, including a 60-mile, 10-inch pipeline downstream of a processing plant (see 67 FERC ¶61,254 (1994), have been characterized as gathering. Also, the length of the pipeline is dictated by the length of the existing liquids line which would be converted to natural gas service.

Beyond the Plant

SWEPI also states that the plant is a separation facility that removes water, hydrocarbons and hydrogen sulfide from the CO_2 produced from the unit and is not a gas plant in the traditional sense that it processes or treats natural gas. However, it is indicated that the pipeline would be an incidental extension of the existing integrated production, gathering, and CO_2 separation and re-injection functions at the Denver plant. SWEPI states that gas would be produced from the various wells located in the Denver Unit, gathered to DUCRP for carbon dioxide separation, and then either routed through a return pipeline for re-injected in the field or routed through the pipeline to a point where it can be transported to the end user. It is indicated that the gas would not be pipeline quality when delivered into the pipeline and would require a segregated line dedicated to off-spec usage. SWEPI states that the traditional behind-the-plant test recognized that the line of demarcation between the production and gathering function and transmission function is the point where the gas is processed to make the gas of salable quality. SWEPI concludes that the pipeline does not provide that line of demarcation because the gas is never of pipeline quality.

Operating Pressure of the Line

SWEPI states that it would operate the pipeline at 600 psi, based on the pressure at the outlet of the plant.

Ownership and Use of the Line

Concerning the general activity of the owners of the facility, SWEPI states that the proposed pipeline would be utilized by the participating working interest owners to gather their off-spec gas to a point where it can be received for transportation to the only available market. SWEPI states that the fact that the lessees of the line are the producers of the off-spec gas to be handled by the pipeline is an additional factor weighing in favor of a non-jurisdictional determination.

Gathering Across State Lines

SWEPI states that the Commission has recognized in *Superior Oil Co.*, 13 FERC ¶61,218 (1980) that gathering may cross state lines and should not affect the jurisdictional status of the line.

Access to Line

SWEPI states that the pipeline would serve the unique and discrete function of gathering off-spec produced by the Denver Unit working interest owners to a point where it can be transported to the only available market. It is indicated that, because all of the working owners would have the opportunity to use the pipeline, there will be no access issues.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 1, 1995, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 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). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–9199 Filed 4–13–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–76–000]

Texas Eastern Transmission Corp.; Notice of Site Visit

April 10, 1995.

On May 3, 1995, the Office of Pipeline Regulation staff, accompanied by representatives of Texas Eastern Transmission Corporation (Texas Eastern), will inspect the proposed location of Texas Eastern's Line I–A Loop, and Line I–H Upgrade in the Philadelphia Lateral Expansion Project. The proposed facilities are in Chester, Delaware, and Philadelphia Counties, Pennsylvania.

Parties to the proceeding may attend. Those planning to attend must provide their own transportation. For further information, call Jeff Gerber, (202) 208–1121.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–9197 Filed 4–13–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–299–000]

Texas Gas Transmission Corp. and Texas Eastern Transmission Corp.; Notice of Joint Application for Abandonment

April 10, 1995.

Take notice that on April 5, 1995, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky, 42301 and Texas Eastern Transmission Corporation (TETCO), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP95–299–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon an exchange service between Texas Gas and TETCO and facilities which were authorized in Docket No. G–13268 and G–1086, all as more fully set forth in the application on file with the Commission and open to public inspection.

Texas Gas and TETCO propose to abandon an exchange service and to abandon the Orleans Purchase Meter Station in Orange County, Indiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 1, 1995, file with the Federal Energy Regulatory Commission, Washington, D.C. 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 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.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Texas Gas or TETCO to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–9198 Filed 4–13–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EC95–10–000, et al.]

Florida Power Corp., et al.; Electric Rate and Corporate Regulation Filings

April 6, 1995.

Take notice that the following filings have been made with the Commission:

1. Florida Power Corp.

[Docket No. EC95–10–000]

Take notice that on March 20, 1995, Florida Power Corporation (FPC), tendered for filing an application under Section 203 of the Federal Power Act requesting authorization to merge or consolidate its jurisdictional transmission facilities with certain transmission facilities now owned by Seminole Electric, Cooperative, Inc.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. James River Paper Company, Inc.

[Docket No. EL95–34–000]

Take notice that on March 20, 1995, James River Paper Company, Inc. tendered for filing a Petition for a Declaratory Order disclaiming jurisdiction under Section 201(e) of the Federal Power Act and a request for confidential treatment of the Steam Turbine Operation and Maintenance Agreement submitted along with its Petition.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

3. Delmarva Power & Light Co.

[Docket No. ER93–96–007]

Take notice that on March 15, 1995, Delmarva Power & Light Company tendered for filing supplemental information to its compliance filing in the above-referenced docket.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

4. Pennsylvania Electric Co.

[Docket No. ER94–459–000]

Take notice that on March 28, 1995, Pennsylvania Electric Company, Metropolitan Edison Company and Jersey Central Power & Light Company (collectively, the GPU Companies), tendered for filing pursuant to Rule 205 of the Commission's Rules of Practice and Procedure (18 CFR 385.205) a revised Schedule 5.013 to the GPU System Power Pooling Agreement as a change in rate schedule. Schedule 5.013 provides for transmission service charges for intrasystem transmission services under the GPU Power Pooling Agreement provided by Penelec for the delivery of capacity and energy purchased by Metropolitan Edison Company and Jersey Central Power & Light Company from New York State Electric and Gas Corporation's (NYSEG) share of the Homer City Generating Station under a certain Agreement dated as of December 20, 1993 with NYSEG. The GPU Companies have requested a waiver pursuant to § 35.11 of the Commission's Regulations (18 CFR 35.11) to permit the rate schedule to become effective January 1, 1994.

Copies of the filing have been served on the Pennsylvania Public Utility Commission and New Jersey Board of Regulatory Commissioners.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

5. Public Service Company of New Mexico

[Docket No. ER94–1367–000]

Take notice that on March 17, 1995, the Public Service Company of New Mexico tendered for filing an amendment in above-referenced docket.

Comment date: April 19, 1995, in accordance with Standard Paragraph E at the end of this notice.

6. New England Power Service Co.

[Docket No. ER94–1375–000]

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 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

7. Excel Energy Services, Inc.

[Docket No. ER94–1488–002]

Take notice that on February 27, 1995, Excel Energy Services, Inc. tendered for filing its report of activity for the quarter ending December 31, 1994 in the above-referenced docket.

8. Union Electric Co.

[Docket No. ER94–1498–000]

Take notice that on March 29, 1995, Union Electric Company tendered for filing a Notice of Withdrawal in the above-referenced docket.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

9. Illinois Power Co.

[Docket No. ER94–1541–000]

Take notice that on March 24, 1995, Illinois Power Company tendered for filing an amendment in above-referenced docket.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

10. Central Maine Power Co.

[Docket No. ER94–1669–000]

Take notice that on March 29, 1995, Central Maine Power Company (CMP) tendered an amended filing providing supplemental information in support of a Power Purchase Agreement between CMP and Aroostook Valley Electric Company (AVEC), under which CMP will purchase and AVEC will sell all of the energy and capacity from a 32 MW biomass-fueled generating facility located in the Town of Fort Fairfield, Maine. CMP provides supplemental information with respect to the rate of return and derivation components of the proposed rate.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

11. Connecticut Light & Power Co.

[Docket No. ER95–514–000]

Take notice that on March 29, 1995, Northeast Utilities Service Company tendered for filing on behalf of the Connecticut Light and Power Company (CL&P) a Fourth Amendment to Capacity, Transmission and Energy Service Agreement between CL&P and Green Mountain Power Corporation.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

12. New England Power Service Co.

[Docket No. ER95–539–000]

Take notice that on March 17, 1995, New England Power Service Company tendered for filing supplemental information to its February 2, 1995 filing in the above-referenced docket.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

13. Montana Power Co.

[Docket No. ER95–569–000]

Take notice that on March 31, 1995, Montana Power Company (Montana) tendered for filing with the Federal Energy Regulatory Commission an amendment to its original filing in this docket.

A copy of the filing was served upon Associated Power Services, Inc.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

14. Missouri Public Service Co.

[Docket No. ER95–652–000]

Take notice that on March 28, 1995, Intercoast Power Marketing Company tendered for filing a Certificate of Concurrence in the above-referenced docket.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

15. Detroit Edison Co.

[Docket No. ER95–721–000]

Take notice that on March 6, 1995, Detroit Edison Company tendered for filing worksheets which set forth the calculations for payments made to wholesale customers for the fourth quarter of 1994 in the above-referenced docket.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

16. Western Gas Resources Power Marketing, Inc.

[Docket No. ER95–748–000]

Take notice that on March 15, 1995, Western Gas Resources Power Marketing, Inc. (WGRPM), petitioned the Commission for (1) blanket authorization to sell electricity at market-based rates; (2) a disclaimer of jurisdiction over WGRPM's power brokering activities; (3) acceptance of WGRPM's Rate Schedule FERC No. 1; (4) waiver of certain Commission Regulations and (5) such other waivers and authorizations as have been granted to other power marketers, all as more fully set forth in WGRPM's petition on file with the Commission.

WGRPM states that it intends to engage in electric power transactions as a broker and as a marketer. In transactions where WGRPM acts as a marketer, it proposes to make such sales on rates, terms and conditions to be mutually agreed to with purchasing parties.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

17. Tucson Electric Power Co.

[Docket No. ER95–749–000]

Take notice that on March 15, 1995, Tucson Electric Power Company (Tucson), tendered for filing a Service Agreement (the Agreement), effective as of February 27, 1995 with InterCoast Power Marketing Company (InterCoast). The Agreement provides for the sale by Tucson to InterCoast of economy energy from time to time at negotiated rates in accordance with Service Schedule A of Tucson's Coordination Tariff, Volume 1, Docket No. ER94–1437–000. Tucson requests an effective date of February 1, 1995, and therefore requests all applicable waivers.

Copies of this filing have been served upon all parties affected by this proceeding.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

18. Tucson Electric Power Co.

[Docket No. ER95–750–000]

Take notice that on March 15, 1995, Tucson Electric Power Company (Tucson), tendered for filing a Service Agreement (the Agreement), effective as of February 1, 1995 with Valley Electric Association (Valley). The Agreement provides for the sale by Tucson to Valley of economy energy from time to time at negotiated rates in accordance with Service Schedule A of Tucson's Coordination Tariff, Volume 1, Docket No. ER94–1437–000. Tucson requests an effective date of February 1, 1995, and therefore requests all applicable waivers.

Copies of this filing have been served upon all parties affected by this proceeding.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

19. Pennsylvania Power & Light Co.

[Docket No. ER95–782–000]

Take notice that on March 21, 1995, Pennsylvania Power & Light Company (PP&L), tendered for filing with the Federal Energy Regulatory Commission a Short-Term Capacity and/or Energy Sales FERC Electric Rate Schedule, Volume No. 1 (Tariff). PP&L's Tariff sets forth terms and conditions of service under which PP&L will sell capacity and/or energy to purchasers for resale. PP&L submits that implementation of the Tariff will obviate the need for PP&L to file and for the Commission to approve separate agreements each time PP&L proposes to provide service to its customers under virtually identical terms and conditions, as has been the current practice.

PP&L has requested an effective date of April 20, 1995 for the Agreement.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

20. Madison Gas and Electric Co.

[Docket No. ER95–783–000]

Take notice that on March 22, 1995, Madison Gas and Electric Company (MGE), tendered for filing a service agreement with Commonwealth Edison under MGE's Power Sales Tariff. MGE requests an effective date of March 10, 1995.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

21. J. Anthony & Associates Ltd.

[Docket No. ER95–784–000]

Take notice that on March 22, 1995, J. Anthony & Associates Ltd. tendered for filing an Application for Blanket Authorizations, Certain Waivers, and Order Approving Rate Schedule.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

22. San Diego Gas & Electric Co.

[Docket No. ER95–785–000]

Take notice that on March 22, 1995, San Diego Gas & Electric Company (SDG&E), tendered for filing a change in rates for service under the following Agreements with Southern California Edison Company (Edison):

(1) Short-Term Firm Transmission Service Agreement, Rate Schedule FERC No. 58;

(2) Interruptible Transmission Service Agreement, Rate Schedule FERC No. 59; and

(3) Firm Transmission Service Agreement, Rate Schedule FERC No. 60.

SDG&E respectfully requests, pursuant to § 35.11, waiver of prior notice requirements specified in § 35.3 of the Commission's regulations, and an effective date of January 1, 1995.

Copies of this filing were served upon the Public Utilities Commission of the State of California and Edison.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

23. PacifiCorp

[Docket No. ER95–786–000]

Take notice that on March 22, 1995, PacifiCorp, tendered for filing in accordance with 18 CFR part 35 of the Commission's Rules and Regulations, a Notice of Cancellation for PacifiCorp Rate Schedule FERC No. 329.

Copies of this filing were supplied to Washington Water Power Company, the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

24. El Paso Electric Co.

[Docket No. ER95–788–000]

Take notice that on March 22, 1995, El Paso Electric Company (EPE), tendered for filing the Airport Substation Letter Agreement among EPE, Public Service Company of New Mexico (PNM) and Texas-New Mexico Power Company (TNP). The Letter Agreement provides the terms and conditions under which EPE will construct the Airport Substation and interconnect into an existing PNM/TNP 115 kV transmission line. In accordance with Commission regulations, EPE requests that the Agreement become effective sixty (60) days from the date of the filing.

Copies of this filing were served upon PNM, TNP, and the appropriate state public service commissions.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

25. El Paso Electric Co.

[Docket No. ER95–789–000]

Take notice that on March 22, 1995, El Paso Electric Company (EPE), tendered for filing the Contingent Contract Demand Letter and the Contingent Bank Settlement Letter, both of which relate to contingent capacity provided by EPE to Public Service Company of New Mexico (PNM) pursuant to Service Schedule A, as amended, to the EPE/PNM Interconnection Agreement dated July 19, 1966. EPE requests that the Commission waive the appropriate notice provisions and allow the Contingent Bank Letter to become effective on the first day of the month following its filing with the Commission and for service under such letter to commence on January 1, 1998 and to allow the Contract Demand Letter to become effective as of May 1, 1995.

Copies of this filing were served upon PNM and the appropriate state public service commissions.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

26. El Paso Electric Co.

[Docket No. ER95–790–000]

Take notice that on March 22, 1995, El Paso Electric Company (EPE), tendered for filing Amendment No. 1 to the Interchange Agreement between EPE and Texas-New Mexico Power Company (TNP). Amendment NO. 1 amends Service Schedule C, Wheeling Service, to the Interchange Agreement by removing TNP's obligation to provide, and EPE's obligation to purchase, certain transmission services associated with the Southwest New Mexico Transmission Project. Pursuant to the terms of the Amendment, EPE requests that the Commission waive the appropriate notice provisions to allow the Amendment to become effective the first day of the month following the submittal of the filing.

Copies of this filing were served upon TNP and the appropriate state public service commissions.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

27. Jersey Central Power & Light Co., Metropolitan Edison Co. and Pennsylvania Electric Co.

[Docket No. ER95–791–000]

Take notice that on March 22, 1995, GPU Service Corporation (GPUSC), on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (jointly referred to as the Companies), filed a Firm Power Transmission Service Tariff and an Energy Transmission Service Tariff. Under these tariffs, the Companies propose to provide both firm and non-firm transmission service for the transmission of capacity and/or energy from designated source(s) into, out of, or through, the Companies' service areas to designated load(s) using transmission facilities at or above 34.5 kV that any of the Companies own or have rights to use pursuant to agreements with others, including certain 500 kV transmission facilities, and which the Companies functionally operate as transmission facilities.

The basic charge for Firm Power Transmission Service will be based on the full embedded costs of the Companies' transmission facilities and will be calculated using a distance sensitive, MW-mile pricing methodology. The basic charge for Firm Energy Transmission Service is similar, except that, in the event of curtailment or interruption, the Companies' will provide rebates to the extent Firm Energy Transmission Service schedules cannot be accommodated. The charge for Hourly Energy Transmission Service will be assessed on a zonal basis with each Companies' transmission facilities treated as a separate zone and shall equal $0.50/MWh per zone, plus a charge of $1.00/MWh for difficult to quantify costs and a charge for losses.

GPUSC requests an effective date of May 21, 1995 and has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

28. K Power Company, Inc.

[Docket No. ER95–792–000]

Take notice that on March 22, 1995, K Power Company, Inc., tendered for filing pursuant to Rule 205, 18 CFR 385.205, a petition for waiver and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1 to be effective within 60 days of the filing or earlier if the Commission so orders.

KPC intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where KPC sells electric energy it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. KPC is not in the business of generating, transmitting or distributing electric power.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

29. Union Electric Co.

[Docket No. ER95–793–000]

Take notice that on March 22, 1995, Union Electric Company (UE), tendered for filing a Transmission Service Agreement dated March 24, 1995 between Enron Power Marketing, Incorporated (EPMI) and UE. UE asserts that the purpose of the Agreement is to set out specific rates, terms, and conditions for transmission service transactions from UE to EPMI.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

30. Madison Gas and Electric Co.

[Docket No. ER95–794–000]

Take notice that on March 22, 1995, Madison Gas and Electric Company (MGE), tendered for filing a service agreement with Enron Power Marketing, Inc., under MGE's Power Sales Tariff.

MGE requests an effective date 60 days from the filing date.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

31. Idaho Power Co.

[Docket No. ER95–795–000]

Take notice that on March 23, 1995, Idaho Power Company (IPC), tendered for filing an agreement dated February 6, 1995 providing for IPC to furnish transmission service to Washington Water Power Company and Sierra Pacific Power Company.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

32. Northeast Utilities Service Co.

[Docket No. ER95–798–000]

Take notice that on March 27, 1995, Northeast Utilities Service Company (NUSCO), tendered for filing a Service Agreement with Middleborough Gas and Electric Department (Middleborough) under the NU System Companies System Power Sales/ Exchange Tariff No. 6.

NUSCO states that a copy of this filing has been mailed to Middleborough.

NUSCO requests that the Service Agreement become effective on April 1, 1995.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

33. Niagara Mohawk Power Corp.

[Docket No. ER95–799–000]

Take notice that on March 27, 1995, Niagara Mohawk Power Corporation (Niagara Mohawk), tendered for filing an agreement between Niagara Mohawk and North American Energy Conservation, Inc. (NAEC) dated March 23, 1995 providing for certain transmission services to NAEC.

Copies of this filing were served upon NAEC and the New York State Public Service Commission.

Comment date: April 20, 1995, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–9202 Filed 4–13–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. ER95–777–000, et al.]

Maine Public Service Co., et al.; Electric Rate and Corporate Regulation Filings

April 5, 1995.

Take notice that the following filings have been made with the Commission:

1. Maine Public Service Co.

[Docket No. ER95–777–000]

Take notice that on March 21, 1995, Maine Public Service Company (Maine Public), filed an executed Service Agreement with North American Energy Conservation, Inc. Maine Public states that the service agreement is being submitted pursuant to its tariff provision pertaining to the short-term non-firm sale of capacity and energy which establishes a ceiling rate at Maine Public's cost of service for the units available for sale.

Maine Public requests that the service agreement become effective on April 1, 1995 and requests waiver of the Commission's regulations regarding filing.

Comment date: April 19, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. Jersey Central Power & Light Co., Metropolitan Edison Co. and Pennsylvania Electric Co.

[Docket No. ER95–779–000]

Take notice that on March 21, 1995, GPU Service Corporation (GPU), on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (jointly referred to as the GPU Operating Companies), filed an executed Service Agreement between GPU and PECO Energy Company (PECO), dated March 6, 1995. This Service Agreement specifies that PECO has agreed to the rates, terms and conditions of the GPU Operating Companies' Operating Capacity and/or Energy Sales Tariff (Sales Tariff) designated as FERC Electric Tariff, Original Volume No. 1. The Sales Tariff was accepted by the Commission by letter order issued on February 10, 1995 in *Jersey Central Power & Light Co., Metropolitan Edison Co. and Pennsylvania Electric Co.,* Docket No. ER95–276–000 and allows GPU and PECO to enter into separately scheduled transactions under which the GPU Operating Companies will make available for sale, surplus operating capacity and/or energy at negotiated rates that are no higher than the GPU Operating Companies' cost of service.

GPU requests a waiver of the Commission's notice requirements for good cause shown and an effective date of March 6, 1995 for the Service Agreement.

GPU has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania.

Comment date: April 19, 1995, in accordance with Standard Paragraph E at the end of this notice.

3. Jersey Central Power & Light Co., Metropolitan Edison Co. and Pennsylvania Electric Co.

[Docket No. ER95–780–000]

Take notice that on March 21, 1995, GPU Service Corporation (GPU), on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (jointly referred to as the GPU Operating Companies), filed an executed Service Agreement between GPU and North American Energy Conservation, Inc. (NAEC), dated March 8, 1995. This Service Agreement specifies that NAEC has agreed to the rates, terms and conditions of the GPU Operating Companies' Operating Capacity and/or Energy Sales Tariff (Sales Tariff) designated as FERC Electric Tariff, Original Volume No. 1. The Sales Tariff was accepted by the Commission by letter order issued on February 10, 1995 in *Jersey Central Power & Light Co., Metropolitan Edison Co. and Pennsylvania Electric Co.,* Docket No. ER95–276–000 and allows GPU and NAEC to enter into separately scheduled transactions under which the GPU Operating Companies will make available for sale, surplus operating capacity and/or energy at negotiated rates that are no higher than the GPU Operating Companies' cost of service.

GPU requests a waiver of the Commission's notice requirements for good cause shown and an effective date of March 8, 1995 for the Service Agreement.

GPU has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania.

Comment date: April 19, 1995, in accordance with Standard Paragraph E at the end of this notice.

4. Northeast Utilities Service Co.

[Docket No. ER95–781–000]

Take notice that on March 21, 1995, Northeast Utilities Service Company (NUSCO), tendered for filing on behalf of The Connecticut Light and Power Company, Western Massachusetts Electric Company, Holyoke Water Power Company (including Holyoke Power and Electric Company), and Public Service Company of New Hampshire (together, the NU System Companies), a Fourth Amendment to System Power Sales Agreement (Amendment) with Bozrah Light and Power Company (BL&P) and a Service Agreement between NUSCO and the NU System Companies for service under NUSCO's Short-Term Firm Transmission Service Tariff No. 5. The transaction extends the System Power Sale from April 1, 1965 through the earlier of June 30, 1995 or the last day of the month in which the acquisition of BL&P by The City of Groton Department of Utilities is complete.

NUSCO requests that the rate schedule become effective on April 1, 1995. NUSCO states that copies of the rate schedule have been mailed or delivered to the parties to the Amendment.

Comment date: April 19, 1995, in accordance with Standard Paragraph E at the end of this notice.

5. The Detroit Edison Co.

[Docket No. ES95–27–000]

Take notice that on March 27, 1995, The Detroit Edison Company filed an application under § 204 of the Federal Power Act seeking authorization to issue from time to time, on or before May 31, 1997, in an aggregate principal amount not to exceed $1 billion at any one time outstanding, short-term debt securities and promissory notes bearing final maturities not to exceed two years.

Comment date: April 26, 1995, in accordance with Standard Paragraph E at the end of this notice.

6. Crockett Cogeneration, A California Limited Partnership

[Docket No. QF84–429–003]

On March 29, 1995, Crockett Cogeneration, A California Limited Partnership (Crockett Cogeneration), 500 N.E. Multnamah, Suite 900, Portland, Oregon 9732, submitted for filing an application for recertification of a facility as a cogeneration facility pursuant to § 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the 240 MW natural gas-fired facility, now under construction, is located at Crockett, California, and consists of a combustion turbine generator, a separately fired heat recovery boiler, and an extraction/condensing steam turbine generator.

In Docket No. QF84–429–000, Pacific Thermonetics, Inc. was initially granted certification for a 195.8 MW natural gas-fired topping-cycle cogeneration facility to be located in Crockett, California, [29 FERC ¶ 62,044 (1984)]. In Docket No. QF84–429–001, the applicant was granted recertification for the cogeneration facility to reflect changes in the facility's configuration, date of operation, net electric power production capacity, and the transfer of ownership from Pacific Thermonetics to Crockett Cogeneration, [60 FERC ¶ 62,258 (1992)]. In Docket No. QF84–429–002, the applicant filed a notice of self-certification concurrently with the filing of this application. The instant application is submitted to reflect changes in the ownership of the facility and inclusion of a 1.6 mile 230-kV underground transmission line from the plant switchyard to a transition station located at Pacific Gas & Electric Company's overhead transmission line.

Comment date: May 15, 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. 95–9203 Filed 4–13–95; 8:45 am]

BILLING CODE 6717–001–P

[Docket No. CP95–240–000]

Columbia Gas Transmission Corp.; Notice of Intent to Prepare an Environmental Assessment for the Proposed Line KA Replacement Project and Request for Comments on Environmental Issues

April 10, 1995.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction, operation, and abandonment of the facilities proposed in the Line KA Replacement Project.[1] This EA will be used by the Commission in its decision-making process to determine whether an environmental impact statement is necessary and whether to approve the project.

Summary of the Proposed Project

Columbia Gas Transmission Corporation (Columbia) proposes to construct and operate approximately 12.1 miles of 24-inch-diameter pipeline to replace approximately 11 miles of its existing 20-inch-diameter Main Line KA in Wyoming and Raleigh Counties, West Virginia. These actions would improve the safety, reliability, and efficiency of Columbia's pipeline system. The replacement would be done in two segments as follows:

Segment 1

- Construct about 7.0 miles of replacement pipeline.
- Abandon 1.9 miles of existing Line KA by removal.
- Abandon in place 3.8 miles of existing Line KA.
- Transfer 0.7 mile of existing Line KA to low-pressure transmission service.
- Construct about 0.1 mile of 8-inch-diameter pipeline to tie the existing Line KA–26 into the replacement pipeline.
- Relocate an existing receipt meter from Cabot Oil and Gas Corporation about 1500 feet to the south to tie it into the replacement pipeline.[2]

Segment 2

- Construct about 5.1 miles of replacement pipeline.
- Abandon 4.6 miles of existing 20-inch-diameter Line KA by removal

[1] Columbia Gas Transmission Corporation's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The receipt meter would be relocated pursuant to section 2.55(d) of the Commission's regulations.

except at bored road crossings, where it would be abandoned in place.

- Construct about 0.1 mile of 3-inch-diameter pipeline to tie the existing Line KA–14 into the replacement pipeline.

the location of the project facilities is shown in appendix 1.[3]

Land Requirements for Construction

Approximately 71 percent of the replacement pipeline would be located in new rights-of-way. The remaining construction right-of-way would partially or fully overlap Columbia's existing right-of-way. Columbia intends to use a 75-foot-wide construction right-of-way. Additional working spaces adjacent to the construction right-of-way (such as for side hill cuts, stream crossings, and staging areas) would be identified during the environmental analysis and approved before use.

Overall, about 173 acres of land would be disturbed by construction and abandonment, including one new access road and 41 staging areas. Columbia would also widen many of the 47 existing access roads to be used for the project. Full control of all disturbed areas outside of the new permanent right-of-way (approximately 67 acres) would revert back to landowners after construction and restoration have been completed.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resources, fisheries, and wetlands
- Vegetation and wildlife
- Public safety
- Land use
- Endangered and threatened species
- Cultural resources

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we recommend that the Commission approve or not approve the project.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Columbia. Keep in mind that this is a preliminary list. The list of issues may be added to, subtracted from, or changed, based on your comments and our analysis. Issues are:

- Five residences are near the replacement pipeline right-of-way.
- New and retirement construction would cross 28 waterbodies, one of which has been designated as a high quality stream. Some of these waterbodies would be crossed more than once.
- New and retirement construction would cross 21 wetlands.

Public Participation

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Address your letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426;
- Reference Docket No. CP95–240–000;
- Send a *copy* of your letter to: Ms. Elizabeth Secrest, EA Project Manager, Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Room 7312, Washington, D.C. 20426; and
- Mail your comments so that they will be received in Washington, D.C. on or before May 16, 1995.

If you wish to receive a copy of the EA, you should request one from Ms. Secrest at the above address.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an ''intervenor''. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).

The date for filing of timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your scoping comments considered.

Additional information about the proposed project is available from Ms. Elizabeth Secrest, EA Project Manager, at (202) 208–0918.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–9216 Filed 4–13–95; 8:45 am]

BILLING CODE 6717–01–M

[3] The appendices referenced in this notice are not being printed in the Federal Register. Copies are available from the Commission's Public Reference and Files Maintenance Branch, Room 3104, 941 North Capitol Street, N.E., Washington, D.C. 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

[Docket No. ER94–478–000, et al.]

Medina Power Co., et al.; Electric Rate and Corporate Regulation Filings

April 7, 1995.

Take notice that the following filings have been made with the Commission:

1. Medina Power Co.

[Docket No. ER94–478–000]

Take notice that on April 4, 1995, Medina Power Company tendered for filing an amendment in the above-referenced docket.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. Wisconsin Public Service Corp.

[Docket No. ER94–1007–000]

Take notice that on March 28, 1995, Wisconsin Public Service Corporation (WPSC) tendered for filing additional information in support of its March 2, 1994 tender of rate schedule changes affecting the City of Wisconsin Rapids, Wisconsin (Wisconsin Rapids). Those rate schedule changes consisted of a partial requirements ''W–2'' Service Agreement, a service agreement under WPSC's ''T–1'' Transmission Tariff, and a notice of termination of all requirements service under WPSC's ''W–1'' Tariff. The additional information currently submitted consists of a cost of service analysis plus information (i) reconciling the cost of service data and Form 1 data, and (ii) pertinent to plant balances and decommissioning recoveries. In its present filing letter, WPSC states that it renews the request in its March 2, 1994 filing letter that the Commission make the Service Agreements and the notice of termination effective on May 1, 1994.

WPSC states that the filing has been (i) served on the Wisconsin Rapids and the Public Service Commission of Wisconsin, and (ii) posted as required by the Commission's regulations.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

3. Northeast Utilities Service Co.

[Docket No. ER94–1591–000]

Take notice that on March 27, 1995, Northeast Utilities Service Company tendered for filing supplemental information in the above-referenced docket.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

4. Montana Power Co.

[Docket No. ER95–481–000]

Take notice that on March 24, 1995, Montana Power Company (Montana) tendered for filing with the Federal Energy Regulatory Commission an amendment to its original filing in this Docket.

A copy of the filing was served upon Associated Power Services, Inc.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

5. Southern Indiana Gas and Electric Co.

[Docket No. ER95–599–000]

Take notice that on March 27, 1995, Southern Indiana Gas and Electric Company (Southern Indiana) tendered for filing revisions to previously filed amendments to its FERC Rate Schedules: 1, 21, 24, 25, 27, 33, 44 and 45; involving interconnection agreements with Ohio Valley Electric Corporation, Public Service Company of Indiana, Inc. (now CINergy, Inc.), Louisville Gas & Electric Company, Indianapolis Power & Light Company, Inc., Hoosier Energy Rural Electric Cooperative, Big Rivers Electric Corporation and Wabash Valley Power Association.

The revisions to the amendments are intended to provide for the ratemaking treatment of the cost of emissions allowances under the aforementioned rate schedules. The revisions are intended to ensure that the amendments will conform to the Commission's final rule concerning the ratemaking treatment of emission allowances. See Policy Statement and Interim Rule Regarding Ratemaking Treatment of the Cost of Emissions Allowances in Coordination Rates, Final Rule, III FERC Stats. & Regs ¶ 31,009, 59 FR 65930 (Dec. 22, 1994).

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

6. Niagara Mohawk Power Corp.

[Docket No. ER95–700–000]

Take notice that Niagara Mohawk Power Corporation (NMPC) on April 4, 1995, tendered for filing with the Federal Energy Regulatory Commission an executed Service Agreement between NMPC and Citizens Power & Light Corporation (Citizens). This Service Agreement specifies that Citizens has signed on to and has agreed to the terms and conditions of NMPC's Power Sales Tariff designated as NMPC's FERC Electric Tariff, Original Volume No. 2. This Tariff, approved by FERC on April 15, 1994 and which has an effective date of March 13, 1993, will allow NMPC and Citizens to enter into separately scheduled transactions under which NMPC will sell to Citizens capacity and/or energy as the parties may mutually agree.

In its filing letter, NMPC also included a Certificate of Concurrence executed by the Purchaser.

NMPC requests an effective date of February 6, 1995. NMPC has requested waiver of the notice requirements for good cause shown.

NMPC has served copies of the filing upon the New York State Public Service Commission and Citizens.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

7. Oklahoma Gas and Electric Co.

[Docket No. ER95–800–000]

Take notice that on March 27, 1995, Oklahoma Gas and Electric Company (OG&E), tendered for filing Eighth Amended Appendix D dated November 7, 1994 to Transmission Service Agreement dated February 20, 1985 with the Oklahoma Municipal Power Authority (OMPA).

Copies of this filing have been sent to OMPA, the Oklahoma Corporation Commission, and the Arkansas Public Service Commission.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

8. Central Illinois Public Service Co.

[Docket No. ER95–801–000]

Take notice that on March 27, 1995, Central Illinois Public Service Company (CIPS), submitted a Service Agreement, dated March 15, 1995, establishing Wisconsin Power and Light Company as a customer under the terms of CIPS' Coordination Sales Tariff CST–1 (CST–1 Tariff).

CIPS requests an effective date of March 15, 1995, and, accordingly, seeks waiver of the Commission's notice requirements. Copies of this filing were served upon Wisconsin Power and Light Company and the Illinois Commerce Commission.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

9. IEP Power Marketing, L.L.C.

[Docket No. ER95–802–000]

Take notice that on March 27, 1995, IEP Power Marketing, L.L.C. (IPM), tendered for filing pursuant to Rules 205 and 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.205 and 385.207, a petition for waivers and blanket approvals under various regulations of the Commission, and an order accepting its Rate Schedule No. 1, to be effective the earlier of March 22, 1995 or the date of a Commission order granting approval of this Rate Schedule.

IPM intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where IPM purchases power, including capacity and related services from electric utilities, qualifying facilities and

independent power producers, and resells such power to other purchasers, IPM will be functioning as a marketer. In IPM's marketing transactions, IPM proposes to charge rates mutually agreed upon by the parties. In transactions where IPM does not take title to the electric power and/or energy, IPM will be limited to the role of a broker and will charge a fee for its services. IPM is not in the business of producing or transmitting electric power. IPM does not currently have or contemplate acquiring title to any electric power transmission facilities.

Rate Schedule No. 1 provides for the sale of energy and capacity at agreed prices.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

10. Illinois Power Co.

[Docket No. ER95–803–000]

Take notice that on March 27, 1995, Illinois Power Company (Illinois Power), tendered for filing a revision to Appendix C of its Power Coordination Agreement with Soyland Power Cooperative, Inc. (Soyland). Illinois Power states that the purpose of this revision is to implement an agreement between itself and Soyland relating to the treatment of emission allowances under the Clean Air Act Amendments.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

11. Puget Sound Power & Light Co.

[Docket No. ER95–804–000]

Take notice that on March 27, 1995, Puget Sound Power & Light Company (Puget), tendered for filing, as a change in rate schedules, an Interconnection Agreement, by and among Puget, Tosco Corporation, and Public Utility District No. 1 of Whatcom County, Washington (the District), and Revision No. 1 to Exhibit C to Contract No. 14–03–37050 between Puget and the Bonneville Power Administration (BPA).

A copy of the filing was served upon each of the District and BPA.

Puget states that the Interconnection Agreement relates to the interconnection of certain facilities of Puget and the District and to the provision of certain back-up transmission service by Puget to the District. Revision No. 1 to Exhibit C concerns the addition and deletion of certain metering and delivery points under an exchange agreement between Puget and BPA.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

12. PECO Energy Co.

[Docket No. ER95–805–000]

Take notice that on March 27, 1995, PECO Energy Company (PECO), tendered for filing as an initial Rate Schedule a Transmission Service Agreement between Rainbow Energy Marketing Corporation (Rainbow) and PECO. The Agreement sets forth the terms and conditions under which PECO will transmit electric energy over its transmission system on behalf of Rainbow.

PECO requests that the Commission allow this initial Rate Schedule to become effective 60 days after the date of its filing.

PECO states that a copy of this filing has been furnished to Rainbow and the Pennsylvania Public Utility Commission.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

13. Commonwealth Edison Co.

[Docket No. ER95–807–000]

Take notice that on March 27, 1995, Commonwealth Edison Company (ComEd), submitted a Letter Agreement, dated February 20, 1995, between Commonwealth Edison Company (ComEd) and the Illinois Municipal Electric Agency (IMEA). IMEA, acting as Scheduling Agent for the Village of Winnetka (Village), pursuant to the Scheduling Agent Agreement between ComEd, IMEA, and the Village dated December 31, 1988, requested a one-year extension of the transmission service currently provided by ComEd to Village under the terms and conditions of Service Schedule G to the Electric Coordination Agreement (ECA) between ComEd and Village. In the Letter Agreement ComEd agrees to a one-year extension to the termination dated of service provided in Schedule G thereby extending the term of Schedule G to May 31, 1998.

ComEd requests an effective date of June 1, 1997 to coincide with the proposed extension of service and therefore requests waiver of the Commission's notice requirements which bar the tendering for filing of a rate schedule ''more than one hundred-twenty days prior to the date on which the electric service is to commence and become effective * * *'' 18 CFR 35.3. ComEd states that good cause exists for the requested waiver for the parties must know for planning purposes that the extension will be permitted to take effective as agreed.

Copies of this filing were served upon IMEA, the Village, and the Illinois Commerce Commission.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

14. Niagara Mohawk Power Corp.

[Docket No. ER95–810–000]

Take notice that on March 28, 1995, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Service Agreement between NMPC and PECO Energy Company (PECO). This Service Agreement specifies that PECO has signed on to and has agreed to the terms and conditions of NMPC's Power Sales Tariff designated as NMPC's FERC Electric Tariff, Original Volume No. 2. This Tariff, approved by FERC on April 15, 1994, and which has an effective date of March 13, 1993, will allow NMPC and PECO to enter into separately scheduled transactions under which NMPC will sell to PECO capacity and/or energy as the parties may mutually agree.

In its filing letter, NMPC also included a Certificate of Concurrence executed by the Purchaser.

NMPC requests an effective date of March 13, 1995. NMPC has requested waiver of the notice requirements for good cause shown.

NMPC has served copies of the filing upon the New York State Public Service Commission and PECO.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

15. Niagara Mohawk Power Corp.

[Docket No. ER95–811–000]

Take notice that on March 28, 1995, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Service Agreement between NMPC and InterCoast Power Marketing Company (InterCoast). This Service Agreement specifies that InterCoast has signed on to and has agreed to the terms and conditions of NMPC's Power Sales Tariff designated as NMPC's FERC Electric Tariff, Original Volume No. 2. This Tariff, approved by FERC, on April 15, 1994, and which has an effective date of March 13, 1993, will allow NMPC and InterCoast to enter into separately scheduled transactions under which NMPC will sell to InterCoast capacity and/or energy as the parties may mutually agree.

In its filing letter, NMPC also included a Certificate of Concurrence executed by the Purchaser.

NMPC requests an effective date of March 14, 1995. NMPC has requested waiver of the notice requirements for good cause shown.

NMPC has served copies of the filing upon the New York State Public Service Commission and InterCoast.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

16. Southern California Edison Co.

[Docket No. ER95–812–000]

Take notice that on March 28, 1995, Southern California Edison Company (Edison), tendered for filing the following amendment to the Capacity Exchange Agreement, FERC Rate Schedule No. 148, between Edison and the State of California Department of Water Resources (CDWR):

Amendment No. 1

To The

Capacity Exchange Agreement

Between

Southern California Edison Company

And

State of California Department of Water Resources

(Amendment)

The Amendment provides CDWR with a new point of delivery at Rancho Seco. The Amendment also simplifies certain operating requirements for new CDWR resources at Mojave Siphon and Devil Canyon. Edison is requesting waiver of the Commission's prior notice requirements and an effective date of May 1, 1995.

Copies of this filing were served upon the Public Utilities Commission of the State of California, CDWR, and the Sacramento Municipal Utility District.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

17. Southern California Edison Co.

[Docket No. ER95–813–000]

Take notice that on March 28, 1995, Southern California Edison Company, tendered for filing a supplemental agreement to the 1990 Integrated Operations Agreement with the City of Riverside (Riverside); Commission Rate Schedule No. 250.

The supplemental agreement sets forth the terms and conditions for the integration of Riverside's purchases of non-firm energy from Utah Municipal Power Agency. Edison is requesting waiver of the 60-day prior notice requirements, and requests the Commission to assign to the Agreement an effective date of March 29, 1995.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

18. Jersey Central Power & Light Co., Metropolitan Edison Co. Pennsylvania Electric Co.

[Docket No. ER95–814–000]

Take notice that on March 28, 1995, GPU Service Corporation (GPU), on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (jointly referred to as the GPU Operating Companies), filed an executed Service Agreement between GPU and Atlantic City Electric Company (ACE), dated March 22, 1995. This Service Agreement specifies that ACE has agreed to the rates, terms and conditions of the GPU Operating Companies' Operating Capacity and/or Energy Sales Tariff (Sales Tariff) designated as FERC Electric Tariff, Original Volume No. 1. The Sales Tariff was accepted by the Commission by letter order issued on February 10, 1995 in *Jersey Central Power & Light Co., Metropolitan Edison Co. and Pennsylvania Electric Co.,* Docket No. ER95–276–000 and allows GPU and ACE to enter into separately scheduled transactions under which the GPU Operating Companies will make available for sale, surplus operating capacity and/or energy at negotiated rates that are no higher than the GPU Operating Companies' cost of service.

GPU requests a waiver of the Commission's notice requirements for good cause shown and an effective date of March 22, 1995 for the Service Agreement.

GPU has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

19. Baltimore Gas and Electric Co.

[Docket No. ER95–817–000]

Take notice that Baltimore Gas and Electric Company (BGE), on March 29, 1995, tendered for filing as an initial rate schedule agreement (Agreement) between Atlantic City Electric Company (ACE) and BGE. The Agreement provides for the sale by BGE of energy from its system (system energy) to ACE on an hourly, daily, weekly, or monthly basis (Transaction). Each Transaction is fully interruptible. BGE states that the timing of the Transactions cannot be accurately estimated but that BGE will provide the system energy to ACE at a negotiated rate upon which the parties will agree prior to each Transaction when it is economical for each party to do so. ACE will pay a Reservation Charge to BGE for each Transaction in an amount equal to the megawatthours of system energy reserved for ACE by BGE during a Transaction multiplied by a Reservation Charge Rate negotiated prior to each Transaction. The Reservation Charge Rate will be subject to a cost justified ceiling. ACE will pay an Energy Charge for each Transaction in an amount equal to the megawatthours delivered by BGE during such Transaction multiplied by an Energy Charge Rate. The Energy Charge Rate will be BGE's estimated incremental cost to supply Transaction, to be charged for each hour of the Transaction in which BGE supplies energy.

Pursuant to the Commission's regulations, BGE requests that the Commission waive the prior notice requirement and allow the Agreement to become effective April 3, 1995. ACE has concurred with this rate schedule by its execution of the Agreement.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

20. Pennsylvania-New Jersey-Maryland Interconnection (PJM) Agreement

[Docket No. ER95–818–000]

Take notice that on March 29, 1995, the Pennsylvania-New Jersey-Maryland (PJM) Interconnection Association filed, on behalf of the Parties to the PJM Agreement, Revision No. 14 to Schedule 4.01 of the Agreement.

The purpose of this filing is to decrease the rate applicable to capacity deficiency transactions determined in accordance with the PJM Agreement. The new rate is to become effective with the beginning of the next 12-month Planning Period on June 1, 1995. No changes in facilities are proposed in this filing.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

21. Southern California Edison Co.

[Docket No. ER95–819–000]

Take notice that on March 30, 1995, Southern California Edison Company tendered for filing a Notice of Cancellation of FERC Rate Schedule No. 250.3 and FERC Rate Schedule No. 250.4, and supplements thereto.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

22. Yankee Atomic Electric Company

[Docket No. ER95–835–000]

Take notice that on March 31, 1995, Yankee Atomic Electric Company

(Yankee) tendered for filing, a revised decommissioning cost estimate and funding schedule for Yankee's nuclear generating plant.

Yankee states that the rate change proposed would, as a result, of an increase in decommissioning charges, increase Yankee's rates by $30.2 million annually.

Yankee states that copies of its filing have been provided to its wholesale customers and to state regulatory commissions in Connecticut, Vermont, New Hampshire, Massachusetts, Maine and Rhode Island.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

23. Maine Public Service Co.

[Docket No. ER95–836–000]

Take notice that on March 31, 1995, Maine Public Service Company tendered for filing an initial rate schedule a Transmission Service and Ancillary Services Tariff.

Comment date: April 21, 1995, in accordance with Standard Paragraph E at the end of this notice.

24. Charles W. Wells

[Docket No. ID–2435–001]

Take notice that on March 24, 1995, Charles W. Wells (Applicant) tendered for filing an application under Section 305(b) of the Federal Power Act to hold the following positions:

Director: Illinova Corporation
Director and Officer: Illinois Power Company
Director: First of America Bank-Illinois, N.A.

Comment date: April 21, 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. 95–9201 Filed 4–13–95; 8:45 am]

BILLING CODE 6717–01–P

[Project 2442–001 New York]

City of Watertown; Notice of Availability of Draft Environmental Assessment

April 10, 1995.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) Regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for major new license for the proposed Watertown Project, located in Jefferson County and has prepared a Draft Environmental Assessment (DEA) for the project. In the DEA, the Commission's staff has analyzed the potential environmental impacts of the proposed project and has concluded that approval of the project, with appropriate mitigation or enhancement measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the DEA are available for review in the Public Reference Branch, Room 3104, of the Commission's offices at 941 North Capitol Street N.E., Washington, D.C. 20426.

Please submit any comments within 30 days from the date of this notice and should be addressed to Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426. Please affix Project No. 2442–001 to all comments. For further information, please contact Peter Leitzke, Environmental Coordinator, at (202) 219–2803.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–9200 Filed 4–13–95; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL—5191–4]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before May 15, 1995.

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260–2740, please refer to ICR #0794.07.

SUPPLEMENTARY INFORMATION:

Office of Prevention, Pesticides and Toxic Substances

Title: Notification of Substantial Risks Under Section 8 of the Toxic Substances Control Act (TSCA). (EPA ICR No. 0794.07; OMB No. 2070–0046).

Abstract: Under Section 8(e) of TSCA, chemical manufacturers, importers, processors, and distributors must immediately inform EPA when they obtain information which indicates that their product(s) may present a substantial risk of injury to health or the environment. Section 8(e) of TSCA is an important and useful tool for early warning and the identification of new substantial risks posed by exposure to chemical substances. The EPA and other Federal agencies use this information to determine and control chemical risks.

Burden Statement: Public reporting burden for this collection of information is estimated to average 21 hours per initial Section 8(e) submission and 4 hours per follow-up/supplemental Section 8(e) submission. EPA experience has shown that approximately 2.2 follow-up/supplemental Section 8(e) submissions are received on a yearly basis per initial submission. This estimate includes the time needed to review instructions, gather and submit the data needed, and complete and review the collection of information.

Respondents: Chemical manufacturers, importers, processors, and distributors.

Estimated Number of Respondents: 1440.

Frequency of Collection: On Occasion.

Estimated Number of Responses per Respondent: 3.

Estimated Total Annual Burden on Respondents: 13,400 hours.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, (please refer to EPA ICR #794.07 and OMB #2070–0046) to:

Sandy Farmer, USEPA ICR #0794.07, U.S. Environmental Protection Agency, Information Policy Branch (2316), 401 M Street SW., Washington, DC 20460

and

Timothy Hunt, OMB #2070–0046, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street NW., Washington, DC 20503.

Dated: April 7, 1995.

Richard Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 95–9249 Filed 4–13–95; 8:45 am]

BILLING CODE 6560–50–M

[ER-FRL–4722–2]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared March 13, 1995 through March 17, 1995 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260–5076.

Summary of Rating Definitions

Environmental Impact of the Action

LO—Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC—Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO—Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU—Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1—Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2—Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3—Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

Draft EISs

ERP No. D-FHW-D40275–PA Rating EC2, Kittanning By-Pass/PA–6028, Section 015 Extension of the Allegheny Valley Expressway, existing Allegheny Valley Expressway to the Traffic Route 28/66 and Traffic Route 85 Intersection, Funding and COE Section 404 and EPA NPDES Permits Issuance, Armstrong County, PA.

Summary: EPA expressed environmental concerns for potential impacts to wetlands, terrestrial habitat, and residences. EPA found alternative C Prime to be the environmentally preferable alternative because of its minimization of impacts to wetland resources.

ERP No. D-FRC-D29000–VA Rating EC2, Gaston and Roanoke Rapids Project (FERC-No. 2009-003), Nonpoint Use of Project Lands and Water for the City of Virginia Beach Water Supply Project, License Issuance, Brunswick County, VA.

Summary: EPA expressed environmental concerns with the water demand, as well as potential supply alternatives and requested additional information. EPA also requested water quality modeling of the lower Roanoke River prior to issuance of the final EIS, and FERC convene a session of key parties to develop an appropriate 6–10 year interim withdrawal allocation.

ERP No. D-FRC-K02008–CA Rating EC2, Mojave Natural Gas Pipeline Northward Expansion Project, Construction and Operation, Approvals and Permits Issuance, San Joaquin Valley, San Francisco Bay Area and Sacramento, CA.

Summary: EPA expressed environmental concerns over potential impacts to wetlands, as well as potential significant emissions during construction that may not meet Clean Air Act conformity provisions.

Final EISs

ERP No. F-IBR-J31023–UT Narrows Multi-Purpose Water Development Project, Construction and Operation, Funding, Gooseberry Creek, Manti-La Sal National Forest, Sanpete County, UT.

Summary: EPA continued to have environmental concerns about wetlands impacts, endangered species and the limited alternatives analyzed in the EIS.

ERP No. FS-COE-E30032–FL Palm Beach County Beach Erosion Project, Updated Information, Shore Protection Project, Jupiter/Carlin Segment from

Martin Co., Line to Lake Worth Inlet and from South Lake Worth Inlet to Broward, General Design Plan, Implementation, Martin and Broward Counties, FL.

Summary: EPA expressed environmental concerns regarding the long-term consequences of how this action meshes with other, similar beach nourishment projects planned for the county's shoreline. EPA was particularly concerned over impacts to nearshore hardbottom habitat.

Dated: April 11, 1995.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 95–9289 Filed 4–13–95; 8:45 am]

BILLING CODE 6560–50–U

[ER-FRL–4722–1]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260–5076 OR (202) 260–5075.

Weekly receipt of Environmental Impact Statements Filed April 03, 1995 Through April 07, 1995 Pursuant to 40 CFR 1506.9.

EIS No. 950123, FINAL EIS, AFS, AK, Helicopter Glacier Landing Tours, Implementation, Issuance of Special-Use-Permits, Tongass National Forest, Chatham Area, Juneau Ranger District, Alaska, Due: May 15, 1995, Contact: John H. Favro (907) 586–8800.

EIS No. 950124, FINAL EIS, FHW, MT, US 2 Reconstruction, Columbia Heights to Hungry Horse, Funding, Land Transfer and COE Section 404 Permit, Flathead County, MT, Due: June 01, 1995, Contact: Dale Paulson (406) 449–5310.

EIS No. 950125, DRAFT EIS, AFS, NV, CA, Heavenly Ski Resort Master Plan, Improvement, Expansion and Management, Lake Tahoe Basin Management Unit, Special-Use-Permit, Douglas County, NV and El Dorado and Alpine Counties, CA, Due: May 29, 1995, Contact: Virgil Anderson (916) 573–2600.

EIS No. 950126, DRAFT EIS, FHW, AZ, Pima Freeway—Loop 101, Construction, I–17 and Scottsdale Road, Funding, NPDES and COE Section 404 Permits, Maricopa County, AZ, Due: May 30, 1995, Contact: Ken Davis (602) 379–3646.

EIS No. 950127, DRAFT EIS, FHW, IA, I–235 Study Corridor, Improvements access to the Des Moines Central Business District (CBD) and Westown Parkway Area, Funding, Des Moines, Polk County, IA, Due: June 06, 1995, Contact: H.A. Willard (515) 233–7300.

EIS No. 950128, DRAFT EIS, USN, HI, Bellows Air Force Station Land Use and Development Plan, Implementation, Waimanalo, HI, Due: May 29, 1995, Contact: Gary Kasaoke (808) 471–9338.

EIS No. 950129, DRAFT EIS, AFS, ID, Secesh River Subdivision Access Roads, Implementation, Special-Use-Permit, Idaho County, ID, Due: May 30, 1995, Contact: Linda Fitch (208) 634–0408.

EIS No. 950130, FINAL EIS, FHW, WI, MN, Stillwater-Houlton Transportation System, MN-Trunk Highway-36 and WI-Trunk-Highway-64 Improvements, MN-Trunk-Highway-36 and Washington County-State-Aid-Highway-15 to WI-Trunk Highway-64 near the Croix River Bridge, Funding, US Coast Guard Bridge Permit, COE Section 10 and 404 Permits, St. Croix, WI and Washington County, MN, Due: May 15, 1995, Contact: Cheryl Martin (612) 290–3240.

EIS No. 950131, FINAL EIS, FAA, TX, Adoption—Chase Field Naval Air Station Disposal and Reuse Implementation, as a Civilian Airport Facility, City of Beeville, Bee County, TX, Contact: Tami Buch (817) 222–5681. The US Department of Transportation's Federal Aviation Administration (FAA) has adopted the Department of Defense's, US Navy final EIS filed 3–19–93. FAA was a cooperating Agency for the above final EIS. Recirculation of the document is not necessary Under Section 1506.3(c) of the Council on Environmental Quality Regulations.

EIS No. 950132, DRAFT SUPPLEMENT, COE, MS, Mississippi River and Tributaries Flood Control Plan, Big Sunflower River Maintenance Project, Yazoo Basin, Sunflower, Washington, Humphreys, Sharkey and Yazoo Counties, MS, Due: May 29, 1995, Contact: Marvin Cannon (601) 631–5437.

Amended Notices

EIS No. 940512, DRAFT EIS, FHW, PA, US 220 Transportation Improvements Project, Bald Eagle Village to Interstate 80 (I–80), Funding and COE Section 404 Permit, Blair and Centre Counties, PA, Due: May 22, 1995, Contact: Manual A. Mark (717) 782–3461. Published FR—12–23–94—Review Period Reopened.

Dated: April 11, 1995.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 95–9290 Filed 4–13–95; 8:45 am]

BILLING CODE 6560–50–U

[FRL–5191–9]

Science Advisory Board; Clean Air Act Scientific Advisory Committee; Notification of Public Advisory Committee Meeting(s); Open Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Clean Air Scientific Advisory Committee (CASAC) of the Science Advisory Board (SAB) will meet on May 4–5, 1995 at the Courtyard Marriott, 2700 Eisenhower Avenue, Alexandria, Virginia 22314; telephone (703) 329–2323. The meeting will begin at 9 a.m. and end no later than 5 p.m. on both days. This meeting is open to the public. Due to limited space, seating will be on a first-come basis. For further information, please contact the individuals listed below. Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB Office.

This meeting of the Clean Air Scientific Advisory Committee (CASAC) will focus on reviewing the scientific and technical adequacy of the agency's ''Health Assessment Document for Diesel Emissions'' (a document from the Office of Research and Development, Office of Health and Environmental Assessment (OHEA), Environmental Criteria and Assessment Office in Research, Triangle Park, NC—ECAO). The specific issues to be addressed during the CASAC review are as follows:

1. Does the document accurately represent the key literature on diesel emissions?

2. Are the cancer and noncancer hazard identification and dose-response assessments scientifically appropriate? In particular:

(a) Is the application of dosimetry modeling scientifically sound?

(b) Are the modes of action appropriately identified and applied to the health assessment?

(c) Are the qualitative and quantitative cancer risk estimates scientifically appropriate?

(d) Is the diesel inhalation reference concentration (RfC) scientifically appropriate?

3. Is it possible to improve the diesel risk characterization in the document, given the inadequate exposure information to compare to the quantitative health assessment?

For example, will further/alternative interpretations of the health effects information advance the risk characterization?

Availability of Documents

Single copies of the U.S. EPA health assessment document may be obtained from the Office of Research and Development Publications Center, CERI–FRN, U.S. Environmental Protection Agency, 26 West Martin Luther King Drive, Cincinnati, Ohio 45268; Telephone: (513) 569–7562; FAX (513) 684–7566. Please provide your name, mailing address and the EPA document numbers EPA/600/8–90/057Ba and Bb.

Members of the public desiring additional information about the meeting, including an agenda, should contact Randall Bond, Designated Federal Official, Clean Air Scientific Advisory Committee, Science Advisory Board (1400), US EPA, 401 M Street, SW, Washington DC 20460, by telephone at (202) 260–8414, FAX (202) 260–1889, or via The INTERNET at: Bond.Randall@EPAMAIL.EPA.GOV. Those individuals requiring a copy of the draft Agenda and the charge to the committee should contact Ms. Lori Anne Gross at (202) 260–8414 or by FAX at (202) 260–1889 or via the INTERNET at GROSS.LORI@EPAMAIL.EPA.GOV. Additional information concerning the Science Advisory Board, its structure, function, and composition, may be found in The Annual Report of the Staff Director which is available by contacting Ms. Gross at the previously stated address.

