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

SMALL BUSINESS ADMINISTRATION

13 CFR Part 108

Loans to State and Local Development Companies Accredited Lenders Program for Certified Development Companies

AGENCY: Small Business Administration (SBA).

ACTION: Final rule.

SUMMARY: On October 22, 1994, the President signed Public Law 103–403, The Small Business Administration Amendments Act of 1994. Section 212 of that act added a new section 507 of the Small Business Investment act, 15 U.S.C. 695 et seq. That new section authorizes the Small Business Administration (SBA) to establish an Accredited Lenders Program. This final rule, published in accordance with Public Law 103–403, implements this new program.

EFFECTIVE DATE: This rule is effective on April 26, 1995.

FOR FURTHER INFORMATION CONTACT: LeAnn Oliver, Acting Director, Office of Rural Affairs and Economic Development Small Business Administration, 409 3rd Street S.W., Suite 8300 Washington, D.C. 20416, 202–205–6485.

SUPPLEMENTARY INFORMATION: Public Law 103–403, enacted October 22, 1994, required SBA to establish an Accredited Lenders Program for Certified Development Companies, which provides for expedited processing of loan applications and servicing actions by SBA field offices for qualified development companies. The Accredited Lender Program (ALP) is intended to build upon the successful Certified Lenders Program (CLP) for the SBA's General Business Loan program and the pilot Accredited Lenders Program for Certified Development Companies which has been administered by SBA since 1991.

During 1991, SBA established an ''Accredited Lender Program'' for Certified Development Companies (CDCs) on a demonstration program basis with selected development companies through the United States. During the Demonstration program, SBA Field Offices worked with the selected development companies to expedite processing of requests for guarantee approval and servicing actions submitted by them. The program was premised upon rewarding CDCs which have developed a good partnership with their SBA Field Office in promoting local economic development and have demonstrated a good track record in the submission of documentation needed for making and servicing of sound loans. The positive experience of the demonstration program led to its statutory authorization which makes the Accredited Lender Program a permanent tool for the improvement of the program.

The concept of the ALP demonstration program was based on a similar program developed for lenders participating with the SBA 7(a) General Business Loan program (CLP) which has also been authorized by statute. Under that program, CLP lenders are required to submit a complete loan package as well as a draft loan authorization ready for SBA review of eligibility, credit analysis and legal sufficiency. In consideration for the receipt of a completed loan application package, SBA agrees to issue an approved loan authorization to a CLP lender within three working days.

Similar to the CLP lender in the General Business Loan program, under these regulations if adopted in final form, an ALP–CDC will be required to submit complete loan applications and draft loan authorizations to SBA in order to expedite SBA's review of eligibility, credit analysis and legal sufficiency and enable SBA to quickly authorize a guaranty; and completely documented requests for a loan servicing action which will enable SBA to expedite processing of such a request. In exchange SBA will agree to provide three business day processing for such submissions. Notwithstanding a requester's ALP status, SBA will retain the right to reject incomplete packages or requests, thereby denying ALP consideration to individual actions on a case by case basis.

In order to attain ALP status a CDC will be required to meet minimum standards with regard to lending activity and demonstrated proficiency in quality of its loan packaging, closing and servicing. An ALP–CDC and an SBA field office will function as a team for purposes of the ALP program. SBA's agreement to expedite approval of loans and servicing actions will be premised upon the SBA confidence in the judgment and quality of work of the ALP–CDC which is based upon a good relationship and good communication between the SBA field office and ALP–CDC staffs.

In that regard, under these regulations, if adopted, SBA field offices will nominate CDCs for ALP status. SBA's Director of Economic Development and Rural Affairs will be the deciding official for admission to the program and for suspension or revocation of the status of a company once admitted. Criteria for nomination which are expressed in the proposed regulations reflect the intent that only successful CDCs which demonstrate a high degree of program proficiency will attain ALP status. ALP status will be granted for periods of two years and will be renewable based on request by the CDC and favorable review by SBA.

Compliance With Executive Orders 12612, 12778, and 12866, the Regulatory Flexibility Act and the Paperwork Reduction Act

For purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., SBA certifies that this rule will not have a significant economic impact on a substantial number of small entities.

SBA certifies that this rule will not constitute a significant regulatory action for purposes of Executive Order 12866, since the change is not likely to result in an annual effect on the economy of $100 million or more.

SBA certifies that this rule will not impose additional reporting or recordkeeping requirements which would be subject to the Paperwork Reduction Act, 44 U.S.C. Ch. 35.

SBA certifies that this rule will not have Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

SBA certifies that this rule is drafted, to the extent practicable, in accordance

with the standards set forth in Section 2 of Executive Order 12778.

This rule is published as a final rule in conformity with the statutory deadline established in section 212 of Public Law 103–403.

(Catalog of Federal Domestic Assistance Program Nos. 59.036, Certified Development Company Loans (503 Loans); 59.041, Certified Development Company Loans (504 Loans).

List of Subjects in 13 CFR Part 108

Loan programs—business, Small businesses.

For the reasons set forth above, SBA is amending part 108 of title 13 of the Code of Federal Regulations as follows:

PART 108—[AMENDED]

1. The authority citation for part 108 continues to read as follows:

Authority: 15 U.S.C. 687(c), 695, 696, 697a, 697b, 697c.

2. Section 108.2 is amended by adding definitions of the following terms in the appropriate alphabetical order: ''Accredited Lender'' and ''ALP'' to read as follows:

§ 108.2 Definitions.

* * * * *

Accredited Lender means a 503 Company which has met the eligibility requirements of § 108.508–3 and which has executed with SBA the ALP Agreement.

ALP means the Accredited Lenders Program as provided for in § 108.508.

* * * * *

3. A new undesignated center heading and §§ 108.508–1 through 108.508–5 are added to read as follows:

Accredited Lenders Program

§ 108.508–1 Objective and characteristics of Certified Lenders Program.

(a) *Purpose.* The purpose of this subpart is to authorize for designated 503 companies, hereinafter called Accredited Lenders, expedited approval by SBA of loan processing, closing and servicing functions on specified terms and conditions.

(b) *Objective of Accredited Lender Status.* SBA will process an application for authorization of a guarantee or a loan servicing action submitted by an Accredited Lender within three business days from receipt of a complete application for authorization or a fully documented request for a loan servicing action, as the case may be. SBA reserves the right to reject any such application or request for incompleteness or other regulatory deficiency.

§ 108.508–2 Application procedure.

In order to be designated an Accredited Lender, a 503 company shall apply for designation to the SBA District or Branch Office where responsible for the area in which its headquarters is located by submitting a statement of its eligibility demonstrating satisfaction of the criteria contained in § 108.508–3. The relevant District or Branch Office will review all such applications using SBA's ''rule of two procedure'' and forward only favorable recommendations to the Director, Office of Rural Affairs and Economic Development for final determination. The Director will advise all relevant District or Branch Office of his or her final decision on any such recommendation. Favorable decisions by the Director will be followed by accreditations by the relevant District or Branch Office. Unfavorable decisions by the Director will be communicated to the applicant by the Director.

§ 108.508–3 Eligibility.

In evaluating the application of a 503 Company to become an Accredited Lender, SBA must make a favorable determination based upon its consideration of the following factors:

(a) The 503 Company must have been an active participant in the development company loan program for not less than the preceding 12 months;

(b) The 503 Company must have well-trained, qualified loan officers who are knowledgeable concerning SBA's lending policies and procedures for the development company loan program;

(c) The 503 Company must have demonstrated the ability to process, close, and service loans under the development company program;

(d) The 503 Company must have had a loss rate on its portfolio of loans made under the development company program that is reasonable and acceptable to the SBA;

(e) The 503 Company must have demonstrated to SBA's satisfaction a history of submitting to SBA complete and accurate debenture guaranty application packages;

(f) The 503 Company must have demonstrated the ability to work with the sponsoring SBA office in a cooperative and constructive manner; and

(g) The 503 Company must have demonstrated to SBA's satisfaction the ability to serve small business credit needs through the development company program.

§ 108.508–4 Term of designation.

Any designation of a 503 Company to be an Accredited Lender shall be for a term of two years, renewable for additional two year terms at the discretion of SBA upon the application of the 503 Company.

§ 108.508–5 Suspension or revocation.

The Director may suspend or revoke the accreditation of an Accredited Lender for good cause by forwarding a written statement of suspension or revocation to the Accredited Lender. Such statement shall specify the nature of the sanction and the reasons therefore. The decision to suspend or revoke accreditation may be appealed to the Associate Deputy Administrator for Economic Development whose decision on any such appeal shall be the final decision of SBA. Examples of good cause for purposes of these regulations include but are not limited to:

(a) The 503 Company has not continued to meet the criteria for eligibility under § 108.508–3; or

(b) The 503 Company has failed to adhere to the SBA's rules and regulations or is violating any other applicable provision of law.

Dated: March 2, 1995.

Philip Lader,

Administrator.

[FR Doc. 95–10179 Filed 4–25–95; 8:45 am]

BILLING CODE 8025–01–M

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13 CFR Part 108

Loans to State and Local Development Companies; Premier Certified Lenders Program for Certified Development Companies

AGENCY: Small Business Administration (SBA).

ACTION: Interim final rule.

SUMMARY: On October 22, 1994, the President signed Public Law 103–403, the Small Business Administration Reauthorization and Amendments Act of 1994. Section 217 of that Act added a new section 508 to the Small Business Investment Act, 15 U.S.C. 695 et seq. This new section authorizes the Small Business Administration (SBA) to establish a Premier Certified Lenders Program. This rule, published in accordance with Public Law 103–403, is intended to implement this new program.

DATES: This rule is effective on April 26, 1995; however, SBA will accept comments submitted by May 26, 1995.

ADDRESSES: Comments should be sent to LeAnn M. Oliver, Acting Director, Office of Rural Affairs & Economic Development, Small Business Administration, 409 Third Street SW., suite 8300, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: LeAnn Oliver, (202) 205–6485.

SUPPLEMENTARY INFORMATION: Public Law 103–403, enacted October 22, 1994, established a Premier Certified Lenders Program (PCLP) for Certified Development Companies (CDCs). The law provides that, on a three-year pilot program basis, SBA may establish the PCLP for not more than 15 CDCs. The PCLP is intended to emulate the successful Preferred Lender Program for the SBA's General Business Loan Program and to transfer that experience to the development company loan program. This recognizes the maturity of individual local certified development companies and the favorable track record of the overall development company loan program. In this way, it will enable SBA to increase responsiveness to small business borrowers by taking the partnership role it normally maintains with the certified development companies to a higher level with CDCs that are designated as PCLP/CDCs.

The concept of a PCLP/CDC is based on the PLP designation for lenders participating with the SBA 7(a) General Business Loan Program. In consideration for a PCLP/CDC agreeing to share in the risk of loan making, the SBA will delegate authority to the PCLP/CDC for the purpose of authorizing, closing and servicing development company loans. Similar to the work of the preferred participating lender in the General Business Loan Program, a PCLP/CDC will be required to obtain SBA's final approval of the eligibility of a debenture for guaranty, but will not be required to obtain SBA's approval for underlying decisions regarding creditworthiness of the borrower, loan closing, or legal requirements imposed by law or regulation. Both PCLP and PLP loans will be processed through the same centralized SBA processing center.

The Premier Certified Lender Program responds to the significant increase in development company loan program activity and recognizes the growing strength and capability of CDCs. A PCLP/CDC will be designated based on a high level of 504 loan activity, a history of submitting adequately analyzed debenture guarantee application packages to SBA, and a favorable recommendation from the SBA field office with which the CDC works. Also as a condition of designation, a PCLP/CDC will commit to establish and maintain a loss reserve equal to the greater of the company's historic loss rate on guaranteed debentures or 1% of the outstanding amount of debentures issued by the company and guaranteed by SBA under the PLCP Program.

Compliance With Executive Orders 12612, 12778, and 12866, the Regulatory Flexibility Act and the Paperwork Reduction Act

For purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., SBA certifies that this rule will not have a significant economic impact on a substantial number of small entities.

SBA certifies that this rule will not constitute a significant regulatory action for purposes of Executive Order 12866, since the change is not likely to result in an annual effect on the economy of $100 million or more.

SBA certifies this rule will not impose additional reporting or recordkeeping requirements which would be subject to the Paperwork Reduction Act, 44 U.S.C. Ch. 35.

SBA certifies that this rule will not have Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

SBA certifies that this rule is drafted, to the extent practicable, in accordance with the standards set forth in Section 2 of Executive Order 12778.

List of Subjects in 13 CFR Part 108

Loan programs—business, Small businesses.

For the reasons set forth above, SBA amends part 108 of title 13 of the Code of Federal Regulations as follows:

PART 108—[AMENDED]

1. The authority citation for part 108 continues to read as follows:

Authority: 15 U.S.C. 687(c), 695, 696, 697a, 697b, 697c.

2. Section 108.2 is amended by adding definitions of the following terms in the appropriate alphabetical order: ''Premier Certified Lender'' and ''PCLP'' to read as follows:

§ 108.2 Definitions.

* * * * *

PCLP means the Premier Certified Lenders Program as provided for in § 108–509.

Premier Certified Lender means a 503 Company which has met the eligibility requirements of § 108.509–3 and which has executed with SBA the PCLP Agreement.

* * * * *

3. A new undesignated center heading and §§ 108.509–1 through 108.509–5 are added to read as follows:

Premier Certified Lenders Program

§ 108.509–1 Objectives and characteristics of premier certified lenders program.

(a) *Purpose.* The purpose of this subpart is to implement section 217 of Public Law 103–403 which authorizes SBA to delegate authority to designated 503 companies, hereinafter called Premier Certified Lenders, to undertake processing, approval, closing and servicing of loans made with the proceeds of SBA guaranteed debentures.

(b) *Characteristics.* SBA will solicit and approve qualified 503 companies to serve as Premier Certified Lenders. Each Premier Certified Lender will be delegated authority to approve loans that are funded with the proceeds of debentures issued by such company. SBA will retain the responsibility to guarantee any such debenture. All rules in this part 108 relating to the operations of participating 503 companies shall apply to Premier Certified Lenders.

(c) *Approval.* The approval of a loan by a Premier Certified Lender shall be subject to final approval by SBA as to eligibility of the guarantee of a debenture, the proceeds of which will fund the loan. Such final approval shall not include a detailed review of decisions by the Lender relative to the loan involving creditworthiness, loan closing, or compliance with legal requirements imposed by law or regulation, provided that SBA will satisfy itself that its guarantee of any debenture issued by a Premier Certified Lender is fully supportable under applicable laws and regulations as to the eligibility of the guaranty of a debenture before it approves any such guarantee.

(d) *Pilot Program Period.* On a pilot program basis, SBA may designate not more than fifteen Premier Certified Lenders. Effective on October 1, 1997, the pilot program ends and sections 108–509–1 thru 108–509–5 of part 108 are repealed.

§ 108.509–2 Application procedure.

Upon the request of a 503 company to participate in the Premier Certified Lender program, the SBA branch or district office with which the 503 Company has had its most significant activity shall review the 503 company's application and prepare its recommendation. The District Director or Branch Manager of that district or branch office shall transmit all requests, accompanied by the district or branch office recommendation, to SBA Central Office where the Director of the Office of Rural Affairs and Economic Development shall make the final decision on all such requests. After a

favorable decision, the district director will designate the lender by executing with the 503 Company the PCLP Agreement. Before it can operate as a Premier Certified Lender, the 503 company must execute such PCLP Agreement.

§ 108.509–3 Eligibility.

In making the determination of whether a 503 company may become a Premier Certified Lender, SBA shall consider, but is not limited to, the following factors:

(a) Whether the 503 company has been an active participant in the Accredited Lenders Program under § 108.508 for not less than the preceding 12 months, and whether the 503 company has demonstrated ability to work with the local SBA office in a cooperative and constructive manner. Prior to January 1, 1996, SBA may waive the requirement for prior activity in the Accredited Lenders Program if such company is otherwise qualified to participate in that program;

(b) Whether the 503 company has a history of submitting to SBA complete, accurate and adequately analyzed debenture guaranty application packages;

(c) Whether the 503 company agrees to assume and to reimburse SBA for 10 percent of any loss sustained by the SBA as a result of a default by the company in the payment of principal or interest on a debenture issued by such company and guaranteed by SBA under the PCLP Program; and

Whether the 503 company has a historical loss rate acceptable to SBA.

§ 108.509–4 Loss reserve.

Each Premier Certified Lender shall establish a loss reserve for financings approved pursuant to the PCL Program.

(a) *Amount.* The amount of the loss reserve shall be the greater of:

(1) The historic loss rate on all debentures issued by such company; or

(2) 10 percent of the amount of the company's exposure on debentures issued under the PCL Program.

(b) *Assets.* The loss reserve shall be comprised of segregated assets of the company which shall be securitized in favor of the SBA.

(c) *Contributions.* For each debenture issued by a Premier Certified Lender, the company shall make a contribution proportionate to the total amount of loss reserve required in the following amounts and at the following intervals:

(1) 50 percent when the debenture is funded,

(2) 25 percent not later than one year after the debenture is funded, and

(3) 25 percent not later than two years after the debenture is funded.

§ 108.509–5 Suspension or revocation.

(a) *Cause.* The designation of a 503 Company as a Premier Certified Lender may be suspended or revoked if the SBA determines that:

(1) The 503 company has not continued to meet the criteria for eligibility under § 108.509–3; or

(2) The 503 company has not established or maintained the loss reserve required under § 108.509–4; or

(3) The 503 company has failed to adhere to the SBA's rules and regulations or has violated any other applicable provision of law.

(b) *Review.* At intervals not greater than 12 months, SBA shall review the financings made by each Premier Certified Lender. The review shall include the lender's credit decisions and general compliance with the eligibility requirements for each financing approved under the program authorized by this section.

(c) *Procedure.* SBA reserves the unilateral right to suspend or revoke the designation of any Premier Certified Lender as a result of any violation of SBA regulations, any breach of any agreement with SBA, or any change of circumstance resulting in the Lender's inability to meet the operational requirements set forth herein: Provided, however, that such suspension or revocation shall not invalidate any guaranty previously entered into by SBA. Proceedings for such purposes will be initiated by a determination to suspend or revoke issued by the Director of the Office of Rural Affairs and Economic Development. Such determination may be appealed to the Associate Deputy Administrator for Economic Development whose decision on any appeal shall be the final decision of SBA.

Catalog of Federal Domestic Assistance 59.036 Certified Development Company Loans (503 Loans); 59.041 Certified Development Company Loans (504 Loans).

Dated: March 17, 1995.

Philip Lader,

Administrator.

[FR Doc. 95–10178 Filed 4–25–95; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–158–AD; Amendment 39–9205; AD 95–09–01]

Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737–300, –400, and –500 series airplanes, that requires an inspection to determine the type of topcoat material currently on the insulation of the inner wall of the fan duct cowl (the firewall) of the thrust reversers, and application of an improved topcoat material, if necessary. This amendment is prompted by tests, which demonstrated that flames can penetrate the firewall if certain combinations of insulation and topcoat materials are used. The actions specified by this AD are intended to prevent failure of the fireproof insulation top coat installed on the firewalls of the thrust reverser fan cowls, which could result in degradation or loss of the firewall and lead to an uncontained engine fire.

DATES: Effective May 26, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 26, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 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: Stephen Bray, Aerospace Engineer, Propulsion Branch, ANM–140S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2681; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD)

that is applicable to certain Boeing Model 737–300, –400, and –500 series airplanes was published in the **Federal Register** on December 8, 1994 (59 FR 63277). That action proposed to require an inspection to determine the type of topcoat material currently on the insulation of the inner wall of the fan duct cowl (the firewall) of the thrust reversers, and application of an improved topcoat material, if necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Several commenters request that the rule be revised so that, if the inspection reveals that the suspect topcoat material is present, operators would not be required to apply the improved topcoat material immediately prior to further flight. These commenters state that the application of the improved topcoat material should be permitted at the operator's convenience after a positive inspection finding. This would encourage operators to conduct the inspection promptly, and then allow them to schedule the time and materials necessary for accomplishing the topcoat application at their subsequent heavy maintenance check. One commenter contends that in-service experience has shown that the risk of an engine fire resulting from the problems associated with the topcoat material is very low; in light of this, it is appropriate to allow an extended interval of time between conducting the inspection and applying the improved top coat.

The FAA does not concur with the request to permit application of the improved topcoat material at an extended interval after the inspection findings. It is the FAA's general policy that, once an unsafe condition has been determined to exist, that condition cannot be allowed to continue in the fleet. Therefore, it is essential that, if the inspection reveals that application of the improved topcoat is necessary, such application must be accomplished prior to further flight after the inspection.

However, in light of the fact that there have been no in-service incidents associated with the addressed unsafe condition, and because the topcoat application procedures may be extensive for some operators, the FAA considers that the compliance time for the required actions can be extended somewhat. It is the FAA's intent that, if the application of the improved topcoat is necessary, it should be performed during a regularly scheduled maintenance interval when the airplane is at a base where special equipment, necessary parts, and trained personnel are available. If the compliance time for the action required by this AD is parallel to the operator's regular maintenance interval, the operator can easily schedule both the inspection and any necessary topcoat application to be performed during the same maintenance hold. In consideration of these factors, the FAA finds that the compliance time may be extended from the proposed 24 months to 30 months without compromising safety. This extension will allow the majority of affected operators to accomplish the required actions during scheduled maintenance visits.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 135 Model 737–300, –400, and –500 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 18 airplanes of U.S. registry will be affected by this AD, that it will take approximately 13 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will be provided by the manufacturer at no charge to the operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $14,040, or $780 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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:

95–09–01 Boeing: Amendment 39–9205. Docket 94–NM–158–AD.

Applicability: Model 737–300, –400, and –500 series airplanes; line numbers 2137 through 2271, inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent the failure of the fireproof insulation topcoat installed on the firewalls for the thrust reverser fan cowls, which can result in degradation or loss of the firewall and lead to an uncontained engine fire, accomplish the following:

(a) Within 30 months after the effective date of this AD, inspect the inner wall of the

fan duct cowl (the firewall) of the thrust reversers to determine the type of topcoat material installed, in accordance with Boeing Alert Service Bulletin 737–78A1056, dated August 11, 1994.

(1) If the existing topcoat has silica fibers in it, no further action is required by this AD.

(2) If the existing topcoat does not have silica fibers in it, prior to further flight, accomplish the application of the DC92–010 topcoat to the firewall of the thrust reversers in accordance with the service bulletin.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, 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.

(c) 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.

(d) The inspection and application shall be done in accordance with Boeing Alert Service Bulletin 737–78A1056, dated August 11, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from 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.

(e) This amendment becomes effective on May 26, 1995.

Issued in Renton, Washington, on April 14, 1995.

John J. Hickey,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–9771 Filed 4–25–95; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Office of the Under Secretary for Domestic Finance

17 CFR Parts 404 and 405

RIN 1505–AA47

Amendments to Regulations for the Government Securities Act of 1986

AGENCY: Office of the Under Secretary for Domestic Finance, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury (''Department'' or ''Treasury'') is publishing, as a final rule, amendments to the recordkeeping rules in part 404 and the reporting rules in part 405 of the regulations issued under the Government Securities Act of 1986 (''GSA''). The recordkeeping amendment requires entities registered with the Securities and Exchange Commission (''SEC'') as specialized government securities brokers and dealers (''registered government securities brokers and dealers'') under section 15C(a)(2) of the Securities Exchange Act of 1934 (the ''Exchange Act'') (15 U.S.C. 78o–5(a)(2)) to maintain and preserve records concerning the financial and securities activities of affiliates whose business activities are reasonably likely to have a material impact on the financial or operational condition of the registered government securities brokers and dealers. The reporting amendment requires registered government securities brokers and dealers to file with the SEC quarterly summary reports of the information required to be maintained and preserved by the recordkeeping amendment. The amendments (''risk assessment rules'') parallel the SEC's final temporary risk assessment rules applicable to brokers and dealers that conduct general or municipal securities businesses (''registered brokers and dealers''). The Department's risk assessment rules are being promulgated pursuant to the authority granted to the Department by the Market Reform Act of 1990 (the ''Reform Act'') and are intended to provide regulators with access to information concerning the financial risk posed to registered government securities brokers and dealers—and to the securities markets as a whole—as a result of certain financial and securities activities conducted by affiliates within holding company structures. The Department is adopting the amendments essentially unchanged from their proposed form.

DATES: The effective date is June 30, 1995. The rules are being implemented in accordance with a phase-in schedule. See Section III of this preamble for the entire schedule.

FOR FURTHER INFORMATION CONTACT: Kerry Lanham (Government Securities Specialist) or Lee Grandy (Government Securities Specialist) at 202–219–3632. (TDD for hearing impaired: 202–219–3988.)

SUPPLEMENTARY INFORMATION:

I. Background

In response to the stock market disruption of October 1987, the bankruptcy of Drexel Burnham Lambert Group, Inc. (''Drexel'') in February 1990, and other developments in the securities markets, Congress passed the Reform Act in September 1990.[1] Among other things, the Reform Act provided the SEC and Treasury separate but parallel authority to promulgate risk assessment rules for certain broker-dealer holding company structures. The Reform Act authorized Treasury to require registered government securities brokers and dealers to maintain and report information on the financial and securities activities of certain affiliates that had the potential to pose material amounts of risk to the brokers and dealers. The Reform Act did not authorize Treasury to require financial institutions that have filed notice (or are required to file notice) as government securities brokers and dealers to maintain and report risk assessment information, although registered government securities brokers and dealers that are subject to the rules must maintain records and submit reports pertaining to the financial and securities activities of certain affiliates that are financial institutions.

The Drexel failure demonstrated that financial difficulties or liquidity problems of parent companies or affiliates of brokers and dealers could have a material and adverse effect on brokers and dealers themselves; risk assessment authority was therefore intended to help regulators monitor such developments. The primary focus of the risk assessment authority was the financial health of large holding companies whose potential failures pose risks to their affiliated brokers and dealers, as well as to the securities markets and the financial system as a whole. The Department believes that these rules will enhance the safety of the government securities market and provide for more effective regulatory oversight.

The legislative history[2] of the Reform Act indicated that risk assessment rules would require information concerning several particular types of potentially risky financial and securities activities conducted by affiliates of brokers and dealers, including bridge loans, interest rate swaps, foreign currency transactions, other derivatives (e.g., forwards and futures), and real estate

[1] Pub. L. 101–432, 104 Stat. 963 (1990).

[2] H.R. Rep. No. 101–524 and 101–477, 101st Cong., 2nd Sess. (1990).

developments. Off-balance sheet derivatives such as interest rate swaps and foreign currency transactions were identified as particularly important categories for risk assessment rules given their high growth rates and the limited public information available regarding their magnitude and use.

Affiliates conducting these largely unregulated activities can attain a degree of leverage and assume credit risks that brokers and dealers, which are subject to the capital and customer protection rules of the Treasury and the SEC, cannot attain. The business activities of these affiliates could have significant and adverse effects on the financial health of brokers and dealers. For example, large losses at the parent company level might cause the credit rating of the parent to decline, which could cause liquidity problems at the broker or dealer. Thus, the Reform Act specifically provided the SEC with direct access to information concerning the business activities of brokers' and dealers' affiliates that are outside of SEC oversight.

In September 1991, the SEC published for comment proposed temporary Rules 17h–1T and 17h–2T, which together with proposed Form 17–H, would establish a risk assessment recordkeeping and reporting system for registered brokers and dealers.[3] After reviewing the 63 comment letters it received and making modifications, the SEC issued in July 1992 final temporary risk assessment rules.[4] Rule 17h–1T[5] is a recordkeeping rule identifying and describing the records that registered brokers and dealers are required to maintain and preserve. Rule 17h–2T[6] sets forth requirements for registered brokers and dealers to submit quarterly reports summarizing the information required to be maintained under Rule 17h–1T. The preamble of the SEC's final temporary rules stated that the SEC staff would issue for public comment a study evaluating the effectiveness of the SEC's risk assessment rules within 90 days after the rules have been fully operative for two years. At that time, the SEC will consider what, if any, modifications to its rules would be appropriate. Treasury will consult with the SEC regarding the study and assessment of its rules to determine whether any of the SEC's findings are germane to Treasury's risk assessment rules.

[3] Securities Exchange Act Release No. 34–29635 (August 30, 1991), 56 FR 44014 (September 6, 1991).

[4] Securities Exchange Act Release No. 34–30929 (July 16, 1992), 57FR 32159 (July 21, 1992).

[5] 17 CFR 240.17h–1T.

[6] 17 CFR 240.17h–2T.

The Commodity Futures Trading Commission (''CFTC'') was also authorized to promulgate risk assessment rules applicable to registered futures commission merchants (''FCMs'') pursuant to the Futures Trading Practices Act of 1992.[7] The CFTC published its proposed risk assessment rules in March 1994.[8] The CFTC extended its comment period twice before promulgating the first part of its final risk assessment rules in December 1994,[9] which require certain FCMs to maintain and file key information addressing the overall structure of holding companies involving the FCMs. The CFTC deferred action on other portions of its proposed rules pending further review and consultation with other regulators.

Treasury published its risk assessment amendments in proposed form on November 15, 1994,[10] and the comment period closed on January 17, 1995. The Department received no comments in response to the proposal.

II. Analysis

A. Reporting and Recordkeeping Requirements

The Department's risk assessment rules incorporate the SEC's final temporary risk assessment Rules 17h–1T and 17h–2T, with minor modifications that reflect both the specialized activities of registered government securities brokers and dealers and the Department's analysis of the SEC's interpretive letter to the Securities Industry Association (''SIA'') in September 1993.[11] Under the Department's rules, two general categories of records will be required: (1) Information concerning the holding company organization, risk management policies, and material legal proceedings; and (2) financial and securities information pertinent to assessing risk in the holding company system (e.g., consolidating and consolidated financial statements and positions in various financial instruments). The information required to be maintained and preserved pursuant to the recordkeeping rules will be subject to routine inspection by the SEC and the self-regulatory organizations. Under the reporting rules, registered government securities brokers and dealers will be required to file with the SEC quarterly summaries of the information that must be maintained under the recordkeeping rules. These quarterly summaries will be required to be filed on the SEC's Form 17–H. A more detailed discussion of the Department's specific risk assessment requirements is included in the preamble to the proposed rules.

The information required to be maintained and reported by the firms pertains only to the firms' ''Material Associated Persons'' (''MAPs''). The Reform Act did not define MAPs. However, the legislative history accompanying the statute specified a number of factors that should be considered when determining which affiliates (associated persons) might have a ''material'' impact on the financial or operational condition of brokers and dealers. These factors have been incorporated into paragraph 17h–1T(a)(2), thereby providing guidelines for determining which affiliates of the brokers and dealers are MAPs. The initial designation of MAPs will be made by the affected registered government securities brokers and dealers.

The term ''associated persons,'' as explained in the legislative history, is based on the definition at 3(a)(18) of the Exchange Act (15 U.S.C. 78c(a)(18)), except that natural persons are excluded for the purposes of the risk assessment rules (which automatically excludes natural persons from the definition of MAPs). Consistent with the SEC approach,[12] partnerships will not be treated as natural persons and, depending on the circumstances, may be deemed to be MAPs of the registered government securities broker or dealer. Subchapter S corporations may be treated as natural persons for purposes of the amendments if the Subchapter S corporation is owned by one natural person.

Note that, with respect to the Department's risk assessment rules, the definition of ''associated persons'' differs from the definition of that term as specified in § 400.3 of the GSA regulations. The term as used in § 400.3 specifically applies to certain natural persons who are associated with government securities brokers or dealers.

B. Exemptions and Special Provisions

The Department is incorporating, with modifications and supplements, the SEC's exemptive provisions (17 CFR 240.17h–1T(d) and 240.17h–2T(b)). The Department's provisions will exempt registered government securities brokers

[7] Pub. L. 102–546, 106 Stat. 3590 (1992).

[8] 59 FR 9689 (March 1, 1994).

[9] 59 FR 66674 (December 28, 1994).

[10] 59 FR 58792 (November 15, 1994).

[11] See letter from Michael Macchiaroli, Associate Director, Division of Market Regulation, Securities and Exchange Commission to Douglas G. Preston, Esq., Securities Industry Association (September 20, 1993). (1993 Transfer Binder) Fed. Sec. L. Rep. (CCH) ¶ 76,696.

[12] Id.

and dealers from all of Treasury's risk assessment rules if they: (1) Do not carry customer accounts and maintain capital (equity capital plus subordinated debt) of less than $20 million; (2) maintain capital of less than $250,000 (regardless of whether they carry customer accounts or not); or (3) have an affiliated registered broker or dealer,[13] provided that the registered broker or dealer is subject to, and in compliance with, the SEC's risk assessment rules, and provided that all of the MAPs of the registered government securities broker or dealer are also MAPs of the registered broker or dealer. A registered government securities broker or dealer that has no affiliates or holding company would not be subject to the Department's risk assessment rules. The Department's rules also allow affiliated registered government securities brokers and dealers to request in writing that the Department permit one of the firms—a ''Reporting Registered Government Securities Broker or Dealer''—to maintain and report risk assessment information on behalf of the other affiliated firms. The Department will promptly advise the SEC and the National Association of Securities Dealers of such a request and consult with them in order to provide for an efficient examination process.

The Department is also adopting the SEC's special provisions for affiliates that are already subject to supervision by certain U.S. or foreign financial regulatory authorities. (See paragraphs (b) and (c) of 17 CFR 240.17h–1T, and paragraphs (c) and (d) of 17 CFR 240.17h–2T, as modified by §§ 404.2(b) and 405.5, respectively). With respect to such affiliates, registered government securities brokers and dealers will be deemed in compliance with the financial and securities recordkeeping requirements of the rule by maintaining copies of reports that such affiliates already submit to certain domestic and foreign regulators. The registered government securities brokers and dealers will, however, remain responsible for maintaining organizational charts, risk management policies, and records of legal proceedings in which they are involved, and will have to submit such information on Form 17–H (Items 1–3 of Part I of the form).

The Department believes that these types of special provisions and exemptions will preclude duplicative and unnecessary recordkeeping and reporting for various registered government securities brokers and dealers without compromising regulators' need to capture information on the potentially risky activities of entire holding company systems.

C. Scope of Proposed Risk Assessment Rules

In proposing its risk assessment rules, the SEC noted that it believed the majority of registered brokers and dealers that conduct a business with the public do not pose the types of risks the Reform Act was designed to address.

Following this precept, the SEC exempted from its rules registered brokers and dealers whose activities are not likely to pose a material threat to the investing public or the marketplace (e.g., limited purpose mutual fund brokers), whose operations are relatively small (as measured by capital levels), or whose functions do not include carrying customer accounts (unless they are large firms).

The SEC also adopted special provisions for registered brokers and dealers that have certain regulated affiliates, such as banks, insurance companies, futures commission merchants, and foreign affiliates, recognizing the existence of certain regulatory reporting by these entities and eliminating the need to create a new set of records for such entities. In lieu of adhering to the bulk of the SEC's risk assessment rules, registered brokers and dealers are, in certain specified cases, able to maintain and submit copies of reports that these affiliates already routinely submit to U.S. and foreign regulators.

Of the approximately 5,600 registered brokers and dealers that conduct a public business, SEC staff informs us that roughly 250 firms are currently following the SEC's risk assessment rules. These are the largest firms and the ones that potentially pose the most risk to the markets. In contrast, of the 33 registered government securities firms in existence at the time of this writing, approximately 11 are potentially subject to the Department's risk assessment rules since we estimate that 22 of the 33 firms will qualify for at least one of the Treasury exemptions. It appears that five registered government securities brokers and dealers will qualify for an exemption because their capital levels are under $250,000. Fourteen firms will qualify for an exemption because they do not carry customer accounts and have capital of less than $20 million. Six firms will potentially qualify for an exemption because their affiliated registered brokers and dealers follow the SEC's risk assessment rules.[14]

Of the 11 firms potentially subject to the Department's rules, three are affiliated within the same holding company structure. Thus, any one of the firms will be able to request that the Department authorize it to be the Reporting Registered Government Securities Broker or Dealer on behalf of the other two firms. Of the remaining eight firms that are potentially subject to the Department's rules, three have foreign bank holding companies, which could ease their recordkeeping and reporting requirements considerably. These firms should be able to maintain and submit the same reports that their holding companies submit to foreign financial regulatory authorities, with a copy translated into English. The amount of information the remaining five firms will be required to maintain and report will be based on the number of MAPs designated and the types of activities the MAPs conduct. The Department believes this approach meets the objectives of the statute without imposing significant costs or burdens on market participants. In order to provide affected firms time to make personnel and systems adjustments required for compliance, the Department has adopted a multi-month phase-in period.[15] Refer to Section III below for the Department's implementation schedule.

In preparing the rules, the Department consulted with the staffs of the SEC and the bank regulatory agencies; they concur with the Department's approach.

The Department is also promulgating technical amendments to § 404.2 by redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively, and by revising newly redesignated paragraph (c). The revisions to redesignated paragraph (c) will more accurately define the terms ''registered government securities broker or dealer'' and ''the Secretary of the Treasury'' as they are used to modify 17 CFR 240.17a–7.

III. Implementation Schedule

Most of the Department's implementation dates have been

[13] Similarly, the CFTC's final risk assessment rules permit FCMs that are, or that have affiliates that are, registered broker-dealers or registered government securities broker-dealers to file Form 17–H in partial compliance with the CFTC's rules. *See Supra* note 9.

[14] The total estimated number of firms qualifying for exemptions exceeds 22 because we anticipate that some firms will qualify for more than one exemption.

[15] Many of the commentators to the SEC's proposed risk assessment rules stated that they would be required to make personnel and systems adjustments to comply with the rules. To ease the burden associated with meeting the requirements of its rules, the SEC adopted a phased-in implementation schedule. The Department is adopting a similar phased-in approach to implementation.

modified from the dates in the proposed rules to provide affected firms with sufficient time to make the necessary preparations to comply with the rules. Effective June 30, 1995, affected firms will be required to maintain records of an organizational chart, written risk management procedures, and a description of material legal or arbitration proceedings; the entire recordkeeping provisions will apply as of September 30, 1995.

The Department's rules will require affected firms to file the organizational chart, the written risk management procedures, and the description of material legal or arbitration proceedings (Part I, Items 1–3 of Form 17–H) by July 31, 1995; the entire reporting provisions (i.e., the remaining portions of Form 17–H, including documents attached in accordance with the special provisions for entities subject to certain domestic and foreign regulators) will apply for the period ending September 30, 1995. The affected firms will have 60 calendar days after September 30, 1995, and after each subsequent fiscal quarter, to actually file the remaining portions of Form 17–H. The cumulative year-end financial statements required pursuant to § 404.2(b)(4) must be filed within 105 calendar days of the end of the fiscal year.

Note that following the first filing by July 31, 1995, of the organizational chart, the written risk management procedures, and the description of material legal or arbitration proceedings, this information need be included in quarterly filings only when a material change in the information has occurred. Additionally, the organizational chart is required in each year-end filing.

IV. Special Analysis

It has been determined that these amendments are not a ''significant regulatory action'' for the purposes of Executive Order 12866. Therefore, a Regulatory Assessment is not required.

In the preamble to the proposed rules, pursuant to the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), the Department certified that these amendments, if adopted, would not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis was not prepared. In reviewing the final rules being adopted herein and in light of the fact that no comments were received, the Department has concluded that there is no reason to alter the previous certification.

The collections of information contained in the final regulations have been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act (44 U.S.C. 3504(h)) under control number 1535–0089.

Estimated total annual reporting and recordkeeping burden: 264 hours

Estimated average annual burden per respondent and recordkeeper: 24 hours

Estimated number of respondents and recordkeepers: 11

Estimated annual frequency of response: Four

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Forms Management Branch, Bureau of the Public Debt, Department of the Treasury, Parkersburg, West Virginia 26106–1328; and to the Office of Management and Budget, Paperwork Reduction Project 1535–0089, Attention: Desk Officer for Department of the Treasury, Washington, DC 20503.

List of Subjects

17 CFR Part 404

Banks, Banking, Brokers, Government securities, Reporting and recordkeeping requirements.

17 CFR Part 405

Brokers, Government securities, Reporting and recordkeeping requirements.

For the reasons set out in the Preamble, 17 CFR parts 404 and 405 are amended as follows:

PART 404—RECORDKEEPING AND PRESERVATION OF RECORDS

1. The authority citation for part 404 is revised to read as follows:

Authority: 15 U.S.C. 78o–5 (b)(1)(B), (b)(1)(C), (b)(2), (b)(4).

2. Section 404.2 is amended by redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively; by revising newly redesignated paragraph (c); and by adding new paragraph (b) to read as follows:

§ 404.2 Records to be made and kept current by registered government securities brokers and dealers; records of non-resident registered government securities brokers and dealers.