Members of the public wishing to make an oral presentation at the meeting should contact Mr. Bond no later than noon, Wednesday, April 26, 1995. The request should identify the name of the individual who will make the presentation, requirements for audio visual equipment (e.g., overhead projector, 35mm projector, chalk board, etc), and an outline of the issues to be addressed. At least 35 copies of the presentation and 35 copies of the visual aids used at the meeting are to be given to Mr. Bond no later than the time of the presentation for distribution to the Committee and the interested public. See below for additional information on providing comments to the SAB.

Providing Oral or Written Comments at SAB Meetings

The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. In general, each individual or group making an oral presentation will be limited to a total time of ten minutes. Written comments (at least 35 copies) received in the SAB Staff Office sufficiently prior to a meeting date, may be mailed to the relevant SAB committee or subcommittee prior to its meeting; comments received too close to the meeting date will normally be provided to the committee at its meeting. Written comments may be provided to the relevant committee or subcommittee up until the time of the meeting.

Dated: April 6, 1995.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 95–9246 Filed 4–13–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL 5191–6]

Public Water System Supervision Program Revision for the State of Wisconsin

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with the provision of § 1413 of the Safe Drinking Water Act, as amended, 42 U.S.C. 300f et seq., and 40 CFR part 142, subpart B, the National Primary Drinking Water Regulations (NPDWR), that the State of Wisconsin is revising its approved Public Water System Supervision (PWSS) primacy program. The Wisconsin Department of Natural Resources (WDNR) adopted drinking water regulations for 18 synthetic organic chemicals (SOCs), and 5 inorganic chemicals (IOCs), that correspond to the NPDWR for SOCs and IOCs, promulgated by the U.S. Environmental Protection Agency (U.S. EPA) on July 17, 1992 (57 FR 31776–31849). The U.S. EPA has completed its review of Wisconsin's PWSS primacy program revision and has determined that the State program revision is no less stringent than the corresponding Federal regulations.

The U.S. EPA has determined that the Wisconsin rule revision meets the requirements of the Federal rule. Therefore, the U.S. EPA is proposing to approve the WDNR's rule revision. All interested parties are invited to submit written comments on this proposed determination, and may request a public hearing on or before May 15, 1995. If a public hearing is requested and granted, the determination shall not become effective until such time following the hearing, at which the Regional Administrator issues an order affirming or rescinding this action. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator.

Requests for public hearing should be addressed to: Miguel A. Del Toral, (WD–17J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing. (2) A brief statement of the requesting person's interest in the Regional Administrator's determinations and of information that the requesting person intends to submit at such hearing. (3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. Such notice will be made by the Regional Administrator in the Federal Register and in newspapers of general circulation in the State of Wisconsin. A notice will be sent to the person(s) requesting the hearing as well as to the State of Wisconsin. The hearing notice will include a statement of purpose, information regarding the time and location, and the address and telephone number where interested persons may obtain further information. The Regional Administrator will issue an order affirming or rescinding his determination upon review of the hearing record. Should the determination be affirmed, it will become effective as of the date of the order.

Should no timely and appropriate request for a hearing be received, and should the Regional Administrator not elect to hold a hearing on his own motion, these determinations shall become effective on May 15, 1995. Please bring this notice to the attention of any persons known by you to have an interest in these determinations.

All documents related to these determinations are available for inspection between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Wisconsin Department of Natural Resources, Bureau of Water Supply,

101 South Webster, Madison, Wisconsin 53707, State Docket Officer: Mr. Don Swailes, (608) 266–7093

Safe Drinking Water Branch, Drinking Water Section, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

FOR FURTHER INFORMATION CONTACT: Miguel A. Del Toral, Region 5, Drinking Water Section at the Chicago address given above, telephone 312/886–5253.

(Sec. 1413 of the Safe Drinking Water Act, as amended (1986), and 40 CFR 142.10 of the National Primary Drinking Water Regulations)

Signed this 3rd day of April 1995.

David A. Ullrich,

Acting Regional Administrator, U.S. EPA, Region 5.

[FR Doc. 95–9250 Filed 4–13–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

April 6, 1995.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96–511. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0149.

Expiration Date: 03/31/98.

Title: Part 63—Section 214 Application and Supplemental Information Requirements (Sections 63.01–63.601).

Estimated Annual Burden: 6820 total annual hours; 13 hours per response.

Description: In Telephone Company-Cable Television Cross-Ownership Rules, Sections 63.54–63.58, CC Docket 87–266, Memorandum Opinion and Order on Reconsideration and Third Further Notice of Proposed Rulemaking, FCC 94–269 (released November 7, 1994), the Commission requires, among other things, local exchange carriers (LECs) providing video dialtone service to notify the Chief of the Common Carrier Bureau of any anticipated or existing capacity shortfall in their video dialtone platform and of plans for addressing such shortfall. Such notice must be provided within thirty days after the LEC becomes aware of an anticipated shortfall or within five days after denying capacity to a video programmer, whichever occurs first. The Commission also conforms its existing enhanced services safeguards against anticompetitive conduct by adding video dialtone delivery service to the service categories for which it requires that Regional Bell Operating Companies (RBOCs) and GTE Service Corporation (GTE) report installation and maintenance activities. In addition, the Commission requires the RBOCs and GTE to file a detailed description of the types of Customer Proprietary Network Information to which they anticipate having access as providers of video dialtone service, and to explain how they would plan to use such information in marketing video dialtone services to video programmers or consumers.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–9187 Filed 4–13–95; 8:45 am]

BILLING CODE 6712–01–F

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

April 10, 1995.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, N.W., Suite 140, Washington, DC 20037, (202) 857–3800. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 418–0214. Persons wishing to comment on this information collection should contact Timothy Fain, Office of Management and Budget, Room 10236 NEOB, Washington, DC 20503, (202) 395–3561.

Please note: On February 25, 1994 The Commission issued a Final Rule (contained in the First Report and Order to PP Docket 93–253) implementing Section 309(1) of the Communications Act—Competitive Bidding. This rule requires that an application for voluntary transfer of control or assignment under §§ 1.924, 21.38, 22.39, 90.153, 94.47, and 95.821 where the license was acquired by the transferor or assignor through a system of random selection shall together with its application for transfer of control or assignment, file with the Commission the associated contracts for sale, option agreements, management agreements, or other documents disclosing the consideration that the applicant would receive in return for the transfer or assignment of its license. This information should include not only a monetary purchase price, but also any future, contingent, inkind, or other consideration (e.g., management or consulting contracts either with or without an option to purchase; below-market financing). These limited reporting requirements will enable the Commission to evaluate whether further restrictions are needed.

At that time the Commission determined the new or modified information collection and/or record retention requirements imposed by this Rule were not subject to the Paperwork Reduction Act of 1980 44 U.S.C. 3501–3520. Upon further evaluation, the Commission is now requesting expedited OMB review of this item by April 18, 1995, under the provisions of 5 CFR 1320.18.

OMB Number: None.

Title: Implementation of Section 309(j) of the Communications Act, Competitive Bidding, PP Docket 93–253, First Report and Order.

Action: Existing collection in use without OMB control number.

Respondents: Business or other for-profit.

Frequency of Response: On occassion.

Estimated Annual Burden: 1,100 respondents; 1 hour per response; 1,100 hours total annual burden.

Needs and Uses: The Commission will use the information to determine whether the public interest would be served by granting a transfer of control or an assignment of a license awarded through lottery procedures.

The foregoing estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the burden estimates or any other aspect of the collection of information including suggestions for reducing the burden to the Federal Communications Commission, Records Management Branch, Paperwork Reduction Project, Washington, DC 20554.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

First Report and Order

In the Matter of: Implementation of Section 309(j) of the Communications Act Competitive Bidding. PP Docket 93–253.

Adopted: February 3, 1994
Released: February 4, 1994

By the Commission:

1. The Omnibus Budget Reconciliation Act of 1993 (''Budget Act'')[1] requires the Commission to prescribe rules that are necessary to prevent the unjust enrichment of recipients of licenses or permits that the Commission issues pursuant to the lottery authority granted by Section 309(i)(4)(C) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(i)(4)(C) (''Communications Act''). This Report and Order responds to Congress' directive. We conclude that, in addition to the rigorous requirements that apply to lotteries in our existing rules, certain transfer disclosure rules are necessary to prevent unjust enrichment with respect to licenses issued by lottery. These requirements will enable us to monitor the operation and effect of lotteries closely over the next one to two years to enable us to determine if additional safeguards are necessary.

Background

2. Our authority to issue licenses by lottery stems from Section 309(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(i). In the Budget Act, Congress added a new statutory provision concerning unjust enrichment in the lottery context to this section of the Communications Act, which states that

[N]ot later than 180 days after [August 10, 1993], the Commission shall prescribe such transfer disclosures and antitrafficking restrictions and payment schedules as are necessary to prevent the unjust enrichment of recipients of licenses or permits as a result of the methods employed to issue licenses under this subsection.[2]

3. In the Notice of Proposed Rule Making (''Notice'' or ''Auction Notice'') implementing this and other sections of the Budget Act, we noted that the legislative history of this section indicated that the Commission might ''impose or assess payments in order to prevent unjust enrichment resulting from trafficking in licenses.''[3] We tentatively concluded that we could assess payments in order to prevent unjust enrichment from lotteries. We also asked for comment on what other antitrafficking restrictions were appropriate in addition to any payments we might impose. We suggested, for example, that we might place a three year restriction on the transfer of licenses gained through lotteries.

4. With respect to the term ''unjust enrichment,'' it appears that Congress was concerned about transactions such as that mentioned in the Notice, where we observed that lottery winners of the rural cellular license for Columbia County, Wisconsin, sold it for $62.3 million in 1990, 165 days after a construction permit had been issued.[4] The legislative history of the Budget Act is highly critical of those who filed applications with no intention or capability of providing service but instead ''only sought to acquire a license at nominal cost and then sell it, making a large profit and at the same time delaying the delivery of services to the public.'' House Report at 259. The legislative history reemphasizes the need for the Commission to limit ''the ability of lottery winners to sell their license, so as to prevent the churning and profiteering that has characterized lotteries.'' *Id*.[5]

5. The Budget Act reduces significantly the Commission's authority to conduct lotteries. If the service or class of service is potentially eligible for competitive bidding under the statutory test in Section 309(j)(2)(A), then the Commission is precluded from using lotteries to resolve mutual exclusivity among applications. *See* 47 U.S.C. § 309(i)(1)(B). Because under the Budget Act certain mutually exclusive applications may still be resolved by a lottery, we sought comment in the Auction Notice on how to implement the subject statutory provision.

Comments

6. Although we received approximately 300 timely filed comments and reply comments in this proceeding, we only received two comments and no reply comments that directly addressed the subject statutory provision. The Domestic Automation Company (DAC) stated that ''*bona fide* entities who have lost in past lotteries often have had to buy [Multiple Address Service (MAS)] licenses from those who never intended to operate systems for their own use'' and urged that we adopt strict rules and restrictions to stem speculation and trafficking in licenses won by lottery. Comments of Domestic Automation Company at 7. DAC also urged that the Commission adopt restrictions that would discourage potential traffickers from participating in Commission lotteries in the first place, such as a requirement for the posting of performance bonds, similar financial guarantees and annual spectrum user fees prior to the lottery. DAC also argues that we should adopt restrictions on licensees who either fail to construct or who construct and then quickly transfer their licenses, presumably for a profit. *Id*.

7. The American Petroleum Institute (API) shares these sentiments, noting that speculative interest in the radio spectrum has grown to the point where the Commission now is flooded with applications each time it announces an initial lottery for licenses. Comments of API at 7. Like Domestic Automation Company, API states that *bona fide* entities that lost in lotteries often have had to pay greenmail to speculators to obtain licenses they need, and urges the Commission to adopt strict rules and restrictions to stem speculation and trafficking in licenses won by lottery. *Id*. at 8.

Discussion

8. The most egregious cases of unjust enrichment and speculation associated with past lotteries have occurred in ''commercial'' services,[6] where there are significant opportunities for the sale of licensed communications properties to third parties for profit. *E.g.*, Cellular Radio Service. Therefore, possibly the strongest measure to deter future instances of unjust enrichment in the lottery context has already been taken by Congress when, in the Budget Act, it granted the Commission auction authority for all ''commercial'' spectrum-based services, and effectively took away the Commission's authority to conduct lotteries for such commercial services.[7] Thus, under the Budget Act, any new rules adopted to implement the subject provision would potentially apply to only three classes of license applications: 1) mutually exclusive applications in certain private, internal-use services that meet the legislative criteria in Section 309(j)(2)(A) for random selection, but do not meet the legislative criteria for competitive bidding, 2) a limited number of mutually exclusive applications in commercial services accepted for filing prior to July 26, 1993, that the Commission has the authority to either auction or lottery under the Budget Act, and 3) possibly where a private, internal-use license application is mutually exclusive with a ''commercial'' use application for a license in ''shared spectrum,'' that is, spectrum for which both entities are eligible to use.[8]

9. Furthermore, we note that the Commission has recently adopted rules that should assist in preventing unjust enrichment from lotteries in a variety of commercial services, including the Interactive Video and Data Service (IVDS),

[1] Pub. L. No. 103–66, title VI, § 6002(b)(1)(B), 107 Stat. 388, —— 1993).

[2] 47 U.S.C. § 309(i)(4)(C).

[3] Implementation of Section 309(j) of the Communications Act, Competitive Bidding, PP Docket No. 93–253, 8 FCC Rcd 7635, 7649–50, para. 89 (1993), quoting H.R. Rept. No. 111, 103d Cong., 1st sess. 256 (1993) (''House Report'').

[4] 8 FCC Rcd at 7641 n. 22. For purposes of this rule making and consistent with the intent of the Budget Act, ''unjust enrichment'' and ''speculation'' in the lottery context refer to the same act: the transfer of a license acquired by lottery for substantial profit prior to providing service to the public. Although the term ''speculation'' has also been associated with the large number of lottery applications generated by so-called application mills, we believe that the mere act of filing an application for a lottery does not give rise to the ''unjust enrichment'' that the Budget Act has required us to address.

[5] We note that this provision was adopted in conference from the House bill without change. *See* H.R. Rept. No. 213, 103d Cong., 1st sess. 489-90 (1993).

[6] *See* Auction Notice, 8 FCC Rcd at 7638–39 para. 25–28 (noting that for purposes of Section 309(j) of the Communications Act, ''commercial service'' means a subscriber-based service, and this term is substantively distinct from the term ''Commercial Mobile Service,'' which is a term associated with Section 332 of the Communications Act).

[7] *See* Auction Notice, 8 FCC Rcd at 7637, para. 17 (noting that the Budget Act provides that the Commission may not issue any license or permit by lottery after the date of enactment unless the spectrum's use is not a type for which auctions are permitted, or the application was accepted for filing before July 26, 1993). *Citing* Section 6002(e) of the Budget Act (Special Rule). Under the Budget Act, therefore, mutually exclusive applications accepted for filing after July 26, 1993 may not be granted by lottery until the Commission determines whether the applicable radio service is not subject to competitive bidding under Section 309(j)(2)(A) of the Communications Act.

[8] *See* Auction Notice, 8 FCC Rcd 7658 paras. 139–140.

Multipoint Distribution Service (MDS) and Cellular Radio Service. These rules include, *inter alia*, transfer restrictions tied to an ascending scale of build-out requirements over the license term, anti-greenmail rules, settlement restrictions, and restrictions on changes in control of ownership. The Commission has not yet had the opportunity to fully evaluate the effectiveness of these rules because (1) the rules were adopted within the last two years (*e.g.*, cellular radio [9] and MDS [10]), or the service is not yet operational (*e.g.*, IVDS [11]).

10. Because in the future, only certain private, internal-use services would be subject to lottery, and such services rarely involve speculation or mutually exclusive applications, there does not appear to be a significant need at this time for new lottery rule to deter unjust enrichment. With respect to the limited number of ''commercial'' service applications that may be lotteried, the Commission has recently adopted rules in such services to deter unjust enrichment based on extensive experience in conducting lotteries in these services.[12] Before adopting additional measures, we believe it would be appropriate to gain some experience in how well these existing rules operate in practice.

11. In addition, the record compiled in this proceeding does not support adopting major additional measures to combat unjust enrichment in the lottery context. The two commenters that did address this matter focused primarily on MAS. In MAS, however, a licensee is required to meet certain construction benchmarks before it can transfer a license.[13] Therefore, while an MAS lottery may attract a large number of applicants, the existing construction benchmarks deter unjust enrichment by preventing licensees from transferring an MAS license before it provides service to the public.[14]

12. Further, the imposition of additional, more stringent restrictions could have adverse consequences. Because the randomly selected winner of a license may not value it the most highly, additional transfer restrictions could operate to deprive the public of valuable new communications services, reduce economic growth and limit the expansion of jobs. Therefore, we do not believe that the public interest would be served by adopting additional transfer restrictions under present circumstances.

13. At the same time, we are anxious to ensure that our recently adopted measures will prevent unjust enrichment. Therefore, we will adopt a measure expressly recommended in the subject statutory provision: Transfer disclosure requirements. We note that there was no opposition to the adoption of this measure in the record. Specifically, we will require lottery applicants for voluntary transfer of control or assignment file with the Commission, along with their application, the consideration they will receive if the Commission grants their applications for voluntary transfer of control or assignment. These limited reporting requirements will enable the Commission to evaluate whether further restrictions are needed.[15] Such disclosures will also assist the Commission in drafting its mandatory report to Congress that will compare the results of the five-year auction experiment against the Commission's lottery experience. *See* 47 U.S.C. § 309(j)(12). In addition, transfer price disclosure rules will allow the secondary market to function efficiently under existing restrictions against unjust enrichment.

14. Accordingly, any applicant for voluntary transfer of control or assignment would be required to file, together with its application, the associated contracts for sale, option agreements, management agreements, or other documents disclosing the total consideration received in return for the transfer of its license. This information should include not only a monetary purchase price, but also any future, contingent, in-kind or other consideration (*e.g.*, management or consulting contracts either with or without an option to purchase; below-market financing). The Commission has existing procedures for maintaining the confidentiality of such filings.[16] The rules shall apply to any future applicant for voluntary transfer of control or assignment where the subject license was acquired by the transferor or assignor through a Commission lottery.

Conclusion

15. Because any rules adopted pursuant to Section 309(i)(4)(C) of the Communications Act will apply to only a limited number of noncommercial services where speculation rarely occurs, and because the Commission has recently taken action in a variety of commercial services to achieve the same goal of the subject statutory provision, we limit our action at this time to the adoption of transfer disclosure rules. If the data we collect as a result of this requirement indicates that our existing rules are inadequate, we may adopt additional measures to deter unjust enrichment in the lottery context.

Final Regulatory Flexibility Analysis

18. A Final Regulatory Flexibility Analysis is contained in Appendix B to this order.

Order Clause

19. Accordingly, It Is Ordered that Parts 1, 21, 22, 90, 94 and 95 of the Commission's Rules, 47 C.F.R. Parts 1, 21, 22, 90, 94 and 95 Are Amended as set forth in the Appendix A. It Is Further Ordered that these rules are effective 90 days after publication in the Federal Register.

20. Issuance of this *First Report and Order* is authorized under the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103–66, Title VI, section 6002, and Sections 154(i), 309(i), 303(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309(i), 303(j), and 303(r).

Contact Persons

21. For further information concerning this proceeding, contact Marc Martin or Kent Nakamura, Office of Plans and Policy, (202) 653–5940.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Appendix A—Final Rule

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

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

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303: Implement 5 U.S.C. 552 and 21 U.S.C. 853(a), unless otherwise noted.

2. Section 1.924 is amended by adding a new paragraph (d) to read as follows:

§ 1.924 Assignment or transfer of control, voluntary or involuntary.

(a) * * *

(d) An applicant for voluntary transfer of control or assignment under this section where the subject license was acquired by the transferor or assignor through a system of random selection shall, together with its application for transfer of control or assignment, file with the Commission the associated contracts for sale, option agreements, management agreements, or other documents disclosing the consideration that the applicant would receive in return for the transfer or assignment of its license. This information should include not only a monetary purchase price, but also any future, contingent, in-kind, or other consideration (*e.g.*, management or consulting contracts either with or without an option to purchase; below—market financing).

Part 21 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

3. The authority citation for Part 21 continues to read as follows:

Authority: Secs. 1, 2, 4, 201–205, 208, 215, 303, 307, 313, 314, 403, 404, 410, 610; 48 Stat. as amended, 1064, 1066, 1070–1073, 1076, 1077, 1080, 1082, 1083, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 154, 201–205, 208, 215, 218, 303, 307, 313, 314, 403, 404, 602; 47 U.S.C. 552.

4. Section 21.38 is amended by adding a new paragraph (g) to read as follows:

§ 31.38 Assignment or transfer of station authorization.

(a) * * *

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[9] *See, e.g., Third Report and Order, Memorandum Opinion and Order, and Recon.*, CC Docket 90–6, 7 FCC Rcd 7813 (1992) (adopting, inter alia, anti-greenmail rules), and *Report and Order*, CC Docket 90–358, 7 FCC Rcd 719 (1992) (adopting anti-speculation rules in the context for comparative renewal proceedings).

[10] *See, e.g., Amendment of Parts 1, 2 and 21 of the Commission's Rules in the 2.1 and 2.5 GHz bands*, PR Docket 92–80, 8 FCC Rcd 1444 (1993) (adopting a variety of rules to deter unjust enrichment in the MDS context).

[11] *See* 47 C.F.R. Part 95, Subpart F.

[12] *See, e.g.*, CFR 22.920(c)(1)–(3), 22.927, 22.928, and 22,929 (cellular radio), and 95.819 and 95.821 (IVDS).

[13] *See* 47 CFR 94.47.

[14] *Id.* For this reason, we believe existing construction benchmarks and associated transfer restrictions adequately deter unjust enrichment in other services, such as the Specialized Mobile Radio Service (SMRs) and 220–222 MHz Private Land Mobile Radio Service.

[15] We note that in the case of Low Power Television, the only broadcasting service subject to lotteries, the Commission currently has transfer disclosure rules. *See* 47 CFR 73.35540, 73.3597 and FCC Form 345.

[16] 47 CFR 0.459.

(g) An applicant for voluntary transfer of control or assignment under this section where the subject license was acquired by the transferor or assignor through a system of random selection shall, together with its application for transfer of control or assignment, file with the Commission the associated contracts for sale, option agreements, management agreements, or other documents disclosing the total consideration that the applicant would receive in return for the transfer or assignment of its license. This information should include not only a monetary purchase price, but also any future, contingent, in-kind, or other consideration (*e.g.*, management or consulting contracts either with or without an option to purchase; below—market financing).

Part 22 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

5. The authority citation for Part 22 continues to read as follows:

Authority: 47 U.S.C. 154, 303, unless otherwise noted.

6. Section 22.39 is amended adding a new paragraph (d) to read as follows:

§ 22.39 Transfer of control or assignment of station authorization.

(a) * * *

(d) An applicant for voluntary transfer of control or assignment under this section where the subject license was acquired by the transferor or assignor through a system of random selection shall, together with its application for transfer of control or assignment, file with the Commission the associated contracts for sale, option agreements, management agreements, or other documents disclosing the total consideration that the applicant would receive in return for the transfer or assignment of its license. This information should include not only a monetary purchase price, but also any future, contingent, in-kind, or other consideration (*e.g.*, management or consulting contracts either with or without an option to purchase; below-market financing).

Part 90 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

7. The authority citation for Part 90 continues to read as follows:

Authority: Sections 4, 303, and 332, 48, Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303 and 332, unless otherwise noted.

8. Section 90.153 is amended by adding two new sentences at the end of the existing sentence to read as follows:

§ 90.153 Transfer of control or assignment of station authorization.

An applicant for voluntary transfer of control or assignment under this section where the subject license was acquired by the transferor or assignor through a system of random selection shall, together with its application for transfer of control or assignment, file with the Commission the associated contracts for sale, option agreements, management agreements, or other documents disclosing the total consideration that the applicant would receive in return for the transfer or assignment of its license. This information should include not only a monetary purchase price, but also any future, contingent, in-kind, or other consideration (*e.g.*, management or consulting contracts either with or without an option to purchase; below-market financing).

Part 94 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

9. The authority citation for Part 90 continues to read as follows:

Authority: Sections 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted.

10. Section 94.47 is amended by adding a new paragraph (c) to read as follows:

§ 94.47 Transfer and assignment of station authorization.

(a) * * *

(c) An applicant for voluntary transfer of control or assignment under this section where the subject license was acquired by the transferor or assignor through a system of random selection shall, together with its application for transfer of control or assignment, file with the Commission the associated contracts for sale, option agreements, management agreements, or other documents disclosing the total consideration that the applicant would receive in return for the transfer or assignment of its license. This information should include not only a monetary purchase price, but also any future, contingent, in-kind, or other consideration (*e.g.*, management or consulting contracts either with or without an option to purchase; below-market financing).

Part 95 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

11. The authority citation for Part 95 continues to read as follows:

Authority: Sections 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted.

12. Section 95.821 is amended by adding two new sentences after the existing sentence to read as follows:

§ 95.821 Application for transfer of control.

An applicant for voluntary transfer of control or assignment under this section where the subject license was acquired by the transferor or assignor through a system of random selection shall, together with its application for transfer of control or assignment, file with the Commission the associated contracts for sale, option agreements, management agreements, or other documents disclosing the total consideration that the applicant would receive in return for the transfer or assignment of its license. This information should include not only a monetary purchase price, but also any future, contingent, in-kind, or other consideration (*e.g.*, management or consulting contracts either with or without an option to purchase; below—market financing).

* * * * *

Appendix B—Final Regulatory Flexibility Analysis

As required by Section 603 of the Regulatory Flexibility Act, the Commission prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact of the proposals contained in the Notice of Proposed Rule Making, PP Docket No. 93–253 on small entities. By this Order, the Commission responds to a Congressional directive contained in the Budget Act to consider measures to deter unjust enrichment in the lottery context. The Commission received no comments in response to the IRFA concerning unjust enrichment in the lottery context. As noted in the text of the Order, we considered and rejected more burdensome requirements designed to deter unjust enrichment, such as additional transfer restrictions for licensees that acquire their license by lottery. Rather, we adopted the less onerous transfer disclosure requirement that is expressly recommended in the Budget Act. In the case of some spectrum-based services, such as Low Power Television, entities that file transfer of control applications with the Commission are currently required to submit information similar to what the Commission explicitly requires by this Order: copies of documents that reveal the transfer price for a license. Further, in other services, applicants for voluntary transfer of control or assignment are currently required to submit information in support of their request. Inasmuch as any contracts, purchase agreements, or similar legal documents detailing the consideration received by the transferor or assignor will presumably already have been prepared by the parties to the transaction for their own purposes, attaching a copy of such documents to the application(s) submitted to the Commission should not prove onerous. Accordingly, the Commission does not believe this limited disclosure requirement adds a significant economic burden on small entities.

[FR Doc. 95–9346 Filed 4–13–95; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL HOUSING FINANCE BOARD

[No. 95–N–03]

Notice of Federal Home Loan Bank Members Selected for Community Support Review

AGENCY: Federal Housing Finance Board.

ACTION: Notice.

SUMMARY: The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 added a new Section 10(g) to the Federal Home Loan Bank Act of 1932 requiring that members of the Federal Home Loan Bank (FHLBank) System meet standards for community investment or service in order to maintain continued access to long-term FHLBank System advances. In compliance with this statutory change, the Federal Housing Finance Board (Housing Finance Board) promulgated Community Support regulations (12

CFR part 936). Under the review process established in the regulations, the Housing Finance Board will select a certain number of members for review each quarter, so that all members that are subject to the Community Reinvestment Act of 1977, 12 U.S.C. 2901 *et seq.*, (CRA), will be reviewed once every two years. The purpose of this Notice is to announce the names of the members selected for the fifth quarter review (1994–95 cycle) under the regulations. The Notice also conveys the dates by which members need to comply with the Community Support regulation review requirements and by which comments from the public must be received.

DATES: *Due Date for Member Community Support Statements for Members Selected in Fifth Quarter Review:* May 31, 1995.

Due Date for Public Comments on Members Selected in Fifth Quarter Review: May 31, 1995.

FOR FURTHER INFORMATION CONTACT: Joseph A. McKenzie, Associate Director, Office of Housing Finance, (202) 408–2845, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

A telecommunications device for deaf persons (TDD) is available at (202) 408–2579.

SUPPLEMENTARY INFORMATION:

A. Selection for Community Support Review

The Housing Finance Board currently reviews all FHLBank System members that are subject to CRA once every two years. Approximately one-eighth of the FHLBank members in each district will be selected for review by the Housing Finance Board each calendar quarter. To date, only members that are subject to CRA have been reviewed. In selecting members, the Housing Finance Board follows the chronological sequence of the members' CRA Evaluations post-July 1, 1990, to the greatest extent practicable, selecting one-eighth of each District's membership for review each calendar quarter. However, the Housing Finance Board will postpone review of new members until they have been System members for one year.

Selection for review is not, nor should it be construed as, any indication of either the financial condition or Community Support performance of the institutions listed.

B. List of FHLBank Members To Be Reviewed in the Fifth Quarter, Grouped by FHLBank District

Member	City	State
Federal Home Loan Bank of Boston—District 1 Post Office Box 9106, Boston, Massachusetts 02205–9106		
People's Bank	Bridgeport	CT
Bristol Savings Bank	Bristol	CT
Derby Savings Bank	Derby	CT
Maritime Bank and Trust Company	Essex	CT
Farmington Savings Bank	Farmington	CT
Glastonbury Bank & Trust Company	Glastonbury	CT
Savings Bank of Manchester	Manchester	CT
Liberty Bank	Middletown	CT
Naugtuck Savings Bank	Naugtuck	CT
Citizens National Bank	Putnam	CT
Shelton Savings Bank	Shelton	CT
Equity Bank	Wethersfield	CT
Windsor Federal Savings & Loan Association	Windsor	CT
Windsor Locks Savings & Loan Association	Windsor Locks	CT
Dedham Co-operative Bank	Dedham	MA
Framingham Co-operative Bank	Framingham	MA
Benjamin Franklin Savings Bank	Franklin	MA
Dean Cooperative Bank	Franklin	MA
Economy Co-operative Bank	Merrimac	MA
Mayflower Co-operative Bank	Middleboro	MA
Pacific National Bank of Nantucket	Nantucket	MA
Compass Bank for Savings	New Bedford	MA
Berkshire County Savings Bank	Pittsfield	MA
Pittsfield Co-operative Bank	Pittsfield	MA
Central Co-operative Bank	Somerville	MA
Savers Co-operative Bank	Southbridge	MA
Springfield Institution for Savings	Springfield	MA
Stoneham Co-operative Bank	Stoneham	MA
Ware Co-operative Bank	Ware	MA
United Co-operative Bank	West Springfield	MA
Flagship Bank and Trust Company	Worcester	MA
Cushnoc Bank and Trust Company	Augusta	ME
United Bank	Bangor	ME
First National Bank of Damariscotta	Damariscotta	ME
Gardiner Savings Institution, FSB	Gardiner	ME
Machias Savings Bank	Machias	ME
Centerpoint Bank	Bedford	NH
Connecticut River Bank	Charlestown	NH
Claremont Savings Bank	Claremont	NH
Peoples National Bank of Littleton	Littleton	NH
Lake Sunapee Savings Bank, FSB	Newport	NH
Sugar River Savings Bank	Newport	NH
Piscataqua Savings Bank	Portsmouth	NH
Domestic Loan and Investment Bank	Cranston	RI

Member	City	State
Rhode Island Hospital Trust National Bank	Providence	RI
Washington Trust Company	Westerly	RI
Bennington Co-operative S&LA, Inc	Bennington	VT
Factory Point National Bank	Manchester Center	VT
Passumpsic Savings Bank	St. Johnsbury	VT

Federal Home Loan Bank of New York—District 2
Seven World Trade Center, 22nd Floor, New York, New York 10048–1185

First Savings Bank of New Jersey, SLA	Bayonne	NJ
American Savings and Loan Association	Bloomfield	NJ
Clifton Savings Bank, SLA	Clifton	NJ
Collective Federal Savings Bank	Egg Harbor	NJ
Sussex County State Bank	Franklin	NJ
The First National Bank of Hope	Hope	NJ
Metropolitan State Bank	Montville	NJ
Magyar Savings Bank, SLA	New Brunswick	NJ
Berkeley Federal Bank and Trust Company, FSB	Palisades Park	NJ
Charter Federal Savings Bank	Randolph	NJ
Roebling Savings and Loan Association	Roebling	NJ
Franklin Savings Bank	Salem	NJ
Monroe Savings Bank, SLA	Williamstown	NJ
Cayuga Savings Bank	Auburn	NY
Atlantic Liberty Savings, FA	Brooklyn	NY
Hamilton Federal Savings, F.A	Brooklyn	NY
Bank of Castile	Castile	NY
Cohoes Savings Bank	Cohoes	NY
Roosevelt Savings Bank	Garden City	NY
Astoria Federal Savings and Loan Association	Lake Success	NY
Financial Federal Savings & Loan Association	Long Island City	NY
Amalgamated Bank of New York	New York	NY
New York Federal Savings Bank	New York	NY
Olympian Bank	New York	NY
United Orient Bank	New York	NY
First Federal S&LA of Rochester	Rochester	NY
Rochester Community Savings Bank	Rochester	NY
Northfield Savings Bank	Staten Island	NY
OnBank	Syracuse	NY
Tarrytown & North Tarrytown S&LA	Tarrytown	NY
Valatie Savings & Loan Association	Valatie	NY
Columbia Federal Savings Bank	Woodhaven	NY
Bank & Trust of Puerto Rico	Hato Rey	PR

Federal Home Loan Bank of Pittsburgh—District 3
601 Grant Street, Pittsburgh, Pennsylvania 15219–4455

First Home Savings Bank	Wilmington	DE
Ninth Ward Savings Bank, FSB	Wilmington	DE
Wilmington Savings Fund Society	Wilmington	DE
C&G Savings Bank	Altoona	PA
Mid-State Bank and Trust Company	Altoona	PA
Ambler Savings & Loan Association	Ambler	PA
First Star Savings Bank	Bethlehem	PA
First Federal S&LA of Bucks County	Bristol	PA
Greater Delaware Valley Savings Bank	Broomall	PA
Suburban Federal Savings Bank	Collingdale	PA
Sharon Savings Bank	Darby	PA
Ellwood Federal Savings Bank	Ellwood City	PA
County Savings Association	Essington	PA
Bank of Hanover and Trust Company	Hanover	PA
Hatboro Federal Savings	Hatboro	PA
First Federal S&LA of Hazleton	Hazleton	PA
Security Savings Association of Hazleton	Hazleton	PA
William Penn Savings & Loan Association	Levittown	PA
Willow Grove Federal Savings	Maple Glen	PA
First Keystone Federal Savings Bank	Media	PA
Morton Savings and Loan Association	Morton	PA
Nesquehoning Savings Bank	Nesquehoning	PA
Commonwealth State Bank	Newtown	PA
Third Federal Savings Bank	Newtown	PA
Malvern Federal Savings Bank	Paoli	PA
First Savings Bank of Perkasie	Perkasie	PA

Member	City	State
Fox Chase Federal Savings Bank	Philadelphia	PA
Keystone Savings & Loan Association	Philadelphia	PA
Prime Bank	Philadelphia	PA
Second FS&LA of Philadelphia	Philadelphia	PA
Washington Savings Association	Philadelphia	PA
Bell Federal Savings and Loan Association	Pittsburgh	PA
Great American FS&LA	Pittsburgh	PA
Integra Bank/Pittsburgh	Pittsburgh	PA
Progressive Home FS&LA	Pittsburgh	PA
Patriot Savings Bank	Pottstown	PA
Crusader Savings Bank	Rosemont	PA
Mercer County State Bank	Sandy Lake	PA
North Penn Savings & Loan Association	Scranton	PA
Pennview Savings Bank	Souderton	PA
Slovenian S&LA of Canonsburg	Strabane	PA
Integra Bank/North	Titusville	PA
Integra Bank/South	Uniontown	PA
First National Bank of West Chester	West Chester	PA
Flat Top National Bank of Bluefield	Bluefield	WV
Bank of Mount Hope Inc	Mount Hope	WV
Community Bank of Parkersburg	Parkersburg	WV

Federal Home Loan Bank of Atlanta—District 4
(Post Office Box 105565, Atlanta, Georgia 30348)

Covington County Bank	Andalusia	AL
City Bank of Childersburg	Childersburg	AL
First American Bank	Decatur	AL
Citizens Bank	Enterprise	AL
Merchants Bank	Jackson	AL
Farmers and Merchants Bank	Lafayette	AL
Peachtree Bank	Maplesville	AL
Bank of Mobile	Mobile	AL
Colonial Bank	Montgomery	AL
Eagle Bank of Alabama	Opelika	AL
Peoples Bank & Trust Company	Selma	AL
First Federal of the South	Sylacauga	AL
United Security Bank	Thomasville	AL
Century National Bank	Washington	DC
Regent Bank	Davie	FL
Dunnellon State Bank	Dunnellon	FL
The Bank of Inverness	Inverness	FL
First Trust Savings Bank, FSB	Jacksonville	FL
First Federal Savings Bank of Florida	Live Oak	FL
Bankers Savings Bank	Miami	FL
Peoples National Bank of Commerce	Miami	FL
Firstate Financial, FA	Orlando	FL
Bank at Ormond-by-the-Sea	Ormond Beach	FL
Bank of Pahokee	Pahokee	FL
Southbank, a FSB	Palm Beach Gardens	FL
Peoples First Community Bank	Panama City	FL
Century Bank, a FSB	Sarasota	FL
Highlands Independent Bank	Sebring	FL
Fort Brooke Bank	Tampa	FL
Prime Bank of Central Florida	Titusville	FL
NBD Bank, FSB	Venice	FL
Palm Beach Savings and Loan, FSA	West Palm Beach	FL
Sterling Bank, FSB	West Palm Beach	FL
Bank of Adairsville	Adairsville	GA
Farmers and Merchants Bank	Adel	GA
First American Bank and Trust Company	Athens	GA
Bank South	Atlanta	GA
First Union National Bank of Georgia	Atlanta	GA
Union County Bank	Blairsville	GA
Peoples Bank of Fannin County	Blue Ridge	GA
Citizens First Bank	Butler	GA
Trust Company Bank of Columbus, NA	Columbus	GA
Bank of Dahlonega	Dahlonega	GA
Bank of Ellaville	Ellaville	GA
South Georgia Bank, FSB	Glennville	GA
Pulaski Banking Company	Hawkinsville	GA
Peoples Bank	Lithonia	GA
Metter Banking Company	Metter	GA
Citizens First Bank	Rome	GA

Member	City	State
Farmers and Merchants Bank	Summerville	GA
Farmers and Merchants Bank	Washington	GA
Bay Federal Savings and Loan Association	Baltimore	MD
Hull Federal Savings Bank	Baltimore	MD
Ideal Federal Savings Bank	Baltimore	MD
Provident Bank of Maryland	Baltimore	MD
Sterling Bank and Trust Company	Baltimore	MD
Vanguard Federal Savings & Loan Assocation	Baltimore	MD
Vigilant Federal Savings & Loan Association	Baltimore	MD
Allegiance Bank NA	Bethesda	MD
Cecil Federal Savings Bank	Elkton	MD
Back and Middle River FS&LA	Essex	MD
Royal Oak Savings Bank FSB	Randallstown	MD
Randolph Bank and Trust Company	Asheboro	NC
Black Mountain Savings Bank SSB	Black Mountain	NC
Rowan Savings Bank SSB	China Grove	NC
Cabarrus Bank of North Carolina	Concord	NC
Central Carolina Bank and Trust Company	Durham	NC
Macon Savings Bank, SSB	Franklin	NC
Graham Savings Bank, SSB	Graham	NC
Hertford Savings Bank, SSB	Hertford	NC
Landis Savings Bank, SSB	Landis	NC
Industrial Federal Savings Bank	Lexington	NC
Perpetual Federal Savings Bank	Lexington	NC
Liberty Savings and Loan Association	Liberty	NC
First Savings & Loan Association	Mebane	NC
Mount Gilead Savings and Loan Association	Mount Gilead	NC
Seaboard Savings Bank	Plymouth	NC
Unity Bank and Trust Company	Rocky Mount	NC
OMNIBANK, Inc., a SSB	Salisbury	NC
Taylorsville Savings Bank, SSB	Taylorsville	NC
SNB Savings Bank, Inc., SSB	Valdese	NC
Anson Savings Bank	Wadesboro	NC
Cooperative Bank for Savings, Inc	Wilmington	NC
Home Federal Savings & Loan Association	Bamberg	SC
Greer State Bank	Greer	SC
Kingstree Federal Savings & Loan Association	Kingstree	SC
Pickens Savings & Loan Association, FA	Pickens	SC
Bank of Travelers Rest	Travelers Rest	SC
Bank of Alexandria	Alexandria	VA
Bank of Southside Virginia	Carson	VA
First Federal SB of Shenandoah Valley	Front Royal	VA
First Colonial Bank, FSB	Hopewell	VA
Imperial Savings and Loan Association	Martinsville	VA
Central Fidelity	Richmond	VA
Farmers and Merchants Bank	Timberville	VA
Marathon Bank	Winchester	VA

Federal Home Loan Bank of Cincinnati—District 5
Post Office Box 598, Cincinnati, Ohio 45201

Farmers Bank and Trust Company	Bardstown	KY
Wilson and Muir Bank and Trust Company	Bardstown	KY
Bank of Marshall County	Benton	KY
Bank of Cadiz and Trust Company	Cadiz	KY
Bank of Columbia	Columbia	KY
Burnett Federal Savings Bank	Covington	KY
First Federal Savings Bank	Cynthiana	KY
Harrison Deposit Bank and Trust	Cynthiana	KY
Pendleton Federal Savings & Loan Association	Falmouth	KY
Fort Thomas Building and Loan Association	Fort Thomas	KY
Simpson County Bank	Franklin	KY
Fulton Bank	Fulton	KY
Kentucky Bank, FSB	Georgetown	KY
New Farmers National Bank of Glasgow	Glasgow	KY
First State Bank of Greenville	Greenville	KY
The Farmers Bank	Hardinsburg	KY
Peoples Bank and Trust Company of Hazard	Hazard	KY
Farmers Bank and Trust Company	Henderson	KY
Hopkinsville Federal Savings Bank	Hopkinsville	KY
Leitchfield Deposit Bank & Trust Company	Leitchfield	KY
Central Bank and Trust Company	Lexington	KY
Community Bank of Lexington, Inc	Lexington	KY

Member	City	State
Great Financial Federal Bank, FSB	Louisville	KY
Farmers Bank and Trust Company	Madisonville	KY
Bank of Marrowbone	Marrowbone	KY
Exchange Bank	Mayfield	KY
Pioneer Bank	Munfordsville	KY
Citizens Bank	New Liberty	KY
Blue Grass Federal Savings & Loan Association	Paris	KY
First Commonwealth Bank of Prestonburg	Prestonburg	KY
First Federal Savings Bank of Richmond	Richmond	KY
Russell Federal Savings Bank	Russell	KY
Trans Financial Bank, FSB	Russellville	KY
Salt Lick Deposit Bank	Salt Lick	KY
Belpre First Savings Bank	Belpre	OH
Peoples Building and Loan Company	Blanchester	OH
Cambridge Savings Bank	Cambridge	OH
Blue Chip Savings Association	Cincinnati	OH
Centennial Savings Bank, fsb	Cincinnati	OH
Findlay Savings Bank	Cincinnati	OH
Guardian Savings Bank a FSB	Cincinnati	OH
Mercantile Savings Bank	Cincinnati	OH
New Foundation Loan and Building Company	Cincinnati	OH
Oakley Improved Building & Loan Company	Cincinnati	OH
Price Hill Eagle Loan and Building Company	Cincinnati	OH
Union Savings Bank	Cincinnati	OH
Westwood Homestead Savings & Loan Association	Cincinnati	OH
Winton Savings and Loan Company	Cincinnati	OH
County Savings Bank	Columbus	OH
Conneaut Savings & Loan Company	Conneaut	OH
Falls Savings Bank, FSB	Cuyahoga Falls	OH
Germantown Federal Savings Bank	Germantown	OH
Lincoln Savings and Loan Association	Ironton	OH
People's Building Loan and Savings Company	Lebanon	OH
Farmers and Savings Bank, Loudon	Loudonville	OH
Lower Salem Commercial Bank	Lower Salem	OH
First Bank of Marietta	Marietta	OH
Marietta Savings Bank	Marietta	OH
Security Federal S&LA of Cleveland	Mayfield Heights	OH
Unity Savings & Loan Company	McArthur	OH
The American Savings and Loan Association	Middletown	OH
Mutual Federal Savings Bank, a FSB	Sidney	OH
Strongsville Savings Bank	Strongsville	OH
Central Federal Savings and Loan Association	Wellsville	OH
The Peoples Savings and Loan Company	West Liberty	OH
Farmers State Bank	West Salem	OH
First Community Bank	Whitehall	OH
Wilmington Savings Bank	Wilmington	OH
Twin City Federal Savings Bank	Bristol	TN
Cumberland Bank	Carthage	TN
Guaranty Federal Savings Bank	Clarksville	TN
Highland Federal Savings & Loan Association	Crossville	TN
Security Federal Savings Bank	Elizabethton	TN
Lauderdale County Bank	Halls	TN
Citizens Bank	Hartsville	TN
Carroll Bank and Trust	Huntingdon	TN
Heritage Federal Bank for Savings	Kingsport	TN
First National Bank of Manchester	Manchester	TN
Bank of Middleton	Middleton	TN

Federal Home Loan Bank of Indianapolis—District 6
(P.O. Box 60, Indianapolis, IN 46205–0060)

Bedford Federal Savings Bank	Bedford	IN
Franklin County National Bank	Brookville	IN
Clinton State Bank	Clinton	IN
Montgomery Savings Association, FA	Crawfordsville	IN
Decatur Bank and Trust Company	Decatur	IN
Security Federal Bank, a FSB	East Chicago	IN
Griffith Federal Savings & Loan Association	Griffith	IN
First Source Bank of Starke County	Hamlet	IN
Calumet Federal Savings and Loan Association	Hammond	IN
Citizens Financial Services	Hammond	IN
First Federal Savings Bank	Huntington	IN
First FS&LA of Clark County	Jeffersonville	IN

Member	City	State
Campbell & Fetter Bank	Kendallville	IN
Progressive Federal Savings Bank	Lawrenceburg	IN
Madison First FS&LA	Madison	IN
Fidelity Federal Savings Bank	Marion	IN
First State Bank of Middlebury	Middlebury	IN
Pacesetter Bank of Montpelier	Montpelier	IN
Community Savings Bank, FSB	New Albany	IN
Regional Federal Savings Bank	New Albany	IN
Ameriana Savings Bank, FSB	New Castle	IN
Huntington National Bank of Indiana	Noblesville	IN
AmericanTrust Federal Savings Bank	Peru	IN
Shelby County Savings Bank, FSB	Shelbyville	IN
Sobieski Federal Savings & Loan Association	South Bend	IN
Terre Haute Savings Bank	Terre Haute	IN
United Federal Savings Bank of Vincennes	Vincennes	IN
Society Bank, Michigan	Ann Arbor	MI
Dearborn Federal Savings Bank	Dearborn	MI
MFC First National Bank and Trust of Escanaba	Escanaba	MI
Michigan National Bank	Farmington Hills	MI
Ottawa Savings Bank, FSB	Holland	MI
Fidelity Savings Bank, FSB	Kalamazoo	MI
Independent Bank—South Michigan	Leslie	MI
Mason State Bank	Mason	MI
AmeriBank Federal Savings Bank	Muskegon	MI
Alliance Banking Company	New Buffalo	MI
Shelby State Bank	Shelby	MI
Bank of West Branch	West Branch	MI

Federal Home Loan Bank of Chicago—District 7
(111 East Wacker Drive, Suite 700, Chicago, Illinois 60601)

Oxford Bank and Trust	Addison	IL
Bank of Bellwood	Bellwood	IL
Peoples Bank of Kankakee County	Bourbonnais	IL
First Colonial Bank Southwest	Burbank	IL
First American Bank	Carpentersville	IL
United Community Bank	Chatham	IL
All American Bank of Chicago	Chicago	IL
Amalgamated Bank of Chicago	Chicago	IL
Austin Bank of Chicago	Chicago	IL
Community Bank of Lawndale	Chicago	IL
Community Savings Bank	Chicago	IL
First Federal Savings of Hegewisch	Chicago	IL
LaSalle Bank Lake View	Chicago	IL
Private Bank and Trust Company	Chicago	IL
St. Paul Federal Bank for Savings	Chicago	IL
First Savings & Loan Association of Danville	Danville	IL
First Mutual Bank, S.B	Decatur	IL
Clover Leaf Bank, S.B	Edwardsville	IL
Illinois Guarantee Savings Bank, FSB	Effingham	IL
Washington Savings Bank	Effingham	IL
Elgin Federal Financial Center, a FA	Elgin	IL
Harris Bank Frankfort	Frankfort	IL
Union Savings Bank	Freeport	IL
Central Trust and Savings Bank	Geneseo	IL
Bank of Northern Illinois	Glenview	IL
Hanover State Bank	Hanover	IL
First FSB of Proviso Township	Hillside	IL
Bank of Homewood	Homewood	IL
Farmers State Bank and Trust Company	Jacksonville	IL
AmeriFed Federal Savings Bank	Joliet	IL
First Federal Savings & Loan of Kewanee	Kewanee	IL
Biltmore Investors Bank	Lake Forest	IL
Logan County Bank	Lincoln	IL
Twin Oaks Savings Bank	Marseilles	IL
Okaw Building and Loan, S.B	Mattoon	IL
Blackhawk State Bank	Milan	IL
Morton Federal Savings Bank	Morton	IL
Bank of Illinois in Mount Vernon	Mount Vernon	IL
Heartland Bank and Trust Company	Normal	IL
LaSalle Bank Northbrook	Northbrook	IL
George Washington Savings & Loan Association	Oak Lawn	IL
Bank of Palmyra	Palmyra	IL

Member	City	State
Pana Federal Savings and Loan Association	Pana	IL
Edgar County Bank & Trust Company	Paris	IL
Mercantile Trust and Savings Bank	Quincy	IL
State Street Bank and Trust Company	Quincy	IL
North County Savings Bank	Red Bud	IL
American Bank of Rock Island	Rock Island	IL
Savanna Savings Building and Loan Association	Savanna	IL
First State Bank of Shannon	Shannon	IL
Charter Bank, a FSB	Sparta	IL
Security Federal Savings and Loan Association	Springfield	IL
Argo Federal Savings Bank, FSB	Summit	IL
Citizens First State Bank	Walnut	IL
Hill-Dodge Banking Company	Warsaw	IL
Washburn Bank	Washburn	IL
State Bank of Waterloo	Waterloo	IL
Cardunal Savings Bank, FSB	West Dundee	IL
Jackson County Bank	Black River Falls	WI
First Ozaukee Savings Bank, S.A	Cedarburg	WI
State Bank of Cross Plains	Cross Plains	WI
First Federal Bank of Eau Claire, FSB	Eau Claire	WI
Time Federal Savings Bank	Medford	WI
Security Bank, S.S.B	Milwaukee	WI
Tomahawk Community Bank, S.S.B	Tomahawk	WI
West Allis Savings Bank	West Allis	WI

Federal Home Loan Bank of Des Moines—District 8
(907 Walnut Street, Des Moines, Iowa 50309)

Security State Bank	Anamosa	IA
State Savings Bank	Baxter	IA
Valley Savings Bank, FSB	Burlington	IA
United Security Savings Bank, F.S.B	Cedar Rapids	IA
Cresco Union Savings Bank	Cresco	IA
De Witt Bank and Trust Company	De Witt	IA
Peoples State Bank	Elkader	IA
Peoples Trust and Savings Bank	Grand Junction	IA
Hills Bank and Trust Company	Hills	IA
First State Bank	Huxley	IA
Libertyville Savings Bank	Libertyville	IA
Hawkeye Bank of Maquoketa	Maquoketa	IA
Maquoketa State Bank	Maquoketa	IA
Union State Bank	Monona	IA
Hawkeye Bank of Mount Pleasant	Mount Pleasant	IA
Community Bank of Muscatine	Muscatine	IA
Hawkeye Bank of Jasper County	Newton	IA
Sioux County State Bank	Orange City	IA
Horizon Federal Savings Bank	Oskaloosa	IA
Iowa Trust and Savings Bank	Oskaloosa	IA
Hawkeye Bank of Lyon County	Rock Rapids	IA
Peoples Bank and Trust	Rock Valley	IA
Valley State Bank	Rock Valley	IA
Union State Bank	Rockwell City	IA
Hawkeye Bank of Clay County	Spencer	IA
Washington State Bank	Washington	IA
Homeland Savings Bank, FSB	Waterloo	IA
Farmers State Bank of Evansville	Evansville	MN
Faribault Federal Savings Bank	Faribault	MN
Houston Security Bank	Houston	MN
First National Bank of International Falls	International Falls	MN
Lake City FS&LA	Lake City	MN
First National Bank of Mabel	Mabel	MN
Family Bank, FSB	Mankato	MN
Norwest Bank, Minnesota, N.A	Minneapolis	MN
American National Bank of Nashwauk	Nashwauk	MN
State Bank of New Prague	New Prague	MN
Nicollet State Bank	Nicollet	MN
Citizens Savings Bank, FSB	St. Cloud	MN
St. James Federal Savings & Loan Association	St. James	MN
Roundbank	Waseca	MN
Citizens State Bank of Winsted	Winsted	MN
Citizens Bank	Amsterdam	MO
Bank of Jacomo	Blue Springs	MO
Southwest Bank	Bolivar	MO

Member	City	State
Boonslick Bank	Boonville	MO
Community State Bank of Bowling Green	Bowling Green	MO
Pony Express Bank	Braymer	MO
Mississippi County Savings & Loan Association	Charleston	MO
Clayco State Bank	Claycomo	MO
Union State Bank and Trust Company	Clinton	MO
First National Bank and Trust Company	Columbia	MO
First Financial Bank of Mississippi County	East Prairie	MO
Bank Star One	Fulton	MO
American Loan and Savings Association	Hannibal	MO
Central Trust Bank	Jefferson City	MO
Lafayette County Bank of Lexington	Lexington	MO
Meramec Valley Bank	Manchester	MO
Regional Missouri Bank	Marceline	MO
Nodaway Valley Bank	Maryville	MO
Heritage State Bank	Nevada	MO
Palmyra Saving & Building Association	Palmyra	MO
Perry County Savings Bank, FSB	Perryville	MO
Farmers Bank of Portageville	Portageville	MO
Pulaski Bank, a Savings Bank	Saint Louis	MO
Merchants and Farmers Bank of Salem	Salisbury	MO
Community Bank of Pettis County	Sedalia	MO
AmeriFirst Bank	Sikeston	MO
Empire Bank	Springfield	MO
Public Service Bank, A FSB	St. Louis	MO
Bank of the BootHeel	Steele	MO
American FS&LA of Sullivan	Sullivan	MO
Bank of Washington	Washington	MO
Washington Savings Bank	Washington	MO
West Plains Savings & Loan Association	West Plains	MO
First and Farmers Bank	Portland	ND
Community First State Bank of Redfield	Redfield	SD
Norwest Bank South Dakota, N.A	Sioux Falls	SD

Federal Home Loan Bank of Dallas—District 9
(5605 North MacArthur Boulevard, 9th Floor, Dallas/Forth Worth, Texas 75261–9026)

Merchants and Planters Bank and Trust Company	Arkadelphia	AR
Farmers Bank and Trust Company	Clarksville	AR
Arkansas Valley Bank	Dardanelle	AR
First Southern Bank	Earle	AR
Bank of Eureka Springs	Eureka Springs	AR
McIlroy Bank and Trust	Fayetteville	AR
First National Bank of Fort Smith	Fort Smith	AR
Bank of the Ozarks, NWA	Jasper	AR
Bank of Lake Village	Lake Village	AR
First State Bank	Lonoke	AR
Union Bank of Mena	Mena	AR
Bank of Montgomery County	Mount Ida	AR
Bank of the Ozarks, WLA	Ozark	AR
Security Bank	Paragould	AR
First Security Bank	Searcy	AR
FirstBank of Arkansas	Searcy	AR
Springdale Bank and Trust	Springdale	AR
UNICO Bank, FSB	Trumann	AR
Bank of Yellville	Yellville	AR
Equitable Trust Savings & Loan Association	Baton Rouge	LA
Globe Homestead Federal Savings Association	Metairie	LA
Guaranty Bank and Trust Company	Morgan City	LA
State-Investors Savings & Loan Association	New Orleans	LA
City Bank and Trust of Shreveport	Shreveport	LA
First Federal Savings Bank	Shreveport	LA
Home Federal Savings and Loan Association	Shreveport	LA
Cleveland Community Bank, S.S.B	Cleveland	MS
First National Bank of Bolivar County	Cleveland	MS
First Federal Bank for Savings	Columbia	MS
SouthBank, FSB	Corinth	MS
Bank of Mississippi	Tupelo	MS
Sun World Federal Savings Bank	Alamogordo	NM
Western Bank of Las Cruces	Las Cruces	NM
Pioneer Savings & Trust, F.A	Roswell	NM
First National Bank of Santa Fe	Santa Fe	NM
Life Savings Association	Austin	TX

Member	City	State
International Bank of Commerce	Brownsville	TX
First American Bank, SSB	Bryan	TX
First State Bank	Caldwell	TX
American National Bank	Corpus Christi	TX
Pacific Southwest Bank, F.S.B	Corpus Christi	TX
Bank of the Southwest of Dallas	Dallas	TX
Bluebonnet Savings Bank, FSB	Dallas	TX
Guaranty Federal Bank, F.S.B	Dallas	TX
State Bank and Trust Company	Dallas	TX
North Texas Savings and Loan	Denton	TX
North Plains Savings & Loan Association	Dumas	TX
Western Bank and Trust	Duncanville	TX
Mid-Coast Savings and Loan Association	Edna	TX
Bank of the West	El Paso	TX
Great Southwest Savings, F.A	Houston	TX
Houston Savings Association	Houston	TX
OmniBank, N.A	Houston	TX
Southwest Bank of Texas, N.A	Houston	TX
First National Bank of Hughes Springs	Hughes Springs	TX
Brazos Bank, N.A	Joshua	TX
International Bank of Commerce	Laredo	TX
FirstBank	Los Fresnos	TX
East Texas National Bank of Marshall	Marshall	TX
River Valley Bank, F.S.B	McAllen	TX
Interstate Savings and Loan Association	Perryton	TX
Cypress Bank, FSB	Pittsburg	TX
Benchmark Bank	Quinlan	TX
Peoples State Bank	Rocksprings	TX
Texas Heritage Savings Association/Banc	Rowlett	TX
Texas State Bank	San Angelo	TX
Sequin State Bank & Trust Company	Sequin	TX
Cedar Creek Bank	Seven Points	TX
Citizens Bank of Lubbock County	Slaton	TX
Southside State Bank	Tyler	TX
First Victoria National Bank	Victoria	TX
Victoria Bank and Trust Company	Victoria	TX
Texas Bank	Weatherford	TX
Heritage Bank	Wharton	TX
International Bank of Commerce	Zapata	TX

Federal Home Loan Bank of Topeka—District 10
(Post Office Box 176, Topeka, Kansas 66601)

FirstBank of Avon	Avon	CO
Vectra Bank of Boulder	Boulder	CO
Valley National Bank of Cortez	Cortez	CO
Guaranty Bank and Trust Company	Denver	CO
First Choice Bank	Greeley	CO
First Northern Savings Bank	Greeley	CO
Commercial Bank of Leadville	Leadville	CO
Bank of the Southwest, N.A	Pagosa Springs	CO
FirstBank of Vail	Vail	CO
The Liberty Savings and Loan Association	Fort Scott	KS
First Federal Savings & Loan Association	Independence	KS
First National Bank of Independence	Independence	KS
Iola Bank and Trust Company	Iola	KS
Leavenworth National Bank & Trust Company	Leavenworth	KS
Kansas State Bank of Manhattan	Manhattan	KS
Rose Hill State Bank	Rose Hill	KS
Peoples State Bank	Topeka	KS
First Federal Savings & Loan of WaKeeney	WaKeeney	KS
Kaw Valley State Bank and Trust Company	Wamego	KS
Fidelity Savings Association of Kansas, fsb	Wichita	KS
Wichita Federal Savings & Loan Association	Wichita	KS
Columbus Federal Savings Bank	Columbus	NE
Home Federal Savings and Loan Association	Grand Island	NE
The Equitable B&LA of Grand Island, a FSB	Grand Island	NE
Hershey State Bank	Hershey	NE
Home FS&LA of Nebraska	Lexington	NE
Lexington State Bank and Trust Company	Lexington	NE
Lincoln Federal Savings Bank of Nebraska	Lincoln	NE
Provident Federal Savings Bank	Lincoln	NE
Security Federal Savings	Lincoln	NE

Member	City	State
Sherman County Bank	Loup City	NE
Madison County Building & Loan Association	Madison	NE
Bank of Norfolk	Norfolk	NE
FirsTier Bank, N.A	Omaha	NE
First American Savings Bank, FSB	Omaha	NE
First Bank	Omaha	NE
Sidney Federal Savings and Loan Association	Sidney	NE
Dakota County State Bank	South Sioux City	NE
Tecumseh Building and Loan Association	Tecumseh	NE
Farmers State Bank	Wallace	NE
Bank of Hydro	Hydro	OK
First Enterprise Bank	Oklahoma City	OK
MidFirst Bank, SSB	Oklahoma City	OK
Union Bank and Trust Company	Oklahoma City	OK
Will Rogers Bank and Trust Company	Oklahoma City	OK
State Bank of Rocky	Rocky	OK
Community Bank and Trust Company	Tulsa	OK

Federal Home Loan Bank of San Francisco—District 11
(307 East Chapman Avenue, Orange, California 92666)

Southern California FS&LA	Beverly Hills	CA
US Community Savings Bank, a FSB	Encinitas	CA
Palomar Savings & Loan Association	Escondido	CA
Irvine City Bank, FSB	Irvine	CA
La Jolla Bank, F.S.B	La Jolla	CA
Eastern International Bank	Los Angeles	CA
South Valley National Bank	Morgan Hill	CA
Standard Pacific Savings, F.A	Newport Beach	CA
Palm Springs Savings Bank, F.S.B	Palm Springs	CA
Amador Valley Savings & Loan Association	Pleasanton	CA
Mission Savings and Loan Association, F.A	Riverside	CA
Flagship Federal Savings Bank	San Diego	CA
International Savings Bank, F.S.B	San Diego	CA
United Savings Bank, F.S.B	San Francisco	CA
Plaza Home Mortgage Bank, a FSB	Santa Ana	CA
La Cumbre Savings Bank	Santa Barbara	CA
Commercial Pacific Savings & Loan Association	Santa Cruz	CA
Allied Savings Bank, FSB	Santa Rosa	CA
Luther Burbank Savings & Loan Association	Santa Rosa	CA
Sentinel Savings & Loan Association, a FA	Sonora	CA
Tracy Federal Bank, FSB	Tracy	CA
Sutter Buttes Savings & Loan Association	Yuba City	CA

Federal Home Loan Bank of Seattle—District 12
(1501 4th Avenue, Seattle, Washington 98101–1693)

National Bank of Alaska	Anchorage	AK
First Bank	Ketchikan	AK
First Savings & Loan Association of America	Dededo	GU
Central Pacific Bank	Honolulu	HI
International Savings and Loan Association	Honolulu	HI
Pioneer Federal Savings Bank	Honolulu	HI
Territorial Savings and Loan Association	Honolulu	HI
Farmers and Merchants State Bank	Boise	ID
Home FS&LA of Nampa	Nampa	ID
Valley Bank of Helena	Helena	MT
American Bank	Livingston	MT
Centennial Bank	Eugene	OR
Liberty Federal Bank, a S.B	Eugene	OR
Colonial Banking Company	Grants Pass	OR
Bank of Newport	Newport	OR
Pioneer Trust Bank, N.A	Salem	OR
United Savings Bank	Ogden	UT
American Investment Bank, N.A	Salt Lake City	UT
Zions First National Bank	Salt Lake City	UT
U.S. Savings Bank of Washington	Bellingham	WA
First Community Bank of Washington	Lacey	WA
Cowlitz Bank	Longview	WA
United Savings & Loan Bank	Seattle	WA
Viking Community Bank	Seattle	WA
Bank of Sumner	Sumner	WA
North Pacific Bank	Tacoma	WA

Member	City	State
Sound Banking Company	Tacoma	WA
First Savings Bank of Washington	Walla Walla	WA
Security First Savings & Loan Association	Cheyenne	WY
Ranchester State Bank	Ranchester	WY

C. Due Dates

Members selected for review must submit completed Community Support Statements to their FHLBanks no later than May 31, 1995.

All public comments concerning the Community Support performance of selected members must be submitted to the members' FHLBanks no later than May 31, 1995.

D. Notice to Members Selected

Within 15 days of this Notice's publication in the Federal Register, the individual FHLBanks will notify each member selected to be reviewed that the member has been selected and when the member must return the completed Community Support Statement. At that time, the FHLBank will provide the member with a Community Support Statement form and written instructions and will offer assistance to the member in completing the Statement. The FHLBank will only review Statements for completeness, as the Housing Finance Board will conduct the actual review.

E. Notice to the Public

At the same time that the FHLBank members selected for review are notified of their selection, each FHLBank will also notify community groups and other interested members of the public.

The purpose of this notification will be to solicit public comment on the Community Support records of the FHLBank members pending review.

Any person wishing to submit written comments on the Community Support performance of a FHLBank member under review in this quarter should send those comments to the member's FHLBank by the due date indicated in order to be considered in the review process.

By the Federal Housing Finance Board.

Dated: April 5, 1995.

Rita I. Fair,

Managing Director.

[FR Doc. 95–8894 Filed 4–13–95; 8:45 am]

BILLING CODE 6725–01–P

FEDERAL RESERVE SYSTEM

Commerzbank AG, et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 28, 1995.

A. Federal Reserve Bank of New York (William L. Rutledge, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. Commerzbank AG, Frankfurt, Germany; to engage *de novo* through its subsidiary Commerz Immobilien GMBH, Frankfurt, Germany, in leasing real and personal property or acting as agent, broker or adviser in leasing such property, pursuant to § 225.25(b)(5) of the Board's Regulation Y, and making, acquiring or servicing loans or other extension of credit (including issuing letters of credit and accepting drafts) for the company's account or the account of others, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

2. National Westminster Bank PLC., London, England; to engage *de novo* through its subsidiary Natwest Futures, Inc., Chicago, Illinois, in the provision of execution, clearance and advisory services with respect to futures and options on futures on nonfinancial commodities both for affiliated and nonaffiliated persons. *Bank of Montreal*, 79 Federal Reserve Bulletin 1049 (1993); *J.P. Morgan & Co. Incorporated*, 80 Federal Reserve Bulletin 151 (1994), *Credit Agricole*, 80 Federal Reserve Bulletin 552 (1994); *Societe Generale*, 80 Federal Reserve Bulletin 649 (1994); *Citicorp*, Federal Reserve Board Press Release, December 13, 1994.

Board of Governors of the Federal Reserve System, April 10, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-9210 Filed 4-13-95; 8:45 am]

BILLING CODE 6210-01-F

The Royal Bank of Canada; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

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 on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 28, 1995.

A. Federal Reserve Bank of New York (William L. Rutledge, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. The Royal Bank of Canada, Montreal, Quebec, Canada; to expand the geographic scope of its subsidiary, RBC Dominion Securities Corporation, New York, New York (Securities Corp.), to operate on a worldwide basis. Securities Corp., engages in securities-related activities, including securities brokerage actvities, as well as limited securities underwriting and dealing. All the activities have been previously approved for this entity by order. *See*, e.g. *The Royal Bank of Canada*, 77 Federal Reserve Bulletin 272 (1991).

Board of Governors of the Federal Reserve System, April 10, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-9211 Filed 4-13-95; 8:45 am]

BILLING CODE 6210-01-F

State Financial Services Corporation, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 8, 1995.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. State Financial Services Corporation, Hales Corners, Wisconsin; to acquire 100 percent of the voting shares of Waterford Bancshares, Waterford, Wisconsin, and thereby indirectly acquire Waterford Bank, Waterford, Wisconsin.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Mercantile Bancorporation, Inc., St. Louis, Missouri; to acquire 100 percent of the voting shares of Southwest Bancshares, Inc., Bolivar, Missouri, and thereby indirectly acquire Southwest Bank, Bolivar, Missouri.

Board of Governors of the Federal Reserve System, April 10, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-9212 Filed 4-13-95; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

[File No. 942 3052]

David Green, M.D.; 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, an individual doing business as The Varicose Vein Center from making various representations about any vein treatment or cosmetic surgery procedure he markets in the future unless he possesses competent and reliable scientific evidence to substantiate the claims.

DATES: Comments must be received on or before June 13, 1995.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Richard Kelly or Sondra Mills, FTC/H–200, Washington, D.C. 20580. (202) 326–3304 or 326–2673.

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)).

Agreement Containing Consent Order to Cease and Desist

In the matter of David Green, M.D., an individual doing business as The Varicose Vein Center, a sole proprietorship.

The Federal Trade Commission having initiated an investigation of certain acts and practices of David Green, M.D., an individual doing business as The Varicose Vein Center, a sole proprietorship, and it now appearing that David Green, M.D., sometimes referred to as proposed respondent, is 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 David Green, M.D., an individual doing business as The Varicose Vein Center, a sole proprietorship, and his attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent David Green, M.D. (''Dr. Green'') is an individual doing business as The Varicose Vein Center, a sole proprietorship (''VVC''). Respondent's principal place of business is located at 4800 Montgomery Lane, Suite M50, in the City of Bethesda, State of Maryland. Dr. Green formulates, directs and controls the policies, acts and practices of VVC.

2. This agreement is for settlement purposes only and does not constitute an admission by the proposed respondent of facts, other than jurisdictional facts, or of violations of law as alleged in the draft Complaint.

3. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint.

4. Proposed respondent waives:

(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) All rights under the Equal Access to Justice Act.

5. This agreement shall not become part of the public record of the proceeding unless and until 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 respondent, 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.

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 proposed respondent, (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 in 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 respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right he 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 respondent has read the proposed complaint and order contemplated hereby. He understands that once the order has been issued, he will be required to file one or more compliance reports showing that he has fully complied with the order. Proposed respondent further understands that he may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

Definitions

For purposes of this Order, the following definitions shall apply:

1. ''Sclerotherapy'' means the treatment of venous disease by injecting a solution into a vein with a needle.

2. ''venous disease treatment procedure'' includes, but is not limited to, sclerotherapy, laser treatments, electrocautery, and surgery.

3. ''Competent and reliable scientific evidence'' means tests, analyses, research, studies or other evidence based on the expertise of professionals in the relevant area, that have 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.

I

It Is Ordered that respondent David Green, M.D., an individual doing business as The Varicose Vein Center, a sole proprietorship, his successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, promotion, offering for sale or sale of any venous disease treatment procedure including, but not limited to, sclerotherapy, or of any other cosmetic or plastic surgery procedure, 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:

A. that spider veins and varicose veins are permanently eliminated following treatment by respondent, or otherwise making any representation regarding the duration of results following treatment by any cosmetic or plastic surgery procedure, including any venous disease treatment procedure; or

B. that respondent's treatments succeed in eliminating varicose and spider veins at a rate greater than 95%, or otherwise making any representation regarding the success rate for, or the rate at which a condition is likely to recur or return following treatment by, any cosmetic or plastic surgery procedure, including any venous disease treatment procedure; or

C. that patients do not experience any pain in connection with respondent's regimen for treating their varicose and spider veins, or otherwise making any representation regarding the nature, duration or intensity of pain associated with any cosmetic or plastic surgery procedure, including any venous disease treatment procedure; or

D. otherwise making any representation regarding the efficacy of, or the risks, side-effects, or recovery period associated with, any cosmetic or plastic surgery procedure, including any venous disease treatment procedure; unless, at the time of making such representation, respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representation.

II

It is further ordered that for three (3) years after the last date of dissemination of any representation covered by this Order, respondent, or his successors and assigns, shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A. All materials that were relied upon in disseminating such representation; and

B. All tests, reports, studies, surveys, demonstrations or other evidence in his possession or control that contradict, qualify, or call into question such representation, or the basis relied upon for such representation, including complaints from consumers.

III

It is further ordered that respondent shall distribute a copy of this Order to each of his agents, representatives, and employees, and shall secure from such person a signed statement acknowledging receipt of this Order.

IV

It is further ordered that, for a period of five (5) years from the date of entry of this Order, the individual respondent named herein shall promptly notify the Commission of the discontinuance of his present business or employment, with each such notice to include the respondent's new business address and a statement of the nature of the business

or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment.

V

It is further ordered that respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the requirements of 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 David Green, M.D. (herein ''Dr. Green''), an individual doing business as The Varicose Vein Center, a sole proprietorship (herein ''VVC''). Through VVC, Dr. Green markets a procedure commonly known as ''sclerotherapy'' for treating venous disease, including varicose veins and spider veins. Proposed respondent currently offers his sclerotherapy services to the public at VVC's clinic in Bethesda, Maryland.

Dr. Green's treatment method consists of injecting a sclerosing solution into the veins, followed by compression of the area with a bandage and post-procedure ambulation by the patient. As part of his treatment regimen, Dr. Green refers certain patients with varicose veins to surgeons for surgical division and ligation of their veins procedure prior to performing his sclerotherapy injections. These include patients Dr. Green has diagnosed as having truncal varicosities with incompetence at the saphenofemoral or saphenopopliteal junction.

The proposed consent order has been placed on the public record for sixty (60) days for the 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 complaint charges that proposed respondent deceptively advertised: (1) The permanence of the results of his sclerotherapy treatments; (2) the success rate for his treatments; and (3) the painlessness of his regimen for treating venous disease.

Permanence

The complaint alleges that proposed respondent failed to possess a reasonable basis for claims he has made regarding the permanence of the results of his treatments. In newspaper and magazine advertisements, Dr. Green has represented that the treatments provided at VVC would ''permanently remove'' or ''permanently eliminate'' varicose and spider veins. A brochure Dr. Green provided to prospective patients described sclerotherapy as the ''*non-surgical* procedure used to *permanently* remove spider and varicose veins from the legs and thighs.'' The Commission believes that these permanence claims are deceptive because at the time proposed respondent made these claims, he did not possess adequate substantiation for those claims.

The proposed consent order seeks to address the alleged deceptive permanence claims cited in the complaint by requiring Dr. Green to possess a reasonable basis, consisting of competent and reliable scientific evidence, substantiating any claim that spider veins and varicose veins are permanently eliminated following treatment by proposed respondent (Part I.A.). Part I.A. of the proposed order also requires that Dr. Green possess a reasonable basis for any representation he makes regarding the duration of results following treatment by any cosmetic or plastic surgery procedure, including any venous disease treatment procedure.

Success Rate

The Commission's complaint further alleges that proposed respondent failed to possess a reasonable basis for his claim, made in newspaper advertisements, that his non-surgical procedure has a ''success rate greater than 95%.'' The Commission believes this success rate claim is deceptive because at the time proposed respondent made it, he did not possess adequate substantiation for this claim.

The proposed consent order seeks to address this alleged deceptive success rate claim by requiring that Dr. Green possess a reasonable basis, consisting of competent and reliable scientific evidence, substantiating any claim that his treatments succeed in eliminating varicose and spider veins at a rate greater than 95 percent (Part I.B). Part I.B further requires that Dr. Green possess a reasonable basis for any representation he makes regarding the success rate for, or the rate at which a condition is likely to recur or return following treatment by, any cosmetic or plastic surgery procedure, including any venous disease treatment procedure.

Pain

The complaint also alleges that proposed respondent failed to possess a reasonable basis for his claims that the treatments he provides through VVC are painless. In newspaper advertisements, Dr. Green has claimed that his treatments are ''Painless, Safe, Non-Surgical'' and that his ''non-surgical, in-office procedures'' are ''painless.'' The Commission believes these claims about the pain associated with the treatments provided at VVC are deceptive because at the time proposed respondent made them, he did not possess adequate substantiation for these claims.

The proposed consent order addresses these deceptive claims about pain by requiring that Dr. Green possess a reasonable basis, consisting of competent and reliable scientific evidence, substantiating any claim that patients do not experience any pain in connection with proposed respondent's regimen for treating their varicose and spider veins (Part I.C). In addition, Part I.C of the proposed consent requires that proposed respondent possess a reasonable basis for any representation he makes regarding the nature, duration or intensity of pain associated with any cosmetic or plastic surgery procedure, including any venous disease treatment procedure.

Part I.D. of the proposed order further requires proposed respondent to possess substantiation, consisting of competent and reliable scientific evidence, for any representation regarding the efficacy of, or the risks, side-effects, or recovery period associated with, any cosmetic or plastic surgery procedure, including any venous disease treatment procedure.

Finally, Paragraphs II, III and IV of the proposed order contain the standard recordkeeping and notification provisions required by the Commission in consent orders.

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.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 95–9266 Filed 4–13–95; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–2929]

Interco Incorporated, et al.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: The order reopens a 1978 consent order that settled allegations that the respondents had engaged in anticompetitive practices, including illegally fixing resale prices for their products. This order modifies the consent order so that the respondents are permitted to implement lawful price-restrictive cooperative advertising programs and to unilaterally terminate resellers for failure to adhere to previously announced resale prices or sales periods.

DATES: Consent order issued September 26, 1878. Modifying order issued March 27, 1995.[1]

FOR FURTHER INFORMATION CONTACT: Daniel Ducore, FTC/S–2115, Washington, DC 20580. (202) 326–2526.

SUPPLEMENTARY INFORMATION: In the Matter of Interco Incorporated, et al. The prohibited trade practices and/or corrective actions as set forth at 43 FR 48991, are changed, in part, as indicated in the summary.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13; Sec. 3, 38 Stat. 731; 15 U.S.C. 14)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 95–9264 Filed 4–13–95; 8:45 am]

BILLING CODE 6750–01–M

[File No. 932 3332]

Mattel, 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 California-based corporation from representing that any aerosol product it sells offers any environmental benefit, unless it can substantiate the claim.

DATES: Comments must be received on or before June 13, 1995.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Michael Dershowitz, FTC/S–4002, Washington, D.C. 20580. (202) 326–3158.

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 Mattel, Inc., a corporation. File No. 932–3332.

Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Mattel, Inc., a corporation (''proposed respondent''), and it now appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated,

It is hereby agreed by and between Mattel, Inc., by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Mattel, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its principal office or place of business at 333 Continental Blvd., El Segundo, California, 90245–5012.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint.

3. Proposed respondent waives:

(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) All claims under the Equal Access to Justice Act.

4. This agreement shall not become a 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 the complaint contemplated hereby, 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 proposed respondent, 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 proposed respondent that the law has been violated as alleged in the draft complaint or that the facts as alleged in the draft 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 provisions of § 2.34 of the Commission's Rules, the Commission may without further notice to proposed respondent, (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 in 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 decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it might 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 respondent has read the complaint and the order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

[1] Copies of the Modifying Order and Commissioner Starek's statement are available from the Commission's Public Reference Branch, H–130, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

Order

Definitions

For purposes of this Order, the following definitions shall apply:

''Class I ozone-depleting substance'' means a substance that harms the environment by destroying ozone in the upper atmosphere and is listed as such in Title 6 of the Clean Air Act Amendments of 1960, Pub. L. No. 101–549, and any other substance which may in the future be added to the list pursuant to Title 6 of the Act. Class I substances currently include chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, methyl bromide and hydrobromofluorocarbons.

''Class II ozone-depleting substance'' means a substance that harms the environment by destroying ozone in the upper atmosphere and is listed as such in Title 6 of the Clean Air Act Amendments of 1960, Pub. L. No. 101–549, and any other substance which may in the future be added to the list pursuant to Title 6 of the Act. Class II substances currently include hydrochlorofluorocarbons.

''Product'' means any product that is offered for sale, sold or distributed to the public by respondent, its successors and assigns, under the Barbie brand name or any other brand name of respondent, its successors and assigns; and also means any product sold or distributed to the public by third parties under private labeling agreements with respondent, its successors and assigns.

''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.

I

It is ordered that respondent, Mattel, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the labeling, advertising, promotion, offering for sale, sale, or distribution of any product containing any Class I or Class II ozone-depleting substance, in or affecting commerce, as ''commerce'' is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing that any such product ''contains no chlorofluorocarbons'' or ''contains no CFC's'' or representing, in any manner, directly or by implication, that any such product will not deplete, destroy, or otherwise adversely affect ozone in the upper atmosphere or otherwise harm the atmosphere.

II

It is further ordered that respondent, Mattel, Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the labeling, advertising, promotion, offering for sale, sale, or distribution of any aerosol product 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 such product offers any environmental benefit, unless at the time of making such representation, respondent possesses and relies upon competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates such representation.

III

It is further ordered that for five (5) years after the last date of dissemination of any representation covered by this Order, respondent, or its successors and assigns, shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A. All materials that were relied upon in disseminating such representation; and

B. All tests, reports, studies, surveys, demonstrations, or other evidence in its possession or control that contradict, qualify, or call into question such representation, or the basis relied upon for such representation, including complaints from consumers.

IV

It is further ordered that respondent shall distribute a copy of this Order to each of its operating divisions and to each of its officers, agents, representatives, or employees engaged in the preparation and placement of advertisements, promotional materials, product labels or other such sales materials covered by this Order.

V

It is further ordered that respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporation such as a dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations under this Order.

VI

It is further ordered that respondent shall, within sixty (60) days after service of this Order upon it, 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 it has complied with this Order.

Analysis of Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from respondent Mattel, Inc., a Delaware corporation.

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 and take other appropriate action, or make final the agreement's proposed order.

This matter concerns the labeling of the respondent's Barbie Bath Blast Fashion Foam Soap. The Commission's complaint in this matter alleges that Barbie Bath Blast Fashion Foam Soap contains hydrochlorofluorocarbons (''HCFCs'')—chlorodifluoroethane (HCFC–142b) and chlorodifluoromethane (HCFC–22).

The Commission's complaint charges that the respondent labeled the product, ''Contains no Chlorofluorocarbons (CFC's Non-Irritant—Non-Toxic.'' The complaint alleges that through this claim, the respondent falsely represented that because Barbie Bath Blast Fashion Foam Soap contains no chlorofluorocarbons, it will not deplete the earth's ozone layer or otherwise harm or damage the atmosphere. In fact, Barbie Bath Blast Fashion Foam Soap contains the harmful ozone-depleting ingredients chlorodifluoroethane (HCFC–142b) and chlorodifluoromethane (HCFC–22), which harm or causes damage to the atmosphere by contributing to the depletion of the earth's ozone layer.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondent from engaging in similar acts and practices in the future.

The proposed order defines Class I and Class II ozone-depleting substances,

incorporating the definitions established in the Clean Air Act Amendments of 1990. Class I substances currently listed under the Act include CFCs, halons, carbon tetrachloride, 1,1,1-trichloroethane, methyl bromide, and hydrobromofluorocarbons. Class II substances currently consist of HCFCs.

Part I of the proposed order requires the respondent to cease and desist from representing that any product containing any Class I or Class II ozone-depleting substance ''contains no chlorofluorocarbons'' or ''contains no CFC's'' or representing, in any manner, that any such product will not deplete, destroy, or otherwise adversely affect ozone in the upper atmosphere or otherwise harm the atmosphere.

Under the Clean Air Act Amendments, the EPA has authority to add new chemicals to the Class I and Class II lists. Thus, the order's definitions of Class I and Class II ozone-depleting substances include these and any other substances that may be added to the lists. If additional substances are added to the Class I or II lists, Part I of the order becomes applicable to claims made for products containing those substances after the substances are added to the lists.

Part II of the proposed order provides that if the respondent represents in advertising or labeling that any aerosol product offers any environmental benefit, it must have a reasonable basis consisting of competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates the claims.

The proposed order also requires the respondent to maintain materials relied upon to substantiate the claims covered by the order, to distribute copies of the order to certain company officials, to notify the Commission of any changes in corporate structure that might affect compliance with the order, and to file one or more reports detailing compliance with the order.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 95–9265 Filed 4–13–95; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Agency Information Collection Under OMB Review

Title: Evaluation of the National Head Start/Public School Early Childhood Transition Demonstration Project.

OMB No.: 0980–0240.

Description: This is a series of standardized instruments and interview forms for use with children, parents, teachers, and principals participating in the national evaluation of the Head Start/Public School Early Transition demonstration program. The evaluation is designed to determine the impact of the demonstration project on the participating children, families and schools.

Respondents: Individuals or households, and State Government.

Estimate of total annual reporting and recordkeeping burden:

Respondents: 26,364.

Number of Responses per Respondent: 1.

Total Annual Responses: 26,364.

Average Burden per Response: 1.26.

Estimated Annual Burden: 33,288.

Additional Information: Copies of the request for approval may be obtained from Bob Sargis of the Office of Information Resource Management, ACF, by calling (202) 690–7275.

OMB Comment: Consideration will be given to comments and suggestions received within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Ms. Wendy Taylor.

Dated: April 3, 1995.

Roberta Katson,

Acting Director, Office of Information Resource Management.

[FR Doc. 95–8783 Filed 4–13–95; 8:45 am]

BILLING CODE 4184–01–M

Food and Drug Administration

[Docket No. 95N–0095]

Drug Export; Aerrane® (Isoflurane) 100% in 250 Milliliter (mL) Amber Glass Bottles

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ohmeda, Inc., has filed an application requesting approval for the export of the human drug AErrane® (isoflurane) 100% in 250 mL amber glass bottles to the Netherlands.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Center for Drug Evaluation and Research (HFD–310), Food and Drug Administration, 7520 Standish Pl., Rockville, MD 20855, 301–594–0063.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the Federal Register within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Ohmeda, Inc., 110 Allen Rd., P.O. Box 804, Liberty Corner, NJ 07938–0804, has filed an application requesting approval for the export of the human drug AErrane® (isoflurane) 100% in 250 mL amber glass bottles to the Netherlands. The product is used for the induction and maintenance of general anesthesia. The firm holds an approved new drug application (Forane) for this product packaged in 100 mL amber glass bottles. The application was received and filed in the Center for Drug Evaluation and Research on February 7, 1995, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by April 24, 1995, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate

consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: April 4, 1995.

Betty L. Jones,

Acting Deputy Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 95–9283 Filed 4–13–95; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Final Minimum Percentages for ''High Rate'' and ''Significant Increase in the Rate'' for Implementation of the General Statutory Funding Preference for Grants for Podiatric Primary Care Residency Training Programs

The Health Resources and Services Administration (HRSA) announces the final minimum percentages for ''high rate'' and ''significant increase in the rate'' for fiscal year (FY) 1995 Grants for Podiatric Primary Care Residency Training Programs under the authority of section 751, title VII of the Public Health Service Act, as amended by the Health Professions Education Extension Amendments of 1992, Pub. L. 102–408, dated October 13, 1992.

Purpose

Section 751 authorizes the award of grants for the purpose of planning and implementing projects in primary care training for podiatric physicians in approved or provisionally approved residency programs which shall provide financial assistance in the form of traineeships to residents who participate in such projects and who plan to specialize in primary care.

Eligibility

Eligible entities for this program are schools of podiatric medicine and public and nonprofit private hospitals. As noted above, the authorizing legislation limits eligibility to residency programs that are approved or provisionally approved. The Council on Podiatric Medical Education (CPME), the recognized accrediting body for podiatric medicine, uses the term ''candidate status'' in lieu of ''provisional approval.'' For the purposes of this program ''candidate status'' will be accepted as meeting the statutory requirement for ''provisional approval.''

General Statutory Funding Preference

As provided in section 791(a) of the PHS Act, preference will be given to qualified applicants that:

(1) have a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or

(2) have achieved, during the 2-year period preceding the fiscal year for which an award is sought, a significant increase in the rate of placing graduates in such settings.

This preference will only be applied to applications that rank above the 20th percentile of proposals recommended for approval by the peer review group.

The minimum percentages for ''high rate'' and ''significant increase in the rate'' for the implementation of the general statutory funding preference were proposed for public comment in the Federal Register on December 13, 1994 at 59 FR 64208. No comments were received during the 30-day comment period. Therefore, the minimum percentages for ''high rate'' and ''significant increase in the rate'' for the implementation of the general statutory funding preference will be retained as proposed.

Final Minimum Percentages for ''High Rate'' and ''Significant Increase in the Rate'' for the Implementation of the General Statutory Funding Preference

''High rate'' is defined as a minimum of 25 percent of the combined Podiatric Primary Care Residency graduates in academic years 1991–92, 1992–93 and 1993–94, who spend at least 50 percent of their worktime in clinical practice in medically underserved communities.

''Significant increase in the rate'' means that, between academic years 1992–93 and 1993–94, the rate of placing graduates in medically underserved communities has increased by at least 50 percent and that not less than 15 percent of graduates from the most recent year are working in medically underserved communities.

Additional Information

Requests for technical or programmatic information should be directed to: Ms. Martha Evans, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 9A–20, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–3614, FAX (301) 443–8890.

This program, Grants for Podiatric Primary Care Residency Training Programs, is listed at 93.181 in the *Catalog of Federal Domestic Assistance.* It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100). This program is not subject to the Public Health System Reporting Requirements.

Dated: April 7, 1995.

Ciro V. Sumaya,

Administrator.

[FR Doc. 95–9284 Filed 4–13–95; 8:45 am]

BILLING CODE 4160–15–P

Final Minimum Percentages for ''High Rate'' and ''Significant Increase in the Rate'' for Implementation of the General Statutory Funding Preference for Grants for Residency Training in Preventive Medicine for Fiscal Year 1995

The Health Resources and Services Administration (HRSA) announces the final minimum percentages for ''high rate'' and ''significant increase in the rate'' for implementation of the general statutory funding preference for fiscal year (FY) 1995 Grants for Residency Training in Preventive Medicine under the authority of section 763, title VII of the Public Health Service Act, as amended by the Health Professions Education Extension Amendments of 1992, Pub. L. 102–408, dated October 13, 1992.

Purpose

Section 763 of the Public Health Service Act authorizes the Secretary to make grants to meet the costs of projects—

(1) to plan and develop new residency training programs and to maintain or improve existing residency training programs in preventive medicine and dental public health; and

(2) to provide financial assistance to residency trainees enrolled in such programs.

This program is limited to residency training programs in preventive medicine.

Eligibility

To be eligible for a Grant for Residency Training in Preventive Medicine, the applicant must be an accredited public or private nonprofit school of allopathic or osteopathic medicine or a school of public health located in a State. Also, an applicant must demonstrate that it has, or will have by the end of 1 year of grant support, full-time faculty with training and experience in the fields of preventive medicine and support from other faculty members trained in public health and other relevant specialties and

disciplines. To receive support, programs must meet the requirements of regulations as set forth in 42 CFR part 57, subpart EE.

Statutory Funding Preference

As provided in section 791(a) of the PHS Act, preference will be given to qualified applicants that

(1) have a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or

(2) have achieved, during the 2-year period preceding the fiscal year for which an award is sought, a significant increase in the rate of placing graduates in such settings.

This preference will only be applied to applications that rank above the 20th percentile of proposals recommended for approval by the peer review group.

Final Minimum Percentages for ''High Rate'' and ''Significant Increase in the Rate''

The program announcement, published in the Federal Register at 60 FR 4423 on January 23, 1995, proposed minimum percentages for ''high rate'' and ''significant increase in the rate'' for implementation of the general statutory funding preference for this program. No comments were received during the 30 day comment period. Therefore, the minimum percentages remain as proposed.

''High rate'' is defined as a minimum of 25 percent of graduates in academic year 1992–93 or academic year 1993–94, whichever is greater, who spend at least 50 percent of their worktime in clinical practice in the specified settings. Graduates who are providing care in a medically underserved community as a part of a fellowship or other educational experience can be counted.

''Significant increase in the rate'' means that, between academic years 1992–93 and 1993–94, the rate of placing graduates in the specified settings has increased by a minimum of 50 percent and that not less than 15 percent of graduates from the most recent years are working in these settings.

Additional Information

If additional programmatic information is needed, please contact: D.W. Chen, M.D., M.P.H., Division of Associated, Dental, and Public Health Professions, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8C–09, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone : (301) 443–6896, Fax: (301) 443–1164.

This program, Grants for Residency Training in Preventive Medicine, is listed at 93.117 in the *Catalog of Federal Domestic Assistance.* It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100). This program is not subject to the Public Health System Reporting Requirements.

Dated: April 7, 1995.

Ciro V. Sumaya,

Administrator.

[FR Doc. 95–9285 Filed 4–13–95; 8:45 am]

BILLING CODE 4160–15–P

Office of Inspector General

Program Exclusions: March 1995

AGENCY: Office of Inspector General, HHS.

ACTION: Notice of program exclusions.

During the month of March 1995, the HHS Office of Inspector General imposed exclusions in the cases set forth below. When an exclusion is imposed, no program payment is made to anyone for any items or services (other than an emergency item or service not provided in a hospital emergency room) furnished, ordered or prescribed by an excluded party under the Medicare, Medicaid, Maternal and Child Health Services Block Grant and Block Grants to States for Social Services programs. In addition, no program payment is made to any business or facility, e.g., a hospital, that submits bills for payment for items or services provided by an excluded party. Program beneficiaries remain free to decide for themselves whether they will continue to use the services of an excluded party even though no program payments will be made for items and services provided by that excluded party. The exclusions have national effect and also apply to all other Federal non-procurement programs.

Subject, city, state	Effective date
PROGRAM-RELATED CONVICTIONS	
ALDERETTE, MARY F, WICHITA FALLS, TX	04/05/95
AMMON, MICHAEL, PONTIAC, MI	04/11/95
ANG, ROSA, WESTBURY, NY	04/10/95
BAIRD, DAVID B JR, LANSDALE, PA	04/10/95
BAKER, DENISE, EATON, OH	04/11/95
BARINGER, JOEL A, PORTSMOUTH, OH	04/11/95
BELL, DOROTHY S, SENATOBIA, MS	04/11/95
BIELINSKI, JOHN, WEST SENECA, NY	04/10/95
BLAKLEY, GARY DONALD, PLANO, TX	04/05/95
CARR, IVORY A, RICHMOND HILL, NY	04/10/95
CHILDERS, LINDA, ATHENS, GA	04/11/95
CONSALVO, ANTHONY, NEW MILFORD, NJ	04/10/95
COOPER, ROBIN, HIRAM, GA	04/05/95
CRENSHAW FAMILY PRAC MED GROUP, LOS ANGELES, CA	04/09/95
DENTAL HEALTH CARE CLINICS INC, DETROIT, MI	04/11/95
DENTAL HEALTH CARE CLINICS INC, DETROIT, MI	04/11/95
DENTAL HEALTH CARE CLINICS INC, DEARBORN HEIGHTS, MI	04/11/95
EHRLICH, JOEL H, FORT COLLINS, CO	04/05/95
EWING, JEAN, CHURCHVILLE, NY	04/10/95
FANG, IRVING, CHERRY HILL, NJ	04/10/95
GIBBS, PAULA, ASHLAND CITY, TN	04/05/95
HIGHLAND, DAVID, ROCHELLE, IL	04/11/95
KIMANI, IQBAL B, METARIE, LA	04/10/95
LANE, LARRY JACKSON, GRAPEVINE, TX	04/05/95
LOVEJOY, CRYSTAL, RAPID CITY, SD	04/05/95

Subject, city, state	Effective date
MIDWEST MOBILE DENTAL CARE INC, HAMILTON, OH	04/11/95
O'HARA, BERNARD WILLIAM, MOORES, NY	04/10/95
PROJANSKY, ARNOLD, NEW PLATZ, NY	04/10/95
RUBIN, ALVIN, FARMINGTON HILLS, MI	04/11/95
SPARKS, GREGORY C, LOVELAND, CO	04/05/95
STEVENS AMBULETTE SERVICE, RICHMOND HILL, NY	04/10/95
STIPEK, JOHN, NORTH OLMSTEAD, OH	04/11/95
SWARTZ, JOSEPH MATTHEW, BOULDER, CO	04/11/95
UPPAL, TEJINDER, TROY, MI	04/11/95
VALENTI, ANTHONY P, HAMBURG, NY	04/10/95
ZAMKOFF, MILTON, MALBORO, NJ	04/10/95
PATIENT ABUSE/NEGLECT CONVICTIONS	
BURDETT, TAMMY E, WORCESTER, MA	04/10/95
GROSS, RHONDA P, BALTIMORE, MD	04/10/95
JOHNSON, MARY E, WEST WARWICK, RI	04/10/95
PENSO, ROLANDO D, MIAMI, FL	04/11/95
PRITCHARD, FLORENCE J, MELBOURNE, FL	04/05/95
RAMSEY, TERRY L, RANDOLPH, VT	04/10/95
RAVIPATI, MURTHY S, HOMOSASSA SPRINGS, FL	04/11/95
ROCKEY, MARY E, TRURO, IA	04/11/95
CONVICTION FOR HEALTH CARE FRAUD	
ALAM, MAHMOOD, GLENHEAD, NY	04/10/95
BLASTOW, SANDRA A, ROCKLAND, ME	04/10/95
BRYSON, KEITH, BOWLING GREEN, KY	04/05/95
FOSTER, CARL, CLACKMAS, OR	04/09/95
MCGENNIS, LORRAINE, NEW ORLEANS, LA	04/11/95
VERSAVIANO, BRENDA, BRONX, NY	04/10/95
CONVICTION-OBSTRUCTION OF INVESTIGATION	
QUAYUM, NAZIRUL, RICHMOND HILL, NY	04/10/95
CONTROLLED SUBSTANCE CONVICTIONS	
PARK, DO SUN, ROCKVILLE, MD	04/10/95
PATEL, RAMESH M, MORTON GROVE, IL	04/11/95
LICENSE REVOCATION/SUSPENSION/SURRENDER	
BAUMGARTNER, PHILIP O, NEWPORT, RI	04/10/95
BUCHOLZ, LORI A, GRAND ISLAND, NE	04/11/95
BURT, BENJAMIN M, PEARLAND, TX	04/05/95
CHESTER, ALVIN A, GLENDALE, AZ	04/05/95
EPPERSON, BETTY J, SALLISAW, OK	04/05/95
FAIRBAIRN, JOHN H, INDIANAPOLIS, IN	04/11/95
FOSKETT, MICHAEL F, WEST ROXBURY, MA	04/10/95
JACKSON, KATHERINE L, HOT SPRINGS, AR	04/05/95
MERRIMAN, EDWARD, CAMBRIDGE, MA	04/10/95
MILES, MARTHA K, CLUTE, TX	04/11/95
MORGAN, HELEN C, GALVESTON, TX	04/11/95
NORRIS, DONNA D, MEDFORD, OR	04/09/95
PATEL, VINOD N, TOPEKA, KS	04/11/95
PERAKIS, CHARLES R, SCARBOROUGH, ME	04/10/95
SHOTWELL, ARLINTON, CLEVELAND, OH	04/11/95
SWANN, SHARON G, OKLAHOMA CITY, OK	04/05/95
VOSS, RICHARD G, FORT COLLINS, CO	04/11/95
WAGENER, NICHOLAS, STURGEON BAY, WI	04/11/95
FEDERAL/STATE EXCLUSION/SUSPENSION	
BELLEVILLE PHARMACY, SOUTH BEND, IN	04/11/95
GRAVES, MARGARET L, GATESVILLE, TX	04/05/95
GROSSI, LORETTA, LOMPOC, CA	04/09/95
KELLY, KATHY LYNN, STEPHENVILLE, TX	04/05/95
VERNA RICHARDSON TRANSPORT, CHICAGO, IL	04/11/95
WILLIS, DAWONE DENISE, GONZALES, LA	04/05/95
WOOD, JENNY RUTH, WACO, TX, WESTWEGO, LA	04/05/95
FRAUD/KICKBACKS	
ELLIS LEVI, DDS, PA, RANDALLSTOWN, MD	03/22/95
LEVI, ELLIS, RANDALLSTOWN, MD	03/22/95
ENTITIES OWNED/CONTROLLED BY CONVICTED	
AMERITEX MEDICAL, INC, PLANO, TX	04/05/95
PLANO MARKETING, INC, GRAPEVINE, TX	04/05/95
T-P DRUGS, INC, CINCINNATI, OH	04/11/95
UNITED AMERICA MEDICAL SVCS, AUSTELL, GA	04/05/95

Subject, city, state	Effective date
FAILURE TO GRANT IMMEDIATE ACCESS	
BELOVE, PHILIP, BELLOW FALLS, VT	02/22/95
DEFAULT ON HEAL LOAN	
ACELLO, ROBERT L, PHILADELPHIA, PA	04/10/95
ARCH, JOSEPH A SR, INDIANAPOLIS, IN	04/11/95
ATLAS, WILLIAM A, LEAVENWORTH, KS	04/11/95
BOCAGE, JEAN PHILLIPE, SOMERSET, NJ	04/10/95
BOND, WILLIAM H, TUSCALOOSA, AL	04/05/95
BOWMAN, JEFFREY SCOTT, SALT LAKE CITY, UT	04/11/95
BURT, JOSEPH M, MYRTLE BEACH, SC	04/05/95
CIROU, BARBARA L, ATHENS, GA	04/05/95
COLLINS, RODNEY DANIEL, CULVER CITY, CA	04/09/95
CORREA, LOUISA F, PARAMUS, NJ	04/10/95
DARRISAW, BRIAN R, INDIANAPOLIS, IN	04/11/95
ELLISON, DENNARD W, LOS ANGELES, CA	04/09/95
ELSEA, STEVEN W, STOCKTON, CA	04/09/95
ESTRADA, ROLANDO, PROVIDENCE, RI	04/11/95
FRIDAY, STEVE M, YOUNGSTOWN, OH	04/11/95
HALEY, JANE E, FAYETTEVILLE, TN	04/05/95
HANNUM, ROBERT JOHN III, TAMPA, FL	04/05/95
HAYDEN, ROYCE D, SAN DIEGO, CA	04/09/95
HERMAN, PATRICIA KAREN, ATLANTA, GA	04/11/95
JOHNSON, JOHN M, WATERFORD, CT	04/10/95
LABARRE, SCOTT D, PHILADELPHIA, PA	04/10/95
MCROBERTS, LYNNE S, TORONTO, CANADA,	04/11/95
PETERSON, MICHAEL S, KANSAS CITY, MO	04/11/95
PHILLIPS, JEFFREY D, YUBA CITY, CA	04/09/95
RIDER, WARD E, KAILUA, HI	04/09/95
ROSOLOWICZ, CATHERINE A, POTTSTOWN, PA	04/10/95
RUSSELL, ROBERT J, BLACKWOOD, NJ	04/10/95
SMITH, HORATIO LISTON, WASHINGTON, DC	04/10/95
SMITH, SUSAN M, SCOTTSDALE, AZ	03/22/95
TROUTMAN, WILLIAM D SR, ATLANTA, GA	04/05/95
TURNER, PORTIA D, INGLEWOOD, CA	04/09/95
VAN PARYS, LESLIE R, PORTLAND, OR	04/09/95
WALKER, DUANE T, JACKSONVILLE, FL	04/05/95
WILLIAMS, JAMES B III, SAVANNAH, GA	04/05/95
WILLIAMS, LORRAINE E, JAMAICA, NY	04/10/95
WOODY, EDITH K, ATLANTA, GA	04/05/95
SECTION 1128Aa	
KIRTLEY, GEORGE W SR, LITTLE ROCK, AR	01/01/95
KIRTLEY, RUTH, LITTLE ROCK, AR	01/01/95
RASHID, RICHARD C, S CHARLESTON, WV	03/23/95

Dated: April 7, 1995.

William M. Libercci,

Director, Health Care Administrative Sanctions, Office of Civil Fraud and Administrative Adjudication.

[FR Doc. 95–9242 Filed 4–13–95; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–95–1917; FR–3778–N–32]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact David Pollack, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1234; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies,

and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A–10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to David Pollack at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the Federal Register, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: Department of the Interior: Lola D. Knight, Property Management Specialist, Department of the Interior, 1849 C Street, NW, Mail Stop 552–MIB, Washington, DC 20240; U.S. Air Force: Carol Xander, Air Force Real Estate Agency (Area-MI), Bolling Air Force Base, 172 Luke Avenue—Suite 104, Building 5683, Washington, DC 20332–5113; Dept. of Energy: Tom Knox, Acting Team Leader, Department of Energy, Facilities Planning and Acquisition Branch, FM–20, Room 6H–058, Washington, DC 20585; General Services Administration: Norman C. Miller, Acting Assistant Commissioner, General Services Administration, Federal Property Resources Services, 18th and F Streets, NW, Washington, DC 20405; (These are not toll-free numbers).

Dated: April 7, 1995.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 04/14/95

Suitable/Available Properties

Buildings (by State)

Arizona

Facility #18
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510024
Status: Excess
Comment: 5925 sq. ft., 1 story, good condition, off-site removal only, most recent use—storage

Facility #21
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510025
Status: Excess
Comment: 2500 sq. ft., slump blocks frame, 1 story, good condition, off-site removal only, most recent use—child care

Facility #22
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510026
Status: Excess
Comment: 13752 sq. ft., slump blocks frame, 1 story, good condition, off-site removal only, most recent use—gymnasium

Facility #23
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510027
Status: Excess
Comment: 485 sq. ft., slump blocks frame, 1 story, good condition, off-site removal only, most recent use—storage

Facility #27
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510028
Status: Excess
Comment: 3252 sq. ft., wood frame, 1 story, good condition, off-site removal only, most recent use—base chapel

Facility #29
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510029
Status: Excess
Comment: 85 sq. ft., wood frame, 1 story, good condition, off-site removal only, most recent use—storage

Facility #31
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510030
Status: Excess
Comment: 2720 sq. ft., steel frame, 1 story, good condition, off-site removal only, most recent use—sales store

Facility #32
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510031
Status: Excess
Comment: 1200 sq. ft., wood frame, 1 story, good condition, off-site removal only, most recent use—hobby shop

Facility #34
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510032
Status: Excess
Comment: 1937 sq. ft., slump blocks frame, 1 story, good condition, off-site removal only, most recent use—bath house

Facility #35
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510033
Status: Excess
Comment: 7685 sq. ft., concrete block frame, 1 story, good condition, off-site removal only, most recent use—open mess

Facility #37
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510034
Status: Excess
Comment: 21295 sq. ft., wood frame, 2 story, good condition, off-site removal only, most recent use—dormitory/multi-purpose

Facility #38
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510035
Status: Excess
Comment: 4115 sq. ft., metal frame, good condition, 1 story, off-site removal only, most recent use—commissary

38 Family Housing
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–

Landholding Agency: Air Force
Property Number: 189510036
Status: Excess
Comment: 1170 sq. ft. ea., 1 story relocatable framed residences, good condition, secured area w/alternate access

26 Family Housing
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510037
Status: Excess
Comment: 1456 sq. ft. ea., 1 story slump block frame residences, off-site removal only, good condition

Facility #510
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510038
Status: Excess
Comment: 373 sq. ft. slump blocks frame, 1 story, good condition, off-site removal only, most recent use—storage.

18 Detached Garages
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Location: Inc. bldgs. 630, 640, 670, 680, 710, 720, 740, 760, 790, 800, 820, 840, 870, 880, 910, 920, 950, 960 on Milan Loop
Landholding Agency: Air Force
Property Number: 189510039
Status: Excess
Comment: 186 sq. ft. ea., wood frame, 1 story, good condition, off-site removal only, most recent use—storage.

Facility #1004
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510040
Status: Excess
Comment: 1734 sq. ft. slump blocks frame, 1 story, good condition, off-site removal only, most recent use—residence.

Facility #1010
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510041
Status: Excess
Comment: 4155 sq. ft. quonset hut frame, good condition, off-site removal only, most recent use—theater.

Facility #4140
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510042
Status: Excess
Comment: 3584 sq. ft. metal frame, 1 story, good condition, off-site removal only, most recent use—bowling center.

Facility #4520
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510043
Status: Excess
Comment: 7800 sq. ft. prefab steel frame, 2 story, good condition, off-site removal only, most recent use—dormitory.

Facility #4252
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510044
Status: Excess
Comment: 144 sq. ft. metal frame, 1 story, good condition, off-site removal only, most recent use—storage.

10 Duplex Family Housing
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Location: Inc. bldgs. 2334, 2335, 2340, 2343, 2344, 2348, 2351, 2352, 2356, 2360 on Conrad Circle
Landholding Agency: Air Force
Property Number: 189510045
Status: Excess
Comment: 3176 sq. ft. slump blocks frame, 1 story, good condition, off-site removal only, most recent use—residences.

4—Fourplex Family Housing
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Location: Inc. bldgs. 2337, 2339, 2347, 2355 on Conrad Circle
Landholding Agency: Air Force
Property Number: 189510046
Status: Excess
Comment: 4728 sq. ft. slump blocks frame, 1 story, good condition, off-site removal only, most recent use—residences.

California

Bldg. 901
Former Presidio of San Francisco
San Francisco Co: San Francisco CA 94129–
Landholding Agency: Interior
Property Number: 619520001
Status: Surplus
Comment: 2-story wood frame bldgs.; lead paint & asbestos; off-site removal only; incs. office space, warehouse & housing.

Bldg. 902
Former Presidio of San Francisco
San Francisco Co: San Francisco CA 94129–
Landholding Agency: Interior
Property Number: 619520002
Status: Surplus
Comment: 2-story wood frame bldgs.; lead paint & asbestos; off-site removal only; incs. office space, warehouse & housing.

Bldg. 903
Former Presidio of San Francisco
San Francisco Co: San Francisco CA 94129–
Landholding Agency: Interior
Property Number: 619520003
Status: Surplus
Comment: 2-story wood frame bldgs.; lead paint & asbestos; off-site removal only; incs. office space, warehouse & housing.

Bldg. 904
Former Presidio of San Francisco
San Francisco Co: San Francisco CA 94129–
Landholding Agency: Interior
Property Number: 619520004
Status: Surplus
Comment: 2-story wood frame bldgs.; lead paint & asbestos; off-site removal only; incs. office space, warehouse & housing

Bldg. 905
Former Presidio of San Francisco
San Francisco Co: San Francisco CA 94129–
Landholding Agency: Interior
Property Number: 619520005
Status: Surplus
Comment: 2-story wood frame bldgs.; lead paint & asbestos; off-site removal only; incs. office space, warehouse & housing

Bldg. 906
Former Presidio of San Francisco
San Francisco Co: San Francisco CA 94129–
Landholding Agency: Interior
Property Number: 619520006
Status: Surplus
Comment: 2-story wood frame bldgs.; lead paint & asbestos; off-site removal only; incs. office space, warehouse & housing

Bldg. 907
Former Presidio of San Francisco
San Francisco Co: San Francisco CA 94129–
Landholding Agency: Interior
Property Number: 619520007
Status: Surplus
Comment: 2-story wood frame bldgs.; lead paint & asbestos; off-site removal only; incs. office space, warehouse & housing

Bldg. 908
Former Presidio of San Francisco
San Francisco Co: San Francisco CA 94129–
Landholding Agency: Interior
Property Number: 619520008
Status: Surplus
Comment: 2-story wood frame bldgs.; lead paint & asbestos; off-site removal only; incs. office space, warehouse & housing

Bldg. 909
Former Presidio of San Francisco
San Francisco Co: San Francisco CA 94129–
Landholding Agency: Interior
Property Number: 619520009
Status: Surplus
Comment: 2-story wood frame bldg.; lead paint & asbestos; off-site removal only; incs. office space, warehouse & housing

Bldg. 910
Former Presidio of San Francisco
San Francisco Co: San Francisco CA 94129–
Landholding Agency: Interior
Property Number: 619520010
Status: Surplus
Comment: 2-story wood frame bldgs.; lead paint & asbestos; off-site removal only; incs. office space, warehouse & housing

Bldg. 911
Former Presidio of San Francisco
San Francisco Co: San Francisco CA 94129–
Landholding Agency: Interior
Property Number: 619520011
Status: Surplus
Comment: 2-story wood frame bldgs.; lead paint & asbestos; off-site removal only; incs. office space, warehouse & housing

Bldg. 912
Former Presidio of San Francisco
San Francisco Co: San Francisco CA 94129–
Landholding Agency: Interior
Property Number: 619520012
Status: Surplus
Comment: 2-story wood frame bldgs.; lead paint & asbestos; off-site removal only; incs. office space, warehouse & housing

Bldg. 913
Former Presidio of San Francisco
San Francisco Co: San Francisco CA 94129–
Landholding Agency: Interior
Property Number: 619520013
Status: Surplus
Comment: 2-story wood frame bldgs.; lead paint & asbestos; off-site removal only; incs. office space, warehouse & housing

Bldg. 914
Former Presidio of San Francisco
San Francisco Co: San Francisco CA 94129–
Landholding Agency: Interior
Property Number: 619520014
Status: Surplus
Comment: 2-story wood frame bldgs.; lead paint & asbestos; off-site removal only; incs. office space, warehouse & housing

Bldg. 915
Former Presidio of San Francisco
San Francisco Co: San Francisco CA 94129–
Landholding Agency: Interior
Property Number: 619520015
Status: Surplus
Comment: 2-story wood frame bldgs.; lead paint & asbestos; off-site removal only; incs. office space, warehouse & housing

Bldg. 916
Former Presidio of San Francisco
San Francisco Co: San Francisco CA 94129–
Landholding Agency: Interior
Property Number: 619520016
Status: Surplus
Comment: 2-story wood frame bldgs.; lead paint & asbestos; off-site removal only; incs. office space, warehouse & housing

Bldg. 917
Former Presidio of San Francisco
San Francisco Co: San Francisco CA 94129–
Landholding Agency: Interior
Property Number: 619520017
Status: Surplus
Comment: 2-story wood frame bldgs.; lead paint & asbestos; off-site removal only; incs. office space, warehouse & housing

Bldg. 918
Former Presidio of San Francisco
San Francisco Co: San Francisco CA 94129–
Landholding Agency: Interior
Property Number: 619520018
Status: Surplus
Comment: 2-story wood frame bldgs.; lead paint & asbestos; off-site removal only; incs. office space, warehouse & housing

Bldg. 919
Former Presidio of San Francisco
San Francisco Co: San Francisco CA 94129–
Landholding Agency: Interior
Property Number: 619520019
Status: Surplus
Comment: 2-story wood frame bldgs.; lead paint & asbestos; off-site removal only; incs. office space, warehouse & housing

Missouri

Federal Office Building
911 Walnut Street
Kansas City Co: Jackson MO 64106–
Landholding Agency: GSA
Property Number: 549510005
Status: Excess
Comment: 210,098 sq. ft., concrete/brick structure, 50% occupied until 6/95, does not meet handicap reqs., most recent use—offices
GSA Number: 7–G–MO–0626

Montana

Bldg. 1807, Malstrom AFB
Malstrom Communication Annex
Malstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510023
Status: Excess
Comments: 1966 sq. ft., 1 story masonry block bldg. on 22 acres, limited utilities, roof needs replacement

Pennsylvania

NPS Track #380–51
Appalachian National Scenic Trail
Waynesboro Co: Franklin PA 17268–
Landholding Agency: Interior
Property Number: 619520020
Status: Unutilized
Comment: 982 sq. ft. frame house, off-site use only

Suitable/To Be Excessed

Land (by State)

California

Tehama Colusa Canal
Portion of Unit No. T–2
Red Bluff Co: Tehama CA 96080–
Landholding Agency: Interior
Property Number: 619510007
Status: Excess
Comment: 4.02 acres, sloped banks, legal access would have to be conveyed to new owner, most recent use—spoil material

Unsuitable Properties

Buildings (by State)

Colorado

Beaver Creek Service Bldg.
17532 Highway 71
Brush Co: Morgan CO 80723–
Landholding Agency: Energy
Property Number: 419520001
Status: Unutilized
Reason: Extensive deterioration

Massachusetts

17 Single Family Residences
Navy Family Housing, Westover AFB
Chicopee Co: Hampden MA 01022–
Landholding Agency: GSA
Property Number: 549520002
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

99 Duplex Residences
Navy Family Housing, Westover AFB
Chicopee Co: Hampden MA 01022–
Landholding Agency: GSA
Property Number: 549520003
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

20 Fourplex Residences
Navy Family Housing, Westover AFB
Chicopee Co: Hampden MA 01022–
Landholding Agency: GSA
Property Number: 549520004
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Washington

Perrigo House, Lean To & Shed
LK Quinalt Rgr. Station, Olympic Nat'l Park
Amanda Park Co: Grays Harbor WA 98526–
Landholding Agency: Interior
Property Number: 619520021
Status: Unutilized
Reason: Extensive deterioration

Land (by State)

Texas

Eagle Pass Auxiliary Airfield
10 mi. NW of Eagle Pass Co: Maverick TX 78853–
Landholding Agency: GSA
Property Number: 549520001
Status: Excess
Reason: Within airport runway clear zone

[FR Doc. 95–9087 Filed 4–13–95; 8:45 am]
BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–933–6332–00; GP5–101]

Closures and Restrictions: Oregon and Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to 43 CFR part 8364, the Bureau of Land Management (BLM) will place certain restrictions on the use of caves located on BLM-administered lands in Oregon and Washington. The purpose of the restrictions is to insure the protection of significant and potentially significant caves on BLM-administered lands in the two states.