* * * * *

(b) Every registered government securities broker or dealer shall comply with the requirements of § 240.17h–1T of this title (SEC Rule 17h–1T), with the following modifications:

(1) For the purposes of this section, references to ''broker or dealer'' and ''broker or dealer registered with the Commission pursuant to Section 15 of the Act'' mean registered government securities brokers or dealers.

(2) For the purposes of this section, references to §§ 240.17h–1T and 240.17h–2T of this title mean those sections as modified by §§ 404.2(b) and 405.5, respectively.

(3) For the purposes of this section, ''associated person'' has the meaning set out in Section 3(a)(18) of the Act (15 U.S.C. 78c(a)(18)), except that natural persons are excluded.

(4) Paragraphs 240.17h–1T(a)(1)(iii) through (vi) of this title are modified to read as follows:

''(iii) A description of all material pending legal or arbitration proceedings involving a Material Associated Person or the registered government securities broker or dealer that are required to be disclosed, under generally accepted accounting principles on a consolidated basis, by the highest level holding company that is a Material Associated Person.

''(iv) Consolidated and consolidating balance sheets, prepared in accordance with generally accepted accounting principles, which may be unaudited and which shall include the notes to the financial statements, as of quarter-end for the registered government securities broker or dealer and its highest level holding company that is a Material Associated Person;

''(v) Quarterly consolidated and consolidating income statements and consolidated cash flow statements, prepared in accordance with generally accepted accounting principles, which may be unaudited and which shall include the notes to the financial statements, for the registered government securities broker or dealer and its highest level holding company that is a Material Associated Person;

''(vi) The amount as of quarter-end, and at month-end if greater than quarter-end, of the aggregate long and short securities and commodities positions held by each Material Associated Person, including a separate listing of each single unhedged securities or commodities position, other than U.S. Treasury securities, that exceeds the Materiality Threshold at any month-end;''

(5) Paragraphs 240.17h–1T(a)(3) and (a)(4) of this title are modified to read as follows:

''(3) The information, reports and records required by the provisions of this section shall be maintained and preserved in accordance with the provisions of § 404.3 of this title and shall be kept for a period of not less than three years in an easily accessible place.

''(4) For the purposes of this section and § 405.5 of this title, the term

''Materiality Threshold'' shall mean the greater of:

''(i) $100 million; or

''(ii) 10 percent of the registered government securities broker's or dealer's liquid capital based on the most recently filed Form G–405 (or, in the case of futures commission merchants and interdealer brokers subject to the capital rules in §§ 402.1(d) and 402.1(e), respectively, tentative net capital based on the most recently filed Form X–17A–5) or 10 percent of the Material Associated Person's tangible net worth, whichever is greater.''

(6) Paragraph 240.17h–1T(b) of this title is modified to read as follows:

''(b) *Special provisions with respect to Material Associated Persons subject to the supervision of certain domestic regulators.* A registered government securities broker or dealer shall be deemed to be in compliance with the recordkeeping requirements of paragraph (a)(1)(iii) through (x) of this section with respect to a Material Associated Person if:''

* * * * *

(7) Paragraph 240.17h–1T(c) of this title is modified to read as follows:

''(c) *Special provisions with respect to Material Associated Persons subject to the supervision of a foreign financial regulatory authority.* A registered government securities broker or dealer shall be deemed to be in compliance with the recordkeeping requirements of paragraph (a)(1)(iii) through (x) of this section with respect to a Material Associated Person if such registered government securities broker or dealer maintains in accordance with the provisions of this section copies of the reports filed by such Material Associated Person with a Foreign Financial Regulatory Authority. The registered government securities broker or dealer shall maintain a copy of the original report and a copy translated into the English language. For the purposes of this section, the term Foreign Financial Regulatory Authority shall have the meaning set forth in section 3(a)(52) of the Act.''

(8) Paragraph 240.17h–1T(d) of this title is modified to read as follows:

''(d) *Exemptions.* (1) The provisions of this section shall not apply to any registered government securities broker or dealer:

''(i) Which is exempt from the provisions of § 240.15c3–3 of this title, as made applicable by § 403.4, pursuant to paragraph (k)(2) of § 240.15c3–3 of this title; or

''(ii) If the registered government securities broker or dealer does not qualify for an exemption from the provisions of § 240.15c3–3 of this title, as made applicable by § 403.4, and such registered government securities broker or dealer does not hold funds or securities for, or owe money or securities to, customers and does not carry the accounts of, or for, customers; unless

''(iii) In the case of paragraphs (d)(1)(i) or (ii) of this section, the registered government securities broker or dealer maintains capital of at least $20,000,000, including debt subordinated in accordance with Appendix D of § 240.15c3–1 of this title, as modified by Appendix D of § 402.2.

''(2) The provisions of this section shall not apply to any registered government securities broker or dealer which maintains capital of less than $250,000, including debt subordinated in accordance with Appendix D of § 240.15c3–1 of this title, as modified by Appendix D of § 402.2, even if the registered government securities broker or dealer holds funds or securities for, or owes money or securities to, customers or carries the accounts of, or for, customers.

''(3) The provisions of this section shall not apply to any registered government securities broker or dealer which has an associated person that is a registered broker or dealer, provided that:

''(i) The registered broker or dealer is subject to, and in compliance with, the provisions of § 240.17h–1T and § 240.17h–2T of this title, and

''(ii) All of the Material Associated Persons of the registered government securities broker or dealer are Material Associated Persons of the registered broker or dealer subject to § 240.17h–1T and § 240.17h–2T of this title.

''(4) In calculating capital for the purposes of this paragraph, a registered government securities broker or dealer shall include with its equity capital and subordinated debt the equity capital and subordinated debt of any other registered government securities brokers or dealers or registered brokers or dealers that are associated persons of such registered government securities broker or dealer, except that the equity capital and subordinated debt of registered brokers and dealers that are exempt from the provisions of § 240.15c3–3 of this title, pursuant to paragraph (k)(1) of § 240.15c3–3, shall not be included in the capital computation.

''(5) The Secretary may, upon written application by a Reporting Registered Government Securities Broker or Dealer, exempt from the provisions of this section, either unconditionally or on specified terms and conditions, any registered government securities brokers or dealers that are associated persons of such Reporting Registered Government Securities Broker or Dealer. The term ''Reporting Registered Government Securities Broker or Dealer'' shall mean any registered government securities broker or dealer that submits such application to the Secretary on behalf of its associated registered government securities brokers or dealers.''

(9) Paragraph 240.17h–1T(g) of this title is modified to read as follows:

''(g) *Implementation schedule.* Every registered government securities broker or dealer subject to the requirements of this section shall maintain and preserve the information required by paragraphs (a)(1)(i), (ii), and (iii) of this section commencing June 30, 1995. Commencing September 30, 1995, the provisions of this section shall apply in their entirety.''

(c) (1) Every non-resident government securities broker or dealer registered or applying for registration pursuant to Section 15C of the Act shall comply with § 240.17a–7 of this title, provided that:

(i) For the purposes of this section, references to ''broker or dealer'' and ''broker or dealer registered or applying for registration pursuant to Section 15 of the Act'' mean registered government securities brokers or dealers; and

(ii) For the purposes of this section, references to ''any rule or regulation of the Commission'' and ''any rule or regulation of the Securities and Exchange Commission'' mean any rule or regulation of the Secretary.

(2) For the purposes of this section, the term ''non-resident government securities broker or dealer'' means:

(i) In the case of an individual, one who resides in or has his principal place of business in any place not subject to the jurisdiction of the United States;

(ii) In the case of a corporation, one incorporated in or having its principal place of business in any place not subject to the jurisdiction of the United States; and

(iii) In the case of a partnership or other unincorporated organization or association, one having its principal place of business in any place not subject to the jurisdiction of the United States.

* * * * *

PART 405—REPORTS AND AUDIT

3. The authority citation for part 405 is revised to read as follows:

Authority: 15 U.S.C. 78o–5 (b)(1)(B), (b)(1)(C), (b)(2), (b)(4).

4. Section 405.5 is added to read as follows:

§ 405.5 Risk assessment reporting requirements for registered government securities brokers and dealers.

(a) Every registered government securities broker or dealer shall comply with the requirements of § 240.17h–2T of this title (SEC Rule 17h–2T), with the following modifications:

(1) For the purposes of this section, references to ''broker or dealer'' and ''broker or dealer registered with the Commission pursuant to Section 15 of the Act'' mean registered government securities brokers or dealers.

(2) For the purposes of this section, references to §§ 240.17h–1T and 240.17h–2T of this title mean those sections as modified by §§ 404.2(b) and 405.5, respectively.

(3) For the purposes of this section, ''associated person'' has the meaning set out in Section 3(a)(18) of the Act (15 U.S.C. 78c(a)(18)), except that natural persons are excluded.

(4) Paragraph 240.17h–2T(b) of this title is modified to read as follows:

''(b) *Exemptions.* (1) The provisions of this section shall not apply to any registered government securities broker or dealer:

''(i) Which is exempt from the provisions of § 240.15c3–3 of this title, as made applicable by § 403.4, pursuant to paragraph (k)(2) of § 240.15c3–3 of this title; or

''(ii) If the registered government securities broker or dealer does not qualify for exemption from the provisions of § 240.15c3–3 of this title, as made applicable by § 403.4, and such registered government securities broker or dealer does not hold funds or securities for, or owe money or securities to, customers and does not carry the accounts of, or for, customers; unless

''(iii) In the case of paragraphs (b)(1)(i) or (ii) of this section, the registered government securities broker or dealer maintains capital of at least $20,000,000, including debt subordinated in accordance with Appendix D of § 240.15c3–1 of this title, as modified by Appendix D of § 402.2.

''(2) The provisions of this section shall not apply to any registered government securities broker or dealer which maintains capital of less than $250,000, including debt subordinated in accordance with Appendix D of § 240.15c3–1 of this title, as modified by Appendix D of § 402.2, even if the registered government securities broker or dealer holds funds or securities for, or owes money or securities to, customers or carries the accounts of, or for, customers.

''(3) The provisions of this section shall not apply to any registered government securities broker or dealer which has an associated person that is a registered broker or dealer, provided that:

''(i) The registered broker or dealer is subject to, and in compliance with, the provisions of § 240.17h–1T and § 240.17h–2T of this title, and

''(ii) All of the Material Associated Persons of the registered government securities broker or dealer are Material Associated Persons of the registered broker or dealer subject to § 240.17h–1T and § 240.17h–2T of this title.

''(4) In calculating capital for the purposes of this paragraph, a registered government securities broker or dealer shall include with its equity capital and subordinated debt the equity capital and subordinated debt of any other registered government securities brokers or dealers or registered brokers or dealers that are associated persons of such registered government securities broker or dealer, except that the equity capital and subordinated debt of registered brokers and dealers that are exempt from the provisions of § 240.15c3–3 of this title, pursuant to paragraph (k)(1) of § 240.15c3–3, shall not be included in the capital computation.

''(5) The Secretary may, upon written application by a Reporting Registered Government Securities Broker or Dealer, exempt from the provisions of this section, either unconditionally or on specified terms and conditions, any registered government securities brokers or dealers that are associated persons of such Reporting Registered Government Securities Broker or Dealer. The term ''Reporting Registered Government Securities Broker or Dealer'' shall mean any registered government securities broker or dealer that submits such application to the Secretary on behalf of its associated registered government securities brokers or dealers.''

(5) Paragraph 240.17h–2T(c) of this title is modified to read as follows:

''(c) *Special provisions with respect to Material Associated Persons subject to the supervision of certain domestic regulators.* A registered government securities broker or dealer shall be deemed to be in compliance with the reporting requirements of paragraph (a) of this section with respect to a Material Associated Person if such registered government securities broker or dealer files Items 1, 2, and 3 (in Part I) of Form 17–H in accordance with paragraph (a) of this section, provided that:

''(1) Such Material Associated Person is subject to examination by or the reporting requirements of a Federal banking agency and the registered government securities broker or dealer or such Material Associated Person furnishes in accordance with paragraph (a) of this section copies of reports filed by the Material Associated Person with the Federal banking agency pursuant to section 5211 of the Revised Statutes, section 9 of the Federal Reserve Act, section 7(a) of the Federal Deposit Insurance Act, section 10(b) of the Home Owners' Loan Act, or section 5 of the Bank Holding Company Act of 1956; or''

* * * * *

(6) Paragraph 240.17h–2T(d) of this title is modified to read as follows:

''(d) *Special provisions with respect to Material Associated Persons subject to the supervision of a foreign financial regulatory authority.* A registered government securities broker or dealer shall be deemed to be in compliance with the reporting requirements of paragraph (a) of this section with respect to a Material Associated Person if such registered government securities broker or dealer furnishes, in accordance with the provisions of paragraph (a) of this section, Items 1, 2, and 3 (in Part I) of Form 17–H and copies of the reports filed by such Material Associated Person with a Foreign Financial Regulatory Authority. The registered government securities broker or dealer shall file a copy of the original Foreign Financial Regulatory report and a copy translated into the English language. For the purposes of this section, the term Foreign Financial Regulatory Authority shall have the meaning set forth in section 3(a)(52) of the Act.''

(7) Paragraph 240.17h–2T(f) of this title is modified to read as follows:

''(f) *Implementation schedule.* Every registered government securities broker or dealer subject to the requirements of this section shall file the information required by Items 1, 2 and 3 (in Part I) of Form 17–H by July 31, 1995. Commencing September 30, 1995, the provisions of this section shall apply in their entirety.''

(Approved by the Office of Management and Budget under control number 1535–0089)

Dated: April 18, 1995.

Frank N. Newman,

Deputy Secretary.

[FR Doc. 95–10219 Filed 4–25–95; 8:45 am]

BILLING CODE 4810–39–W

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Lufenuron Suspension

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Ciba Animal Health, Ciba-Geigy Corp. The NADA provides for oral administration of lufenuron suspension to cats for the control of flea populations.

EFFECTIVE DATE: April 26, 1995.

FOR FURTHER INFORMATION CONTACT: Marcia K. Larkins, Center for Veterinary Medicine (HFV–112), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–0614.

SUPPLEMENTARY INFORMATION: Ciba Animal Health, Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419–8300, filed NADA 141–026, which provides for oral administration of Program® (Lufenuron) Suspension to cats 6 weeks of age or older. The drug is provided once a month, mixed in food, for the control of flea populations. The product contains six individual dose packs of 135 or 270 milligrams lufenuron. Lufenuron has no deleterious effect on adult fleas, but it prevents most flea eggs from hatching or maturing into adults. The NADA is approved as of March 28, 1995, and the regulations are amended in part 520 (21 CFR 520) by adding new § 520.1289 to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)), this approval qualifies for 3 years of marketing exclusivity beginning March 28, 1995, because it contains reports of new clinical or field investigations, other than bioequivalence or residue studies, essential to the approval and conducted or sponsored by the applicant.

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

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. New § 520.1289 is added to read as follows:

§ 520.1289 Lufenuron suspension.

(a) *Specifications.* Each individual dose pack contains either 135 or 270 milligrams of lufenuron.

(b) *Sponsor.* See No. 058198 in § 510.600(c) of this chapter.

(c) *Conditions of use in cats*—(1) *Amount.* Minimum of 13.6 milligrams per pound of body weight (30 milligrams per kilogram). Recommended dose of 135 milligrams for up to 10 pounds of body weight or 270 milligrams for 11 to 20 pounds. Cats over 20 pounds are provided the appropriate combination of packs.

(2) *Indications for use.* For control of flea populations.

(3) *Limitations.* For oral use in cats 6 weeks of age or older, once a month, mixed with food. Administer in conjunction with a full meal to ensure adequate absorption. Treat all cats in the household to ensure maximum benefits. Because the drug has no affect on adult fleas, the concurrent use of insecticides that kill adults may be necessary depending on the severity of the infestation. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: April 19, 1995.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 95–10273 Filed 4–25–95; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 6, 8, 10 and 11

[T.D. ATF–364, Re: Notice No. 794 and Notice No. 796]

RIN 1512–AB10

Unfair Trade Practices Under the Federal Alcohol Administration Act (93F–003P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is amending trade practice regulations under the Federal Alcohol Administration (FAA) Act on tied-house, exclusive outlets, commercial bribery, and consignment sales by adding standards for enforcing the ''exclusion'' element where appropriate. Under the FAA Act, ''exclusion, in whole or in part, of distilled spirits, wine, or malt beverages, sold or offered for sale by other persons'' is a necessary element of a violation of the tied-house, exclusive outlets or commercial bribery provisions. In this final rule, ATF promulgates a framework for establishing ''exclusion,'' identifies promotional practices which result in control of a retailer or in exclusion under the Act, identifies factors which will apply in evaluating exclusion, and identifies those practices for which there is no likelihood that exclusion will result and for which the Bureau will not take action (safe harbors). Other regulatory amendments are also made as a result of an ATF review of the regulations and an industry petition submitted in 1992.

EFFECTIVE DATE: May 26, 1995.

FOR FURTHER INFORMATION CONTACT: James R. Crandall, Coordinator, Market Compliance Branch, 650 Massachusetts Avenue, NW, Washington, DC 20226; telephone (202) 927–8100.

SUPPLEMENTARY INFORMATION:

Background

The Federal Alcohol Administration Act

The Federal Alcohol Administration Act (hereinafter referred to as FAA Act

or Act) provides for Federal regulation of the alcoholic beverage industry. The FAA Act contains particular restrictions that are unique to the alcoholic beverage industry and reflects Congress' concern with a variety of trade practices and abuses that took place before, during and immediately after Prohibition. This final rule amends regulations under four parts of the statute, Exclusive Outlet (27 U.S.C. 205(a)), Tied-House (27 U.S.C. 205(b)), Commercial Bribery (27 U.S.C. 205(c)), and Consignment Sales (27 U.S.C. 205(d)). The supplementary information is divided into two sections. The first section deals with the subject of exclusion, and the second section covers other changes implemented as a result of an internal review of trade practice regulations and an industry petition.

Exclusion

One element which is necessary for these practices (other than consignment sales) to result in violation of Federal law is ''exclusion, in whole or in part, of distilled spirits, wine, or malt beverages, sold or offered for sale by other persons.''

Although exclusion is not defined in the FAA Act or in the current implementing regulations at 27 CFR Parts 6, 8 and 10, ATF has, in the past, held that ''exclusion in part'' includes simply causing retailers to purchase less of a competing brand than they otherwise would have bought.

In *Fedway Associates, Inc., et al. v. United States Treasury, Bureau of Alcohol, Tobacco and Firearms*, 976 F.2d 1416 (DC Cir. 1992) (*Fedway*), however, the United States Court of Appeals for the District of Columbia Circuit held that Congress had intended something more than just a retailer purchasing less of a competing brand than it otherwise would have. For a violation to occur there must *also* be a tie or link between a supplier and retailer that at least threatens the retailer's independence (that is, in addition to affecting the retailer's purchasing pattern).

The court based this conclusion on several points. The court said ''exclusion'' means to exclude a rival product from the marketplace by some direct action of the violator. Merely taking some action which influences a retailer not to purchase a rival product is not exclusion under the Act if the retailer's response is the result of a free economic choice. This interpretation of exclusion as meaning the shutting out or expelling of a rival's product, according to the court, is consistent with conduct addressed by the Act such as tied-house, commercial bribery and exclusive outlets. Any broader interpretation would, in the view of the court, likely result in restriction of pro-competitive activities.

The *Fedway* court was concerned that ATF enforcement actions could hinder legitimate competitive activities. Consequently, the opinion states that if ATF suspects a particular practice places retailer independence at risk then the agency must provide substantial support backing up its suspicion. The court recognized the utility of the rulemaking process to provide evidence which substantially supports the conclusion that a particular practice either actually or potentially threatens retailer independence.

Factual or substantive proof is necessary, the court stated, to ensure that the Government does not take an overly-broad enforcement posture in its efforts to prevent potential threats to retailer independence and risk outlawing conduct that fosters a competitive alcohol market. In the *Fedway* proceeding, the court held this factual basis was not met because the only datum or evidence presented was the fact that certain retailers purchased less of a rival product.

In summary, the court offered the following guidance about this statutory element:

> Congress, we are satisfied, used ''exclusion'' to indicate placement of retailer independence at risk by means of a ''tie'' or ''link'' between the wholesaler and the retailer or by any other means of wholesaler control.
>
> [We demand] a factual showing that retailer independence is potentially threatened * * *.
>
> [ATF should] take reasonable account of both policy interests underlying the [trade practice] provisions * * * that the alcohol industry requires special oversight and regulation * * * and the value of pro-competitive wholesale promotions. This value derives not only from the traditional benefits of competition in terms of lower prices and improved quality, but also * * * from the fact that a competitive alcohol market helps deter the formation of a corrupt black market.
>
> Finally, in arriving at a reasonable interpretation of ''exclusion'' * * * the Bureau must take care to distinguish rationally between those promotions it decides are lawful and those it decides are not.

Notice of Proposed Rulemaking

On April 26, 1994, ATF published Notice No. 794 (59 FR 21698), proposing amendments to the trade practice regulations to address the concerns of the *Fedway* court and to make other changes suggested by its internal review and the industry petition. Notice No. 794 solicited comments on these proposed changes by June 27, 1994. The comment due date was extended to July 27, 1994 by Notice No. 796 (59 FR 29215).

ATF emphasizes that the revision of the trade practices regulations is an ongoing process. Any interested person may petition ATF under 27 CFR 71.41(c) for a rule change.

Comments on Notice of Proposed Rulemaking

ATF received 1,347 letters of comment on Notice No. 794, containing a total of 1,593 signatures. Comments were submitted by alcoholic beverage producers, importers, wholesalers, retailers, trade associations, related businesses, consumers and government agencies.

National trade associations who commented on trade practices include:

American Brandy Association
American Vintners Association (AVA)
Beer Institute
Brewers' Association of America (BAA)
Distilled Spirits Council of the United States (DISCUS)
Institute for Brewing Studies
National Alcohol Beverage Control Association (NABCA)
National Association of Beverage Importers (NABI)
National Association of Beverage Retailers (NABR)
National Association of Convenience Stores (NACS)
National Beer Wholesalers Association (NBWA)
Presidents' Forum of the Beverage Alcohol Industry (the Forum)
The National Wine Coalition
Wine and Spirits Wholesalers of America (WSWA)
Wine Institute

Summary of Proposals, Comments and Changes Incorporated in this Final Rule

The following paragraphs provide a summary of ATF's original proposals, the comments received on each as a result of Notice No. 794, and an explanation of ATF's decision concerning each issue. Proposals which concern a general topic will be addressed first, followed by discussion of proposals concerning individual sections of the regulations.

Proposed New Subparts on Exclusion

ATF proposed amendments and additions to the regulations on the subject of exclusion which follow a framework which ATF believes is consistent with the statutory interpretation of exclusion adopted by the *Fedway* court as well as similar concerns previously raised in *Foremost Sales Promotions, Inc. v. Director,*

Bureau of Alcohol, Tobacco and Firearms, 860 F.2d 229 (7th Cir., 1988) (*Foremost*). The courts in both *Fedway* and *Foremost* found that ''exclusion'' as used in the FAA Act cannot occur without a relationship or arrangement between the industry member and the retailer which actually or potentially threatens the retailer's independence.

ATF proposed to amend regulatory parts of Title 27 CFR relating to exclusive outlet (Part 8), tied-house (Part 6), and commercial bribery (Part 10), by adding new subparts on exclusion. Even though the exclusive outlet provision was not involved in the *Fedway* or *Foremost* decisions, the provision is impacted by the decisions since the provision requires the showing of exclusion in order for a violation to arise.

ATF proposed a two-step framework to describe exclusion, in whole or in part, of distilled spirits, wine or malt beverages sold or offered for sale by others as occurring (1) when a practice places retailer independence at risk by means of a tie or link between the industry member and retailer or by any other means of industry control over the retailer, *and* (2) such a practice by an industry member, whether direct, indirect, or through an affiliate, results in the retailer purchasing less than it otherwise would have of a competitor's product. The proposed regulations included a set of criteria by which ATF will determine the existence of the first element. These criteria include the duration of the practice or promotion, the degree to which a practice involves an industry member in the day-to-day operations of a retailer, and, in some cases, the non-discrimination feature of the practice where it is available to all retailers. Exclusion under the Act will exist when ATF can establish the presence of both of these elements.

General Comments on Exclusion

While some commenters expressed support for the approach ATF took in the proposed rule, others objected to certain areas of the proposals. For example, NABI stated it was ''disappointed to see BATF reassert the so-called 'hair trigger' or 'one bottle less' test for determining exclusion. Proposed section 6.152(a)(2) was pointedly rejected by the court in *Fedway,* yet BATF drags up this albatross once again.'' Secondly, NABI quoted the *Fedway* decision which said the ''* * * definition of the 'exclusion' criterion must also recognize adequately—as the agency's current definition does not—the value of pro-competitive wholesale promotion.'' The DISCUS comment stated similar concerns and asked that the second element, relating to retailer purchases, be deleted.

ATF disagrees with the DISCUS/NABI comment about the second part of ATF's two-step framework of exclusion (§§ 6.151(a)(2), 8.51(a)(2), and 10.51(a)(2)) where ATF states that a practice must result in a retailer or trade buyer purchasing less than it would have of competitor's product for exclusion to occur. On this subject, the *Fedway* court stated:

> The Bureau explains that the phrase means that the inducement in question must be successful, i.e., it must in fact cause retailers to buy comparatively less from competitors—a minimal requirement, to be sure, but not a meaningless one.

It was the showing of this minimal requirement in conjunction with evidence that a particular practice threatens retailer independence that the court held is exclusion under the Act. Under the two-step framework, exclusion is present only if both parts or elements of the framework are established. If ATF were to drop the second element as requested by NABI and DISCUS, then ATF could prove exclusion under the Act without ever showing that a competing industry member's products were actually excluded in whole or in part. While this would ease ATF's burden in proving a violation it would ignore the statutory requirement of ''exclusion, in whole or in part'' which by its terms requires some impact on a retailer's purchases.

Regarding NABI's second observation, ATF's goal in airing these proposals and soliciting interested persons' response was to develop a public record showing why certain practices are anticompetitive, in that they threaten retailer independence, and why other practices do not threaten retailer independence. (In the context of commercial bribery, the trade buyer's independence is evaluated.) Relying on all of the comments received, ATF has made adjustments to its original proposals and developed a final rule which it believes does, as *Fedway* directed, ''distinguish rationally between those promotions it decides are lawful and those it decides are not.''

The Federal Trade Commission (FTC) staff (rather than the Commission or Commissioners) submitted comments on the general approach to exclusion. While the staff concurs that the threat to retailer independence analysis is consistent with promoting a competitive market, they recommend that ATF adopt more of a market share or ''market power'' approach.

Before responding to the particular FTC staff comments, ATF feels it is necessary to point out that the FAA Act is concerned with the impact of a particular marketing practice on an individual retailer and not on the entire retail market in any particular locality (e.g., ''relevant market''). The latter market focus is the concern of the antitrust laws enforced by the FTC and explains why the vertical restraint framework applied by the FTC is not relevant to an FAA Act analysis. Congress deemed the general antitrust laws insufficient to address the unique unfair trade practice problems in the alcoholic beverage industry. This is why the FAA Act itself does not contain the term ''competitive'' unlike the general antitrust laws: an absence acknowledged by the FTC staff. Instead, the Act focuses on the transactions between an industry member and ''any retailer'' or ''any trade buyer.''

The FTC staff comments implicitly recognize this difference when they state that the FAA Act speaks in terms of supplier power over retailers rather than simply a supplier's market share or power. If the proper focus of the FAA Act were market share or power, then the Act would be identical to the general antitrust laws rather than merely ''analogous'' as Congress intended.

Turning to the particular comments, the staff objects to the second part of the general approach to exclusion that requires ATF to show the retailer purchased less of a competitor's product than it would have, as a result of a supplier's promotional practices. The FTC staff suggests that this is ''ambiguous'' since there may be many legitimate reasons explaining a decrease in a retailer's purchases. The FTC staff also suggests that the FAA Act does not require the fact of reduced purchases as an element of a statutory violation.

In promulgating the regulation on the exclusion approach, ATF is not concluding that a mere reduction in purchases results in a violation. ATF has deliberately taken a narrow approach to ensure that legitimate competition is not hindered. The fact of reduced purchases is only relevant when that fact results from a supplier practice that creates a tie or link (or other method of control) that threatens retailer independence. By requiring this nexus, ATF is ensuring that reduced purchase situations resulting from free economic choice or pro-competitive marketing practices are not pursued as a violation.

ATF believes that the FAA Act mandates a consideration of whether the retailer's purchases have been impacted by a practice because the statute speaks of ''exclusion, in whole or in part'' of a competing supplier's products as a

result of a transaction between the industry member and any retailer. As noted above, the *Fedway* court recognized this impact as ''a minimal requirement, to be sure, but not a meaningless one.'' (The FTC staff also commented on the criteria used to evaluate exclusion, and those comments will be discussed in that section.)

Finally, E. & J. Gallo Winery, in its comment, noted that the *Fedway* court did not ''question ATF's authority to strike at threats to retailer independence in their incipiency, before harm occurred.'' Their comment quoted the *Fedway* court's demand that ATF make a ''factual showing that retailer independence is potentially threatened.'' The Wine Institute also noted the *Fedway* court demanded only ''a factual showing that retailer independence is potentially threatened.'' These comments caused ATF to review its proposed rule and amend the discussion of exclusion, in general, to address this potential threat by adding ''places (*or has the potential to place*) retailer independence at risk'' in each subpart on exclusion. This revision is consistent with the discussion of the exclusion standard in both the *Fedway* and *Foremost* decisions, since those decisions refer to potential threats.

Practices Which Place Retailer or Trade Buyer Independence at Risk and Practices Not Resulting in Exclusion

In each part, ATF proposed to identify certain practices which the rulemaking record and judicial precedent indicate place retailer independence at risk by their very existence. When such practices are undertaken, ATF would determine through the course of an investigation whether the other part of the exclusion element relating to the actual impact on a retailer's purchases is present. In the exclusive outlet and commercial bribery regulations, ATF also proposed sections for discussion of practices not resulting in exclusion. In the tied-house regulations, ATF proposed to revise and expand the Subpart D exceptions to provide safe harbors.

Exclusive Outlet

Section 105(a) of the FAA Act makes it unlawful for an industry member to require, by agreement or otherwise, any retailer engaged in the sale of alcoholic beverages to purchase any such product from such person to the exclusion in whole or in part of alcoholic beverages sold or offered for sale by other persons in interstate or foreign commerce, provided one of the three interstate or foreign commerce jurisdictional clauses is met.

Retailer independence is threatened in an exclusive outlet arrangement when the ability of the retailer to decide which brands of alcoholic beverages to purchase is restricted or impeded. In the *Fedway* context, the question is whether any restriction negates the retailer's free economic choice or has been utilized by the industry member to restrict such choice.

In that regard, ATF proposed adding a new section 8.52 to identify two practices that clearly result in exclusion under section 105(a) of the Act. The first practice involves purchases of distilled spirits, wine, or malt beverages by a retailer as a result, directly or indirectly, of a threat or act of physical or economic harm by the selling industry member. The second practice involves contracts between an industry member and a retailer which require the retailer to purchase distilled spirits, wine or malt beverages from that industry member and expressly restrict the retailer from purchasing, in whole or in part, such products from another industry member. In both situations, exclusion of a competitor's products results directly from the arrangement or the contract without any action by the retailer. Further, ATF has always viewed an exclusive outlet arrangement as including a situation where the retailer offers exclusivity privileges and the industry member accepts that offer. In other words, it does not matter whether the requirement originates with the industry member or the retailer; rather, the requirement is within the exclusive outlet prohibition so long as it is understood as part of the bargain. This position was enunciated in Industry Circulars 75–20 and 76–18, concerning sales to the U.S. military or other trade buyers. By availing itself of the requirement offer, the industry member has, in effect, specifically conditioned the promotional arrangement on this understanding.

ATF also proposed to add a new section 8.53 to describe practices not resulting in exclusion. Only one practice was identified in the proposed rule, a supply contract for one year or less, under which an industry member agrees to sell alcoholic beverage products to a retailer on an ''as needed'' basis provided that the retailer is not required to purchase any minimum quantity of such products. Commenters Hinman & Carmichael expressed concern that retailers' private label wine supply contracts would not be within this safe harbor, since they often last for more than a year. The commenters state there are legitimate business reasons for the longer duration of the contract, such as the time needed for product development and promotion and wine production. After consideration, ATF believes the one year duration is appropriate since the supply contracts which ATF has reviewed have involved that timeframe. ATF is concerned that supply contracts for three years involve a continuing relationship that has a potential, under certain circumstances, for tying that retailer to the industry member. Nevertheless, the fact that longer contracts are outside this safe harbor does not foreclose their use; it only means that ATF will apply the criteria in section 8.54 to these situations. Sections 8.52 and 8.53 are adopted without change in the final rule.

Part 6—''Tied-House''

Section 105(b) of the FAA Act makes it unlawful for an industry member to induce through any of the following means, any retailer engaged in the sale of alcoholic beverages to purchase any such products from such person to the exclusion in whole or in part of alcoholic beverages sold or offered for sale by other persons in interstate or foreign commerce, provided one of the three jurisdictional clauses is met:

(1) By acquiring or holding any interest in any license with respect to the premises of the retailer; or

(2) By acquiring any interest in real or personal property owned, occupied, or used by the retailer in the conduct of the business; or

(3) By furnishing, giving, renting, lending, or selling to the retailer, any equipment, fixtures, signs, supplies, money, or other things of value, subject to the exceptions prescribed by regulations, having due regard to public health, the quantity and value of articles involved, established trade customs not contrary to the public interest and the purposes of the subsection; or

(4) By paying or crediting the retailer for any advertising, display, or distribution service; or

(5) By guaranteeing any loan or repayment of any financial obligation of the retailer; or

(6) By extending to the retailer credit for a period in excess of the credit period usual and customary to the industry for the particular class of transactions as ascertained by the Secretary and prescribed by regulation; or

(7) By requiring the retailer to take and dispose of a certain quota of any of such products.

Retailer independence can be threatened in a tied-house arrangement between an industry member and a

retailer when the arrangement involves a continuing business relationship which restricts the retailer's ability to make free economic choices on which brands of products to purchase. In effect, competition is restricted because the retailer who is dependent on or tied to an industry member cannot make free and rational business choices on whether to make a current purchase from another industry member based on current business considerations such as consumer demand or lower prices offered by the competition.

The proposed regulations identified threats to a retailer's independence which include: a wholesaler's partial ownership of a retailer, sales where the wholesaler conditions the purchase of one distilled spirits product on the retailer purchasing another distilled spirits product at the same time, and wholesaler control over the retailer through controlling the resetting of the products on a retailer's premises.

Commenters on the other practices listed in § 6.152 requested several amendments to these practices. The law firm of Schreiber, Simmons, MacKnight & Tweedy, commenting on behalf of an Asian brewer, expressed concern that because of the way paragraph (c) is worded, it appears that partial ownership of a retailer by an industry member is automatically deemed to put retailer independence at risk. E. & J. Gallo Winery also commented on this section, recommending that ATF allow industry members to own small amounts of stock in publicly traded retailers. ATF revised the wording of this section to show use of the ownership of a less than 100 percent interest in a retailer to influence the retailer's purchases is the act deemed to put retailer independence at risk, not partial ownership alone.

With respect to all the practices listed in proposed § 6.152, ATF will also be required to determine whether the practice results in the retailer purchasing less than it otherwise would have of a competitor's product.

ATF also proposed to revise and consolidate several of the provisions contained in Subpart D of Part 6 of the current regulations which find that certain practices will not result in exclusion under the tied-house provisions (that is, safe harbors).

The classification of these practices in Subpart D of Part 6 is intended to provide guidance to the regulated industry so that legitimate product marketing programs can be developed without the uncertainty of a potential Federal enforcement action. Legitimate product marketing encourages competition, by large and small businesses alike, on the basis of price, product quality and service. (Proposed revisions to these regulatory exceptions and related comments are examined in detail in the discussion of changes to individual sections, below.)

Commercial Bribery

Section 105(c) of the FAA Act makes it unlawful for an industry member to induce through any of the following means, any trade buyer engaged in the sale of alcoholic beverages, to purchase any such products from such person to the exclusion in whole or in part of alcoholic beverages sold or offered for sale by other persons in interstate or foreign commerce, provided one of the three jurisdictional clauses is met:

(1) By commercial bribery; or

(2) By offering or giving any bonus, premium, or compensation to any officer, or employee, or representative of the trade buyer.

Commercial bribery situations involve the receipt of money or a premium by an officer, employee, or representative of the trade buyer. Payments made directly to business entities (*i.e.*, the corporation, partnership, or individual owning the business) for the use of the business do not constitute a commercial bribe. The independence of the trade buyer is threatened in a commercial bribery situation because the officer, employee, or representative of the trade buyer is making a purchasing decision as a result of the money or premium received personally and not based on business or marketing factors which further the interests of the trade buyer itself.

Proposed section 10.52 identifies promotional conduct by an industry member that involves the payment of money or another premium to an employee or representative of a trade buyer without the knowledge of the trade buyer as practices under the Act that place trade buyer independence at risk. The *Fedway* court noted that previous case law upheld as actionable these types of payments. These payments were viewed as anti-competitive because one competitor gained a competitive advantage over another competitor by reason of a ''secret and corrupt dealing with employees or agents of prospective purchasers.'' *See, American Distilling Co. v. Wisconsin Liquor Co.,* 104 F.2d 582 (7th Cir. 1939). Even where such practices exist, ATF would still be required to demonstrate that they affect the trade buyer's purchases in order to establish exclusion. With respect to those practices not mentioned herein, ATF would be required to demonstrate the existence of both of the elements of exclusion set forth above.

ATF also proposed adding a new section 10.53 to discuss practices which do not place trade buyer independence at risk, but proposed no specific examples.

These two sections were adopted in the final rule without any changes.

Criteria for Determining Retailer or Trade Buyer Independence

ATF proposed adding §§ 6.153, 8.54 and 10.54 to list criteria by which ATF would evaluate whether or not a particular practice places retailer or trade buyer independence at risk. Elements which have repeatedly been mentioned in court cases are degree of control exercised over trade buyers' purchasing decisions, duration of the practice, indiscriminateness and contractual or other enforceable requirements. The goal of regulating trade practices in the alcoholic beverage industry has been identified as healthy competition in order to insure the best possible price, quality and selection for the consumer and to prevent formation of a corrupt black market.

The proposed criteria are indications that a particular practice, other than those in sections 6.152 and 8.52, places retailer independence at risk. A practice need not meet all of the criteria specified in order to place retailer independence at risk. The proposed criteria are:

(a) The practice restricts or hampers the free economic choice of a retailer to decide which products to purchase and the quantity in which to purchase them for sale to consumers.

(b) The industry member obligates the retailer to participate in the promotion to obtain the industry member's product.

(c) The retailer has a continuing obligation to purchase or otherwise promote the industry member's product.

(d) The retailer has a commitment not to terminate its relationship with the industry member with respect to purchase of the industry member's products.

(e) The practice involves the industry member in the day-to-day operations of the retailer. For example, the industry member controls the retailer's decisions on which brand of products to purchase, the pricing of products, or the manner in which the products will be displayed on the retailer's premises.

(f) The practice is discriminatory in that it is not offered to all retailers in the local market on the same terms without business reasons present to justify the difference in treatment.

In the case of commercial bribery, the risk to the wholesale or retail trade buyer's independence is evaluated using similar criteria in section 10.54. A number of commenters expressed concern that ATF's application of these criteria to wholesaler trade buyers was overly broad and could disrupt legitimate franchise arrangements or ''promotional partnerships'' between industry members and their wholesaler trade buyers. In response, ATF wishes to emphasize that the only ''practices'' being evaluated in section 10.54 are commercial bribery or the offering or giving of a bonus, premium, or compensation *to any individual officer, or employee, or representative* of the trade buyer. Transactions with the trade buyer entity are not in question here, unless circumstances indicate the trade buyer entity is merely a conduit between the industry member and the individual.

In their comment, DISCUS proposed an alternative to these criteria, which they called ''guidelines for evaluating exclusion.'' To some extent, these guidelines paraphrased the general principles enunciated in proposed §§ 6.152, 8.52 and 10.52, but stated them in terms that narrow their application to specific factual situations. The final rule retains the general principles in its criteria rather than the more limited guidelines proposed in the DISCUS comment, since the industry is provided clearer guidance by the use of principles of general application rather than more narrow factual characterizations.

The FTC staff also addressed the criteria ATF will apply in evaluating a promotional practice not otherwise covered in another regulation. In general, the FTC staff criticized the criteria since they feel that each one of the criteria could be a feature of a normal commercial relationship under the right circumstances. Rather than recommend different criteria, the FTC staff again returns to their view that the factor of market share or ''market power'' is the proper approach.