The Federal Cave Resources Protection Act of 1988 (16 USC 4306) states that significant caves on federal lands are an invaluable and irreplaceable part of the Nation's natural heritage and, in some instances, these significant caves are threatened due to improper use, increased recreational demands, urban spread, and lack of specific statutory protection. As provided by the Act, it is also the policy of the United States that federal lands be managed in a manner which protect and maintain, to the extent practical, significant caves. Cave Management regulations define the process and criteria for determining cave significance (43 CFR Part 37, published in the Federal Register, Volume 58, No. 189 on October 1, 1993, pages 51550–51555). In accordance with the Act, federal agencies are required to prescribe policy or regulation which includes management measures to insure that caves under consideration for listing of significance be protected during the period of consideration. The Act further provides for agencies to regulate or restrict use, as appropriate for caves determined to be significant.

The term ''cave'' means any naturally occurring void, cavity, recess, or system of interconnected passages which occurs beneath the surface of the earth or within a cliff or ledge (including any

cave resource therein, but not including any vug, mine, tunnel, aqueduct, or other manmade excavation) and which is large enough to permit an individual to enter, whether or not the entrance is naturally formed or manmade. Such term shall include any natural pit, sinkhole, or other feature which is an extension of the entrance.

Recreational or other human activities are allowed in caves when consistent with protecting other cave resource values. Foot access and exploration in caves is permissible, unless otherwise limited.

Until caves are determined significant and management plans are prepared which provide specific management prescriptions, the following interim restrictions will insure the protection of significant and potentially significant caves on federal lands administered by the BLM in Oregon and Washington.

Interim Cave Management Restrictions

1. Where known or potential adverse impacts from human use to threatened, endangered, and/or sensitive plants or animals, cultural resources, biological deposits (i.e. middens, skeletal remains, etc.), or geologic/paleontologic/mineral features are present, the responsible authorized officer shall act to protect these resources. Such actions could include information/education, closures (seasonally or year-long), written authorization for activities, or other appropriate measures.

2. Written authorization will be required from the responsible authorized officer for any activity or installation that could destroy, disturb, deface, mar, alter, harm, remove cave resources or alter the free movement of life into or out of any significant or potentially significant cave. This could include recreational, scientific, educational, commercial or competitive uses. Written authorization can be in the form of an approved management plan, use permit or authorizing letter.

3. The BLM retains the authority to limit or terminate uses and/or require the restoration of cave resources if it is determined that unacceptable resource damage is occurring.

4. The BLM will consider proposals for special activities, including placing fixed anchors in a cave, establishing a trail to a cave, research, etc. For existing uses or activity proposals where it is determined that a management plan is required, priority will be given to caves where extensive recreational uses are occurring or significant resource conflicts may be at issue.

5. Authorized activities or installations are subject to the agency's National Environmental Policy Act (NEPA) process and shall be consistent with the intent of the Federal Cave Resources Protection Act of 1988 and any conditions of existing policy and/or management decisions for the affected cave(s). Written authorization would require the applicant to provide the time, scope, location and specific purpose of the proposed activity and the manner in which the activity is to be performed.

6. Unless otherwise authorized, the following acts are prohibited in all caves on BLM-administered lands. The responsible authorized officer will take appropriate action needed to reduce or eliminate the occurrence of the acts.

- Willfully defacing, removing or destroying plants or their parts, soil, rocks or minerals, or cave resources
- Building, maintaining, attending or using any fire, campfire or stove
- Smoking
- Camping
- Possessing, discharging or using any kind of fireworks or other pyrotechnic device
- Discharging a firearm, air rifle, gas gun or paint gun
- Possessing a domestic animal
- Depositing or disposing of human waste
- Digging, excavation, or displacement of natural and/or cultural features
- Entering into a cave which requires written authorization; or engaging in any activities for which a written authorization requirement has been established, without having obtained in advance and having in possession such written authorization
- The use of hand drying agents for climbing which are not natural appearing
- New surface disturbing activities within a 350 foot radius of a cave opening or any known cave passages which may adversely impact any significant or potentially significant cave resource value.

7. Existing installations (e.g. stairs, ladders, fixed anchors, etc.) will be evaluated for retention or removal. Retained and future installations designed and authorized to be left in place should normally be camouflaged to minimize visual impacts. Method of removal or future placement will be pre-approved by the authorized officer and a condition of written authorization. Any non-permanent apparatus or equipment used must be removed immediately after its use.

8. The use of hand drying agents for climbing requires mitigation measures (chalk balls, pigmented chalk, etc.) to avoid creating a visual impact from residue. If needed, periodic cleaning of drying agents by cave users to the satisfaction of the authorized officer can be required.

Penalties

Any person who violates this closure and restriction notice may be subject to a maximum fine not to exceed $1,000 and/or imprisonment not to exceed twelve months under authority of 43 CFR 8360.0–7.

FOR FURTHER INFORMATION CONTACT: Dave Harmon, BLM, Oregon/Washington State Office, P.O. Box 2965, Portland, Oregon 97208–2965, 503–952–6062.

Dated: April 7, 1995.

Gretchen Lloyd,

Chief, Branch of Social Sciences and Resource Data Management.

[FR Doc. 95–9193 Filed 4–13–95; 8:45 am]

BILLING CODE 4310–33–P

Bureau of Land Management; Alaska

[AK–962–1410–00–P and AA–16670]

Alaska Native Claims Selection; Notice

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision will be issued to Cook Inlet Region, Inc., approving the subsurface estate of coal, oil, and gas for conveyance under the provisions of Sec. 14(f) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(f), Sec. 12(b)(2) of the Act of January 2, 1976, 43 U.S.C. 1611n, and Par. I.B.(2)(a) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976. The subsurface estate approved for conveyance contains 6,012.30 acres, located in T. 9 N., R. 8 W., Seward Meridian, Alaska, within the boundaries of the Kenai National Wildlife Refuge.

Notice of the decision will be published once a week, for four (4) consecutive weeks, in the Anchorage Daily News. A copy of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government, or a regional corporation, shall have until May 15, 1995 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the

address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Margaret J. McDaniel,

Acting Chief, Branch of Gulf Rim Adjudication.

[FR Doc. 95–9134 Filed 4–13–95; 8:45 am]

BILLING CODE 4310–JA–M

[CO–933–95–1320–01; COC 56447]

Notice of Coal Lease Offering By Sealed Bid; COC 56447 Correction

AGENCY: Bureau of Land Management.

ACTION: Correction.

SUMMARY: In the document, Notice of Competitive Coal Lease Sale at 60 FR 18142 dated April 10, 1995, please make the following correction: T. 13 S., R. 90 W., 6th P.M., sec. 11, lots 9 to 12, inclusive, and SW¼SE¼; should read sec. 11, lots 9 to 12, inclusive, and SW¼SW¼.

Dated: April 10, 1995.

Karen A. Purvis,

Solid Minerals Team Resource Services.

[FR Doc. 95–9232 Filed 4–13–95; 8:45 am]

BILLING CODE 4310–JA–M

[WY–040–05–1310–01]

Fontenelle Natural Gas Infill Drilling Projects, Sweetwater and Lincoln Counties, WY; Availability of Draft Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior—Lead Agency; Bureau of Reclamation, Interior—Cooperating Agency.

ACTION: Notice of Availability of Draft Environmental Impact Statement (EIS).

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Fontenelle Natural Gas Infill Drilling Projects Draft EIS which analyzes the environmental consequences of a proposed natural gas development and production operation in the Fontenelle II Unit and Lincoln Road Development Area. The project areas are approximately 30 miles northeast of Kemmerer, Wyoming, and 70 miles northwest of Rock Springs, Wyoming. The project areas encompass a 179,760-acre natural gas field, where 1,070 wells are presently active, within portions of Townships 23, 24, 25, and 26 North, Ranges 109, 110, 111, and 112 West.

DATES: Comments on the draft EIS will be accepted for 45 days following the date that the Environmental Protection Agency (EPA) publishes their Notice of Availability in the Federal Register. The EPA notice is expected to be published on April 21, 1995. There are presently no plans to hold a public hearing on the Fontenelle Natural Gas Infill Drilling Projects Draft EIS because of apparent lack of unresolved substantial environmental controversy concerning the proposed project. Reviewers are encouraged to visit the local BLM offices in Cheyenne and Rock Springs, Wyoming, and talk with the managers about any concerns. If enough people indicate a desire to testify by returning the tear-out sheet provided in the draft EIS, a public hearing(s) will be scheduled. Information on the hearing(s) will be published in State and local newspapers and other media sources, and direct mailing to the recipients of the draft EIS to give the public enough notice.

ADDRESSES: Comments on the draft EIS should be sent to Bureau of Land Management, Bill McMahan (Project Coordinator), P.O. Box 1869, Rock Springs, WY 82902–1869.

SUPPLEMENTARY INFORMATION: The draft EIS analyzes a proposed action for each of two project areas, one development alternative for each of two project areas, and the no action alternative. DALEN Resources Oil & Gas Co., (DALEN) proposes to continue to infill drill their company's existing Fontenelle II Unit and adjacent leased acreage (approximately 25,323 acres); and Cabot Oil & Gas Corporation Presidio Oil Co., and several other companies (collectively the Lincoln Road Operators) propose to infill drill their leased acreage within the Lincoln Road Development Area (approximately 154,437 acres). The Fontenelle II Unit and the Lincoln Road Development Area are immediately adjacent to each other. Both proposed actions would be implemented in northeastern Lincoln and northwestern Sweetwater Counties, Wyoming, in the vicinity of Fontenelle Reservoir and the Green River. Access to the project areas is from U.S. Highways 189 and 191, State Highways 372 and 28, and numerous County, BLM, and operator-maintained roads.

Collectively, the companies' proposal would continue to infill drill a 179,760-acre natural gas field, where 1,070 wells are presently active, by drilling up to 1,317 additional wells over the next 10 years. Because of the tight-gas formation, the wells would be drilled on 160- and 80-acre spacing. A portion of the project area is presently developed on a 160-acre spacing (four wells per 640 acres). In selected areas, drilling on 80-acre spacing would increase the well density up to eight wells per 640 acres. The companies' plans and drilling schedules would be contingent upon both an increased demand for natural gas supplies in response to the Clean Air Act amendments of 1990 and an adequate price for the gas at the wellhead. The draft EIS describes the physical, biological, cultural, historic, and socioeconomic resources in and surrounding the project area. The focus for impact analysis was based upon resource issues and concerns identified during public scoping. Potential impacts of concern from development were to recreation associated with the Green River and Fontenelle Reservoir; antelope migrations and crucial big game winter range; sage grouse and raptor breeding and nesting; special status plaint and wildlife species; soil erosion and sediment increases to the Green River; groundwater contamination; Oregon, Mormon Pioneer, Pony Express, and California Historic Trails condition and viewshed; changes in livestock and wild horse management; and cumulative effects.

The draft EIS, in compliance with Section 7(c) of the Endangered Species Act (as amended), includes the Biological Assessment for the purpose of identifying any endangered or threatened species which are likely to be affected by the proposed action.

Dated: April 6, 1995.

Alan R. Pierson,

State Director.

[FR Doc. 95–9132 Filed 4–13–95; 8:45 am]

BILLING CODE 4310–JA–M

[NV–930–1430–01; N–59476]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; Washoe County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice temporarily segregates 26,313.25 acres of public land in Washoe County from settlement, sale, location, or entry under the general land laws, including the mining laws, for up to 2 years, while various studies and analyses are made to support a final decision to withdraw the land for protection of resources for a 5-year period. This segregation does not affect valid existing rights.

DATES: Comments should be received on or before July 13, 1995.

ADDRESSES: Comments should be sent to the Nevada State Director, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

FOR FURTHER INFORMATION CONTACT: Mike Phillips, Lahontan Resource Area Manager, BLM Carson City District Office, (702) 885–6000.

SUPPLEMENTARY INFORMATION: On March 21, 1995, a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described public land from surface and mineral entry:

Mount Diablo Meridian

T. 21 N., R. 22 E.,
Sec. 12;
Sec. 24.
T. 22 N., R. 22 E.,
Sec. 12;
Sec. 13;
Sec. 24;
Sec. 25, E½E½, and portion of W½E½ lying east of the center of the summit of the ridge;
Sec. 36.
T. 21 N., R. 23 E.,
Sec. 2, Lots 8–21, inclusive;
Sec. 3, Lots 1–5, inclusive, S½N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 4, Lots 5–20, inclusive;
Sec. 5, Lots 1–4, inclusive, S½N½, and S½;
Sec. 6, Lots 8–23, inclusive;
Sec. 7, Lots 1–4, inclusive, E½, and E½W½;
Sec. 8, Lots 1–10, inclusive, SW¼NE¼, S½NW¼, E½SW¼, and NW¼SE¼;
Sec. 9, Lot 1, NW¼NE¼, S½NE¼, NW¼, and S½;
Sec. 10, Lots 1–16, inclusive;
Sec. 11, Lots 1–8, inclusive, N½N½, SE¼NE¼, SW¼NW¼, and E½SE¼;
Sec. 12, Lots 1–3, inclusive;
Sec. 14, Lots 1–16, inclusive, (excluding MS 4193);
Sec. 15, Lots 1–16, inclusive, (excluding MS 4209);
Sec. 16, Lots 1–16, inclusive, (excluding MS 4209);
Sec. 17, Lots 1–4, inclusive, N½, and N½S½;
Sec. 18, Lots 5–20, inclusive;
Sec. 19, Lots 1–9, inclusive, N½NE¼, SW¼NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 20, Lots 3–18, inclusive, (excluding MS 2575, MS 2591, and MS 4325);
Sec. 21, Lots 1–16, inclusive;
Sec. 22, Lots 1–8, inclusive;
Sec. 24, E½SW¼NW¼;
Sec. 36, N½NE¼.
T. 22 N., R. 23 E.,
Sec. 6, Lots 1–4, inclusive, SE¼SW¼, and S½SE¼;
Sec. 7, Lots 1 and 7–13, inclusive, NE¼NE¼, S½NE¼, NE¼NW¼, and SE¼;
Sec. 8, Lots 5–20, inclusive;
Sec. 16, Lots 2–5, inclusive, W½E½, and W½;
Sec. 17; (excluding MS 4230);
Sec. 18, Lots 5–20, inclusive;
Sec. 19, Lots 1–4, inclusive, E½, and E½W½;
Sec. 20; (excluding MS 4230);
Sec. 21;
Sec. 22, Lots 1–3, inclusive, W½NW¼, and SW¼;
Sec. 28, Lots 1–4, inclusive, W½E½, and W½;
Sec. 29;
Sec. 30, Lots 5–20, inclusive;
Sec. 31, Lots 1–4, inclusive, E½, and E½W½;
Sec. 32;
Sec. 33;
Sec. 34, Lots 1–7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼.

The area described contains 26,313.25 acres in Washoe County, Nevada.

The purpose of the proposed withdrawal is to protect public land from potential impacts associated with nondiscretionary land and mineral activities while studies and a land use plan amendment addressing future management of the land is prepared. The recent acquisition of 8,136 acres of land created the solid block of public land being proposed for withdrawal, in an area that was previously a checkerboard pattern of public and private ownership. Consolidation of this area into Federal ownership offers numerous opportunities for wildlife habitat protection, riparian area protection, watershed protection, cultural resources protection, and recreational uses in addition to new opportunities for mineral extraction.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Nevada State Director of the Bureau of Land Management.

Notice is hereby given that a public meeting in connection with the proposed withdrawal will be held at a later date. A notice of the time and place will be published in the Federal Register and the Reno Gazette-Journal newspaper in Reno, Nevada, at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the Federal Register, the land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. Proposals for temporary land uses that do not significantly disturb the surface of the land or impair values of resources will be considered by the authorized officer during this segregative period.

Dated: April 6, 1995.

Lee F. Englesby,

Acting Deputy State Director, Operations.

[FR Doc. 95–9188 Filed 4–13–95; 8:45 am]

BILLING CODE 4310–HC–P

National Park Service

Keweenaw National Historical Park Advisory Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces an upcoming meeting of the Keweenaw National Historical Park Advisory Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Public Law 92–463).

MEETING DATE AND TIME: Tuesday, May 16, 1995; 8:30 a.m. until 4:30 p.m.

ADDRESSES: Keweenaw National Historic Park Headquarters, 100 Red Jacket Road (2nd floor), Calumet, Michigan 49913–0471.

The agenda for the meeting consists of reviewing the first draft of possible alternatives to be developed for the general management plan.

SUPPLEMENTARY INFORMATION: The Keweenaw National Historical Park was established by Public Law 102–543 on October 27, 1992.

FOR FURTHER INFORMATION CONTACT: Superintendent Bill Fink, Keweenaw National Historical Park, P.O. Box 471, Calumet, Michigan 49913–0471, 906–337–3168.

Dated: April 5, 1995.

William W. Schenk,

Regional Director, Midwest Region.

[FR Doc. 95–9252 Filed 4–13–95; 8:45 am]

BILLING CODE 4310–70–M

Missouri Recreational River Advisory Group

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets the schedule for the forthcoming meeting of the Missouri Recreational River Advisory Group. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463).

MEETING DATE AND TIME: Thursday, May 3, 1995; 1:30 p.m.

ADDRESSES: Niobrara State Park, Group Lodge, Niobrara, Nebraska.

Agenda topics include:

1. Discussion of the 39-mile planning team meeting held in O'Neill, Nebraska on March 29–31, 1995.

2. Corps of Engineers discussion of the sedimentation study of the Niobrara River.

3. The opportunity for public comment and proposed agenda, date, and time, of the next Advisory Group meeting.

The meeting is open to the public. Interested persons may make oral/written presentation to the Commission or file written statements. Requests for time for making presentations may be made to the Superintendent prior to the meeting or to the Chair at the beginning of the meeting. In order to accomplish the agenda for the meeting, the Chair may want to limit or schedule public presentations.

The meeting will be recorded for documentation and a summary in the form of minutes will be transcribed for dissemination. Minutes of the meeting will be made available to the public after approval by the Commission members. Copies of the minutes may be requested by contacting the Superintendent. An audio tape of the meeting will be available at the headquarters office of the Niobrara/Missouri National Scenic Riverways in O'Neill, Nebraska.

SUPPLEMENTARY INFORMATION: The Advisory Group was established by the law that established the Missouri National Recreational River, Public Law 102–50. The purpose of the group, according to its charter, is to advise the Secretary of the Interior on matters pertaining to the development of a management plan, and management and operation of the Recreational River. The Missouri National Recreational River is the 39-mile free flowing segment of the Missouri from Fort Randall Dam to the vicinity of Springfield in South Dakota.

FOR FURTHER INFORMATION CONTACT: Warren Hill, Superintendent, Niobrara/Missouri National Scenic Riverways, P.O. Box 591, O'Neill, Nebraska 68763–0591, 402–336–3970.

Dated: April 5, 1995.

William W. Schenk,

Regional Director.

[FR Doc. 95–9293 Filed 4–13–95; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Finding of no Significant Impact for Quisto Energy Corp.

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of finding of no significant impact.

SUMMARY: Based on an environmental assessment prepared by Quisto Energy Corporation (Quisto) to construct, operate, and maintain a gas well located on the Main Floodway of the Lower Rio Grande Flood Control Project (LRGFCP), the United States Section, International Boundary and Water Commission, United States and Mexico (USIBWC) finds that the proposed action to issue a license to Quisto for such works is not a major federal action that would have a significant adverse effect on the quality of the human environment. Therefore, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Final Regulations (40 CFR parts 1500 through 1508); and the U.S. Section's Operational Procedures for Implementing Section 102 of NEPA, published in the Federal Register September 2, 1981 (46 FR 44083–44094); the USIBWC hereby gives notice that an environmental impact statement will not be prepared for the proposed action.

ADDRESSES: Mr. Yusuf E. Farran, Division Engineer, Environmental Management Division, International Boundary and Water Commission, United States and Mexico, United States Section, 4171 North Mesa Street, C–310, El Paso, Texas 79902–1441. Telephone: 915/534–6704.

SUPPLEMENTARY INFORMATION:

Proposed Action

The action proposed is for the USIBWC to issue a license to Quisto to construct, operate, and maintain a gas well and install related features within Smith-Coates Well #1 Drilling Unit on Lot 2, Block 15 of John Closer Subdivision, Hidalgo County, Texas. The gas well is proposed to be located on privately owned land within the Main Floodway of the USIBWC LRGFCP approximately 8 kilometers (5 miles) south of Pharr. Access to the drilling site is by way of existing county and private roads and a proposed 274-meter (900-foot) long road.

Alternatives Considered

Three alternatives were considered in the Environmental Assessment (EA):

The Proposed Action Alternative is for Quisto to construct, operate, and maintain a gas well in a cultivated field within the Main Floodway of the USIBWC LRGFCP. This proposed action will require the USIBWC to issue a license to ensure that such works do not cause an obstruction to flood flows within the floodway or interfere with the operation and maintenance of the LRGFCP.

The No Action Alternative is for Quisto to not construct, operate, and maintain a gas well within the Main Floodway of the LRGFCP. The no action alternative will not require the USIBWC to issue a license since no work will be done within the LRGFCP. The no action alternative will result in the denial of access to the mineral owner to rightfully owned minerals, loss of tax revenues to the State of Texas, and result in an unrecoverable clean energy source.

The Directional Well Alternative is for Quisto to drill a well from outside the Main Floodway to a depth below the proposed surface location. The directional well alternative will not require the USIBWC to issue a license since no work will be done within the LRGFCP. The directional well alternative is considered not workable because of technical problems associated with a bottomhole location some 305 meters (1,000 feet) or more from the surface location and subsurface geological hazards endemic to the area.

Environmental Assessment

The USIBWC received from Quisto a completed Environmental Assessment (EA) for the proposed gas well and related features. The EA is currently available for review and comment.

Finding of the Environmental Assessment

The EA finds that the proposed action for Quisto to construct, operate, and maintain a gas well within the Main Floodway of the USIBWC LRGFCP (and the USIBWC to issue a license for such work) does not constitute a major federal action which would cause a significant local, regional, or national adverse impact on the environment based on the following facts:

1. The United States Army Corps of Engineers has determined that no waters of the United States including wetlands will be impacted by the proposed gas well and related features.

2. The United States Fish and Wildlife Service has determined that federally listed endangered or threatened species

are unlikely to be adversely affected by the proposed gas well and related features.

3. The Texas Historical Commission has determined that no survey is required and the project may proceed.

4. The USIBWC has determined that the proposed gas well and related features will have no significant effect upon the flood carrying capacity of the Main Floodway.

On the basis of the Quisto EA, the USIBWC has determined that an environmental impact statement is not required for the issuance of a license to Quisto to construct, operate, and maintain a gas well and install related features within the Main Floodway of the USIBWC LRGFCP and hereby provides notice of a finding of no significant impact (FONSI). An environmental impact statement will not be prepared unless additional information which may affect this decision is brought to our attention within the thirty (30) days of the date of this Notice. A limited number of copies of the EA and FONSI are available to fill single copy requests at the above address.

Dated: April 3, 1995.

Suzette Zaboroski,

Staff Counsel.

[FR Doc. 95–9209 Filed 4–13–95; 8:45 am]

BILLING CODE 4710–03–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–1 (Sub-No. 259X)]

Chicago and North Western Railway Company—Abandonment Exemption—in Goodhue County, MN

Chicago and North Western Railway Company (CNW) has filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 0.3-mile line of railroad, known as the Cannon Falls, MN Spur, between milepost 73.4 and milepost 73.7, near Cannon Falls, in Goodhue County, MN.

CNW has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in 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 report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 17, 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 1152.29[3] must be filed by April 27, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 8, 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: Robert T. Opal, Chicago and North Western Railway Company, 165 North Canal Street, Chicago, IL 60606–1551.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio.*

CNW has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 21, 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 4, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–9228 Filed 4–13–95; 8:45 am]

BILLING CODE 7035–01–P

[1] A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit the Commission to review and act on the request before the effective date of this exemption.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

[Finance Docket No. 32677]

Penske Dedicated Logistics Corporation—Control Exemption—Leaseway Transportation Corporation and Its Carrier Subsidiaries

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10505, the Commission exempts from the regulatory requirements of 49 U.S.C. 11343 *et seq.*, the acquisition and control of Leaseway Transportation Corporation (LTC) and its 26 motor carrier subsidiaries by Penske Dedicated Logistics Corporation (PDLC). PDLC is under common control with a rail carrier.

DATES: This exemption is effective on April 14, 1995. Petitions to reopen must be filed by May 4, 1995.

ADDRESSES: Send pleadings referring to Finance Docket No. 32677 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, NW., Washington, DC 20423; and (2) Andrew K. Light, Scopelitis, Garvin, Light & Hanson, 1777 Market Tower, 10 West Market Street, Indianapolis, IN 46204.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927–5660. [TDD for hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Interstate Commerce Commission Building, 1201 Constitution Avenue, NW., Room 2229, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Decided: April 7, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary.

[FR Doc. 95–9224 Filed 4–13–95; 8:45 am]

BILLING CODE 7035–01–P

[Docket No. AB–1 (Sub-No. 261X)]

Chicago and North Western Railway Company—Abandonment Exemption—Mankato, Minnesota, Spur

Chicago and North Western Railway Company (C&NW) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 1.7-mile line of railroad between milepost 1.2 and milepost 2.9 in Mankato, Blue Earth County, MN.[1] C&NW proposes to consummate the abandonment on May 17, 1995.

C&NW has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) all overhead traffic has been rerouted; (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 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 17, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29[4] must be filed by April 27, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 8, 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: Robert T. Opal, 165 North Canal Street, Chicago, IL 60606–1551.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio.*

C&NW has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 21, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 7, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–9225 Filed 4–13–95; 8:45 am]

BILLING CODE 7035–01–P

[Docket No. AB–290 (Sub-No. 167X)]

Norfolk Southern Railway Company—Abandonment Exemption—Between Hester, Vidalia and Kirby, GA

Norfolk Southern Railway Company (NS) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 43.6 miles of rail line between milepost GF–125 at Hester and milepost GF–149.6 at Vidalia and between milepost GF–152 at Vidalia and milepost GF–171 at Kirby, in Jeff Davis, Montgomery, Toombs, and Emanuel Counties, GA.

NS has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted; (3) no formal complaint filed by a user of rail service on the line (or 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 (service of environmental report on agencies), 49 CFR 1105.8 (service of historic report on State Historic Preservation Officer), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (service of verified notice on 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 has been received, this exemption will be effective on May 13, 1995 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file offers of financial assistance under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by April 24, 1995.[3] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 3, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: James R. Paschall, Norfolk Southern Corporation,

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[1] Although C&NW refers to the line as an industrial spur which is not ordinarily subject to the Commission's abandonment jurisdiction, 49 U.S.C. 10907(b)(1), it notes that the line was formerly part of a longer C&NW mainline.

[2] 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 before the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit the Commission to review and act on the request before the effective date of this exemption.

[3] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

[4] The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

[1] A stay will be issued routinely where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental grounds is encouraged to file promptly so that the Commission may act on the request before the effective date.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

[3] The Commission will accept late-filed trail use statements so long as it retains jurisdiction.

Three Commercial Place, Norfolk, VA 23510.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio.*

NS has filed an environmental report which addresses the abandonment's effects, if any, on the environment or historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 18, 1995. Interested persons may obtain a copy of the EA from SEA by writing to it at (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEA at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 6, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–9226 Filed 4–13–95; 8:45 am]

BILLING CODE 7035–01–P

Release of Waybill Data

The Commission has received a request from Sidley & Austin counsel for Canadian Pacific Rail System (CPRS) for permission to use certain data from the 1993 and 1994 I.C.C. Waybill Samples. A copy of the request (WB471—4/05/95) may be obtained from the I.C.C. Office of Economic and Environmental Analysis.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to this request, they should file their objections with the Director of the Commission's Office of Economic and Environmental Analysis within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.8.

Contact: James A. Nash, (202) 927–6196.

Vernon A. Williams,

Secretary.

[FR Doc. 95–9227 Filed 4–13–95; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Scott R. Barrett, Jr., M.D.; Revocation of Registration

On February 7, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Scott R. Barrett, Jr., M.D., of Ballwin, Missouri. The Order to Show Cause sought to revoke Dr. Barrett's DEA Certificate of Registration, AB7432571, and to deny any pending applications for renewal of such registration.

The Order to Show Cause was first sent by registered mail to Dr. Barrett at his registered location, 13975 Manchester Road, Suite 4, Ballwin, Missouri. The Order to Show Cause was returned to DEA unclaimed with a notation on the envelope indicating that the forwarding order had expired. When DEA investigators visited Dr. Barrett's registered location, they found that the office was closed and had been boarded up. The Order to Show Cause was then sent registered mail to Dr. Barrett's home address of 591 Sunbridge Drive in Chesterfield, Missouri. Postal authorities were unsuccessful delivering the Order to Show Cause to the Sunbridge Drive address and therefore attempted to deliver the Order to Dr. Barrett at a third address of 1030 Meadowbrook in St. Charles, Missouri. The Order to Show Cause was returned unclaimed to DEA on June 9, 1994.

DEA has attempted to deliver the Order to Show Cause to Dr. Barrett at three different addresses. Despite the efforts of Postal authorities, each attempt has been unsuccessful. Dr. Barrett is therefore deemed to have waived his opportunity for a hearing. The Deputy Administrator now enters his final order in this matter without a hearing and based on the investigative file. See 21 CFR 1301.54(d) and 1301.57.

The Deputy Administrator finds that in May 1989, the Missouri Bureau of Narcotics and Dangerous Drugs (BNDD) inspected Dr. Barrett's clinic, located in Springfield, Missouri, for compliance with state controlled substance laws and regulations. Investigators found presigned prescription pads belonging to Dr. Barrett which were apparently to be used for providing patients with controlled substances when Dr. Barrett was out of the office. Investigators also found that Dr. Barrett maintained controlled substances on the clinic premises. The Deputy Administrator notes that Dr. Barrett's Springfield clinic was not a registered location under the Controlled Substances Act and that Dr. Barrett was therefore not permitted to maintain controlled substances at that location.

Based on the May 1989 inspection, BNDD issued an Order to Show Cause to Dr. Barrett alleging that he was in violation of state regulations requiring all registrants to provide effective controls against theft of controlled substances. Dr. Barrett and BNDD subsequently entered into a Memorandum of Understanding which stipulated that he would surrender his state controlled substance registration for thirty days, at which time he could reapply. The agreement also imposed other restrictions on Dr. Barrett's state controlled substance registration.

Despite persistent requests from BNDD, Dr. Barrett never executed the necessary surrender forms. However, by letter dated January 2, 1992, BNDD advised Dr. Barrett's counsel that since Dr. Barrett had ceased practicing at both his offices, his state controlled substance registrations had automatically terminated. BNDD informed Dr. Barrett's attorney that Dr. Barrett was no longer authorized by the State of Missouri to possess, prescribe, administer or dispense controlled substances but that he could reapply for registration.

The Deputy Administrator further finds that Dr. Barrett's state medical license was revoked on August 6, 1992, by the Missouri State Board for the Healing Arts (Board). The Board concluded that Dr. Barrett was repeatedly negligent in his treatment of patients. The Board further found that Dr. Barrett had violated state controlled substance laws by signing blank prescriptions.

It is well established that the DEA cannot register a practitioner who is not duly authorized to handle controlled substances in the state in which he does business. See 21 U.S.C. 823(f). DEA has consistently held that practitioners who lack state authorization to handle controlled substances cannot be registered with the Drug Enforcement Administration. *See Ramon Pla, M.D.,* 51 FR 41168 (1986); *George S. Heath, M.D.,* 51 FR 26610 (1986); *Dale D. Shahan, D.D.S.,* 51 FR 23481 (1986).

Consequently, the Deputy Administrator concludes that since Dr. Barrett is no longer authorized to handle controlled substances by the State of Missouri, Dr. Barrett's DEA Certificate of Registration should be revoked. Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104,

hereby orders that DEA Certificate of Registration AB7432571, issued to Scott R. Barrett, Jr., M.D., be, and it hereby is, revoked, and that any pending applications for registration be, and they hereby are, denied. This order is effective May 15, 1995.

Dated: April 10, 1995.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 95–9185 Filed 4–13–95; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

Modification to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the Federal Register are in parentheses following the decisions being modified.

Volume I

Massachusetts
MA950001(Feb. 10, 1995)
MA950002(Feb. 10, 1995)
New York
NY950060(Feb. 10, 1995)
NY950077(Feb. 17, 1995)

Volume II

Virginia
VA950049(Feb. 10, 1995)

Volume III

Georgia
GA950039(Feb. 10, 1995)
Kentucky
KY950025(Feb. 10, 1995)
KY950026(Feb. 10, 1995)
KY950027(Feb. 10, 1995)
KY950028(Feb. 10, 1995)
KY950029(Feb. 10, 1995)
KY950035(Feb. 10, 1995)
KY950044(Feb. 10, 1995)
Tennessee
TN950001(Feb. 10, 1995)
TN950002(Feb. 10, 1995)
TN950005(Feb. 10, 1995)
TN950020(Feb. 10, 1995)
TN950034(Feb. 10, 1995)
TN950040(Feb. 10, 1995)
TN950041(Feb. 10, 1995)
TN950042(Feb. 10, 1995)
TN950043(Feb. 10, 1995)
TN950062(Feb. 10, 1995)

Volume IV

Indiana
IN950001(Feb. 10, 1995)
IN950006(Feb. 10, 1995)
Ohio
OH950001(Feb. 10, 1995)
OH950002(Feb. 10, 1995)
OH950003(Feb. 10, 1995)
OH950027(Feb. 10, 1995)
OH950028(Feb. 10, 1995)
OH950029(Feb. 10, 1995)
OH950034(Feb. 10, 1995)

Volume V

Kansas
KS950006(Feb. 10, 1995)
Missouri
MO950064(Feb. 10, 1995)
MO950069(Feb. 10, 1995)
MO950074(Feb. 10, 1995)
Nebraska
NE950007(Feb. 10, 1995)
NE950013(Feb. 10, 1995)
NE950021(Feb. 10, 1995)
NE950045(Feb. 10, 1995)
New Mexico
NM 950001(Feb. 10, 1995).

Volume VI

California
CA950002(Feb. 10, 1995)
CA950028(Feb. 10, 1995)
Idaho
ID950001(Feb. 10, 1995)
South Dakota
SD950002(Feb. 10, 1995)
SD950024(Feb. 10, 1995)
Wyoming
WY950001(Feb. 10, 1995)
WY950002(Feb. 10, 1995)
WY950003(Feb. 10, 1995)
WY950005(Feb. 10, 1995)
WY950006(Feb. 10, 1995)
WY950007(Feb. 10, 1995)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage

Determinations Issued Under The Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular updates will be distributed to subscribers.

Signed at Washington, D.C. this 7th Day of April 1995.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 95–9003 Filed 4–13–95; 8:45 am]

BILLING CODE 4510–27–M

Pension and Welfare Benefits Administration

[Application No. D–09660, et al.

Proposed Exemptions; Paloma Securities L.P. & Boston Global Advisors, Inc. et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this Federal Register Notice. Comments and request for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, Room N–5649, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210. Attention: Application No. stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N–5507, 200 Constitution Avenue NW., Washington, D.C. 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the Federal Register. Such notice shall include a copy of the notice of proposed exemption as published in the Federal Register and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Paloma Securities L.P. (Paloma) & Boston Global Advisors, Inc. (BGA), Located in Boston, Massachusetts

[Application No. D–09660]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a)(1) (A) through (D) and 406(b)(1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the lending of securities to Paloma by employee benefit plans (including commingled investment funds holding plan assets) for which BGA, an affiliate of Paloma, acts as securities lending agent (or sub-agent) and to the receipt of compensation by BGA in connection with these transactions, provided that the following conditions are met:

1. Neither BGA, Paloma nor an affiliate of either has discretionary authority or control with respect to the investment of the plan assets involved in the transaction, or renders investment advice (within the meaning of 29 CFR 2510.3–21(c) with respect to those assets;

2. Any arrangement for BGA to lend plan securities to Paloma in either an agency or sub-agency capacity will be approved in advance by a plan fiduciary who is independent of Paloma and BGA;

3. A plan may terminate the agency or sub-agency arrangement at any time without penalty on five business days notice;

4. The plan will receive from Paloma (either by physical delivery or by book entry in a securities depository, wire transfer or similar means) by the close of business on or before the day the loaned securities are delivered to Paloma, collateral consisting of cash, securities issued or guaranteed by the U.S. Government or its agencies or instrumentalities, or irrevocable bank letters of credit issued by a person other than Paloma or an affiliate thereof, or any combination thereof, or other collateral permitted under PTE 81–6, having, as of the close of business on the preceding business day, a market value

initially equal to at least 102 percent of the market value of the loaned securities and, if the market value of the collateral falls below 100 percent, Paloma will deliver addition collateral on the following day such that the market value of the collateral will again equal 102 percent;

5. All procedures regarding the securities lending activities will at a minimum conform to the applicable provisions of Prohibited Transaction Exemptions (PTEs) 81–6 and 82–63;

6. Paloma will indemnify the plan against any losses due to its use of the borrowed securities;

7. The plan will receive the equivalent of all distributions made to holders of the borrowed securities during the term of the loan, including, but not limited to, cash dividends, interest payments, shares of stock as a result of stock splits and rights to purchase additional securities, or other distributions;

8. Prior to any plan's approval of the lending of its securities to Paloma, a copy of this exemption, if granted, (and the notice of pendency) will be provided to the plan; and

9. Only plans with total assets having an aggregate market value of at least $50 million will be permitted to lend securities to Paloma.

Summary of Facts and Representations

1. Paloma is a Delaware limited partnership which is a broker-dealer registered with the Securities and Exchange Commission (SEC) and a member of the National Association of Securities Dealers.[1] As of December 31, 1993, Paloma had in excess of $400 million in combined equity. Paloma is approximately 99 percent owned by Paloma Partners Holdings L.P. (PPH), which in turn is more than 90 percent owned by Paloma Partners, L.P. (PPLP), a Delaware limited partnership.

2. Acting as principal, Paloma actively engages in the borrowing and lending of securities, with daily outstanding loan volume averaging several billion dollars. Paloma utilizes borrowed securities to satisfy the trading requirements of the Paloma group, or to re-lend to other broker-dealers and others who need a particular security for various periods of time. All borrowings by Paloma conform to the Federal Reserve Board's Regulation T. Pursuant to Regulation T, permitted borrowing purposes include making delivery of securities in the case of short sales, failures of a broker to receive securities it is required to deliver or other similar situations.

3. BGA, a wholly owned subsidiary of PPH, was organized as a Delaware corporation in August 1993 with its principal office in Boston. BGA is a broker-dealer and investment advisor, in each case registered as such with the SEC.

4. BGA was formed to provide securities lending services, as agent, to institutional clients. BGA, pursuant to authorization from its client, negotiates the terms of loans with borrowers pursuant to a client-approved form of loan agreement and otherwise acts as a liaison between the lender (and its custodian) and the borrower to facilitate the lending transaction. BGA has responsibility for monitoring receipt of all required collateral and marking such collateral to market daily so that adequate levels of collateral are maintained. BGA also monitors and evaluates on a continuing basis the performance and creditworthiness of the borrowers. BGA does not act as a custodian with respect to the client's portfolio of securities being loaned. Custody of such securities is lodged with the client's bank or other custodian. However, BGA may be authorized from time to time by a client to receive and hold pledged collateral and invest cash collateral pursuant to guidelines established by the client. All of BGA's procedures for lending securities are designed to comply with the applicable conditions of Prohibited Transaction Exemption (PTE) 81–6 and PTE 82–63.[2]

5. BGA may be retained occasionally by primary securities lending agents to provide securities lending services in a sub-agent capacity with respect to portfolio securities of clients of such primary lending agents. As securities lending sub-agent, BGA's role under the lending transactions (i.e., negotiating the terms of loans with borrowers pursuant to a client-approved form of loan agreement and monitoring receipt of, and marking to market, required collateral) parallels those under lending transactions for which BGA acts as primary lending agent on behalf of its clients.

6. When a loan is collateralized with cash, the cash will be invested for the benefit and at the risk of the client, and resulting earnings (net of a rebate to the borrower) comprise the compensation to the plan in respect of such loan. Where collateral consists of obligations other than cash, the borrower pays a fee (loan premium) directly to the lending plan.

7. Paloma and BGA request an exemption for the lending of securities owned by certain pension plans for which BGA serves as securities lending agent or sub-agent (referred to hereinafter as client-plans)[3] to Paloma, following disclosure of its affiliation with Paloma, and for the receipt of compensation by BGA in connection with such transactions. BGA will have no discretionary authority or control over these client-plans' decisions concerning the acquisition or disposition of securities available for loan. Its discretion will be limited to activities such as negotiating the terms of the securities loans with Paloma and (to the extent granted by the plan fiduciary) investing any cash collateral received in respect of the loans. Because BGA, under the proposed arrangement, would have discretion to lend plan securities to Paloma, and because Paloma is an affiliate of BGA, the lending of securities to Paloma by plans for which BGA serves as securities lending agent (or sub-agent) may be outside the scope of relief provided by PTE 81–6 and PTE 82–63.[4]

Several safeguards, described more fully below, are incorporated in the application in order to ensure the protection of the plan assets involved in the transactions. In addition, the applicants represent that the proposed lending program incorporates the relevant conditions contained in PTE 81–6 and PTE 82–63.

8. Where BGA is the direct securities lending agent, a fiduciary of a client-plan who is independent of BGA and Paloma will sign a securities lending

[1] The company's name was legally changed to Paloma Securities L.P. from AKT Associates L.P. effective June 1, 1993.

[2] PTE 81–6 (46 FR 7527, January 23, 1981, as amended at 52 FR 18754, May 19, 1987) provides an exemption under certain conditions from section 406(a)(1) (A) through (D) of the Act and the corresponding provisions of section 4975(c) of the Code for the lending of securities that are assets of an employee benefit plan to certain broker-dealers or banks which are parties in interest.

PTE 82–63 (47 FR 14804, April 6, 1982) provides an exemption under specified conditions from section 406(b)(1) of the Act and section 4975(c)(1)(E) of the Code for the payment of compensation to a plan fiduciary for services rendered in connection with loans of plan assets that are securities.

[3] For the sake of simplicity, future references to BGA's performance of services as securities lending agent should be deemed to include its parallel performance as securities lending sub-agent and references to client-plans should be deemed to refer to plans for which BGA is acting as sub-agent with respect to securities lending activities, unless otherwise indicated specifically or by the context of the reference.

[4] Condition 1 of PTE 81–6 requires, in part, that neither the borrower nor an affiliate of the borrower has discretionary authority or control with respect to the investment of the plan assets involved in the transaction.

PTE 82–63 permits the payment of compensation to a plan fiduciary for the provision of securities lending services only if the loan of securities itself is not prohibited under section 406(a) of the Act.

agency agreement with BGA (the Agency Agreement) before the plan participates in a securities lending program. The Agency Agreement will, among other things, describe the operation of the lending program, prescribe the form of securities loan agreement (Loan Agreement) to be entered into on behalf of the plan with borrowers, specify the securities which are available to be lent, required margin and daily marking-to-market, and provide a list of permissible borrowers, including Paloma. The Agency Agreement will also set forth the basis and rate for BGA's compensation from the plan for the performance of securities lending services.

9. The Agency Agreement will contain provisions to the effect that if Paloma is designated by the client-plan as an approved borrower (i) the client-plan will acknowledge that Paloma is an affiliate of BGA and (ii) BGA will represent to the client-plan that each and every loan made to Paloma on behalf of the client-plan will be at market rates and in no event less favorable to the client-plan than a loan of such securities, made at the same time and under the same circumstances, to an unaffiliated borrower.

10. When BGA is lending securities under a sub-agency arrangement, the primary lending agent will enter into a securities lending agency agreement (the primary lending agreement) with a fiduciary of a client-plan who is independent of such primary lending agent, BGA or Paloma, before the plan participates in the securities lending program. The primary lending agent will be unaffiliated with BGA or Paloma. The primary lending agreement will contain substantive provisions akin to those in the Agency Agreement relating to the description of the operation of the lending program, use of an approved form of Loan Agreement, specification of securities which are available to be lent, required margin and daily marking-to-market, and provision of a list of approved borrowers (which will include Paloma). The primary lending agreement will specifically authorize the primary lending agent to appoint sub-agents, to facilitate its performance of securities lending agency functions. Where BGA is to act as such a sub-agent the primary lending agreement will expressly disclose that BGA is to so act. The primary lending agreement will also set forth the basis and rate for the primary lending agent's compensation from the client-plan for the performance of securities lending services and will authorize the primary lending agent to pay a portion of its fee, as the primary lending agent determines in its sole discretion, to any sub-agent(s) it retains pursuant to the authority granted under such agreement.

Pursuant to its authority to appoint sub-agents, the primary lending agent will enter into a securities lending sub-agency agreement (the Sub-Agency Agreement) with BGA under which the primary lending agent will retain and authorize BGA, as sub-agent, to lend securities of the primary lending agent's client-plans, subject to the same terms and conditions as are specified in the primary lending agreement. Thus, for example, the form of Loan Agreement will be the same as that approved by the plan fiduciary in the primary lending agreement and the list of permissible borrowers under the Sub-Agency Agreement (which will include Paloma) will be limited to those approved borrowers listed as such under the primary lending agreement.

BGA represents that the Sub-Agency Agreement will contain provisions which are in substance comparable to those described in paragraphs 8 and 9 above, which would appear in an Agency Agreement in situations where BGA is the primary lending agent. In this regard, BGA will make the same representation in the Sub-Agency Agreement as described in paragraph 9 above with respect to arm's-length dealing with Paloma. The Sub-Agency Agreement will also set forth the basis and rate for BGA's compensation to be paid by the primary lending agent.

11. In all cases, BGA will maintain transactional and market records sufficient to assure compliance with its representation that all loans to Paloma are effectively at arm's-length terms. Such records will be provided to the appropriate plan fiduciary in the manner and format agreed to with the lending fiduciary, without charge to the plan. A client-plan may terminate the Agency Agreement (or the primary lending agreement) at any time, without penalty to the plan, on five business days notice.

12. BGA will enter into the same form of Loan Agreement with Paloma on behalf of client-plans as it does with all other borrowers. An independent fiduciary of the client-plan will approve the terms of the Loan Agreement. The Loan Agreement will specify, among other things, the right of the client-plan to terminate a loan at any time and the plan's rights in the event of any default by Paloma. The Loan Agreement will explain the basis for compensation to the client-plan for lending securities to Paloma under each category of collateral. The Loan Agreement also will contain a requirement that Paloma must pay all transfer fees and transfer taxes related to the security loans.

13. Before entering into the Loan Agreement, Paloma will furnish its most recent available audited and unaudited financial statements to BGA, and in turn such statements will be provided to a client-plan before the plan is asked to approve the terms of the Loan Agreement. The Loan Agreement will contain a requirement that Paloma must give prompt notice at the time of a loan of any material adverse changes in its financial condition since the date of the most recently furnished financial statements. If any such changes have taken place, BGA will not make any further loans to Paloma unless an independent fiduciary of the plan has approved the loan in view of the changed financial condition.

14. As noted above, the agreement by BGA to provide securities lending services, as agent, to a client-plan will be embodied in the Agency Agreement. The client-plan and BGA will agree to the arrangement under which BGA will be compensated for its services as lending agent prior to the commencement of any lending activity. Such agreed upon fee arrangement will be set forth in the Agency Agreement and thereby will be subject to the prior written approval of a fiduciary of the client-plan who is independent of Paloma and BGA. Similarly, with respect to arrangements under which BGA is acting as securities lending sub-agent, the agreed upon fee arrangement of the primary lending agent will be set forth in the primary lending agreement, and such agreement will specifically authorize the primary lending agent to pay a portion of such fee, as the primary lending agent determines in its sole discretion, to any sub-agent, including BGA, which is to provide securities lending services to the plan.[5] The client-plan will be provided with any reasonably available information which is necessary for the plan fiduciary to make a determination whether to enter into or continue to participate under the Agency Agreement (or the primary lending agreement) and any other reasonably available information which

[5] The foregoing provisions describe arrangements comparable to conditions c and d of PTE 82–63 which require that the payment of compensation to a ''lending fiduciary'' is made under a written instrument and is subject to prior written authorization of an independent ''authorizing fiduciary.'' In the event that a commingled investment fund will participate in the securities lending program, the special rule applicable to such funds concerning the authorization of the compensation arrangement set forth in paragraph f of PTE 82–63 will be satisfied.

the plan fiduciary may reasonably request.

15. Each time a plan loans securities to Paloma pursuant to the Loan Agreement, BGA will reflect in its records the material terms of the loan, including the securities to be loaned, the required level of collateral, and the fee or rebate payable. The terms of each loan will be at least as favorable to the client-plan as those of a comparable arm's-length transaction between unrelated parties.

16. The client-plan will be entitled to the equivalent of all interest, dividends and distributions on the loaned securities during the loan period. The Loan Agreement will provide that the client-plan may terminate any loan at any time. Upon a termination, Paloma will be contractually obligated to return the loaned securities to the client-plan within five business days of notification (or such longer period of time permitted pursuant to a class exemption). If Paloma fails to return the securities within the designated time, the client-plan will have the right under the Loan Agreement to purchase securities identical to the borrowed securities and apply the collateral to payment of the purchase price and any other expenses of the plan associated with the sale and/or purchase.

17. BGA will establish each day a written schedule of lending fees and rebate rates in order to assure uniformity of treatment among borrowing brokers and to limit the discretion BGA would have in negotiating securities loans to Paloma. Loans to Paloma on any day will be made at rates on the daily schedule or at rates which may be more advantageous to the client-plans. In no case will loans be made to Paloma at rates below those on the schedule. The rebate rates (in respect of cash-collateralized loans made by client-plans) which are established will take into account the potential demand for loaned securities, the applicable bench-mark cost of funds indices (typically, Federal Funds, overnight repo rate or the like) and anticipated investment return on overnight investments which are permitted by the relevant plan fiduciary. The lending fees (in respect of loans made by client-plans collateralized by other than cash) which are established will be set daily to reflect conditions as influenced by potential market demand.

BGA will negotiate rebate rates for cash collateral payable to each borrower, including Paloma, on behalf of a plan. Where, for example, cash collateral derived from an overnight loan is intended to be invested in a generic repurchase agreement, any rebate fee determined with respect to an overnight repurchase agreement benchmark will be set below the applicable ''ask'' quotation therefor. Where cash collateral is derived from a loan with an expected maturity date (term loan) and is intended to be invested in instruments with similar maturities, the maximum rebate fee will be less than the investment return (assuming no investment default). With respect to any loan to Paloma, BGA will never negotiate a rebate rate with respect to such loan which would produce a zero or negative return to the client-plan (assuming no default on the investments related to the cash collateral from such loan where BGA has investment discretion over the cash collateral). BGA represents that the written rebate rate established daily for cash collateral under loans negotiated with Paloma will not exceed the rebate rate which would be paid to a similarly situated unrelated borrower with respect to a comparable securities lending transaction. BGA will disclose the method for determining the maximum daily rebate rate as described above to an independent fiduciary of a client-plan for approval before lending any securities to Paloma on behalf of the plan.

18. For collateral other than cash, the applicable loan fee in respect of any outstanding loan is reviewed daily for competitiveness and adjusted, where necessary, to reflect market terms and conditions. With respect to any calendar quarter, on average 50 percent or more of the outstanding dollar value of securities loans negotiated on behalf of client-plans will be to unrelated borrowers, and so the competitiveness of the loan fee will be tested in the marketplace. Accordingly, loans to Paloma should result in competitive rate income to the lending client-plan. At all times, BGA will effect loans in a prudent and diversified manner. BGA will lend securities to requesting borrowers on a ''first come, first served'' basis, as a means of assuring uniformity of treatment among borrowers.

19. Under the Loan Agreement, Paloma will agree to indemnify and hold harmless the applicable client-plan (including the sponsor and fiduciaries of such client-plan) from any and all damages, losses, liabilities, costs and expenses (including attorney's fees) which the client-plan may incur or suffer arising in any way from the use by Paloma of the loaned securities or any failure of Paloma to deliver loaned securities in accordance with the provisions of the Loan Agreement or to otherwise comply with the terms of the Loan Agreement.

20. The client-plan will receive collateral from Paloma by physical delivery, book entry in a securities depository, wire transfer or similar means by the close of business on or before the day the loaned securities are delivered to Paloma. The collateral will consist of cash, securities issued or guaranteed by the U.S. Government or its agencies or irrevocable bank letters of credit (issued by a person other than Paloma or its affiliates) or such other types of collateral which might be permitted by the Department under a class exemption. The market value of the collateral on the close of business on the day preceding the day of the loan will be at least 102 percent of the market value of the loaned securities. The Loan Agreement will give the client-plan a continuing security interest in and a lien on the collateral. BGA will monitor the level of the collateral daily. If the market value of the collateral falls below 100 percent (or such greater percentage as agreed to by the parties) of that of the loaned securities, BGA will require Paloma to deliver by the close of business the next day sufficient additional collateral to bring the level back to at least 102 percent.

21. Each client-plan participating in the lending program will be sent a monthly transaction report. The monthly report will provide a list of all security loans outstanding and closed for a specified period. The report will identify for each open loan position, the securities involved, the value of the security for collateralization purposes, the current value of the collateral, the rebate or loan premium (as the case my be) at which the security is loaned, and the number of days the security has been on loan.

22. Only client-plans with total assets having an aggregate market value of at least $50 million will be permitted to lend securities to Paloma. This restriction is intended to assure that any lending to Paloma will be monitored by an independent fiduciary of above average experience and sophistication in matters of this kind.

23. In summary, the applicants represent that the described transactions will satisfy the statutory criteria of section 408(a) of the Act because: (1) The form of the Loan Agreement pursuant to which any loan is effected will be approved by a fiduciary of the client-plan who is independent of Paloma and BGA before a client-plan lends any securities to Paloma; (2) the lending arrangements will permit the client-plans to lend to Paloma, a major borrower of securities, and will enable

the plans to diversify the list of eligible borrowers and earn additional income from the loaned securities on a secured basis, while continuing to receive any dividends, interest payments and other distributions due on those securities; (3) the client-plan will receive sufficient information concerning Paloma's financial condition before the plan lends any securities to Paloma; (4) the collateral on each loan to Paloma initially will be at least 102 percent of the market value of the loaned securities, which is in excess of the 100 percent collateral required under PTE 81–6, and will be monitored daily by BGA; (5) the client-plans will receive a monthly report, so that an independent fiduciary of the client-plans also may monitor loan activity, fees, the level of the collateral and loan return/yield; (6) BGA will have no discretionary authority or control over the plan's acquisition or disposition of securities available for loan; (7) the terms of each loan will be at least as favorable to the plans as those of a comparable arm's-length transaction between unrelated parties; and (8) all the procedures under the proposed transactions will, at a minimum, conform to the applicable provisions of PTE 81–6 and PTE 82–63.

FOR FURTHER INFORMATION CONTACT: Louis Campagna of the Department, telephone (202) 219–8883. (This is not a toll-free number.)

Bank of Ashland, Inc. (the Bank), Located in Ashland, Kentucky

[Application Nos. D–09841 thru D–09843]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply as of December 23, 1994, to the cash sale of certain collateralized mortgage obligations (CMOs) by six employee benefit plans for which the Bank acts as trustee (the Plans) to Ashland Bankshares, Inc. (the Holding Company), a party in interest with respect to the Plans, provided that the following conditions were met:

(a) Each sale was a one-time transaction for cash;

(b) Each Plan received an amount which was equal to the greater of (i) the outstanding principal balance for the CMOs owned by the Plan, plus accrued but unpaid interest, at the time of sale, (ii) the amortized cost for the CMOs owned by the Plan, plus accrued but unpaid interest, as determined by the Bank based on the outstanding principal balance for each CMO on the date of sale, or (iii) the fair market value of the CMOs owned by the Plan as determined by an independent, qualified appraiser at the time of the sale;

(c) The Plans did not pay any commissions or other expenses with respect to the sale;

(d) The Bank, as trustee of the Plans, determined that the sale of the CMOs is in the best interests of each Plan and their participants and beneficiaries at the time of the transaction;

(e) The Bank took all appropriate actions necessary to safeguard the interests of the Plans and their participants and beneficiaries in connection with the transactions; and

(f) Each Plan received a reasonable rate of interest on the CMOs during the period of time it held the CMOs.

EFFECTIVE DATE: The proposed exemption, if granted, will be effective as of December 23, 1994.

Summary of Facts and Representations

1. The Bank is a wholly-owned subsidiary of the Holding Company. The Bank serves as trustee of the Plans and has investment discretion for the assets of the Plans.

The Plans are the John O. Jones, M.D., PSC Money Purchase Pension Plan (the Jones Plan); the Michael G. Ehrie, Jr., M.D., PSC Money Purchase Pension Plan (the Ehrie Pension Plan); the Michael G. Ehrie, Jr., M.D., PSC Profit Sharing Plan (the Ehrie P/S Plan); the Simons Real Estate Money Purchase Pension Plan (the Simons Plan); the Buchanan Sound & Communications, Inc. Profit Sharing Plan (the Buchanan Plan); and the Bank of Ashland, Inc. Profit Sharing Plan (the Bank Plan). All of the Plans are defined contribution plans.

As of December 23, 1994, the Jones Plan had five participants and total assets of $713,790; the Ehrie Pension Plan had seven participants and total assets of $322,168; the Ehrie P/S Plan had seven participants and total assets of $363,513; the Simons Plan had two participants and total assets of $134,791; the Buchanan Plan had 32 participants and total assets of $97,841; and the Bank Plan had 58 participants and total assets of $2,427,300. Thus, as of December 23, 1994, the Plans had 111 participants and total assets of approximately $4,059,403.

2. The Bank represents that at various times during the third and fourth quarters of 1993 and the first quarter of 1994, assets of the Plans were invested in the CMOs. The CMOs were purchased by the Bank from broker-dealers that were independent of the Plans as well as the Bank and its affiliates (including the Holding Company). The CMOs are investment products through which investors purchase an interest in a pool of residential mortgage loans. Investors receive payments of principal and interest. The interest payments change monthly in relation to a specific index, such as the London Interbank Offered Rate (LIBOR) or the U.S. Federal Reserve's Cost of Funds Index (COFI), contained in a formula used to calculate the interest rate for such securities. The repayment of principal is usually guaranteed by various U.S. government agencies, such as the Federal Home Loan Mortgage Corporation (FHLMC or ''Freddie Mac'') or the Federal National Mortgage Association (FNMA or ''Fannie Mae'').

3. The CMOs are described as follows: (i) FHLMC Multiclass Mortgage Participation Certificates, Series 1625, Class SB, SE, and SJ; (ii) FHLMC Multiclass Mortgage Participation Certificates, Series 1655, Class S; (iii) FNMA Guaranteed REMIC Pass-Through Certificates, Fannie Mae REMIC Trust 1993–102, Class S; (iv) FNMA Guaranteed REMIC Pass-Through Certificates, Fannie Mae REMIC Trust 1993–110, Class SH; (v) FNMA Guaranteed REMIC Pass-Through Certificates, Fannie Mae REMIC Trust 1993–139, Class SL and SC; (vi) FNMA Guaranteed REMIC Pass-Through Certificates, Fannie Mae REMIC Trust 1993–202, Class VJ; and (vii) GE Capital Mortgage Services, Inc., REMIC Multi-Class Pass-Through Certificates, Series 1993–17, Class 17–A20.[6]

[6] The applicant states that the GE Capital Mortgage Services, Inc. REMIC Multi-Class Pass-Through Certificates, Series 1993–17, Class 17–A20 (the GE CMO) was a publicly-offered security. In this regard, the applicant notes that if a plan acquires a publicly-offered security that grants the plan an equity interest in an entity, the plan's assets include the security but not any of the underlying assets of the entity (see 29 CFR 2510.3–101(a)(2) and (b)). Therefore, the applicant represents that the assets of the Plans that own the GE CMO do not include any of the mortgages underlying the GE CMO.

The applicant states further that if a plan acquires a ''guaranteed governmental mortgage pool certificate'', the plan's assets include the certificate but not any of the mortgages underlying such certificate (see 29 CFR 2510.3–101(i). A ''guaranteed governmental mortgage pool certificate'' is a certificate (i) that is backed by, or evidences an interest in, specified mortgages or participation interests, and (ii) whose interest and principal

All of the certificates mentioned above are structured as a real estate mortgage investment conduit (''REMIC'') under section 860D of the Code. The various classes of certificates receive principal and interest payments in differing portions and at differing times from the cash flows provided from the monthly payments received on the underlying mortgages.

The repayment of principal from the underlying mortgages fluctuates significantly. To facilitate the structuring of such REMICs, the prepayments on the pools of mortgages are commonly measured relative to a variety of prepayment models. The model used for these REMICs is the Public Securities Association's standard prepayment model or ''PSA''. This model assumes that mortgages will prepay at an annual rate of .2% in the first month after origination, then the prepayment rate increases at an annual rate of .2% per month up to the 30th month after origination and then the prepayment rate is constant at 6% per annum in the 30th and later months. This assumption is called 100 PSA.

The REMIC structure allocates principal payments to the various classes in varying amounts as principal payments are made. The exact date of repayment of all principal to any class of certificates is not known until the final maturity date. The maturity for the various classes is referred to as the ''weighted average life'' (WAL). The WAL of a security refers to the average amount of time expressed in years that will elapse from the date of its issuance until each dollar of principal has been repaid to the investor based on the PSA assumption. The holders of all classes of the certificates will receive all of their principal back. However, the timing of when that principal is returned is dependent on how quickly the underlying mortgages are repaid or refinanced. In no event will the time for the recovery of principal exceed the final maturity date of the underlying mortgages.

Each month the monthly payments on the underlying mortgages are collected and distributed to the holders of the various REMIC classes. Interest on the certificates is paid monthly and is determined according to a specific formula. The certificates owned by the Plans, described in further detail below, are ''inverse floaters'' with an interest rate indexed to one month LIBOR or COFI. These certificates are ''inverse floaters'' because the formula used to calculate the interest rate, which adjusts monthly for each certificate, usually raises the rate when the index falls and lowers the rate when the index rises.

All of the CMOs were purchased by the Bank, as trustee of the Plans, from either Mark Ross (Mr. Ross) of Kemper Securities, Inc. (Kemper Securities), located in Houston, Texas, or Robert Conroy (Mr. Conroy) of First Institutional Securities, Inc. (FIS), located in Clifton, New Jersey. The Bank states that neither the brokers (i.e. Mr. Ross and Mr. Conroy) nor their brokerage firms have any relationship to the Plans, the employers which maintain the Plans, the Bank, or any affiliates of the Bank.

A description of each of the CMOs, including the respective interest rate formulas, WAL and PSA assumptions are set forth below in the APPENDIX.

4. At the time of purchase, the Bank anticipated that interest rates generally would decline and that each CMO would be retired within three years of the date of purchase due to prepayments of the underlying mortgages in each pool as obligors refinanced their mortgages at lower interest rates. The Bank thought that the CMOs would yield the Plans a high rate of return as well as offset the adverse effects declining interest rates would have on the Plans' floating rate assets during this period. The Bank states that the ideal time to buy CMOs that are ''inverse floaters'' is when interest rates, as measured by indices such as LIBOR or COFI, are high and are expected to go down during the time the investor is holding the CMOs. However, when interest rates rise, the rate of return on the CMOs goes down and the securities become less valuable. The Bank notes that initially the Plans were receiving monthly interest payments on the CMOs at rates that were significantly above the market rate, as measured by interest rate indexes at the time. As a result of increases in interest rates during 1994, and the expectation of additional interest rate increases, the Bank anticipated that the CMOs would not be retired for at least 15 years because of the projected decrease in the prepayments of mortgages held in each pool. Furthermore, as a result of the increase in interest rates, both the rate of return on the CMOs (as measured by the monthly interest payments) and the market value of the CMOs decreased significantly. Thus, the Bank states that it became increasing difficult to find third party investors who were willing to purchase the CMOs from the Plans without the Plans incurring significant losses on their investments.[7]

5. Robert W. Nichols (Mr. Nichols), First Vice President of Morgan Keegan & Company, Inc., an independent, qualified appraiser located in Louisville, Kentucky, calculated the fair market value of the CMOs held by the Plans as of December 15, 1994. Mr. Nichols solicited bids for all of the CMOs from at least three different independent broker-dealers, including First National Bank of Knoxville in Knoxville, Tennessee; First Commerce Securities in Memphis, Tennessee; and Merrill Lynch Institutional Sales in Charleston, West Virginia. Based on pricing information obtained from these broker-dealers, Mr. Nichols advised the Bank that the fair market value of the CMOs was significantly below the original purchase price of the CMOs (as noted in the table below in Paragraph 6). The Bank states that Mr. Nichols is not related to or associated with the Bank, the Holding Company, the Plans or any of the brokers involved in the purchases of the CMOs.

6. In addition, the Bank calculated the value of the CMOs held by the Plans as of December 23, 1994, using an

payments are guaranteed by the Government National Mortgage Association (GNMA), FHLMC, or FNMA. Thus, the applicant represents that since all of the CMOs, except for the GE CMO, have interest and principal payments payable under the CMO guaranteed by either FHLMC or FNMA, the assets of the Plans do not include any of the mortgages underlying such CMOs.

[7] The Department is expressing no opinion in this proposed exemption regarding whether the acquisition and holding of the CMOs by the Plans violated any of the fiduciary responsibility provisions of Part 4 of Title I of the Act.

The Department notes that section 404(a) of the Act requires, among other things, that a fiduciary of a plan act prudently, solely in the interest of the plan's participants and beneficiaries, and for the exclusive purpose of providing benefits to participants and beneficiaries when making investment decisions on behalf of a plan. Section 404(a) of the Act also states that a plan fiduciary should diversify the investments of a plan so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.

In this regard, the Department is not providing any opinion as to whether a particular category of investments or investment strategy would be considered prudent or in the best interests of a plan as required by section 404 of the Act. The determination of the prudence of a particular investment or investment course of action must be made by a plan fiduciary after appropriate consideration to those facts and circumstances that, given the scope of such fiduciary's investment duties, the fiduciary knows or should know are relevant to the particular investment or investment course of action involved, including the plan's potential exposure to losses and the role the investment or investment course of action plays in that portion of the plan's investment portfolio with respect to which the fiduciary has investment duties (see 29 CFR 2550.404a–1). The Department also notes that in order to act prudently in making investment decisions, a plan fiduciary must consider, among other factors, the availability, risks and potential return of alternative investments for the plan. Thus, a particular investment by a plan, which is selected in preference to other alternative investments, would generally not be prudent if such investment involves a greater risk to the security of a plan's assets than comparable investments offering a similar return or result.

amortized cost computation. The Bank states that the computation of the amortized cost was arrived at by a series of computations. First, the Bank determined the amount of the premium paid upon purchase (Purchase price − 100 = Premium). The par value or face value of a bond is referred to as 100. The Bank states that since all of CMOs paid interest monthly, the premium was allocated monthly in order to be properly matched to the income. The number of months that the premium was allocated over was determined by the WAL at the time of purchase (expressed in years) multiplied by twelve (WAL × 12 = amortizing months).[8] Then, the Bank determined the amount of premium that was allocated to each month by dividing the premium by the amortizing months. To determine how much premium still remained to be amortized, the Bank subtracted from the amortizing months those months that the Plan actually held the CMO. The Bank states that the remaining months were multiplied by the monthly premium amount to arrive at the premium balance. The premium was added to the par price (i.e. 100) to arrive at the amortized cost remaining for the CMO. Thus, the Bank states that the formula for calculating amortized cost was as follows:[9]

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The Bank also calculated the remaining principal balance on the CMO investments held by each Plan as of December 23, 1994, based on the face amount of the securities and the principal and interest payments received by the Plans through that date. As shown in the table below, the amortized cost of the CMOs held by the Plans exceeded the remaining principal balances on the CMOs at the time of the transaction. In addition, the table below shows the fair market value of the CMOs held by each Plan, based on Mr. Nichols' appraisal of the CMOs on December 15, 1994.

Plan	Amort. cost	Prin. bal.	Mkt. value
Jones Plan	$226,612	$224,473	$105,711
Ehrie Pension Plan	79,449	78,410	41,581
Ehrie P/S Plan	105,046	104,028	52,924
Simons Plan	23,085	22,745	12,002
Buchanan Plan	18,240	18,192	10,445
Bank Plan	646,699	644,433	302,519

The Bank determined that a sales price for the CMOs owned by each of the Plans based on amortized cost, plus the total principal and interest payments received by the Plans as of the date of sale, would produce a total return to the Plans which would exceed the Plans' total original cost for the CMOs (as illustrated below).

Plan	Interest collected	Principal rec.'d + amort. cost	Total receipts	Total cost
Jones Plan	$25,372	$242,078	$267,450	$246,254
Ehrie Pension Plan	8,060	86,039	94,099	86,812
Ehrie P/S Plan	11,367	115,849	127,216	117,982
Simons Plan	2,716	25,313	28,029	25,717
Buchanan Plan	1,414	20,049	21,463	20,100
Bank Plan	72,953	693,782	766,735	705,680

The Bank represents that each Plan received a reasonable rate of interest on the CMOs during the period of time it held the CMOs. In this regard, the Bank states that the weighted annualized rate of interest received by each Plan on its CMOs, net of amortization cost, was as follows: (i) 8.19% for the Jones Plan; (ii) 8.06% for the Ehrie Pension Plan; (iii) 7.58% for the Ehrie P/S Plan; (iv) 8.68% for the Simons Plan; (v) 7.09% for the Buchanan Plan; and (vi) 8.23% for the Bank Plan.[10]

7. The Bank represents that when the market value and the availability of buyers for the CMOs declined, the CMOs became illiquid investments. Therefore, the Bank believed that the CMOs were no longer suitable investments for the Plans. The Bank states that any sale of the CMOs on the open market would have produced significant losses for the Plans and the individual accounts of each Plan

[8] As noted previously in Paragraph 3, the WAL for a CMO is determined at the time of purchase based on various assumptions about the speed of principal repayments and interest rate changes, using financial data provided by independent sources (such as Bloomberg Financial Markets). The Bank states that changes to the formula for calculating the amortized cost based on WAL assumptions other than at the time of purchase would not provide an administratively acceptable method of allocating the premium for a CMO because such a method would require constant adjustments which are not material to the concept of income recognition as it relates to CMOs.

[9] For example, assume that a particular CMO investment has been held by a Plan for 6 months. If the WAL at the time of purchase of the CMO was 2.02 years and the cost was 102.25 based on the par value being referred to as 100, the formula would be (((102.25 − 100 = 2.25) / 2.02 × 12 = 24.24) = .09282178) × ((2.02 × 12 = 24.24) − 6) = 1.69307 + 100 = 101.69307). As the formula indicates, the amortized cost using the WAL at purchase would be 101.69307 as compared to the actual cost of 102.25. Therefore, the Bank states that the amortized cost formula caused the Plan to be paid an amount for this CMO investment which was slightly less than the Plan's original cost (i.e. basis) but more than the total remaining principal balance plus accrued but unpaid interest.

[10] The formula for the annualized rate of return for the months held was as follows: (Interest income collected less amortization of premiums realized) divided by (average outstanding balance) divided by (average months held) and multiplied by 12.

participant involved. In order to prevent such losses, the Bank sold the CMOs to the Holding Company at an amount which for each Plan was the greater of either: (i) The outstanding principal balance for the CMOs owned by the Plan, plus accrued but unpaid interest, at the time of sale; (ii) the amortized cost for the CMOs owned by the Plan, plus accrued but unpaid interest, as determined by the Bank based on the outstanding principal balance for each CMO on the date of sale; or (iii) the fair market value of the CMOs owned by the Plan as determined by an independent, qualified appraiser at the time of the sale.

The Bank, as trustee of the Plans, believed that the transactions were in the best interests of the Plans and their participants and beneficiaries. The Bank states that the transactions allowed the Plan participants to divest themselves of an illiquid investment and shifted to the Holding Company the risks associated with selling the CMOs during the current interest rate environment. As a result, the individual participants in the Plans were no longer subject to the losses that would have resulted from the participants receiving a distribution of their account balances based on the fair market value of the CMOs. The Bank wanted to sell the CMOs to the Holding Company by December 31, 1994, in order to benefit participants of the Plans receiving distributions from their individual accounts during 1995. In this regard, the Bank notes that distributions made to Plan participants are based on the fair market value of the plan assets at the year-end valuation. At the time of the transaction, the fair market value of the CMOs was substantially less than the amount the Plans received as a result of the transactions.

8. The Bank represents that it took all appropriate actions necessary to safeguard the interests of the Plans and their participants and beneficiaries in connection with the sale of the CMOs to the Holding Company. The Bank ensured that each Plan received the appropriate amount of cash from the Holding Company in exchange for such Plan's CMOs. The Bank reviewed an updated appraisal of the CMOs to ensure that there was an accurate calculation by the independent appraiser of the fair market value of each of the CMOs held by the Plans, based on pricing information obtained from independent broker-dealers. The Bank also ensured that the Plans did not pay any commissions or other expenses in connection with the transactions.

9. In summary, the applicant represents that the transactions satisfied the statutory criteria of section 408(a) of the Act and section 4975 of the Code because: (a) Each sale was a one-time transaction for cash; (b) each Plan received an amount which was equal to the greater of either (i) the outstanding principal balance for the CMOs owned by the Plan, plus accrued but unpaid interest, at the time of sale, (ii) the amortized cost for the CMOs owned by the Plan, plus accrued but unpaid interest, as determined by the Bank based on the outstanding principal balance for each CMO on the date of sale, or (iii) the fair market value of the CMOs owned by the Plan as determined by an independent, qualified appraiser at the time of the sale; (c) the Plans did not pay any commissions or other expenses with respect to the sale; (d) the Bank, as trustee of the Plans, determined that the sale of the CMOs was in the best interests of each Plan and its participants and beneficiaries; (e) the Bank took all appropriate actions necessary to safeguard the interests of the Plans and their participants and beneficiaries in connection with the transactions; and (f) each Plan received a reasonable rate of interest on the CMOs during the period of time it held the CMOs.

Notice to Interested Persons

The applicant states that notice of the proposed exemption shall be made by first class mail to the appropriate Plan fiduciaries within fifteen (15) days following the publication of the proposed exemption in the Federal Register. This notice shall include a copy of the notice of proposed exemption as published in the Federal Register and a supplemental statement (see 29 CFR 2570.43(b)(2)) which informs interested persons of their right to comment on and/or request a hearing with respect to the proposed exemption. Comments and requests for a public hearing are due within forty-five (45) days following the publication of the proposed exemption in the Federal Register.

Appendix

A. The FHLMC Multiclass Mortgage Participation Certificates, Series 1625, Class SB, SE and SJ, were issued by Freddie Mac as part of an issue of multiclass participation certificates with 45 various classes in the total amount of $1.5 trillion. The Bank, as trustee of the Plans, purchased portions of three of those classes on December 2, 1993. The Certificates are secured by first lien residential mortgages with an original term to maturity of 180 months or less.

This REMIC uses a 200 PSA assumption regarding principal repayment (2 times 100 PSA). The WAL for classes SB, SE and SJ based on a 200 PSA was 3.4, 2.0 and 2.0 years, respectively, at the time of purchase.

The formula for the interest on class SB is 57.000005—(LIBOR×6.785715) with a minimum rate of 0.0% and a maximum rate of 9.5%. For class SE, the interest is 17.999996—(LIBOR×2.571428) with a minimum rate of 0.0% and a maximum rate of 17.999996%. For class SJ, the interest is 18.529405—(LIBOR×2.647058) with a minimum rate of 0.0% and a maximum rate of 18.529405%. ''LIBOR'' refers to one-month LIBOR, a rate established daily by independent market data sources in London, England, based on the arithmetic mean of quotations offered by creditworthy international banks dealing in Eurodollars. LIBOR moves up or down daily as the interest rates charged by such banks move up or down. The movement of LIBOR has an inverse relationship on the interest paid on all inverse floating rate classes. As interest rates increased from February through December 1, 1994, the interest paid on most of these classes declined. The initial interest rates for classes SB, SE and SJ were 9.5%, 9.803569% and 10.091908%, respectively. The interest rates as of December 1, 1994 for classes SB, SE and SJ were 9.5%, 2.57% and 2.65%. The interest rates can drop to 0.0% for classes SB, SE and SJ if LIBOR reaches or exceeds 8.4, 8.0 and 7.0 percent, respectively. LIBOR on December 23, 1994 was 5.94%.

B. The FHLMC Multiclass Mortgage Participation Certificates, Series 1655, Class S, were issued by Freddie Mac as part of an issue of multiclass certificates with 20 various classes in the total amount of $500 million. The Bank, as trustee of the Plans, purchased a portion of a class on December 7, 1993. The Certificates are secured by first lien residential mortgages with an original term to maturity of 180 months or less.

This REMIC uses a 250 PSA assumption regarding principal repayment (2.5 times 100 PSA). The WAL for class S based on a 250 PSA was 3.5 years at the time of purchase.

The formula for the interest on class S is 18.983333333—(LIBOR x 2.333333) with a minimum rate of 3.0% and a maximum rate of 18.98333333%. As discussed above, the movement of LIBOR has an inverse relationship on the interest paid on all inverse floating rate classes. As interest rates increased from February through December 1994, the interest paid on the class S securities declined. The initial interest rate was 11.5458%. As of December 15, 1994, the interest rate was 4.54%. The interest rate can drop to 3.0% if LIBOR reaches 6.85% or higher. As noted

above, LIBOR was 5.94% on December 23, 1994.

C. The FNMA Guaranteed REMIC Pass-Through Certificates, Fannie Mae REMIC Trust 1993–102, Class S, were issued by Fannie Mae as part of an issue of pass-through certificates with 18 various classes in the total amount of $500 million. The Bank, as trustee of the Plans, purchased a portion of one class on September 2, 1993. The Certificates are secured by first lien residential mortgages with an original term to maturity of 180 months or less.

This REMIC uses a 175 PSA assumption regarding principal repayment (1.75 times 100 PSA). The WAL for class S based on a 175 PSA was 3.5 years at the time of purchase.

The formula for the interest on class S is 26.95598—(LIBOR x 3.85086) with a minimum rate of 0.0% and a maximum rate of 26.95598%. The movement of LIBOR has an inverse relationship on the interest paid on all inverse floating rate classes. As interest rates increased from February through December 1994, the interest paid on class S securities declined. The initial interest rate was 14.92206%. As of December 23, 1994, the interest rate was 3.97%. The interest rate can drop to 0.0% if LIBOR reaches 7% or higher.

D. The FNMA Guaranteed REMIC Pass-Through Certificates, Fannie Mae REMIC Trust 1993–110, Class SH, were issued by Fannie Mae as part of an issue of pass-through certificates with 28 various classes in the total amount of $925 million. The Bank, as trustee of the Plans, purchased a portion of one class on October 5, 1993. The Certificates are secured by first lien residential mortgages with an original term to maturity of 360 months or less.

This REMIC uses a 200 PSA assumption regarding principal repayment (2 times 100 PSA). The WAL for class SH based on a 200 PSA was 2.8 years at the time of purchase.

The formula for the interest on class SH is 16.9929—(COFI × 1.857144) with a minimum rate of 0.0% and a maximum rate of 16.9929%. In this case, ''COFI'' refers to the U.S. Federal Reserve's 11th District Cost of Funds Index for the second month next preceding the month in which such interest accrual period commences. COFI moves up or down as interest rates move up or down. The movement of COFI will have an inverse relationship on the interest paid on all inverse floating rate classes. COFI does not react immediately to changes in interest rates. Unlike most of the other certificates discussed herein, the interest paid on class SH securities declined only slightly during the period from February to December, 1994. The initial interest rate was 9.24677%. As of December 1, 1994, the interest rate was 9.217%. However, additional interest rate increases will significantly decrease the interest rate on these certificates. The interest rate can drop to 0.0% if COFI reaches 9.15% or higher. COFI was 4.367% for December 1994.[11]

E. The FNMA Guaranteed REMIC Pass-Through Certificates, Fannie Mae REMIC Trust 1993–139, Class SL and SC, were issued by Fannie Mae as part of an issue of pass-through certificates with 59 various classes in the total amount of $1,650,350,872. The Bank, as trustee of the Plans, purchased a portion of two classes on September 7 and 21, 1993. The Certificates are secured by first lien residential mortgages with an original term to maturity of 360 months or less.

This REMIC uses a 200 PSA assumption regarding principal repayment (2 times 100 PSA). The WAL for class SL and SC based on a 200 PSA was 4.0 and 3.5 years, respectively, at the time of purchase.

The formula for the interest on class SL is 70.05484—(LIBOR × 8.193548) with a minimum rate of 0.0% and a maximum rate of 12.7%. For class SC, the interest is 23.94—(LIBOR × 2.8) with a minimum rate of 0.0% and a maximum rate of 23.94%. The movement of LIBOR has an inverse relationship on the interest paid on all inverse floating rate classes. As interest rates increased from February through December 1994, the interest paid on the class SC securities declined. The initial interest rates for SL and SC classes were 12.7% and 15.015%, respectively. As of December 23, 1994, the interest rates were 12.7% and 8.2%, respectively. The interest rate for both the SL and SC class can drop to 0.0% if LIBOR reaches or exceeds 8.55%. As noted above, LIBOR was 5.94% on December 23, 1994.

F. The FNMA Guaranteed REMIC Pass-Through Certificates, Fannie Mae REMIC Trust 1993–202, Class VJ, were issued by Fannie Mae as part of an issue of pass-through certificates with 76 various classes in the total amount of $2 trillion. The Bank, as trustee of the Plans, purchased a portion of one class on October 28, 1993. The Certificates are secured by first lien residential mortgages with an original term to maturity of 360 months or less.

This REMIC uses a 200 PSA assumption regarding principal repayment (2 times 100 PSA). The WAL for class VJ based on a 200 PSA was 3.5 years at the time of purchase.

The formula for the interest on class VJ is 21.58 − (LIBOR × 2.6) with a minimum rate of 0.0% and a maximum rate of 21.58%. The movement of LIBOR has an inverse relationship on the interest paid on all inverse floating rate classes. As interest rates increased from February through December 1994, the interest paid on class VJ securities declined. The initial interest rate was 13.455%. As of December 23, 1994, the interest rate was 6.06%. The interest rate can drop to 0.0% if LIBOR reaches 8.3% or higher.

G. The GE Capital Mortgage Services, Inc., REMIC Mult-Class Pass-Through Certificates, Series 1993–17, Class 17–A20, were issued by GE Capital Mortgage Services, Inc., as part of an issue of pass-through certificates with 28 senior classes and 6 junior classes in the total amount of $493,750,000. The Bank, as trustee of the Plans, purchased a portion of one of the senior classes on November 30, 1993. The Certificates are secured by first lien residential mortgages with an original term to maturity of 360 months or less.

This REMIC uses a 340 PSA assumption regarding principal repayment (3.4 times 100 PSA). The WAL for class A20 based on a 340 PSA was 2.5 years at the time of purchase. The repayment of principal is not guaranteed by any U.S. Government Agency. As with the other REMICs, the timing of when the principal is returned is dependent on how quickly the underlying mortgages are actually repaid or refinanced.

The formula for the interest on class A20 is 17.875 − (LIBOR × 2.166666) with a minimum rate of 0.0% and a maximum rate of 17.875%. The movement of LIBOR has an inverse relationship on the interest paid on all inverse floating rate classes. As interest rates increased from February through December 1994, the interest paid on class A20 securities declined. The initial interest rate was 10.96875%. As of December 23, 1994, the interest rate was 4.87%. The interest rate can drop to 0.0% if LIBOR reaches 8.25% or higher.

FOR FURTHER INFORMATION CONTACT: Mr. E.F. Williams of the Department, telephone (202) 219–8194. (This is not a toll-free number.)

The Neiman Marcus Group, Inc. Employee Savings Plan (the Plan), Located in Chestnut Hill, Massachusetts

[Application No. D–09917]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act

[11] The applicant states that COFI is adjusted monthly, instead of daily.

and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 C.F.R. part 2570, subpart B (55 FR 32836, August 10, 1990). If the exemption is granted the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to (1) proposed interest-free loans to the Plan (the Loans) by The Neiman Marcus Group, Inc. (the Employer), the sponsor of the Plan, with respect to guaranteed investment contract number 62638 (the GIC) issued by Confederation Life Insurance Company (Confederation Life); and (2) the Plan's potential repayment of the Loans (the Repayments); provided that the following conditions are satisfied:

(A) No interest and/or expenses are paid by the Plan;

(B) The Loans are made in lieu of amounts due the Plan under the terms of the GIC;

(C) The Repayments are restricted to cash proceeds paid to the Plan by Confederation Life and/or any state guaranty association or other responsible third party making payment with respect to the GIC (the GIC Proceeds), and no other Plan assets are used to make the Repayments; and

(D) The Repayments will be waived to the extent the Loans exceed the GIC Proceeds.

Summary of Facts and Representations

1. The Plan is a defined contribution plan which includes a cash or deferred arrangement under section 401(k) of the Code, and which provides for employer matching contributions and additional employer discretionary contributions. As of September 30, 1994 the Plan had approximately 7,805 participants and total assets of approximately $68,729,722. The trustee of the Plan is Wachovia Bank of North Carolina, N.A. (the Trustee). The Employer, a Delaware public corporation with its principal place of business in Chestnut Hill, Massachusetts, is a retailer of clothing, fashion apparel, and home furnishings.

2. The Plan provides for individual participant accounts (the Accounts) and for participant-directed investment of each Account. Plan participants direct investment of their Accounts among options (the Funds) offered by the Plan. Participants' directions and changes of directions, with respect to investment of the Accounts among the Funds, are permitted on a quarterly basis. The Funds include a fixed income fund (the F.I. Fund), which invests in, among other things, guaranteed investment contracts issued by insurance companies.

2. Among the assets of the F.I. Fund is the GIC, a guaranteed investment contract issued to the Plan in 1992 by Confederation Life Insurance Company (Confederation Life), a Canadian insurance company doing business in the United States. The GIC is a single-deposit, benefit-responsive contract, principal amount $3,500,000, earning interest at a guaranteed annual rate of 7.91 percent (the Contract Rate). The GIC's terms enable the F.I. Fund to make withdrawals (the Withdrawals) to effect, in accordance with the terms of the Plan, benefit distributions, in-service withdrawals, participant loans, and participant-directed transfers of Account balances to other Funds offered by the Plan (the Withdrawal Events). Interest at the Contract Rate is credited daily, calculated on the balance remaining deposited under the GIC. If interest earned under the GIC exceeds the amount withdrawn, the difference is paid annually (the Interest Payments) on the anniversary date of the GIC's effective date. All Interest Payments have been made when due through April 3, 1994. The terms of the GIC also require Confederation Life to make a final payment to the Plan on March 31, 1997 (the Maturity Payment) in the amount of the GIC's accumulated book value, representing total principal deposits plus interest earnings at the Contract Rate less previous withdrawals. As of December 31, 1994, the GIC had a total accumulated book value of $3,684,555.

3. Commencing August 11, 1994 (the Receivership Date), insurance regulatory authorities in Canada and the state of Michigan instituted proceedings to place Confederation Life in receivership (the Receivership) [12], and normal account activity with respect to Confederation Life contracts was stayed pending resolution of the Receivership. Since the commencement of the Receivership, the Plan has received no payments under the GIC to enable the F.I. Fund to fund Withdrawal Events, and the Employer represents that it is uncertain whether, or to what extent, the Plan will receive any payments to enable funding of future Withdrawal Events. Additionally, the Employer represents that it is uncertain whether and to what extent the Maturity Payment under the GIC will be paid. The Employer desires to alleviate the F.I. Fund of risks associated with investments in the GIC, and to enable the F.I. Fund to resume and continue funding the Withdrawal Events. Accordingly, the Employer proposes to make loans to the Plan (the Loans) in lieu of the amounts due from Confederation Life under the terms of the GICs, and is requesting an exemption for the Loans, and for their potential repayment (the Repayments) by the Plan, under the terms and conditions described herein.

5. The Employer and the Trustee will execute a written agreement embodying all the terms and conditions of the Loans and the Repayments (the Agreement). Under the Agreement, the Employer agrees to make a Loan to the F.I. Fund each time Confederation Life fails to pay the Plan the full amount of any Withdrawal in accordance with the terms of the Plan. The amount of each Loan will be the difference between the amount due the Plan as a Withdrawal and the amounts actually paid with respect to that Withdrawal by Confederation Life, any conservator, liquidator, trustee or other person performing similar functions with respect to Confederation Life, or any state guaranty fund or other person or entity (other than the Employer) acting as surety, insurer or guarantor with respect to Confederation Life with respect to the GIC (collectively, the GIC Payors). The Loans will be made only in lieu of amounts due with respect to Withdrawals to fund Withdrawal Events, but not in lieu of amounts due the Plan in the form of the annual Interest Payments. In the event the Receivership and any rehabilitation of Confederation Life are not resolved by January 1, 2001, the Employer will make a final Loan in the amount of the Maturity Payment which would have been due March 31, 1997, less all previous Advances pursuant to the Agreement. The Employer will not credit interest under the Agreement past March 31, 1997, and that portion of any Account which is attributable to amounts remaining invested in the GIC after March 31, 1997 will cease to earn interest under the Agreement.[13] Any Loans made by the Employer after the maturity date of March 31, 1997 will be based on the Maturity Value of the GIC.

6. The Agreement provides that the Loans are to be repaid, but only from payments made to the Plan pursuant to the GIC by the GIC Payors. No other

[12] The Department notes that the decisions to acquire and hold the GIC are governed by the fiduciary responsibility requirements of Part 4, Subtitle B, Title I of the Act. In this proposed exemption, the Department is not proposing relief for any violations of Part 4 which may have arisen as a result of the acquisition and holding of the GIC.

[13] The Department notes that this exemption, if granted, will not affect the rights of any participant or beneficiary with respect to claims under section 404 of the Act in connection with any aspect of the GIC transactions.

Plan assets will be available for repayment of the Loans. If amounts received by the Plan from the GIC Payors (the GIC Proceeds) are not sufficient to repay fully the Loans, the Agreement provides that the Employer will have no recourse against the Plan, or against any participants or beneficiaries of the Plan, for the unpaid amount. To the extent the Plan receives GIC Proceeds in excess of the total amount of the Loans, such additional amounts will be retained by the Plan and allocated among the Accounts invested in the F.I. Fund.

7. In summary, the applicant represents that the proposed transaction satisfies the criteria of section 408(a) of the Act for the following reasons: (1) The Loans enable the Plan to resume the full funding of the Withdrawal Events; (2) The Loans will protect the Plan's investment in the GIC; (3) The Plan will pay no interest or incur any expenses with respect to the Loans; (4) Repayment of the Loans will be restricted to payments by the GIC Payors and no other Plan assets will be involved in the transactions; (5) Repayment of the Loan will be waived to the extent the Plan recoups less from the GIC Payors than the total amount of the Loans; and (6) In the event the Plan receives GIC Proceeds in excess of the Guaranteed Amount, such amounts will be retained by the Plan and allocated among the Accounts.

FOR FURTHER INFORMATION CONTACT: Ronald Willett of the Department (202) 219–8881. (This is not a toll-free number.)

Guarantee Mutual Life Company (Guarantee Mutual), Located in Omaha, NE

[Application No. D–09941]

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting an exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990).[14]

Section I. Covered Transaction

If the exemption is granted, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the proposed receipt of common stock of The Guarantee Life Companies, Inc. (GLCI), or the receipt of cash or policy credits by an eligible policyholder (the Eligible Policyholder) of Guarantee Mutual which is an employee benefit plan (the Plan), other than an Eligible Policyholder which is a plan sponsored by Guarantee Mutual for its own employees,[15] in exchange for the termination of such Eligible Plan Policyholder's membership interest in Guarantee Mutual, in accordance with the terms of a plan of demutualization (the Plan of Conversion or the Conversion Plan) adopted by Guarantee Mutual and implemented pursuant to the Nebraska Insurers Demutualization Act (the Demutualization Act), Nebraska Revised Statutes, Sections 44–6101 through 44–6120.

The proposed exemption is subject to the general conditions set forth below in Section II.

Section II. General Conditions

(a) The Conversion Plan is implemented in accordance with procedural and substantive safeguards that are imposed under Nebraska law and is subject to the review and supervision by the Director of the Department of Insurance of the State of Nebraska (the Director).

(b) The Director reviews the terms of the options that are provided to Eligible Policyholders of Guarantee Mutual, as part of such Director's review of the Conversion Plan, and the Director only approves the Conversion Plan following a determination that such Conversion Plan is fair and equitable to all Eligible Policyholders.

(c) Each Eligible Policyholder has an opportunity to comment on the Conversion Plan and decide whether to vote to approve such Conversion Plan after full written disclosure is given such Eligible Policyholder by Guarantee Mutual, of the terms of the Conversion Plan.

(d) Any election by an Eligible Plan Policyholder to receive stock, cash or policy credits, pursuant to the terms of the Conversion Plan is made by one or more independent fiduciaries (the Independent Fiduciaries) of such Plan and neither Guarantee Mutual nor any of its affiliates exercises any discretion or provides investment advice with respect to such election.

(e) After each Eligible Policyholder entitled to receive stock is allocated at least 10 shares of common stock, additional consideration is allocated to Eligible Policyholders who own participating policies based on actuarial formulas that take into account each participating policy's contribution to the surplus of Guarantee Mutual which formulas have been approved by the Director.

(f) All Eligible Plan Policyholders participate in the transactions on the same basis within their class groupings as other Eligible Policyholders that are not Plans.

(g) No Eligible Policyholder pays any brokerage commissions or fees in connection with their receipt of stock or in connection with the implementation of the commission-free sales program.

(h) All of Guarantee Mutual's policyholder obligations remain in force and are not affected by the Conversion Plan.

Section III. Definitions

For purposes of this proposed exemption:

(a) The term ''Guarantee Mutual'' means Guarantee Mutual Insurance Company and any affiliate of Guarantee Mutual as defined in paragraph (b) of this Section III.

(b) An ''affiliate'' of Guarantee Mutual includes—

(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with Guarantee Mutual. (For purposes of this paragraph, the term ''control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual.)

(2) Any officer, director or partner in such person, and

(3) Any corporation or partnership of which such person is an officer, director or a 5 percent partner or owner.

(c) The term ''Eligible Policyholder'' means a policyholder who is eligible to vote and to receive consideration in a demutualization. Such policyholder is a policyholder of the mutual insurer on the day the plan of conversion is adopted by the board of directors of the insurer.

(d) The term ''policy credit'' means an increase in accumulation account value (to which no surrender or similar charges are applied) in the general account or an increase in a dividend accumulation on a policy.

[14] For purposes of this exemption, reference to provisions of Title I of the Act, unless otherwise specified, refer also to the corresponding provisions of the Code.

[15] Guarantee Mutual is not requesting, nor is the Department providing exemptive relief herein with respect to the distributions of stock to plans that Guarantee Mutual or its affiliates maintain for their own employees. Guarantee Mutual represents that such stock would constitute qualifying employer securities within the meaning of section 407(d)(5) of the Act and that section 408(e) of the Act would apply to such distributions. In this regard, the Department expresses no opinion on whether such distributions would satisfy the terms and conditions of section 408(e) of the Act.

Summary of Facts and Representations

1. Guarantee Mutual is a mutual life insurance company organized in 1901 under the laws of the State of Nebraska. It provides group life and health insurance to employers and life insurance and annuities to individuals. Guarantee Mutual transacts business in forty-six states and District of Columbia. As of December 31, 1993, Guarantee Mutual had total assets of approximately $975 million and more than $20 billion of life insurance policies in force.

As a mutual life insurance company, Guarantee Mutual has no stockholders. Policyholders are members of Guarantee Mutual and are entitled to vote to elect directors of the company and would be entitled to share in the assets of the company if it were liquidated.

2. Guarantee Mutual is the sole stockholder of two stock life insurance companies—(a) Guarantee American Life Company (GALC), a Nebraska-domiciled life insurer incorporated in 1982; and (b) Guarantee Protective Life Company (GPLC), a life insurer incorporated in Minnesota in 1936 and acquired by Guarantee Mutual in 1992 and redomesticated to Nebraska in 1993. GALC is principally engaged in reinsuring a portion of certain Guarantee Mutual insurance obligations. GPLC ceded its group life, health and credit insurance lines to nonaffiliated insurance pursuant to reinsurance agreements that were completed in late 1992 and early 1993. Currently, GPLC is not underwriting any new business. In addition to these insurance companies, Guarantee Mutual owns 100 percent of the stock of Guarantee Financial Services, Inc., a non-insurance company incorporated in 1990 in Nebraska that has not yet conducted any operations.

3. Guarantee Mutual provides a wide variety of insurance products to employee benefit plans covered by provisions of the Act and the Code. Guarantee Mutual has actively marketed its products to employee benefit plans and had as of September 30, 1994, approximately 32,100 in force policies and contracts held on behalf of employee pension and welfare plans. These include approximately 1,700 policies and contracts funding pension and profit sharing plans and over 30,400 contracts providing welfare benefit plan coverage such as group life, short- and long-term disability, accidental death and dismemberment and group health coverage.

4. On February 1, 1994, Guarantee Mutual's Board of Directors authorized management to develop a plan of demutualization pursuant to which Guarantee Mutual would be converted from a mutual life insurance company to a stock life insurance company by operation of Nebraska law. The Board of Directors formally adopted the Conversion Plan on December 15, 1994.

The ultimate result of the Conversion Plan will be a structure in which all of Guarantee Mutual's stock will be held by a holding company, GLCI, which has been organized under Delaware law for this purpose. Eligible Policyholders of Guarantee Mutual will receive stock of GLCI or, in certain cases, cash or policy credits and their membership interests and rights in the surplus of Guarantee Mutual will be extinguished. Any election by the Plan to receive stock, cash or policy credits pursuant to the Conversion Plan will be made by one or more Independent Fiduciaries of such Plan and neither Guarantee Mutual nor any of its affiliates will exercise any discretion or render investment advice with respect to such election.

Under the Conversion Plan, two steps will deem to occur simultaneously on the effective date of the transaction. First, Guarantee Mutual will be deemed to issue common stock to a transfer agent for the respective accounts of Eligible Policyholders entitled to receive stock under the Conversion Plan. Second, the transfer agent will be deemed to transfer such shares, on behalf of the Eligible Policyholders, to GLCI in exchange for an equal number of shares of GLCI stock. GLCI will then issue such shares of GLCI stock registered in the respective names of the Eligible Policyholders entitled to receive stock.

5. The initial public offering (the IPO), in which shares of GLCI stock will be sold for cash, is to occur on the effective date of the demutualization which is anticipated to take place during the second half of 1995. GLCI will contribute a portion of the proceeds from the IPO to Guarantee Mutual in an amount at least equal to the amount required to pay cash and fund the crediting of policy credits to Eligible Policyholders who are to receive such consideration. As promptly as possible after the effective date, GLCI will pay, or cause Guarantee Mutual to pay, cash or policy credits to Eligible Policyholders entitled under the Conversion Plan to receive such consideration.

GLCI stock will be publicly-traded. In this regard, an application will be made to list its stock on the National Association of Securities Dealers Automated Quotations National Market System.

6. According to the applicant, the principal purpose of the demutualization is to enhance Guarantee Mutual's strategic and financial flexibility by creating a corporate structure that will make it potentially possible to obtain additional capital from sources that are unavailable to the company as a mutual insurer. In addition, the applicant represents that the conversion of Guarantee Mutual from a mutual life insurance company to a stock life insurance company will enable Guarantee Mutual to use stock options or other equity-based compensation arrangements in order to attract and retain talented employees. Moreover, the applicant notes that Eligible Policyholders will benefit by receiving marketable securities, cash or policy credits in the demutualization. The applicant further represents that the Conversion Plan will not, in any way, change premiums or reduce policy benefits, values, guarantees or other policy obligations of Guarantee Mutual to its policyholders and contractholders.

7. The applicant has outlined the procedural requirements under Nebraska law for life insurance company demutualization. In this regard, the Demutualization Act provides an approval process for demutualization of a life insurance company under Nebraska law. A conversion plan must be approved by the Director as well as by Eligible Policyholders.

The Demutualization Act requires that a mutual insurer wishing to convert to a stock insurer file an application with the Director. The application must include: (a) A plan of conversion that contains a description of the structure and form of the proposed consideration to the policyholders and the projected range of the number of shares of capital stock to be issued by the new stock insurer; (b) a certification that the plan of conversion has been adopted by a vote of not less than two-thirds of the members of the mutual insurer's board of directors; (c) certification adopted by not less than two-thirds of the members of the mutual insurer's board of directors that the plan is fair and equitable to the policyholders; (d) certified copies of the proposed amendments to the insurer's articles of incorporation and bylaws to effectuate the conversion; and (e) a form of the proposed notice to policyholders, describing the plan of conversion and informing policyholders of procedures for the meeting of policyholders and the policyholder vote on the plan.

The Director must make an initial determination to approve or disapprove an application after conducting a public hearing, at which any interested person may appear or otherwise be heard. The

insurer must give such interested person reasonable notice of the public hearing as the Director in his or her discretion requires. After the public hearing, the Director will approve the application only if he or she finds that (a) the plan of conversion is fair and equitable to the policyholders; (b) the plan does not deprive the policyholders of their property rights or due process of law; (c) the new stock insurer would meet the minimum requirements to be issued a certificate of authority by the Director to transact business in Nebraska; and (d) that the continued operations of the new stock insurer would not be hazardous to future policyholders and the public.

After the Director makes an initial determination to approve an application, the insurer is required to hold a meeting of its policyholders to vote on the plan. The Demutualization Act requires that the insurer give at least 30 days notice prior to the time fixed for the meeting, by first-class mail to the last-known address of each policyholder, that the plan of conversion will be voted upon at a meeting of the policyholders. The notice must also include a brief description of the plan and a statement that the Director has initially approved it. Policyholders may vote in person or by written proxy. Each policyholder is entitled to only one vote regardless of the number of policies owned by the policyholder. The plan of demutualization must be approved by the affirmative vote of at least two-thirds of the policyholders who vote on the plan.[16]

After receiving certification from the insurer that the plan of demutualization has been approved by the policyholders, the Director will enter a final order approving the insurer's application. The demutualization will take effect under Nebraska law after the insurer certifies that the conditions set forth in the plan of demutualization have been satisfied and the Director issues a certificate of authority to the insurer.

Under Nebraska law, the consideration given to policyholders may be stock, cash, a combination of stock and cash, or such other valuable consideration as the Director may approve. Policyholders are not required to be given preemptive rights unless the Director so orders.

The Demutualization Act permits the Director to engage the services of experts to assist in determining whether a plan of conversion meets the requirements of the Demutualization Act. In the case of Guarantee Mutual, the Director has retained actuaries, Ernst & Young; legal advisers, LeBoeuf, Lamb, Green & MacRae and Kennedy, Holland, Delacy & Svoboda; and investment banking firm, Donaldson, Lufkin & Jenrette, Inc., as consultants.

A final order by the Director to approve an application pursuant to the Demutualization Act is subject to judicial review in the Nebraska courts in accordance with the Nebraska Administrative Procedure Act.

7. Guarantee Mutual's Conversion Plan provides for Eligible Policyholders, whose membership interests in the mutual company will be extinguished in the demutualization, to receive common stock of GLCI, or cash or policy credits. For this purpose, an Eligible Policyholder generally is the owner of one or more policies in force on the date that Guarantee Mutual's Board of Directors adopted the Conversion Plan.[17] In order to determine the amount of consideration to which each Eligible Policyholder is entitled, each Eligible Policyholder will be allocated (but not issued) a number of shares of common stock equal to the sum of (a) a fixed component of consideration equal to 10 shares of GLCI stock which will be subject to proportional adjustment; and (b) where the Eligible Policyholder owns one or more participating policies, an additional number of shares based on actuarial formulas that take into account each participating policy's past and expected future contributions to the surplus of Guarantee Mutual.

8. Certain Eligible Policyholders will receive cash or policy credits instead of stock. The amount of cash or policy credits will be determined by reference to the price per share at which GLCI stock is offered to the public in the IPO.[18] Eligible Policyholders whose mailing address is outside the United States, or to whom mail is undeliverable at the address in Guarantee Mutual's records, will receive cash in lieu of stock, in an amount equal to the value of the stock such policyholders would otherwise have received based on the price of GLCI stock in the IPO contemplated by the Plan of Conversion.

In addition, the Plan of Conversion provides that Eligible Policyholders who are allocated a number of shares of GLCI stock which is less than or equal to the maximum number of shares specified by the Board of Directors of Guarantee Mutual, may receive cash instead of stock. The maximum number of shares designated by the Board of Directors may not be less than 10 shares nor may it exceed 40 shares. Such maximum amount is, however, subject to proportional adjustment.

Certain other Eligible Policyholders, namely owners of individual retirement annuities, tax sheltered annuities or certain other policies issued directly to plan participants in qualified pension or profit sharing plans will receive policy credits equal in value to the stock allocated to such Eligible Policyholders.

Under Nebraska law, a plan of conversion must specify the consideration to be given to policyholders and the Director must find that the plan is fair and equitable to the policyholders and does not deprive them of their property rights or due process of law. Moreover, the Director must approve any consideration (such as policy credits) other than cash or stock.

9. The Conversion Plan also provides for a commission-free program that is to begin after the ninetieth day following the effective date of the demutualization and before the 12 month anniversary of such effective date at a time determined by the Board of Directors of GLCI to be appropriate and in the best interests of GLCI and its stockholders. The program, which will continue for 3 months, will be available to any Eligible Policyholder who receives, under the Plan of Conversion, fewer shares than the

[16] Although Guarantee Mutual is uncertain about the number of policyholders that will vote on the Conversion Plan, it points out that it has approximately 155,000 policyholders who are eligible to vote. Guarantee Mutual also represents that prior to the public hearing, it will provide each Eligible Policyholder with a summary of the Conversion Plan, a notice of the public hearing and a more detailed policyholder information statement.

[17] Guarantee Mutual represents that under sections 44–6103, 44–6106 and 44–6109 of Nebraska Insurance Law, the stock, cash, policy credits or other compensation resulting from the demutualization plan must be distributed to ''policyholders,'' as determined by the records of the mutual life insurance company. Guarantee Mutual further represents that an insurance or annuity policy that provides benefits under an employee benefit plan, typically designates the employer that sponsors the plan, or a trustee acting on behalf of the plan, as the policyholder. In this regard, Guarantee Mutual asserts that it is required under Nebraska Insurance Law to make distributions resulting from the demutualization plan to the employer or the plan sponsor when they are the designated policyholder on the plan policy.

In general, it is the Department's view that, if an insurance policy (including an annuity contract) was purchased with assets of an employee benefit plan, and if there exist any participants covered under the plan (as defined at 29 CFR 2510.3–3) at the time when Guarantee Mutual incurs the obligation to distribute stock, cash, policy credits or other compensation, then such consideration would constitute an asset of such plan. Under these circumstances, the appropriate plan fiduciaries must take all necessary steps to safeguard the assets of the plan in order to avoid engaging in a violation of the fiduciary responsibility provisions of the Act.

[18] For purposes of allocating the consideration, Guarantee Mutual represents that all policyholders will be treated the same within their class groupings.

maximum number of shares entitled to receive cash as consideration.

In the program, such Eligible Policyholders will be entitled to sell, at prevailing market prices, all the shares of GLCI stock received by the Eligible Policyholder in the demutualization. Specifically, Chemical Bank, which is unrelated to Guarantee Mutual, or one of Chemical Bank's affiliates, will effect sales of stock under the commission-free sales program.[19] No brokerage commissions, mailing charges, registration fees or other administrative or similar expenses will be charged in connection with the receipt of stock or the implementation of the commission-free sales program. The commission-free program will also offer Eligible Policyholders the opportunity to purchase enough shares to round-up their holdings to 100 shares, again without paying any fees, charges or commissions (the Round Up Feature). Participation in the Round Up Feature will be made available to all Eligible Policyholders who on the commission-free program's record date hold fewer than a number of shares (not more than 99) specified by the Board of Directors of Guarantee Mutual.

10. In summary, it is represented that the proposed transaction will satisfy the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The Conversion Plan will be implemented in accordance with procedural and substantive safeguards that are imposed under Nebraska law and will be subject to the review and supervision by the Director.

(b) The Director will review the terms of the options that are provided to Eligible Policyholders of Guarantee Mutual as part of such Director's review of the Conversion Plan, and will approve the Conversion Plan following a determination that such Conversion Plan is fair and equitable to all Eligible Policyholders.

(c) Each Eligible Policyholder will have an opportunity to comment orally or in writing on the Conversion Plan and decide whether to vote to approve in writing such Demutualization Plan after full written disclosure is given such policyholder by State Mutual, of the terms of the Conversion Plan.

(d) Any election by an Eligible Policyholder which is a Plan to receive stock, cash or policy credits, pursuant to the terms of the Conversion Plan will be made by one or more Independent Fiduciaries of such plan and neither State Mutual nor any of its affiliates will exercise any discretion or provides investment advice with respect to such election.

(e) After each Eligible Policyholder is allocated at least 10 shares of stock, additional consideration allocated to Eligible Policyholders who own participating policies will be based on actuarial formulas that take into account each participating policy's contribution to the surplus of Guarantee Mutual which formulas have been approved by the Director.

(f) All Plans that are Eligible Policyholders will participate in the transactions on the same basis within their class groupings as other Eligible Policyholders that are not Plans.

(g) No Eligible Policyholder will pay any brokerage commissions or fees in connection with such Eligible Policyholder's receipt of stock or in connection with the implementation of the commission-free sales program.

(h) All of State Mutual's policyholder obligations will remain in force and will not be affected by the Conversion Plan.

Notice to Interested Persons

Guarantee Mutual will provide notice of the proposed exemption to all Eligible Plan Policyholders within 14 days of the publication of the notice of pendency in the Federal Register. Such notice will be provided to interested persons by first class mail and will include a copy of the notice of proposed exemption as published in the Federal Register. The notice will also inform interested persons of their right to comment on the proposed exemption. Comments with respect to the notice of proposed exemption are due within 44 days after the date of publication of this exemption in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Ms. Jan D. Broady of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 11th day of April, 1995.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

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BILLING CODE 4510–29–P

[19] Guarantee Mutual notes that the performance of services by Chemical Bank or its affiliates under the commission-free sales program will not involve any fiduciary activity on behalf of Eligible Plan Policyholders. Guarantee Mutual further represents that it will not retain an affiliate to effect securities transactions to take place under the commission-free sales program.

Wage and Hour Division

[Administrative Order No. 662]

Special Industry Committee for All Industries in American Samoa; Appointment; Convention; Hearing

1. Pursuant to section 5 and 6(a)(3) of the Fair Labor Standards Act (FLSA) of 1938, as amended (29 U.S.C. 205, 206(a)(3)), and Reorganization Plan No. 6 of 1950 (3 CFR, 1949–53 Comp., p. 1004) and 29 CFR part 511, I hereby appoint special Industry Committee No. 21 for American Samoa.

2. Pursuant to section 5, 6(a)(3) and 8 of FLSA, as amended (29 U.S.C. 205, 206(a)(3), and 208), reorganization Plan

No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR part 511, I hereby:

(a) Convene the above-appointed industry committee;

(b) Refer to the industry committee the question of the minimum rate or rates for all industries in American Samoa to be paid under section 6(a)(3) of FLSA, as amended; and,

(c) Give notice of the hearing to be held by the committee at the time and place indicated.

The industry committee shall investigate conditions in such industries, and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under FLSA.

The committee shall meet in executive session to commence its investigation at 9 a.m. and begin its public hearing at 11 a.m. on June 12, 1995, in Pago Pago, American Samoa.

3. The rate or rates recommended by the committee shall not exceed the rate prescribed by section 6(a) and 6(b) of FLSA, as amended by the Fair Labor Standards Amendments of 1989, of $4.25 an hour effective April 1, 1991.

The committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum rate or rates of wages for such industries that it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in such industries, and will not give any industry in American Samoa a competitive advantage over any industry in the United States outside of American Samoa.