For the reasons discussed under ''Exclusion, in general'' above, a market share or ''market power'' approach is not consistent with the statutory language of the FAA Act or Congress' intent in enacting the unfair trade practice provisions. Rather, ATF has developed these criteria based on the factors stressed by the various Federal courts that have addressed violations of the unfair trade practice provisions. No one factor is determinative. To the extent that applying a particular factor in a particular case will result in restricting a pro-competitive practice, the factor will not be applied in evaluating that practice. This is clearly a case-by-case determination. However, the FTC staff suggestion that a criterion does not in all cases demonstrate a tie or link that threatens retailer independence does not render the factor irrelevant in those cases where it is evidence of such a tie or link.

After reviewing the FTC staff comments, ATF determined, for reasons of clarity, that criterion (a) in §§ 6.153, 8.54 and 10.54 should read ''which products or what quantity'' (the proposed rule read ''which products and what quantity''). ATF has changed the final rule accordingly.

Slotting Fees

In Notice No. 794, ATF proposed adding slotting fees to two areas of the regulations: first, as an example of a practice which has the potential to threaten a retailer's independence (proposed section 6.152), and second, as ''other than a bona fide sale'' (proposed section 11.24). Slotting fees were described in Notice No. 794 as fees paid to a retailer in order to obtain premium shelf space. ATF sought comments on whether slotting fees should be addressed in tied-house and/or consignment sale regulations. In the notice, ATF requested data and information on the effect of such fees, rather than solely statements of preference by a particular commenter.

Slotting fees, also referred to as slotting allowances, are not specifically addressed in the current FAA Act regulations. In the past, ATF interpreted such fees as ''things of value'' given to retailers or as ''paying or crediting the retailer for any advertising, display or distribution service'' and investigated slotting fee arrangements as potential violations of the tied-house provisions of the FAA Act, 27 U.S.C. 205(b)(3) or 205(b)(4).

ATF received 1,347 letters of comment on Notice No. 794, containing a total of 1,593 signatures; of these, 1,309 letters (1,554 signatures), expressed support for ATF's stated position on slotting fees. Several trade associations who supported ATF's proposed treatment of slotting allowances enclosed substantive and detailed analyses on the subject by authorities outside the alcoholic beverage industry in addition to their own comments. The Wine Institute submitted a statement prepared by Paul N. Bloom, Professor of Marketing at the University of North Carolina at Chapel Hill (''Bloom''). The Beer Institute submitted statements prepared by David P. Kaplan, President of Capital Economics, a Washington, D.C., economic research and consulting firm (''Kaplan'') and Robert Goodale, Deputy Secretary of Commerce for the State of North Carolina (''Goodale''). The Brewers Association of America submitted a statement by Gregory T. Gundlach, of the College of Business Administration , University of Notre Dame (''Gundlach''). Most other commenters who supported the ATF proposal commented with conclusory statements that slotting fees are anti-competitive, but submitted no accompanying data in support of these conclusions.

The commenters supporting the proposed rule did so from a number of different perspectives. Approximately 1,130 of the letters written in support of ATF's proposed rules on slotting addressed only that issue. Most of these letters came from beer wholesalers, and many stated simply that slotting fees should continue to be considered a potential violation in both the tied-house and consignment sales regulations. The reasons given included the statements that slotting fees will hurt competition, reduce consumer choice, discriminate against small businesses and raise costs in an already tight market. However, no supporting evidence was furnished in most of these letters. A few of these commenters went on to describe likely costs in terms of money, lost jobs, or product failures from their experience with soft drinks or snacks.

Of the commenters who wrote only about slotting, 71 requested that ATF expand its definition of slotting to encompass ''purchasing, renting or maintaining display and storage space as well as shelf space.''

ATF also received four comments from individual consumers who expressed concern that slotting allowances may have the effect of dampening innovation, especially in the fledgling domestic craft brewing industry, by making the cost of introducing a new product prohibitively high.

In identical letters, six commenters identifying themselves as small retailers expressed concern that ''slotting fees would give giant retailers more money to drive me out of business.''

Five commenters argued in favor of a change in ATF's proposed treatment of slotting fees. These commenters were the National Association of Convenience Stores (NACS), the Minnesota Licensed Beverage Association, Inc. (MLBA), The Kansas Retail Liquor Dealers Association, Inc., the Circle K Corporation, which owns and operates convenience stores, and The Chapter House, a brewpub. NACS

and the Circle K corporation both argued that slotting fees are simply reimbursement for the expenses incurred by a retailer when it stocks a new product or moves a product already in stock to a more prominent location, including rearranging warehouses, changing accounting and inventory control systems, and planning new displays and shelf arrangements. No specific examples or data were submitted. NACS cited the high number of new products introduced each year and argued that slotting fees enable the products to be available to consumers at the retail premises. However, no marketing data or studies were submitted in support of this purported effect. MLBA and the Chapter House both noted that consumers, by their purchases, ultimately control the retailer's purchasing decisions, whether or not slotting fees are paid.

Evaluation of Comments on Slotting Fees

In examining slotting allowances or fees, also called ''display fees,'' ''introductory allowances,'' ''pay-to-stay fees,'' ''stocking allowances,'' ''annual renewal fees,'' ''up front fees,'' ''maintenance fees,'' ''push money,'' and ''failure fees,'' ATF has relied heavily upon the aforementioned statements by Bloom, Kaplan, Goodale and Gundlach, since so little objective data was submitted with the other comments. Where material from these statements is cited, ATF will include a reference to the author and page number.

In his statement, Bloom (page 15) notes that slotting fees ''have become entrenched, with both grocery manufacturers and retailers expecting these fees to be a part of every transaction involving a new product.'' Since these fees have become so commonplace in other industries and are not being treated as illegal in those industries, it is appropriate to review ATF's reasons for believing they should continue to be prohibited in the alcoholic beverage industry.

Fedway directed ATF to consider the benefits of legitimate competitive practices in evaluating whether a practice is exclusionary. Several of the statements addressed this aspect of slotting fees. One expected benefit of fair competition is that it will result in better quality, selection or prices for consumers. Goodale (page 8) says slotting allowances ''do not benefit consumers. Retailers do not pass on the proceeds from slotting allowances in the form of lower prices for the favored products. Moreover, competition by slotting allowances may actually tend to displace competition in other forms more likely to be passed on to consumers, such as lower prices to retailers, special promotions, or coupons. To the extent that they reduce the availability or visibility of competing products, slotting allowances also reduce consumer choice.''

Many commenters expressed concern that allocation of shelf space to products under slotting fee agreements is not based on perceived consumer demand, but on money factors. These concerns appear to be borne out by the expert statements and the published material attached to them. Several made the distinction between ''pull'' marketing, in which the supplier uses advertising, coupons, and other means to create consumer demand, and ''push'' marketing, in which the supplier essentially pays the retailer to ''push'' the product by guaranteeing its availability and prominence at retail outlets. Slotting fees, sometimes called ''push money'' fall into this latter category. In *Fedway,* the court acknowledged the ''general belief that cheap and plentiful alcohol is not an unmitigated social good (as opposed, say, to cheap and plentiful home heating oil or shoes) suggest[s] that the alcohol industry requires special oversight and regulation.'' There is at least a perceived danger in allowing slotting fees in the alcoholic beverage industry that heavily promoted products would be overrepresented or ''pushed'' at the retail level.

Bloom (pages 4 through 6 and page 23) points out that ''the channels of distribution through which an industry member may market its beverages are far more limited than those faced by a manufacturer of other beverages or of other unregulated consumer products.'' Availability of retail outlets for alcoholic beverages is ''restricted in number and location, by state licensing requirements'' and ''manufacturers in this industry may not sell their goods through mail order in many states.'' Bloom states the argument that there are alternative retail outlets (that is, that a supplier barred from selling to one customer may sell to others) does not apply in the alcoholic beverage industry because of these factors.

One of ATF's proposed criteria for determining retailer independence, that is, whether the practice has a discriminatory aspect, also has a bearing on the evaluation of the impact of this rulemaking on small businesses under the Regulatory Flexibility Act. Bloom (page 11) states that ''some argue that slotting fees may be beneficial to small business, by offering the opportunity for an untested product to 'buy' its way into a retailer. I consider this view somewhat naive, since, even if such an opportunity exists in theory, it is not a realistic or practical one for most small or start-up businesses. These are precisely the companies that cannot win the bidding war for retail space because they do not have the funding to pay hundreds of thousands of dollars in up-front fees. It is highly relevant that small food manufacturers have been among the most vocal opponents of slotting fees.'' Bloom further notes ''since slotting fees usually bear little relation to the costs of a retailer or wholesaler, often causing manufacturers to pay different amounts to different resellers to stock the same item, such fees can adversely affect small *retailers* as well.'' (page 25—emphasis in original.) Goodale (page 6) makes a similar observation: ''Individual stores and smaller chains have considerably less or no leverage and consequently receive disproportionately less in 'slotting allowances,' if any at all.''

Kaplan (pages 18 and 19) discusses competition and performance in the beer and wine industries. ''By any standard, both industries have exhibited healthy competition and excellent performance under a regulatory regime in which slotting allowances were clearly prohibited. The healthy level of industry performance strongly suggests that material alterations to the regulatory treatment of slotting allowances and other long-prohibited trade practices should be approached cautiously.'' Bloom (pages 5 and 6) also notes, despite ''the vigor of competition in the industry, however, the * * * regulatory structure, by directing competition and creating entry barriers, can sometimes make it more difficult to market products in the alcoholic beverage industry than in others. Accordingly, marketing practices which may be benign in other industries may have severe adverse consequences in this one.''

Kaplan (pages 4 and 5) performs a comparison between ATF's criteria to determine whether a practice places retailer independence at risk and the characteristics of slotting allowances. Kaplan states, ''[i]n my opinion, the payment of a slotting allowance by a supplier restricts or hampers the retailer's choice of which products to purchase (during the time period in which the shelf space has been purchased or rented), represents a continuing obligation on behalf of the retailer to purchase and stock the supplier's product, represents a commitment by the retailer not to terminate its relationship with the supplier with respect to purchase of the supplier's products, reduces the amount

of shelf space available for competing products, and generally results in a reduction in the sales of the displaced products.'' Goodale (pages 6 and 7) performs a similar analysis, with similar findings. He adds that ''[s]lotting allowances involve manufacturers in the day-to-day decisions of the retailer regarding what products the retailer will purchase and how products will be displayed in the store. Payment of slotting allowances is almost always discriminatory among retailers in any given area.''

With particular reference to the continuing character of the obligation, and the danger of a tie or link between the industry member and the retailer, Bloom (page 7) states that ''manufacturers often make continuing payments to retailers and wholesalers either to keep a product on the shelves or in the warehouse when the product does not sell in the volume expected by the retailers, or to obtain preferential display space. In other words, manufacturers may be required to make ongoing payments even after they have paid the entry fee and even if the product sells well. These are referred to as 'pay-to-stay' fees.

''Goodale (page 6) noted ''Manufacturers pay slotting allowances only with the agreement of retailers to provide their products some benefit or favorable treatment. A slotting allowance is part of a mutually binding contract between manufacturer and retailer. Thus, a retailer that accepts a slotting allowance is obligated to fulfill the terms of its agreement with the paying manufacturer. Moreover, retailers do not treat this obligation lightly. A retailer that did not fulfill its part of a slotting allowance agreement would quickly acquire a reputation as a 'welcher' that would damage its ability to collect slotting allowances in the future. Thus, retailers have a strong incentive to honor their commitment to favor the paying manufacturer's product.'' Bearing out this notion of an incentive to favor a supplier who pays slotting fees, Bloom attached an article from *Journal of Public Policy and Marketing* by Joseph P. Cannon and Paul N. Bloom, called ''Are Slotting Allowances Legal Under the Antitrust Laws?'' The article noted:

> Whether slotting allowances have served as anticompetitive weapons or insurance fees, grocery chains have benefited from their existence. Historically, profits rarely exceeded 1 percent of sales, but the last several years have seen profits in the 2 percent range [Sullivan 1989].

Although the article noted there were other contributing factors in this striking increase in profitability, a retailer would be reluctant to give up any practice which contributes to such an increase. Goodale (page 6), stated that, for large retailers, ''slotting allowances are a major source of revenue, accounting for perhaps more than 10% of after-tax profits.'' This underscores the potential for a retailer to become dependent on a slotting fee arrangement, thus creating the tie or link which is an element of exclusion.

Nature and Effect of Slotting Fees

The proposed description of slotting fees in § 6.152(b), read, in part, ''purchasing or renting specific shelf space * * * where such purchase reduces the availability of other shelf space for the distilled spirits, wine or malt beverages of another industry member.''

As noted earlier in the discussion of the comments on slotting, a number of commenters requested that this definition be expanded because slotting fees cover more than just the purchase of specific shelf space.

Goodale (pages 8 and 9) states ''in my view, the slotting allowance provision in § 6.152(b) of the NPR is too narrow. The reference to 'purchasing or renting specific shelf space' would not include many of the slotting allowance arrangements discussed above that have the same adverse effect on retailer independence. The draft regulation should be modified to make clear that all forms of slotting allowance arrangements will be treated as putting retailer independence at risk, as in fact they most certainly do.'' The slotting practices listed by Goodale (pages 2 through 4) were:

> Payments made by manufacturers to retailers and wholesalers to set up a new item in their store or warehouse.
>
> Payments made by manufacturers to retailers in return for an obligation to, for some agreed-upon period of time:
>
> Allocate a specified quantity of shelf or refrigerator space to the manufacturer's product;
>
> Allocate a favorable shelf or display position to the manufacturer's product (aisle end or eye level, for instance);
>
> Feature the manufacturer's products in advertising and displays during times of peak demand, such as holidays;
>
> Set aside warehouse or backroom space on the retail premises for storage of the manufacturer's product, to reduce the number of deliveries and facilitate restocking of the store shelves;
>
> In some product categories (greeting cards and light bulbs, for example) the retailer may carry one manufacturer's product exclusively.

Based upon the evidence noted, ATF believes that slotting fees put retailer independence at risk, and proposed § 6.152(b) is adopted in this final rule, with two changes. In the final rule, ATF has expanded the description of slotting fees to more accurately reflect the variety of practices which come under this category. ATF also dropped the condition that the purchase of shelf space reduce the availability of space for competitors' products from § 6.152(b), since that factor must always be shown within the framework discussed in § 6.151(a)(2).

Slotting Fees as Consignment Sales

In Notice No. 794, ATF proposed to classify payment of slotting allowances as ''not a bona fide sale'' in the consignment sale regulations in Part 11. This classification grows out of the description of consignment sales in 27 U.S.C. 205(d), ''to sell * * * on consignment or under conditional sale or with the privilege of return or on any basis otherwise than a bona fide sale.'' ATF argued the practical effect of ''slotting allowances'' is to refund, in whole or in part, the purchase price of a product that has not been sold, in proportion to the period of time that it remains unsold.

At a minimum, payment of ''slotting allowances'' may reimburse the trade buyer for the cost of shelf space occupied by the industry member's products. In addition, it may also compensate the trade buyer for the lost opportunity cost of having capital tied up in inventory acquired from the industry member. Ultimately, the amount refunded by this mechanism can, over any specified period of time, be the economic equivalent of simply buying back a product at the end of that period of time.

ATF believes that its regulations should address all arrangements that clearly embody the substance of the ''consignment sale'' practice proscribed by Congress, and not merely particular forms of that practice. Therefore, ATF proposed to amend its regulations to specify payment of ''slotting allowances'' from an industry member to a trade buyer is a form of consignment sale.

NACS, in its comment, stated that slotting allowances cannot be equated with consignment sales. They argue that it is unlikely that, even over time, the slotting allowances would be the equivalent of the wholesale price, and that ATF cannot presume ''that slotting allowances would have this effect in all circumstances.''

Other commenters offered contrasting views on this subject. E. & J. Gallo Winery cited remarks by FTC Commissioner Deborah K. Owen on the subject of slotting fees. She called them

a ''form of insurance for the retailer * * * [which] reduce, and perhaps eliminate his risk—or at least transfer some of it to the producer—by charging a fee that, essentially, provides indemnification from the loss of profits that would arise if the new product fails to sell well.'' Statements submitted by retailers opposing ATF's proposals on slotting fees corroborated that slotting fees do serve the function of shifting the risk of loss back to the supplier/wholesaler.

Kaplan (page 13) describes ''failure fees.'' ''These fees are being paid if a 'new product does not meet sales expectations.' '' Kaplan's example described a grocery chain which reportedly asks its suppliers to agree, under contract, to cover the retail cost of merchandise remaining unsold after a 120-day introductory period if the product has not met its weekly volume target. The supplier ''has the option'' of removing the remaining inventory.

Bloom (page 17) said ''a manufacturer which performs poorly is often able to 'pay to stay,' and make up for the shortfall in profits contributed.'' Bloom went on to describe slotting fees in the grocery industry as ''a form of 'insurance' for retailers. It is well-recognized that retailers have reduced the risk of carrying new products by charging slotting fees. Indeed, several [interviewees] suggested that many supermarkets may not be in the risky grocery business anymore. Instead, they see some supermarket chains as essentially being in the real estate business, selling and leasing shelf space to manufacturers.''

In view of these comments, ATF believes the purported use and purpose of slotting fees clearly demonstrate that a sale which involves a slotting fee is ''not a bona fide sale.'' Proposed § 11.24 is retained in the final rule, but amended to reflect the broader description of slotting fees adopted in § 6.152(b).

Slotting Fees as Commercial Bribery or Exclusive Outlet

Although there was no formal request for inclusion of slotting fees under the commercial bribery part of the regulations, a number of commenters characterized slotting fees as bribery or ''payola.'' As discussed earlier, the FAA prohibition of commercial bribery relates to the offering or giving of a bribe, bonus, premium or compensation to any individual officer, employee or representative of a trade buyer, and not to the trade buyer entity. As slotting fees have been described in the comments, they appear to be transactions with the entity, and not with an individual. If an investigation disclosed payments to an individual for influencing the display or stocking of a product, ATF would pursue that as a case of commercial bribery, if the other necessary criteria were met.

Coors Brewing Company suggested adding a new section to Part 8—Exclusive Outlets, to prohibit slotting allowances, saying a slotting allowance ''necessarily involves a requirement imposed upon a retailer by a voluntary agreement.'' ATF disagrees; slotting allowance agreements appear to be limited to manner of display or stocking of product, not to exclusivity of purchase, which is the focus of the exclusive outlet rules. Certainly, if ATF found an industry member was requiring a retailer to purchase its products to the exclusion of similar products sold or offered for sale by other industry members as part of a slotting fee arrangement, ATF would also pursue the exclusive outlet aspect of the case.

Other Proposed Changes

ATF proposed to revise or add regulations in 27 CFR Parts 6, 8, 10, and 11, in areas suggested by the industry petition and in areas identified by ATF as appropriate for rulemaking. The proposed revisions and additions are discussed below.

In 1988, ATF designated an agency task force to review the trade practice regulations and ATF's enforcement experience, since 1980, and determine whether revisions were needed. ATF determined that certain regulations could be modified or clarified to provide guidance to the industry on ATF's interpretations of the trade practice statute. Such guidance has been provided by rulings and industry circulars. Notice No. 794 proposed incorporating these rulings and industry circulars into the regulations.

In addition to changes identified in the Bureau's own review, this notice responded to changes suggested in a February, 1992, petition filed by representatives of the Distilled Spirits Council of the United States, Inc. (DISCUS), the National Association of Beverage Importers, Inc. (NABI), Wine and Spirits Wholesalers of America, Inc. (WSWA), the National Licensed Beverage Association (NLBA), and the National Liquor Stores Association, Inc. (NLSA). This petition superseded an earlier petition filed by DISCUS and NABI with ATF. ATF suggested that DISCUS and NABI work with all segments of the alcohol beverage industry to reach a consensus concerning the various proposals to revise the trade practice regulations. The 1992 petition reflects a culmination of that effort by the supplier, wholesaler, and retailer organizations noted above.

Scope of Parts 6, 8, 10 and 11

ATF proposed to revise §§ 6.1, 8.1, 10.1 and 11.1 to reflect the recodification of the Federal Alcohol Administration Act which included renumbering the trade practice section from section 5 to section 105 and to better reflect the function of the proposed regulations. No commenters objected to these changes, and they are adopted as proposed. DISCUS suggested removing the sentence ''This part does not attempt to enumerate all of the practices which may be a violation * * *'' from each of these sections, but gave no reason for this suggestion. This sentence was retained in each part because it is an accurate statement; each part does not list all of the practices which can result in a violation. The deletion of this sentence would mislead a person into believing that each part constitutes a complete or exhaustive list of every practice within the trade practice proscriptions.

Sections 6.3 and 8.3, Application

Although ATF had proposed no change to § 6.3(b) or § 8.3(b), the National Alcohol Beverage Control Association (NABCA) renewed its request (originally aired during the last trade practice rulemaking in 1980) that all control states be categorized as wholesalers, even if they meet the definition of retailer contained in sections 6.11 and 8.11. NABCA states in the comment submitted on its behalf by Tendler, Goldgerg, Biggins & Geltzer, that this simplification is needed because Control State arrangements vary widely from State to State and create a confusing ''patchwork'' of rules. ATF maintains its 1980 position that there is no statutory authority for such a change. Therefore, no change is made in these sections in the final rule.

Administrative Provisions in Parts 6, 8, 10 and 11

Section 102(c) of the FAA Act (27 U.S.C. 202(c)) incorporates by reference the provisions of sections 49 and 50 of Title 15, U.S.C. of the Federal Trade Commission Act which vests in ATF investigative subpoena authority and the right to examine and copy relevant data subject to an FAA Act investigation. In addition, section 102(d) provides authority to require such reports as are necessary to effectuate the purposes of the statute. ATF proposed adding new regulations at 27 CFR 6.5, 8.5, 10.5 and 11.5 delegating these

authorities to specific officials. There were numerous comments on these two proposals, and they will be addressed separately below:

Examination and Subpoena

Pursuant to 15 U.S.C. 49 and 50 as made applicable by section 102(c), ATF may examine, at all reasonable times, any documentary evidence which is necessary to determine whether the person, partnership, or corporation being investigated or proceeded against violated the FAA Act. The right to examine includes the right to copy any such documentary evidence. In addition, section 49 authorizes the issuance of a subpoena for any person, partnership, or corporation to produce records or give testimony relevant to an investigation of a violation of the FAA Act. ATF proposed to delegate the authority to examine and copy records to the Director or any ATF officer, and to delegate the authority to issue subpoenas to the Director. Sixty two commenters (many using similar language, as if following a sample letter) questioned the need for this provision and ATF's interpretation of the statute. Other commenters requested that ATF explain the reasons for its authority for using the subpoena power in investigations.

Many of the commenters cited *Serr* v. *Sullivan* 270 F. Supp. 544 (E.D. Pa. 1967), aff'd 390 F. 2d 619 (3d Cir. 1968) (*Serr*), for the proposition that ATF does not have the authority to use subpoenas in connection with any type of investigation prior to the issuance of an order to show cause against a basic permit.

Subsequent to the *Serr* decision, in consultation with the Department of Justice, ATF concluded that it would not follow the decision outside the 3rd circuit and planned to litigate the issue in another circuit. ATF has continued to use its subpoena power in other circuits and has not been challenged.

In *Serr*, the court narrowly interpreted the incorporation by reference in 27 U.S.C. 202(c) of the investigatory subpoena authorized under the Federal Trade Commission Act. The *Serr* decision held that Congress provided no express investigation power to the agency administering the FAA Act and, therefore, the subpoena authority could only be used in an administrative proceeding against a basic permit pursuant to 27 U.S.C. 204. The court based this conclusion on the fact that other Federal statutes containing similar incorporations of the Federal Trade Commission Act subpoena power contained express provisions authorizing investigations and, additionally, Congress had expressly rejected an investigation provision in the FAA Act.

A review of other Federal statutes cited by the court reveals that the power to conduct investigations into possible violations is granted either in conjunction with the broader power to call for general fact finding investigations, or supplemental to a third party complaint system of enforcement, or both. The court's summary conclusions about these investigation powers did not entail an analysis of the types of ''investigations'' contemplated by these other provisions. ATF does not conduct these types of general fact finding investigations or use a third party complaint system. Instead, ATF traditionally conducts investigations into specific violations by specific industry members.

Likewise, the investigation provision rejected by Congress authorized the agency to make investigations and studies with reports to the President and Congress on the production, distribution and consumption of alcoholic beverages. The provision did not address the power of the agency to conduct specific investigations into whether an industry member violated a specific provision of the FAA Act. Therefore, the failure of Congress to enact this provision indicates nothing about Congress' intent on whether the administrating agency could conduct an investigation to determine whether the industry member violated the statute. It is fair to conclude that Congress intended that the administering agency have routine investigatory authority as an inherent part of the given ''duties and powers'' to administer and enforce the unfair trade practice provisions when there is reason to believe that an industry member violated the FAA Act.

Finally, the court's conclusion that suspension or revocation of basic permits is sufficient for effective enforcement of the Act fails to recognize that the FAA Act contains other enforcement mechanisms such as injunctions, consent decrees, and offers in compromise which are used outside of an administrative proceeding against a basic permit, as well as ignores the fact that brewers do not hold basic permits. Such reasoning also fails to recognize that an investigation is a pre-requisite to developing adequate facts to support issuing an order to show cause that alleges a specific violation. For all of these reasons, it is illogical to conclude that Congress, on the one hand, gave the administering agency these other traditional enforcement mechanisms and authorized the use of other Government agencies and the submission of reports under 27 U.S.C. 202(b) and (d) and, on the other hand, denied the same agency the inherent authority to conduct traditional investigations into whether an industry member has violated a specific trade practice provision. Accordingly, ATF has retained the proposed examination and subpoena provisions in Parts 6, 8, 10 and 11 of the final rule.

One change was made in these provisions in the final rule because ATF noted some industry concern that these powers will be used for ''fishing,'' rather than as part of a specific investigation. ATF has added language to require a showing that the requested evidence may reasonably be expected to yield information relevant to a violation of the statute by a particular industry member being investigated under the Act.

Report of Promotional Activities

In addition, pursuant to section 102(d) of the FAA Act, new regulations were proposed in §§ 6.5, 8.5, and 10.5, authorizing the regional director (compliance) to require a letter report from industry members regarding information on sponsorships, advertisements, promotions, and other activities conducted by, or on behalf of, or benefiting the industry member. The reporting requirement would be used on a case-by-case basis, rather than as a recurrent and periodic reporting requirement such as a monthly report of activities applying to all industry members. ATF did not propose adding a reporting requirement in Part 11, Consignment Sales.

Most of the 66 comments on this section described the subject reports as ''advertising reports'' and noted that ATF already had ''abundant'' authority to regulate advertising. The remainder of the comments on this report addressed three main areas: The perjury statement requirement, the delegation to the regional director (compliance) and the absence of limits or safeguards.

The proposed rule required that the letter report be ''executed under the penalties of perjury.'' Commenters were critical of this requirement because, they pointed out, perjury carries a criminal penalty, whereas most practices which are under investigation, if found to be violations, would be handled administratively. ATF is retaining this requirement in the final rule for consistency with requirements for other documents filed under the FAA Act regulations, such as applications for basic permits and certificates of label approval. Further, even if the perjury statement were not required, giving a false statement in a document presented to a government

official and relied on by that official is still a criminal offense under 18 U.S.C. 1001.

In the proposed rule, ATF delegated authority for requiring this report to the regional director (compliance). Several commenters expressed concern that these reports could be required at any time, without any justification, and that the policy for requiring such reports might vary from region to region. ATF addressed these concerns by revising the final rule to authorize the Deputy Associate Director (Regulatory Enforcement Programs) to require these reports, and by adding language to the section specifying that the reports would only be required as part of an investigation. Further, the final rule also provides that the report shall cover a period of no more than three years.

Several commenters expressed the opinion that ATF had understated the time needed to comply with this requirement, but since no alternative time burden estimate was offered, ATF is retaining the one hour estimated burden in the final rule. Comments on this estimate may be submitted to the address shown in the Paperwork Reduction Act section of the supporting data.

Meaning of Terms Revisions in Parts 6, 8, 10 and 11

ATF proposed to add the terms ''ATF officer'' and ''Director'' to the definitions in 27 CFR 6.11, 8.11, 10.11, and 11.11 to correspond to the terms in the proposed administrative provisions in §§ 6.5, 8.5, 10.5, and 11.5, discussed above. ATF also proposed adding the term ''Regional director (compliance)'' to the definitions in 27 CFR 6.11, 8.11 and 10.11 to correspond to the term in the proposed administrative provisions. In view of the change in this delegation in the final rule, a definition for ''Deputy Associate Director (Regulatory Enforcement Programs)'' has been substituted.

ATF proposed to define the term ''brand'' in 27 CFR 6.11, since a number of dollar limitations on things of value which may lawfully be given to retailers is on a ''per brand'' basis. The definition proposed was drawn from ATF Ruling 81–1, Q.B. 1981–2, page 27, excluding changes in the color or design of the label. Commenters on this issue were divided.

While most commenters supported narrowing the definition of the word ''brand'' as proposed, Hinman & Carmichael, attorneys, noted in their comment that label color is sometimes used to distinguish ''different quality designations of similar products produced by the same manufacturer,'' and suggested adding ''different quality standard or grade'' to the list of examples of different brands. ATF believes the items listed in the proposed definition, such as age and alcohol content, should address most such differences.

NBWA and the President's Forum of the Beverage Alcohol Industry both commented that the proposed increase in the dollar limits in Part 6, Subpart D, combined with such a broad definition of the term ''brand,'' would have an anticompetitive effect by allowing industry members with diverse brand portfolios to give a large number of valuable items to retailers. As discussed later in the supplementary information, a number of commenters expressed concern about the large proposed increase in the dollar limitations, but did not comment on the proposed definition of brand. Since ATF has decided to address these concerns by raising the dollar limitations less than originally proposed, it will not be necessary to further narrow the proposed definition of ''brand.''

NBWA expressed concern that beverage varieties ''have proliferated at an unprecedented rate'' and that ''even the most subtle variation in the product line would be construed to create another 'brand' '' under our proposed definition. NBWA further stated in their comment that the ''whole matter of what constitutes a brand is at the center of controversy and litigation across the country.'' They suggested airing this issue in a separate rulemaking and, if a definition is adopted at all, specifying that the definition is only intended to apply to Part 6. In view of this comment, ATF has decided to adopt the definition of brand as proposed, with the addition of a note in the definition that it only applies to the administration of the exceptions in Part 6.

Although the petitioners suggested revising the definition of ''retailer'' in 27 CFR Parts 6 and 8, ATF proposed no changes in this definition. The petitioners suggested removing the language which specifies that a wholesaler who makes incidental retail sales *representing less than 5 percent of its sales during the preceding two months* shall not be considered a retailer. The petitioners state that a supplier cannot know whether the wholesaler's retail sales are within the 5 percent limitation and suggest eliminating that standard. The petitioners also believe that the definition of ''retailer'' should be clarified in order to ensure that this definition is consistent with § 6.2 which defines the territorial extent of Part 6 of the regulations.

ATF believes that removal of the 5 percent limitation would make the definition too broad. For example, without the percent limitations, a wholesaler who makes a single sale to a consumer is deemed to be a retailer. Also, the petitioners' proposed definition would exclude, as a retailer, someone within the United States who makes sales for consumption *outside* of the United States; i.e., a duty free shop. The FAA Act itself does not allow this type of exception to the territorial coverage of the law. Therefore, ATF did not agree with this proposal, and proposed no change to the definition of ''retailer.'' DISCUS, in their comment on the proposed rules, reiterated the request for these revisions, but presented no new arguments. No other comments addressed the definition of the word ''retailer.'' For the same reasons, ATF did not propose conforming amendments to the definition of ''retailer establishment.'' ATF holds to its comments as expressed in Notice No. 794, and made no changes to these definitions in the final rule.

ATF proposed to change the term ''retailer establishment'' in 27 CFR 6.11 to ''retail establishment'', since that is the term used in 27 CFR Part 6 regulations. The term ''retail establishment'' in 27 CFR 8.11 will be removed because the term is not used in 27 CFR Part 8 regulations. No commenters objected to these proposals, and they were adopted in the final rule. Since the term ''retailer'' is being added to Part 11, ATF has added a definition for that term in section 11.11 which conforms to the definition in 6.11.

Discussion of Changes to Individual Sections

Sections 6.25 through 6.33, Interest in Retail Licensee

The petitioners stated that these sections of the regulations provide identical treatment concerning an interest of an industry member in a license with respect to a retailer's premises (Sections 6.25–6.27) and in real or personal property owned, occupied, or used by the retailer in the conduct of the business (Sections 6.31–6.33). The petitioners proposed combining the provisions which they believe parallel each other (Sections 6.25 and 6.31; 6.26 and 6.32; and 6.27 and 6.33).

ATF does not believe that the provisions of §§ 6.25 through 6.33 should be combined in the various ways proposed by the petitioners. From a structural point of view, merging §§ 6.25 through 6.33 fundamentally alters the organization of Subpart C of Part 6.

Subpart C is divided into topics (with titles) which parallel sections 105(b)(1) through (7) of the FAA Act. The proposed merger of the corresponding sections will mean that the regulations applicable to an interest in retail property under section 105(b)(2) will be contained in a group of the regulations categorized under an interest in a retail license under section 105(b)(1). ATF believes that it may be confusing for a person or industry representative relying on the Part 6 regulations to look under the regulations on a retail license for a regulation relating to an interest in retail property. ATF proposed no change with respect to this request, received no additional requests for such a merger, and makes no such change in the final rule.

Further, the petitioners recommended clarifying changes to existing regulations to ensure that there is no misunderstanding that a violation of the FAA Act does not occur merely upon a finding of the existence of the means to induce. The petitioners believe that the wording of several existing regulations describing various means to induce results in industry confusion since such sections are written in terms describing ''prohibited means to induce.''

The petitioners believe that the term ''prohibited'' should be deleted from such sections in order to avoid any contention or confusion that this provision, read separately from section 6.21, allows for finding a violation of the FAA Act without also establishing that the means to induce results in exclusion. While the petitioners recognize that these sections are subject to the general application provisions of section 6.21, which states that these means to induce are unlawful only if they result in exclusion, they believe such a change will help reduce the possibility of industry confusion on this issue. The same request was made concerning §§ 6.31, 6.41, 6.51, 6.61, 6.65 and 6.71, which all contain similar language.

ATF proposed to amend §§ 6.25, 6.27, 6.31, 6.33, 6.41, 6.51, 6.61, 6.65 and 6.71 by replacing the word ''prohibited,'' with the phrase, ''a means to induce,'' in order to correspond with the wording of the FAA Act. No objections to this change were received, and it is adopted in the final rule.

Section 6.42, Third Party Arrangements

ATF's review of its regulations disclosed that some confusion exists over the breadth of the proscription on indirect means to induce. Some industry members incorrectly view the two examples in § 6.42 as exclusive of the situations covered by the regulation. Additionally, ATF believes some industry members interpret the examples as meaning the third party receiving the means to induce must be an agent of an individual retailer.

By enacting the phrase ''directly or indirectly or through an affiliate,'' Congress intended the broadest possible application of the proscriptions of the FAA Act. The term ''indirectly'' encompasses more than simply trade practice activities with agents of retailers. It covers such activities with any representative of a retailer or industry member, whether or not such representative is technically an agent of the retailer or industry member. Thus, an industry member providing the means to induce to any third party who will pass the means on to the retailer, or use them in a manner to benefit the retailer, is indirectly providing the means to induce to the retailer.

Accordingly, ATF proposed adding a sentence to § 6.42 to clarify that the examples are simply illustrative and not exclusive of the situations resulting in indirect inducements. ATF also proposed to revise the final sentence for clarity.

Several commenters expressed concern that ATF appeared to hold industry members responsible for any inducement provided to a retailer by a third party, whether or not the industry member knew or intended that it would be provided. In response to these comments, ATF revised the section to clarify that an inducement will not arise where the thing of value was furnished to a retailer by a third party without the knowledge or intent of the industry member, or the industry member did not reasonably foresee that the thing of value would be furnished to a retailer. In evaluating the second point of this exception, ATF will determine if the item given was of such a nature or character that the industry member could reasonably foresee that it would be furnished to a retailer.

Section 6.43, Sale of Equipment

The petitioners recommended deleting the last sentence of § 6.43, which states that negotiation by an industry member of a special price to a retailer for equipment from an equipment company is a thing of value. They argued that this negotiation should not be considered a thing of value unless the industry member subsidizes the special price. ATF disagreed since the thing of value is not the special price, but the *service* provided by the industry member in negotiating with the equipment company, or using its influence on behalf of the retailer. In the past, ATF has experienced cases in which a retailer, believing that it received special price consideration, altered its buying patterns resulting in exclusion of a competitor's products. ATF did not propose deleting this language, but did propose a conforming change to the cross-reference.

In its comment, DISCUS reiterated the petitioners' request for deletion of the last sentence, but did not present any new information. ATF maintains its position that the last sentence of § 6.43 describes a service which is a thing of value (that is, a means to induce a retailers' purchases) and should not be deleted. No comments were received objecting to the change in cross reference, so that change is adopted in the final rule.

Section 6.46, Outside Signs

ATF proposed to repeal this section and add a new § 6.102 to allow industry members to furnish outside signs to retailers as an exception in subpart D. As discussed under § 6.102, ATF received mixed comments on this proposal and has made some changes to § 6.102 as it appears in the final rule. Accordingly, § 6.46 is deleted by the final rule.

Section 6.47, Items Intended for Consumers

The petitioners recommended deleting this section because they believe that it is redundant and unnecessary in light of § 6.93 and their proposed revisions to § 6.87.

ATF proposed to remove this section since the general prohibition in § 6.41 covers things of value not specifically excepted in Subpart D. ATF proposed to allow certain items listed in § 6.47 by listing them in the proposed revision of § 6.84, Point of sale advertising and consumer advertising specialties. No negative comments were received on this proposal, and the section is removed in the final rule.

Section 6.51, General

ATF proposed revising this section to replace the word ''prohibited'' with the phrase ''means to induce.'' No adverse public comments on this proposal were received, but a commenter within ATF pointed out that the regulation should be further clarified. A review of the history of the section shows that it is intended to cover two situations, reimbursements to a retailer for advertising or display services directly provided by the retailer, and reimbursements for such services if purchased by the retailer from a third party. The final rule is revised accordingly.

Section 6.52, Cooperative Advertising

ATF proposed deleting the phrase ''placed by the retailer'' from this section and cross-referencing § 6.52 to § 6.98, Advertising Service. DISCUS, in its comment, requested that the section be retained in its present form.

Upon review, ATF concurs. The phrase ''placed by the retailer'' should be retained in § 6.52, since the section is based on 27 U.S.C. 205(b)(4), and advertisements placed by the industry member would be evaluated as ''things of value'' under 27 U.S.C. 205(b)(3). Further, it is not appropriate to cross-reference § 6.52 to § 6.98, which is an exception under 205(b)(3). ATF withdraws its proposal; no change is made to this section in the final rule.

Section 6.67, Sales to a Retailer Whose Account is in Arrears

ATF's current position is contained in Revenue Ruling 54–162, 1954–1 C.B. 340. On August 1, 1979, ATF proposed a regulation (Notice No. 327, 44 FR 45298) on credit arrears which would have provided that a supplier could continue to sell to a retailer, with unpaid purchases existing in excess of 30 days, without violating the extension of credit provision if the retailer either made payments in accordance with Revenue Ruling 54–162 or the amount of arrears did not exceed an average purchase by the retailer from the supplier over the preceding 4 month period.

Commenters at the time objected to the proposal stating that it would require extensive bookkeeping checks or it might force repayment of large outstanding debts in order to keep dealing with a wholesaler. Several commenters recommended that ATF simply adhere to the credit requirements imposed by State law. ATF withdrew the proposal (T.D. ATF–74, 45 FR 63242, September 23, 1980) from further consideration. In Notice No. 794, ATF again proposed to adopt in the regulations the position stated in Revenue Ruling 54–162. However, comments on other possible approaches were solicited.

Several commenters endorsed the proposed change as set forth in Notice No. 794 and some opposed allowing industry members to extend credit to retailers at all. Other commenters again suggested that State law be the guideline on extension of credit. E. & J. Gallo Winery, in its comment, suggested that ATF allow industry members to accept cash on delivery instead of cash with the order, to be more consistent with most State credit laws. After reviewing the comments, ATF believes it is appropriate to incorporate its longstanding policy as stated in Revenue Ruling 54–162 into the regulations.

ATF has adopted the proposed rule, but modified it to show that a sale to a retailer who is in arrears is not a means to induce ''so long as the retailer pays in advance or on delivery'' for that current order and to show that it applies only to products as defined in § 6.11. Where State rules are more restrictive than the Federal rules, retailers and industry members must still comply with State law.

Section 6.71, Quota Sales and Section 6.72, Tie-In Sales

In addition to the language change to § 6.71 discussed under § 6.41, the petitioners proposed to eliminate the tie-in prohibition in § 6.72 and consolidate the remaining provisions into § 6.71. The petitioners recommended deleting the first two sentences of § 6.72 because they believed that there is no statutory basis for this regulation under the FAA Act. The petitioners stated that the classic ''tying relationship'' prohibited by the antitrust laws is not addressed by section 105 of the FAA Act notwithstanding that subsection 105(b) of the FAA Act bears the heading ''Tied-House.'' The petitioners further stated that prohibitions against tie-in agreements are covered adequately by the Federal antitrust laws.

The tie-in sale described in the regulations is a form of quota sale covered by the Act. Moreover, ATF feels that § 6.71 and § 6.72 are distinct from one another and should be kept separate to insure clarity and foster understanding of the regulations. The fact that another Federal law may also apply to such a practice is not relevant to whether such a practice is covered by the FAA Act. In enacting the FAA Act, Congress expressly decided that reliance on the more general antitrust laws was inadequate in this field. Finally, ATF proposed revising § 6.72 to cover expressly a particular type of transaction as a tie-in sale.

DISCUS reiterated the requests from the petition in its comment. ATF sees no reason to change its position on these sections. DISCUS, E. & J. Gallo Winery, and Hinman and Carmichael all asked that ATF clarify § 6.72 to show that it does not cover combination packaging allowed in § 6.93. The combination packaging addressed in § 6.93 involves combinations of alcoholic beverages with nonalcoholic products, whereas § 6.72 addresses combinations of alcoholic beverages only since this section deals only with ''products'' as defined in section 6.11. A cross reference to § 6.93 was added for clarification.

Subpart D—Exceptions

Many changes discussed in the first section of the Supplementary Information on Exclusion affect this subpart. The discussion which follows is limited to specific requests by the industry or findings of ATF's own internal review which were not discussed in that earlier section.

Section 6.81, General

The petitioners proposed amending § 6.81(a) by deleting the second sentence which prohibits an industry member from conditioning the providing of items or services allowed under Subpart D on the purchase of distilled spirits, wine, or malt beverages. ATF agreed this prohibition is not necessary for most items, and proposed to remove the prohibition from the general section and place it in the specific sections where such conditioning has been a concern, for instance, § 6.83 on product displays. No one commented specifically on this proposal. While ATF agrees to delete the general prohibition, industry members should be aware that abusive conditioning will be evaluated as a quota sale under 27 U.S.C. 205(b)(7).

Section 6.81(b), Recordkeeping requirements, requires industry members to maintain certain records which can be used to substantiate claims that items provided to retailers are within the Subpart D exceptions to the tied-house prohibitions. The petitioners proposed deleting § 6.81(b) in its entirety, thereby eliminating all recordkeeping requirements. The petitioners stated that ''(t)his change should be adopted because the FAA Act neither provides nor suggests that any such requirements can be imposed.''

The petitioners further stated that if it is decided not to delete § 6.81(b) in its entirety, they recommend the addition of language to this paragraph to make it clear that no separate violation of the FAA Act shall arise from the failure of an industry member to maintain records in accordance with the requirements of § 6.81(b). The petitioners believe that the FAA Act neither creates nor supports the existence of any such violation of the FAA Act.

In Notice No. 794, ATF did not propose to eliminate the requirement to keep records which substantiate industry members' claims that items provided retailers are within the exceptions of Subpart D. Such a change would negate ATF's capability to verify

compliance with the dollar limitations and any other requirements of Subpart D. The limitations in each exception section of the regulations would be unenforceable if ATF had no way to verify compliance with the requirements of such exceptions. ATF did propose to add a sentence to § 6.81(b) to state that, where an industry member fails to keep the required records, such industry member is not eligible for the regulatory exception in that particular transaction. No separate recordkeeping violation would be charged.

In its comment, DISCUS continued to request elimination of § 6.81(b) in its entirety, but said if § 6.81(b) is retained, ATF should amend it to allow industry members to use unspecified other means to show compliance. ATF disagrees, since the recordkeeping requirement as written gives considerable flexibility to the industry member. No specific form or record has been prescribed, as long as the industry member can provide information an ATF officer would need to verify that a promotion is within the scope of Subpart D. ATF is adopting § 6.81 as proposed, except for some minor editing changes suggested by the **Federal Register**.

Section 6.82, Cost Adjustment Factor

While the petitioners did not request a specific change to this section, they requested that ATF explore alternate methods which would be cost effective for ATF to convey this information in a manner that continues to ensure that all permittees are apprised of the annual dollar adjustments. Instead, ATF proposed to delete this section, increase the dollar limitations and periodically review the amounts if necessary.

Although a few commenters supported the proposal, most objected to the size of the proposed increase in the dollar limitations. For instance, on product displays, ATF had proposed to increase the limitation from $160 (1994 adjusted rate) to $500. Many commenters who characterized themselves as small or medium size businesses said they simply could not afford to compete with large industry members if their competitors were providing displays worth $500 per brand.

After a thorough review of the comments, ATF concurs that such a large increase could create the sort of tie or link identified by *Fedway.* ATF has determined that making a smaller increase in the dollar amounts is appropriate. The final rule deletes this section as proposed in Notice No. 794.

Section 6.83, Product Displays

The petitioners recommended amending the definition of product display to substitute ''* * * and similar items the primary function of which is to hold, display or shelve consumer products'' for ''* * * and the like,'' which appears in the current regulation. ATF proposed this change, but used the phrase ''hold and display'' for clarity.

The petitioners also requested that ATF amend the dollar limitation in the regulation to reflect the current adjusted rate of $160. Instead, ATF proposed changing the dollar limit to $500 per brand at any one time per retail establishment, from the current $100 (as adjusted) per brand at any one time per retail establishment.

Although the general prohibition against an industry member imposing conditions on receipt of items allowed in Subpart D has been removed from § 6.81, ATF proposed adding a statement to § 6.83 that giving or selling product displays may be conditioned upon the purchase of the distilled spirits, wine or malt beverage product advertised thereon in a quantity only necessary for the initial completion of the product display. From the mid-1960s to the 1980 recodification of the trade practice regulations, conditioning was allowed for window or other interior displays. Industry members have long argued that they should be allowed to condition receipt of product displays on the purchase of a limited quantity of the product advertised. ATF also proposed to delete the language which allows lending or renting of product displays in the current regulation. Such a continuing tie would not be consistent with the intent of the Act. In making these proposals, ATF believed the dollar limit of $500 per brand, coupled with the requirements for permanently inscribed advertising and transfer of ownership of product displays to the retailer minimizes the inducement value to the retailer. The combination of these factors would allow product displays to be excepted from the regulations of Part 6, and would be the basis for allowing the industry member to condition receipt of such materials as described above.

Commenters requested a number of amendments to this proposed section. First, E. & J. Gallo Winery noted that in the preamble, ATF had said § 6.83 would allow conditioning product displays upon the purchase of the product advertised thereon in a quantity only necessary for the initial completion of the product display, and yet the regulatory text omitted the word ''initial.'' This omission is corrected in the final rule.

In the proposed amendment to § 6.83, ATF eliminated the words ''furnish, loan or rent.'' DISCUS requested reinstatement of these options, but ATF maintains its position that allowing lending or renting of product displays creates a tie or link which is inconsistent with the goals of the FAA Act. As a result of the *Fedway* decision, any element of a promotion which indicates a continuing character is subject to greater scrutiny.

Several other commenters, among them the American Brandy Association, expressed concern that the higher dollar limit would allow a large industry member to ''install a new $500 display every week in a specific store.'' For the reasons discussed here and under § 6.82, the dollar limit has been set at $300. That dollar limit and the aforementioned amendment to allow only outright giving or selling of displays should also prevent the sort of monopolization of retail premises feared by these commenters.

Finally, several commenters requested substitution of the word ''securely'' for the word ''permanently'' in describing how the advertising material would be inscribed or affixed to the product display. They argued that, when they give or sell a product display, they cannot control the actions of a retailer, who may choose to remove such advertising material. ATF will use the phrase ''permanently inscribed or securely affixed'' in this section and in § 6.84. However, ATF will revisit this subject in later rulemaking if abuses are found.

Section 6.84, Point of Sale Advertising and Consumer Advertising Specialties

Promotions and practices currently allowed under the regulatory exceptions to the tied-house provisions are safe harbors. Notice No. 794 proposed a revision to those exceptions which would combine several of the current exceptions into one general regulatory section. The approach of having a single general section addressing all of the similar activities gives greater flexibility to the industry.

The proposed regulations combine the exceptions listed in §§ 6.84, 6.85, 6.86 and 6.87 (inside signs, retailer advertising specialties, wine lists and consumer advertising specialties), into a revised § 6.84, Point of sale advertising and consumer advertising specialties. Items intended for consumers currently identified in section 6.47 are also included in the proposed listing of exceptions. The petitioners requested that ATF amend the dollar limitation to

reflect the adjusted rates, but instead, under ATF's proposed revision there will be no limit to the dollar value of the specified point of sale (POS) materials furnished by an industry member to a retail establishment.

The petitioners also requested that the term ''wine lists'' be expanded to include all alcoholic beverages. Instead, the proposed 6.84 permits all lists or menus, subject to the conditions in paragraph (c) of the section.

Several commenters on these proposals requested that ATF limit lists or menus to alcoholic beverage lists or menus. On review, ATF concurs that there is more of a continuing character and more potential for industry member involvement in day to day operations at a retailer if full menus are allowed, and has revised this portion of the final rule accordingly.

DISCUS requested that ''mechanical devices,'' which had been permitted under ''inside signs'' in the current regulations but had been omitted from the proposed rule, be reinstated, and that the rule be further expanded to include ''electronic devices.'' After considering this and related comments, ATF has revised the definition of ''point of sale advertising materials'' to eliminate the distinctions (inside signs and retailer advertising specialties) within that definition and simply list examples. In that context, ATF has added ''inside signs (electric, mechanical or otherwise)'' to the listing of point of sale advertising materials in the final rule. The restriction of electronic devices to signs is consistent with the current regulatory approach and prevents abuses which could occur if all electronic devices were allowed (since the point of sale section contains no dollar limitations).

In their comment, E. & J. Gallo Winery suggested that the condition in § 6.84(c)(2) need not be limited to retailer and consumer advertising specialties, and ATF concurs. In the final rule, the condition applies to all point of sale materials and consumer advertising specialties.

The Forum and the American Brandy Association suggested an annual dollar limit per retail location. In the past, some of the items listed in this section had a limitation and others did not. ATF does not believe, given the nature of the items described and the requirement for substantial advertising material, that furnishing such items would create a tie or link between the industry member and the retailer. In the final rule, ATF imposes no dollar limit, but will revisit this subject if abuses are found.

Section 6.85, Temporary Retailers

ATF proposed adding a new section which will allow furnishing things of value to a temporary retailer. The proposed regulations recognize that certain retail activities of a temporary nature, such as weekend events and community festivals, are so minor in the retail marketplace so as not to justify Federal intervention; rather, State agencies can regulate these situations to prevent abuses. There were numerous comments concerning this section.

DISCUS suggested extending the provisions to cover things of value given to a retailer for a ''temporary event.'' ATF disagrees; the reason for excepting *temporary* retailers was that their short-term existence as a retailer did not justify Federal intervention. However, since a permanent retailer can operate at a ''temporary event,'' it is proper to apply the trade practice provisions to the industry member's dealings with those retailers. A number of commenters opposed allowing any special privileges to temporary retail dealers. ATF believes that the impact of giving things of value to temporary retailers, within the limitations of the proposed rule, would not be disruptive to the retail marketplace. However, the issue will be revisited if substantial abuses are found. NABCA suggested there may be conflicts between ATF's definition of a temporary retailer and any definition in State rules. After considering the comments, ATF has amended the section to show that the definition of temporary retailers applies only for purposes of administration of the tied-house rules.

Section 6.88, Glassware—Section 6.89, Tapping Accessories—Section 6.90, Supplies—Section 6.97, Coil Cleaning Service

The petitioners recommended that these four sections be combined in a new § 6.88, under the title ''Equipment and supplies,'' because they deal with similar types of merchandise and impose similar conditions. As with other Subpart D exceptions which combine similar types of merchandise, (viz., §§ 6.83, 6.87 and 6.89), the petitioners felt that combining these items in one section will enhance the simplicity and clarity of the rules.

The petitioners also recommended several other revisions to this consolidated section:

Extend coil cleaning service from ''a retailer of wine or malt beverages'' to ''a retailer'' to provide equal treatment for wine, malt beverages and distilled spirits;

Substitute the term ''dispensing accessories'' in § 6.88 for ''tapping accessories'' because the former term more accurately describes the modern type of accessories falling within this category and reflects present marketplace practices where, for example, wine also is served by dispensing equipment;

Add cold plates to the list of examples of ''dispensing accessories'' and,

Allow carbon dioxide gas or ice to be sold at a price not less than the cost to the industry member who initially purchased it.

While the petitioners' proposal to combine various sections into one all inclusive section covering equipment and supplies is structurally logical and the terminology change from tapping equipment to dispensing equipment has merit, some of the items listed in the petition have not in the past been recognized as exceptions by ATF.

ATF proposed consolidating these sections with the following additional changes. ATF proposed to revise the definition of glassware to include similar containers made of materials other than glass. The proposed regulation also specifies that the industry member must pass on the cost of initial installation of equipment to the retailer.

The proposed regulation expanded the original coil cleaning service exception currently in § 6.97 to cover distilled spirits, as well as wine and malt beverages. Keeping the coils clean and free of contamination is clearly in the interest of public health. Therefore, it is in the public interest to allow such services without a dollar limit.

The current regulation allows industry members to sell carbon dioxide gas to retailers. The regulation does not provide for the sale of other gases, such as nitrogen, which are used in various existing alcoholic beverage dispensing systems. ATF proposed modifying this regulatory section to allow industry members to sell any gas to a retailer provided it is used in a beverage dispensing system. This proposal should not be viewed as sanctioning treatment which would change still wine to sparkling wine.

Comments on these proposals were generally favorable, and the regulation is adopted as proposed. Forum members, in their comment, stated the extension of coil cleaning service to distilled spirits is unnecessary, since spirits have a longer shelf life and a higher alcohol content. The provision was retained, to be used at the option of the industry member. DISCUS asked that ATF amend the definition of equipment and supplies by changing the word ''means'' to the phrase ''includes, but is not limited to.'' The use of the proposed phrase would add an element of uncertainty and indefiniteness to the scope of the exception. Therefore, ATF

retained the more limited wording of the proposed rule, to emphasize that the exception is limited to these items.

Section 6.91, Samples

The current section allows an industry member to furnish or give samples of distilled spirits, wine or malt beverages to a retailer. The petitioners recommended amending this section to provide that industry members may furnish a maximum of 750 milliliters (mls.) of distilled spirits samples to qualifying retailers, rather than the obsolete 500 milliliter (ml.) container cited in the regulation. They further requested that the third sentence of this section, which limits the size of a sample of spirits given to a State or a subdivision of a State to 2 liters, should be eliminated in its entirety.

ATF agreed with the petitioners that the reference to the obsolete 500 ml size be replaced, but proposed a maximum of 3 liters for distilled spirits. ATF also proposed amending the current regulation by limiting the number of commonly owned retail establishments (not to exceed four per retailer) which can be given samples. This amendment would allow for a control State or chain retailer to receive sufficient samples to determine whether to purchase a product.

Comments on these proposed changes were mixed. The American Brandy Association opposed any revision to this section. DISCUS supported the change to a spirits sample size of 3 liters and WSWA favored a sample size of 750 ml, since that is the most common commercial package size. ATF has decided to retain its proposal to allow a sample size of 3 liters for spirits.

The proposal to limit the number of samples which may be given to a ''chain'' of retail outlets met with a number of adverse comments. NABCA, Hinman & Carmichael, DISCUS and Wine Institute all noted that first, individual outlets within a chain may have the ability to request that certain items be purchased, even though the order is placed centrally; and second, that samples are also provided to retailers so their personnel can be sufficiently familiar with a brand to recommend or use it. Limiting samples to four outlets per chain would restrict an industry member's ability to promote its products. In light of these comments, ATF is removing the proposed limitation in the number of samples which may be given to a chain from the final rule.

Several commenters also addressed an area which had not been changed in the proposed amendment. E. & J. Gallo Winery and Hinman & Carmichael both noted that, in an industry as dynamic as the alcoholic beverage industry, it is not practical to limit samples to retailers who have not previously purchased a brand from an industry member. They suggested a time limit of six months or a year. The final rule has been changed to allow samples to be given to a retailer who has not purchased the brand from the industry member within the last 12 months.

Section 6.92, Newspaper Cuts

In Notice No. 794, ATF proposed to change the word ''loaned'' to the word ''lent'' in this section. However, in view of the change to § 6.84, which eliminates the options of renting or lending product displays, ATF has determined that for consistency, this section should permit only permanent transfers. Therefore, the words ''furnished,'' ''loaned'' and ''rented'' have been removed from this section.

Section 6.93, Combination Packages

In general, section 6.93 addresses combination packages where an industry member packages a non-alcoholic item with distilled spirits, wine, or malt beverages and, in particular, paragraph (c) requires that the cost of the combination package be passed on to the retailer. The petitioners recommend deleting paragraph (c) of section 6.93 because they feel the condition imposed by the paragraph is really a pricing decision outside of ATF's regulation under the FAA Act.

ATF proposed removing all the conditions currently imposed on combination packages. Some commenters supported this proposal, but NABCA expressed concern that, as written, the exception could be used as a subterfuge to deliver non-alcohol items to the retailer with no intention that they be passed along to consumers. Accordingly, ATF has amended this section in the final rule to clarify that the combination packages must be intended for sale to consumers.

Section 6.94, Educational Seminars

ATF proposed to clarify the final sentence, ''This does not authorize an industry member to pay a retailer's expenses in conjunction with an educational seminar.'' by adding the explanatory phrase ''(such as travel, lodging, and meals).''

Many commenters objected to excluding meals and, upon consideration of the comments, ATF has decided to adopt a revised final rule which will permit an industry member to provide nominal hospitality in conjunction with an educational seminar.

Section 6.96, Consumer Promotions

ATF proposed revising the text of section 6.96(a), Coupons, to make the language consistent with the other sections and to simplify the conditions. Hinman & Carmichael noted that the restriction in paragraph (a)(1) of the proposed rule, that redemption of the coupons may not be limited to a particular retailer or group of retailers, could be read as preventing promotions by small producers who have a limited area of distribution, or regional promotions by larger producers. This restriction, which is also in the current § 6.96(a), was intended to prevent the benefit of a promotion from going to specific, named retailers. ATF modified the provision in the final rule to require that all retailers within the market where the offer is made may redeem such coupons.

Section 6.98, Advertising Service

The petitioners recommended adding the clause ''except where the exclusive retailer in the state is a state agency'' to paragraph (a) to read as follows:

''(a) The advertisement does not also contain the retail price of the product, except where the exclusive retailer in the state is a state agency, and * * *''

The petitioners argue that the objectives of section 105(b) of the FAA Act are not served by prohibiting industry members from advertising control States' prices. The petitioners' proposed revision would permit an industry member to advertise a control State's state-wide retail prices as determined by that State for product sold within the State. The petitioners feel that in such circumstances, there is no possibility of any ''inducement'' or ''exclusion'' that would contravene the intent or purpose of the FAA Act.

ATF proposed amending the current regulation in accordance with the industry request, modified to reflect situations in which the sole retailer in a jurisdiction is a State or local agency. ATF also proposed to delete the condition that an advertisement placed by an industry member may not mention events or promotions at a retail establishment.

In response to several comments, ATF is modifying the final rule to specify ''State or political subdivision of a State,'' for consistency with the language in other sections of the regulations. DISCUS suggested using the term ''unaffiliated'' rather than ''two or more'' retailers, to make it clear that an advertisement can not list outlets of a single chain, and that change was adopted. NABCA additionally requested that the final rule show that prices may

be listed for ''a private retailer acting as an agent'' for a State or local agency. ATF is not adopting this suggestion at this time. The trend toward privatization of State agency sales is an evolving area. States which are privatizing are doing so in various ways. Therefore, it is not possible to set a single rule which will cover these changes.

Section 6.99, Stocking, Rotation, and Pricing Service

The petitioners recommended revising this section to allow industry members to ''recommend shelf plans.'' The petitioners stated that this revision would permit an industry member to provide services to a retailer consistent with present day marketplace realities. ATF proposed to amend this section in line with the petitioners' proposal.

Most commenters approved of this proposal, and it is adopted as proposed. However, serious concerns were raised by Kendall-Jackson Winery and American Vintners' Association about the potential for abuse of shelf plans or schematics, through biased analysis of retailer needs or by an industry member supplying additional services which are not hereby authorized. ATF will revisit this subject if it appears the new exception is being abused or creating a situation in which a retailer becomes dependent on a single industry member's purchasing advice.

Section 6.100, Participation in Retailer Association Activities

Section 6.100 permits industry members to participate in retailer association activities under certain circumstances. Paragraphs (b) and (d) permit rental of display booth space and purchase of tickets or payment of registration fees, respectively. Each of these paragraphs contains the phrase ''if * * * not excessive and * * * the same as paid by all exhibitors.'' ATF proposed amending the section to delete ''not excessive'' and specifying the fees must be the same as the fees paid by all exhibitors ''at that event.'' ATF also proposed raising the limitation for payments for advertisements in programs or brochures authorized by paragraph (e) from $100 (as adjusted) to $500.

Several commenters objected to the large increase in the dollar limitation, as discussed earlier. ATF is revising the dollar limit to $300 in the final rule. NABCA pointed out that at some retailer activities, there are no exhibitors, so the term ''exhibitors'' may not always be appropriate in paragraph (d). ATF concurs, and has substituted the phrase, ''attendees, participants or exhibitors'' in the final rule.

Section 6.101, Merchandise

Paragraph (a) currently provides that an industry member who also is engaged in business as a bona fide vendor of other merchandise may sell such merchandise to a retailer if three conditions are met, the first of which is that the merchandise is ''sold at its fair market value.'' The petitioners recommended changing this condition to state that the merchandise is ''furnished, distributed, or sold according to the custom and practice of that business.'' The petitioners also recommended eliminating paragraph (b) regarding things of value covered in other sections of Part 6 since they believe it is redundant and unnecessary in light of other sections of Subpart D.

ATF did not propose either of these changes. Section 6.101 excepts sales transactions by industry members who are engaged in the business as bona fide vendors of other merchandise in addition to alcoholic beverages. This section sanctions sales of other merchandise to retailers in addition to alcoholic beverages if the merchandise is sold at its fair market value, not in combination with distilled spirits, wines, or malt beverages, and the merchandise is itemized separately on the industry member's invoices and other records. The records are necessary so that ATF can determine the real cost of the merchandise to the industry member and whether the industry member is reselling the merchandise to retailers at its fair market value. Likewise, ATF needs these records to determine whether the industry member is a bona fide vendor of the merchandise or whether it is using the merchandise as a means to induce.

Accordingly, ATF proposed to revise the records requirement of the regulation to state that, first, acquisition costs must appear on the industry member's purchase invoices (available upon request to ATF) and, second, the merchandise and the distilled spirits, wines, or malt beverages sold to the retailer in a single sales transaction must be itemized separately on the same invoice.

DISCUS, in its comment reiterated the petitioners' original requests for changes, and noted ATF's proposal to require alcoholic beverages and other merchandise to be shown on the same invoice was not practical. WSWA commented further:

> * * * [W]e support the objective of assuring an audit trail when other items are offered for sale in conjunction with alcoholic beverages. We view as impractical and unnecessarily burdensome the proposal to require that ''merchandise and distilled spirits, wines or malt beverages sold in a single transaction'' be ''itemized separately on the same invoice covering the sales transaction.''
>
> Inventory systems commonly print invoices that sequence items sold by their warehouse location. Alcohol beverages are routinely stored separately from other items. It is not unusual for delivery of non-alcoholic items to be made on separate days or by a separate, but affiliated company having its own invoicing system. Furthermore, some states forbid using the same invoice for alcohol beverages and other items.
>
> It should be sufficient to require that invoices for sales of other items with alcohol beverages to a retailer be maintained in a manner similar to invoices for alcohol beverages.

In response to these comments, ATF is removing the requirement for showing alcoholic beverages and other merchandise on the same invoice. Instead, the final rule will require that the sale price of each commodity be on the records covering the transaction. ATF still believes the change requested by DISCUS, from ''sold at its fair market value'' to ''furnished, distributed or sold according to the custom and practice of that business'' is not appropriate. The requested language appears to sanction giving things of value (other merchandise) to retailers, in direct conflict with the statute. Additionally, the phrase ''custom and practice'' is vague and does not provide clarity to the industry member relying on the regulations. Paragraph (b), which DISCUS advocates removing, is also retained in the final rule.

Hinman & Carmichael expressed a different concern in their comment on the proposed revision to § 6.101:

> Section 6.72 allows certain combination sales of alcoholic brands or products, but § 6.101 seems to take this away if the producer is also a producer (as opposed to a vendor) of nonalcoholic beverage products. A fairly common marketing situation in California is the packaging of gift packs of wine and olive oil, or wine and another commodity produced by the winery. In this situation, there is no acquisition cost to report.

ATF has modified the wording of the section to make it clear that the exception applies to industry members who are bona fide producers or vendors of other merchandise, if the conditions are met. As stated earlier, § 6.72 only applies to ''products'' that are distilled spirits, wine or malt beverages. In addition, in response to this comment and a request by DISCUS, a cross reference to the exception for combination packaging under § 6.93 has been added.

Section 6.102, Outside Signs

ATF proposed a new section allowing outside signs in certain circumstances and with a $500 limit. A few commenters opposed any change in ATF's treatment of outside signs, while others, while not opposing the proposal, expressed concern that the proposed rule did not contain adequate safeguards against abuse. These commenters recommended including various conditions and limitations in proposed § 6.102, among them:

Requiring that the product or the industry member's name appear on the sign for consistency with other exceptions under Subpart D;

Lowering the dollar limitation, though no specific amount was proposed;

Clarifying whether the word ''furnished'' includes leasing;

Specifying frequency with which signs may be provided;

Stating whether industry members may pool this allowance to provide a sign worth more than the dollar limitation and limiting the number of brands which may appear on a sign;

Limiting the location of the sign to the wall or roof of a building adjacent to or occupied by a retailer, or stating whether retail premises include roofs and parking lots; and

Specifying whether the industry member may pay for installation, repair and maintenance of the sign.

After a careful review of the comments, ATF has decided to adopt a modified version of § 6.102 which permits signs to be given or sold on the following conditions:

(a) The sign must bear conspicuous and substantial advertising matter about the product or the industry member which is permanently inscribed or securely affixed,

(b) The retailer is not compensated, directly or indirectly such as through a sign company, for displaying the signs, and

(c) The cost of the signs may not exceed $400.

These changes were made to take into account the concerns expressed by the commenters and to make this section more consistent with the rest of Subpart D. Interested parties may petition ATF in the future to reconsider the conditions under which outside signs may be provided to retailers.

27 CFR Part 8, Exclusive Outlet

New administrative provisions and definition changes were discussed previously.

Section 8.23, Third Party Arrangements

The current regulation can be interpreted to mean that a violation of the section could occur if a third party requires the retailer to use an industry member's product without the knowledge of the industry member. ATF proposed clarifying that the industry member's requirement, by agreement or otherwise, with a third party is necessary to violate this section. However, the requirement need not originate with the industry member. If the industry member knows or is aware that the third party controlling the retailer extends such a requirement with respect to the products of the industry member making payments under the arrangement, and the industry member avails itself of such requirement, then the requirement within the proscription of the FAA Act is present.

As discussed in relation to the comments on § 6.42, ATF concurs that the industry member must know or be able to expect that the retailer will be controlled by the third party, in other words, that the industry member will have ''the benefit of the deal.'' This is not a new position; ATF published Industry Circular 75–16 to discuss this interpretation of the exclusive outlet rules. The proposed language is adopted in the final rule.

27 CFR Part 10, Commercial Bribery

New administrative provisions and definition changes were discussed previously.

Section 10.4, Jurisdictional Limits

ATF proposed amending this section to correct the wording of paragraph (a)(1), which appeared in error in ATF TD–74 on September 3, 1980 (45 FR 63242). There were no objections, and this proposal is adopted in the final rule.

Section 10.23, Gifts or Payments to Wholesalers

While no specific change was proposed to this section, ATF asked for comments as to whether the purpose of the section should be clarified. ATF gave an example of a sales representative incentive program which it views as an instance of commercial bribery since it involves the furnishing of a premium or bonus to an employee of a trade buyer: An industry member and a trade buyer meet to discuss, among other things, upcoming programs to promote a particular product or products. They agree that specific promotions will be run over a period of time. Some of these agreed upon promotions include sales incentive programs in which sales representatives can win money and/or prizes. At the conclusion of the meeting, the parties agree or understand, or it is implied, that all or part of the funding for these sales representative incentive programs will come from monies that have been or will be provided by the industry member, usually under the guise of unrestricted funds.

Several commenters addressed this issue, and cited ATF Ruling 77–17 as allowing the sort of promotion described in the example above. ATF disagrees with this interpretation of ATF Ruling 77–17, and notes that ATF Ruling 77–17 became obsolete when the regulations in 27 CFR Part 10 were originally issued in 1980 (T.D. ATF–74 45 *FR* 63251). In situations where the industry member and the trade buyer have agreed upon the promotions benefiting employees and other representatives and such promotions are funded by the industry member, it cannot be said that the money is being furnished to the entity in any context other than as a conduit for the employee or representative. No change was made to the language of § 10.23 in the final rule.

27 CFR Part 11, Consignment Sales

New administrative provisions and definition changes were discussed previously.

Section 11.24, Other than Bona Fide Sale

Section 105(d) of the Act addresses ''consignment sales.'' Section 105(d) describes consignment sales to include conditional sales (i.e., where an industry member is not paid for products until they are sold by a trade buyer); sales with a privilege of return (i.e., where an industry member agrees to repurchase products that remain unsold by the trade buyer at the end of a specified period of time); and other sales on any basis otherwise than a bona fide sale.

Consignment sales are essentially arrangements pursuant to which the risk, or cost, of non-sale of a product is retained by an industry member, or transferred from a trade buyer back to an industry member at the expiration of a specified time period. ATF proposed adding a new § 11.24 to the consignment sale regulations to specify certain other arrangements, in addition to conditional sales and sales with a privilege of return, in which the risk of non-sale is transferred from the trade buyer back to the industry member and which therefore do not constitute bona fide sales. The only example proposed was the payment of ''slotting allowances,'' which were discussed at length earlier in this supplemental information.

After a review of the comments, ATF has decided the proposed language should be modified to include purchase

or rental of display, storage, floor or warehouse space at premises owned or controlled by a retailer. ATF substituted the term ''retailer'' for ''trade buyer'' in this provision to clarify its application.

Section 11.32, Defective Products

The current regulation specifically allows products which are unmarketable for specific reasons to be exchanged for an equal quantity of identical products, but is silent as to whether such products may be returned for cash or credit. Industry Circular 81–11 states that a return of such products for cash or credit is not precluded by § 11.32. ATF proposed changing this regulation to incorporate the provisions of Industry Circular 81–11 into the section. The proposed revision also deleted references to mutilated and missing strip stamps since they are no longer a requirement. No objection to these changes was received, however, DISCUS pointed out that allowing returns for mutilated or missing tamper evident closures would ''clearly serve the public interest.'' ATF concurs and has incorporated that language in the final rule.

Section 11.34, Products Which May No Longer Be Lawfully Sold

ATF proposed revising the current regulation to allow the return of a product if, due to a change in law or regulation over which the trade buyer has no control, a particular size or brand is no longer permitted to be sold. The addition of the phrase ''over which the trade buyer has no control'' was intended to address situations in which the trade buyer is a State agency with the authority to delist a particular product.

The Forum comment said this section, as proposed, and the preamble discussion were confusing. ATF intended to make it clear that by administratively delisting a particular product, a State or a political subdivision of a State acting as a trade buyer could not gain a right of return that would not be available to a commercial trade buyer. On review, ATF notes that a State legislature may have other, legitimate, reasons for prohibiting sale of a particular product, so the wording of the section has been changed from ''law or regulation'' to ''regulation or administrative procedure.''

Section 11.35, Termination of Business

ATF is revising this section to cite § 11.39 instead of the incorrect § 11.40 citation.

Obsolete Rulings and Circulars

The following revenue ruling, ATF rulings and industry circulars are incorporated into the regulations or superseded by amended regulations; they will become obsolete on the effective date of these regulations: Revenue Ruling 54–162, 1954–1 C.B. 340; ATF Ruling 81–1, 1981–2 ATF Q.B. 27 and ATF Ruling 81–6, 1981–4 ATF Q.B. 23; Industry Circulars 81–7, 81–11 and 86–16. ATF Ruling 77–17 was made obsolete by T.D. ATF–74 (45 FR 63242), effective November 24, 1980, but a number of commenters cited it in this rulemaking.

Executive Order 12866

It has been determined that this final rule is not a significant regulatory action as defined by Executive Order 12866. Therefore, a Regulatory Assessment is not required.

Regulatory Flexibility Act

It is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this final rule will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. In Notice No. 794, we specifically asked for comments as to whether small businesses would be significantly affected by our proposals. Wine Institute, the one commenter who addressed this issue, stated that the rules, as proposed, would not have a significant impact on a substantial number of small entities. A majority of the commenters who wrote in support of our proposals concerning slotting fees said that any change in our policy would have a significant adverse impact on their small businesses. The final rule adopts the proposals in this area, so there should be no adverse impact.

A final area of concern to commenters was ATF's proposal to raise dollar limits on things of value which may be given to retailers under Subpart D of Part 6. ATF proposed raising the limit on certain promotional items from $160 to $500, and a number of commenters noted this large an increase would place small and medium size businesses at a competitive disadvantage. In view of these comments, ATF is adopting a limit of $300, a more moderate increase over the existing dollar limit.

Paperwork Reduction Act

The collection of information contained in this final rule has been approved by the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Comments on the collection of information should be directed to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to: Reports Management Officer, Information Programs Branch, Room 3450, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226.

The collection of information in this regulation is in 27 CFR Parts 6, 8, and 10. This information is required by ATF to protect the public interest and ensure fair trade competition in the alcoholic beverage industry. The information will be used to analyze promotional activities as part of an investigation. The likely respondents are industry members.

The authority to require reports which is stated in this final rule is to be used on a case-by-case basis only, and does not apply to industry members in general. The estimated number of respondents in any given year is 20, with one report being required from each respondent. The estimated average annual burden associated with this collection of information is 1 hour per respondent.

Drafting Information

The principal author of this document is Marjorie Ruhf, Wine, Beer, Spirits and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of ATF and the Treasury Department participated in developing the document.

List of Subjects

27 CFR Part 6

Advertising, Alcohol and alcoholic beverages, Antitrust, Credit and trade practices.

27 CFR Part 8

Alcohol and alcoholic beverages, Antitrust, and Trade practices.

27 CFR Part 10

Alcohol and alcoholic beverages, Antitrust, and Trade practices.

27 CFR Part 11

Alcohol and alcoholic beverages, Antitrust, and Trade practices.

Issuance

Title 27, Chapter I, is amended as follows:

PART 6—''TIED-HOUSE''

Paragraph 1. The authority citation for part 6 is revised to read as follows:

Authority: 15 U.S.C. 49–50; 27 U.S.C. 202 and 205; 44 U.S.C. 3504(h).

Par. 2. Section 6.1 is revised to read as follows:

§ 6.1 General.

The regulations in this part, issued pursuant to section 105 of the Federal Alcohol Administration Act (27 U.S.C. 205), specify practices that are means to induce under section 105(b) of the Act, criteria for determining whether a practice is a violation of section 105(b) of the Act, and exceptions to section 105(b) of the Act. This part does not attempt to enumerate all of the practices that may result in a violation of section 105(b) of the Act. Nothing in this part shall operate to exempt any person from the requirements of any State law or regulation.

§ 6.4 [Amended]

Par. 3. Section 6.4 is amended by removing the reference to ''section 5(b) of the Federal Alcohol Administration Act'' where it appears in paragraph (b) and replacing it with a reference to ''section 105(b) of the Federal Alcohol Administration Act''.

Par. 4. Section 6.5 is added to subpart A to read as follows:

§ 6.5 Administrative provisions.

(a) *General.* The Act makes applicable the provisions including penalties of sections 49 and 50 of Title 15, United States Code, to the jurisdiction, powers and duties of the Director under this Act, and to any person (whether or not a corporation) subject to the provisions of law administered by the Director under this Act. The Act also provides that the Director is authorized to require, in such manner and such form as he or she shall prescribe, such reports as are necessary to carry out the powers and duties under this chapter.

(b) *Examination and Subpoena.* The Director or any authorized ATF officers shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person, partnership, or corporation being investigated or proceeded against. The Director shall also have the power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation, upon a satisfactory showing that the requested evidence may reasonably be expected to yield information relevant to any matter being investigated under the Act.

(c) *Reports required by the Deputy Associate Director (Regulatory Enforcement Programs).*

(1) *General.* The Deputy Associate Director (Regulatory Enforcement Programs) may, as part of a trade practice investigation of an industry member, require such industry member to submit a written report containing information on sponsorships, advertisements, promotions, and other activities pertaining to its business subject to the Act conducted by, or on behalf of, or benefiting the industry member.

(2) *Preparation.* The report will be prepared by the industry member in letter form, executed under the penalties of perjury, and will contain the information specified by the Deputy Associate Director (Regulatory Enforcement Programs). The period covered by the report will not exceed three years.

(3) *Filing.* The report will be filed in accordance with the instructions of the Deputy Associate Director (Regulatory Enforcement Programs).

(Approved by the Office of Management and Budget under control number 1512–0392)

Par. 5. Section 6.11 is amended by adding the definitions for ''ATF officer,'' ''brand,'' ''Deputy Associate Director (Regulatory Enforcement Programs)'' and ''Director'' and by removing the term ''retailer establishment'' and adding in its place ''retail establishment'' and placing it in appropriate alphabetical order.

§ 6.11 Meaning of terms.

* * * * *

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part *Brand.* For purposes of administering this part, the term ''brand'' refers to differences in the brand name of a product or in the nature of a product. Examples of different brands are products having a different brand name or class, type, or kind designation; appellation of origin (wine); vintage date (wine); age (distilled spirits); or percentage of alcohol. Differences in packaging such as difference in label design or color, or a different style, type or size of container are not considered different brands.

Deputy Associate Director (Regulatory Enforcement Programs). The principal ATF headquarters official responsible for administering regulations in this part. *Director.* The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, DC.

* * * * *

Par. 6. Section 6.25 is revised to read as follows:

§ 6.25 General.

The act by an industry member of acquiring or holding any interest in any license (State, county or municipal) with respect to the premises of a retailer constitutes a means to induce within the meaning of the Act.

Par. 7. Section 6.27 is amended by revising paragraph (a) to read as follows:

§ 6.27 Proprietary interest.

(a) Complete ownership. Outright ownership of a retail business by an industry member is not an interest which may result in a violation of section 105(b)(1) of the Act.

* * * * *

Par. 8. Section 6.31 is revised to read as follows:

§ 6.31 General.

The act by an industry member of acquiring an interest in real or personal property owned, occupied, or used by the retailer in the conduct of business constitutes a means to induce within the meaning of the Act.

Par. 9. Section 6.33 is amended by revising paragraph (a) to read as follows:

§ 6.33 Proprietary interest.

(a) Complete ownership. Outright ownership of a retail business by an industry member is not an interest that may result in a violation of section 105(b)(2) of the Act.

* * * * *

Par. 10. Section 6.41 is revised to read as follows:

§ 6.41 General.

Subject to the exceptions listed in Subpart D, the act by an industry member of furnishing, giving, renting, lending, or selling any equipment, fixtures, signs, supplies, money, services, or other things of value to a retailer constitutes a means to induce within the meaning of the Act.

Par. 11. Section 6.42 is revised to read as follows:

§ 6.42 Indirect inducement through third party arrangements.

(a) *General.* The furnishing, giving, renting, lending, or selling of equipment, fixtures, signs, supplies, money, services, or other thing of value by an industry member to a third party, where the benefits resulting from such things of value flow to individual retailers, is the indirect furnishing of a thing of value within the meaning of the Act. Indirect furnishing of a thing of value includes, but is not limited to, making payments for advertising to a retailer association or a display

company where the resulting benefits flow to individual retailers.

(b) *Exceptions.* An indirect inducement will not arise where the thing of value was furnished to a retailer by the third party without the knowledge or intent of the industry member, or the industry member did not reasonably foresee that the thing of value would have been furnished to a retailer. Things which may lawfully be furnished, given, rented, lent, or sold by industry members to retailers under subpart D may also be furnished directly by a third party to a retailer.