4. Where the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry than may be determined for other employees in the industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR Part 511.10, that will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications the committee shall consider, among other relevant factors, the following:

(a) Competitive conditions as affected by transportation, living, and production costs;

(b) Wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and,

(c) Wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

5. Prior to the hearing, the Administrator of the Wage and Hour Division, U.S. Department of Labor, shall prepare an economic report containing the information that has been assembled pertinent to the matters referred to the committee. Copies of this report may be obtained at the Office of the Governor, Pago Pago, American Samoa, and the National Office of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210. Upon request, the Wage and Hour Division will mail copies to interested persons. To facilitate mailing, such persons should make advance written request to the Wage and Hour Division. The committee will take official notice of the facts stated in this report. Parties, however, shall be afforded an opportunity to refute such facts by evidence received at the hearing.

6. The procedure of this industry committee will be governed by the provisions of Title 29, Code of Federal Regulations, Part 511. Copies of this part of the regulations will be available at the Office of the Governor, Pago Pago, American Samoa, and at the National Office of the Wage and Hour Division. The proceedings will be conducted in English but in the event a witness should wish to testify in Samoan, an interpreter will be provided. As a prerequisite to participation as a party, interested persons shall file six copies of a prehearing statement at the aforementioned Office of the Governor of American Samoa and six copies at the National Office of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210. Each prehearing statement shall contain the data specified in 29 CFR 511.8 of the regulations and shall be filed not later than June 2, 1995. If such statements are sent by airmail between American Samoa and the mainland, such filing shall be deemed timely if postmarked within the time provided.

Signed at Washington, DC this 10th day of April 1995.

Robert B. Reich,

Secretary of Labor.

[FR Doc. 95–9279 Filed 4–13–95; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATES: Request for copies must be received in writing on or before May 30, 1995. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, College Park, MD 20740. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and

cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of the Air Force (N1–AFU–95–2). Documentation used to prepare for and perform automated systems reviews. (Policy documentation is proposed as permanent.)

2. Department of the Air Force (N1–AFU–95–5). Administrative orders of Air Force Reservists.

3. Department of Justice (N1–60–94–3). Documents related to bankruptcy matters in which the Civil Division is not involved and that do not affect service on the Attorney General under the Rules of Civil procedures.

4. Department of State, Bureau of Consular Affairs (N1–59–95–6). Duplicative records and tracking system relating to passport services and issues.

5. Department of Transportation, Federal Aviation Administration (N1–237–92–4). Selected textual input to the automated Enforcement Information System relating to legal enforcement.

6. Department of the Treasury, Office of the Thrift Supervision (N1–483–94–1). Cost of Funds data systems and accompanying documentation.

7. Federal Mediation and Conciliation Service (N1–280–95–1). Punched card Index.

8. Health Resources and Services Administration (N1–512–95–1). Records of the Scholarships for the Undergraduate Education of Professional Nurses grant program.

9. National Commission on America's Urban Families (N1–220–95–5). Unidentified still photographs.

10. National Institutes of Health (N1–443–94–1). Patent and licensing records.

11. Peace Corps (N1–490–95–8 and –9). Files of the Office of General Counsel and the Office of Special Services.

12. Tennessee Valley Authority (N1–142–93–12). Calendars of General Managers identified during archival processing to lack sufficient archival value to warrant permanent retention by the National Archives.

Dated: April 5, 1995.

Trudy Huskamp Peterson,

Acting Archivist of the United States.

[FR Doc. 95–9241 Filed 4–13–95; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL SCIENCE FOUNDATION

Collection of Information Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting a notice of information collection that will affect the public. Interested persons are invited to submit comments by May 5, 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: Higher Education Survey (HES)—Survey on Satisfaction with Student Financial Assistance Programs

Affected Public: Non-profit institutions

Respondents/Reporting Burden: 567 respondents: average one hour per response.

Abstract: This and other HES panel surveys are responsible to a variety of policy issues in higher education. This survey will measure institutions' satisfaction with the Department of Education in administering student assistance programs.

Dated: April 10, 1995.

Herman G. Fleming,

Reports Clearance Officer.

[FR Doc. 95–9190 Filed 4–13–95; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Cognitive, Psychological and Language Sciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Panel for Cognitive, Psychological and Language Sciences (#1758).

Date and Time: May 1–3, 1995; 9 a.m.–6 p.m.

Place: National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 390, Arlington, VA 22230.

Type of Meeting: Part-open.

Contact Person: Dr. Joseph L. Young, Program Director for Human Cognition and Perception, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1732.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: Open session: Tuesday, May 2, 1995; 10 a.m. 12 p.m.

Closed Session: May 1, 1995, 9 a.m.–6 p.m.; May 2, 1995, 9 a.m.–10 p.m. and 12 p.m.–6 p.m.; and May 3, 1995, 9 a.m.–6 p.m. To review and evaluate human cognition and perception proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: April 11, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–9256 Filed 4–13–95; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Geosciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Geosciences (1755).

Dates: May 2–3, 1995.

Time: 8:30–5 p.m.

Place: Room 375, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia.

Type of Meeting: Open.

Contact Person: Ms. Altie Metcalf, Staff Associate for Budget and Planning, Directorate for Geosciences, Suite 705, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230, 703–306–1502.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice, recommendations, and oversight concerning support for research, education, and human resources development in the geosciences.

Agenda: Long range planning for the Directorate for Geosciences.

Dated: April 11, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–9255 Filed 4–13–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Cross Disciplinary Activities; 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 Cross Disciplinary Activities.

Date and Time: May 5, 1995; 8:30 a.m. to 5 p.m.

Place: Room(s) 1105 and 1150.

Type of Meeting: Closed.

Contact Person(s): Tse-yun Feng, Program Director, CISE/CDA, Room 1160, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1980.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate CISE Educational Infrastructure proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 11, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–9258 Filed 4–13–95; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Neuroscience; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Neuroscience (1158).

Date and Time: May 2–3, 1995, 9 a.m. to 5 p.m.

Place: Room 310, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Part-open.

Contact Persons: Dr. Christopher Comer, Program Director, Behavioral Neuroscience; Dr. Karen Sigvardt, Program Director, Computational Neuroscience, Division of Integrative Biology and Neuroscience, Room 685, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230; Telephone: (703) 306–1416.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Minutes: May be obtained from the contact persons listed above.

Agenda: Open Session: May 3, 1995; 11:30 a.m. to 12:30 p.m.; To discuss goals and assessment procedures. Closed Session: May 2, 1995; 9 a.m. to 5 p.m.; May 3, 1995, 9 a.m. to 11:30 a.m., 12:30 p.m. to 5 p.m.; To review and evaluate Behavioral and Computational Neuroscience proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed included 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 exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: April 11, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–9257 Filed 4–13–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Science Resources Studies; 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 Science Resources Studies.

Date and Time: May 5, 1995, 9 a.m.–3 p.m.

Place: Room 970, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Open.

Contact Person: Ann Lanier, Project Director for the Survey of Academic Research Facilities, National Science Foundation, Suite 965, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1774.

Purpose of Meeting: To review and comment on the revision to the questionnaire that will be used for 1996 Survey of Scientific and Engineering Research Facilities at Colleges and Universities.

Agenda: The morning will be used by the advisory panel to review and comment on the survey instrument. The afternoon will be used to review modification to the data collection.

Dated: April 11, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–9259 Filed 4–13–95; 8:45 am]

BILLING CODE 7555–01–M

OFFICE OF PERSONNEL MANAGEMENT

Notice of Request for a New Clearance of Survey Form ''How Do You Rate Your Health Plan?''

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for clearance of a new information collection. The survey form, How Do You Rate Your Health Plan (Fee-For-Service or HMO version) is used to determine how enrollees rate the services they receive from their FEHB health plan. The survey results will benefit the Office of Personnel Management, participating FEHB health plans and FEHB enrollees and will be published in Form RI 70–13, 1995 Federal Employees Health Benefits (FEHB) Plans Consumer Satisfaction Survey. Approximately 40,000 survey forms will be completed annually by annuitants. We estimate it takes 25 minutes to complete. The total burden is 16,667 hours.

For copies of this proposal, contact Doris R. Benz on (703) 980–8564.

DATES: Comments on this proposal should be received on or before May 15, 1995.

ADDRESSES: Send or deliver comments to—

Kenneth H. Glass, Chief, Insurance Operations Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3415, Washington, DC 20415

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey, Management Services Division, (202) 606–4025.

U.S. Office of Personnel Management.
Lorraine A. Green,
Deputy Director.
[FR Doc. 95–9229 Filed 4–13–95; 8:45 am]
BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–26269]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

April 7, 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 applicant(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, D.C. 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 a 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.

System Energy Resources, Inc., et al. (70–8511)

System Energy Resources, Inc. (''SERI''), Echelon One, 1340 Echelon Parkway, Jackson, Mississippi 39213, Arkansas Power & Light Company (''AP&L''), 425 West Capitol, 40th Floor, Little Rock, Arkansas 72201, Louisiana Power & Light Company (''LP&L''), 639 Loyola Avenue, New Orleans, Louisiana 70113, Mississippi Power & Light Company (''MP&L''), 308 East Pearl Street, Jackson, Mississippi 39201, New Orleans Public Service Inc. (''NOPSI'' and together with AP&L, LP&L and MP&L, ''Operating Subsidiaries''), 639 Loyola Avenue, New Orleans, Louisiana 70113, and Entergy Corporation (''Entergy''), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, have filed an application-declaration with this Commission pursuant to Sections 6(a), 7, 9(a), 10 and 12(d) of the Public Utility Holding Company Act of 1935 (''Act'') and Rules 44 and 54 thereunder. A notice of this transaction was originally issued by the Commission on November 28, 1994 (HCAR No. 26173).

SERI proposes from time to time through December 31, 1996 (a) to issue and sell one or more series of its first mortgage bonds (''Bonds'') and/or its debentures (''Debentures'') in a combined aggregate principal amount not to exceed $265 million, and (b) to enter into arrangements for the issuance and sale of tax-exempt revenue bonds (''Tax-Exempt Bonds'') in an aggregate principal amount not to exceed $235 million. Additionally, SERI requests authority through December 31, 1996 to issue and pledge one or more new series of its first mortgage bonds in an aggregate principal amount not to exceed $251 million (''Collateral Bonds'') as security for the Tax-Exempt Bonds.

Each series of Bonds will have such interest rate, maturity date, redemption and sinking fund provisions, be secured by such means and sold in such manner and at such price and have such other terms and conditions as shall be determined at the time of sale. However, the maturity of the Bonds and the Debentures will in no case exceed forty years. Further, the rate on the Bonds and the Debentures, which may be fixed or variable, will not exceed 15%. Additionally, holders of Bonds or Debentures would have the right to tender, or be required to tender, their Bonds or Debentures and have them purchased at a price equal to the principal amount thereof, plus any accrued and unpaid interest thereon, on dates specified in, or established in accordance with the indenture pursuant to which they will be issued.

In order to provide additional security for its obligations with respect to the Bonds, SERI may assign for the benefit of the holders of the Bonds certain of its rights under the Availability Agreement, dated as of June 21, 1974, as amended (''Availability Agreement''). Pursuant to this agreement, the Operating Subsidiaries have agreed to pay SERI certain amounts for expenses incurred by SERI in connection with the operation of a nuclear-powered electric generating station in Mississippi.

As further security for its obligations with respect to the Bonds, SERI may assign certain of its rights under the Capital Funds Agreement dates as of June 21, 1974 (''Capital Funds Agreement''). Pursuant to the terms of this agreement, Entergy has agreed to provide SERI, among other things, capital sufficient to enable SERI to maintain a 35% equity ratio, as defined in that agreement.

SERI proposes to use the net proceeds derived from the issuance and sale of the Bonds for general corporate purposes, including, but not limited to, (i) the acquisition and retirement, by means of tender offer, or open market, negotiated or other forms of purchases, or redemption in whole or in part, prior to their respective maturities, of one or more series of SERI's outstanding first mortgage bonds, (ii) the payment of construction costs and nuclear fuel costs, (iii) the repayment of long- and short-term borrowings and/or (iv) other working capital needs.

SERI also requests authority to enter into arrangements for the issuance of Tax-Exempt Bonds by governmental authorities (''Issuer'') in an aggregate principal amount not to exceed $235 million. Each series of Tax-Exempt Bonds will have such interest rate, maturity date, redemption and sinking fund provisions, be secured by such means, be sold in such manner and at such price, and have such other terms and conditions as shall be determined at the time of sale. However, it is proposed that each series of the Tax-Exempt Bonds mature not earlier than five years from the first day of the month of issuance nor later than forty years from the date of issuance.

Under the proposed arrangements, SERI would enter into one or more installment purchase, refunding or other facilities agreements (''Facilities Agreement'') or one or more supplements and/or amendments thereto with one or more Issuers. Pursuant to the terms of each Facilities Agreement, the Issuer will pay to or provide for the benefit of SERI the total amount of the proceeds of the Tax-Exempt Bonds and SERI will agree to pay amounts sufficient to pay the principal or redemption price of, premium, if any, and interest on the Tax-Exempt Bonds.

In order to obtain a more favorable rating on any series of Tax-Exempt Bonds, SERI may arrange for one or more irrevocable letter(s) of credit (''Letter of Credit'') for an aggregate amount up to $285 million from one or more banks (''Bank''). In connection with any such Letter of Credit, SERI would enter into a Reimbursement

Agreement (''Reimbursement Agreement'') with the Bank. Pursuant to a Reimbursement Agreement, SERI would agree to reimburse the Bank party thereto immediately or within a specified period (not to exceed 60 months) after the date of the draw for all amounts drawn under Letter of Credit, together with accrued interest. The rate of such interest would not exceed the New York prime rate as published in The Wall Street Journal plus 200 basis points. Additionally, it is anticipated that each Reimbursement Agreement would require the payment by SERI to the Bank of up-front fees not to exceed $100,000 and annual fees not to exceed 1¼% of the face amount of the related Letter of Credit.

In addition or as an alternative to the security provided by a Letter of Credit, SERI may pledge one or more new series of its first mortgage bonds (''Collateral Bonds'') under the Mortgage, as it may be supplemented. These Collateral Bonds may be interest-bearing or non-interest bearing. Such Collateral Bonds would be non-interest bearing if the principal amount issued were the same as the principal of the underlying Tax-Exempt Bonds plus accumulated interest for a specified period. The rate on interest-bearing Collateral Bonds may be less than or equal to the interest rate on the underlying Tax-Exempt Bonds.

As additional security for its obligations under any Facilities Agreement or to make payment on the Collateral Bonds, SERI may assign its interest in the Availability Agreement or the Capital Funds Agreement. In any such event, the Operating Subsidiaries would be required to consent to and join in such assignment.

SERI proposes to use the proceeds of the sale of Tax-Exempt Bonds to refinance certain pollution control revenue bonds that were previously issued to finance pollution control facilities at the Grand Gulf nuclear station.

The Cincinnati Gas & Electric Company, et al. (70–8607)

The Cincinnati Gas & Electronic Company (''CG&E''), an electric utility subsidiary company of CINergy Corp. (''CINergy''), a registered holding company, and CG&E's electric utility subsidiary company, The Union Light, Heat and Power Company (''Union Light'') (together, ''Operating Companies''), both located at 139 East Fourth Street, Cincinnati, Ohio 45202, have filed an application-declaration under Sections 6(a) and 7 of the Act and Rule 54 thereunder.

CG&E proposes to issue and sell within certain parameters, from time-to-time through March 31, 1996, an aggregate principal amount not to exceed $500 million of a combination of senior unsecured indebtedness (''Senior Debentures'') and junior unsecured subordinated indebtedness (''Junior Securities''). In addition, Union Light proposes to issue and sell within certain parameters, from time-to-time through March 31, 1997, an aggregate principal amount not to exceed $55 million of unsecured indebtedness (''Union Debentures'') (Union Debentures together with Senior Debentures, ''Senior Securities'') (Senior Securities together with Junior Securities, ''Securities'').

The Operating Companies have several high coupon series of first mortgage bonds and CG&E has preferred stock that are, or will shortly become, optionally redeemable and can be refinanced through the issuance of lower cost debt. Proceeds from the sale of the Senior Securities and the Junior Securities will be used respectively to refund some or all of redeemable high-coupon debt issues and the preferred stock. Any balance of net proceeds from the sale of the Securities will be used for general corporate purposes. Without further Commission authorization, none of the proceeds from the sale of the Securities will be used by the Operating Companies to acquire, directly or indirectly, an interest in an exempt wholesale generator (EWG) or foreign utility company (FUCO) as respectively defined in Sections 32 and 33 of the Act.

The Senior Securities: (1) Will be issued at a price no higher than 101.5% nor less than 98% of the principal amount, plus accrued interest, if any, with underwriting commissions and agents' fees not to exceed 1.25% of the principal amount; (2) may be issued in one or more new series for terms not to exceed 40 years; and (3) will be issued at an interest rate which results in a yield to maturity to the purchaser at the initial offering price, depending on the maturity of the security issued, of up to a maximum of (a) 225 basis points for the Senior Debentures, or (b) 200 basis points for the Union Debentures, over the yield to maturity on United States Treasury Notes and United States Treasury Bonds of comparable maturities, payable semi-annually.

The Junior Securities: (1) Will be issued at a price no higher than 101.5% nor less than 98% of the principal amount, plus accrued interest, if any, with underwriting commissions and agents' fees not to exceed 3.50% of the principal amount; (2) may be issued in one or more new series for terms not to exceed 40 years; and (3) will be issued at an interest rate which results in a yield to maturity to the purchaser at the initial offering price, depending on the maturity of the security issued, of up to a maximum of 225 basis points over the yield to maturity on United States Treasury Notes and United States Treasury Bonds of comparable maturities. Interest on the Junior Securities will be paid on either a monthly, quarterly, semi-annual or annual basis, and CG&E may have the right to defer payment of interest on its Junior Securities for up to five years under certain circumstances.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–9191 Filed 4–13–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35577; File No. SR–NSCC–95–3]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change Relating to Implementation of a Three-Day Settlement Standard

April 6, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on March 1, 1995, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by NSCC. On March 27, 1995, NSCC filed an amendment to the proposed rule change.[2] 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

NSCC proposes to modify its rules to implement a three business day settlement standard for securities transactions.

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] Letter from John P. Barry, Associate Counsel, NSCC, to Christine Sibille, Senior Counsel, Division of Market Regulation, Commission (March 27, 1995).

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC 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

In October 1993 the Commission adopted Rule 15c6–1 under the Act which will become effective June 7, 1995.[3] The rule establishes three business days after the trade date (''T+3''), instead of five business days (''T+5''), as the standard settlement cycle for most securities transactions. The primary purpose of the proposed rule change is to modify NSCC's Rules and Procedures consistent with Rule 15c6–1 under the Act. Accordingly, many of NSCC's Rules and Procedures that include time references are being revised to accommodate processing in a T+3 time frame.

For example, the proposed rule will change references from a five day settlement to a three day settlement time frame[4] or will delete reference to five day settlement.[5] Trades compared after such time as established on T+4, will not be included in the normal settlement cycle.[6] Under Procedures V.B and VI.B, all transactions entered into the balance order accounting operation or the foreign security accounting operation on T+2, rather than T+4, or thereafter will be processed on a trade-for-trade basis. The proposed rule change also will amend Rule 11, Section 8(d) to require an ''as of'' trade to be entered at least two business days, instead of four business days, prior to the payable date to be provided dividend protection. Under Procedure V.C, only trade in balance orders executed on the New York Stock Exchange (''NYSE''), American Stock Exchange (''Amex''), and Over-the-Counter (''OTC'') compared on T and T+1 will be netted rather than trades from T through T+4, and the net balance orders will be issued on T+2 instead of T+4. Continuous Net Settlement (''CNS'') eligible items will be entered into the CNS accounting operation for transfers through NSCC's Automated Customer Account Transfer Service (''ACATS'') on T+1 instead of T+3.[7] All time frames contained in Procedure VII.H.4(b) relating to voluntary corporate reorganizations will be shortened by two days.

Under Section II.B.1(c) of NSCC's Procedures, NSCC is proposing that the adjustment contract totals represent the combined input for T through T+2, instead of T+3, that is compared. Trades reported on the Consolidated Trade Summary will include trades compared through T+1, instead of T+3.[8] As-of-trades submitted two, instead of four, days prior to payable date will be included in the dividend activity report.[9] The date a member is informed of its potential liability from a short position will be changed from T+2.[10]

The proposed rule change also makes certain ancillary modifications to NSCC's Rules and Procedures in order to delete references to obsolete services, procedures, forms, and methods of communication. All references to the SCC Division of the NSCC are being eliminated. The SCC was one of the predecessors of the NSCC and its rules were incorporated into the NSCC's rules. At the time of the NSCC's formation, to ease the transition, NSCC retained the reference to the SCC by indicating that the rules were for the SCC Division. It is no longer necessary to include these references.

Cross references to specific rules which contain timing provisions are being eliminated in order to avoid inconsistencies in the event such rules are subsequently amended. Instead, references are being changed to refer to the rules generally.[11] Furthermore, the clauses beginning with ''up to and including'' in the definitions of ''Comparison Operation'', ''Foreign Security Accounting Operation'', and ''Balance Order Accounting Operation'' also are being eliminated in order to avoid possible inconsistencies caused by future amendments of the rules.

The definitions of ''Basket Trade'' and ''Mini Basket'' contained in Rule 1 are being deleted because the NYSE no longer offers these types of products and therefore NSCC does not clear it. Accordingly, references to Basket Trades and Mini Baskets contained in Sections II.A and H of the Procedures and Addendum A, Section 1.E, fees for processing these trades, are being deleted.

Non-members have not requested to use NSCC's facility to pay New York State Transfer Taxes in over 10 years. Furthermore, automation of the tax payment process makes it impractical for non-members to pay the taxes through NSCC. Accordingly, references to non-members' ability to use this service are being eliminated from the rules. Rule 3, Section 2, and Rules 14 and 26 are being amended to reflect this change. Addendum A, Section III.E is being changed to reflect the fact that for many years NSCC has accepted forms from members, not envelopes, for filing New York State Transfer Taxes. This change does not affect members in any way.

Rule 4, Section 1 is being amended because NSCC has limited the number of banks which can hold securities pledged by members for the Clearing Fund. These banks are chosen by NSCC and not by the members. This change was implemented in order to manage the Clearing Fund more effectively.

There are several places throughout the rules where changes are being made to reflect the continuing automation of systems and the elimination of paper intensive processes. These include the elimination of the use of certain forms, changing references to data received rather than tickets delivered, and elimination of the requirement of acknowledging transactions through paper submission. Such changes can be found in the following sections:

Rule 5 Section 1
Rule 7 Section 3 (Eliminates need of member to confirm to NSCC contract list)
Rule 12 Section 1
Rule 18 Section 2 and 3 (Eliminates return of tickets when NSCC ceases to act for a member)
Procedures Section VII.D.2(c)
Procedures Section VII.I
Procedures Sections VIII.A and B (Eliminates clearance/settlement statement)
Procedures Section X.B
Procedures Section XIV
Addendum A Section IV.S and V.B
Addendum C Section 1

Certain rules are being amended to clarify that NSCC has the right to deny

[3] Securities Exchange Act Release Nos. 33023 (October 6, 1993), 58 FR 52891 (adopting Rule 15c6–1) and 34952 (November 9, 1994, 59 FR 59137 (changing effective date from June 1, 1995, to June 7, 1995).

[4] Procedures III.D (exercise of options), VII.B, VII.C, XIII, and Addendum K. In addition the time frame for NSCC's guarantee of trades contained in addendums K and M will begin on T+2 and instead of T+4.

[5] Procedures II.I.2 and 3, and III.C.

[6] Procedures II.B.1(c) (Regular Way NYSE/Amex Equity Securities), II.C.2(f) (Regular Way over the Counter and Other Exchange Equity Securities), II.D.2(i) (Debt Securities), and III.E (Correction of NYSE (Odd-Lot Trades).

[7] Rule 50, Section 10.

[8] Procedure VI.A.

[9] Procedure VII.G.2.

[10] Procedure VII.K.

[11] For example, the language ''Rules 8, 9, and 10'' contained in Rule 1's definition of Balance Order System will be amended to read ''these Rules.''

access to additional services to members who are not currently using the service if NSCC does not have adequate capability to perform that service. Rule 2, Section 3 and Section IV.D of the Procedures are being revised accordingly. Rule 5, Section 2 is being amended to reflect the current practice that NSCC prepares all checks being sent to members.

The exchanges and the NASD have rules concerning good delivery of physical securities.[12] NSCC needs to be consistent with such rules. Therefore, Rule 9, Section 1.9 and Rule 44, Section 7 are being amended to require that deliveries must meet such good delivery requirements. Rule 44, Sections 8–39, which contain NSCC's rules on good delivery, are being deleted.

Since the dissemination of Addendum F, members who have failed timely to pay amounts due have been required to settle amounts, if greater than $100,000, in Federal Funds. Rule 12, Section 1 is now being amended to reflect this longstanding practice. Addendum F also is being amended to reflect this change.

Rule 13 permits a member to charge an amount to its account at NSCC. Rule 13 is being deleted because the Marking to Market Service was discontinued several years ago. Since that time, members may use NSCC's Funds Only Settlement Service to achieve the same objective.

Rule 17 is being deleted because the Signature Distribution Service was never implemented and has been made obsolete with the introduction of current Medallion Program.

Rule 18, Section 2, requires that all closeouts be completed within two business days when NSCC ceases to act for a member. This is not always possible without disrupting the marketplace. This rule accordingly is being amended to indicate that closeouts will be completed promptly.

Because of the increase in the number of vice presidents at NSCC, Rule 22 is being amended to provide that only the board of directors, the chairman of the board, the president, any executive vice president, and certain designated officers of NSCC may suspend the Rules when necessary or expedient. NSCC will inform the Commission of any change in the officers designated to suspend the Rules.[13] Similarly, Rule 23 is being amended to provide that except where action of the board of directors is specifically required, only the chairman, the president, any executive vice president, the secretary, and certain designated officers may take action on behalf of NSCC.

The Procedures are being amended to include references to when-distributed transactions, which result from stock splits and are treated in the same manner as when-issued transactions. These references are in Section II.A and E of NSCC's Procedures. Section II.E.2 also is being amended to clarify that the settlement date for corporate debt new issues will be established by the appropriate regulatory authority.

Currently, Section II.G of the Procedures requires that NSCC's Reconfirmation and Pricing Service (''RECAPS'') be run quarterly. It is the intention of NSCC to continue this practice. However, the rule is being amended to provide for runs from time-to-time to provide flexibility in the event of operational necessities.

The CNS Accounting Operation no longer uses sub-accounts for the settlement of option exercises. Section III.D of the Procedures is being amended to reflect this practice.

As has been the practice for many years, members typically deliver securities to The Depository Trust Company (''DTC'') to cover short positions, instead of NSCC. Therefore Procedures VII.C.5, G.3, and H.7 are being amended to eliminate NSCC's Delivery to Clearing Service.

A change is being made to Section VII.F.2 of the Procedures to conform the rules to the practice that Net CNS Money Settlement Amounts calculated by members may be verified against the Settlement Activity Statement but are not required to be verified.

Section IX.A of the Procedures is being amended to eliminate the ability of members to select an alternate clearing corporation on an item-by-item basis. Members designate a single location for delivery of output records, and item-by-item designation would be too inefficient.

Generally, sponsored members deposit their securities directly with DTC. However, NSCC may require that certain securities be submitted to NSCC before being deposited with DTC on behalf of such member. Section IX.B of the Procedures is being changed to reflect this practice.

NSCC has not offered a P&S service for direct clearing for several years. Section IX.D is therefore being deleted from the Procedures. Furthermore, conforming amendments are being made to Section IX.E of the Procedures, Section IV of Addendum A (to eliminate fees for Remote Trade Comparison Handling and Preparation of T+1 input), and Section V.B of Addendum A (to eliminate fees for options cage processing and stock loan rebate payment service).

Section III of Addendum A is being amended to delete references to the Jersey City office which no longer exists. Section V.B of Addendum A is being amended to delete fees for hard copy output which are no longer charged.

Addendum C is being amended in two places to reflect changes in procedures. First, NSCC no longer borrows physical securities for the settlement of non-DTC eligible items. Therefore Section 1 is being modified to eliminate these references. Second, the CNS sub-account designations have been changed from 9000 and 6000 to ''D'' and ''C'', respectively. Therefore Section 3 is being updated.

An additional purpose of the filing, although not included as part of Exhibit A, is to indicate NSCC's intention to alphabetize the section of definitions contained in NSCC's Rules and Procedures.

The proposed changes will take effect with the implementation of T+3 on June 7, 1995, consistent with the conversion time frame established by the Commission.[14] The schedule is as follows:

Trade date	Settlement cycle	Settlement date
June 2 Friday ..	5 day	June 9 Friday.
June 5 Monday	4 day	June 9 Friday.
June 6 Tuesday.	4 day	June 12 Monday.
June 7 Wednesday.	3 day	June 12 Monday.

The proposed rule change is consistent with the requirements of the Act, and the rules and regulations thereunder, since it will facilitate the prompt and accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition.

NSCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Chance Received From Members, Participants or Others.

No written comments relating to the proposed rule change have been solicited or received. NSCC will notify

[12] *See, e.g.,* NYSE Rules 175–226.

[13] Currently, no officers have been designated. Letter from John P. Barry, Associate Counsel, NSCC, to Jonathan Kallman, Associate Director, Division of Market Regulation, Commission (March 27, 1995).

[14] Securities Exchange Act Release No. 34952 (November 9, 1994), 59 FR 59137.

the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Chance 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 the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commissin, 450 Fifth Street N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room in Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of NSCC. All submissions should refer to File No. SR–NSCC–95–03 and should be submitted by May 5, 1995.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–9231 Filed 4–13–95; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Hartford District Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Hartford District Advisory Council will hold a public meeting on Monday, May 15, 1995 at 8:30 a.m. at 2 Science Park, New Haven, Connecticut 06511, to discuss matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Ms. Jo-Ann Van Vechten, District Director, U.S. Small Business Administration, 330 Main Street, Hartford, Connecticut, (203) 240–4670.

Dated: April 10, 1995.

Dorothy A. Overal,

Director, Office of Advisory Council.

[FR Doc. 95–9280 Filed 4–13–95; 8:45 am]

BILLING CODE 8025–01–M

Casper District Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Casper District Advisory Council will hold a public meeting on Thursday, May 4, 1995 from 2:00 p.m. to 5:00 p.m. which will be a training session, and Friday, May 5, 1995, 8:00 a.m. to 3:00 p.m., regularly scheduled meeting at the Parkway Plaza, 123 West ''E'' Street, Casper, Wyoming, to discuss matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. James P. Gallogly, District Director, U.S. Small Business Administration, 100 East ''B'' Street, P.O. Box 2839, Casper, Wyoming 82602–2839, (307) 261–5761.

Dated: April 10, 1995.

Dorothy A. Overal,

Director, Office of Advisory Council.

[FR Doc. 95–9281 Filed 4–13–95; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[Public Notice 2190]

Advisory Committee on Historical Diplomatic Documentation; Notice of Meeting

The Advisory Committee on Historical Diplomatic Documentation will meet May 11 and 12, 1995, in the Department of State, in Conference Room 1105.

The Committee will meet in open session from 9:00 a.m. on the morning of Thursday, May 11, 1995, until 12:00 noon. The remainder of the Committee's session until 1:00 p.m. Friday, May 12, will be closed in accordance with Section 10(d) of the Federal Advisory Committee Act (P.L. 92–463). It has been determined that discussions during these portions of the meeting will involve consideration of matters not subject to public disclosure under 5 U.S.C. 552b(c)(1), and that the public interest requires that such activities will be withheld from disclosure.

Questions concerning the meeting should be directed to William Z. Slany, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, DC 20520, telephone (202) 663–1123.

Dated: April 7, 1995.

William Z. Slany,

Executive Secretary.

[FR Doc. 95–9207 Filed 4–13–95; 8:45 am]

BILLING CODE 4710–11–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Cook Will, Kankakee, Grundy, Livingston, McLean, Logan, Sangamon, Macoupin, Jersey, Madison, and St. Clair Counties, IL

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice of intent.

SUMMARY: The Federal Highway Administration (FHWA) is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for the development of high speed rail (HSR) passenger operations between Chicago, Illinois, and St. Louis, Missouri. The proposed project study area will extend from downtown Chicago on the north to downtown St. Louis on the south.

FOR FURTHER INFORATION CONTACT:

Mr. Dennis W. Johnson, Environmental Engineer, Federal Highway Administration, Illinois Division, 3250 Executive Park Drive, Springfield, Illinois 62703, Telephone (217) 492–4625

or:

Mr. Merrill L. Travis, Chief, Bureau of Railroads, Illinos Department of Transportation (DOT), 2300 South Dirksen Parkway, Room 302, Springfield, Illinos 62764, Telephone (217) 782–2835

or:

Mr. Michael E. Stead, High Speed Rail Manager, Illinois Department of Transportation (DOT), 2300 South Dirksen Parkway, Room 302, Springfield, Illinois 62764, Telephone (217) 785–8498

SUPPLEMENTARY INFORMATION: The proposed action is to develop a high speed rail passenger operation between Chicago and St. Louis. The proposed

project study area will extend from downtown Chicago on the north to downtown St. Louis on the south.

Joint lead agencies, FHWA and IDOT, will prepare an EIS on a proposal to develop high speed rail passenger service between Chicago, Illinos and St. Louis, Missouri. The proposed project involves upgrading an existing 282-mile rail corridor to allow the operation of high speed passenger trains at speeds up to 125 mph. The proposed project also would plan to have high speed passenger trains share the existing railroad right-of-way with existing rail freight service in the Chicago-St. Louis corridor.

Alternatives under consideration include no action and three alternate routes. The alternate routes include Chicago-St. Louis, via Joliet; Chicago-Peotone-St. Louis, via Kankakee; and, Chicago-Peotone-St. Louis, via Wilmington. The Joliet alternate is the current route used by Amtrak for existing intercity passenger rail service. The two Peotone route alternates would allow the State of Illinois to provide high speed intercity rail passenger service to the proposed South Suburban (Third) Airport in south suburban Chicago.

The Joliet and Peotone-Kankakee route alternatives would utilize existing railroad right of way for the entire corridor. The Peotone-Wilmington alternate would utilize existing railroad right of way, but would also include construction of a new railroad alignment between Peotone and Wilmington, approximately 20 miles in length.

The proposed project is intended to increase safety by providing a rail facility with improved equipment, an improved track structure, and other improved design elements; to provide additional capacity for increasing ridership volume; to improve rail passenger operations and better serve the transportation needs of communities in the Chicago-St. Louis corridor; and to help to support the economic development of the region.

Existing ridership is over 300,000 passengers per year in the Chicago-St. Louis corridor. The proposed project is expected to attract over 1 million passengers to this corridor. High speed rail would afford an alternative to other modes of travel that would be less affected by adverse weather, reduce congestion at airports and on highways, and meet transportation needs in a time-saving, fuel-efficient manner. Current Amtrak passenger trains provide 5 hour 30 minute service between Chicago and St. Louis. The proposed project would reduce the overall trip time to 3 hours 30 minutes. In addition, the proposed project would increase the trip frequencies between Chicago and St. Louis from three daily round trips to eight round trips per day.

The scoping process undertaken as part of this proposed project will include distribution of a scoping information packet, coordination with appropriate Federal, State, and local agencies, and review sessions as needed. A formal scoping meeting is scheduled to be held at the IDOT Central Office Auditorium, 2300 South Dirksen Parkway, Springfield, Illinois, on Monday, April 24, 1995, beginning at 1 p.m. Further details of the proposed project and a scoping information packet may be obtained from the IDOT contact persons listed above.

To ensure that the full range of issues related to the proposed project are addressed and all significant issues identified, a comprehensive public involvement program will be undertaken. Public meetings will be held in the study area prior to the public hearing. Public notice will be given of the time and place of the meetings and hearing. The Draft EIS will be available for public agency review and comment prior to the public hearing. In addition, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the IDOT contact persons.

Issued on: April 3, 1995.

Dennis W. Johnson,

Environmental Engineer.

[FR Doc. 95–9244 Filed 4–13–95; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement: Wexford, Grand Traverse, and Kalkaska Counties, Michigan

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for the proposed improvements of US–131 from north of Manton to north of Kalkaska in Wexford, Grand Traverse and Kalkaska Counties, Michigan.

FOR FURTHER INFORMATION CONTACT: Mr. Norman Stoner, Program Operations Engineer, FHWA, 315 W. Allegan Street, Room 207, Lansing, Michigan, 48933, Telephone: (517) 377–1880; or Mr. Ronald S. Kinney, Manager, Environmental Section, Bureau of Transportation Planning, Michigan Department of Transportation, P.O. Box 30050, Lansing, Michigan, 48909, Telephone: (517) 335–2621.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Michigan Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed improvements of US–131 from north of Manton to north of Kalkaska in Wexford, Grand Traverse, and Kalkaska Counties, Michigan. The purpose of the improvements is to complete the freeway system serving the western half of the northern lower peninsula. The freeway will provide a high speed non-stop facility which will make the region's markets, resources, and employment base accessible to more clients and customers. The completion of this 45 kilometer (28 mile) project is important to other economic development efforts in this region. Alternatives under consideration include: (1) No Action, (2) Low Capital Improvements, and (3) Freeway Alternatives.

The Low Capital Alternative proposes the possibility of passing relief lanes, intersection and interchange improvements, and other minor traffic safety modifications.

The Freeway Alternative is a four-lane divided, controlled access freeway with a median. A number of freeway alignments are being studied and are described as follows;

Line 1 crosses the Manistee River east of the existing structure, and continues northeasterly around the communities of Fife Lake, South Boardman, and Kalkaska. Potential interchange locations for access to these communities are located at Coster Road, Boardman Road, and M–72.

Line 2 follows the same path as Line 1 from the Manistee River to the community of South Boardman, where it curves westerly to interchange with existing US–131 halfway between South Boardman and Kalkaska. Another potential interchange location is at M–72 northwest of Kalkaska. This alignment also proposes to extend M–72 across US–131 on the south side of town where an interchange would be located to serve traffic going into and east of Kalkaska.

Line 3 crosses the Manistee River west of the existing structure. Interchanges are proposed at M–186, Boardman Road, extended M–72 south of Kalkaska, and existing M–72 north of Kalkaska. Approximately 14.5 kilometers (nine miles) from the northern limits of Kalkaska, this alternative merges east to existing US–131.

Line 4 crosses the Mainstee River at the same location as Line 1. However, from the river it travels northwesterly to cross existing US–131 halfway between the Manistee River and Fife Lake. It then continues north across existing M–72, where it traverses a wetland and merges with existing US–131 about 8 kilometers (five miles) north of Kalkaska.

Line 5 crosses the Manistee River adjacent to the existing structure and continues northerly before merging with line 3 west of Kalkaska. Interchanges would be located at M–186, Boardman Road, extended M–72, and existing M–72.

Line 6 crosses the Manistee River adjacent to the existing structure. It maximizes the use of the existing right-of-way by staying as close as possible to existing US–131, which will serve as a local north-south route. Potential interchanges are located at M–186, Boardman Road, the proposed extension of M–72, and at M–72, northwest of Kalkaska. North of the community of South Boardman, this alignment extends west of existing US–131 and merges with Line 3.

The proposed extension of M–72 from south of the US–131/M–72 intersection westerly to an interchange with the proposed western freeway alignments could be a two-lane or four-lane cross section, and will be discussed in the DEIS.

Early coordination with a number of federal, state, and local agencies has identified the more significant issues to be addressed in the EIS. A summary of the scoping process to date, identifying the alternatives being considered and the social, economic, and environmental issues involved, is being prepared.

The scoping summary will be available to all interested agencies, organizations, and individuals on request. A public information meeting was held on November 3, 1994, to provide the public an opportunity to discuss the proposed action. Additional public information meetings are anticipated. Comments on the scoping summary and issues identified are invited from all interested parties. Requests for a copy of the scoping summary or any comments submitted should be addressed to the above contact persons.

The Draft EIS is scheduled for completion in 1996, and will be available for public and agency 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.)

Issued on: April 6, 1995.

A. George Ostensen,

Division Administrator, Federal Highway Administration.

[FR Doc. 95–9189 Filed 4–13–95; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Notice of Call for Redemption

Washington, April 11, 1995.

To Holders of 8⅜ Percent Treasury Bonds of 1995–00, and Others Concerned:

1. Public notice is hereby given that all outstanding 8⅜ percent Treasury Bonds of 1995–00 (CUSIP No. 912810 BV 9) dated August 15, 1975, due August 15, 2000, are hereby called for redemption at par on August 15, 1995, on which date interest on such bonds will cease.

2. Full information regarding the presentation and surrender of such bonds held in coupon and registered form for redemption under this call will be found in Department of the Treasury Circular No. 300, Revised, dated March 4, 1973, and by contacting a Federal Reserve Bank or Branch.

3. Such bonds held in book-entry form will be paid automatically on August 15, 1995, whether held on the books of the Federal Reserve Banks or in TREASURY DIRECT accounts.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 95–9300 Filed 4–11–95; 4:07 pm]

BILLING CODE 4810–40–M

[Treasury Directive Number 27–02]

Organization and Functions of the Fiscal Service

Dated: April 6, 1995.

1. *Purpose.* This Directive describes the organization and functions of the Fiscal Service, which administers the Government's financing operations and fiscal affairs.

2. *Organization Structure.* In accordance with 31 U.S.C. 306, the Fiscal Service consists of the Office of the Fiscal Assistant Secretary; the Financial Management Service, which has as its head a Commissioner; and the Bureau of the Public Debt, which has as its head a Commissioner. The Fiscal Assistant Secretary is the head of the Fiscal Service and is appointed by the Secretary of the Treasury, in accordance with 31 U.S.C. 301(d).

3. *Office of the Fiscal Assistant Secretary.* The officials, organization and functions of the Office of the Fiscal Assistant Secretary are as follows.

a. *The Fiscal Assistant Secretary* is responsible for the following functions.

(1) Provides general supervision, policy oversight, management, and coordination of the Financial Management Service and the Bureau of the Public Debt.

(2) Oversees the development of policies, programs, and systems for the collection, disbursement, management and security of public monies in the United States and in foreign countries and the related governmentwide accounting and reporting for such funds.

(3) Oversees the development of policies, programs, and systems for financing and accounting for the public debt.

(4) Provides general supervision and policy oversight of the Department of the Treasury's role as lead agency in improving cash management, credit administration, and financial management systems on a governmentwide basis.

(5) Provides policy advice and general oversight regarding international cash management activities and improvements, including the agreements to purchase foreign currencies and the holding and disbursement of these funds.

(6) Ensures the timely consolidation and publication of information on the Federal Government's financial operations and financial position for use by policy makers and decision makers in the Government and in the private sector financial markets.

(7) Directs the implementation of security enhancements to ensure the authentication and integrity of data affecting electronic funds transfers.

(8) Oversees the administration and investment of the major Federal Government accounts and trust funds, such as the Social Security Trust Funds, Civil Service Retirement and Disability Fund, and the Highway Trust Fund.

(9) Oversees the management of the Treasury's daily cash position and the investment of Treasury's excess operating cash balances.

(10) Provides estimates of the Treasury's future cash and debt position for use by the Department in connection with its financing activities and other financial operations.

(11) Oversees the performance of fiscal agency functions by the Federal Reserve banks as fiscal agents of the Treasury.

(12) Approves new and revised governmentwide principles and standards and system designs for Treasury's fiscal accounting systems

operated and maintained by the Financial Management Service and Bureau of the Public Debt, and coordinates efforts to review, improve and report such systems in accordance with Section 4 of the Federal Managers' Financial Integrity Act (FMFIA), Public Law 97–255 (31 U.S.C. 3512(d)(2)(B)).

(13) Approves, in accordance with applicable Treasury directives, regulations pertaining to the Government securities market and participates in the development of policy issues affecting the liquidity, integrity and efficiency of the market.

(14) Provides policy advice to the Department's Office of the Assistant Secretary (International Affairs) regarding terms and conditions of agreements for borrowing from foreign international monetary authorities.

(15) Represents the Secretary of the Treasury in directing the Treasury's participation in the Joint Financial Management Improvement Program for improvement of all aspects of financial management in the Federal Government.

(16) Represents the Secretary on various interdepartmental commissions, boards, and committees.

b. *The Deputy Fiscal Assistant Secretary* shares fully in carrying out the functions and responsibilities of the Fiscal Assistant Secretary and works closely with the Fiscal Assistant Secretary in managing program areas for which the latter is responsible.

c. *The Assistant Fiscal Assistant Secretary* serves as the principal advisor to the Fiscal Assistant Secretary and the Deputy Fiscal Assistant Secretary on matters relating to fiscal policy and banking relationships.

d. *The Director, Office of Cash and Debt Management,* is the principal advisor to the Fiscal Assistant Secretary and the Deputy Fiscal Assistant Secretary on matters relating to Treasury cash and debt position management, cash flow forecasting, borrowing and investment activities.

4. *The Financial Management Service.*

a. *Organization.* The Financial Management Service is comprised of the Washington headquarters and six Regional Financial Centers. In the Washington headquarters, the Office of the Commissioner consists of the Commissioner, the Deputy Commissioner, the Office of Planning and Policy Analysis, and the Office of Legislative and Public Affairs. The headquarters office also includes the Chief Counsel, who resides in the Office of the Commissioner. The Chief Counsel is an official of the Department's Legal Division and under the supervision of the General Counsel of the Treasury. The Commissioner and Deputy Commissioner direct the activities of the bureau through six Assistant Commissioners: Management/Chief Financial Officer, Regional Operations, Financial Information, Federal Finance, Agency Services, and Information Resources. Regional Financial Centers are located in Austin, Birmingham, Chicago, Kansas City, Philadelphia, and San Francisco.

b. *Functions.* The Financial Management Service acts as the Government's financial manager and central accountant and is responsible for improving the quality of government financial management through the following functions:

(1) Develops and implements programs to improve Government financial management, including cash management, credit management, and debt collection.

(2) Issues electronic funds transfer payments and Treasury checks, reconciles all payments, and settles claims for Treasury checks cashed under forged endorsements or lost, stolen or destroyed.

(3) Operates and maintains the systems for the deposit of Government receipts, and designates and oversees the performance of Government depositaries.

(4) Maintains the central system that accounts for the monetary assets and liabilities of the Treasury and tracks Government collection and payment operations.

(5) Develops and publishes financial reports on the Government's financial operations and condition.

(6) Invests Government accounts and trust funds as directed by statute.

(7) Provides financial management information to Government decision makers through financial reports that show budget results and the Government's overall financial status, such as the *Daily Treasury Statement*, the *Monthly Treasury Statement*, the *Quarterly Treasury Bulletin*, the *Annual Report of the U.S. Government*, and the *Consolidated Financial Statement.*

(8) Performs a wide range of financial services for Government agencies including accounting cross-servicing, providing financial advice and guidance, consulting on financial management services, assisting with financial systems, and training of accounting and finance staffs.

(9) Develops a Financial Accountability Report for the citizenry.

5. *The Bureau of the Public Debt.*

a. *Organization.* The Bureau of the Public Debt is comprised of the Washington headquarters and operations facilities in Washington and in Parkersburg, West Virginia. In the Washington headquarters, the Office of the Commissioner consists of the Commissioner, the Deputy Commissioner, the Government Securities Regulations Staff, and the Program Advisory Staff. The headquarters office also includes the Office of the Chief Counsel. The Chief Counsel is an official of the Department's Legal Division and under the supervision of the General Counsel of the Treasury. The Commissioner and Deputy Commissioner direct the bureau's activities through six Assistant Commissioners: Securities and Accounting Services; Public Debt Accounting; Administration; Automated Information Systems; Savings Bond Operations; and Financing; and the Executive Director of the Savings Bond Marketing Office.

b. *Functions.* The Bureau of the Public Debt borrows the money needed to operate the Federal Government and accounts for the resulting public debt, and is responsible for the following functions:

(1) Maintains accounting controls over public debt receipts and expenditures, securities and interest costs, and publishes the *Monthly Statement of the Public Debt of the United States.*

(2) Participates with the Deputy Assistant Secretary (Federal Finance) in the development of policies and plans pursuant to the Government Securities Act of 1986 and, on a day-to-day basis, carries out duties pursuant to the Act.

(3) Issues regulations and instructions pertaining to public debt securities, such as commercial and direct access book-entry securities, definitive securities, savings-type securities, and other special purpose securities.

(4) Prepares Department of the Treasury announcements and participates in preparation of offering circulars for public debt securities, including savings bonds.

(5) Directs the auction and final allotment of subscriptions for public debt securities and issues such securities.

(6) Provides policy direction and exercises general oversight responsibility for the commercial book-entry system for Treasury marketable securities, and ensures the availability of an efficient mechanism for the conduct of secondary market transactions and the Treasury Direct System.

(7) Plans and implements a national marketing program for U.S. Savings Bonds.

(8) Maintains accounts, processes transactions, and authorizes payments

for investors whose book-entry, registered and/or savings bond accounts are held directly with the Treasury.

(9) Provides policy direction and exercises general oversight responsibility for the nationwide network of institutions authorized to issue and redeem savings bonds.

6. *Authority.* Treasury Order 101–05, ''Reporting Relationships and Supervision of Officials, Offices and Bureaus, Delegation of Certain Authority, and Order of Succession in the Department of the Treasury.''

7. *Cancellation.* Treasury Directive 27–02, ''Organization and Functions of the Fiscal Service,'' dated August 3, 1992, is superseded.

8. *Expiration Date.* This Directive expires three years after the date of issuance unless canceled or superseded prior to that date.

9. *Office of Primary Interest.* Office of the Fiscal Assistant Secretary.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 95–9245 Filed 4–13–95; 8:45 am]

BILLING CODE 4810–25–P

Customs Service

Receipt of Domestic Interested Party Petition Concerning the Classification of 1.25 Ounce Nonwoven Disposable Polypropylene Protective Coveralls

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice of receipt of domestic interested party petition; solicitation of comments.

SUMMARY: Customs has received a petition submitted on behalf of a domestic interested party concerning the tariff classification of 1.25 ounce nonwoven disposable polypropylene protective coveralls.

The petitioner challenges Customs classification of the subject garments under subheading 6210.10.5000, Harmonized Tariff Schedule of the United States (HTSUS), which provides for ''[G]arments made up of fabrics of heading 5602 or 5603: other: nonwoven disposable apparel designed for use in hospitals, clinics, laboratories or contaminated areas.'' The petitioner states that these types of garments do not provide adequate protection to be considered true protective apparel, and advocates classification under subheading 6210.10.9010, HTSUS, which provides for ''[G]arments made up of fabrics of heading 5602 or 5603: other: other: other * * * overalls and coveralls'' which do not qualify as apparel designed for use in hospitals, clinics, laboratories or contaminated areas.

The petitioner challenges Customs interpretation of the term ''designed for use in hospitals, clinics, laboratories or contaminated areas'' for purposes of classifying garments within subheading 6210.10.5000, HTSUS. This document invites comments regarding the correctness of Customs classification of 1.25 ounce nonwoven disposable polypropylene protective coveralls as garments designed for such uses.

DATES: Comments must be received on or before June 13, 1995.

ADDRESSES: Comments (preferably in triplicate) may be submitted to the U.S. Customs Service, Office of Regulations and Rulings, Regulations Branch, Franklin Court, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. Comments may be viewed at the Office of Regulations and Rulings, Franklin Court, 1099 14th Street, N.W., Suite 4000, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Suzanne Karateew, Commercial Rulings Division, U.S. Customs Service, (202) 482–4047.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 516, Tariff Act of 1930, as amended (19 U.S.C 1516), a petition has been filed by a domestic interested party concerning the classification of 1.25 ounce nonwoven disposable polypropylene protective coveralls.

Heading 6210, Harmonized Tariff Schedule of the United States (HTSUS), provides for ''[G]arments, made up of fabrics of heading 5602, 5603, 5903, 5906 or 5907.'' Heading 5603, HTSUS, provides for nonwoven fabrics. As the subject garments are made from nonwoven fabric, they are classifiable within heading 6210, HTSUS. The determinative issue is whether the subject garments are classifiable under subheading 6210.10.5000, HTSUS, which provides for ''[G]arments made up of fabrics of heading 5602 or 5603: other: nonwoven disposable apparel designed for use in hospitals, clinics, laboratories or contaminated areas,'' or under subheading 6210.10.9010, HTSUS, which provides for ''[G]arments made up of fabrics of heading 5602 or 5603: other: other: other * * * overalls and coveralls'' which do not qualify as apparel designed for use in hospitals, clinics, laboratories or contaminated areas. Subheading 6210.10.5000, HTSUS, carries a duty of 5.6 percent ad valorem and does not have an attendant textile category number. Subheading 6210.10.9010, HTSUS, carries a duty of 16.9 percent *ad valorem* and has a textile category number of 659.

The petitioner challenges Customs classification of these types of garments under subheading 6210.10.5000, HTSUS, and asserts that they do not provide adequate protection to be considered true protective apparel. Specifically, the petitioner notes that 1.25 ounce nonwoven disposable polypropylene coveralls are not designed for use in hospitals, clinics, laboratories or contaminated areas because they are not impermeable to air or liquid borne contaminants, they are not chemical resistant, they do not retard bacterial growth, they do not have a slick surface nor high tensile/tear strength, and they are not puncture and abrasive resistant.

Customs will classify a garment as ''designed for use in hospitals, clinics, laboratories or contaminated areas'' if it has an established commercial acceptability for such uses. A determination of whether a garment provides sufficient protection from exposure to contaminants is not within the purview of the Customs Service, and it is the marketplace or regulatory agencies which will determine whether a garment offers adequate protection for its intended purpose. Customs has previously determined whether a garment will qualify for classification as a protective garment of subheading 6210.10.5000, HTSUS, on the basis of the garment's physical design and properties, as well as how it is marketed, advertised or sold. The garments submitted to this office as representative samples of 1.25 ounce nonwoven disposable polypropylene coveralls possess design features indicative of protective wear: 5 attached boots, elastic wrist closures, and attached hood with elasticized edges. It is Customs opinion that garments such as these will adequately serve as protective apparel in some situations (i.e., asbestos removal), but not in all. We note that the term ''designed for use in hospitals, clinics, laboratories or contaminated areas'' covers a multitude of environmental situations and no specific set of requirements or standards can be adopted as the only criteria to be used in determining whether a garment offers adequate protection for purposes of classification within subheading 6210.10.5000, HTSUS.

Comments

Pursuant to section 175.21(a), Customs Regulations (19 CFR 175.21(a)), before making a determination on this matter, Customs invites written comments from interested parties on this issue. The petition of the domestic

interested party, as well as all comments received in response to this notice, will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), section 1.4, Treasury Department Regulations (31 CFR 1.4), and section 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Branch, U.S. Customs Service, Office of Regulations and Rulings, Franklin Court, 1099 14th Street, N.W., suite 4000, Washington, D.C. 20005

Authority

This notice is published in accordance with § 175.21(a), Customs Regulations (19 CFR 175.21(a)).

Approved: March 24, 1995.

Michael H. Lane,

Acting Commissioner of Customs.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 95–9215 Filed 4–13–95; 8:45 am]

BILLING CODE 4820–02–P

Internal Revenue Service

Information Reporting Program Advisory Committee Meeting

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Open Meeting of the Information Reporting Program Advisory Committee.

SUMMARY: In 1991 the IRS established the Information Reporting Program Advisory Committee (IRPAC). The primary purpose of IRPAC is to provide an organized public forum for discussion of relevant information reporting issues between the officials of the IRS and representatives of the payer community. IRPAC offers constructive observations about current or proposed policies, programs, and procedures and, when necessary, suggests ways to improve the operation of the Information Reporting Program.

There will be a meeting of IRPAC on Tuesday and Wednesday, May 9 & 10, 1995. The meeting will be held in room 3313 of the Internal Revenue Service Building. The building is located at 1111 Constitution Avenue, Northwest, Washington, DC. The meeting will begin at 9:30 a.m., on both days, concluding about mid-day on the 10th. Topics to be discussed are listed along with a summarized version of the agenda.

Summary Agenda for Meeting on May 9 & 10, 1995

Tuesday, May 9, 1995

9:30 Public Meeting Opens
11:30 Break for Lunch
1:00 IRPAC Presentations Continue
4:00 Adjourn for the Day

Wednesday, May 10, 1995

9:30 Public Meeting Reconvenes
12:00 Adjourn

The topics that will be covered are as follows:

1. Nonresident Alien Task Force Update
2. Retirement Payments to Nonresident Aliens
3. Form 4224 Issues—Notional Principal Contacts
4. Harmonization of Rules for Forms W–8 and W–9
5. Single Tax and Wage Reporting System Update
6. Document Receipt and Record Retention
7. Penalty Notice Update
8. Announcement of IRP Quality Supplier Awards
9. Circular E and Supplement for Large Employers
10. Update on MCC Seminars
11. Coordination with Payers on Changes to IRP Forms
12. Form 1099R and 5498 Instructions
13. Fire at Martinsburg Computing Center Satellite Facility
14. IRS Legislative Update
15. Discharge of Indebtedness Reporting Update
16. Special Rule for Taxation of Certain Employee Benefits
17. Identifying the Payee
18. Reporting on Construction Loan Disbursements

Note: Last minute changes to the topics under discussion are possible and could prevent advance notice.

SUPPLEMENTARY INFORMATION: IRPAC reports to the National Director, Service Center Compliance, who is the executive responsible for information reporting and is charged with its systemwide planning and improvement. IRPAC is instrumental in providing advice to enhance the IRP Program. Increasing participation by external stakeholders in the planning and improvement of the tax system will help achieve the goals of increasing voluntary compliance and reduction of burden. IRPAC is currently comprised of 21 representatives from various segments of the private sector payer community. IRPAC members are not paid for their time or services, but consistent with Federal regulations, they are reimbursed for their travel and lodging expenses to attend two meetings each year.