§ 6.43 [Amended]

Par. 12. Section 6.43 is amended by removing the reference ''§§ 6.88 and 6.89,'' where it appears in the first sentence and replacing it with ''§ 6.88,''.

§§ 6.46 and 6.47 [Removed and reserved]

Par. 13. Sections 6.46 and 6.47 are removed and reserved.

Par. 14. Section 6.51 is revised to read as follows:

§ 6.51 General.

The act by an industry member of paying or crediting a retailer for any advertising, display, or distribution service constitutes a means to induce within the meaning of the Act, whether or not the advertising, display, or distribution service received by the industry member in these instances is commensurate with the amount paid therefor. This includes payments or credits to retailers that are merely reimbursements, in full or in part, for such services purchased by a retailer from a third party.

Par. 15. Section 6.61 is revised to read as follows:

§ 6.61 Guaranteeing loans.

The act by an industry member of guaranteeing any loan or the repayment of any financial obligation of a retailer constitutes a means to induce within the meaning of the Act.

Par. 16. Section 6.65 is revised to read as follows:

§ 6.65 General.

Extension of credit by an industry member to a retailer for a period of time in excess of 30 days from the date of delivery constitutes a means to induce within the meaning of the Act.

Par. 17. The text of § 6.67 is added to read as follows:

§ 6.67 Sales to retailer whose account is in arrears.

An extension of credit (for product purchases) by an industry member to a retailer whose account is in arrears does not constitute a means to induce within the meaning of the Act so long as such retailer pays in advance or on delivery an amount equal to or greater than the value of each order, regardless of the manner in which the industry member applies the payment in its records.

Par. 18. Section 6.71 is revised to read as follows:

§ 6.71 Quota sales.

The act by an industry member of requiring a retailer to take and dispose of any quota of distilled spirits, wine, or malt beverages constitutes a means to induce within the meaning of the Act.

Par. 19. Section 6.72 is revised to read as follows:

§ 6.72 ''Tie-in'' sales.

The act by an industry member of requiring that a retailer purchase one product (as defined in § 6.11) in order to obtain another constitutes a means to induce within the meaning of the Act. This includes the requirement to take a minimum quantity of a product in standard packaging in order to obtain the same product in some type of premium package, i.e., a distinctive decanter, or wooden or tin box. This also includes combination sales if one or more products may be purchased only in combination with other products and not individually. However, an industry member is not precluded from selling two or more kinds or brands of products to a retailer at a special combination price, provided the retailer has the option of purchasing either product at the usual price, and the retailer is not required to purchase any product it does not want. See § 6.93 for combination packaging of products plus non-alcoholic items.

Par. 20. Section 6.81 is revised to read as follows:

§ 6.81 General.

(a) *Application.* Section 105(b)(3) of the Act enumerates means to induce that may be unlawful under the subsection, subject to such exceptions as are prescribed in regulations, having due regard for public health, the quantity and value of articles involved, established trade customs not contrary to the public interest, and the purposes of that section. This subpart implements section 105(b)(3) of the Act and identifies the practices that are exceptions to section 105(b)(3) of the Act. An industry member may furnish a retailer equipment, inside signs, supplies, services, or other things of value, under the conditions and within the limitations prescribed in this subpart.

(b) *Recordkeeping Requirements.*

(1) Industry members shall keep and maintain records on the permit or brewery premises, for a three year period, of all items furnished to retailers under §§ 6.83, 6.88, 6.91, 6.96(a), and 6.100 and the commercial records required under § 6.101. Commercial records or invoices may be used to satisfy this recordkeeping requirement if all required information is shown. These records shall show:

(i) The name and address of the retailer receiving the item;

(ii) The date furnished;

(iii) The item furnished;

(iv) The industry member's cost of the item furnished (determined by the manufacturer's invoice price); and

(v) Charges to the retailer for any item.

(2) Although no separate recordkeeping violation results, an industry member who fails to keep such records is not eligible for the exception claimed.

(Approved by the Office of Management and Budget under control number 1512–0392)

§ 6.82 [Removed and Reserved]

Par. 21. Section 6.82 is removed and reserved.

Par. 22. Section 6.83 is revised to read as follows:

§ 6.83 Product displays.

(a) *General.* The act by an industry member of giving or selling product displays to a retailer does not constitute a means to induce within the meaning of section 105(b)(3) of the Act provided that the conditions prescribed in paragraph (c) of this section are met.

(b) *Definition.* ''Product display'' means any wine racks, bins, barrels, casks, shelving, or similar items the primary function of which is to hold and display consumer products.

(c) *Conditions and limitations.*

(1) The total value of all product displays given or sold by an industry member under paragraph (a) of this section may not exceed $300 per brand at any one time in any one retail establishment. Industry members may not pool or combine dollar limitations in order to provide a retailer a product display valued in excess of $300 per brand. The value of a product display is the actual cost to the industry member who initially purchased it. Transportation and installation costs are excluded.

(2) All product displays must bear conspicuous and substantial advertising matter on the product or the industry member which is permanently inscribed or securely affixed. The name and address of the retailer may appear on the product displays.

(3) The giving or selling of such product displays may be conditioned upon the purchase of the distilled

spirits, wine, or malt beverages advertised on those displays in a quantity necessary for the initial completion of such display. No other condition can be imposed by the industry member on the retailer in order for the retailer to receive or obtain the product display.

Par. 23. Section 6.84 is revised to read as follows:

§ 6.84 Point of sale advertising materials and consumer advertising specialties.

(a) *General.* The act by an industry member of giving or selling point of sale advertising materials and consumer advertising specialties to a retailer does not constitute a means to induce within the meaning of section 105(b)(3) of the Act provided that the conditions prescribed in paragraph (c) of this section are met.

(b) *Definitions.*

(1) *Point of sale advertising materials* are items designed to be used within a retail establishment to attract consumer attention to the products of the industry member. Such materials include, but are not limited to: posters, placards, designs, inside signs (electric, mechanical or otherwise), window decorations, trays, coasters, mats, menu cards, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, clocks, calendars, and alcoholic beverage lists or menus.

(2) *Consumer advertising specialties* are items that are designed to be carried away by the consumer, such as trading stamps, nonalcoholic mixers, pouring racks, ash trays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, post cards, pencils, shirts, caps, and visors.

(c) *Conditions and limitations.*

(1) All point of sale advertising materials and consumer advertising specialties must bear conspicuous and substantial advertising matter about the product or the industry member which is permanently inscribed or securely affixed. The name and address of the retailer may appear on the point of sale advertising materials.

(2) The industry member may not directly or indirectly pay or credit the retailer for using or distributing these materials or for any expense incidental to their use.

Par. 24. Section 6.85 is revised to read as follows:

§ 6.85 Temporary retailers.

(a) *General.* The furnishing of things of value to a temporary retailer does not constitute a means to induce within the meaning of section 105(b)(3) of the Act.

(b) *Definition.* For purposes of administering this part, a temporary retailer is a dealer who is not engaged in business as a retailer for more than four consecutive days per event, and for not more than five events in a calendar year.

§§ 6.86 and 6.87 [Removed and reserved]

Par. 25. Sections 6.86 and 6.87 are removed and reserved.

Par. 26. Section 6.88 is revised to read as follows:

§ 6.88 Equipment and supplies.

(a) *General.* The act by an industry member of selling equipment or supplies to a retailer does not constitute a means to induce within the meaning of section 105(b)(3) of the Act if the equipment or supplies are sold at a price not less than the cost to the industry member who initially purchased them, and if the price is collected within 30 days of the date of the sale. The act by an industry member of installing dispensing accessories at the retailer's establishment does not constitute a means to induce within the meaning of the Act as long as the retailer bears the cost of initial installation. The act by an industry member of furnishing, giving, or selling coil cleaning service to a retailer of distilled spirits, wine, or malt beverages does not constitute a means to induce within the meaning of section 105(b)(3) of the Act.

(b) *Definition.* ''Equipment and supplies'' means glassware (or similar containers made of other material), dispensing accessories, carbon dioxide (and other gasses used in dispensing equipment) or ice. ''Dispensing accessories'' include items such as standards, faucets, cold plates, rods, vents, taps, tap standards, hoses, washers, couplings, gas gauges, vent tongues, shanks, and check valves.

§§ 6.89 and 6.90 [Removed and reserved]

Par. 27. Sections 6.89 and 6.90 are removed and reserved.

Par. 28. Section 6.91 is revised to read as follows:

§ 6.91 Samples.

The act by an industry member of furnishing or giving a sample of distilled spirits, wine, or malt beverages to a retailer who has not purchased the brand from that industry member within the last 12 months does not constitute a means to induce within the meaning of section 105(b)(3) of the Act. For each retail establishment the industry member may give not more than 3 gallons of any brand of malt beverage, not more than 3 liters of any brand of wine, and not more than 3 liters of distilled spirits. If a particular product is not available in a size within the quantity limitations of this section, an industry member may furnish to a retailer the next larger size.

Par. 29. Section 6.92 is revised to read as follows:

§ 6.92 Newspaper cuts.

Newspaper cuts, mats, or engraved blocks for use in retailers' advertisements may be given or sold by an industry member to a retailer selling the industry member's products.

Par. 30. Section 6.93 is revised to read as follows:

§ 6.93 Combination packaging.

The act by an industry member of packaging and distributing distilled spirits, wine, or malt beverages in combination with other (non-alcoholic) items for sale to consumers does not constitute a means to induce within the meaning of section 105(b)(3) of the Act.

Par. 31. Section 6.94 is amended by adding the phrase ''(such as travel and lodging)'' before the period in the final sentence of the section, and by adding a new sentence at the end of the section to read as follows:

§ 6.94 Educational seminars.

* * * This does not preclude providing nominal hospitality during the event.

* * * * *

Par. 32. Section 6.96 is amended by revising paragraph (a) to read as follows:

§ 6.96 Consumer promotions.

(a) *Coupons.* The act by an industry member of furnishing to consumers coupons which are redeemable at a retail establishment does not constitute a means to induce within the meaning of section 105(b)(3) of the Act, provided the following conditions are met:

(1) All retailers within the market where the coupon offer is made may redeem such coupons; and

(2) An industry member may not reimburse a retailer for more than the face value of all coupons redeemed, plus a usual and customary handling fee for the redemption of coupons.

* * * * *

§ 6.97 [Removed and reserved]

Par. 33. Section 6.97 is removed and reserved.

Par. 34. Section 6.98 is revised to read as follows:

§ 6.98 Advertising service.

The listing of the names and addresses of two or more unaffiliated retailers selling the products of an industry member in an advertisement of that industry member does not

constitute a means to induce within the meaning of section 105(b)(3) of the Act, provided:

(a) The advertisement does not also contain the retail price of the product (except where the exclusive retailer in the jurisdiction is a State or a political subdivision of a State), and

(b) The listing is the only reference to the retailers in the advertisement and is relatively inconspicuous in relation to the advertisement as a whole, and

(c) The advertisement does not refer only to one retailer or only to retail establishments controlled directly or indirectly by the same retailer, except where the retailer is an agency of a State or a political subdivision of a State.

Par. 35. Section 6.99 is revised to read as follows:

§ 6.99 Stocking, rotation, and pricing service.

(a) *General.* Industry members may, at a retail establishment, stock, rotate and affix the price to distilled spirits, wine, or malt beverages which they sell, provided products of other industry members are not altered or disturbed. The rearranging or resetting of all or part of a store or liquor department is not hereby authorized.

(b) *Shelf plan and shelf schematics.* The act by an industry member of providing a recommended shelf plan or shelf schematic for distilled spirits, wine, or malt beverages does not constitute a means to induce within the meaning of section 105(b)(3) of the Act.

Par. 36. Section 6.100 is revised to read as follows:

§ 6.100 Participation in retailer association activities.

The following acts by an industry member participating in retailer association activities do not constitute a means to induce within the meaning of section 105(b)(3) of the Act:

(a) Displaying its products at a convention or trade show;

(b) Renting display booth space if the rental fee is the same as paid by all exhibitors at the event;

(c) Providing its own hospitality which is independent from association sponsored activities;

(d) Purchasing tickets to functions and paying registration fees if the payments or fees are the same as paid by all attendees, participants or exhibitors at the event; and

(e) Making payments for advertisements in programs or brochures issued by retailer associations at a convention or trade show if the total payments made by an industry member for all such advertisements do not exceed $300 per year for any retailer association.

Par. 37. Section 6.101 is revised to read as follows:

§ 6.101 Merchandise.

(a) *General.* The act by an industry member, who is also in business as a bona fide producer or vendor of other merchandise (for example, groceries or pharmaceuticals), of selling that merchandise to a retailer does not constitute a means to induce within the meaning of section 105(b)(3) of the Act, provided:

(1) The merchandise is sold at its fair market value;

(2) The merchandise is not sold in combination with distilled spirits, wines, or malt beverages (except as provided in § 6.93);

(3) The industry member's acquisition or production costs of the merchandise appears on the industry member's purchase invoices or other records; and

(4) The individual selling prices of merchandise and distilled spirits, wines, or malt beverages sold in a single transaction can be determined from commercial documents covering the sales transaction.

(b) *Things of value covered in other sections of this part.* The act by an industry member of providing equipment, fixtures, signs, glassware, supplies, services, and advertising specialties to retailers does not constitute a means to induce within the meaning of section 105(b)(3) of the Act only as provided in other sections within this part.

Par. 37a. Section 6.102 is added to read as follows:

§ 6.102 Outside signs.

The act by an industry member of giving or selling outside signs to a retailer does not constitute a means to induce within the meaning of section 105(b)(3) of the Act provided that:

(a) The sign must bear conspicuous and substantial advertising matter about the product or the industry member which is permanently inscribed or securely affixed;

(b) The retailer is not compensated, directly or indirectly such as through a sign company, for displaying the signs; and

(c) The cost of the signs may not exceed $400.

Par. 38. Part 6 is amended by adding a new subpart E to read as follows:

Subpart E—Exclusion

Sec.

6.151 Exclusion, in general.
6.152 Practices which put retailer independence at risk.
6.153 Criteria for determining retailer independence.

Subpart E—Exclusion

§ 6.151 Exclusion, in general.

(a) Exclusion, in whole or in part occurs:

(1) When a practice by an industry member, whether direct, indirect, or through an affiliate, places (or has the potential to place) retailer independence at risk by means of a tie or link between the industry member and retailer or by any other means of industry member control over the retailer; and

(2) Such practice results in the retailer purchasing less than it would have of a competitor's product.

(b) Section 6.152 lists practices that create a tie or link that places retailer independence at risk. Section 6.153 lists the criteria used for determining whether other practices can put retailer independence at risk.

§ 6.152 Practices which put retailer independence at risk.

The practices specified in this section put retailer independence at risk. The practices specified here are examples and do not constitute a complete list of those practices that put retailer independence at risk.

(a) The act by an industry member of resetting stock on a retailer's premises (other than stock offered for sale by the industry member).

(b) The act by an industry member of purchasing or renting display, shelf, storage or warehouse space (*i.e.* slotting allowance).

(c) Ownership by an industry member of less than a 100 percent interest in a retailer, where such ownership is used to influence the purchases of the retailer.

(d) The act by an industry member of requiring a retailer to purchase one alcoholic beverage product in order to be allowed to purchase another alcoholic beverage product at the same time.

§ 6.153 Criteria for determining retailer independence.

The criteria specified in this section are indications that a particular practice, other than those in § 6.152, places retailer independence at risk. A practice need not meet all of the criteria specified in this section in order to place retailer independence at risk.

(a) The practice restricts or hampers the free economic choice of a retailer to decide which products to purchase or the quantity in which to purchase them for sale to consumers.

(b) The industry member obligates the retailer to participate in the promotion to obtain the industry member's product.

(c) The retailer has a continuing obligation to purchase or otherwise promote the industry member's product.

(d) The retailer has a commitment not to terminate its relationship with the industry member with respect to purchase of the industry member's products.

(e) The practice involves the industry member in the day-to-day operations of the retailer. For example, the industry member controls the retailer's decisions on which brand of products to purchase, the pricing of products, or the manner in which the products will be displayed on the retailer's premises.

(f) The practice is discriminatory in that it is not offered to all retailers in the local market on the same terms without business reasons present to justify the difference in treatment.

PART 8—EXCLUSIVE OUTLETS

Par. 39. The authority citation for part 8 is revised to read as follows:

Authority: 15 U.S.C. 49–50; 27 U.S.C. 202 and 205; 44 U.S.C. 3504(h).

Par. 40. Section 8.1 is revised to read as follows:

§ 8.1 General.

The regulations in this part, issued pursuant to section 105 of the Federal Alcohol Administration Act (27 U.S.C. 205), specify arrangements which are exclusive outlets under section 105(a) of the Act and criteria for determining whether a practice is a violation of section 105(a) of the Act. This part does not attempt to enumerate all of the practices prohibited by section 105(a) of the Act. Nothing in this part shall operate to exempt any person from the requirements of any State law or regulation.

Par. 41. Section 8.5 is added to subpart A to read as follows:

§ 8.5 Administrative provisions.

(a) *General.* The Act makes applicable the provisions including penalties of sections 49 and 50 of Title 15, United States Code, to the jurisdiction, powers and duties of the Director under this Act, and to any person (whether or not a corporation) subject to the provisions of law administered by the Director under this Act. The Act also provides that the Director is authorized to require, in such manner and such form as he or she shall prescribe, such reports as are necessary to carry out the powers and duties under this chapter.

(b) *Examination and Subpoena.* The Director or any authorized ATF officers shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person, partnership, or corporation being investigated or proceeded against. The Director shall also have the power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation, upon a satisfactory showing that the requested evidence may reasonably be expected to yield information relevant to any matter being investigated under the Act.

(c) *Reports required by the Deputy Associate Director (Regulatory Enforcement Programs).*

(1) *General.* The Deputy Associate Director (Regulatory Enforcement Programs) may, as part of a trade practice investigation of an industry member, require such industry member to submit a written report containing information on sponsorships, advertisements, promotions, and other activities pertaining to its business subject to the Act conducted by, or on behalf of, or benefiting the industry member.

(2) *Preparation.* The report will be prepared by the industry member in letter form, executed under the penalties of perjury, and will contain the information specified by the Deputy Associate Director (Regulatory Enforcement Programs). The period covered by the report will not exceed three years.

(3) *Filing.* The report will be filed in accordance with the instructions of the Deputy Associate Director (Regulatory Enforcement Programs).

(Approved by the Office of Management and Budget under control number 1512–0392)

Par. 42. Section 8.11 is amended by removing the definition for the term ''retail establishment'' and by adding definitions for ''ATF officer,'' ''Deputy Associate Director (Regulatory Enforcement Programs)'' and ''Director'' as follows:

§ 8.11 Meaning of terms.

* * * * *

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

Deputy Associate Director (Regulatory Enforcement Programs). The principal ATF headquarters official responsible for administering regulations in this part.

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, DC.

* * * * *

Par. 43. Section 8.23 is revised to read as follows:

§ 8.23 Third party arrangements.

Industry member requirements, by agreement or otherwise, with non-retailers which result in a retailer being required to purchase the industry member's products are within the exclusive outlet provisions. These industry member requirements are covered whether the agreement or other arrangement originates with the industry member or the third party. For example, a supplier enters into a contractual agreement or other arrangement with a third party. This agreement or arrangement contains an industry member requirement as described above. The third party, a ballclub, or municipal or private corporation, not acting as a retailer, leases the concession rights and is able to control the purchasing decisions of the retailer. The third party, as a result of the requirement, by agreement or otherwise, with the industry member, requires the retailer to purchase the industry member's products to the exclusion, in whole or in part, of products sold or offered for sale by other persons in interstate or foreign commerce. The business arrangements entered into by the industry member and the third party may consist of such things as sponsoring radio or television broadcasting, paying for advertising, or providing other services or things of value.

Par. 44. Part 8 is amended by adding a new subpart D to read as follows:

Subpart D—Exclusion

Sec.

8.51 Exclusion, in general.
8.52 Practices which result in exclusion.
8.53 Practice not resulting in exclusion.
8.54 Criteria for determining retailer independence.

Subpart D—Exclusion

§ 8.51 Exclusion, in general.

(a) Exclusion, in whole or in part occurs:

(1) When a practice by an industry member, whether direct, indirect, or through an affiliate, places (or has the potential to place) retailer independence at risk by means of a tie or link between the industry member and retailer or by any other means of industry member control over the retailer, and

(2) Such practice results in the retailer purchasing less than it would have of a competitor's product.

(b) Section 8.52 lists practices that result in exclusion. Section 8.53 lists practices not resulting in exclusion. Section 8.54 lists the criteria used for

determining whether other practices can put retailer independence at risk.

§ 8.52 Practices which result in exclusion.

The practices specified in this section result in exclusion under section 105(a) of the Act. The practices specified here are examples and do not constitute a complete list of such practices:

(a) Purchases of distilled spirits, wine or malt beverages by a retailer as a result, directly or indirectly, of a threat or act of physical or economic harm by the selling industry member.

(b) Contracts between an industry member and a retailer which require the retailer to purchase distilled spirits, wine, or malt beverages from that industry member and expressly restrict the retailer from purchasing, in whole or in part, such products from another industry member.

§ 8.53 Practice not resulting in exclusion.

The practice specified in this section is deemed not to result in exclusion under section 105(a) of the Act: a supply contract for one year or less between the industry member and retailer under which the industry member agrees to sell distilled spirits, wine, or malt beverages to the retailer on an ''as needed'' basis provided that the retailer is not required to purchase any minimum quantity of such product.

§ 8.54 Criteria for determining retailer independence.

The criteria specified in this section are indications that a particular practice, other than those in §§ 8.52 and 8.53, places retailer independence at risk. A practice need not meet all of the criteria specified in this section in order to place retailer independence at risk.

(a) The practice restricts or hampers the free economic choice of a retailer to decide which products to purchase or the quantity in which to purchase them for sale to consumers.

(b) The industry member obligates the retailer to participate in the promotion to obtain the industry member's product.

(c) The retailer has a continuing obligation to purchase or otherwise promote the industry member's product.

(d) The retailer has a commitment not to terminate its relationship with the industry member with respect to purchase of the industry member's products.

(e) The practice involves the industry member in the day-to-day operations of the retailer. For example, the industry member controls the retailer's decisions on which brand of products to purchase, the pricing of products, or the manner in which the products will be displayed on the retailer's premises.

(f) The practice is discriminatory in that it is not offered to all retailers in the local market on the same terms without business reasons present to justify the difference in treatment.

PART 10—COMMERCIAL BRIBERY

Par. 45. The authority citation for part 10 is revised to read as follows:

Authority: 15 U.S.C. 49–50; 27 U.S.C. 202 and 205; 44 U.S.C. 3504(h).

Par. 46. Section 10.1 is revised to read as follows:

§ 10.1 General.

The regulations in this part, issued pursuant to section 105 of the Federal Alcohol Administration Act (27 U.S.C. 205), specify practices which may result in violations of section 105(c) of the Act and criteria for determining whether a practice is a violation of section 105(c) of the Act. This part does not attempt to enumerate all of the practices prohibited by section 105(c) of the Act. Nothing in this part shall operate to exempt any person from the requirements of any State law or regulation.

Par. 52. Section 10.4 is amended by revising paragraph (a)(1) to read as follows:

§ 10.4 Jurisdictional limits.

(a) *General.* * * *

(1) The industry member induces a trade buyer to purchase distilled spirits, wine, or malt beverages from such industry member to the exclusion, in whole or in part, of products sold or offered for sale by other persons in interstate or foreign commerce; and

Par. 47. Section 10.5 is added to subpart A to read as follows:

§ 10.5 Administrative provisions.

(a) *General.* The Act makes applicable the provisions including penalties of sections 49 and 50 of Title 15, United States Code, to the jurisdiction, powers and duties of the Director under this Act, and to any person (whether or not a corporation) subject to the provisions of law administered by the Director under this Act. The Act also provides that the Director is authorized to require, in such manner and such form as he or she shall prescribe, such reports as are necessary to carry out the powers and duties under this chapter.

(b) *Examination and subpoena.* The Director or any authorized ATF officers shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person, partnership, or corporation being investigated or proceeded against. The Director shall also have the power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation, upon a satisfactory showing that the requested evidence may reasonably be expected to yield information relevant to any matter being investigated under the Act.

(c) *Reports required by the Deputy Associate Director (Regulatory Enforcement Programs).*

(1) *General.* The Deputy Associate Director (Regulatory Enforcement Programs) may, as part of a trade practice investigation of an industry member, require such industry member to submit a written report containing information on sponsorships, advertisements, promotions, and other activities pertaining to its business subject to the Act conducted by, or on behalf of, or benefiting the industry member.

(2) *Preparation.* The report will be prepared by the industry member in letter form, executed under the penalties of perjury, and will contain the information specified by the Deputy Associate Director (Regulatory Enforcement Programs). The period covered by the report will not exceed three years.

(3) *Filing.* The report will be filed in accordance with the instructions of the Deputy Associate Director (Regulatory Enforcement Programs).

(Approved by the Office of Management and Budget under control number 1512–0392)

Par. 48. Section 10.11 is amended by adding definitions for ''ATF officer,'' ''Deputy Associate Director (Regulatory Enforcement Programs),'' and ''Director'' as follows:

§ 10.11 Meaning of terms.

* * * * *

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

Deputy Associate Director (Regulatory Enforcement Programs). The principal ATF headquarters official responsible for administering regulations in this part.

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, DC.

* * * * *

Par. 49. Part 10 is amended by adding a new subpart D to read as follows:

Subpart D—Exclusion

Sec.
10.51 Exclusion, in general.
10.52 Practice which puts trade buyer independence at risk.
10.53 Practices not resulting in exclusion. [Reserved]
10.54 Criteria for determining trade buyer independence.

Subpart D—Exclusion

§ 10.51 Exclusion, in general.

(a) Exclusion, in whole or in part occurs:

(1) When a practice by an industry member, whether direct, indirect, or through an affiliate, places (or has the potential to place) trade buyer independence at risk by means of a tie or link between the industry member and trade buyer or by any other means of industry member control over the trade buyer, and

(2) Such practice results in the trade buyer purchasing less than it would have of a competitor's product.

(b) Section 10.52 lists practices that create a tie or link that places trade buyer independence at risk. Section 10.53 is reserved and will list practices not resulting in exclusion. Section 10.54 lists the criteria used for determining whether other practices can put trade buyer independence at risk.

§ 10.52 Practice which puts trade buyer independence at risk.

The practice specified in this section is deemed to place trade buyer independence at risk within the description of exclusion in § 10.51: Industry member payments of money to the employee(s) of a trade buyer without the knowledge or consent of the trade buyer-employer in return for the employee agreeing to order distilled spirits, wine, or malt beverages from the industry member. The practice enumerated here is an example and does not constitute a complete list of those situations which result in such control.

§ 10.53 Practices not resulting in exclusion. [Reserved]

§ 10.54 Criteria for determining trade buyer independence.

The criteria specified in this section are indications that a particular practice between an industry member and an officer, employee, or representative of a trade buyer, other than those in § 10.52, places trade buyer independence at risk. A practice need not meet all of the criteria specified in this section in order to place trade buyer independence at risk.

(a) The practice restricts or hampers the free economic choice of a trade buyer to decide which products to purchase or the quantity in which to purchase them for sale to retailers and consumers.

(b) The industry member obligates the trade buyer to participate in the promotion to obtain the industry member's product.

(c) The trade buyer has a continuing obligation to purchase or otherwise promote the industry member's product.

(d) The trade buyer has a commitment not to terminate its relationship with the industry member with respect to purchase of the industry member's products.

(e) The practice involves the industry member in the day-to-day operations of the trade buyer. For example, the industry member controls the trade buyer's decisions on which brand of products to purchase, the pricing of products, or the manner in which the products will be displayed on the trade buyer's premises.

(f) The practice is discriminatory in that it is not offered to all trade buyers in the local market on the same terms without business reasons present to justify the difference in treatment.

PART 11—CONSIGNMENT SALES

Par. 50. The authority citation for 27 CFR Part 11 is revised to read as follows:

Authority: 15 U.S.C. 49–50; 27 U.S.C. 202 and 205.

Par. 51. Section 11.1 is revised to read as follows:

§ 11.1 General.

The regulations in this part, issued pursuant to section 105 of the Federal Alcohol Administration Act (27 U.S.C. 205), specify arrangements which are consignment sales under section 105(d) of the Act and contain guidelines concerning return of distilled spirits, wine and malt beverages from a trade buyer. This part does not attempt to enumerate all of the practices prohibited by section 105(d) of the Act. Nothing in this part shall operate to exempt any person from the requirements of any State law or regulation.

Par. 52. Section 11.5 is added to subpart A to read as follows:

§ 11.5 Administrative provisions.

(a) *General.* The Act makes applicable the provisions including penalties of sections 49 and 50 of Title 15, United States Code, to the jurisdiction, powers and duties of the Director under this Act, and to any person (whether or not a corporation) subject to the provisions of law administered by the Director under this Act.

(b) *Examination and subpoena.* The Director or any authorized ATF officers shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person, partnership, or corporation being investigated or proceeded against; and the Director shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation, upon a satisfactory showing that the requested evidence may reasonably be expected to yield information relevant to any matter being investigated under the Act.

Par. 53. Section 11.11 is amended by adding definitions for ''ATF officer,'' ''Director'' and ''Retailer'' as follows:

§ 11.11 Meaning of terms.

* * * * *

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, DC.

* * * * *

Retailer. Any person engaged in the sale of distilled spirits, wine or malt beverages to consumers. A wholesaler who makes incidental retail sales representing less than five percent of the wholesaler's total sales volume for the preceding two-month period shall not be considered a retailer with respect to such incidental sales.

* * * * *

Par. 54. A new § 11.24 is added to subpart C to read as follows:

§ 11.24 Other than a bona fide sale.

''Other than a bona fide sale'' includes, but is not limited to, sales in connection with which the industry member purchases or rents the display, shelf, storage or warehouse space to be occupied by such products at premises owned or controlled by the retailer.

Par. 55. Section 11.32 is revised to read as follows:

§ 11.32 Defective products.

Products which are unmarketable because of product deterioration, leaking containers, damaged labels or missing or mutilated tamper evident closures may be exchanged for an equal quantity of identical products or may be returned for cash or credit against outstanding indebtedness.

Par. 56. Section 11.34 is revised to read as follows:

§ 11.34 Products which may no longer be lawfully sold.

Products which may no longer be lawfully sold may be returned for cash or credit against outstanding indebtedness. This would include situations where, due to a change in regulation or administrative procedure over which the trade buyer or an affiliate of the trade buyer has no control, a particular size or brand is no longer permitted to be sold.

Par. 57. Section 11.35 is revised to read as follows:

§ 11.35 Termination of business.

Products on hand at the time a trade buyer terminates operations may be returned for cash or credit against outstanding indebtedness. This does not include a temporary seasonal shutdown (see § 11.39).

Signed: January 4, 1995.

Daniel R. Black,

Acting Director.

Approved: March 30, 1995.

John P. Simpson,

Deputy Assistant Secretary, (Tariff and Trade Enforcement).

[FR Doc. 95–10116 Filed 4–24–95; 8:45 am]

BILLING CODE 4810–31–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGDO5–94–076]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Scotts Hill, NC

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing the operation of the Figure Eight Island swingbridge across the Atlantic Intracoastal Waterway, mile 278.1, located in Scotts Hill, North Carolina, by restricting recreational vessels to bridge openings every half hour. This is intended to reduce the amount of bridge openings to relieve the increased volume of vehicular traffic crossing this bridge, while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This rule is effective on May 26, 1995.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, (804) 398–6222.

SUPPLEMENTARY INFORMATION:

Draft Information

The principal persons involved in drafting this document are Bill H. Brazier, Project Officer, and LCDR C.A. Abel, Project Attorney, Fifth Coast Guard District.

Regulatory History

On November 8, 1994, the Coast Guard published a Notice of Proposed Rulemaking entitled Atlantic Intracoastal Waterway, Scotts Hill, North Carolina, in the **Federal Register** (59 FR 55601). The commend period ended January 9, 1995. The Coast Guard did not receive any comments on the Notice of Proposed Rulemaking. On January 13, 1995, the Coast Guard issued Public Notice 5–845 requesting comments on the Notice of Proposed Rulemaking. The comment period ended February 13, 1995. No comments were received. A public hearing was not requested and one was not held.

Background and Purpose

The Figure Eight Beach Homeowners Association, Inc. has requested that openings of the Figure Eight swingbridge mile 278, Atlantic Intracoastal Waterway, be restricted for recreational vessels to every half hour due to the increase in vehicular traffic across the bridge. Currently, this bridge opens on signal at all times. The Coast Guard has decided to reduce the required bridge openings for recreational vessels from ''on demand'' to openings on the hour and half hour, as needed. The bridge will continue to open on signal at all other times for all other vessels. The Coast Guard believes that recreational vessels will not be unduly restricted in passage through the bridge, since they can plan their vessel transits around the hour and half opening restriction.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this final rule to be so minimal that a full regulatory evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

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

Collection of Information

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

Federalism

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

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B (as revised by 59 FR 38654; July 29, 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and checklist has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, the Coast Guard is amending part 117 of Title 33, Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05.1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. In § 117.821, paragraphs (b) (4) and (5) are redesignated as (b) (5) and (6) respectively, and new paragraph (b)(4) is added to read as follows:

§ 117.821 Atlantic Intracoastal Waterway, Albermarle Sound to Sunset Beach.

* * * * *

(b) * * *

(4) Figure Eight Swing Bridge, mile 278.1, at Scotts Hill, NC, must open, if signaled, on the hour and half hour.

* * * * *

Dated: April 14, 1995.

W.J. Ecker,

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

[FR Doc. 95–10232 Filed 4–25–95; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[CGD01–95–004]

RIN 2115–AA97

Safety Zone: Annual South Street Seaport Memorial Day Fireworks, East River, NY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent safety zone for the annual South Street Seaport Memorial Day Fireworks display located in the East River, New York. The safety zone will be in effect annually on the Sunday before Memorial Day from 8 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port, New York. The safety zone will close all waters of the East River south of the Brooklyn Bridge and north of a line drawn from Pier 9, Manhattan to Pier 3, Brooklyn.

EFFECTIVE DATE: This rule is effective May 26, 1995.

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

SUPPLEMENTARY INFORMATION:

Drafting Information

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

Regulatory History

On March 16, 1995, the Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** (60 FR 14243). Interested persons were requested to submit comments on or before April 17, 1995. No comments were received. A public hearing was not requested and one was not held. The Coast Guard is promulgating this final rule as proposed.

Background and Purpose

For the last several years, South Street Seaport, Inc. has submitted an Application for Approval of Marine Event for a Memorial Day fireworks program in the waters of the East River. This regulation establishes a safety zone in the waters of the East River on the Sunday before Memorial Day from 8 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port, New York. This safety zone precludes all vessels from transiting south of the Brooklyn Bridge and north of a line drawn from Pier 9, Manhattan to Pier 3, Brooklyn. It is needed to protect mariners from the hazards associated with fireworks exploding in the area. The effective period of the safety zone will be announced annually via Safety Marine Information Broadcasts and by locally issued notices.

Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This safety zone closes a portion of the East River to all vessel traffic annually on the Sunday before Memorial Day between 8 p.m. and 10 p.m., unless extended or terminated sooner by the Captain of the Port, New York. Although this regulation prevents traffic from transiting this area, the effect of this regulation will not be significant for several reasons. Due to the limited duration of the event; the late hour of the event; the extensive, advance advisories that will be made; that pleasure craft and some commercial vessels can take an alternate route via the Hudson and Harlem Rivers; and that this event has been held annually for the past several years without incident or complaint, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

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

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

Collection of Information

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

Federalism

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

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, revised 59 FR 38654, it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket. An appropriate environmental analysis of this fireworks program under the National Environmental Policy Act will be conducted in conjunction with the marine event permitting process each year.

List of Subjects in 33 CFR Part 165

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

Final Regulation

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

PART 165—[AMENDED]

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

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

2. Section 165.175 is added to read as follows:

§ 165.175 Safety Zone; Annual South Street Seaport Memorial Day Fireworks Display, East River, New York.

(a) *Location.* All waters of the East River south of the Brooklyn Bridge and north of a line drawn from Pier 9, Manhattan to Pier 3, Brooklyn.

(b) *Effective period.* This safety zone is in effect annually on the Sunday before Memorial Day from 8 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port, New York. The effective period will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

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

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

Dated: April 18, 1995.

J. Rutkovsky,

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

[FR Doc. 95–10233 Filed 4–25–95; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[CGD01–95–013]

RIN 2115–AA97

Safety Zone: Annual North Hempstead Memorial Day Fireworks Display, Hempstead Harbor, NY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent safety zone for the annual North Hempstead Memorial Day fireworks display located in Hempstead Harbor, New York. The safety zone will be in effect annually on the Friday before Memorial Day from 8 p.m. until 10 p.m., with a rain date on the following Saturday during the same times, unless extended or terminated sooner by the Captain of the Port New York. The safety zone closes all waters of Hempstead Harbor within a 300 yard radius of the fireworks platform located approximately 300 yards north of Bar Beach, North Hempstead, New York.

EFFECTIVE DATE: This rule is effective May 26, 1995.

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

SUPPLEMENTARY INFORMATION:

Drafting Information

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

Regulatory History

On March 16, 1995, the Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** (60 FR 14245). Interested persons were requested to submit comments on or before April 17, 1995. No comments were received. A public hearing was not requested and one was not held. The Coast Guard is promulgating this final rule as proposed.

Background and Purpose

For the last several years, the Town of North Hempstead has submitted an Application for Approval of Marine Event for a fireworks program in the waters of Hempstead Harbor. This regulation establishes an annual safety zone in the waters of Hempstead Harbor on the Friday before Memorial Day from 8 p.m. until 10 p.m., with a rain date on the following Saturday during the same times, unless extended or terminated sooner by the Captain of the Port New York. This safety zone precludes all vessels from transiting within a 300 yard radius of the fireworks platform located approximately 300 yards north of Bar Beach, North Hempstead, New York. It is needed to protect mariners from the hazards associated with fireworks exploding in the area. The effective period of the safety zone will be announced annually via Safety Marine Information Broadcasts and by locally issued notices.

Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This safety zone closes a portion of Hempstead Harbor to all vessel traffic annually on the Friday before Memorial Day from 8 p.m. until 10 p.m., with a rain date on the following Saturday at the same times, unless extended or terminated sooner by the Captain of the Port New York. Although this regulation prevents traffic from transiting this area, the effect of this regulation will not be significant for several reasons. Due to the limited duration of the event; the late hour of the event; the extensive, advance advisories that will be made; that the amount of traffic in this area is minimal; and that this event has been held annually for the past several years without incident or complaint, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

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

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

Collection of Information

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

Federalism

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

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, revised 59 FR 38654, it is

categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket. An appropriate environmental analysis of the fireworks program under the National Environmental Policy Act will be conducted in conjunction with the marine event permitting process each year.

List of Subjects in 33 CFR Part 165

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

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

PART 165—[AMENDED]

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

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

2. Section 165.178 is added to read as follows:

§ 165.178 Safety Zone; Annual North Hempstead Memorial Day Fireworks Display, Hempstead Harbor, New York.

(a) *Location*. All waters of Hempstead Harbor within a 300 yard radius of a fireworks platform located approximately 300 yards north of Bar Beach, North Hempstead, New York.

(b) *Effective period*. This safety zone is in effect annually on the Friday before Memorial Day from 8 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port New York. If the fireworks is canceled because of bad weather, this section is in effect on the following Saturday at the time unless extended or terminated sooner by the Captain of the Port New York. The effective period will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

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

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

Dated: April 18, 1995.

J. Rutkovsky,

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

[FR Doc. 95–10234 Filed 4–25–95; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA–102–4–6905; FRL–5184–9]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on February 2, 1995 and February 10, 1995. The revisions concern rules from the Bay Area Air Quality Management District (BAAQMD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from light and medium duty motor vehicle assembly plants, from the surface coating of large appliances and metal furniture, from the coating of wood products, from the surface coating of marine vessels, components, and structures intended for exposure to a marine environment, and from air stripping and soil vapor extraction operations. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

EFFECTIVE DATE: This action is effective on May 26, 1995.

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

Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, SW., Washington, DC 20460.

California Air Resources Board, 2020 ''L'' Street, Sacramento, CA 95814.

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

FOR FURTHER INFORMATION CONTACT: Nikole Reaksecker, Rulemaking Section, Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Telephone: (415) 744–1187.