DATE: The meeting, which will be open to the public, will be in a room that accommodates approximately 75 people, including members of IRPAC and IRS officials. Seats are available to the public on a first-come, first-served basis. In order to get your name on the building access list, *notification of intent to attend this meeting must be made with Ms. Tommie Matthews no later than May 5, 1995. Ms. Matthews can be reached at 202–622–5620 (not a toll-free number).* Notification of intent to attend should include your name, organization and phone number.

ADDRESSES: If you would like to have IRPAC consider a written statement, please write to Kate LaBuda at IRS, Office of Service Center Compliance, CP:CO:SC:P, room 2013, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: To give notification of intent to attend this meeting, call Ms. Tommie Matthews at 202–622–5620 (not a toll-free number). For information about IRPAC, in general, or about the agenda for this meeting, call Kate LaBuda at 202–622–3404 (not a toll-free number).

Dated: April 7, 1995.

Larry Faulkner,

Director, Office of Payer Compliance, Service Center Compliance.

[FR Doc. 95–9286 Filed 4–13–95; 8:45 am]

BILLING CODE 4830–01–U

Tax on Certain Imported Substances (Ethyl Acetate); Notice of Determination

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This notice announces a determination, under Notice 89–61, that the list of taxable substances in section 4672(a)(3) will be modified to include ethyl acetate.

EFFECTIVE DATE: This modification is effective July 1, 1990.

FOR FURTHER INFORMATION CONTACT: Tyrone J. Montague, Office of Assistant Chief Counsel (Passthroughs and Special Industries), (202) 622–3130 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Under section 4672(a), an importer or exporter of any substance may request that the Secretary determine whether that substance should be listed as a taxable substance. The Secretary shall add the substance to the list of taxable substances in section 4672(a)(3) if the

Secretary determines that taxable chemicals constitute more than 50 percent of the weight, or more than 50 percent of the value, of the materials used to produce the substance. This determination is to be made on the basis of the predominant method of production. Notice 89–61, 1989–1 CB 717, sets forth the rules relating to the determination process.

Determination

On March 31, 1995, the Secretary determined that ethyl acetate should be added to the list of taxable substances in section 4672(a)(3), effective July 1, 1990.

The rate of tax prescribed for ethyl acetate, under section 4671(b)(3), is $4.39 per ton. This is based upon a conversion factor for butane of 0.9032.

The petitioner is Hoechst Celanese, a manufacturer and exporter of this substance. No material comments were received on this petition. The following information is the basis for the determination.

HTS number: 2915.31.00.00
CAS number: 141–78–6

Ethyl acetate is derived from the taxable chemical butane. Ethyl acetate is a liquid produced predominantly by esterifying acetic acid with ethyl alcohol. The acetic acid and the ethyl alcohol are prepared as a co-product by the oxidation of butane.

The stoichiometric material consumption formula for ethyl acetate is:

C_4H_{10} (butane) + 1.5 O_2 (oxygen) ——> $C_4H_8O_2$ (ethyl acetate) + H_2O (water)

Ethyl acetate has been determined to be a taxable substance because a review of its stoichiometric material consumption formula shows that, based on the predominant method of production, taxable chemicals constitute 54.7 percent by weight of the materials used in its production.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 95–9287 Filed 4–13–95; 8:45 am]

BILLING CODE 4830–01–U

Tax on Certain Imported Substances (Nylon 6/6); Notice of Determination

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This notice announces a determination, under Notice 89–61, that the list of taxable substances in section 4672(a)(3) will be modified to include nylon 6/6.

EFFECTIVE DATE: This modification is effective July 1, 1990.

FOR FURTHER INFORMATION CONTACT: Tyrone J. Montague, Office of Assistant Chief Counsel (Passthroughs and Special Industries), (202) 622–3130 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Under section 4672(a), an importer or exporter of any substance may request that the Secretary determine whether that substance should be listed as a taxable substance. The Secretary shall add the substance to the list of taxable substances in section 4672(a)(3) if the Secretary determines that taxable chemicals constitute more than 50 percent of the weight, or more than 50 percent of the value, of the materials used to produce the substance. This determination is to be made on the basis of the predominant method of production. Notice 89–61, 1989–1 CB 717, sets forth the rules relating to the determination process.

Determination

The petitioner is Monsanto Company, a manufacturer and exporter of this substance. Written comments were received on this petition.

On March 31, 1995, the Secretary determined that nylon 6/6 should be added to the list of taxable substances in section 4672(a)(3), effective July 1, 1990.

The rate of tax prescribed for nylon 6/6, under section 4671(b)(3), is $5.65 per ton. This is based upon a conversion factor for methane of 0.40, a conversion factor for benzene of 0.47, a conversion factor for nitric acid of 0.41, a conversion factor for butadiene of 0.28, and a conversion factor for ammonia of 0.20.

The following information is the basis for the determination.

HTS number: 3908.10.00.00
CAS number: 52349–42–5

Nylon 6/6 is derived from the taxable chemicals methane, benzene, nitric acid, ammonia, and butadiene. Nylon 6/6 is a powdered solid produced predominantly by the reaction of adipic acid with hexamethylene diamine. The adipic acid is derived from benzene via hydrogenation to cyclohexane, which is oxidized using air and nitric acid in a two-step process. The hexamethylene diamine is made by the reaction of butadiene with hydrogen cyanide (derived from ammonia and from methane in natural gas).

The stoichiometric material consumption formula for nylon 6/6 is:

9 CH_4 (methane) + 10 H_2O (water) + 2 C_6H_6 (benzene) + 4.66 HNO_3 (nitric acid) + 4 NH_3 (ammonia) + 6 O_2 (oxygen) + 2 C_4H_6 (butadiene) ——> 2 $(C_{12}H_{22}N_2O_2)_n$ (nylon 6/6)

Nylon 6/6 has been determined to be a taxable substance because a review of its stoichiometric material consumption formula shows that, based on the predominant method of production, taxable chemicals constitute 67.4 percent by weight of the materials used in its production.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 95–9288 Filed 4–13–95; 8:45 am]

BILLING CODE 4830–01–U

Office of Thrift Supervision

Public Information Collection Requirements Submitted to OMB for Review

April 10, 1995.

The Office of Thrift Supervision (OTS) has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–11. Copies of the submission(s) may be obtained by calling the OTS Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the OTS Clearance Officer, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552.

OMB Number: 1550–0033.

Form Number: OTS Form 1559.

Type of Review: Extension.

Title: Notice for Establishment of a Finance Subsidiary.

Description: 12 CFR 545.82 requires Federal Savings associations to notify OTS and the Federal Deposit Insurance Corporation not less than 30 days before the commencement of the activities of the finance subsidiary and to notify the OTS prior to the transfer of any additional assets to an existing finance subsidiary.

Respondents: Savings and Loan Associations and Savings Banks.

Estimated Number of Respondents: 1.

Estimated Burden Hours Per Respondent: 32 Hrs. Avg.

Frequency of Response: On occasion.

Estimated Total Recordkeeping Burden: 32 Hrs.

Clearance Officer: Colleen M. Devine, (202) 906–6025, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552.

OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management

and Budget, Room 10226, New Executive Office Building, Washington, D.C. 20503.

Cora Prifold Beebe,

Director of Administration.

[FR Doc. 95–9253 Filed 4–13–95; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF VETERANS AFFAIRS

Information Collections Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists the type of information collection and the following: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collections and supporting documents may be obtained from Trish Fineran, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–6886.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, Room 10102, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collections should be directed to the OMB Desk Officer on or before May 15, 1995.

Dated: April 6, 1995.

By direction of the Secretary:

Donald L. Neilson,

Director, Information Management Service.

Extension

1. Offer to Rent on Month-to-Month Basis and Credit Statement of Prospective Tenant, VA Form 26–6725.

2. The form is completed by prospective tenants of properties owned by VA and serves as the rental offer and credit statement. The information collected provides the basis for acceptance or rejection of offers to rent.

3. Individuals or households—Business or other for-profit.

4. 33 hours.

5. 20 minutes.

6. On occasion.

7. 100 respondents.

Reinstatement

1. Application for Cash Surrender or Policy Loan, VA Form 29–1546.

2. The form is used by the insured to apply for cash surrender value or policy loan on his/her insurance. The information is used by VA to initiate the processing of the insured's request for a policy loan or cash surrender.

3. Individuals or households.

4. 4,939 hours.

5. 10 minutes.

6. On occasion.

7. 29,636 respondents.

Reinstatement

1. Disability Benefits Questionnaire, VA Forms 29–8313 and 29–8313–1.

2. The forms are used by the policyholder to report conditions needed to continue disability insurance benefits. The information is used by VA to determine the insured's continuous entitlement to disability insurance benefits.

3. Individuals and households.

4. 15,000 hours.

5. 15 minutes.

6. On occasion.

7. 60,000 respondents.

[FR Doc. 95–9223 Filed 4–13–95; 8:45 am]

BILLING CODE 8320–01–P

Sunshine Act Meetings

Federal Register
Vol. 60, No. 72
Friday, April 14, 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).

U.S. COMMISSION ON CIVIL RIGHTS

DATE AND TIME: Friday, April 21, 1995, 9:30 a.m.

PLACE: U.S. Commission on Civil Rights, 624 Ninth Street, NW, Room 540, Washington, DC 20425.

STATUS: Open to the Public.

Agenda

I. Approval of Agenda
II. Approval of Minutes of March 24, 1995 Meeting
III. Announcements
IV. Staff Director's Report
V. State Advisory Committee Appointments for South Dakota and Tennessee
VI. State Advisory Committee Reports
- ''Perceptions of Racial Tensions in South Carolina''
- ''Enforcing Civil Rights in Alaska: Who is Handling the Complaints?''

VII. ''Racial and Ethnic Tensions in American Communities—Poverty, Inequality and Discrimination: The Chicago Report''
VIII. Future Agenda Items

Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact Betty Edmiston, Administrative Services and Clearinghouse Division (202) 376–8105 (TDD 202–376–8116) at least five (5) days before the scheduled date of the hearing.

CONTACT PERSON FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications (202) 376–8312.

Dated: April 12, 1995.

Emma Monroig,

Solicitor.

[FR Doc. 95–9436 Filed 4–12–95; 3:32 pm]

BILLING CODE 6335–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:02 a.m. on Tuesday, April 11, 1995, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider (1) recommendations regarding administrative enforcement proceedings, and (2) matters relating to the Corporation's corporate activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Andrew C. Hove, Jr., seconded by Director Eugene A. Ludwig (Comptroller of the Currency), concurred in by Mr. John F. Downey, acting in the place and stead of Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), and Chairman Ricki Tigert Helfer, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9) (A) (ii), (c)(9)(B), and (c)(10) of the ''Government in the Sunshine Act'' (5 U.S.,C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Dated: April 11, 1995.

Federal Deposit Insurance Corporation.

Patti C. Fox,

Acting Deputy Executive Secretary.

[FR Doc. 95–9435 Filed 4–12–95; 3:32 pm]

BILLING CODE 6714–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, April 19, 1995.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda

Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that the items be moved to the discussion agenda.

1. Request by Western Corporate Federal Credit Union, San Dimas, California, for review of its participation in the California Savings Plus retirement program and its bankers' bank exemption from reserve requirements.

2. Proposed exception to the anti-tying provisions of Regulation Y (Bank Holding Companies and Change in Bank Control). (Proposed earlier for public comment; Docket No. R–0851)

Discussion Agenda

3. (a) Proposed amendments to Regulation BB (Community Reinvestment) (proposed earlier for public comment; Docket No. R–0822); (b) related conforming amendments to Regulation C (Home Mortgage Disclosure) (proposed earlier for public comment; Docket No. R–0848); and (c) publication for comment of proposed amendments to Regulation B (Equal Credit Opportunity) regarding data collection on all types of credit products.

4. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to:

Freedom of Information Office,
Board of Governors of the Federal Reserve System,
Washington, D.C. 20551

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: April 12, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–9354 Filed 4–12–95; 11:03 am]

BILLING CODE 6210–01–P

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 12 noon, Wednesday, April 19, 1995, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, 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 12, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–9355 Filed 4–12–95; 11:03 am]

BILLING CODE 6210–01–P

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Meeting Notice

TIME AND DATE: 1:00 p.m., May 19, 1995.

PLACE: Uniformed Services University of the Health Sciences, Room D3001, 4301 Jones Bridge Road, Bethesda, MD 20814–4799.

STATUS: Open—under ''Government in the Sunshine Act'' (5 U.S.C. 552b(e)(3)).

MATTERS TO BE CONSIDERED:

1:00 p.m. Meeting—Board of Regents

(1) Approval of Minutes—January 23, 1995; (2) Faculty Matters; (3) Departmental Reports; (4) Financial Report; (5) Report—President, USUHS; (6) Report—Dean, School of Medicine; (7) Comments—Chairman, Board of Regents.

New Business

CONTACT PERSON FOR MORE INFORMATION: Bobby D. Anderson, Executive Secretary of the Board of Regents, 301/295–3116.

Dated: April 12, 1995.

Patricia L. Toppings

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–9437 Filed 4–12–95; 3:32 pm]

BILLING CODE 5000–04–M

Corrections

Federal Register
Vol. 60, No. 72
Friday, April 14, 1995

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER94-1475-000, et al.]

Illinova Power Marketing, Inc., et al.; Electric Rate and Corporate Regulation Filings

Correction

In notice document 95–8541 beginning on page 17781, in the issue of Friday, April 7, 1995, make the following correction:

On page 17782, in the second column, under the heading ''Prairie Wind Energy Partners'', in the first line, the Docket Number should read ''QF95-198-000''.

BILLING CODE 1505–01–D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP94-423-000]

Texas Gas Transmission Corp.; Notice of Informal Settlement Conference

Correction

In notice document 95–8680 appearing on page 18096, in the issue of Monday, April 10, 1995, in the second column, above the subject heading at the bottom of the page, the docket number should have appeared as set forth above.

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-94-14]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

Correction

In notice document 95–8411 appearing on page 17603, in the issue of Thursday, April 6, 1995, make the following correction:

On page 17603, in the second column, under Petitions for Exemption, in the first line, ''8179.'' should read ''28179.''.

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 178

[T.D. ATF-363; 94F-022P]

RIN 1512-AB35

Implementation of Public Law 103-322, the Violent Crime Control and Law Enforcement Act of 1994

Correction

In rule document 95–8233 beginning on page 17446 in the issue of Thursday, April 6, 1995, make the following correction:

On page 17446, in the second column, under **EFFECTIVE DATES**, the fourth line should read ''§ 178.92(a)(2), (c)(1)(ii)(B) and (c)(1)(iii),''.

BILLING CODE 1505–01–D

Federal Register

Friday
April 14, 1995

Part II

Department of Health and Human Services

Administration for Children and Families

Environmental Protection Agency

Request for Applications Under the Environmental Protection Agency's Toxic Substances Control Act; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program announcement no. 95–06)

ENVIRONMENTAL PROTECTION AGENCY

Request for Applications Under the Environmental Protection Agency's Toxic Substances Control Act and the Office of Community Services' Fiscal Year 1995 Job Opportunities for Low-Income Individuals Program (Demonstration Projects) and the Discretionary Grants Program

AGENCY: Office of Community Services, Administration for Children and Families, (ACF), DHHS; Office of Prevention Pesticides, and Toxic Substances Environmental Protection Agency (EPA).

ACTION: Announcement of availability of funds and request for applications under the Environmental Protection Agency's Toxic Substances Control Act and the Office of Community Services' FY 1995 Job Opportunities for Low-Income Individuals Program and the Urban and Rural Community Economic Development Discretionary Grants Program.

SUMMARY: The Department of Health and Human Services (DHHS), Administration for Children and Families (ACF), Office of Community Services (OCS) and the Environmental Protection Agency (EPA) are announcing, with this Notice, the availability of FY 1995 grant funds for a pilot program to develop joint projects between public agencies and non-profit organizations to form partnerships in the demonstration of innovative community-based ventures and to reduce the disproportionate exposure of disadvantaged communities to lead poisoning in their environment and to provide job and career opportunities to low-income residents of these communities. These funds are being provided as a result of the planning work of a Federal Project Task Force, consisting of officials of the Department of Health and Human Services, Environmental Protection Agency, Department of Housing and Urban Development, and Department of Labor, convened to explore opportunities for joint lead poisoning prevention and environmental justice programming. EPA and ACF/OCS expect the grantees to use these funds and other available resources to plan and coordinate a range of training, business enterprise development, education, and hazard abatement activities so as to reduce significantly the deleterious health effects of lead poisoning in their low-income urban and rural communities and to create new career and economic development opportunities for low-income residents of those communities.

In order to underwrite these initiatives, the funding agencies intend to fund up to three (3) projects totaling approximately $3.0 million. Each project will receive two grants totaling up to $1 million. Up to $500,000 will be provided to the project by each of the two Federal agencies. EPA will award a grant of up to $500,000 to each of three (3) urban and/or rural public agency partners for training and education; OCS will award a grant of up to $500,000 to each of three (3) private non-profit agency partners for job creation and career development for low-income residents. The grants will be awarded by ACF/OCS under the authorities of the Family Support and Community Services Block Grant Acts and by EPA under the authority of the Toxic Substances Control Act.

CLOSING DATES: The closing date for submission of applications is May 30, 1995.

FOR FURTHER INFORMATION CONTACT: Re: Lead Training and Education elements of the application:

James Boles, Chemical Management Division, Program Development Branch (7404), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20447 (202) 260–3969

Contacts at Regional EPA Offices are listed under Part VIII, A, of this notice.

Re: Enterprise Development, Job Creation, and Lead Abatement elements of the application:

Richard M. Saul, Director, Community Demonstration Programs Division, Office of Community Services, Administration for Children and Families, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447 (202) 401–9233

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Part I—Background

Lead poisoning is one of the worst environmental threats to children in the United States. Lead absorbed into the blood from such sources as gasoline additives, house paint, drinking water, and consumer products can and does have extremely damaging health consequences on children. As more and more has been learned about the adverse effects of lead poisoning, the Centers for Disease Control and Poisoning Prevention (CDC) have lowered the acceptable blood lead level three times in the past 20 years.

Fortunately, lead poisoning is entirely preventable. As public officials have come to realize this, they have begun to address the problem of exposure to lead at its several sources. Leaded gasoline was, for many years, one of the major sources of lead absorbed into the blood, but government-mandated changes in gasoline composition have greatly reduced the amount of airborne lead. Initiatives such as this have already resulted in reduced blood lead levels. The major remaining source of lead in the environment is house paint,

especially types that were commonly used prior to 1978. Huge amounts of this peeling lead-based paint and paint dust exist in older homes throughout the country, especially among those inhabited by people without the financial means or ownership incentive to maintain and repair them adequately. Several studies show strong correlations between lead levels in the blood of inner city residents and the large numbers of dilapidated older houses and apartments in which lower income people frequently are concentrated. As an unhappy consequence, the very people who probably can least afford the impacts of lead poisoning—lower income children and families concentrated in poorer urban neighborhoods and rural communities—are the ones most at risk from this threat.

Several Federal agencies have undertaken important initiatives to attack the problem of household exposure to lead and lead poisoning in poor, urban communities. The Department of Housing and Urban Development (HUD) has authorized and funded several programs under Title X of the Residential Lead-Based Paint Hazard Reduction Act of 1992 designed to stimulate lead abatement activities in both public housing and privately-owned housing for lower income individuals and families. EPA has worked to ensure that its public educational efforts are effective in reaching these audiences and is searching for low cost methods of reducing risk. CDC has funded screening programs to measure lead levels in blood in both urban and rural communities which are judged to be at particularly high risk of lead exposure. ACF/OCS has supported, and participated in, a California public-private partnership to develop and implement a model for combining lead abatement with community-based weatherization programs.

While these early lead abatement activities generally have attacked the problem of environmental lead from a public health perspective, a number of public officials with responsibilities for community and economic development have noted that such initiatives have the potential to create work and business opportunities for adults living in the very communities most severely afflicted with the problem. These officials have reasoned that individuals with practical knowledge of neighborhood conditions, a willingness to undergo necessary training, and a desire for gainful employment in community-based ventures have much to offer to those planning lead and other hazard abatement initiatives. They have also come to believe that community-based ventures involving such individuals may possess important advantages in assessing environmental hazards, building support for abatement services, and developing community capabilities over larger businesses based outside the impacted neighborhoods.

As a consequence, providing a significant amount of funding to the economies of these neighborhoods has come to be seen as both a catalyst for the creation of, and a resource for the initial support of, a group of viable new community-based non-profit agencies and contracting businesses able to capitalize on hazard assessment, lead abatement, and post-abatement renovation work to create new labor-intensive jobs and build employment skills in their work force. These officials of Federal, state, tribal, and local governments have found strong interest, furthermore, on the part of community leadership in lead abatement-type initiatives and have engaged during recent months in considerable discussion and planning of collaborative enterprises such as the one envisioned with this announcement. As a result, the agencies funding this initiative have come to share a vision of numerous community-based partnerships throughout the country working together to educate, involve, and empower lower income communities to make their own neighborhoods free from lead poisoning and safe and healthy for their children.

Part II—Purpose

The purpose of the grants to be funded under this announcement is to demonstrate the potential advantages that partnerships between community-based enterprises and state, local, or tribal governments have for making beneficial impacts, through lead abatement activities, on both the physical health and economic vitality of the low-income neighborhoods and citizens that they serve.

Officials of both ACF/OCS and EPA expect the partners in the project to work together to organize resources and develop coordinated programs that are effective in removing lead-based paint from their neighborhoods, thereby improving residents' health, while developing new and/or expanded locally based housing contractor enterprises with the capacity for job creation, career development and growth. Successful applicants will utilize the funds and visibility of this initiative to create new public/private partnerships, strengthen skills and knowledge of community residents, create job opportunities and new business ventures, and impart fresh momentum to local efforts towards community revitalization.

Part III—Legislative Authorities and Funding Sources

In order to accomplish these distinct but complementary goals, the funded public agency/non-profit partners must effectively integrate disparate elements into a single cohesive project. The applicants' projects must blend training support funding and program guidelines from the EPA with capacity-building funding and program guidelines from ACF/OCS in order to launch and implement their projects.

Legislative Authorities

EPA is authorized by the Toxic Substances Control Act to make grants to States, Federally recognized Native American tribal governments, and local governmental bodies to support research, development and training activities capable of developing local capacity to successfully prevent lead poisoning.

ACF/OCS authority for this joint initiative is contained in two legislative enactments—the Job Opportunities for Low-Income Individuals Program authorized under Section 505 of the Family Support Act of 1988, as amended, and the Office of Community Services' Discretionary Grants Program under section 681(a)(1) of the Community Services Block Grant Act of 1981, as amended.

Funding

EPA's funding support is for community education and technical hazard abatement training provided through local public health agencies. ACF/OCS funding support is for the organization and/or expansion of community-based abatement enterprises and the resulting creation of new jobs with career potential for low-income employees in these enterprises or the development of their own businesses provided through local private non-profit organizations.

Each funded project will receive two grants totalling up to $1 Million, up to $500,000 from each agency. EPA will award a grant of up to $500,000 to a public agency partner for training and education; OCS will award a grant of up to $500,000 to a private non-profit agency partner for job creation and career development.

EPA requires, furthermore, that applicants provide either evidence of a local contribution of 5% of the value of the EPA grant from State, Foundation or other Federal sources such as

Community Development Block Grant monies, in-kind services, or local cash *or* a written justification of its inability to raise such a match. ACF/OCS does not require a match for its grants but does encourage the applicant to review and describe ways by which it would plan to mobilize additional public and private resources to further the purposes of this announcement if it were to receive a grant. The funded community-based environmental lead abatement ventures are expected to add partners and obtain resources from other sources with complementary interests, when practical.

Part IV—Eligible Applicants

Because of the dual authorities involved with this program announcement, eligible applicants for the grants will consist of local partnerships, of which each member must meet the eligibility criteria of the relevant funding agency:

A. Public Agencies—EPA

Eligible applicants for purposes of the EPA funding under this notice include any State (including the District of Columbia, the U.S. Virgin Islands, the Commonwealth of Puerto Rico, and any territory or possession of the United States), Federally recognized Native American Tribal government, or local government that has an active, health-based lead program. For the purposes of this notice, an active, health-based lead program is defined as health or environmental officials collecting and analyzing environmental lead data with the assistance of local health care providers.

Private universities, private non-profit entities, private businesses, and individuals are not eligible for EPA funds. For convenience, the term ''State'' in this notice refers to all EPA eligible applicants.

B. Non-Profit Organizations—ACF/OCS

Organizations eligible to apply for funding under this program are any non-profit organizations including community development corporations that are exempt from taxation under Section 501(a) of the Internal Revenue Code of 1986 by reason of paragraph (3) or (4) of Section 501(c) of such code and private non-profit community development corporations governed by a board consisting of residents of the community and business and civic leaders which has as a principal purpose planning, developing, or managing low-income housing or community development projects. At least one OCS grant under this Announcement will be made to a non-profit partner which is a private, non-profit community development corporation as defined above. Applicants must provide documentation of their tax exempt status. The applicant can accomplish this by providing a copy of the applicant's currently valid IRS tax exemption certificate. Failure to provide evidence of non-profit status will result in rejection of the application.

Public entities and private non-profit organizations in urban and rural communities are eligible for funding under this environmental justice initiative. For purposes of this announcement, applicants will be considered urban if the target area is within a Metropolitan Statistical Area. All other applicants will be considered as rural. Applicants must provide data adequate for the reviewers to determine whether the project would be urban or rural.

Part V—Eligible Activities

In order to accomplish both the health and economic development goals of this initiative, grantees will be authorized and encouraged to undertake a wide range of complementary programmatic activities. Both ACF/OCS and EPA officials envision a range of organizational partnership models that could be suitable for the programs initiated with this announcement. Each will have in common the eligibility of individual partners for the EPA and ACF/OCS enabling grants and a demonstrated commitment to successfully achieving the purpose of the program. Initial activity is likely to be concentrated on the organization of the project partnership and the development, in consultation with the targeted community, of a project implementation plan.

As noted below, grants from EPA to the public partners for community education and worker training will be of two years duration, permitting the training and certification of several cycles of abatement workers. The ACF/OCS grants to the non-profit partners for job creation and support activities will be for an initial operational period of three years, to permit the continued provision of support services beyond the training period of the EPA grant, to assist low-income workers to strengthen their underlying job skills and advance their career development.

Public Agencies—EPA activities include:

—Assessing and prioritizing the nature and extent of the target community's environmental lead problems;
—Planning and conducting a hands-on lead-based paint abatement training program for community residents who wish to be employed in abatement project activity;
—Conducting (using community residents) a tailored lead poisoning education campaign for the targeted community;
—Outreach to other public and private parties with interests in hazard removal, housing rehabilitation, and community revitalization and leveraging resources that may complement those provided by EPA and ACF/OCS;
—Monitoring abatement contractor performance in reducing the amount of lead-based paint in the target area, protecting the safety of abatement workers and area residents, and tracking project impacts in terms of job creation and health improvement.

B. Non-Profit Organizations—ACF/OCS activities include:

—Jobs and/or business/self employment opportunities created under this program that will contribute to the goal of self-sufficiency. The employment opportunities should provide hourly wages that *exceed* the minimum wage and also provide benefits such as health insurance, transportation, child care, and career development opportunities;
—Projects that create new jobs and/or business opportunities for eligible program participants. Projects funded under this program must demonstrate how the proposed project will enhance the participants' ability and skills in their progress toward self-sufficiency;
—The creation of a significant number of new full-time permanent jobs through the expansion of a pre-identified business or new business development or by providing opportunities for self-employment to eligible participants. While projected employment in future years may be included in the application, it is essential that the focus of employment opportunities concentrate on new full-time, permanent jobs to be created during the duration of the grant project period and/or on the creation of new business development opportunities for low-income individuals;
—Providing assistance to prospective community-based abatement contractors in preparing project plans and—if necessary—working capital/financing proposals to support project activity; and
—Launching and overseeing a coordinated program to abate the community's lead hazards, utilizing the community-based resources identified and developed during the initial phases of the project.

In keeping with the Federal Government's environmental justice strategies, grantees are encouraged to undertake a variety of activities that have proven helpful to the development and strengthening of community-based hazard abatement and contracting firms. In particular, grantees should be prepared to initiate the technical training, help with the certification, business training, and assist with obtaining the bonding and insurance coverage that participating contractors are likely to need to participate fully in the economic activity stimulated by these grants.

Part VI—Project Planning/Application Requirements

A. Project Planning

Successful applications for grants under this announcement shall describe the nature of the public agency and community-based non-profit partnerships. The individual private, non-profit partners should have had successful experience in job creation for low-income individuals and enterprise development, and project planning and management. While each of the partners will address its portion of the single joint application to the agency funding the project activities that it will undertake, the single combined application should clearly demonstrate how the members of the partnership will work together in the beginning stages of the project, and with selected abatement contractors or with individuals who wish to create new abatement businesses to accomplish key project milestones and impacts in a targeted community over the life of the project. The partners will show how the funds to be received—including funding resources other than those provided by ACF/OCS and EPA—will be coordinated and used (1) to establish a joint project management capacity, (2) to contract with training and abatement specialists, (3) to conduct planned project activities, and (4) to direct and oversee project activity to a successful conclusion. While each partner will concentrate on explaining the elements of the project design and plan for which it is primarily responsible, it will also show how its investments in health education, abatement training, community-based business development/self-employment, and/or project-related jobs will be integrated into continuing efforts to improve the health and economic vitality of the targeted community.

1. Project Organization

ACF/OCS and EPA officials prescribe no particular model for the organization of a project partnership or for the design of its program. While the grant recipients must be qualifying public agencies or locally based non-profit entities, the abatement ventures themselves can take a variety of organizational forms, including but not limited to community-based non-profit ventures, for-profit contractors, subsidiaries of community development corporations, and worker-owned cooperatives. Irrespective of organizational form, applications will be assessed primarily in terms of the amount of lead abatement and enterprise development/job creation impact that the partners project and the likelihood that these desirable outcomes will be realized.

2. Project Design

Because of the sponsoring agencies' emphasis on innovative proposals with significant potential value to both target communities and the community health and revitalization fields, applicants are advised to explain their project design and accompanying plans so that the logic of their project is clear.

The purpose of this initiative is to demonstrate the capacity of community-based public/private partnerships for reducing the hazard of environmental lead while providing new jobs and income opportunities for community residents. Several of the most important outcomes associated with this purpose include—in addition to a significant verifiable reduction in the number of dwellings/buildings with lead-based paint in the target community—established/strengthened community contractor businesses with the potential for viability, financial and management resources redirected into this lead hazard abatement field, and community residents knowledgeable about the techniques of lead abatement.

It is important to note, *that the outcomes and impacts of the environmental justice project depend upon effective joint planning and coordination among the members of the project partnership.* As a consequence, project task planning by individual project partners must take place within the framework of the overall project design.

While applicants may choose to use other project design models to represent the way that their project will work, they should ensure that the proposal makes it clear the way in which project management and contractors will use resources to produce results internal to the project which will, in turn, lead to beneficial impacts in the targeted community.

B. Application Requirements

1. Project Periods and Budget Periods

This Environmental Justice Initiative is for a period of up to six years. The EPA grant will support community education and worker training for the first two years of the project; the ACF/OCS grant will support job creation and worker support services which will last one year beyond the training, with the possibility of continued tracking and support for a final three years as noted below.

EPA: The Environmental Protection Agency will approve FY 1995 grants for a project period of two (2) years and a budget period of two (2) years.

ACF/OCS will approve FY 1995 grants for a project period of six (6) years and an initial budget period of 36-months, or three (3) years. The initial 36-month budget period will be considered the Operational Phase of the project, during which the Work Plan described in this announcement is to be carried out. The second 36 months, or three years, of the Project Period is to be considered a period of tracking workers in the newly created jobs, of providing them, as needed, with modest support and assistance, and of continuing Project evaluation. Applications for continuation grants funded under these awards beyond the 36 month budget period will be entertained in subsequent years on a non-competitive basis, in a modest amount commensurate with the reduced level of effort, and subject to the availability of funds, satisfactory progress of the grantee, and determination that this would be in the best interest of the government.

2. Cooperative Partnership Agreements

Applicants should document their commitment through a Cooperative Partnership Agreement to work together to successfully achieve the purposes of this announcement. The agreement should be signed by the responsible executive officer of each partner and should include, as a minimum, a written description including organization charts and other graphical displays as appropriate of the roles and responsibilities of the officials in the partnering agencies who are responsible for the administration/management of the project.

ACF/OCS—Cooperative Partnership Agreement with State IV–A Agency (JOBS Program).

A signed written agreement, or letter of commitment to sign such an

agreement within six months of a grant award, between the *ACF/OCS* applicant and the local State IV–A agency (JOBS Program) must be submitted with the application in order to be reviewed and evaluated competitively. The agreement/letter must describe the cooperative relationship and include specific activities and/or responsibilities that each of the entities proposes to carry out over the course of the project period in support of the project. (See Attachment J for for a list of the State JOBS agencies)

3. Program Participants/Beneficiaries

Projects proposed for funding under *ACF/OCS* must result in direct benefits to low-income people. Low-income people are those individuals eligible to receive AFDC under Part A of Title IV of the Social Security Act, or individuals whose income does not exceed 100% of the poverty line as defined in the most recent Annual Revisions of Poverty Income Guidelines published by DHHS.

Attachment A to this announcement is an excerpt from the 1995 Poverty Guidelines now in effect. Annual revisions of these guidelines are normally published in the Federal Register in February or early March of each year. Grantees will be required to apply the most recent guidelines throughout the project period. These revised guidelines also may be obtained at public libraries, Congressional offices, or by writing the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The revised guidelines are also accessible on the OCS Electronic Bulletin Board for downloading through your computer modem by calling 1–800–627–8886.

4. Prohibition and Restrictions on the Use of Funds

The use of funds for new construction or the purchase of real property is prohibited. Costs incurred for rearrangement and alteration of facilities required specifically for the grant program are allowable when specifically approved by ACF/OCS in writing.

If the applicant is proposing a project which will affect a property listed in, or eligible for inclusion in the National Register of Historic Places, it must identify this property in the narrative and explain how it has complied with the provisions of section 106 of the National Historic Preservation Act of 1966 as amended. If there is any question as to whether the property is listed in or eligible for inclusion in the National Register of Historic Places, the applicant should consult with the State Historic Preservation Officer. (See Attachment B: SF–424B, Item 13 for additional guidelines.) The applicant should contact OCS early in the development of its application for instructions regarding compliance with the Act and data required to be submitted to the Department of Health and Human Services. Failure to comply with the cited Act will result in the application being ineligible for funding consideration.

5. Third-Party Project Evaluation

The sponsoring agencies (EPA and ACF/OCS) require that a plan for a methodologically sound independent evaluation of the project be included in the application. The evaluative activity to be undertaken should deal, at a minimum, with the performance of the grantees' management in implementing the project and other resources to produce planned outputs, an assessment of the activities carried out in creating new jobs and business opportunities, and with the effectiveness of the project design in realizing the outcomes and impacts sought. The evaluation plan should clearly reflect the project period, incorporating relatively early assessments of project activity and production, intermediate assessments of the efficiency and effectiveness of abatement activity, and later assessments of changes in blood lead levels and community-based enterprise vitality/viability.

Applicants should consult with an independent third-party entity with credible program evaluation experience to help develop the evaluation design and to help prepare the evaluation section of their applications. Applicants should ensure, however, that the evaluation methodology presented is consistent with the logic of the project design. The evaluation methodology should include, but not be limited to, the key measures of performance and accomplishment set out elsewhere in the application. Project managers and evaluators should address the issues relating to project data collection and management, since most process and outcome measures will be used for both project management and the evaluation plan. Finally, applicants should express a firm commitment to support their third-party evaluators with project data, with management's interpretation of that data as needed, and with management and contractor time to participate in evaluative activities. The evaluators should include, in their final report, a characterization of the organizational and strategy model represented by the grantee team and of the replicability of these models in similar settings elsewhere.

6. Economic Development Strategy

In accordance with the legislative reference cited in Part II, Section A, applicants must include in their proposal an explanation of how the proposed project is integrated with and supports a larger economic development strategy within the target community. Where appropriate, applicants should document how they were involved in the preparation and planned implementation of a comprehensive community-based strategic plan to achieve both economic and human development in an integrated manner.

7. Maintenance of Effort

The application must include an assurance that activities funded under this program announcement are in addition to, and not in substitution for, activities previously carried on without Federal assistance.

Part VII—Criteria for Review and Evaluation of Applications

EPA and ACF/OCS will jointly review applications submitted for each of the combined projects proposed, with each agency's staff reviewing the portions of the joint application bearing on the suitability of the project partner to which it would provide grant funds. Grants will only be made, however, to project partnerships, each member of which fully meets the selection criteria employed by the agency providing its grant funding.

The criteria to be used by the funding agencies to review and score applications are set forth below. The competitive review of proposals will be based on the degree to which: (1) each part of the application incorporates each of the review criterion and sub-criterion; (2) the applicants describe convincingly a project to reach the stated purpose of the grants; and (3) the applicants will test and evaluate such approaches so as to make possible replication of a successful project.

A. Environmental Protection Agency Criteria

Criterion I: Analysis of Need (Maximum: 10 Points)

Applicants should demonstrate, in this section, their understanding of the extent and nature of both the environmental hazard problem and the underemployment and underdevelopment problems in the neighborhoods to be served.

The State partner should primarily address the need for lead abatement activity from a demographic perspective—data about the size, age structure, ethnicity, and income

characteristics of the population in the target area should be assembled, using maps, along with such information about the community's health as is available.

Criterion II: Partnering Organizations' Capability for Project (Maximum: 10 Points)

EPA is interested in assessing the capabilities that the members of the grantee project team bring to this initiative. EPA will ascertain whether the State has demonstrated, through prior experience with large, complex environmental and/or public health projects in disadvantaged communities, that it has the institutional capacity and staff knowledge to achieve project goals within the specified time frame. EPA will also review the qualifications and experience of the proposed project director or manager, looking for evidence of successful experience managing interdisciplinary projects involving public health, housing rehabilitation, and/or environmental management in actual neighborhood settings.

Criterion III: Project Design and Implementation plans (Maximum: 40 Points)

(a) Project Design and Strategy (Maximum: 10 Points)

The applicant should state clearly how its project will work to create the proposed community outcomes and impacts sought from this initiative. The applicant should identify the capacity—and condition-type outcomes that they have established as their goals for the project and should explain their joint approach, or strategy, for realizing these outcomes. The State partner should identify the task elements of the project for which it will be responsible, associating them with specific outputs (deliverables, events, materials, and other produced results) important to achieving project goals. Jointly conducted activity and associated outputs should be identified and the approach selected for task accomplishment explained. In addition to introducing the intended results of the project and their relationship to one another, applicants should stipulate the key assumptions (factors outside management's control/influence) upon which the project strategy is based. Applicants should also identify and define the primary measures of performance and accomplishment that they will use for project monitoring and management.

Workplan should also describe the nature of the training and abatement activity that will take place during project implementation. That description must use the following job titles and responsibilities:

Inspector Technicians: Responsible for conducting inspection of target housing for lead-based paint; completing an inspection report; taking post-abatement soil and dust clearance samples.

Inspector/Risk Assessor: Responsible for same as Inspector Technicians and conducting a risk assessment in target housing; completing a risk assessment report; interpreting the results of inspections and assessments; identifying hazard control strategies; conducting post-abatement clearance sampling and evaluating results.

Workers: Responsible for conducting abatement activities in accordance with procedures and requirements of the pre-abatement plan.

Supervisors: Responsible for ensuring that abatement activities are conducted in accordance with regulatory requirements; maintaining accessibility at all time during the performance of abatement activities; ensuring completion of abatement activities in accordance to regulations.

Planners/Project Designers: Responsible for designing abatement projects; preparing a written pre-abatement plan for abatement projects.

Please refer to your State certification standards (or contact EPA) for further information.

This section need not be long in order to be effective. Several paragraphs of the sort suggested above, combined with suitable graphic display(s) where appropriate, should be sufficient to convey the logic of the proposed project.

(b) Project Partnerships and Cooperative Arrangements (Maximum: 5 Points)

A broad range of community networks and commitments, in addition to the applicants, will be required to accomplish the purposes of this initiative. Applicants should show proof they have established these working relationships, as evidenced by letters of understanding or other written commitments signed by responsible officials, with such additional partners as:

—Public and private agencies engaged in environmental health screening, testing, and education;
—Community development corporations, community action agencies, or other community-based non-profits with both a credible presence in, and leadership from, the targeted community;
—Technical resources for such tasks as abatement training, blood screening, environmental risk assessment, blood and lead data quality assurance, and large-scale survey design;
—Officials of such public agencies as the Department of Housing and Urban Development, Department of Labor, and the Small Business Administration and/or private corporations involved in property development and management who are willing to collaborate with and support the project in ways appropriate to their skills and resources.

Applicants should show, in their proposal, that they have thought out the roles and responsibilities of the partners selected and have effectively integrated them into the project organization and management team.

(c) Project Organization and Management (Maximum: 10 Points)

While the prior experience of the organizational partners is important to project success, the soundness of project organization and the capabilities of project management are frequently crucial. Applicants should identify the key leaders of the team and introduce and describe the director/manager or co-managers who will be responsible for day-to-day supervision of project resources. Applications should include resumes/CVs where appropriate, though applicants should note that relevant and successful experience may be more important than education and position titles in describing the capabilities of at least some of the project managers. They should further specify the relationship of the project manager(s) to the public officials and private executives who lead the partnering agencies. The applications should specify the levels of effort (percentage of time) that the project manager and other key officials will devote to the project. These level-of-effort factors should be correlated to the project expense budget, documenting this important resources-result relationship. Finally, the application should describe the roles and responsibilities of other key project personnel and show their places in the project organization.

(d) Project Implementation Plans (Maximum: 15 Points)

With their relevant experience explained and the design, organization, and management of the project described, the applicant team should outline its plans for completing the key tasks and reaching important project milestones successfully. These workplans should primarily show how, and according to what schedule, the project managers from each of the

project partners expect to use funding and engage key resources to conduct the activity that leads to important project outputs for each of the major project elements.

Some of the more important project elements or tasks for which implementation plans should be presented, either separately or in combination, include:

—Conducting an assessment of environmental lead hazards in the target community and a subsequent prioritization of lead hazards;
—Educating residents of the target community about lead hazards and protection from lead poisoning and involving them in the abatement project.

Criterion IV: Significant and Beneficial Impact (Maximum: 30 Points)

(a) Potential for Desirable (Significant and Beneficial) Impact (Maximum: 15 Points)

EPA will review the application with an eye for the value that is likely to result from the grant. This value, or return on the Federal grant investment, primarily will be a function of:

—The amount of public health impact that is expected to result from the abatement activity in the target community and the likelihood, given the capability of the grantee project team and the soundness of their design and plans, that this impact will be realized;
—The amount of additional environment enhancing activity that is expected to be stimulated by project-related investment (Federal grants and other leveraged resources) and the likelihood, given the capability of the grantee project team and the soundness of their design and plans, that this impact will be realized;
—The informational and educational value to the public health that is likely to result from the project's implementation, given the innovativeness and soundness of the project design and the capability of the grantees.

Applicants need not (but may) prepare a separate section in their application to demonstrate the potential for desirable impact of their project, as long as these elements of value are persuasively built in to their project design and plans.

(b) Commitment to Lead (Hazard) Abatement Mission (Maximum: 5 Points)

With these grants, EPA seeks to stimulate a growing commitment to lead hazard abatement activity and the environmental justice mission throughout the public health and development communities. The public agency partner should seek to show the strength and level of their commitment to continuing work in this field, providing evidence of their relevant past work and describing their strategies for using this initiative as a vehicle for engaging in additional hazard abatement work to improve public health and stimulate economic activity and empowerment in low-income communities.

(c) Project Evaluation Plan (Maximum: 10 Points)

Applicants should present, with their application, a project evaluation plan. The third-party evaluator selected for participation in the project should actively assist in the development of this plan but should not produce it independently of project management.

Applicants should ensure that the plan submitted with their application covers both process and impact assessments of the project and is fully compatible with the project described elsewhere in the application. The types of results—produced (outputs), outcome, and impact—most important to the project team should be identified and defined with measures appropriate to the results. The plan should further identify the cause-effect relationships of most interest to the project team and how they will be studied during the evaluative process. Finally, the evaluation process and schedule should be described, with key phases, milestones, and reports identified.

Criterion V: Budget Presentation and Justification (Maximum: 10 Points)

The applicant should summarize all of the financial resources—both Federal and other on-budget resources—that they expect to be able to use to carry out their project. This information should be presented in the budget forms required by EPA and should also be summarized and related to the project staff, contract, and material assets that will be used to conduct project activity.

Applicants are encouraged to leverage other Federal and non-Federal resources for the project in addition to the 5% match EPA requires. The applicant should explain their project budget in the narrative of their application, seeking to parallel the description of their implementation plans with their analysis of the resources that they will use to fund them.

B. Administration for Children and Families/Office of Community Services Criteria

Criterion I: Analysis of Need (Maximum: 10 Points)

Applicants should include a brief description of the geographic area and population to be served, indicating what the unemployment rates are and (to the extent practicable) the jobs available and skills necessary to fill those vacancies in such areas, and how the proposed businesses and subsequent jobs will impact on the nature and extent of the problem. Applicants should also include (with an identification of the source of the information) the number and percentage of individuals receiving AFDC, the number of low-income individuals and the total number of individuals which make up the population in the area where the project will operate.

Applicants must include an analysis of the identified personal barriers to employment and greater self-sufficiency faced by the population to be targeted by the project. (These might include such problems as illiteracy, substance abuse, family violence, lack of skills training, health or medical problems, need for childcare, or poor self-image.) Application also includes an analysis of the identified community systemic barriers which the project will seek to overcome. These might include lack of jobs; lack of transportation; lack of suitable clothing or equipment; lack of markets; unavailability of financing, insurance or bonding; inadequate municipal services (water, sewage treatment, street lighting, trash collection, electricity, traffic control); high incidence of crime; inadequate health care; or environmental hazards like toxic dumpsites or leaking underground tanks.) If the jobs to be created by the proposed project are themselves designed to fill one or more of the needs so identified, this fact should be included in the discussion.

Criterion II: Partnering Organizations' Capability for Project (Maximum: 10 Points)

ACF/OCS will assess the capabilities that the non-profit member of the partnership has in managing abatement-type and/or housing rehabilitation or weatherization projects in low-income disadvantaged communities and in building the capacity of small community-based enterprises to participate in such projects. Applicants should document such experience, citing references as appropriate, and relate it to the purposes of this initiative. They should relate their

experience, in particular, to the eligible activities identified above and to other key tasks identified in their project strategy.

Criterion III: Project Design and Implementation Plans (Maximum: 40 Points)

(a) Project Design and Strategy (Maximum: 10 Points)

The work plan and business plan(s), where appropriate, must be both sound and feasible. If the applicant is proposing to use project funds to provide technical and/or financial assistance for the establishment of an identified business, or to a third-party private employer to develop or expand a pre-identified business, the application must include a complete business plan. An application that does not include a business plan where one is appropriate may be disqualified and returned to the applicant.

The project must be responsive to the needs and problems identified in the Analysis of Need and Problems to be Addressed.

The work plan must describe the proposed project activities, or interventions, and explain how they are expected to result in outcomes which will meet the needs of the program participants and assist them to overcome the identified personal and systemic barriers to employment and self-sufficiency. In other words, what will the project staff do with the resources provided to the project and how will what they do (interventions) assist in the creation of employment and business opportunities for program participants in the face of the needs and problems that have been identified. The application should include a hypothesis or hypotheses that is(are) significant and include(s) the key interventions, and which permit(s) measurement of the extent to which the target population can achieve greater self-sufficiency as a result of its involvement in the project. The key interventions should include the types and sources of technical and financial assistance to be provided the participants, as well as any education, training, and support services and the problems or barriers they are designed to overcome. If the technical and/or financial assistance is to be provided to pre-identified businesses that will be expanded or franchised, written commitments from the businesses specifying their undertakings and levels of participation must be included with the application. The work program must set forth realistic quarterly time targets by which the various work tasks will be completed.

Workplan should also describe the nature of the training and abatement activity that will take place during project implementation. That description must use the following job titles and responsibilities:

Inspector Technicians: Responsible for conducting inspection of target housing for lead-based paint; completing an inspection report; taking post-abatement soil and dust clearance samples.

Inspector/Risk Assessor: Responsible for same as Inspector Technicians and conducting a risk assessment in target housing; completing a risk assessment report; interpreting the results of inspections and assessments; identifying hazard control strategies; conducting post-abatement clearance sampling and evaluating results.

Workers: Responsible for conducting abatement activities in accordance with procedures and requirements of the pre-abatement plan.

Supervisors: Responsible for ensuring that abatement activities are conducted in accordance with regulatory requirements; maintaining accessibility at all time during the performance of abatement activities; ensuring completion of abatement activities in accordance to regulations.

Planners/Project Designers: Responsible for designing abatement projects; preparing a written pre-abatement plan for abatement projects.

Please refer to your State certification standards (or contact ACF/OCS) for further information.

The application identifies and defines critical issues or potential problems that might impact negatively on the project and explains how they can be overcome and the project objectives reasonably attained despite such potential problems.

As noted above, a business plan is required whenever the applicant is proposing to establish a new, specific and identified business, or will be providing assistance to a private third-party private employer for the development or expansion of a pre-identified business. In these cases, the business plan is one of the major components that will be evaluated by OCS to determine the feasibility of a jobs creation project.

Because the following guidelines were written to cover a variety of possibilities, rigid adherence to them is not possible nor even desirable for all projects. For example, a plan for a service business would not require a discussion of manufacturing nor product design.

With this understanding, the business plan should be prepared in accordance with the following guidelines:

1. *The business and its industry.* This section should describe the nature and history of the business and provide some background on its industry.

a. *The Business:* as a legal entity; the general business category;

b. *Description and Discussion of Industry:* Current status and prospects for the industry;

2. *Products and Services:* This section deals with the following:

a. *Description:* Describe in detail the products or services to be sold;

b. *Proprietary Position:* Describe proprietary features, if any, of the product, e.g. patents, trade secrets;

c. Potential: Features of the product or service that may give it an advantage over the competition;

3. *Market Research and Evaluation:* This section should present sufficient information to show that the product or service has a substantial market and can achieve sales in the face of competition;

a. *Customers:* Describe the actual and potential purchasers for the product or service by market segment.

b. *Market Size and Trends:* State the size of the current total market for the product or service offered;

c. *Competition:* An assessment of the strengths and weaknesses of competitive products and services;

d. *Estimated Market Share and Sales:* Describe the characteristics of the product or service that will make it competitive in the current market;

4. *Marketing Plan:* The marketing plan should detail the product, pricing, distribution, and promotion strategies that will be used to achieve the estimated market share and sales projections. The marketing plan must describe what is to be done, how it will be done and who will do it. The plan should address the following topics—Overall Marketing Strategy, Packaging, Service and Warranty, Pricing, Distribution and Promotion.

5. *Design and Development Plans:* If the product, process or service of the proposed venture requires any design and development before it is ready to be placed on the market, the nature and extent and cost of this work should be fully discussed. The section should cover items such as Development Status and Tasks, Difficulties and Risks, Product Improvement and New Products, and Costs.

6. *Manufacturing and Operations Plan:* A manufacturing and operations plan should describe the kind of facilities, plant location, space, capital equipment and labor force (part and/or full time and wage structure) that are

required to provide the company's product or service.

7. *Management Team:* The management team is the key in starting and operating a successful business. The management team should be committed with a proper balance of technical, managerial and business skills, and experience in doing what is proposed. This section must include a description of: the key management personnel and their primary duties; compensation and/or ownership; the organizational structure; Board of Directors; management assistance and training needs; and supporting professional services.

8. *Overall Schedule:* A schedule that shows the timing and interrelationships of the major events necessary to launch the venture and realize its objectives. Prepare, as part of this section, a month-by-month schedule that shows the timing of such activities as product development, market planning, sales programs, and production and operations. Sufficient detail should be included to show the timing of the primary tasks required to accomplish each activity.

9. *Critical Risks and Assumptions:* The development of a business has risks and problems and the Business Plan should contain some explicit assumptions about them. Accordingly, identify and discuss the critical assumptions in the Business Plan and the major problems that will have to be solved to develop the venture. This should include a description of the risks and critical assumptions relating to the industry, the venture, its personnel, the product's market appeal, and the timing and financing of the venture.

10. *Community Benefits:* The proposed project must contribute to economic, community and human development within the project's target area.

11. *The Financial Plan:* The Financial Plan is basic to the development of a Business Plan. Its purpose is to indicate the project's potential and the timetable for financial self-sufficiency. In developing the Financial Plan, the following exhibits must be prepared for the first three years of the business' operation:

a. Profit and Loss Forecasts—quarterly for each year;

b. Cash Flow Projections—quarterly for each year;

c. Pro forma balance sheets—quarterly for each year;

d. Initial sources of project funds;

e. Initial uses of project funds; and

f. Any future capital requirements and sources.

Facilities

If the rearrangement or alteration of facilities will be required in implementing the project, the applicant has described and justified such changes.

(b) Project Partnerships and Cooperative Arrangements (Maximum: 5 Points)

The cooperative partnership arrangements are fully described and clearly relate to the objectives of the proposed project. The cooperative partnership with the State IV–A agency must include one or more of the mandatory or optional components of the State's JOBS program.

The application documents that the applicant will mobilize from public and/or private sources cash and/or third-party in-kind contributions. Applications that document that the value of such contributions will be at least equal to the OCS funds requested, and demonstrate that the cooperative partnership arrangements clearly relate to the objectives of the proposed project, will receive the maximum number of points for this criterion. Lesser contributions will be given consideration based upon the value documented.

Applicants should note that partnership relationships are not created via service delivery contracts; partners should be responsible for substantive project components or activities to be carried out under the project design.

(c) Project Organization and Management (Maximum: 10 Points)

The application should include documentation which briefly summarizes two similar projects undertaken by the applicant agency and the extent to which the stated and achieved performance targets, including permanent benefits to low-income populations, have been achieved. Application notes and justifies the priority that this project will have within the agency including the facilities and resources that it has available to carry out the project.

(d) Project Implementation Plans (Maximum: 15 Points)

With their relevant experience explained and the design, organization, and management of the project described, the applicant team should outline its plans for completing the key tasks and reaching important project milestones successfully. These workplans should primarily show how, and according to what schedule, the project managers from each of the project partners expect to use funding and engage key resources to conduct the activity that leads to important project outputs for each of the major project elements.

Some of the more important elements or tasks for which implementation plans should be presented, either separately or in combination, include:

—Identifying, screening, and selecting community-based contractors and other for-profit or nonprofit entities for abatement work and for training their management and employees in abatement techniques and safety;

—Recruiting, screening and training low-income and AFDC residents of the community in project activities in such a way as to build credible job skills in abatement-type work, housing rehabilitation, property improvement and management, and business management training; and

—Conducting lead abatement activities on community dwellings in such a way—effective targeting, cost-effective abatement techniques—as to maximize desired health and employment outcomes for the Federal resources being utilized.

Applicants should focus, in their discussion of implementation plans on what major challenges are expected and how they will be overcome by the project team, key milestones and contingency plans if they are not met, and the like. Simple graphic displays (e.g., Gantt charts) may be useful for showing task schedules.

Criterion IV: Significant and Beneficial Impact (Maximum: 30 Points

(a) Potential for Significant and Beneficial Impact (Maximum: 10 Points)

ACF/OCS will review the applications with an eye for the value that is likely to result from their grants. This value, or return on the Federal grant investments, primarily will be a function of:

—The amount of public health impact that is expected to result from the abatement activity in the target community and the likelihood, given the capability of the grantee project team and the soundness of their design and plans, that this impact will be realized;

—The amount of additional community-based economic activity that is expected to be stimulated by project-related investment (Federal grants and other leveraged resources)—both for individuals and enterprises—and the likelihood, given the capability of the grantee project team and the soundness of their design and plans, that this impact will be realized;

—The informational and educational value to both the public health and

the community and economic development fields that is likely to result from the project's implementation, given the innovativeness and soundness of the project design and the capability of the grantees;

Applicants need not (but may) prepare a separate section in their application to demonstrate the potential for desirable impact of their project, as long as these elements of value are persuasively built in to their project design and plans.

ACF/OCS Quality of Jobs/Business Opportunities

The proposed project is expected to produce permanent and measurable results that will reduce the incidence of poverty in the community. Expected results are quantifiable in terms of the creation of permanent, full-time jobs or business opportunities developed. In developing business opportunities and self-employment for AFDC recipients and low-income individuals the applicant proposes, at a minimum, to provide basic business planning and management concepts, and assistance in preparing a business plan and loan package.

(b) Commitment to Lead (Hazard) Abatement Mission (Maximum: 5 Points)

The application documents that:

—The business opportunities to be developed for eligible participants will contribute significantly to their progress toward self-sufficiency; and/or

—Jobs to be created for eligible participants will contribute significantly to their progress toward self-sufficiency; they provide, for example, wages that exceed the minimum wage, plus benefits such as health insurance, transportation, child care and career development opportunities.

Cost-per-Job

—During the project period the proposed project will create new, permanent jobs through business opportunities or non-traditional employment opportunities for low-income residents at a cost-per-job below $15,000 in OCS funds, (e.g. cost per job is calculated by dividing the total amount of grant funds requested ($420,000) divided by the number of jobs to be created (60) equals the cost-per-job ($7,000)). If any other calculations are used, please include your methodology in this section.