SUPPLEMENTARY INFORMATION:

Background

On February 2, 1995 in 60 FR 6467, EPA proposed to approve BAAQMD's Regulation 8, Rule 43 (Rule 8–43), Surface Coating of Marine Vessels, into the California SIP. On February 10, 1995 in 60 FR 7931, EPA proposed to approve the following rules into the California SIP: BAAQMD's Regulation 8, Rule 13 (Rule 8–13), Light and Medium Duty Motor Vehicle Assembly Plants; Regulation 8, Rule 14 (Rule 8–14), Surface Coating of Large Appliances and Metal Furniture; Regulation 8, Rule 23 (Rule 8–23), Coating of Flat Wood Paneling and Wood Flat Stock; and Regulation 8, Rule 47 (Rule 8–47), Air Stripping and Soil Vapor Extraction Operations. Rules 8–14 and 8–43 were adopted by BAAQMD on June 1, 1994, and Rules 8–13, 8–23, and 8–47 were adopted by BAAQMD on June 15, 1994. These rules were submitted by the CARB to EPA on September 28, 1994 in response to EPA's 1988 SIP-Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the NPRMs cited above.

EPA has evaluated all of the above rules for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRMs cited above. EPA has found that the rules meet the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in 60 FR 6467 and 60 FR 7931 and in technical support documents

(TSDs) available at EPA's Region IX office.

Response to Public Comments

The 30-day public comment periods were provided in 60 FR 6467 and 60 FR 7931. No comments were received.

EPA Action

EPA is finalizing action to approve the above rules for inclusion into the California SIP. EPA is approving the submittal under section 1109(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of VOCs in accordance with the requirements of the CAA.

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

Regulatory Process

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 29, 1995.

David P. Howekamp,

Acting Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(199)(i)(A)(*2*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(199) * * *

(i) * * *

(A) * * *

(*2*) Regulation 8, Rules 14 and 43 adopted on June 1, 1994, and regulation 8, Rules 13, 23, 47 adopted on June 15, 1994.

* * * * *

[FR Doc. 95–10250 Filed 4–25–95; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[PP 2E4071/R2117; FRL–4941–8]

RIN 2070–AB78

Methyl Anthranilate; Exemptions From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes an exemption from the requirement of a tolerance for residues of the biochemical methyl anthranilate in or on the raw agricultural commodities blueberry, cherry, and grape when the pesticide is used in accordance with good agricultural practices. The Interregional Research Project No. 4 (IR-4) requested this exemption in a petition submitted to EPA.

EFFECTIVE DATE: This regulation becomes effective April 26, 1995.

ADDRESSES: Written objections, identified by the document control number, [PP 2E4017/R2117], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing request to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt Jamerson, Registration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Westfield Building North, 6th Fl., 2800 Crystal Drive, Arlington, VA 22202, (703)-308-8783; e-mail: Jamerson.Hoyt@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 22, 1995 (60 FR 9816), EPA issued a proposed rule that gave notice that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition (PP) 2E4071 to EPA on behalf of the Agricultural Experiment Station of Washington. Pesticide petition 2E4071 requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), establish exemptions from the requirement of a tolerance for residues of the biochemical methyl anthranilate in or on the raw agricultural commodities blueberry, cherry, and grape. Methyl anthranilate will be applied as a dilute foliar spray to these crops to repel birds and reduce bird depredation. Methyl anthranilate is a natural constituent of food that can be found in grape and citrus. Methyl anthranilate is also synthetically produced and used in the purified form (not less than 99 percent pure) as a flavoring agent in beverages, ice cream, candy, baked goods, gelatins, puddings, and chewing gum. The synthetic product mimics the chemical structure and function of the natural plant constituent. Methyl anthranilate is listed by the Food and Drug Administration (FDA) as a flavoring compound under 21 CFR 182.60 and is classified generally recognized as safe (GRAS) by the Expert Panel of the Flavor and Extract Manufacturer's Association (FEMA). Registrants who produce end-use products for this active ingredient that are intended for use on blueberry, cherry, or grape will be required to use methyl anthranilate produced to meet or exceed U.S. Food Chemical Codex and U.S. Pharmacopoeia specifications.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted relevant to the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance exemption will protect the public health. Therefore, the tolerance exemption is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register,** file written objections and/or request a hearing with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: April 13, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. In subpart D, by adding new § 180.1143, to read as follows:

§ 180.1143 Methyl anthranilate; exemption from the requirement of a tolerance.

Methyl anthranilate, a biochemical pesticide, is exempt from the requirement of a tolerance when used in accordance with good agricultural practices on the following raw agricultural commodities: Blueberry, cherry, and grape.

[FR Doc. 95–10251 Filed 4–25–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP 6E3460/R2116; FRL–4941–6]

RIN 2070–AB78

Prometryn; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes a tolerance for residues of the herbicide prometryn in or on the raw agricultural commodity parsley. The Interregional Research Project No. 4 (IR-4) requested this regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity.

EFFECTIVE DATE: This regulation becomes effective April 26, 1995.

ADDRESSES: Written objections, identified by the document control number, [PP 6E3460/R2116], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Registration Division (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Hwy., Arlington, VA 22202, (703)-308-8783; e-mail: Jamerson.Hoyt@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 15, 1995 (60 FR 8615), EPA issued a proposed rule that gave notice that Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition (PP) 6E3460 to EPA on behalf of the Agricultural Experiment Station of California. The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), amend 40 CFR 180.222 by establishing a tolerance for residues of the herbicide prometryn (2,4-bis(isopropylamino)-6-methylthio-*s*-triazine) in or on the raw agricultural commodity parsely at 0.1 part per million (ppm). The petitioner proposed that use of prometryn on parsley be limited to California only based on the geographical representation of the residue data submitted. Additional residue data will be reequired to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's

Registration Division at the address provided above.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted with the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register,** file written objections and/or request a hearing with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: April 13, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. In § 180.222, paragraph (b) is amended in the table therein by adding and alphabetically inserting a new entry, to read as follows:

§ 180.222 Prometryn; tolerances for residues.

* * * * *

Commodity	Parts per million
* * * * *	
Parsley	0.1

[FR Doc. 95–10254 Filed 4–26–95; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 501

Organization and Delegation of Powers and Duties

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

ACTION: Final rule.

SUMMARY: This document amends the organization and delegation of powers and duties within NHTSA to delegate to the Chief Counsel the authority to compromise civil penalties in an amount of $25,000 or less for violations of the former National Traffic and Motor Vehicle Safety Act and the former Motor Vehicle Information and Cost Savings Act. The Chief Counsel had previously been delegated the authority to compromise such penalties for $10,000 or less.

EFFECTIVE DATE: April 26, 1995.

FOR FURTHER INFORMATION CONTACT: Taylor Vinson, Office of Chief Counsel, NHTSA, 400 Seventh Street SW., Washington, DC 20590 (202–366–5263).

SUPPLEMENTARY INFORMATION: The Administrator and Chief Counsel of NHTSA have reviewed the agency's existing policy and procedures for processing civil penalty proceedings arising out of apparent violations of 49 U.S.C. Chapter 301, ''Motor Vehicle Safety'' (formerly the National Traffic and Motor Vehicle Safety Act), and have decided that the delegated authority of the Chief Counsel to compromise civil penalties for $10,000 or less should be increased to $25,000. Experience has shown that it is neither necessary nor appropriate to involve the Administrator in relatively minor matters that have historically been resolved for less than $25,000.

Under 49 CFR 501.8(d)(2), the Chief Counsel has also been delegated compromise authority with respect to violations of ''the Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 1901 *et seq.*).'' That statute has been recodified as 49 U.S.C. Chapters 305, 321, 323, 325, 327, 329, and 331.

Accordingly, the delegation authority to the Chief Counsel is also being amended to reflect the new recodification. Amendments of other sections of 49 CFR part 501 reflecting the recodification will be made at a later date.

Effective Date

The amendments to part 501 relate solely to internal administrative procedures and have no substantive effect. Thus, they are not covered by the notice and comment or the effective date provisions of the Administrative Procedure Act. In addition, they are not covered by Executive Order 12866 or DOT's Regulatory Policies and Procedures. Notice and the opportunity for comment are, therefore, not required, and the amendments may be made effective upon publication in the **Federal Register.**

List of Subjects in 49 CFR Part 501

Administrative practice and procedure, Motor vehicles, Motor vehicle safety.

PART 501—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

In consideration of the foregoing, 49 CFR part 501 is amended as follows:

1. The authority citation for part 501 continues to read as follows:

Authority: 49 U.S.C. 105, 322; delegation of authority at 49 CFR 1.50.

2. Section 501.8 is amended by revising paragraph (d)(2) to read as follows:

§ 501.8 Delegations.

* * * * *

(d) *Chief counsel.* * * *

(2) Establish the legal sufficiency of all investigations conducted under the authority of 49 U.S.C. Chapters 301, 305, 321, 323, 325, 327, 329, and 331, and to compromise any civil penalty or monetary settlement in an amount of $25,000 or less resulting from a violation of those Chapters.

Issued on: April 20, 1995.

Ricardo Martinez,

Administrator.

[FR Doc. 95–10185 Filed 4–25–95; 8:45 am]

BILLING CODE 4910–59–P

Proposed Rules

Federal Register
Vol. 60, No. 80
Wednesday, April 26, 1995

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 94–102–2]

Importation of Fruit Trees From France

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of reopening and extension of comment period.

SUMMARY: We are reopening and extending the comment period for our proposed rule to allow *Chaenomeles* spp., *Cydonia* spp., *Malus* spp., *Pyrus* spp., and certain *Prunus* spp. plants (except seeds) to be imported into the United States as restricted articles, if grown in private nurseries in France and certified by the French plant protection service to be free of various diseases. The same proposed rule also would remove Laredo, TX, from the list of ports equipped with plant inspection stations. This extension will provide interested persons with additional time in which to prepare comments on the proposed rule.

DATES: Consideration will be given only to written comments on Docket No. 94–102–1 that are received on or before May 26, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 94–102–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 94–102–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. James Petit de Mange or Mr. Peter Grosser, Operations Officers, Port Operations, PPQ, APHIS, 4700 River Road Unit 139, Riverdale, MD, 20737–1236, (301) 734–8645.

SUPPLEMENTARY INFORMATION:

Background

On March 13, 1995, we published in the **Federal Register** (60 FR 13382–13384, Docket No. 94–102–1) a proposed rule to amend § 319.37–5(b) of the regulations to allow *Chaenomeles* spp., *Cydonia* spp., *Malus* spp., *Pyrus* spp., and certain *Prunus* spp. grown in private nurseries in France to be imported as restricted articles into the United States under the same conditions already applied to those same articles when grown in government nurseries in France. In addition, we proposed to amend § 319.37–14(b) of the regulations by removing the port of Laredo, TX, from the list of ports with plant inspection stations. Comments on the proposed rule were required to be received on or before April 12, 1995.

In response to a request, we are reopening and extending the public comment period on Docket No. 94–102–1 until 30 days after the date of publication of this notice in the **Federal Register**. During this period, other interested persons may also submit their comments for our consideration.

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167, and 450; 21 U.S.C. 136 and 136a; 7 CFR 2.17, 2.51, and 371.2(c).

Done in Washington, DC, this 20th day of April 1995.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–10243 Filed 4–25–95; 8:45 am]

BILLING CODE 3410–34–P

FEDERAL RESERVE SYSTEM

12 CFR Part 202

[Regulation B; Docket No. R–0876]

Equal Credit Opportunity

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board is publishing for comment a proposed amendment to Regulation B (Equal Credit Opportunity). The proposed amendment would eliminate the general prohibition on collecting data relating to an applicant's race, color, sex, religion, and national origin, giving creditors the option to ask applicants to provide the information on a voluntary basis. This amendment would allow data collection only; creditors still would be prohibited from considering an applicant's race, color, sex, religion, and national origin in their credit decisions.

DATES: Comments must be received on or before June 27, 1995.

ADDRESSES: Comments should refer to Docket No. R–0876, and may be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551. Comments also may be delivered to Room B–2222 of the Eccles Building between 8:45 a.m. and 5:15 p.m. weekdays, or to the guard station in the Eccles Building courtyard on 20th Street, NW. (between Constitution Avenue and C Street) at any time. Comments received will be available for inspection in Room MP–500 of the Martin Building between 9:00 a.m. and 5:00 p.m. weekdays, except as provided in 12 CFR 261.8 of the Board's rules regarding availability of information.

FOR FURTHER INFORMATION CONTACT: Jane Gell, Sheilah Goodman or Natalie Taylor, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, at (202) 452–3667 or 452–2412; for the hearing impaired only, Dorothea Thompson, Telecommunications Device for the Deaf, at (202) 452–3544.

SUPPLEMENTARY INFORMATION:

I. Background

The Equal Credit Opportunity Act (ECOA), 15 U.S.C. 1691, makes it unlawful for creditors to discriminate in any aspect of a credit transaction on the basis of race, color, sex, religion, national origin, marital status, age (provided the applicant has the capacity to contract), because all or part of an applicant's income derives from any public assistance, or because an applicant has in good faith exercised any right under the Consumer Credit Protection Act. The act is implemented by the Board's Regulation B (12 CFR part 202).

When first passed in 1974, the ECOA barred discrimination based on sex and marital status only. The Board's regulation, issued in 1975, prohibited creditors from noting the sex of an applicant, or inquiring about an applicant's childbearing or childrearing intentions. The regulation also limited when creditors were allowed to inquire about marital status or ask for information about a spouse or former spouse. These provisions were opposed by creditors at the time, but received strong support from women's groups and others who believed that if creditors did not have this information, they could not use it to discriminate.

The ECOA was amended in 1976 to expand its coverage to the present scope. That year, the Board proposed amendments to Regulation B which extended the general prohibition on inquiries into an applicant's sex and marital status to most of the newly covered categories: race, color, religion, and national origin. The response to the proposal was mixed. Most consumer groups and regulatory agencies opposed the prohibition because they believed that it would be extremely difficult to detect discrimination without this information, while creditors generally favored the prohibition. The Board implemented the regulation as proposed, applying the same reasoning that supported the 1975 proposal—if creditors could not collect this information they would not be able to use it to discriminate against applicants.

At the same time, several exceptions to the general prohibition on data collection were added to Regulation B. The broadest exception relates to data notation in home purchase and refinance mortgage loan transactions involving the applicant's principal dwelling. Since 1976, Regulation B has required creditors to collect ''monitoring information'' (age, sex, marital status, and race or national origin) for mortgage loan applicants. This requirement was added to the regulation because of the concern expressed by consumer groups and regulatory agencies regarding the need for the data to help detect mortgage lending discrimination.

The regulation also allows creditors to collect data if required by another regulation, order, or agreement of a court or enforcement agency to monitor or enforce compliance with the ECOA, Regulation B, or any other federal or state statute or regulation. This exception was included in the regulation so that lenders would not have to choose between competing regulations or statutes. For example, the Small Business Administration (SBA) requires lenders participating in its 7(a), or SBA guaranteed, loan program to collect race and sex information from each applicant. Under the regulatory exception, lenders can comply with the SBA requirements without violating Regulation B.

Similarly, creditors can collect data pursuant to the Home Mortgage Disclosure Act (HMDA) without concerns about violating Regulation B. Since 1990, HMDA has required creditors to collect race or national origin and sex data from applicants for home mortgage loans. HMDA's data collection requirement is broader than Regulation B's because it applies to most applications for home improvement loans, as well as applications for home purchase and refinance, received by lenders subject to HMDA.

For the past several years, various creditors, consumer groups, state and federal agencies, and congressional representatives have requested that the Board amend Regulation B to allow creditors to collect race and sex data, primarily in connection with small business loans but also for consumer credit, such as installment loans. These requests have increased with the current focus on credit discrimination and fair lending.

Creditors have expressed a variety of reasons for wanting to collect these data. Some say they would like to be able to better audit their lending programs to ensure that they are in compliance with fair lending laws. Others want the data so that they can respond more effectively to Community Reinvestment Act (CRA) protests. In addition, some creditors have indicated that they want to collect data so that they can better evaluate their community outreach programs and the effectiveness of their marketing programs.

Some regulatory agencies have expressed an interest in the data because they believe that it may increase their ability to detect discrimination. Community groups have expressed similar reasons for wanting the data, that is, so that they can monitor creditors' compliance with the CRA and fair lending laws. It should be noted, however, that the proposed amendment would not require creditors either to collect data or disclose the data that they collect to the public.

II. Proposed Regulatory Provisions

The proposed amendment to Regulation B would eliminate the general prohibition on collecting data relating to an applicant's race, color, sex, religion, or national origin. The Board is soliciting comment on whether creditors should be allowed to collect data concerning an applicant's religion. The Board has not received any requests to allow creditors to collect data on religion, and, as a general matter, government monitoring forms do not typically request such information. It would be unusual, however, to permit data collection for all protected characteristics except religion.

The Board believes that race, color, sex, or national origin data may be valuable to consumers and creditors alike, regardless of the product. The Board recognizes that for certain credit products the amount and quality of the data collected may be of limited use, for example with credit cards where most applications are taken by mail or telephone. Nonetheless, the Board's proposal would remove the prohibition for all credit products. The Board is concerned that removing the prohibition for only certain credit products would add needless complication to the regulation, and make compliance more burdensome for creditors. The Board is seeking comment on this approach.

The amendment would allow data collection only; consideration of an applicant's race, color, sex, religion, and national origin in a credit decision would still be prohibited. Consumers could not be required to provide this information and creditors would not be required to collect the information through visual observation. The amendment would prohibit creditors from collecting race, color, sex, religion, or national origin information by visual observation, surname, or otherwise, if the consumer chooses not to supply it. The Board is soliciting comment on this approach.

III. Form of Comment Letters

Comment letters should refer to Docket No. R–0876, and, when possible, should use a standard Courier typeface with a type size of 10 or 12 characters per inch. This will enable the Board to convert the text in machine-readable form through electronic scanning, and will facilitate automated retrieval of comments for review. Also, if accompanied by an original document in paper form, comments may be submitted on 3½ inch or 5¼ inch computer diskettes in any IBM-compatible DOS-based format.

IV. Regulatory Flexibility Analysis

Compliance with the proposed amendment is voluntary, and therefore the amendment does not of itself impose cost. For those institutions that choose to request the data, there will be some costs associated with redesigning application forms, developing or adapting software programs, training

personnel, and with developing systems to evaluate the information. Since it is unclear how many institutions will adopt these procedures, it is not possible to estimate the costs to institutions in general.

V. Paperwork Reduction Act

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 35; 5 CFR 1320.13), there is no reporting or recordkeeping burden associated with Regulation B or this amendment.

List of Subjects in 12 CFR Part 202

Aged, Banks, Banking, Civil rights, Consumer protection, Credit, Discrimination, Federal Reserve System, Marital status discrimination, Penalties, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination.

Certain conventions have been used to highlight the proposed revisions to the part. New language is shown inside bold-faced arrows, while language that would be removed is set off with bold-faced brackets.

For the reasons set forth in the preamble, the Board proposes to amend 12 CFR part 202 as set forth below:

PART 202—EQUAL CREDIT OPPORTUNITY (REGULATION B)

1. The authority citation for part 202 continues to read as follows:

Authority: 15 U.S.C. 1691–1691f.

2. Section 202.5 is amended as follows:

a. Redesignating paragraph (b)(3) as paragraph (b)(5);

b. Adding a new paragraph (b)(3);

c. Adding a new paragraph (b)(4);

d. Revising paragraph (d)(3); and

e. Removing paragraph (d)(5).

The revisions and addition read as follows:

§ 202.5 Rules concerning taking of applications.

* * * * *

(b) * * *

(3) fl *Permitted inquiries and collection of information.* A creditor may request applicants to provide their race, color, sex, religion, and national origin as part of the application. Applicants may not be required to supply the requested information. If an applicant chooses not to supply the information, the creditor may not note or otherwise record the race, color, sex, religion, and national origin of the applicant based on visual observation, surname or other means.

(4) *Residency and immigration status.* A creditor may inquire about an applicant's permanent residency and immigration status.

(5) fi * * *

* * * * *

(d) * * *

(3) *Sex.* [A creditor shall not inquire about the sex of an applicant.] An applicant may be requested to designate a title on an application form (such as Ms., Miss, Mr., or Mrs.) if the form discloses that the designation of a title is optional. An application form shall otherwise use only terms that are neutral as to sex.

* * * * *

[(5) *Race, color, religion, national origin.* A creditor shall not inquire about the race, color, religion, or national origin of an applicant or any other person in connection with a credit transaction. A creditor may inquire about an applicant's permanent residency and immigration status.]

* * * * *

By order of the Board of Governors of the Federal Reserve System, April 20, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–10230 Filed 4–25–95; 8:45am]

BILLING CODE 6210–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 704 and 741

Corporate Credit Unions; Requirements for Insurance

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The proposed rule would strengthen the capital of corporate credit unions, reduce the risk of their investments, and improve asset-liability management. It would return corporate credit unions to their primary functions of serving as liquidity centers and service providers and would protect the safety and soundness of the corporate credit union system.

DATES: Comments must be postmarked or posted on NCUA's electronic bulletin board by June 26, 1995.

ADDRESSES: Mail comments to Becky Baker, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428. Send comments to Ms. Baker via the bulletin board by dialing 703–518–6480.

FOR FURTHER INFORMATION CONTACT: H. Allen Carver, Director, Office of Corporate Credit Unions (703) 518–6640, at the above address.

SUPPLEMENTARY INFORMATION:

A. Background

The corporate credit union system consists of 44 corporate credit unions serving the nation's 13,000 natural person credit unions, and U.S. Central Credit Union serving the corporate credit unions. Corporate credit unions provide liquidity, investment, and payment services to credit unions. Over the years, natural person and corporate credit unions have gradually evolved into quite different types of institutions. In 1977, NCUA first issued Part 704, which dealt specifically with corporate credit unions. However, it was not until 1992 that the agency broadened Part 704 to address a broad array of corporate credit union matters. *See* 57 FR 22626 (May 28, 1992). The regulation has been in effect for several years, during a time of great change in the credit union industry. The Agency has had an opportunity to see how the regulation has worked and to consider how it could be improved. Last year, the Board amended Section 704.12, governing representation issues. *See* 59 FR 59357 (Nov. 17, 1994). After consulting closely with the corporate credit union industry, credit union trade associations, and outside experts, the Board is now proposing to amend most of the remaining sections of Part 704 and to add several new sections.

Before analyzing the specific proposed changes, the Board wishes to draw the attention of interested parties to a gross inequity in the corporate credit union system. NCUA oversight and supervision of corporate credit unions has grown in complexity in the past few years, resulting in additional costs for NCUA's corporate credit union program. Although NCUA examines all of the corporate credit unions, only federally chartered corporates currently pay an operating fee to NCUA. Federally insured corporate credit unions maintain a deposit of one percent of insured shares with the NCUSIF, but corporates have minimal insured shares, and the income generated is not significant. Of course, non federally insured corporate credit unions neither pay operating fees to NCUA nor maintain deposits with the NCUSIF.

The Board is concerned that the additional monetary burden on federal credit unions puts them at a competitive disadvantage and is considering ways to level the playing field. One option is to assess all corporate credit unions an annual examination fee, to be based on the expenses associated with the NCUA corporate program. Alternatively, the Board could abolish the operating fee for federal corporate credit unions,

requiring natural person credit unions to make up the difference. Since corporate credit unions benefit natural person credit unions, it may be appropriate to ask the latter to pay for the whole system. The Board requests comment on these options.

B. Section-by-Section Analysis

Section 704.1—Scope

Part 704 applies directly to all federally insured corporate credit unions. It applies to non federally insured corporate credit unions, via Part 703 of the Rules and Regulations, if such credit unions accept shares from federally chartered credit unions. To clarify the application of Part 704, the Board is proposing to amend the Scope section so that it states both that the regulation applies to all federally insured corporate credit unions, and that non federally insured corporate credit unions must agree, by written contract, to adhere to the regulation and submit to NCUA examination as a condition of receiving funds from federally insured credit unions.

The Board considered deleting from the proposed rule Section 704.1(b), which sets forth its authority to waive a requirement of Part 704. In the few years that the provision has been in effect, NCUA has been deluged with requests for waivers. The Board is concerned that corporate credit unions may have received the impression that compliance with the rule is optional and that waivers are granted as a matter of course. The Board wishes to emphasize that corporate credit unions are expected to comply with the rule. The Board has determined to retain Section 704.1(b) in the proposed rule, however, to make clear its authority, in extraordinary circumstances, to waive provisions of the regulation.

The Board proposes to add a sentence to Section 704.1(b) regarding state-chartered credit unions. Where a state law provision is also contained in Part 704, and a state-chartered corporate wishes to request a waiver of that provision, the corporate must obtain state approval of the waiver before requesting a waiver from NCUA.

Section 704.2—Definitions

Capital

The Board is proposing to revise the definition of capital. The revised definition encompasses primary capital and secondary capital share accounts upon which notice has not been given. These terms are defined later in this Section. The current definition includes each of the balance sheet accounts that comprise primary capital. As these accounts are also listed in the definition of primary capital, it is not necessary to list them under capital.

Commitment

The Board is proposing to delete the phrase ''or lease financing receivables'' from the definition of ''commitments,'' as corporate credit unions generally do not enter into lease financing arrangements.

Corporate Service Organization (CSO)

Currently, corporate credit unions can invest in and loan to credit union service organizations (CUSOs) as defined in Section 701.27 of the NCUA Rules and Regulations. Section 701.27 was written with natural person credit unions in mind and contains a broad list of permissible activities, many of which the Board believes are inappropriate for corporate CUSOs. Accordingly, the Board is proposing to create a new term and establish new rules for such organizations. They would be called ''corporate service organizations (CSOs)'' and would be limited to serving only the corporate credit unions that have invested in or loaned to the CSO and/or the members of such corporate credit unions. Thus, a CSO wholly owned by ABC Corporate Credit Union could serve only ABC and its member credit unions. If the CSO received a loan from DEF Corporate Credit Union, it could serve ABC and its member credit unions and DEF and its member credit unions. The Board believes that this restriction would preserve the integrity of field of membership requirements.

The Board is also proposing that a CSO's services be limited to data and item processing, wire transfers, record retention and storage, securities brokerage services, investment advisory services, and trust services. The Board is concerned that some corporate CUSOs currently are performing services that have nothing to do with the daily activities of corporate credit unions, such as shared branching services and home banking.

The Board is also proposing to require that a CSO be chartered as a corporation under state law.

Embedded Options

Embedded options are a common feature in many investment securities. Mortgage backed securities, federal agency structured notes, and many other corporate obligations have features such as maturity calls, principal prepayments, periodic and lifetime interest rate caps, and conversion factors, over which the investor has no control. The fact that these options can be exercised by the issuer (or mortgage holder) and not the investor raises concerns for the Board.

These features entail substantial risks for investors that do not properly understand and evaluate how these options impact the performance of the investment. The function of a matched book strategy is to immunize the effects that changing interest rates will have on the economic value of assets and liabilities. If the characteristics of an asset are not replicated in the corresponding source of funds, the integrity of the match is compromised. This is especially true for assets which have conditional cash flows that are linked to the level of interest rates and other market factors.

One example of an investment with conditional cash flows is mortgage backed securities. Mortgage backed securities are impacted by the behavior of the underlying mortgage holders whose loans make up the securities. If they elect to pay off or refinance their mortgages, the securities will likewise pay down. The investor has no control over this action. Prepayment risk has a substantial impact on the market value and liquidity of an instrument and the uncertainty of the cash flow behavior makes these securities especially difficult to match.

Many investors were caught by surprise during the rate upswing in 1994 because the market values of their securities were adversely impacted far more than they had anticipated. The embedded options such as prepayment extension and caps on floating rate instruments caused a serious threat to the liquidity and solvency of many credit unions. The risk associated with such securities cannot be ignored and it must be factored into the matching strategies of corporate credit unions. This is imperative because corporate credit unions must ensure that the viability of the income, liquidity and net market value of the matched book balance sheet is not jeopardized.

Identically Matched

The Board recognizes that it is not possible for corporate credit unions to perfectly match all shares and certificates to identical assets because there sometimes exists an immaterial difference in dollar amount, the accrual methods, or the precise maturity date. To be substantiated as immaterial, such minute differences cannot have the effect of causing any significant exposure to changing spread performance or the net market value of the match. The integrity of the matched book depends upon how substantially close the match is with regard to such factors as the dollar amounts, rate reset

features, final maturities, and embedded options.

Long-Term Investment; Short-Term Investment

Section 704.6 of the current regulation frequently uses the phrases ''long-term (initial maturity over 1 year) investments'' and ''short-term (initial maturity of 1 year or less) investments.'' In the interests of simplifying the regulation, the proposed rule would simply define, for the purpose of investment ratings, a ''long-term investment'' as one having an initial or expected maturity greater than one year and a ''short-term investment'' as one having an initial or expected maturity of one year or less.'' These definitions apply only to investment ratings in Section 704.5, which sets forth corporate credit union investment authority in the proposed rule. ''Long-term'' and ''short-term'' have different meanings in the context of asset-liability management.

Market Value of Portfolio Equity (MVPE)

MVPE is designed to calculate the risk that changing interest rates will have on a corporate credit union's capital. The traditional practice of measuring interest rate risk sensitivity was the static Gap model. With the introduction in recent years of more dynamic income simulation models, a more sophisticated and precise calculation of income (and capital) at risk is possible. The evolution of asset/liability management techniques has led to a greater understanding of how changing interest rates impact not only earnings but capital as well.

The Board recognizes that, like any estimation, the validity of the MVPE is dependent upon the quality of assumptions and integrity of the data going into the calculation. If the MVPE is intended to capture true mark-to-market risk of capital, the discount rates in the net present value calculations must reflect any credit, liquidity, or option premiums that are inherent in a specific asset or liability.

The development of simulation models that calculate changes in net worth for given changes in interest rates has changed the way many risk managers regard interest rate sensitivity. The MVPE calculation is significant because it is a measure that captures risk over a more long term horizon than net interest income (NII), and as such, it serves as a better early warning detection system. Where net interest income calculations typically focus on income over the next 12–24 months, MVPE captures the long-term economic risk that is inherent in the balance sheet. It is possible for an institution's current earnings to hold steady over the near term as the mark-to-market of the balance sheet is rapidly deteriorating. If a risk manager only focuses on earnings, the risk of capital depletion may go unnoticed.

MVPE is intended to show how the economic values of both sides of the balance sheet will change in relation to one another as interest rates change. One need only look at the toll of the 1994 bear market to understand the ramifications of ignoring the risk of capital depletion. The Board is therefore compelled to ensure that all liquidity providers be cognizant of the risk exposures they take with regard to their capital and liquidity positions.

Many institutions have borrowed short-term funds to buy long-term assets. The inducement is typically a steep yield curve that provides an instant spread opportunity and quick income. The contribution of retained earnings to capital is a favorable objective but the risk of mismatched assets and liabilities can easily produce a situation where the market takes all the benefits away faster than the income was produced. The ability to withstand a liquidity crisis rests on core solvency. Maintaining core solvency, on a mark-to-market basis, in all probable interest rate environments is imperative, and MVPE is a method by which oversight authorities can police the capital at risk.

An institution that has negative capital on a mark-to-market basis cannot meet the demands or obligations of a liquidity crisis, and it is for this reason that the Board desires to expand the risk measurement techniques employed by corporate credit unions so as to detect unacceptable exposures of risk at the earliest opportunity and mandate an appropriate course of corrective action whenever necessary.

The MVPE calculation serves to inform risk takers of what the stakes are before the adverse market changes occur. By employing a ''what if'' scenario approach, risk managers can observe the changes in MVPE to determine the cost of entertaining certain risk exposures. It is a dynamic approach that allows the oversight authorities to know how much is at stake and to respond before problems arise.

Net Interest Income

The standard measure of risk in income simulation calculations is the variability of net interest income, from ''most likely'' expectations, for given changes in interest rates. The relationship between interest bearing assets and liabilities is subject to adverse change when market rates rise and fall. The ability to capture the variability of returns that results from changing rates is widely regarded as a fundamental tool for managing interest rate risk.

The policy makers at corporate credit unions need to place limitations upon the amount of income that is subject to interest rate risk. Net interest income simulation is useful for understanding what variables will impact earnings and it allows the user to subject the balance sheet to severe rate stress tests and balance sheet composition changes.

''What if'' analysis is essential for anticipating the damage that will result if rates move contrary to the corporate credit union's forecast. Since credit unions cannot predict interest rates, the risk of positioning the balance sheet for a specific purpose must be measured in a variety of interest rate scenarios. A net interest income simulation provides a better means for forecasting the potential risk to income posed by changing rates. Like MVPE, it helps senior management and the board of directors to determine if the levels of potential risk are acceptable.

Overnight

The integrity of the corporate credit union system rests on its ability to repay member funds, other than PCSAs and SCSAs, upon demand and without delay. A large portion of the funds in the system is in overnight accounts, and the bulk of those funds should remain immediately available to meet all contingent member needs. Since overnight transactions might span several days when a weekend or holiday is involved, the term ''overnight'' is recognized to mean from one business day to the next.

Penalty for Early Withdrawal

Market-based penalties on shares, deposits and liabilities are important because they protect corporate credit unions from the replacement risk that results when an early withdrawal by a member credit union can only be replaced by a higher cost alternative. This risk is tantamount to selling an investment security on the secondary market. Corporate credit unions are financial intermediaries that should not absorb the risk caused by members seeking an early redemption.

Member credit unions will have an economic incentive to request early redemption when reinvestment prospects exceed early withdrawal penalties. Unless the penalties are assessed on a contemporaneous mark-to-market basis, the corporate will have

to absorb the difference between the penalty and the replacement cost. While members may not behave in a perfect economic fashion (calculating the break-even point), the risk exposure is still significant. The incorporation of mark-to-market penalties is consistent with the principle of running a matched book.

Permanent Capital Share Account (PCSA)

The Board recognizes that it may be difficult for some corporate credit unions to reach the capital levels required under proposed Section 704.12 in the timeframes provided. The reports of the General Accounting Office and the Corporate Credit Union Study Committee both propose the use of a form of nonredeemable membership shares to assist, in the short-term, corporate credit unions to attain minimum capital goals. Accordingly, the Board is proposing to create a type of membership share that would be at risk, would not be redeemable without written concurrence of NCUA, and would pay non cumulative dividends. Because of these elements of permanency, up to 50 percent of primary capital could consist of PCSAs. The Board requests comment on the criteria NCUA should use to determine when PCSAs may be redeemed.

PCSAs would be limited to credit unions within the corporate credit union's field of membership, would not be subject to insurance by the NCUSIF or other deposit insurer, and could not be used to collateralize borrowings. PCSAs would be available to absorb losses in the event of a deficit in the corporate credit union's other primary capital accounts. In the event of liquidation of a corporate credit union, PCSAs would be payable only after satisfaction of all liabilities.

A corporate credit union would be required to adequately disclose the terms and conditions of PCSAs to each subscriber. A standard form for such disclosure is provided in the regulation.

Primary Capital

Currently, primary capital is defined as all corporate statutory and regular reserves and undivided earnings. The Board is proposing to amend the definition to have primary capital consist of statutory reserves, undivided earnings, other reserves (excluding the allowance for loan losses and accumulated gains/losses on available-for-sale securities), net income/loss, and permanent capital share accounts (PCSAs). No more than 50 percent of primary capital would be permitted to be comprised of PCSAs. The proposed regulation would provide for several benchmarks that are tied to the level of the corporate credit union's primary capital.

Rated

Section 704.6 of the current regulation frequently requires that a security be rated at a certain level ''by an SEC-recognized rating agency,'' which is defined in § 704.2. In the interests of simplifying the regulation, the proposed rule would simply define ''rated'' to mean ''rated by an SEC-recognized rating agency,'' which would then be defined.

Secondary Capital Share Account (SCSA)

The current regulation introduced the concept of membership capital share deposits (MCSDs), which are subject to certain restrictions in order to qualify as secondary capital. The Board is proposing to retain this concept in a new form called secondary capital share accounts (SCSAs). As with PCSAs, SCSAs would be limited to credit unions within the corporate credit union's field of membership, would not be subject to insurance by the NCUSIF or other deposit insurer, could not be used to collateralize borrowings, and in the event of liquidation of a corporate credit union, would be payable only after satisfaction of all liabilities.

In order for an SCSA to count as capital, it would have to have a minimum notice of withdrawal of two years. The Board weighed several options in establishing the notice period. The Board believes that the one year notice that currently exists for MCSDs is too short. If a corporate credit union experienced problems, all of its secondary capital could be depleted in 12 months. This is often not enough time to resolve problems, and a total depletion of secondary capital could threaten a corporate credit union's continued viability. The Board believes that a two year notice period would serve to preserve capital, yet allow maneuverability on the part of member credit unions. Individual corporates would be free to set longer notice periods if they wished.

The Board also proposes that SCSAs be available to absorb losses in the event of a deficit in the corporate credit union's primary capital. SCSAs could be used not only if a corporate credit union were liquidated, but also to cover any losses in a continuing corporate credit union that has depleted its level of primary capital.

The Board is concerned that all the requirements and conditions of SCSAs are adequately disclosed to each member credit union. Therefore, specific disclosure at the time of the opening of an SCSA, and annual disclosure thereafter, is provided in the regulation, along with standard forms that may be used by the corporate credit unions.

The Board notes that SCSAs are the only permitted form of secondary capital in the proposed rule. Currently, secondary capital consists of MCSDs and term subordinated debt. A review of the corporate credit unions determined that none had in fact used term subordinated debt as a way to build secondary capital. In light of this, and the Board's belief that it is more appropriate to build capital through a corporate credit union's members, the proposed rule would not include term subordinated debt in secondary capital and would delete any reference to it in the regulation. Since SCSAs would be the only component of secondary capital, the proposed rule would simply refer to SCSAs instead of secondary capital.

Undivided Earnings

The Board is proposing to revise the definition of ''undivided earnings'' to remove the term ''corporate reserves,'' as that term is not used in the proposed rule.

United States Government or its Agencies; United States Government-Sponsored Corporations and Enterprises

The Board is proposing to delete the reference to Appendix C from these definitions and to delete current Appendix C. Rather than having a fixed list of agencies and enterprises, which may become erroneous as entities are created, dissolved, or changed, the Board wishes to simply present the definition of government agencies and enterprises and place the responsibility of determining an entity's status on the corporate credit union.

Adjusted Trading; Bailment for Hire Contract; Cash Forward Agreement; Collateralized Mortgage Obligation; Facility; Federal Funds Transaction; Forward Rate Agreement; Futures Contract; Immediate Family Member; Market Price; Maturity Date; Official; Option Contract; Primary Dealer; Real Estate Mortgage Investment Conduit; Repurchase Transaction; Residual Interest; Reverse Repurchase Transaction; Section 107(8) Institution; Senior Management Employee; Settlement Date; Short Sale; Standby Commitment; Stripped Mortgage Backed Security; Swap Agreement; Trade Date; Zero Coupon Bond

Currently, Part 704 incorporates by reference Part 703, which governs federal credit union investments, except where inconsistent with Part 704. To eliminate the confusion that has arisen over the applicability of certain provisions of Part 703, and because Part 703 may be amended in the future, the Board is proposing to move the relevant portions of Part 703 into Part 704. Most of these definitions are from Part 703; some have been altered slightly. A few other investment-related definitions have been added.

Capital of a Broker/Dealer; Claims; Corporate Reserves; Credit Union Service Organization; Membership Capital Share Deposit; Non Credit Union Member; Original Maturity; Other Reserves; Risk-Based Capital; Secondary Capital; Speculative Activities; Term Subordinated Debt

The Board is proposing to eliminate all of these definitions, primarily because the terms are not used in the proposed regulation. The term ''claims'' is used in the appendices, but the definition, ''loans or other debt obligations,'' is deemed to be self-evident.

Section 704.3—Planning: Strategic and Business Plans

The Board is proposing to revise § 704.3 to specify that the board of directors of a corporate credit union must adopt *written* strategic and business plans. The Board is concerned that the directors of corporate credit unions might develop concepts for such plans through discussion and brainstorming sessions, but not place them in formal written format. The lack of written documentation would result in the inability of the directors to monitor their success in achieving their goals. Additionally, wording was added to require that the annual review of the plans be documented and provided to the corporate credit union's auditor and supervisory committee and to NCUA.

Section 704.4—Asset/Liability Management

Matched book requirement. The evolution of ''managed'' book strategies in the corporate credit union network has become a huge concern to the Board. The assumption of interest rate risk by some corporates has been demonstrably short-sighted as evidenced by the wide-spread exposure to rising interest rates taken by many corporates in recent years.

In some dramatic instances, portfolios were merely matched by repricing characteristics, and not always effectively at that, which subjected some corporate credit unions to potentially extreme depletions of capital. The mismatches that result when short duration liabilities are matched against longer duration investment assets cannot be managed if the ability to sell troubled assets is forfeited by a ''hold-to-maturity'' philosophy. Thus, the managed book approach has, in many cases, resulted in an unmanaged wager against changing interest rates.

The fact that most securities in corporate portfolios that can be adversely impacted by rising rates are classified as ''hold-to-maturity'' largely contradicts the notion that the risks associated with these managed portfolios can be managed when and if the wrong combination of circumstances prevails.

The Board is concerned about the potential problems that result when corporate credit unions that ''manage'' sources and uses of funds assume unreasonable levels of risk exposure with the overnight portion of member funds. The growth and complexity of the floating rate securities market has inspired many corporate credit unions to employ a ''managed'' risk approach in which maturity and average life are disregarded in favor of matching sources and uses of funds by interest rate reset characteristics.

This has led some corporate credit unions to assume substantial duration mismatches when they ''match'' their overnight funds against corresponding floating rate assets which have embedded options, long weighted average lives, or coupons linked to inappropriate indices. When such assets have interest rate dependent features that affect their market values, the liquidity and solvency of the credit union can be adversely affected. The Board believes that such risk exposures should be identified, measured, and limited to a reasonable level of primary capital. When such risks cannot be immunized in the matching process, they are unacceptable.

The Board is aware that a floating rate security can have a very short duration if it is tied to a sensitive market index, reprices frequently, has little or no embedded option risk, and has a relatively short final maturity. The Board also recognizes that a portion of overnight shares at a corporate credit union represents a core amount of funds that is essentially permanent in nature. Such core funds are required to cover clearings and other daily activities. It is not inappropriate for a corporate credit union to mismatch a conservative portion of overnight funds into longer maturity assets provided that the assets are convertible to cash without suffering a material loss.

The Board is proposing that a corporate credit union be permitted to mismatch 25 percent of funds in the overnight book. The parameters set forth on the assets permitted in this 25 percent portion are established to prevent any material adverse market value effect upon the liquidation potential of these assets if and when the need arises. The ability to mismatch a conservative portion of the overnight account allows corporate credit unions to augment their earnings potential in addition to the investment of capital.

The Board does not believe that any interest rate risk should be taken with term certificates. Any source of funds, with the exception of capital, that has a maturity of greater than one business day must be identically matched to an asset that has the same maturity and repricing characteristics. The danger of entertaining duration mismatches with member certificates is regarded to be completely inconsistent with the charge of a liquidity facility. This activity is not regarded to be a legitimate means of generating retained earnings because of the risk and complexity associated with managing a mismatched portfolio.

Portfolio pricing. It is essential for corporate credit unions to evaluate the risk inherent in their balance sheets on a regular basis. A frequent pricing of the investment portfolio is an important component of risk assessment since it provides critical information about changes in the liquidation value of the balance sheet.

Whether assets are classified as available-for-sale or hold-to-maturity, they need to be reviewed in the context of fair market value. The management of a corporate credit union should know at all times where the relative market value of its balance sheet stands in order to ensure that the core solvency of the institution is not remotely threatened by any adverse change in market rates.

Maximum unrealized loss on available-for-sale assets. The Board is proposing that the aggregate loss in the accumulated unrealized gains/losses on available-for-sale assets, net of any unrealized gains or losses on the corresponding source of funds, be limited to a conservative percentage of the corporate's primary capital. Consistent with the provision that all investment securities be priced to market on a monthly basis, the need to closely monitor the impact of changing market rates on the available-for-sale portfolio is imperative.

The Board is also proposing that sufficient early withdrawal penalties be in place to guarantee protection from replacement risk. This would allow corporates to capture the economic benefit of the liabilities that are matched against available-for-sale assets; accordingly, it is appropriate to factor in the corresponding liabilities when setting a maximum limit upon the aggregate loss in the accumulated unrealized gain/loss on ''available-for-sale'' assets.

Rate shock analysis. The use of scenario analysis to measure potential risk is not a new concept to many corporate credit unions. This discipline is already resident in a number of corporates. The purpose of using a rate shock calculation is to view interest rate risk from a severe but plausible perspective. The senior management and board of directors of a corporate should always be cognizant of potential interest rate risk exposures before they arise.

It is clear that a perfectly matched book does not have the same volatility that a ''managed'' mismatched book has. Depending upon how the overnight and capital accounts are structured, they could potentially create some exposure to changing rates. Such exposures need to be identified, measured, related to primary capital, and reported to all oversight authorities on a regular basis.

Rate shock analysis is a standard form of risk assessment that is used in many industry applications. The FFIEC High Risk Stress Test for CMOs, total return analysis, and income simulation models all feature this approach. It is a useful and conservative practice that enhances the risk management process.

Risk analysis, supervision and compliance. The Board is particularly concerned that corporate credit unions have a comprehensive risk management process in place to identify all applicable risk exposures before and after an investment is made. The process should ensure that such risk exposures are measured on a regular basis and in relation to all limitations that are in place to govern such risks.

The risk management process is a discipline that requires a large measure of vigilance on the part of management. The impact of changing market and credit conditions may be swift and severe. The risk management process must be a proactive and defensive mechanism for preserving the earnings and capital of the credit union. The more in-depth the risk analysis and the greater the frequency of review, the more accountable the board of directors can be in policing the risks that are undertaken.

The board of directors of a corporate credit union is responsible for the actions and risk exposures that the institution undertakes. In order to effectively understand and ultimately supervise risk, the board must receive a complete distillation of risk activities on a timely basis. That information must summarize the actions taken and the consequences, as stated in terms of capital at risk, that will result when applicable risk factors change.

The board of directors cannot supervise and direct the actions of the credit union at the line level. However, the board is obligated to demand that management provide all of the information necessary for board members to make fully informed decisions. Thus the reporting element of the risk management process is no less important in the scheme of managing risk. The board must have clear, concise summaries of risk activities and exposures in order to carry out its oversight responsibilities.

The Board regards risk analysis, supervision, and compliance as an essential process for all credit unions. Risk management procedures vary considerably among corporate credit unions and are a major concern. The need to standardize the discipline of the risk management process is obvious. The incorporation of a consistent framework will bolster the integrity and viability of the corporate credit union system.

Contingency funding. The role of all corporate credit unions as liquidity custodians has drawn attention to a major deficiency in the system. The disregard for contingent funding plans has been a particularly troublesome issue. Contingency funding plans guarantee the role of a corporate as an inviolable provider of liquidity, regardless of the circumstances. The fact that liquidity is most scarce when it is most required underscores the danger of not planning for unexpected needs.

The borrowing capacity of corporate credit unions is not an unlimited resource. Many corporate credit unions have suggested that liquidity will be easily obtainable through repurchase agreements and lines of credit. The reality is that many factors can impinge upon the ability of a corporate to borrow the amount of funds for the amount of time that is required.

Corporate credit unions must evaluate all viable resources of liquidity on a regular basis and understand how changes in market factors will impact those resources over time. For example, it may be unreasonable to assume that borrowing capacity is not hindered by severe economic circumstances. The corporate must know that it can provide liquidity in normal or catastrophic situations. The board of directors needs to be assured that the plan to meet liquidity needs is realistic and up-to-date.

Modeling. The Board wishes to quantify more precisely how the proposed changes to Part 704 will affect corporate credit union earnings and capital accumulation. To this end, NCUA will conduct analytical assessments of these changes through simulation modeling techniques using a sampling of corporate credit union balance sheets. Interested parties who believe the proposed changes, if implemented, would adversely affect corporate credit unions' ability to serve their members are requested to submit the results of similar assessments to support their positions.

Section 704.5—Investments

The Board is proposing to modify and move the policies section of current § 704.6 to proposed § 704.4. The remaining sections of current § 704.6 would be revised and recodified at proposed § 704.5. The Board is also proposing to include the relevant provisions of Part 703, governing federal credit union investments, in proposed Part 704, rather than simply incorporating them by reference, as is done currently. Sections 703.4 and 703.5, with some modifications, would be included in § 704.5, and § 703.2, which provides definitions, would be included in proposed § 704.2.

Proposed § 704.5(a) would replace current § 704.6(b)(2)(i), except that the reference to investments authorized by Part 703 would be deleted. This paragraph would also explain the operation of the divestiture provisions set forth in the remainder of the section. Finally, this paragraph would address investments that must be classified as available-for-sale and the limit on investments in any one issuer. While the current rule bases all investment limitations on a percentage of assets, the

proposed rule would base those limitations on a percentage of primary capital. This would encourage the building of primary capital.

The Board has determined that a corporate credit union should not be permitted to invest in any non federally insured state banks, trust companies, and mutual savings banks, so current § 704.6(b)(2)(ii) is not included in proposed § 704.5.

Proposed § 704.5(b) would replace current § 704.6(b)(i), except that it would refer to CSOs rather than CUSOs. In addition, the limit on investments in CSOs would move to new § 704.7, which would address a number of issues relating to CSOs.

Proposed § 704.5(c) would authorize corporate credit unions to invest in U.S. Central Corporate Credit Union.

Proposed § 704.5(d) would establish limits on investments in domestic banks for the first time. Proposed § 704.5(e) would replace current § 704.6(b)(2)(iii), except that it would add an entity rating requirement for foreign banks and establish limits on investments in foreign banks in any one country and in all foreign banks.

Proposed § 704.5 (f) and (g) would replace current § 704.6(b)(2) (iv) and (v) respectively. Proposed § 704.5(h) would replace current § 704.6(b)(2)(vi), except that it would revise the stress test and would require corporate credit unions test their CMOs/REMICs on a monthly basis. Corporate credit unions would have to test floating as well as fixed rate CMOs.

Proposed § 704.5 (i)–(k) would set forth the relevant authorized activities listed in § 703.4, and proposed § 704.5(l) would set forth most of the prohibitions listed in § 703.5. The Board is proposing additionally to prohibit corporate credit unions from buying or selling swap agreements, option contracts, and forward rate agreements, and making deposits in non federally insured state banks, trust companies, and mutual savings banks. While federal natural person credit unions may purchase stripped mortgage backed securities and CMO/REMIC residuals to reduce interest rate risk, the Board is proposing to prohibit corporate credit unions from purchasing such securities for any purpose. The Board is also proposing to lower the maturity date on permissible zero coupon securities from 10 years to 5.

Finally, the Board notes that § 107(15)(B) of the Federal Credit Union Act authorizes federal credit unions to invest in mortgage related securities as defined in § 3(a)(41) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(41). Until recently, that definition required that a security be backed by promissory notes secured by a first lien on real estate, upon which is located ''a dwelling or mixed residential and commercial structure.'' Because of this, a mortgage related security did not include a security backed by purely commercial mortgages. The Riegle Community Development and Regulatory Improvement Act of 1994, enacted on September 23, 1994, amended the Exchange Act to provide that the underlying notes of a mortgage related security may be directly secured by a first lien on real estate upon which is located one or more commercial structures. Thus, federal credit unions were granted the statutory authority to invest in commercial mortgage related securities.

Under § 107(15), however, this authority is ''subject to such regulations as the Board may prescribe.'' It is the Board's view that federal credit unions may not purchase commercial mortgage related securities until explicitly permitted to do so by regulation. The Board has not yet issued a regulation permitting federal natural person credit unions to purchase such securities but will consider the matter in its upcoming review of Part 703. The Board will also consider at that time whether commercial mortgage related securities are appropriate for corporate credit unions. In the meantime, to eliminate potential confusion, the proposed rule explicitly prohibits corporate credit unions from purchasing such securities.

Section 704.6—Capital Goals, Objectives, and Strategies

The proposed rule would substitute ''CSO'' for ''CUSO'' and would require a cost/benefit analysis and impact study when an activity might have a material effect on a corporate credit union. When an impact study must be conducted, the proposed rule would require that it be on a corporate's earnings, in addition to its capital position.

Section 704.7—Corporate Service Organizations (CSOs)

As noted in the definitions section, the Board is proposing to revise the CUSO concept for corporate credit unions. Currently, Part 704 incorporates much of § 701.27 by reference. Because of the proposed change in terminology, and the determination that some of the provisions of § 701.27 are not applicable to corporate credit union service organizations, proposed § 704.7 contains all of the necessary regulations governing CSOs. Therefore, the proposed rule does not reference § 701.27.

Proposed § 704.7(a) would incorporate most of the definitions in current § 701.27(c). Proposed § 704.7(b) would limit a corporate's aggregate investments in and loans to member and non member CSOs to 15 percent of capital at the time the investment or loan is made. The current rule allows a corporate to invest 15 percent of capital in and loan 15 percent of capital to CUSOs. The Board has determined that it is inappropriate to allow corporate credit unions to risk 30 percent of capital in such organizations. The Board has added ''member or non member'' to the limitation to clarify that loans to and investments in all CSOs are governed by the § 704.7, regardless of whether the CSO is a member of the corporate credit union or not.

Proposed § 704.7(b) would incorporate some of the limitations of § 701.27 (b) and (d). Proposed § 704.7(c) would incorporate the conflicts provisions of § 701.27(d)(6). Proposed § 704.7(d) would replace the accounting and information access provisions of § 701.27(d)(7).

Finally, proposed § 704.7(e) would require a corporate credit union to take steps to bring its investments and loans in line with the new regulation. Under the proposed rule, corporate credit unions would not be authorized to invest in or loan to CUSOs. If a CUSO already meets the CSO requirements, an investment in or loan to the CUSO becomes an investment in or loan to a CSO, and there is no problem. If a CUSO can meet the CSO requirements with some slight adjustments, as for example, eliminating a service that a CSO may not perform, it is expected that this be accomplished by the effective date of the regulation. If there is no way that a CUSO can meet the CSO requirements, a corporate credit union must divest itself of any investments in the CUSO by the effective date of the regulation. Any loan to such a CUSO must be terminated if permitted by contract. If not permitted, a corporate credit union may retain the loan on its books but may not renew or extend it.

Section 704.8—Lending

The Board is proposing to revise § 704.7(b)(1), which would be codified at § 704.8(b)(1), to tighten the limitation on aggregate loans to one member credit union. In the existing regulation, loans to one borrower are limited to the corporate credit union's capital or 10 percent of the corporate credit union's shares and capital, whichever is greater. Under the proposed regulation, the aggregate of loans to one member credit union would be limited to the corporate credit union's primary capital. The

Board believes that the existing limitation is far too permissive and poses a potential threat to the NCUSIF. In several of the larger corporate credit unions, the current limitation could allow one member to borrow in excess of $1 billion. Limiting total loans to one borrower to the amount of a corporate credit union's primary capital would greatly reduce the exposure to the corporate credit union and the NCUSIF and, in addition, would provide an incentive to the corporate credit union to increase its level of primary capital.

The Board is proposing to eliminate § 704.7(b)(2) and (3), regarding loans to members that are not credit unions and to credit unions that are not members. Proposed § 704.8(b)(5) would explicitly prohibit a corporate from making a loan to a non member or a natural person member. Except for providing overdraft protection for a clearing account, a corporate credit union would also be prohibited from making a loan to a trade association member. Loans to CSO members would be governed by proposed § 704.7. The proposed rule would require any loan to a trade association member to be fully collateralized.

Section 704.9—Borrowing

The Board is proposing to tighten the limitations on the amount a corporate credit union may borrow. In the existing regulation, a corporate credit union is permitted to borrow up to 10 times capital or 50 percent of shares (excluding shares created by the use of member reverse repurchase agreements) and capital, whichever is greater. In the proposed regulation, the wording is changed to indicate whichever is less. The Board has determined that tying borrowing authority more closely to the level of capital would encourage capital growth. Additionally, unless extremely strong capital existed, the corporate would not be permitted to borrow up to 50 percent of shares and capital. The more well capitalized a corporate credit union, the higher borrowing capacity it would have. The Board views this as an enhancement to the safety and soundness of the corporate credit union system.

This section is also revised in the proposed regulation to restrict a corporate credit union to borrowing only to meet liquidity needs, except for issuing a minimum amount of commercial paper to maintain a market presence. As a liquidity center, a corporate credit union must have the ability to borrow funds under certain circumstances to ensure that liquidity remains available to meet member credit unions' needs. However, the Board wishes to make it clear that corporate credit unions should not be borrowing in order to fund investment transactions to enhance net income. Therefore, the proposed regulation also requires that the need for borrowing be documented, in writing, and that the documentation be provided to the corporate credit union's auditor and supervisory committee and to NCUA.

Finally, in acknowledging that there may exist extraordinary circumstances under which a corporate credit union may need to borrow in excess of the limitation set forth in this section, the regulation allows a corporate credit union to submit a request to NCUA for additional borrowing authority.

Section 704.10—Services

The Board is proposing to revise this section to eliminate the list of services a corporate credit union may provide. Currently, corporate credit unions may provide services involving investments, liquidity management, payment systems, and correspondent services. The Board believes that this authority has, on occasion, been interpreted too broadly. Accordingly, the Board is proposing simply to say that corporate credit unions may provide services to their member credit unions, intending that to mean traditional loan, deposit and payment services. A corporate credit union wishing to provide other types of services should contact NCUA to determine whether such services are permissible.

The Board is also proposing to clarify that a corporate credit union may provide services only to its members. Historically, two corporate credit unions might informally agree between themselves for one to provide services to the members of the other. These types of correspondent arrangements are permissible for natural person credit unions, but only when the agreements are formalized in writing and certain other requirements are met. The Board has determined that such arrangements, even if formalized, are inappropriate for corporate credit unions and is proposing to state that explicitly in the regulation.

Corporate credit unions have also argued that they are authorized to provide services to non member credit unions pursuant to § 701.26 of the NCUA Rules and Regulations, which provides that a federal credit union may enter into a contract with one or more credit unions or other organizations ''for the purpose of sharing, utilizing, renting, leasing, purchasing, selling, and/or joint ownership of fixed assets or engaging in activities and/or services which relate to the daily operations of credit unions.'' NCUA never intended this provision to authorize corporate credit unions to provide services to non member credit unions. Such an interpretation would make field of membership limitations meaningless. The provision was intended to allow natural person credit unions to *jointly* contract to obtain services from a non credit union third party. In any event, the Board has the opportunity now to clarify that § 701.26 does not authorize corporate credit unions to provide services to non member credit unions.

Finally, corporate credit unions have argued that they can accept deposits from non member credit unions pursuant to Section 107(7)(G) of the Federal Credit Union Act, 12 USC 1757(7)(G), which authorizes federally chartered credit unions to invest in the shares or deposits of any central credit union. The Board has determined that corporate credit unions may only accept shares or deposits from members, pursuant to its authority, under Section 120(a) of the Federal Credit Union Act, 12 USC 1766(a), to issue regulations governing corporate credit unions.

Section 704.11—Fixed Assets

The Board is proposing to revise § 704.11(b)(1) to change the limitation on the amount a corporate credit union may invest in fixed assets without a waiver from NCUA. In the existing regulation, a corporate credit union may invest up to 15 percent of capital in fixed assets. In the proposed regulation, the limitation has been revised to 15 percent of primary capital. While all of the corporates are presently in compliance with the proposed limitation, some may wish to make large fixed asset investments in the future. The Board views the proposed limit as a further incentive for corporate credit unions to build stronger levels of primary capital.

Additionally, references to the Director, Office of Examination and Insurance have been changed to NCUA in the proposed rule. These references relate to the submission of waivers from the fixed asset limitation. For the time being, waivers should be submitted to the Director, Office of Corporate Credit Unions. Waivers may need to be submitted elsewhere in the future, however, if NCUA offices are restructured. Finally, the Board is proposing to eliminate the provision regarding a corporate credit union proceeding with its investment if it does not receive notification of the action taken on its request within 45 days. This will ensure that NCUA has adequate time to review any corporate credit union request to invest more than 15

percent of primary capital in fixed assets.

Section 704.12—Corporate Credit Union Reserves

A number of sources (including Congress, the General Accounting Office, and the Corporate Credit Union Study Committee) have expressed concern over the relativity low levels of capital in corporate credit unions. The proposed regulation provides for several very specific changes to the corporate credit union reserve structure. The existing regulation establishes specific levels of capital that corporate credit unions must maintain, based on risk-weighted assets. Currently, corporate credit unions must maintain a ratio of 4 percent of primary capital to risk-weighted assets and a ratio of 8 percent of total capital to risk-weighted assets.

Under proposed § 704.12(a), corporate credit unions would have to reach capital levels based on primary capital to average daily assets. The Board is proposing the changes to the reserve requirements in order to emphasize the need for stronger primary capital. The regulation provides for incremental increases in the minimum ratio of primary capital to average daily assets until the level of 4 percent is achieved by January 1, 1998. (The increments are 2.5 percent by January 1, 1996 and 3 percent by January 1, 1997.) The regulation does allow for a possible waiver from the requirements at the first two intervals. However, the Board is committed to building primary capital in corporate credit unions. Any waiver request from this requirement must include very specific time frames, with supporting documentation, for reaching the regulatory capital level.

Proposed § 704.12(b) would require that all corporate credit unions maintain a minimum of 10 percent capital to risk-weighted assets. Under the existing regulation, corporate credit unions are required to maintain a capital to risk-weighted assets ratio of 8 percent. Although the major focus will be on primary capital, the Board sees a continued need to provide a measure of capital compared to risk-weighted assets. Risk-weighting of assets does provide some delineation of the risk in a corporate credit union's balance sheet. The amount of capital available to cover the risks associated with the balance sheet is valuable information to corporate credit union officials as well as NCUA. Currently, all corporate credit unions with the exception of U.S. Central have capital to risk-weighted assets in excess of 10 percent.

Proposed § 704.12(i) would require that each corporate credit union develop a written projection detailing its action plan to achieve the primary capital requirements established in § 704.12(a). As part of the plan, a corporate credit union will need to make reserve transfers at levels that will ensure compliance with the minimum primary capital requirements. At a minimum, corporate credit unions that have already met the minimum 4 percent primary capital requirement, must make reserve transfers as set forth in § 704.12(j).

Section 704.12(j) establishes the required reserve transfers for corporate credit unions. The proposed rule makes certain changes to conform to the proposed definitions of primary capital and capital to risk-weighted asset ratios. There are five reserve transfer categories. All corporate credit unions would be required to maintain minimum primary capital to average daily assets of 4 percent and capital to risk-weighted assets of 10 percent. Therefore, Category 1 begins when these ratios are at 4 percent and 10 percent respectively. Once the primary capital ratio is greater than 6 percent, and the capital to risk-weighted assets ratios is greater than 20 percent, reserve transfers are no longer required. For the purposes of reserve transfers, it is proposed that PCSAs be excluded from primary capital.

The Board is proposing to eliminate the term ''risk-based capital.'' In the current regulation, risk-based capital includes primary capital and secondary capital up to 100 percent of primary capital. Risk-based capital is used in comparison to risk-weighted assets to establish minimum risk-based capital ratios for reserving purposes. In the proposed regulation, reserve transfers are based on primary capital to average daily assets and capital to risk-weighted assets. There would no longer be any specific category of risk-based capital.

Section 704.13—Representation

As noted earlier, the Board amended the representation section of Part 704 last year. In light of the proposed changes to the definition of ''member,'' the Board is proposing to delete certain provisions that were designed to ensure that corporate credit unions were controlled by their member credit unions. These provisions would no longer be necessary if only representatives of member credit unions are permitted to vote and stand for election. The Board is also proposing to specifically state that the provisions of § 701.14 of the Rules and Regulations, governing changes in officials and senior executive officers in credit unions that are newly chartered or in troubled condition. This provision always was intended to apply to corporate credit unions, as it is not inconsistent with any provision in Part 704. However, the provision refers to NCUA Regional Directors, and in light of the centralization of the corporate credit union program, its application to corporate credit unions may have been unclear. Accordingly, the Board is proposing to specifically include § 701.14 in Part 704, changing the reference from ''Regional Director'' to ''NCUA.'' As with requests for waivers to the fixed asset limitation, notices required under § 701.14 should be filed, for the time being, with the Director, Office of Corporate Credit Unions.

Section 704.14—Audit Requirements

In the existing regulation, this section deals only with the need for an annual audit. The only change relating to the annual audit in the proposed regulation is the addition of wording to clearly specify that the annual opinion audit will include a letter of reportable conditions.

The Board is proposing to add a new § 704.14(b) to include a requirement for an internal auditor function in corporate credit unions with assets in excess of $100 million. The requirement would also apply to corporates with assets under $100 million, if so ordered by NCUA. The Board realizes that not all corporate credit unions can readily afford to hire a full-time internal auditor. Based on the asset size and complexity of the institution, the corporate could hire a part-time internal auditor or contract with an outside firm to perform the internal auditor function. The proposed regulation requires that the internal auditor report directly to the chair of the corporate credit union's supervisory committee. The regulation provides specific minimum responsibilities that the internal auditor must perform. Finally, the internal auditor's findings and reports must be documented and made available for review to the outside auditor and NCUA.

Section 704.15—Contracts/Written Agreements

The Board is not proposing any changes to this provision.

Section 704.16—State-Chartered Corporate Credit Unions

The Board is proposing to add new § 704.16(b) to put non federally insured state-chartered corporate credit unions that receive funds from federally insured credit unions on notice that they are considered ''institution-affiliated parties'' within Section 206(r)

of the Federal Credit Union Act and subject to all of the enforcement provisions of the Act.

Section 704.17—Fidelity Bond Coverage

The Board is proposing only minor changes to this Section. Section 704.17(d) would be amended to clarify that the minimum bond coverage is based on a corporate credit union's average daily assets as of the preceding December 31. The Board notes that in current § 704.17(f), the deductibles are based on a corporate credit union's primary capital to risk asset ratio. Since the proposed regulation eliminates this ratio, another one must be used. The Board is proposing that it be the primary capital ratio and specifically requests comments on this issue.

Section 704.18—Effective Date

The Board is proposing to make any final regulation on these matters effective January 1, 1996. However, although not stated in the proposed regulation itself, the Board is also considering requiring compliance with § 704.5, governing investments, 30 days after the final rule is published in the **Federal Register**. Investments purchased before that date would be governed by the regulation in effect at the time of purchase. The Board is proposing to make the investment provisions applicable before the remainder of the regulation to deter corporate credit unions from ''loading up'' on investments that would no longer be permissible after January 1, 1996. All investments, regardless of when acquired, would be subject to the asset-liability provisions of proposed Section 704.4. In order to accomplish this objective, it may be necessary for the Board to issue a final rule in two separate stages with different effective dates, or to issue one rule with a 30 day effective date, but with a delayed compliance date for all sections other than §§ 704.2, Definitions, and 704.5, Investments.

Appendix A—Summary of Risk Weights and Risk Categories for Corporate Credit Unions

The major focus of the Board's proposed amendments to the risk weight schedule is the risk weighting of certain mortgage-backed securities. The current regulation weights CMOs based on their response to the interest-rate sensitivity test, and the Board has determined that this is inappropriate in a scheme designed to address credit risk. In the proposed rule, mortgage-backed securities, including pass throughs and certain CMOs (but not stripped mortgage backed securities), that are issued or guaranteed by a U.S. Government agency or U.S. Government-sponsored enterprise are assigned to the risk weight category appropriate to the issuer or guarantor. Generally, a privately-issued mortgage backed security meeting certain criteria, as set forth in the proposed regulation, is treated as essentially an indirect holding of the underlying assets, and assigned to the same risk category as the underlying assets. Privately-issued mortgage backed securities whose structures do not qualify them to be regarded as indirect holdings of the underlying assets are assigned to the 100 percent risk category.

While the risk category to which mortgage backed securities is assigned will generally be based upon the issuer or guarantor or, in the case of privately-issued mortgage backed securities, the assets underlying the security, any class of a mortgage backed security that can absorb more than its pro rata share of loss without the whole issue being in default, is assigned to the 100 percent risk category.

The specific changes being proposed are as follows. In Category 1, the Board is proposing to delete item (g), claims on or unconditionally guaranteed by sovereign central governments of ''AAA'' rated countries. Its inclusion in the current rule was inadvertent, as such investments are not permissible for corporate credit unions.

In Category 2, 20 percent risk weight, the Board is proposing to delete the material at the end of Category 2, addressing bank ratings. Proposed Section 704.5 sets forth the minimum ratings for deposits in banks. The Board is also proposing to delete items (j) and (k), which are certain types of repurchase transactions. Such transactions should be risk weighted according to the type of collateral involved. Item (m), CMOs/REMICs that pass the interest rate sensitivity test, would also be deleted from the regulation. As noted above, the proposed rule risk weights CMOs based on the issuer, guarantor, or assets underlying the security. Finally, the Board is proposing to change the risk weighting of claims on foreign banks from 20 percent to 50 percent.

In Category 3, 50 percent risk weight, the Board is proposing to delete item (b), CMOs that pass the interest rate sensitivity test, and replace it with privately-issued mortgage backed securities that meet certain criteria relating to credit risk. Claims on foreign banks would be added to this category.

In Category 4, 100 percent risk weight, the Board is proposing to delete investments in CUSOs from item (a), as corporate credit unions would not be permitted to hold such investments from the effective date of this regulation. The proposed rule would add item (b), loans to and investments in CSOs, and replace item (e), membership capital share deposits, with permanent and secondary capital share accounts. The Board is also proposing to delete item (d), hold-in-custody repurchase agreements, as the risk weighting of such agreements should be based on the underlying collateral. The Board is proposing to delete item (f), stripped mortgage backed securities and item (g), residual interests of CMOs/REMICs. Under the proposed rule, these investments would not be permissible for corporate credit unions. In this category, the Board is also proposing to add an item for other claims on private obligors, to make it clear that unless a claim on a private obligor is guaranteed or insured by a U.S. Government agency or enterprise, is collateralized by such a claim, or is secured or collateralized by highly liquid and reliable collateral, it is risk-weighted at 100 percent.

Appendix C—Model Forms

As noted earlier, the Board is proposing to delete the current Appendix C as unnecessary and potentially confusing. The proposed rule contains a new Appendix C, which features model disclosure forms for permanent and secondary capital share accounts. Corporate credit unions that use these forms will be deemed to be in compliance with the proposed disclosure requirements of § 704.2.

Section 741.3—Other Requirements

The Board is proposing to amend § 741.3 of the NCUA Rules and Regulations, governing requirements for insured credit unions, to prohibit federally insured credit unions from transacting business with corporate credit unions that do not comply with Part 704 and are not examined by NCUA.

Regulatory Procedures

Regulatory Flexibility Act

The NCUA Board certifies that the proposed rule, if made final, will not have a significant economic impact on small credit unions (those under $1 million in assets). The rule applies only to corporate credit unions, all of which have assets well in excess of $1 million. Accordingly, a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

The proposed rule contains a requirement for the collection of additional information and a maintenance of documentation by a corporate credit union. The proposed rule requires that each corporate credit union develop and implement certain policies and plans and document compliance with such policies and plans. The proposed rule also requires that certain information regarding asset-liability management and investments be sent to NCUA or maintained in the records of the corporate credit union.

The paperwork requirements will be submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act. Written comments on the paperwork requirements should be forwarded directly to the OMB Desk Officer indicated below at the following address: OMB Reports Management Branch, New Executive Office Building, Room 10202, Washington, DC 20530. Attn: Milo Sunderhauf. NCUA will publish a notice in the **Federal Register**

once OMB action is taken on the submitted request.

Executive Order 12612

Executive Order 12612 requires NCUA to consider the effect of its actions on state interests. It states that: ''Federal action limiting the policy-making discretion of the states should be taken only where constitutional authority for the action is clear and certain, and the national activity is necessitated by the presence of a problem of national scope.'' The risk of loss to federally insured credit unions and the NCUSIF caused by actions of corporate credit unions are concerns of national scope. The proposed rule would help assure that proper safeguards are in place to ensure the safety and soundness of corporate credit unions.

The rule applies to all corporate credit unions that accept funds from federally insured credit unions. The NCUA Board believes that the protection of such credit unions, and ultimately the NCUSIF, warrants application of the proposed rule to non federally insured corporate credit unions. The NCUA Board, pursuant to Executive Order 12612, has determined that this rule may have an occasional direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. However, the potential risk to the NCUSIF without these changes justifies them.

List of Subjects

12 CFR Part 704

Credit unions, Reporting and recordkeeping requirements.

12 CFR Part 741

Bank deposit insurance, Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on April 13, 1995.

Becky Baker,

Secretary of the Board.

For the reasons set forth in the preamble, NCUA proposes to amend 12 CFR chapter VII as follows:

1. Part 704 is revised to read as follows:

PART 704—CORPORATE CREDIT UNIONS

Sec.

704.1 Scope.
704.2 Definitions.
704.3 Planning; strategic and business plans.
704.4 Asset/liability management.
704.5 Investments.
704.6 Capital goals, objectives, and strategies.
704.7 Corporate Service Organizations (CSOs).
704.8 Lending.
704.9 Borrowing.
704.10 Services.
704.11 Fixed assets.
704.12 Corporate credit union reserves.
704.13 Representation.
704.14 Audit requirements.
704.15 Contracts/written agreements.
704.16 State-chartered corporate credit unions.
704.17 Fidelity bond coverage.
704.18 Effective date.

Appendix A to Part 704—Summary of Risk Weights and Risk Categories for Corporate Credit Unions

Appendix B to Part 704—Off-Balance Sheet Credit Conversion Factors

Appendix C to Part 704—Model Forms

Authority: 12 U.S.C. 1762, 1766(a), 1781, and 1789.

§ 704.1 Scope.

(a) This part establishes special rules for all federally insured corporate credit unions. Non-federally insured corporate credit unions must agree, by written contract, to both adhere to the requirements of this part and submit to examinations, as determined by NCUA, as a condition of receiving shares or deposits from federally insured credit unions. This part grants certain additional authorities to federal corporate credit unions. Except to the extent that they are inconsistent with this part, other provisions of NCUA's Rules and Regulations (12 CFR Parts 700–795) and the Federal Credit Union Act apply to federally chartered corporate credit unions and federally insured state-chartered corporate credit unions to the same extent that they apply to other federally chartered and federally insured state-chartered credit unions, respectively.

(b) The NCUA Board has the authority to issue orders which vary from this Part. This authority is provided under Section 120(a) of the Federal Credit Union Act, 12 U.S.C. 1766(a). Requests by state-chartered corporate credit unions for waivers to this part must be approved by the state regulator before being submitted to NCUA.

§ 704.2 Definitions.

Adjusted trading means any method or transaction used to defer a loss whereby a corporate credit union sells a security to a vendor at a price above its current market price and simultaneously purchases or commits to purchase from the vendor another security at a price above its current market price.

Asset-backed securities (ABS) means all securities supported by installment loans or leases or by revolving lines of credit. This definition excludes those securities referred to in the financial markets as mortgage-backed securities (MBS) which includes collateralized mortgage obligations (CMOs) and real estate mortgage investment conduits (REMICs).

Average daily assets means the daily average of net assets calculated on the basis of assets at the close of each day in the period.

Average life means the weighted average time to principal repayment with the amount of the principal paydowns (both scheduled and unscheduled) as the weights.

Bailment for hire contract means a contract whereby a third party, bank, or other financial institution, for a fee, agrees to exercise ordinary care in protecting the securities held in safekeeping for its customers.

Capital means the total of all primary capital and secondary capital share accounts upon which notice of withdrawal has not been given.

Cash forward agreement means an agreement to purchase or sell a security with delivery and acceptance being mandatory and at a future date in excess of thirty (30) days from the trade date.

Collateralized mortgage obligation (CMO) means a multi-class bond issue collateralized by whole loan mortgages or mortgage-backed securities (MBS).

Commitment means any unconditional arrangement that obligates a corporate credit union to extend credit in the form of loans; to purchase loans, securities or other assets; or to participate in loans and leases. Commitments also include overdraft facilities, revolving credit, home equity, and mortgage lines of credit, and similar transactions. An obligation is conditional if the corporate credit union is not automatically obligated to extend funds.

Corporate credit union means an organization that:

(1) Is chartered under Federal or state law as a credit union;

(2) Receives shares from and provides loan services to credit unions;

(3) Is operated primarily for the purpose of serving other credit unions;

(4) Is designated by NCUA as a corporate credit union;

(5) Limits natural person members to the minimum required by state or federal law to charter and operate the credit union; and

(6) Does not condition the eligibility of any credit union to become a member on that credit union's membership in any other organization.

Corporate service organization (CSO) means an entity that:

(1) Serves only corporate credit unions that have made investments in or loans to the entity and/or the member credit unions of such corporate credit unions;

(2) Limits the services it provides to data and item processing, wire transfers, record retention and storage, securities brokerage services, investment advisory services, and trust services; and

(3) Is chartered as a corporation under state law.

Credit equivalent amount means the face amount of each off-balance sheet item multiplied by a credit conversion factor outlined in Appendix B of this part.

Embedded options mean characteristics of certain assets and liabilities which give the issuer of the instrument the ability to change the features such as final maturity, rate, principal amount and average life. These options include, but are not limited to, caps, floors, and prepayment options. These options are found in most mortgage-backed securities, structured notes, and some Network instruments.

Expected maturity means the date on which all remaining principal amounts of an instrument or bond are anticipated to be paid off on the basis of projected payment assumptions.

Facility means the home office of a corporate credit union or any suboffice thereof including, but not necessarily limited to, wire service, telephonic station, or mechanical teller station.

Federal funds transaction means a short-term or open-ended transfer of funds between U.S. depository institutions.

Federally issued CMO/REMIC means a CMO or REMIC which is issued by a U.S. Government agency or a U.S. Government-sponsored corporation or enterprise.

Foreign bank means an institution which is organized under the laws of a country other than the United States, which is engaged in the business of banking, and which is recognized as a bank by the banking supervisory authority of the country in which it is organized.

Forward rate agreement means an over-the-counter market instrument that allows two parties to trade interest rates on a notional principal amount for a specified time period in the future.

Futures contract means a contract for the future delivery of commodities, including certain government securities, sold on commodities exchanges.

Identically matched means matched, to the extent possible, by amount, repricing, behavior, and final maturity. Any embedded options, such as calls, caps, and prepayments, must be replicated in the corresponding source or use of funds.

Immediate family member means a person related by blood, marriage, or adoption.

Long-term investment means, for the purpose of issue ratings, an investment that has an initial maturity, or expected maturity, greater than one year.

Market price means the price at which a security can be bought or sold.

Market value of portfolio equity (MVPE) means the net market value of all assets and liabilities, including their embedded options. This reflects the liquidation value of the balance sheet.

Material means an amount that exceeds 5 percent of the corporate credit union's capital.

Maturity date means the date on which a security matures, and shall not mean the call date or the average life of the security.

Member reverse repurchase transaction means an integrated transaction in which a corporate credit union purchases a security from one of its member credit unions under agreement by that member credit union to repurchase the same security at a specified time in the future. The corporate credit union then sells that same security, on the same day, to a third party, under agreement to repurchase it on the same date on which the corporate credit union is obligated to return the security to its member credit union.

Net assets means total assets less Central Liquidity Facility (CLF) stock subscriptions, CLF loans guaranteed by the NCUSIF, U.S. Central CLF certificates, and member reverse repurchase transactions.

Net interest income means the difference between income earned on interest bearing assets and interest paid on interest bearing liabilities.

Official means any director or committee member.

Option contract means a right, but not an obligation, to buy or sell a security at a specified price and settlement date in the future.

Overnight means having a maturity or call date of one business day.

Penalty for early withdrawal of a share, deposit, or liability means a fee which will, at a minimum, fully compensate a corporate credit union for the difference between fair value and book value of the asset that is divested (including any accumulated unrealized losses since the asset was purchased), or the replacement cost of funds, to meet the demand for early withdrawal.

Permanent capital share account (PCSA). (1) *PCSA* means a share account that:

(i) Is restricted to credit unions within a corporate credit union's field of membership;

(ii) Is not subject to share insurance coverage by the NCUSIF or other deposit insurer;

(iii) Cannot be used by member credit unions to collateralize borrowings;

(iv) Is available to absorb losses in the event of a deficit in other primary capital accounts in the corporate credit union;

(v) In the event of liquidation of the corporate credit union, is payable only after satisfaction of all liabilities of the liquidation estate including uninsured obligations to shareholders and the NCUSIF;

(vi) Is redeemable only with the written concurrence of NCUA; and

(vii) Pays noncumulative dividends.

(2) The terms and conditions of permanent capital share accounts must be disclosed at the time an account is opened. The board of directors of the member credit union must acknowledge those terms and conditions by signing a disclosure form. A copy of the disclosure form must be given to the member credit union, with the original retained by the corporate credit union.

Primary capital means statutory reserves, undivided earnings, other reserves (excluding the allowance for loan losses and accumulated unrealized gains/losses on available-for-sale securities), net income (loss), and permanent capital share accounts (PCSAs). No more than 50 percent of primary capital may be comprised of PCSAs.

Primary dealer means a bank or investment dealer authorized to buy and sell government securities in direct dealings with the Federal Reserve Bank of New York in its execution of Fed open market operations.

Privately issued CMO/REMIC means a CMO or REMIC that qualifies as a permissible investment for a federal credit union pursuant to the provisions of Section 107(15)(B) of the Federal Credit Union Act.

Rated, in the context of investments under § 704.5, means rated by an SEC-recognized rating agency. An SEC-recognized rating agency is any firm recognized by the Securities and Exchange Commission (SEC) as qualified to assign risk ratings to various investment instruments required to be registered with the SEC.