Note: Except in those instances where independent reviewers identify extenuating circumstances related to business development activities, the maximum number of points will be given only to those applicants proposing cost-per-job created estimates of $5,000 or less of OCS requested funds. Higher cost-per-job estimates will receive correspondingly fewer points.

(c) Project Evaluation Plan (Maximum: 10 Points)

The Evaluation Plan

—Includes a specific working definition of ''self-sufficiency'' (consistent with the broad definition contained in Part I) that permits the measurement of incremental progress of eligible individuals and their families from dependency toward self-sufficiency;

—Clearly defines the changes or benefits (outcomes) to be produced, the activities (interventions) that will produce the changes, and the measures of client progress toward self-sufficiency for which information will be collected (for example: increases in income, decreases in public assistance payments);

—Provides for the annual compilation of community-level data on the characteristics of the population in the project area, including percentage on public assistance, percentage below the poverty line, unemployment rate, business starts and failures, and major employers;

—Provides for the conduct of a continuing process evaluation. This should include the periodic assessment of the following: client characteristics, pertinent policies and procedures; staffing; cooperative partnerships with state and local agencies; use of other community resources; client outreach and recruitment; client service delivery; cost of services; and, level of technical and financial assistance to employers. The types of data and information, measures and indicators to be used for the process evaluation, as well as the methods and timeframe for collecting and analyzing the required data should be indicated;

—Provides for the completion of two interim evaluation reports and a final report. The final evaluation report will describe the program design and any changes from the original workplan, outreach and recruitment results, interventions, and accomplishments. The measurement instruments, data collection procedures, and analysis techniques should be discussed, and the report should yield conclusions as to how well the program works and why. It should also discuss the program's potential for replication in other communities; and

—Includes a realistic plan for disseminating the project findings to other interested organizations and public agencies.

(d) Community Empowerment Consideration (Maximum: 5 Points)

Special consideration will be given to applicants who are located in areas which are characterized by poverty and other indicators of socio-economic distress such as a poverty rate of at least 20%, designation as an Empowerment Zone or Enterprise Community, high levels of unemployment, and high levels of incidences of violence, gang activity, crime, or drug use. Applicants should document that they were involved in the preparation and planned implementation of a comprehensive community-based strategic plan to achieve both economic and human development in an integrated manner.

Criterion V: Budget Presentation and Justification (Maximum: 10 Points)

ACF/OCS funds requested are commensurate with the level of effort necessary to accomplish the goals and objectives of the project.

The application includes a detailed budget break-down for each of the budget categories in the SF–424A. The applicant presents a reasonable administrative cost if an indirect cost rate has not been negotiated with the cognizant Federal agency (See Part VI, Section B, Line 6j).

The estimated cost to the government of the project also is reasonable in relation to the anticipated results.

Part VIII: Application Procedures and Instructions

A. Application Kit for EPA Federal Assistance To States (Public Partners)

To obtain EPA's Application for Federal Assistance Kit, please write to: U.S. Environmental Protection Agency, Grants Operations Branch (3903F), Grants Administration Division, 401 M Street, S.W., Washington, D.C. 20460.

EPA Regional Lead Contacts

Region 1—Ann Carroll, US EPA, JFK Federal Building, Boston, MA 02203 (617) 565–3411

Region 2—Louis Bevilacqua, US EPA, 2890 Woodbridge Ave., Edison, NJ 08837–3670, (908) 321–6671

Region 3—Gerallyn Valls, US EPA, 841 Chestnut Bldg., Philadelphia, PA 19107, (215) 597–2450

Region 4—Connie Landers-Roberts, US EPA, 345 Courtland St., N.E., Atlanta, GA 30365, (404) 347–1033

Region 5—David Turpin, US EPA, 77 W. Jackson St., Chicago, IL 60604, (312) 886–6003

Region 6—Jeff Robinson, US EPA, 12th Floor, Ste. 2000, 1445 Ross Ave., Dallas TX 75202, (214) 655–7577
Region 7—Mazzie Talley, US EPA, 726 Minnesota Ave., Kansas City, KS 66101, (913) 551–7518
Region 8—David Combs, US EPA, 999—18th St., Ste. 500, Denver, CO 80202, (303) 293–1442
Region 9—Larry Biland, US EPA, 75 Hawthorne St., San Francisco, CA 94105, (415) 744–1121
Region 10—Barbara Ross, US EPA, 1200 Sixth Avenue, Seattle, WA 98101, (206) 553–1985

B. Application Procedures for ACF/OCS Funding to Private Non-Profit Partners

1. Availability of Forms

Attachments B contains all of the standard forms necessary for the application for awards under this OCS program. This attachment and Parts VI, VII and VIII of this announcement contain all of the instructions required for submittal of applications. These forms may be photocopied for submission of the application. *Two signed original applications and three copies should be submitted.* (Approved by the Office of Management and Budget under Control Number 0970–0062.)

Copies of the Federal Register containing this announcement are available at most local libraries and Congressional District Offices for reproduction. The announcement also is accessible on the OCS Electronic Bulletin Board for downloading through your computer modem by calling 1–800–627–8886. If copies are not available at these sources, they may be obtained by writing or telephoning the office listed under the section entitled **FOR FURTHER INFORMATION** at the beginning of this announcement.

The applicant must be aware that in signing and submitting the application for this award, it is certifying that it will comply with the Federal requirements concerning the drug-free workplace and debarment regulations set forth in Attachments C and D and environmental tobacco smoke in Attachment K.

2. Application Submission

The closing date for submission of the combined EPA/ACF-OCS applications is the date found under ''Closing Date'' at the beginning of this Announcement.

(a) Deadlines

Application shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date at the ACF Office of Financial Management, Division of Discretionary Grants, 6th Floor OFM/DDG, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, or

b. Sent on or before the deadline date and received by the granting agency in time for the independent review. (Applicants are cautioned to request a legibly dated U.S. Postal Service postmark of to obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing.)

(b) Applications Submitted by Other Means

Applications which are not submitted in accordance with the above criteria shall be considered as meeting the deadline only if they are physically received before the close of business on or before the deadline date. Hand delivered applications will be accepted at the ACF Office of Financial Management, Division of Discretionary Grants, 6th Floor ACF Guard Station, 901 D Street, S.W. Washington, D. C. during the normal working hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

(c) Late Applications

Applications which do not meet one of these criteria are considered late applications. The ACF Division of Discretionary Grants will notify each late applicant that its application will not be considered in this competition.

(d) Extension of Deadline

ACF in consultation with the Environmental Protection Agency may extend the deadline for all applicants due to disasters such as floods, hurricanes, etc. or when there is a disruption of the mails. However, if the Federal agencies do not extend the deadline for all applicants, they may not waive or extend the deadline for any applicant.

3. Intergovernmental Review—ACF/OCS

This program is covered under Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' and 45 CFR Part 100, ''Intergovernmental Review of Department of Health and Human Services Program and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and Territories except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Minnesota, Montana, Nebraska, Oklahoma, Oregon, Pennsylvania, South Dakota, Virginia, Washington, American Samoa and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these nineteen jurisdictions need take no action regarding E.O. 12372. Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has sixty (60) days from the application deadline to comment on proposed new or competing continuation awards.

SPOCS are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 6th Floor, 370 L'Enfant Promenade, S.W., Washington, DC. 20447. A list of the Single Points of Contact for each State and Territory is included as Attachment E of this announcement.

4. Criteria for Screening Applicants

(a) Initial Screening

All timely applicants will receive an acknowledgement card with an assigned identification number. This number, along with any identification code, must be referenced in all subsequent communications concerning the application. If an acknowledgement is not received within three weeks after the deadline date, please notify ACF by telephone at (202) 401–9234. All applications that meet the published deadline for submission will be screened to determine completeness and conformity to the requirements of this

announcement. Only those applications meeting the following requirements will be reviewed and evaluated competitively. Others will be returned to the applicants with a notation that they were unacceptable.

(1) The application must contain a Standard Form 424 *Application for Federal Assistance* (SF–424), a budget (SF–424A), and signed *Assurances* (SF 424B) completed according to instructions published in Part VI and Attachments B, C, and D of this Program Announcement.

(2) A project narrative must also accompany the standard forms. OCS requires that the narrative portion of the application be limited to 50 pages, double-spaced, typewritten (type size no smaller than 12 pitch) on one side of the paper only. Charts, exhibits, letters of support and cooperative agreements are not counted against this page limit. It is strongly recommended that you follow the format for the narrative in Part VIII, B, 5.

(3) The SF–424 and the SF–424B must be signed by an official of the organization applying for the grant who has authority to obligate the organization legally.

(4) Application must contain documentation of the applicant's tax exempt status.

(b) Pre-Rating Review

Applications which pass the initial screening will be forwarded to reviewers and/or OCS staff prior to the programmatic review to verify that the applications comply with this Program Announcement in the following areas:

(1) *Eligibility:* Applicant meets the eligibility requirements described in Part IV. Proof of non-profit status must be included in the Appendices to the Project Narrative. Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code *or* by providing a copy of the currently valid IRS tax exemption certificate. Failure to provide evidence of non-profit status will result in rejection of the application. Applicants must also be aware that the applicant's legal name as required on the SF–424 (Item 5) *must match* that listed as corresponding to the Employer Identification Number (Item 6).

(2) *Target Populations:* The application clearly targets the specific outcomes and benefits of the project to low-income participants and beneficiaries as defined in Part VI, Section B.3., Program Participants/ Beneficiaries.

(3) *Grant Amount:* The amount of funds requested does not exceed the limits indicated in Part III.

(4) *Cooperative Partnership Agreement.* The application contains a written agreement or letter of commitment that includes, at a minimum, the activities cited in Part VI,B,2. The agreement must be signed by an official of the State IV–A agency responsible for administering the JOBS program in the area to be served.

(5) *Third-Party Project Evaluation.* A third-party project evaluation plan is included.

(6) *Business Plan.* If a CDC or other non-profit partner proposes establishing a business or if the third-party private employer is part of the proposed project, a complete business plan is included in the application.

An application will be disqualified from the competition and returned if it does not conform to all of the above requirements.

5. Contents of Application

Each application submission should include *two signed originals and three additional copies of the application.* (Approved by the Office of Management and Budget under Control Number 0970–0062. Each application *must include all of the following, in the order listed below:*

(a) *An Abstract of the proposal*—very brief, on one page, not to exceed 250 words, which identifies the type of project, the target population, the partner(s), and the major elements of the work plan, and that would be suitable for use in an announcement that the application has been selected for a grant award;

(b) Table of Contents;

(c) A completed Standard Form 424 which has been signed by an official of the organization applying for the grant who has authority to obligate the organization legally; [Note: The original SF–424 must bear the original signature of the authorizing representative of the applicant organization];

(d) *Budget Information-Non-Construction Programs* (SF–424A);

(e) A narrative budget justification for each object class category required under Section B, SF–424A;

(f) Filled out, signed and dated *Assurances—Non-Construction Programs* (SF–424B), Attachment B;

(g) Attachment C and D, setting forth the Federal requirements concerning the drug-free workplace and debarment regulations with which the applicant is certifying that it will comply, by signing and submitting the SF–424.

(h) Certification Regarding Environmental Tobacco Smoke—Public Law 103–227, Part C—Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1000 per day and/or the imposition of an administrative compliance order on the responsibile entity.

By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act. The applicant/ grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for children's services and that all subgrantees shall certify accordingly.

(h) *Restrictions on Lobbying—Certification for Contracts, Grants, Loans, and Cooperative Agreements:* fill out, sign and date form found at Attachment F;

(i) *Disclosure of Lobbying Activities, SF–LLL:* Fill out, sign and date form found at Attachment F, if appropriate;

(j) *A project narrative* that will include *all* of the following components:

[Specific information/data required under each component is described in Part VII, Criteria for Review and Evaluation of Applications.]

(1) Analysis of Need
(2) Organizational History and Management Capability
(3) Project Design
(4) Project Partnerships and Cooperative Arrangements
(5) Project Organization and Management
(6) Project Implementation Plans
(7) Significant and Beneficial Impact
(8) Third Party Project Evaluation Plan
(9) Budget Appropriateness and Match and,
(10) Appendices, including Maintenance of Effort Certification;

partnership agreements signed by the partners; statement regarding the date of incorporation; IRS letter on non-profit status, where applicable; Business Plan, if applicable; Single Point of Contact comments, if applicable and available; resumes; Certification Regarding Lobbying; letters of match commitment or letters of intent; a current listing of all sources of funds and projects operated in the applicant's current operating year

The total number of pages for the narrative portion of the application package must not exceed 50 pages, excluding Appendices. *Pages should be numbered sequentially throughout the application package, excluding Appendices, beginning with the Proposal Abstract as Page #1.* The application may also contain letters that show collaboration or substantive commitments to the project by organizations other than partners with committed match. Such letters are not part of the narrative and should be included in the Appendices. These letters are, therefore, not counted against the fifty page limit.

Applications must be uniform in composition since it may be necessary to duplicate them for review purposes. Therefore, applications must be submitted on white 8½ x 11 inch paper only. They must not include colored, oversized or folded materials. Do not include organizational brochures or other promotional materials, slides, films, clips, etc. in the proposal. They will be discarded if included. The applications should be two-hole punched at the top center and fastened separately with a compressor slide paper fastener, or a binder clip. The submission of bound applications, or applications enclosed in binders is specifically discouraged.

6. Acknowledgement of Receipt

Applicants who meet the initial screening criteria outlined in Part VIII, Section E, will receive an acknowledgement postcard with an assigned identification number. Applicants are requested to supply a self-addressed mailing label with their application which can be attached to this acknowledgement post-card. This number and the program priority area letter code (JE) must be referred to in all subsequent communication concerning the application. If an acknowledgement is not received within three weeks after the deadline date, please notify ACF by telephone at (202) 401–9234.

C. Instructions for Completing ACF/OCS Application Package

[Approved by the Office of Management and Budget under Control Number 0970–0062.]

The standard forms attached to this announcement shall be used to apply for funds under this program announcement.

It is suggested that you reproduce single-sided copies of the SF–424 and SF–424A, and type your application on the copies. Please prepare your application in accordance with instructions provided on the forms as well as with the OCS specific instructions set forth below:

A. SF–424—Application for Federal Assistance

Top of Page. Please enter the single priority area number (JE) under which the application is being submitted.

Item 1. For the purposes of this announcement, all projects are considered *Applications;* there are no *Pre-Applications.*

Prepare your application in accordance with the standard instructions given in Attachments B and C corresponding to the forms, as well as the OCS specific instructions set forth below:

Item 2. *Date Submitted* and *Applicant Identifier*—Date application is submitted to ACF and applicant's own internal control number, if applicable.

Item 3. *Date Received by State*—N/A.

Item 4. *Date Received by Federal Agency*—Leave blank.

Items 5 and 6. The legal name of the applicant must match that listed as corresponding to the Employer Identification Number. Where the applicant is a previous Department of Health and Human Services grantee, enter the Central Registry System Employee Identification Number (CRS/EIN) and the Payment Identifying Number, if one has been assigned, in the Block entitled *Federal Identifier* located at the top right hand corner of the form.

Item 7. If the applicant is a non-profit corporation, enter *N* in the box and specify *non-profit* corporation in the space marked *Other.* Proof of non-profit status, such as IRS determination, Articles of Incorporation, or By-laws, must be included as an appendix to the project narrative.

Item 8. *Type of Application*—Please indicate the type of application.

Item 9. *Name of Federal Agency*—Enter DHHS–ACF/OCS.

Item 10. *The Catalog of Federal Domestic Assistance* numbers for OCS programs covered under this announcement are *93.647,* the title is *SOCIAL SERVICES RESEARCH AND DEMONSTRATION,* and *93.570,* the title is *CSBG Discretionary Awards.*

Item 11. In addition to a brief descriptive title of the project, indicate the priority area for which funds are being requested. Use the following letter designation:

JE—OCS/EPA Environmental Justice Initiative

Item 12. *Areas Affected by Project*—List only the largest unit or units affected, such as State, county or city.

Item 13. *Proposed Project*—The ending date should be calculated based on a 72-month project period.

Item 14. *Congressional District of Applicant/Project*—Enter the number of the Congressional District where the applicant's principal office is located and the number of the Congressional district(s) where the project will be located.

Item 15a. This amount should be no greater than the amount specified under Part III, Legislative Authorities and Funding.

Item 15b–e. These items should reflect both cash and third-party, in-kind contributions for the budget period requested.

Item 15f. N/A.

Item 15g. Enter the sum of Items 15a–15e.

B. SF–424A—Budget Information—Non-Construction Programs

See instructions accompanying this form as well as the instructions set forth below:

In completing these sections, the *Federal Funds* budget entries will relate to the requested OCS funds only, and *Non-Federal* will include mobilized funds from all other sources—applicant, state, local, and other. Federal funds other than requested OCS funding should be included in *Non-Federal* entries.

Sections A B, C and D of SF–424A should reflect budget estimates for the first budget period (thirty-six months) of the project.

Section A—Budget Summary

Lines 1–4.

Col. (a):

Line 1—Enter *Social Services Research and Demonstration.*

Col. (b):

Line 1—Catalog of Federal Domestic Assistance number is 93.647.

Col. (c) and (d):

Columns (c) and (d) are not relevant to this program and should not be completed.

Column (e)—(g):

For line 1, enter in columns (e), (f) and (g) the appropriate amounts needed

to support the first 36 months of the project (the operational phase of the program. (Maximum $500,000)

Line 5—Enter the figures from Line 1 for all columns completed (e), (f), and (g).

Section B—Budget Categories

Please Note: This information supersedes the instructions provided following SF–424A.

Columns (1)—(5):

Column 1: Enter the *first* budget period of 12 months.

Column 2: Enter the *second* budget period of 12 months.

Column 3: Enter the third budget period of 12 months.

Column 4: Leave blank.

Column 5: Enter the total requirements for Federal funds by the Object Class Categories of this section.

Allocability of costs are governed by the cost principles set forth in OMB Circular A–122 and 45 CFR Part 74.

Budget estimates for national administrative costs must be supported by adequate detail for the grants officer to perform a cost analysis and review. Adequately detailed calculations for each budget object class are those which reflect estimation methods, quantities, unit costs, salaries, and other similar quantitative detail sufficient for the calculation to be duplicated. For any additional object class categories included under the object class *other* identify the additional object class(es) and provide supporting calculations.

Supporting narratives and justifications are required for each budget category, with emphasis on unique/special initiatives, large dollar amounts; local, regional, or other travels, new positions, major equipment purchases and training programs.

A detailed itemized budget with a separate budget justification for each major item should be included as indicated below:

Personnel-Line 6a. Enter the total costs of salaries and wages.

Justification: Identify the principal investigator or project director, if known. Specify by title or name the percentage of time allocated the project, the individual annual salaries, and the cost to the project of the organization's staff who will be working on the project. Do not include costs of consultants or personnel costs of delegate agencies or of specific project(s) or businesses to be financed by the applicant.

Fringe Benefits-Line 6b. Enter the total costs of fringe benefits unless treated as part of an approved indirect cost rate which is entered on line 6j.

Justification: Provide a breakdown of amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement insurance, taxes, etc.

Travel-Line 6c. Enter total costs of all travel by employees of the project. Do not enter costs for consultant's travel.

Justification: Include the total number of traveler(s), total number of trips, destinations, number of days, transportation costs and subsistence allowances. Travel costs to attend two national workshops in Washington, D.C. by the project director should be included.

Equipment-Line 6d. Enter the total costs of all non-expendable personal property to be acquired by the project. Equipment means tangible, non-expendable personal property having a useful life of more than one year and an acquisition cost of $5000 or more per unit.

Justification: Only equipment required to conduct the project may be purchased with Federal funds. The applicant organization or its subgrantees must not have such equipment, or a reasonable facsimile, available for use in the project. The justification also must contain plans for future use or disposal of the equipment after the project ends. An applicant may use its own definition of non-expendable personal property, provided that such a definition would at least include all tangible personal property as defined above. (See Line 21 for additional requirements).

Supplies-Line 6e. Enter the total costs of all tangible personal property (supplies) other than that included on line 6d.

Justification: Specify general categories of supplies and their costs.

Contractual-Line 6f. Enter the total costs of all contracts, including (1) the estimated cost of the third-party evaluation contract; travel costs for the chief evaluator to attend two national workshops in Washington, D. C. should be included; (2) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and (3) contracts with secondary recipient organizations including delegate agencies and specific project(s) or businesses to be financed by the applicant.

Justification: Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, the estimated dollar amounts, and selection process of the awards as part of the budget justification. Also provide back-up documentation identifying the name of contractor, purpose of contract, and major cost elements.

Note: Whenever the applicant/grantee intends to delegate part of the program to another agency, the applicant/grantee must submit Sections A and B of this Form SF–424A, completed for each delegate agency by agency title, along with the required supporting information referenced in the applicable instructions. The total costs of all such agencies will be part of the amount shown on Line 6f. Provide draft Request for Proposal in accordance with 45 CFR Part 74. Free and open competition is encouraged for any procurement activities planned using ACF grant funds. Prior approval is required when applicants anticipate evaluation procurements that will exceed $25,000 and are requesting an award without competition.

(Note: Previous or past experience with contractor is not sufficient justification for sole source.)

The applicant's procurement procedures should outline the type of advertisement appropriate to the nature and anticipated value of the contract to be awarded. Advertisements are typically made in city, regional, and local newspapers; trade journals; and/or through announcements by professional associations.

Construction-Line 6g. Not applicable.

Other-Line 6h. Enter the total of all other costs. Such costs, where applicable, may include but are not limited to insurance, food, medical and dental costs (noncontractual), fees and travel paid directly to individual consultants, space and equipment rentals, printing and publication, computer use, training costs, including tuition and stipends, training service costs including wage payments to individuals and supportive service payments, and staff development costs.

Total Direct Charges-Lines 6i. Show the total of Lines 6a through 6h.

Indirect Charges-Line 6j. Enter the total amount of indirect costs. This line should be used only when the applicant currently has an indirect cost rate approved by the Department of Health and Human Services or another cognizant Federal agency. With the exception of local governments, applicants should enclose a copy of the current rate agreement if it was negotiated with a cognizant Federal agency other than the Department of Health and Human Services. If the applicant organization is in the process of initially developing or renegotiating a rate, it should immediately upon notification that an award will be made, develop a tentative indirect cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the pertinent *DHHS Guide for Establishing Indirect Cost Rates,* and submit it to the appropriate DHHS Regional Office. Applicants awaiting approval of their indirect cost proposals may also request indirect costs.

It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool should not be also charged as direct costs to the grant.

Totals-Line 6k. Enter the total amounts of Lines 6i and 6j.

Program Income-Line 7. Enter the estimated amount of income, if any, expected to be generated from this project. Separately show expected program income generated from OCS support and income generated from other mobilized funds. Do not add or subtract this amount from the budget total. Show the nature and source of income in the program narrative statement.

Justification: Describe the nature, source and anticipated use of program income in the Program Narrative Statement.

Column 5: Carry totals from Column 1 to Column 5 for all line items.

Section C—Non-Federal Resources

This section is to record the amounts of *non-Federal* resources that will be used to support the project. *Non-Federal* resources mean those other than OCS funds. Therefore, mobilized funds from other Federal programs should be entered on these lines. Provide a brief listing of the non-Federal resources on a separate sheet and describe whether it is a grantee-incurred cost or a third-party in-kind contribution. The firm commitment of these resources must be documented and submitted with the application in order to be given credit in the Public-Private Partnerships criterion.

Except in unusual situations, this documentation must be in the form of letters of commitment from the organization(s)/individuals from which funds will be received.

Justification: Describe third-party, in-kind contributions, if included.

Grant Program-Line 8.

Column (a): Enter the project title.

Column (b): Enter the amount of contributions to be made by the applicant to the project.

Column (c): Enter the State contribution. If the applicant is a State agency, enter the non-Federal funds to be contributed by the State other than the applicant.

Column (d): Enter the amount of cash and third-party in-kind contributions to be made from all other sources.

Column (e): Enter the total of columns (b), (c), and (d).

Grant Program-Lines 9, 10, and 11 should be left blank.

Grant Program-Line 12.

Carry the total of each column of Line 8, (b) through (e). The amount in Column (e) should be equal to the amount on Section A, Line 5, column (f).

Section D—Forecasted Cash Needs

Federal-Line 13. Enter the amount of Federal (OCS) cash needed for this grant, by quarter, during the first 12 month budget period.

Non Federal-Line 14. Enter the amount of cash from all other sources needed by quarter during the first 12-month budget period.

Totals-Line 15. Enter the total of Lines 13 and 14.

Section E—Budget Estimates of Federal Funds Needed for Balance of Project(s)

For new applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years).

Section F—Other Budget Information

Direct Charges-Line 21. Use this space and continuation sheets as necessary to fully explain and justify the major items included in the budget categories shown in Section B. Include sufficient detail to facilitate determination of allowability, relevance to the project, and cost benefits. Particular attention must be given to the explanation of any requested direct cost budget item which requires explicit approval by the Federal agency. Budget items which require identification and justification shall include, but not be limited to, the following:

A. Salary amounts and percentage of time worked for those key individuals who are identified in the project narrative;

B. Any foreign travel;

C. A list of all equipment and estimated cost of each item to be purchased wholly or in part with grant funds which meet the definition of nonexpendable personal property provided on Line 6d, Section B. Need for equipment must be supported in program narrative;

D. *Contractual:* major items or groups of smaller items; and

E. *Other:* group into major categories all costs for consultants, local transportation, space, rental, training allowances, staff training, computer equipment, etc. Provide a complete breakdown of all costs that make up this category.

Indirect Charges-Line 22. Enter the type of HHS or other cognizant Federal agency approved indirect cost rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied and the total indirect expense. Also, enter the date the rate was approved and attach a copy of the rate agreement.

Remarks-Line 23. Provide any other explanations and continuation sheets required or deemed necessary to justify or explain the budget information.

C. SF–424B Assurances-Non-Construction

All applicants must fill out, sign, date and return the *Assurances* with the application.

Part IX—Post Award Information and Reporting Requirements

Following approval of the applications selected for funding, notice of project approval and authority to draw down project funds will be made in writing. The official award document is the Financial Assistance Award which provides the amount of Federal funds approved for use in the project, the project and budget period for which support is provided, the terms and conditions of the award, and the total project period for which support is contemplated.

Project directors and chief evaluators will be required to attend two national evaluation workshops in Washington, D.C. A program development and evaluation workshop will be scheduled shortly after the effective date of the grant. They also will be required to attend, as presenters, the final evaluation workshop on utilization and dissemination to be held at the end of the project period.

Grantees will be required to submit semi-annual progress and financial reports (SF–269) as well as a final progress and financial report within 90 days of the expiration of the grant. Interim evaluation reports, along with a written policies and procedures manual based on the findings of the process evaluation, will be due 30 days after the first twelve months, and the second interim evaluation 30 days after the second twelve months, and a final evaluation report will be due 90 days after the expiration of the grant. This final report will cover 36 months of activities related to project participants. Reporting requirements for the remaining 36 months of the project period will be provided during the solicitation of applications.

Grantees are subject to the audit requirements in 45 CFR Part 74 (non-profit organization) and OMB Circular A–133.

Section 319 of Public Law 101–121, signed into law on October 23, 1989, imposes new prohibitions and requirements for disclosure and

certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans. It provides limited exemptions for Indian tribes and tribal organizations. Current and prospective recipients (and their subtier contractors and/or grantees) are prohibited from using appropriated funds for lobbying Congress or any Federal agency in connection with the award of a contract, grant, cooperative agreement or loan. In addition, for each award action in excess of $100,000 (or $150,000 for loans) the law requires recipients and their subtier contractors and/or subgrantees (1) to certify that they have neither used nor will use any appropriated funds for payment to lobbyists, (2) to submit a declaration setting forth whether payments to lobbyists have been or will be made out of non-appropriated funds and, if so, the name, address, payment details, and purpose of any agreements with such lobbyists whom recipients or their subtier contractors or subgrantees will pay with the *non-appropriated* funds and (3) to file quarterly up-dates about the use of lobbyists if an event occurs that materially affects the accuracy of the information submitted by way of declaration and certification. The law establishes civil penalties for noncompliance and is effective with respect to contracts, grants, cooperative agreements and loans entered into or made on or after December 23, 1989. See Attachment F for certification and disclosure forms to be submitted with the applications for this program and the Discretionary Grants Program.

Attachment G indicates the regulations which apply to all applicants/grantees under the Job Opportunities for Low-Income Individuals Program.

Dated: March 29, 1995.

Donald Sykes,

Director, Office of Community Services.

Dated: March 31, 1995.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides, and Toxic Substances.

ATTACHMENT A

Size of family unit	Poverty guideline
1995 Poverty Income Guidelines for All States (Except Alaska and Hawaii) and the District of Columbia	
1	$7,470
2	10,030
3	12,590
4	15,150
5	17,710
6	20,270
7	22,830
8	25,390

For family units with more than 8 members, add $2,560 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

ATTACHMENT A—Continued

Size of family unit	Poverty guideline
Poverty Income Guidelines for Alaska	
1	9,340
2	12,540
3	15,740
4	18,940
5	22,140
6	25,340
7	28,540
8	31,740

For family units with more than 8 members, add $3,200 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in figures above.)

Poverty Guidelines for Hawaii

1	8,610
2	11,550
3	14,490
4	17,430
5	20,370
6	23,310
7	26,250
8	29,190

For family units with more than 8 members, add $2,940 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

BILLING CODE 4184–01–P

Attachment B

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION: *Application* ☐ Construction ☐ Non-Construction; *Preapplication* ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, state, and zip code)*:	Name and telephone number of the person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

8. TYPE OF APPLICATION: ☐ New ☐ Continuation ☐ Revision If Revision, enter appropriate letter(s) in box(es): ☐ ☐ A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other *(specify)*:	**7. TYPE OF APPLICANT:** *(enter appropriate letter in box)* ☐ A. State H. Independent School Dist. B. County I. State Controlled Institution of Higher Learning C. Municipal J. Private University D. Township K. Indian Tribe E. Interstate L. Individual F. Intermunicipal M. Profit Organization G. Special District N. Other (Specify):
	9. NAME OF FEDERAL AGENCY:
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ ☐☐☐ TITLE:	**11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:**
12. AREAS AFFECTED BY PROJECT *(cities, counties, states, etc.)*:	

13. PROPOSED PROJECT:		**14. CONGRESSIONAL DISTRICTS OF:**	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:		**16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?**
a. Federal	$ .00	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____
b. Applicant	$ .00	
c. State	$ .00	b NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372
d. Local	$ .00	☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW
e. Other	$ .00	
f. Program Income	$ .00	**17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?**
g. TOTAL	$ .00	☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

BILLING CODE 4184–01–C

Instructions for the SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.

2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).

3. State use only (if applicable).

4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.

5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.

6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.

7. Enter the appropriate letter in the space provided.

8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:

—''New'' means a new assistance award.

—''Continuation'' means an extension for an additional funding/budget period for a project with a projected completion date.

—''Revision'' means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.

10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.

11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

12. List only the largest political entities affected (e.g., State, counties, cities).

13. Self-explanatory.

14. List the applicant's Congressional District and any District(s) affected by the program or project.

15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.

17. This questions applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.

18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BILLING CODE 4184–01–M

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

BILLING CODE 4184-01-C

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:
23. Remarks	

SF 424A (4-88) Page 2
Prescribed by OMB Circular A-102

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Instructions for the SF–424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a–k of Section B.

Section A. Budget Summary

Lines 1–4, Columns (a) and (b)

For applications pertaining to a single Federal grant program (Federal Domestic Assistance Catalog number) and not requiring a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a single program requiring budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to multiple programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used where one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1–4, Columns (c) Through (g.)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a–i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)–(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal-Resources

Lines 8–11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column(a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column, (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)–(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16–19—Enter in Column (a) the same grant program titles show in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

Assurances—Non-Construction Programs

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will

establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd–3 and 290 ee–3, as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a–7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a–1 et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89–544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

_____

Signature of authorized certifying official

_____

Title

_____

Applicant organization

_____

Date submitted

BILLING CODE 4184–01–M

Attachment C

U.S. Department of Health and Human Services
Certification Regarding Drug-Free Workplace Requirements
Grantees Other Than Individuals

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 Federal Register, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may taken action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"**Controlled substance**" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

"**Conviction**" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"**Criminal drug statute**" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"**Employee**" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or, (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code)_____

Check ___ if there are workplaces on file that are not identified here.

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, S.W., Washington, D.C. 20201.

DGMO Form#2 Revised May 1990

BILLING CODE 4184–01–C

Attachment D—Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR Part 76, certifies to the best of its knowledge and believe that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;

(b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled ''Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction'' provided below without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

(To Be Supplied to Lower Tier Participants)

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(b) where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled ''Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions'' without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Attachment E—Executive Order 12372—State Single Points of Contact

Arizona

Mrs. Janice Dunn, Attn: Arizona State Clearinghouse, 3800 N. Central Avenue, 14th Floor, Phoenix, Arizona 85012, Telephone (602) 280–1315

Arkansas

Tracie L. Copeland, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Telephone (501) 682–1074

California

Glenn Stober, Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Telephone (916) 323–7480

Delaware

Ms. Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, Dover, Delaware 19903, Telephone (302) 736–3326

District of Columbia

Rodney T. Hallman, State Single Point of Contact, Office of Grants Management and Development, 717 14th Street, N.W., Suite 500, Washington, D.C. 20005, Telephone (202) 727–6551

Florida

Florida State Clearinghouse, Intergovernmental Affairs Policy Unit, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32399–0001, Telephone (904) 488–8441

Georgia

Mr. Charles H. Badger, Administrator, Georgia State Clearinghouse, 254 Washington Street, S.W., Atlanta, Georgia 30334, Telephone (404) 656–3855

Illinois

Steve Klokkenga, State Single Point of Contact, Office of the Governor, 107 Stratton Building, Springfield, Illinois 62706, Telephone (217) 782–1671

Indiana

Jean S. Blackwell, Budget Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone (317) 232–5610

Iowa

Mr. Steven R. McCann, Division of Community Progress, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone (515) 281–3725

Kentucky

Ronald W. Cook, Office of the Governor, Department of Local Government, 1024 Capitol Center Drive, Frankfort, Kentucky 40601, Telephone (502) 564–2382

Maine

Ms. Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone (207) 289–3261

Maryland

Ms. Mary Abrams, Chief, Maryland State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201–2365, Telephone (301) 225–4490

Massachusetts

Karen Arone, State Clearinghouse, Executive Office of Communities and Development, 100 Cambridge Street, Room 1803, Boston, Massachusetts 02202, Telephone (617) 727–7001

Michigan

Richard S. Pastula, Director, Michigan Department of Commerce, Lansing, Michigan 48909, Telephone (517) 373–7356

Mississippi

Ms. Cathy Mallette, Clearinghouse Officer, Office of Federal Grant Management and Reporting, 301 West Pearl Street, Jackson, Mississippi 39203, Telephone (601) 960–2174

Missouri

Ms. Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, P.O. Box 809, Room 430, Truman Building, Jefferson City, Missouri 65102, Telephone (314) 751–4834

Nevada

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, Telephone (702) 687–4065, Attention: Ron Sparks, Clearinghouse Coordinator

New Hampshire

Mr. Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review, Process/James E. Bieber, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone (603) 271–2155

New Jersey

Gregory W. Adkins, Acting Director, Division of Community Resources, N.J. Department of Community Affairs, Trenton, New Jersey 08625–0803, Telephone (609) 292–6613

Please direct correspondence and questions to:

Andrew J. Jaskolka, State Review Process, Division of Community Resources, CN 814,

Room 609, Trenton, New Jersey 08625–0803, Telephone (609) 292–9025

New Mexico

George Elliott, Deputy Director, State Budget Division, Room 190, Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone (505) 827–3640, FAX (505) 827–3006

New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone (518) 474–1605

North Carolina

Mrs. Chrys Baggett, Director, Office of the Secretary of Admin., N.C. State Clearinghouse, 116 W. Jones Street, Raleigh, North Carolina 27603–8003, Telephone (919) 733–7232

North Dakota

N.D. Single Point of Contact, Office of Intergovernmental Assistance, Office of Management and Budget, 600 East Boulevard Avenue, Bismarck, North Dakota 58505–0170, Telephone (701) 224–2094

Ohio

Larry Weaver, State Single Point of Contact, State/Federal Funds Coordinator, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266–0411, Telephone (614) 466–0698

Rhode Island

Mr. Daniel W. Varin, Associate Director, Statewide Planning Program, Department of Administration, Division of Planning, 265 Melrose Street, Providence, Rhode Island 02907, Telephone (401) 277–2656

Please direct correspondence and questions to:

Review Coordinator, Office of Strategic Planning

South Carolina

Omeagia Burgess, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, Room 477, Columbia, South Carolina 29201, Telephone (803) 734–0494

Tennessee

Mr. Charles Brown, State Single Point of Contact, State Planning Office, 500 Charlotte Avenue, 309 John Sevier Building, Nashville, Tennessee 37219, Telephone (615) 741–1676

Texas

Mr. Thomas Adams, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711, Telephone (512) 463–1778

Utah

Utah State Clearinghouse, Office of Planning and Budget, ATTN: Carolyn Wright, Room 116 State Capitol, Salt Lake City, Utah 84114, Telephone (801) 538–1535

Vermont

Mr. Bernard D. Johnson, Assistant Director, Office of Policy Research and Coordination, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Telephone (802) 828–3326

West Virginia

Mr. Fred Cutlip, Director, Community Development Division, West Virginia Development Office, Building #6, Room 553, Charleston, West Virginia 25305, Telephone (304) 348–4010

Wisconsin

Mr. William C. Carey, Federal/State Relations, Wisconsin Department of Administration, 101 South Webster Street, P.O. Box 7864, Madison, Wisconsin 53707, Telephone (608) 266–0267

Wyoming

Sheryl Jeffries, State Single Point of Contact, Herschler Building, 4th Floor, East Wing, Cheyenne, Wyoming 82002, Telephone (307) 777–7574

Guam

Mr. Michael J. Reidy, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone (671) 472–2285

Northern Mariana Islands

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950

Puerto Rico

Norma Burgos/Jose H. Caro, Chairman/Director, Puerto Rico Planning Board, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–9985, Telephone (809) 727–4444

Virgin Islands

Jose L. George, Director, Office of Management and Budget, #41 Norregade Emancipation Garden Station, Second Floor, Saint Thomas, Virgin Islands 00802

Please direct correspondence to:

Linda Clarke, Telephone (809) 774–0750

Attachment F—Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form–LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

State for Loan Guarantee and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form–LLL ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_____

Signature

_____

Title

_____

Organization

_____

Date

BILLING CODE 4184–01–M

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action: ☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	**2. Status of Federal Action:** ☐ a. bid/offer/application b. initial award c. post-award	**3. Report Type:** ☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity: ☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District,** *if known*:	**5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:** **Congressional District,** *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount,** *if known*: $
10. a. Name and Address of Lobbying Entity *(if individual, last name, first name, MI)*:	**b. Individuals Performing Services** *(including address if different from No. 10a)* *(last name, first name, MI)*:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*: $ _____ ☐ actual ☐ planned	**13. Type of Payment** *(check all that apply)*: ☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____
12. Form of Payment *(check all that apply)*: ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____	

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	**Signature:** _____ **Print Name:** _____ **Title:** _____ **Telephone No.:** _____ **Date:** _____

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BILLING CODE 4188–01–C

Attachment G—DHHS Regulations Applying to All Applicants/Grantees Under the Job Opportunities for Low-Income Individuals and the Discretionary Grants Programs

Title 45 of the *Code of Federal Regulations:*

Part 16—Department of Grant Appeals Process
Part 74—Administration of Grants (non-governmental)
Part 74—Administration of Grants (state and local governments and Indian Tribal affiliates):
Sections 74.62(a) Non-Federal Audits
74.173 Hospitals
74.174(b) Other Nonprofit Organizations
74.304 Final Decisions in Disputes
74.710 Real Property, Equipment and Supplies
74.715 General Program Income
Part 75—Informal Grant Appeal Procedures
Part 76—Debarment and Suspension from Eligibility for Financial Assistance
Subpart F—Drug Free Workplace Requirements
Part 80—Non Discrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1964
Part 81—Practice and Procedures for Hearings Under Part 80 of this Title
Part 83—Non-discrimination on the basis of sex in the admission of individuals to training programs
Part 84—Non-discrimination on the Basis of Handicap in Programs
Part 91—Non-discrimination on the Basis of Age in Health and Human Services Programs or Activities Receiving Federal Financial Assistance
Part 92—Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments (Federal Register, March 11, 1988)
Part 93—New Restrictions on Lobbying
Part 100—Intergovernmental Review of Department of Health and Human Services Programs and Activities

Attachment H—Certification Regarding Maintenance of Effort

The undersigned certifies that:

(1) activities funded under this program announcement are in addition to, and not in substitution for, activities previously carried on without Federal assistance.

(2) funds or other resources currently devoted to activities designed to meet the needs of the poor within a community, area, or State have not been reduced in order to provide the required matching contributions.

When legislation for a particular block grant permits the use of its funds as match, the applicant must show that it has received a real increase in its block grant allotment and must certify that other anti-poverty programs will not be scaled back to provide the match required for this project.

_____

Organization

_____

Authorized Signature

_____

Title

_____

Date

Attachment I—Checklist for Use in Submitting OCS Grant Applications Job Opportunities for Low-Income Individuals (Optional)

The application should contain:

1. Table of Contents.

2. A completed, *signed* SF–424, *Application for Federal Assistance.* The letter code for the priority area (JO) should be in the lower right-hand corner of the page.

3. A completed SF–424A, *Budget Information—Non-Construction.*

4. A narrative budget justification for each object class category required under Section B, SF–424A;

5. Filled out signed, and dated *Assurances—Non-Construction Programs* (SF–424B);

6. The applicant should sign Attachments E and F. In so doing, the applicant is certifying that it will comply with the Federal requirements concerning the drug-free workplace and debarment regulations set forth in Attachments E.

7. A *signed* copy of *Certification Regarding Anti-Lobbying Activities.*

8. A completed Disclosure of Lobbying Activities, if applicable.

9. A Executive Summary—not to exceed 300 words;

10. A Project Narrative beginning with a Table of Contents that describes the project in the following order:

(i) Eligibility Confirmation
(ii) Organization Experience and Staff Responsibilities
(iii) Analysis of Need
(iv) Project Design/Work Program
(v) Business Plan (If appropriate)
(vi) Third-Party Evaluation
(vii) Cooperative Partnership Agreement
(viii) Budget Appropriateness and Reasonableness

11. Appendices, including proof of non-profit status; proof that the organization is a community development corporation, if applying under the CDC Set-aside; a *signed* copy of the Cooperative Partnership Agreement or letter of commitment with State IV–A agency (JOBS Program); commitments from officials of businesses that will be expanded or from franchises, where applicable; Single Point of Contact comments, if applicable; Maintenance of Effort Certification and resumes.

12. A self-addressed mailing label which can be affixed to a postcard to acknowledge receipt of application.

Attachment J—Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance, Washington, DC 20447

Jobs Program Director

February 1994.

Alabama

Claire Ealy, Director, Office of Work and Training Services, Public Assistance Division, S. Gordon Persons Building, 50 Ripley Street, Montgomery, Alabama 36130, (205) 242–1950

Alaska

Charles Knittel, Work Programs Coordinator, Division of Public Assistance, Department of Health and Social Service, P.O. Box 110640, Juneau, Alaska 99811–0640, (907) 465–3347

Arizona

Gretchen Evans, JOBS Program Director, Dept. of Economic Security, P.O. Box 6123, Site Code 8011, Phoenix, Arizona 85005, (602) 542–6310

Arkansas

Ken Whitlock, Deputy Director, Project SUCCESS, Department of Human Services, P.O. Box 1437, Little Rock, Arkansas 72203, (501) 682–8375

California

Bruce Wagstaff, Chief, Employment and Immigrations Programs Branch, Department of Social Services, 744 P Street M/S 6–700, Sacramento, California 95814, (916) 657–2367

Colorado

Bob Henson, Director, Work Programs, Department of Social Services, 1575 Sherman Street, Denver, Colorado 80203, (303) 866–2643

Connecticut

Dawn Homer-Bouthiette, Planning Supervisor, Job Connection, Department of Social Services, 110 Bartholomew Avenue, Hartford, Connecticut 06106, (203) 566–7125

Delaware

Rebecca Varella, Chief Administrator, Employment and Training, Division of Social Services, P.O. Box 906, New Castle, Delaware 19720, (302) 577–4451

District of Columbia

Shari Curtis, Chief, Bureau of Training and Employment, Department of Human Services, 33 N Street N.E., Washington, D.C. 20001, (202) 727–1293

Florida

Reggis Smith, Chief, Benefit Recovery and Special Programs, Department of Health and Rehabilitative Services, 1317 Winewood Boulevard, Bldg 6, Tallahassee, Florida 32399–0700, (904) 487–2966

Georgia

Sylvia Elam, Chief, Employment Services Unit, Division of Family and Children Services, Department of Human Resources, 2 Peachtree St., 14th Floor, Room 402, Atlanta, Georgia 30303, (404) 657–3737

Guam

Diana Calvo, Social Services Supervisor, Department of Public Health and Social Services, P.O. Box 2816, Agana, Guam 96910, (011–671) 734–7286

Hawaii

Garry Kemp, Special Assistant to the Director, Department of Human Services, P.O. Box 339, Honolulu, Hawaii 96809, (808) 586–7054

Idaho

Kathy James, Acting Bureau Chief, Bureau of Family Self Support, Department of Health and Welfare, 450 West State Street, Boise, Idaho 83720, (208) 334–5704

Illinois

Karan Maxson, Administrator, Division of Planning and Community Services, Department of Public Aid, 100 S. Grand, 2nd Floor, Springfield, Illinois 62762 (217) 785–3300

Indiana

Thomas Reel, Program Manager, IMPACT, Department of Public Welfare, 402 W. Washington, W. 363, Indianapolis, Indiana 46204, (317) 232–2002

Iowa

Doug Howard, Coordinator, Employment and Training Programs, Department of Human Services, Fifth Floor, Hoover State Office Building, Des Moine, Iowa 50319, (515) 281–8629

Kansas

Phyllis Lewin, Director, Employment Preparation Services, Department of Social and Rehabilitation Services, 300 S.W. Oakley, West Hall, Topeka, Kansas 66606, (913) 296–4276

Kentucky

Sharon Perry, Assistant Director, Center for Program Development, Department of Social Insurance, Cabinet for Human Resources, 275 E. Main Street, Frankfurt, Kentucky 40621, (502) 564–3703

Louisiana

Howard Prejean, Assistant Secretary, Department of Social Services, Office of Eligibility Determination, P.O. Box 3776, Baton Rouge, Louisiana 70821, (504) 342–4953

Maine

Barbara Van Burgel, ASPIRE Coordinator, Bureau of Income Maintenance, Department of Human Services, Statehouse Station #11, 32 Winthrop St., Augusta, Maine 04333, (207) 289–3106

Maryland

Charlene Gallion, Acting Executive Director, Office of Project Independence Management, Department of Human Services, Room 745, 311 W. Saratoga Street, Baltimore, Maryland 21201, (410) 333–0837

Massachusetts

John Buonomo, Director, Massachusetts JOBS Program, Department of Public Welfare, 600 Washington St., Boston, Massachusetts 02111, (617) 348–5931

Michigan

Alex D. Hawkins, Director, Job Skills Development Group, Michigan Jobs Commission, 201 North Washington Square, Third floor, Victor Centre, Lansing, Michigan 48913, (517) 373–7382

Minnesota

Bonnie Baker, Supervisor, Program Development, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155, (612) 296–2499

Mississippi

Jean Temple, Director, JOBS Branch, Office of Children and Youth, Department of Human Services, 421 W. Pascagoula, Jackson, Mississippi 29302, (601) 359–4855

Missouri

Richard Koon, FUTURES Program Director, Income Maintenance, Division of Family Services, 72728 Plaza Drive, P.O. Box 88, Jefferson City, Missouri 65103, (314) 751–3124

Montana

Marylis Filipovich, Bureau Chief, Program and Policy, Department of Social and Rehabilitation Services, P.O. Box 4210, Helena, Montana 59604, (406) 444–4540

Nebraska

Margaret Hall, Public Assistance Administrator, Public Assistance Division, Department of Social Services, 301 Centennial Mall South, P.O. Box 95026, Lincoln, Nebraska 68509, (402) 471–3121

Nevada

John Alexander, Employment and Training Coordinator, Nevada State Welfare Division, Capitol Complex, 2527 North Carson Street, Carson City, Nevada 89710, (702) 687–4143

New Hampshire

Arthur Chicaderis, JOBS Administrator, Employment Support Services, Office of Economic Services, Division of Human Services, Department of Health and Human Services, 6 Hazen Drive, Concord, New Hampshire 03301–6521, (603) 271–4249

New Jersey

Marion E. Reitz, Director, Division of Family Development, Department of Human Services, CN 716, Trenton, New Jersey 08625, (609) 588–2401

New Mexico

Bill Dunbar, Acting Director, Income Support Division, Department of Human Services, P.O. Box 2348, Santa Fe, New Mexico 87500, (505) 827–7252

New York

Jack Ryan, Director, Bureau of Employment Programs, Department of Social Services, 40 North Pearl Street, Albany, New York 12243, (518) 473–8744

North Carolina

Lucy Burgess, Chief, Employment Programs Section, Department of Human Resources, 325 North Salisbury Street, Raleigh, North Carolina 27611, (919) 733–2873

North Dakota

Gloria House, JOBS Coordinator, Director of Public Assistance, Department of Human Services, State Capitol, New Wing, 3rd Floor, Bismark, North Dakota 58505, (701) 224–4001

Ohio

Mary L. Harris, Deputy Director, Family Support and JOBS, Department of Human Services, State Office Tower, 31st Floor, 30 East Broad Street, Columbus, Ohio 43266–0423, (614) 466–3196

Oklahoma

Raymond Haddock, Division Administrator, Family Services Division, Department of Human Services, P.O. Box 25352, Oklahoma City, Oklahoma 73125, (405) 521–3076

Oregon

Debbi White, JOBS Program Manager, Adult and Family Services Division, Human Resource Bldg., 2nd Floor, Salem, Oregon 97310–1013, (503) 945–6127

Pennsylvania

David Florey, Director, Bureau of Employment and Training Program, Department of Public Welfare, P.O. Box 2675, Harrisburg, Pennsylvania 17105, (717) 787–8613

Puerto Rico

Migdalia Marrero, Special Asst. to Secretary, SOSEDF, Isla Grande, Building #10, P.O. Box 11398, Santurce, Puerto Rico 00910, (809) 722–2863

Rhode Island

Sherry Campanelli, Associate Director, Community Services, Department of Human Services, 600 New London Avenue, Cranston, Rhode Island 02920, (401) 464–2423

South Carolina

Hiram Spain, Executive Assistant for Self-Sufficiency, Department of Social Services, P.O. Box 1520, Columbia, South Carolina 29202, (803) 737–5937

South Dakota

Julie Osnes, Administrator, Office of Family Independence, Department of Social Services, Richard F. Kneip Building, Pierre, South Dakota 57501, (605) 773–3493

Tennessee

Wanda Moore, Director of Program Services, Department of Human Services, 12th Floor, 400 Deadericks, Nashville, Tennessee 37219, (615) 741–6953

Texas

Irma Bermea, Deputy Commissioner, Department of Human Services, Mail Code 521E, P.O. Box 2960, Austin, Texas 78769, (512) 450–3011

Utah

Helen Thatcher, Assistant Director, Office of Family Support, Department of Human Services, 120 North 200 West, Salt Lake City, Utah 84145–0500, (801) 538–8231

Vermont

Steve Gold, Director, REACH-UP Program, Department of Social Welfare, State Office Building, 103 South Main Street, Waterbury, Vermont 05676, (802) 241–2800

Virgin Islands

Ermin Boshulte, Director, Public Assistance Programs, Department of Human Services,

Financial Programs Division, Knud Hansen Complex—Building A, 1303 Hospital Ground, Charlotte Amalie, V.I. 00802, (809) 774–4673

Virginia

David Olds, Program Manager, Employment Services, Department of Social Services, 730 E. Broad St., 2nd Floor, Richmond, Virginia 23219–1849, (804) 692–1229

Washington

Lee Todorovich, Acting Assistant Director, Division of Income Assistance, Department of Social and Health Services, P.O. Box 45400, Olympia, Washington 98504–5400, (206) 438–8350

West Virginia

Sharon Paterno, Director, Division of Work and Training, Department of Health and Human Services, Building 6, State Office Complex, Charleston, West Virginia 25305, (304) 558–3186

Wisconsin

Jean Rogers, Administrator, Division of Economic Support, Department of Health and Social Services, P.O. Box 7935, 1 West Wilson Street, Madison, Wisconsin 53707–7935, (608) 266–3035

Wyoming

Kirk McKinney, JOBS Coordinator, Self-Sufficiency Division, Department of Family Services, Hathaway Building, Rm 347, 2300 Capitol Avenue, Cheyenne, Wyoming 82002–0710, (307) 777–6849

Attachment K—Certification Regarding Environmental Tobacco Smoke

Public Law 103–227, Part C—Environmental Tobacco Smoke, also known as the Pro-Children Act 1994 (Act), requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1000 per day and/or the imposition of an administrative compliance order on the responsible entity.

By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act. The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

[FR Doc. 95–8374 Filed 4–13–95; 8:45 am]

BILLING CODE 4184–01–P

Federal Register

Friday
April 14, 1995

Part III

Department of Education

Training Personnel for the Education of Individuals With Disabilities; Notice

DEPARTMENT OF EDUCATION

Training Personnel for the Education of Individuals With Disabilities

AGENCY: Department of Education.

ACTION: Notice of proposed waiver.

SUMMARY: The Secretary proposes to waive the requirements in EDGAR at 34 CFR 75.261(a) that generally prohibit project extensions that involve the additional obligation of Federal funds. The Secretary proposes to waive this EDGAR requirement for the National Center for Minority Special Education Research and Outreach, and the Outreach Alliance 2000 Project. The Secretary proposes to issue continuation awards to both Centers in order to ensure the most efficient use of Federal funds.

DATES: Comments must be received on or before May 15, 1995.

ADDRESSES: All comments concerning this proposed waiver should be addressed to Linda Glidewell or Victoria Ware, U.S. Department of Education, 600 Independence Avenue SW., Washington, DC 20202–2641.

FOR FURTHER INFORMATION CONTACT: Linda Glidewell, telephone: (202) 205–9099, or Victoria Ware, telephone: (202) 205–8687. Individuals who use a telecommunications device for the deaf may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: On July 19, 1991, the Department issued a Notice Inviting Applications for New Awards under the Training Personnel for the Education of Individuals with Disabilities for Fiscal Year 1991. In this notice, the Department announced that it would make two awards for up to 48 months pursuant to section 610(j)(2)(C) of the Individuals with Disabilities Education Act (IDEA), which directed the Secretary to develop and implement a plan for providing outreach services to minority entities and underrepresented populations to assist them in participating more fully in the discretionary grant programs authorized in Parts C through G of IDEA.

Specifically, the Secretary advised that the Department would fund two Centers, one to provide technical assistance to the agencies, institutions, organizations, and populations identified by Congress seeking grant support for personnel preparation (Part D of the Act). The other Center was designed to provide technical assistance to the targeted entities and populations seeking support for research and the other activities authorized in Parts C, E, F, and G of the Act. The EDGAR selection criteria were used in making the selection.

The grant periods have ended for the two Centers, which are currently expending the balance of their fiscal year 1994 funds to carry out approved project activities. In order to conduct the section 610(j)(2)(C) plan activities with fiscal year 1995 support, it is necessary to either recompete the projects for one year or to issue continuation awards to the existing grantees.

Based upon following the factors, the Department believes it makes the most programmatic sense and is the most efficient use of Federal funds to issue continuation awards. However, to do so, the Department must waive the requirements in EDGAR at 34 CFR 75.261(a) that generally prohibit project extensions that involve the additional obligation of Federal funds. The Department is therefore soliciting public comment on the proposed waiver.

Reasons

If the Department had to recompete these multi-year outreach Centers this year, the Department would wastefully expend resources for a program that might not be reauthorized. If the program is reauthorized, it may contain substantially different programmatic requirements. Such changes would require the Department to recompete the projects one year later based on the new statute.

Therefore, the Department proposes to issue continuation awards to the current grantees for one year, with a maximum of two years, to take into account the possibility of a delayed reauthorization cycle.

Regulatory Flexibility Act Certification

The Secretary certifies that this proposed waiver would not have a significant economic impact on a substantial number of small entities.

The small entities that would be affected by this proposed waiver are the two Centers currently receiving Federal funds. However, the waiver would not have a significant economic impact on the Centers because the waiver would not impose excessive regulatory burdens or require unnecessary Federal supervision. The waiver would impose minimal requirements to ensure the proper expenditure of program funds—requirements that are those standard to continuation awards.

Paperwork Reduction Act of 1980

This proposed waiver has been examined under the Paperwork Reduction Act of 1980 and has been found to contain no information collection requirements.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding this proposed waiver.

All comments submitted in response to this proposed waiver will be available for public inspection, during and after the comment period, in room 3521, 300 ''C'' Street, S.W., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

To assist the department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in this proposed waiver.

(Catalog of Federal Domestic Assistance Number 84.029, Training Personnel for the Education of Individuals with Disabilities)

Dated: April 10, 1995.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 95–9195 Filed 4–13–95; 8:45 am]

BILLING CODE 4000–01–P

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