Real Estate Mortgage Investment Conduit (REMIC) means a nontaxable entity formed for the sole purpose of holding a fixed pool of mortgages

secured by an interest in real property and issuing multiple classes of interests in the underlying mortgages.

Repurchase transaction means a transaction in which a corporate credit union agrees to purchase a security from a counterpart and to resell the same or any identical security to that counterpart at a later date.

Residual interest means the remainder cash flows from a CMO or REMIC transaction after payments due bondholders and trust administrative expenses have been satisfied.

Reverse repurchase transaction means a transaction whereby a corporate credit union agrees to sell a security to a purchaser and to repurchase the same or any identical security from that purchaser at a future date and at a specified price.

Risk-weighted assets means the sum of total balance sheet assets and off-balance sheet credit equivalent amounts multiplied by their appropriate risk weights.

Secondary capital share account. (1) Secondary capital share account means a share account that:

(i) Is restricted to credit unions within a corporate credit union's field of membership;

(ii) Is not subject to share insurance coverage by the NCUSIF or other deposit insurer;

(iii) Is established, at a minimum, as a two year notice account;

(iv) Cannot be used by member credit unions to collateralize borrowings;

(v) Is available to absorb losses in the event of a deficit in primary capital in the corporate credit union; and

(vi) In the event of liquidation of the corporate credit union, is payable only after satisfaction of all liabilities of the liquidation estate including uninsured obligations to shareholders and the NCUSIF.

(2) Notwithstanding the notice requirement, in the case of a member credit union's merger or liquidation, a corporate credit union shall return the member's secondary capital shares, less any penalty for early withdrawal, within 30 days of written notification from NCUA.

(3) The terms and conditions of secondary capital share accounts must be disclosed at the time an account is opened. The board of directors of the member credit union must acknowledge those terms and conditions by signing a disclosure form. A copy of the disclosure form must be given to the member credit union, with the original retained by the corporate credit union. A statement of the terms and conditions of a secondary capital share account must be provided to member credit unions annually. The annual disclosure statement must be signed by the chairman of the board of the corporate credit union.

Section 107(8) institution means an institution described in Section 107(8) of the Federal Credit Union Act (12 U.S.C. 1757(8)).

Senior management employee means the corporate credit union's chief executive officer, any assistant chief executive officer (e.g., any assistant president, any vice president or any assistant treasurer/manager) and the chief financial officer (controller).

Settlement date means the date originally agreed to by a corporate credit union and a counterpart for settlement of the purchase or sale of a security.

Short sale means the sale of a security not owned by the seller.

Short-term investment means, for the purpose of issue ratings, an investment that has an initial maturity, or expected maturity, of one year or less.

Standby commitment means a commitment to either buy or sell a security, on or before a future date, at a predetermined price. The seller of the commitment is the party receiving payment for assuming the risk associated with committing either to purchase a security in the future at a predetermined price, or to sell a security in the future at a predetermined price. The seller of the commitment is required to either accept delivery of a security (in the case of a commitment to buy) or make delivery of a security (in the case of a commitment to sell), in either case at the option of the buyer of the commitment.

Stripped mortgage-backed security (SMBS) means a security that represents either the principal or interest only portion of the cash flows of an underlying pool of mortgages.

Swap agreement means a contract to exchange interest payments that are based upon a specified dollar amount (the ''notional'') at specified dates in the future.

Trade association means an association of organizations or persons formed to promote their common interests. The term includes entities owned or controlled directly or indirectly by such an association but does not include credit unions.

Trade date means the date a corporate credit union originally agrees, whether orally or in writing, to enter into the purchase or sale of a security.

Undivided earnings means all forms of retained earnings, except:

(1) Regular or statutory reserves; and

(2) Valuation allowances established to meet the full and fair disclosure requirements of § 702.3 of this chapter.

United States depository institutions means offices or branches (foreign and domestic) of federally insured banks and depository institutions chartered and headquartered in the United States, Puerto Rico, and U.S. territories and possessions. This includes banks, mutual or stock savings banks, savings or building and loan associations, cooperative banks, credit unions, international banking facilities of domestic depository institutions, and U.S. chartered depository institutions owned by entities outside of the United States.

United States Government or its agencies means the United States Government or instrumentalities of the United States whose debt obligations are fully and explicitly guaranteed as to the timely payment of principal and interest by the full faith and credit of the United States Government.

United States Government-sponsored corporations and enterprises means agencies originally established or chartered to serve public purposes specified by Congress, but whose obligations are not explicitly guaranteed by the full faith and credit of the United States Government.

Wholesale corporate credit union means a corporate credit union that serves other corporate credit unions.

Zero coupon bond means a debt obligation that makes no periodic interest payments but instead is sold at a discount from its face value. The holder of a zero coupon bond realizes the rate of return through the gradual appreciation of the security, which is redeemed at face value on a specified maturity date.

§ 704.3 Planning; strategic and business plans.

(a) The board of directors of a corporate credit union shall adopt a written strategic plan with appropriate objectives and goals. This plan will be reviewed periodically during the year to determine that the goals are being accomplished. At least annually, the strategic plan will be reviewed and updated. These reviews will be documented in writing and provided upon request to the auditor, supervisory committee, and NCUA.

(b) A written business plan will be prepared for any material expenditure in fixed assets, new products and services, or investments in a CSO and/or for any planned field of membership expansion. Such plans shall be provided upon request to the auditor, supervisory committee, and NCUA.

§ 704.4 Asset/liability management.

(a) *Matching.* All shares and deposits, exclusive of permanent capital share accounts and secondary capital share accounts, whether fixed or variable rate, must be identically matched to a corresponding asset. An identical match means that any factor which impacts the cash flows of an asset must be identically replicated in the corresponding liability. The corporate's capital is exempt from the matching requirement. The overnight shares of a corporate credit union are subject to the matching requirement with the following exception: Up to, but no more than, 25 percent of a corporate credit union's overnight shares and deposits (based on the average daily overnight balance for the preceding calendar year) can be matched against variable rate securities with a final maturity of three years or less provided that the following provisions are met: the security coupon reprices at least monthly, the coupon formula is tied to an appropriate market index (such as LIBOR, PRIME, Fed funds and Treasury Bills) not a lagging indicator (such as COFI); the change in coupon formula is not inverse to or a multiple of the change in the market index, and, if the asset is a marketable security, is classified as ''available for sale''.

(b) *Unmatched embedded option limitation.* A corporate credit union is limited to an aggregate amount of instruments that possess unmatched embedded options of no more than capital.

(c) *Penalty for early withdrawal.* All shares and deposits must either be non redeemable or include a fair value penalty for early withdrawal as defined in § 704.2.

(d) *Portfolio pricing.* The fair value of all investment securities, regardless of classification, must be calculated and documented on a monthly basis using reliable market price indicators. Such documentation shall be provided upon request to the auditor, supervisory committee, and NCUA.

(e) *Maximum unrealized loss on ''available-for-sale'' assets.* The aggregate loss in the accumulated unrealized gains/losses on ''available-for-sale'' assets, net of any unrealized gains/losses on the corresponding source of funds, may not exceed 15 percent of primary capital excluding accumulated unrealized gains/losses on available for sale securities. Any violation of this limit must be addressed with a corrective action that reduces the loss below the maximum allowed within 10 days.

(f) *Rate shock analysis.* A corporate credit union must perform a monthly ''shock test'' calculation to show the impact upon its net interest income and market value of portfolio equity (MVPE) for an immediate and sustained tandem shift in interest rates of plus and minus 300 basis points. The MVPE cannot change by more than plus or minus 25 percent for a plus or minus 300 basis point rate shock. The documentation for these calculations must include the balance sheet categories, interest rates, and other assumptions used. This information must be presented to a senior committee that includes board membership and provided upon request to the auditor, supervisory committee and NCUA.

(g) *Risk analysis.* A corporate credit union must identify and list all risks associated with an asset or source of funds prior to purchase or issuance. Where applicable, the risk analysis must include, at a minimum, liquidity, market, credit, legal, systems/operations, sovereign, exchange, and management risks. The risk analysis shall be maintained with other supporting documentation in a permanent record, which shall be provided upon request to the auditor, supervisory committee, and NCUA.

(h) Risk supervision. A corporate credit union must identify, measure, and document the risks associated with all assets. The measure of risk exposure and a comparison of such exposure to board policy limits must be reported in writing on a quarterly basis. Such reports shall be provided upon request to the auditor, supervisory committee, and NCUA.

(i) *Risk compliance.* A corporate credit union must review all investment assets on a monthly basis for compliance with NCUA Rules and Regulations and board of director policies to determine whether any such assets require divestiture. The results and analysis shall be provided upon request to the auditor, supervisory committee, and NCUA.

(j) *Contingency funding.* A corporate credit union must develop a contingency funding plan that ranks, in order of priority, all sources of liquidity, by category and amount, that are available to service an immediate outflow of member funds. The plan must analyze the impact that potential changes in fair value will have on the disposition of assets in a variety of interest rate scenarios and be reviewed by a committee of the board no less frequently than annually or as market and business conditions dictate. The plan and annual review shall be provided upon request to the auditor, supervisory committee, and NCUA.

(k) *Policies.* Corporate credit unions must develop and implement comprehensive written policies, which shall be reviewed annually and provided upon request to the auditor, supervisory committee, and NCUA. The policies must address, at a minimum, the following:

(1) Diversification of assets by issuer, type and risk;

(2) Approved issuers, instruments, and broker-dealers;

(3) Liabilities, including pricing strategies, diversification and penalties for early withdrawal;

(4) Limits on the maximum permitted change in net interest income as calculated for a plus and minus 300 basis point rate shock;

(5) Acceptable credit risk;

(6) Authorization of and limitations on persons/committees involved with asset/liability management.

§ 704.5 Investments.

(a) A corporate credit union may invest in those securities, deposits, and obligations set forth in Sections 107(7), 107(8), and 107(15)(B) of the Federal Credit Union Act (12 U.S.C. 1757(7), 1757(8), and 1757(15)(B)), except as provided in this section. Any asset that has the potential to be divested must be classified as available-for-sale. An asset downgraded by the same rating agency used when the investment was purchased must be divested within 10 business days of the downgrade. Other than investments in wholesale corporate credit unions, CSOs, and repurchase transactions, the aggregate of a corporate credit union's investments in any one institution, issuer, or trust is limited to 25 percent of the corporate credit union's primary capital at the time of purchase.

(b) A corporate credit union may invest in CSOs, as defined in § 704.2 and subject to the limitations of § 704.7.

(c) A corporate credit union may invest in deposits in, the sale of Federal Funds to, and debt obligations of wholesale corporate credit unions.

(d)(1) A corporate credit union may invest in deposits in, the sale of Federal Funds to, and debt obligations of Section 107(8) institutions subject to the following requirements:

(i) The institution must have assets of at least US $5 billion and an entity rating no lower than B (or equivalent);

(ii) The investment must be rated no lower than A–1 (or equivalent) for short-term investments and no lower than AA (or equivalent) for long-term investments; and

(iii) The investment must be denominated in United States dollars.

(2) A written evaluation of lines of exposure to all Section 107(8)

institutions must be prepared quarterly by qualified staff and approved by an appropriate committee of the board so that changes in credit quality can be detected at the earliest opportunity. This approval must be documented in the minutes of the committee and be provided upon request to the auditor, supervisory committee, and NCUA.

(e)(1) A corporate credit union may invest in deposits in, the sale of Federal Funds to, and debt obligations of foreign banks, subject to the following requirements:

(i) The bank must have assets of at least US $20 billion and an entity rating no lower than A/B (or equivalent);

(ii) The investment must be rated no lower than A–1 (or equivalent) for short-term investments and no lower than AA (or equivalent) for long-term investments;

(iii) The investment must be denominated in United States dollars;

(iv) The country in which the issuing bank is organized must be rated AAA (or equivalent) for political and economic stability;

(v) Aggregate investments in banks in any single foreign country are limited to 50 percent of the corporate credit union's primary capital at the time of purchase; and

(vi) Aggregate investments in all foreign banks are limited to 300 percent of the corporate credit union's primary capital at the time of purchase.

(2) A written evaluation of lines of exposure to all foreign banks must be prepared quarterly by qualified staff and approved by an appropriate committee of the board so that changes in credit quality can be detected at the earliest opportunity. This approval must be documented in the minutes of the committee and be provided upon request to the auditor, supervisory committee, and NCUA.

(f) A corporate credit union may invest in marketable debt obligations of corporations chartered in the United States, provided that the obligations are rated not lower than A–1 (or equivalent) for short-term investments and not lower than AA- (or equivalent) for long-term investments. A marketable obligation is one that may be sold with reasonable promptness at a price which corresponds reasonably to its fair value. This authority does not apply to debt obligations that are convertible into the stock of the corporation.

(g) A corporate credit union may invest in asset-backed securities subject to the following requirements:

(1) Rated not lower than AAA (or equivalent); and

(2) Having an average life at the time of purchase not to exceed 5 years.

(h) A corporate credit union may invest in federally and privately issued CMOs/REMICs, subject to the following limitations:

(1) All investments in fixed rate CMOs/REMICs must meet the following NCUA-modified FFIEC High Risk Security Test requirements:

(i) The weighted average life of the security may not exceed 5 years at the time of purchase;

(ii) The weighted average life may not extend by more than 2 years nor contract by more than 3 years for an instantaneous shift in market rates of plus or minus 300 basis points;

(iii) The investment's price may not decline by more than 10 percent for an instantaneous shift in market rates of plus or minus 300 basis points.

(2) All investments in floating rate CMOs/REMICs must meet the following NCUA-modified FFIEC High Risk Security Test requirements:

(i) The weighted average life of the security may not exceed 5 years at the time of purchase;

(ii) The weighted average life may not extend by more than 2 years nor contract by more than 3 years for an instantaneous shift in market rates of plus or minus 300 basis points;

(iii) The investment's price may not decline by more than 5 percent for an instantaneous shift in market rates of plus or minus 300 basis points.

(3) The prepayment assumption for the underlying mortgages shall be based on an industry standard median prepayment estimate or the median estimate of no fewer than five independent brokerage firms, at least one of which must be a primary dealer. When estimates from specific dealers are used, those dealers must be approved by an appropriate committee and listed along with monthly test results. The same industry standard or selection of dealers must be used for all CMO/REMIC securities each time the tests are performed. In computing the average life of a CMO/REMIC investment, it must be assumed that the anticipated rate of prepayment remains constant over the remaining life of the mortgage collateral.

(4) Any CMO/REMIC security that fails the average life standard or the price sensitivity test shall be divested within 10 business days.

(5) Results of monthly CMO/REMIC tests must be documented and reviewed by an appropriate committee and maintained in a permanent record. Such results shall be provided upon request to the auditor, supervisory committee, and NCUA.

(i) A corporate credit union may enter into a cash forward agreement to purchase or sell a security, provided that:

(1) The period from the trade date to the settlement date does not exceed one hundred and twenty (120) days;

(2) If the credit union is the purchaser, it has written cash flow projections evidencing its ability to purchase the security;

(3) If the credit union is the seller, it owns the security on the trade date; and

(4) The cash forward agreement is settled on a cash basis at the settlement date.

(j) A corporate credit union may enter into a repurchase or reverse repurchase transaction provided that the collateral securities are permissible investments for corporate credit unions and the transaction is priced to reflect accrued interest, the risk of the securities, and the term of the trade. A corporate credit union purchasing a security in a repurchase transaction must take physical possession of the security, receive written confirmation of the purchase and a safekeeping receipt from a third party under a written bailment for hire contract, or be recorded as the owner of the security through the Federal Reserve Book-Entry System. A corporate credit union obtaining funds from a reverse repurchase transaction may not invest those funds for a term greater than the maturity date of the reverse repurchase transaction. A repurchase transaction shall be considered to have a credit exposure of 5 percent of the principal and accrued interest outstanding on the transaction for the purpose of the limitation on investments in a single institution, issuer, or trust set forth in paragraph (a) of this section.

(k) A corporate credit union may invest in a mutual fund if the investments and investment transactions of the fund are legally permissible for corporate credit unions.

(l) A corporate credit union is prohibited from:

(1) Purchasing or selling a standby commitment, except as provided in § 701.21(i) of this Chapter;

(2) Buying or selling a futures contract, forward rate agreement, swap agreement, or option contract;

(3) Engaging in adjusted trading;

(4) Engaging in a short sale;

(5) Purchasing a stripped mortgage-backed security or residual interest in a CMO/REMIC;

(6) Purchasing a zero coupon security with a maturity date that is more than 5 years from the settlement date for purchase of the security, except for funds matched against primary capital;

(7) Making deposits in nonfederally insured state banks, trust companies, and mutual savings banks; and

(8) Purchasing commercial mortgage-related securities.

(m) A corporate credit union's officials, senior management employees, and immediate family members of such individuals, may not receive pecuniary consideration in connection with the making of an investment or deposit by the corporate credit union. The prohibition contained in this subsection also applies to any employee not otherwise covered if the employee is directly involved in investments or deposits. All transactions not specifically prohibited by this paragraph must be conducted at arm's length and in the interest of the credit union.

§ 704.6 Capital goals, objectives and strategies.

(a) *General.* Corporate credit unions shall adopt formal, written goals (both long-term and short-term), objectives and strategies, including a budgetary process, for the building of capital.

(b) *Impact study.* Where a proposed new service or program, purchase or lease of a fixed asset, or investment in or loan to a CSO may have a material effect on a corporate credit union, the corporate credit union shall perform a cost/benefit analysis of the activity and a study of its impact on the earnings and capital position of the corporate credit union.

(c) *Monitoring.* Management will establish monitoring standards and procedures to periodically review and reassess the capital position of the corporate credit union and will document these reviews.

§ 704.7 Corporate service organizations (CSOs).

(a) The aggregate of all investments in and loans to member and non member CSOs shall not exceed 15 percent of a corporate credit union's capital at the time the investment or loan is made. A corporate credit union may not use this authority to acquire control, directly or indirectly, of another financial institution, or to invest in shares, stocks or obligation of another financial institution, insurance company, trade association, liquidity facility, or similar organization. A CSO must be operated as an entity separate from any credit union. A corporate credit union investing in or lending to a CSO must take those steps necessary to ensure that it will not be held liable for the obligations of the CSO.

(b) An official or senior management employee of a corporate credit union which has invested in or loaned to a CSO, and immediate family members of such an individual, may not receive, either directly or indirectly, any salary, commission, investment income, or other income or compensation, from the CSO. This prohibition extends to any other corporate credit union employee if such employee deals directly with the CSO.

(c) Prior to making an investment in or loan to a CSO, a corporate credit union must obtain a written agreement that the CSO will:

(1) Follow GAAP;

(2) Provide financial statements to the corporate credit union at least quarterly;

(3) Obtain an annual CPA audit and provide a copy to the corporate credit union; and

(4) Allow the auditor, supervisory committee, and NCUA complete access to its books, records, and any other pertinent documentation.

(d) A corporate credit union with an investment in, or a loan to, a credit union service organization (CUSO) as defined in § 701.27 of this chapter must, by January 1, 1996, divest of the investment, terminate the loan if contractually possible, or ensure that the organization meets the requirements of this section and § 704.2. If the loan cannot legally be terminated by January 1, 1996 it cannot be renewed or extended upon its next renewal or extension date.

§ 704.8 Lending.

(a) *Policies.* A corporate credit union shall develop, implement, and adhere to written loan policies which address, at a minimum:

(1) Loan types and limits;

(2) Documentation for each loan and line of credit;

(3) Security;

(4) Analysis of financial and operational data;

(5) Monitoring standards; and

(6) Review and reassessment of the credit quality of the member credit union.

(b) *General.* Each loan or line of credit limit will be determined after analyzing the financial and operational soundness of the member credit union and the ability of the member credit union to repay the loan. Loans are limited as follows:

(1) *Loans to member credit unions.* The maximum aggregated amount in loans and approved lines of credit to any one member credit union, excluding pass-through and guaranteed loans from the CLF and the NCUSIF and repurchase transactions, shall not exceed the corporate credit union's primary capital.

(2) *Loans to CSOs.* A corporate credit union may make loans and issue lines of credit to CSOs, as defined in § 704.2 and subject to the limitations of § 704.7

(3) *Participation loans with other corporate credit unions.* A corporate credit union is permitted to participate in a loan with another corporate credit union and must retain an interest of at least 5 percent of the face amount of the loan. The participation agreement may be executed at any time prior to, during, or after disbursement. A participating corporate credit union must exercise the same due diligence as if it were the originating corporate credit union.

(4) *Prepayment penalties.* If provided for in the loan contract, a corporate credit union is authorized to assess prepayment penalties on loans made to member credit unions.

(5) *Prohibitions.* A corporate credit union may not make loans, issue lines of credit, or otherwise provide loan services to non members or natural person members. Except for providing overdraft protection for clearing accounts, a corporate credit union may not provide loan services to member trade associations. A loan or line of credit provided to a member trade association for the purpose of overdraft protection must be fully collateralized by any security which is permissible under § 704.5.

§ 704.9 Borrowing.

A corporate credit union may borrow up to 10 times capital or 50 percent of shares (excluding shares created by the use of member reverse repurchase agreements) and capital, whichever is less. Other that the issuance of the minimum amount of commercial paper to maintain a market presence, a corporate credit union may borrow only to meet liquidity needs. The need must be documented in writing and provided upon request to the auditor, supervisory committee, and NCUA. CLF borrowings, as agent member for natural person credit unions, and borrowed funds created by the use of repurchase agreements are excluded from this limit. In the event of extreme liquidity demands from its member credit unions, a corporate credit union may submit a request to NCUA for additional borrowing authority.

§ 704.10 Services.

A corporate credit union may provide services only to its members, subject to the limitations of this Part. A corporate credit union may not provide services to non members through the correspondent credit union authority or pursuant to § 701.26 of this chapter.

§ 704.11 Fixed assets.

(a) *General.* A corporate credit union's ownership in fixed assets shall be limited as described in § 701.36 of this chapter, except that in lieu of § 701.36 (c)(1) through (4), paragraph (b) of this section applies.

(b) *Investment in fixed assets.* (1) A corporate credit union may, invest in fixed assets where the aggregate of all such investments does not exceed 15 percent of primary capital.

(2) A corporate credit union shall submit requests to exceed the limitation of paragraph (b)(1) of this section to NCUA. Requests shall be supplemented by such statements and reports as NCUA may require. If NCUA determines that the proposal will not adversely affect the corporate credit union, it will respond in writing and an aggregate dollar amount or percentage of primary capital will be approved for investment in fixed assets.

§ 704.12 Corporate Credit Union Reserves.

(a) *Minimum Primary Capital Ratio.* The primary capital ratio is computed by dividing primary capital by average daily assets for the month. Each corporate credit union shall maintain a minimum primary capital ratio as follows:

(1) By January 1, 1996, primary capital shall be at least 2.5 percent of average daily assets. If this level of primary capital is not achieved, the corporate must submit a request for a waiver of this requirement to NCUA. The waiver request must provide an acceptable plan for meeting the requirement. This waiver request must be submitted to NCUA no later than 90 days prior to the effective date of this requirement.

(2) By January 1, 1997, primary capital shall be at least 3.0 percent of average daily assets. If this level of primary capital is not achieved, the corporate must submit a request for a waiver of this requirement to NCUA. The waiver request must provide an acceptable plan for meeting the requirement. This waiver request must be submitted to NCUA no later than 90 days prior to the effective date of this requirement.

(3) By January 1, 1998, primary capital must be at least 4.0 percent of average daily assets. Thereafter, each corporate credit union will be required to maintain a minimum primary capital to average daily assets ratio of 4.0 percent. Any corporate credit union that does not meet this provision will be considered to be inadequately capitalized and must submit to NCUA a plan of action to achieve this capital level within an acceptable period of time. This plan must be submitted to NCUA within 30 calendar days of the month-end in which minimum primary capital fell below 4.0 percent.

(b) *Capital to risk-weighted assets ratio.* The capital to risk-weighted assets ratio is computed by dividing capital by total risk-weighted assets at month end. Each corporate credit unions shall maintain capital of at least 10.0 percent of risk-weighted assets. Any corporate credit union that does not meet this provision will be considered to be inadequately capitalized and must submit to NCUA a plan of action to achieve this capital level within an acceptable period of time. This plan must be submitted to NCUA within 30 calendar days of the month-end in which capital fell below 10.0 percent of risk-weighted assets.

(c) *Failure to comply with minimum capital requirements.* NCUA will review each plan of action to achieve stated levels of capital as put forth in paragraphs (a) and (b) of this section. NCUA will make a determination as to the viability of the plan of action, and analyze the impact of the capital level on the corporate credit union and its member credit unions. If it is determined that a plan of action is not viable, the corporate credit union's board of directors will be required to merge or accept other corrective action as set forth by NCUA.

(d) *Procedures.* Balance sheet assets and credit equivalent amounts for off-balance sheet items are assigned to a risk-weight category. The total dollar amount in each category shall be multiplied by the risk-weight assigned to that category. The sum of the categories comprises risk-weighted assets.

(e) *Frequency.* Each corporate credit union shall calculate and document the ratio of primary capital to average daily assets and capital to risk-weighted assets each month. Documentation of such calculations shall be maintained and provided upon request to the auditor, supervisory committee, and NCUA.

(f) *Risk weights for balance sheet assets.* Each balance sheet asset shall be assigned a risk weight of 0 percent, 20 percent, 50 percent, and 100 percent as indicated in Appendix A of this part.

(g) *Other considerations.* (1) An investment in the shares of a mutual fund is assigned to the risk category appropriate to the highest risk-weighted asset that the fund is permitted to hold.

(2) Accruals will be assigned the risk-weighting of the underlying asset that they represent.

(h) *Credit conversion factors for off-balance sheet Items.* Off-balance sheet items will be risk-weighted each month using credit conversion factors as indicated in Appendix B of this part.

(i) *Interim reserve accumulation.* Corporate credit unions will be required to accumulate sufficient amounts of primary capital to meet the requirements of paragraph (a) of this section. Each corporate credit union must prepare a written projection, including assumptions utilized, which shows compliance with the minimum primary capital requirements each year through the accumulation of net income and reserve transfers, the issuance of PCSAs, and/or the shrinkage of the corporate credit union's assets. The written projection must be provided upon request to the auditor, supervisory committee, and NCUA. In addition, each corporate credit union must meet the reserve transfer requirements outlined in paragraph (j) of this section.

(j) *Required reserve transfers.* The amount that a corporate credit union is required to transfer or set aside in reserves is based on both the corporate credit union's primary capital and capital to risk-weighted assets ratios. For the purposes of calculating required reserve transfers, PCSAs shall be excluded from primary capital. Ranges of capital ratios have been established. These capital ratio ranges are then associated with 1 of 5 corresponding categories in determining the required reserve transfer. To qualify for a lower reserve transfer category, the capital ratio must fall in both the primary capital and capital to risk-weighted assets ratio ranges of the applicable category. The corporate credit union shall set aside an amount equal to the appropriate required reserve transfer percentage multiplied by the corporate credit union's average daily assets for the transfer period multiplied by the number of days in the transfer period divided by 365.

(1) Category 1 requires a corporate reserve transfer percentage of 20 basis points of average daily assets when either the primary capital ratio is greater than 4.0 percent and less than 4.75 percent or the capital to risk-weighted assets ratio is greater than 10.0 percent and less than 11.0 percent.

(2) Category 2 requires a corporate reserve transfer percentage of 15 basis points of average daily assets when either the primary capital ratio is greater than 4.75 percent and less than 5.25 percent or the capital to risk-weighted assets ratio is greater than 11.0 percent and less than 14.0 percent.

(3) Category 3 requires a corporate reserve transfer percentage of 10 basis points of average daily assets when either the primary capital ratio is greater

than 5.25 percent and less than 5.75 percent or the capital to risk-weighted assets ratio is greater than 14.0 percent and less than 17.0 percent.

(4) Category 4 requires a corporate reserve transfer percentage of 5 basis points of average daily assets when either the primary capital ratio is greater than 5.75 percent and less than 6.0 percent or the capital to risk-weighted assets ratio percentage is greater than 17.0 percent and less than 20.0 percent.

(5) Category 5 requires a corporate reserve transfer percentage of 0 basis points when the primary capital ratio is greater than 6.0 percent and the capital to risk-weighted assets ratio percentage is greater than 20.0 percent.

(k) *Full and fair disclosure.* Corporate credit unions must provide reserves necessary for full and fair disclosure as specified in § 702.3 of this chapter.

§ 704.13 Representation.

(a) *Board representation.* The board shall be determined as stipulated in the standard corporate federal credit union bylaws governing election procedures, provided that:

(1) The chair of the board may not serve simultaneously as an officer, director, or employee of a credit union trade association;

(2) A majority of directors may not serve simultaneously as officers, directors, or employees of the same credit union trade association or its affiliates (not including chapters or other subunits of a state trade association); and

(3) For purposes of meeting the requirements of paragraphs (a)(2) and (a)(3) of this section, an individual may not serve as a director or chair of the board if that individual holds a subordinate employment relationship to another employee who serves as an officer, director, or employee of a credit union trade association.

(b) *Representatives of member credit unions.* (1) A member credit union may appoint one of its members or officials as a representative to the corporate credit union. The representative shall be empowered to attend membership meetings, to vote, and to stand for election on behalf of the member. Only a member credit union representative is eligible to vote and to stand for election. No individual may serve as the representative of more than one member credit union in the same corporate credit union.

(2) Any vacancy on the board of a corporate credit union caused by a representative being unable to complete his or her term shall be filled by the board of the corporate credit union according to its bylaws governing the filling of board vacancies.

(c) *Recusal provision.* (1) No director, committee member, officer, or employee of a corporate credit union shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting his or her pecuniary interest or the pecuniary interest of any entity (other than the corporate credit union) in which he or she is interested, except if the matter involves general policy applicable to all members, such as setting dividend or loan rates or fees for services.

(2) An individual is ''interested'' in an entity if he or she:

(i) Serves as a director, officer, or employee of the entity;

(ii) Has a business, ownership, or deposit relationship with the entity; or

(iii) Has a business, financial, or familial relationship with an individual whom he or she knows has a pecuniary interest in the entity.

(3) In the event of the disqualification of any directors, by operation of paragraph (c)(1) of this section, the remaining qualified directors present at the meeting, if constituting a quorum with the disqualified directors, may exercise, by majority vote, all the powers of the board with respect to the matter under consideration. Where all of the directors are disqualified, the matter must be decided by the members of the corporate credit union.

(4) In the event of the disqualification of any committee member by operation of paragraph (c)(1) of this section, the remaining qualified committee members, if constituting a quorum with the disqualified committee members, may exercise, by majority vote, all the powers of the committee with respect to the matter under consideration. Where all of the committee members are disqualified, the matter shall be decided by the board of directors.

(d) *Administration.* (1) A corporate credit union shall be under the direction and control of its board of directors. While the board may delegate the performance of administrative duties, the board is not relieved of its responsibility for their performance. The board may employ a chief executive officer who shall have such authority and such powers as delegated by the board to conduct business from day to day. Such chief executive officer must answer solely to the board of the corporate credit union, and may not be an employee of a credit union trade association.

(2) The provisions of § 701.14 of this chapter apply to corporate credit unions, except that where reference is made to ''Regional Director,'' substitute ''NCUA.''

§ 704.14 Audit requirements.

(a) *Annual audit.* (1) The corporate credit union supervisory committee shall cause an annual opinion audit, which shall include a reportable conditions letter (i.e. management letter) to be made by an independent, duly licensed certified public account (CPA) and shall submit the audit report to the board of directors. A summary of the audit report shall be submitted to the membership at the next annual meeting.

(2) The CPA's audit workpapers shall be provided upon request to NCUA.

(3) A copy of the audit report and reportable conditions letter (i.e. management letter) shall be submitted to NCUA, within 30 days after receipt by the board of directors.

(b) *Internal auditor function.* (1) A corporate credit union with net assets in excess of $100 million as of the preceding December 31, or as ordered by NCUA, will be required to employ or contract the services of an internal auditor.

(2) The internal auditor will report directly to the chairperson of the corporate credit union's supervisory committee.

(3) The internal auditor's responsibilities will include, but are not limited to, the review of ongoing compliance with statutory and regulatory requirements, adherence to the corporate credit union's own policies and procedures, testing of the accuracy and completeness of recordkeeping and operation functions, ensuring adequate control measures are in place, apprising the supervisory committee of all findings, and providing appropriate recommendations to address concerns and deficiencies relating to the condition or operations of the corporate credit union.

(4) The internal auditor's reports, findings, and recommendations will be in writing. Oral presentations by the internal auditor to the supervisory committee will be documented in the supervisory committee minutes. All documentation relating to the work of the internal auditor will be provided upon request to the external auditor and NCUA.

§ 704.15 Contracts/written agreements.

Services, facilities, personnel, or equipment shared with any party shall be supported by a written contract, with the duties and responsibilities of each party specified and the allocation of service fee/expenses fully supported and documented.

§ 704.16 State-chartered corporate credit unions.

(a) This part does not expand the powers and authorities of any state-chartered corporate credit union, beyond those powers and authorities provided under the laws of the state in which it was chartered.

(b) A state-chartered corporate credit union that is not insured by the National Credit Union Share Insurance Fund, but that receives funds from federally insured credit unions, is considered an ''institution-affiliated party'' within the meaning of Section 206(r) of the Federal Credit Union Act, 12 U.S.C. 1786(r).

§ 704.17 Fidelity bond coverage.

(a) *Scope.* This section provides the fidelity bond requirements for employees and officials in corporate credit unions.

(b) *Review of coverage.* The board of directors of each corporate credit union shall, at least annually, carefully review the bond coverage in force to determine its adequacy in relation to risk exposure and to the minimum requirements in this section.

(c) *Minimum coverage; Approved forms.* Every corporate credit union will maintain bond coverage with a company holding a certificate of authority from the Secretary of the Treasury. All bond forms, and any riders and endorsements which limit the coverage provided by approved bond forms, must receive the prior written approval of the NCUA Board. The Corporate Credit Union Discovery Bond (NCUA 100) and Standard Form 24 with Credit Union Bond Conversion Endorsement are approved for use by corporate credit unions. Credit Union Blanket Bond Form 581 and Form 23—Extended Form, may also be utilized by corporate credit unions. Fidelity bonds must provide coverage for the fraud and dishonesty of all employees, directors, officers, and supervisory and credit committee members. Notwithstanding the foregoing, all bonds must include a provision, in a form approved by the NCUA Board, requiring written notification by surety to the Board: When the bond of a credit union is terminated in its entirety; or when bond coverage is terminated, by issuance of a written notice, on an employees, director, officer, supervisory or credit committee member. Said notification shall be sent to the Secretary of the NCUA Board or designee and shall include a brief statement of cause for termination.

(d) *Minimum; coverage amounts.* (1) The minimum amount of bond coverage will be computed based on the corporate credit union's average daily assets as of December 31 of the preceding year. The following table lists the minimum requirements:

Net assets	Minimum bond (million)
Less than $50 million	$1.0
$50—$99 million	2.0
$100—$499 million	4.0
$500—$999 million	6.0
$1.0—$1.999 billion	8.0
$2.0—$4.999 billion	10.0
$5.0—$9.999 billion	15.0
$10—$24.999 billion	20.0
$25.0 billion plus	25.0

(2) It is the duty of the board of directors of each corporate credit union to provide adequate protection to meet its unique circumstances by obtaining, when necessary, bond coverage in excess of the above minimums.

(e) *Reduced coverage; NCUA approval.* Any proposal for reduced coverage must be approved in writing by the NCUA Board at least 20 days in advance of the proposed effective date of the reduction.

(f) *Deductibles.* (1) The maximum amount of deductibles allowed are based on the corporate credit union's primary capital ratio as defined in § 704.12(a). The following table sets out the maximum deductibles:

Primary capital ratio	Maximum deductible
Less than 4.0 percent.	7.5 percent of primary capital.
4.0—7.99 percent	10.0 percent of primary capital.
8.0—11.99 percent.	12.0 percent of primary capital.
Greater than 12.0 percent.	15.0 percent of primary capital.

(2) A deductible may be applied separately to one or more insuring clauses in a blanket bond. Deductibles in excess of those showing in this section must have the written approval of the NCUA Board at least 20 days prior to the effective date of the deductibles.

(g) *Additional coverage.* The NCUA Board may require additional coverage for any corporate credit union when, in the opinion of the Board, current coverage is insufficient. The board of directors of the corporate credit union must obtain additional coverage within 30 days after the date of written notice from the NCUA Board.

§ 704.18 Effective date.

The regulations in this part are effective beginning January 1, 1996.

Appendix A to Part 704—Summary of Risk Weights and Risk Categories for Corporate Credit Unions

Category 1: Zero Percent Risk Weight.

a. Coin and currency on hand or physically in transit.

b. Balances due from and claims on Federal Reserve Banks.

c. Claims on and portions of claims that are unconditionally guaranteed by the U.S. Government or its agencies.

d. Claims collateralized by cash or eligible deposits.

e. CLF subscriptions, including U.S. Central CLF Participation Certificates, and CLF Pass-Through Loans from the CLF through U.S. Central to the corporate credit unions.

f. Asset Accounts related to Member Reverse Repurchase Agreements without indemnity obligation.

g. Accrued Interest Receivable on the above.

Category 2: 20 Percent Risk Weight.

a. Items, other than coin and currency, in process of collection.

b. Claims on or portions of claims guaranteed by U.S. Government-sponsored corporations and enterprises.

c. Claims conditionally guaranteed by the U.S. Government or its agencies or U.S. Government-sponsored corporations and enterprises.

d. Claims or portions of claims (including Repurchase Agreements) collateralized by securities issued by the U.S. Government or its agencies or U.S. Government-sponsored corporations and enterprises.

e. General obligation claims on state and local governments located in the United States.

f. Claims on U.S. depository institutions (including Federal Funds sold)

g. Claims on a corporate credit union.

h. Asset accounts related to Member Reverse Repurchase Agreements with indemnity obligation.

i. Asset-backed securities with remaining weighted average lives of 3 years or less.

j. Secured loans to credit unions.

k. Accrued Interest Receivable on the above.

Category 3: 50 Percent Risk Weight.

a. Asset-backed securities with remaining weighted average lives greater than 3 years.

b. Privately-issued mortgage-backed securities provided that: (1) The security is structured so that it is treated as an indirect holding of the underlying assets;[1] (2) If the

[1] A private-issued mortgage-backed security may be treated as an indirect holding of the underlying assets provided that: (1) The underlying assets are held by an independent trustee and the trustee has a first priority, perfected security interest in the underlying assets on behalf of the holders of the security; (2) either the holder of the security has an undivided pro rata ownership interest in the underlying mortgage assets or the trust or single purpose entity (or conduit) that issues the security has no liabilities unrelated to the issued securities; (3) the security is structured such that the cash flow from the underlying assets in all cases fully meets the cash flow requirements of the security without undue reliance on any reinvestment income; and (4) there is no material reinvestment risk associated with any funds awaiting distribution to the holders

security is backed by a pool of conventional mortgages, 1- to 4-family residential, or multifamily residential properties, each underlying mortgage must have been made in accordance with prudent underwriting standards, be performing in accordance with its original terms, and not be 90 days or more past due or carried in nonaccrual status; (3) If the security is backed by privately-issued mortgage-backed securities, each underlying security qualifies for the 50 percent risk category at the time the pool is originated; and (4) if the security is backed by a pool of multifamily residential mortgages, principal and interest payments on the security are not 30 days or more past due.

c. Accrued Interest Receivable on the above.

d. Claims on foreign banks (including Fed Funds sold).

Category 4: 100 Percent Risk Weight for All Other Assets Including, but NOT LIMITED to:

a. Loans to CUSOs outstanding as of January 1, 1996.

b. Loans to and Investments in CSOs.

c. Unsecured loans to credit unions.

d. All fixed assets, including land, buildings, furniture, fixtures, equipment, automobiles, and leasehold improvements.

e. Permanent capital share account and secondary capital share account investments in a corporate credit union.

f. Any mortgage-backed securities that do not meet the criteria for assignment to a lower risk weight (including any classes of mortgage-backed securities that can absorb more than their pro rata share of loss without the whole issue being in default).

g. Zero Coupon Securities.

h. Claims on U.S. chartered corporations and bank holding companies, including commercial paper and corporate bonds.

i. Mutual Funds that do not qualify for a lower risk weighting.

j. Prepaid Assets.

k. Accounts Receivable and other receivables.

l. NCUSIF Deposit

m. Mortgage servicing rights.

n. Intangible assets.

o. All other claims on private obligors.

p. Accrued Interest Receivable on the above.

Appendix B to Part 704—Off-Balance Sheet Credit Conversion Factors

Zero Percent Credit Conversion Factor:

Unused portions of credit lines with original maturities of 6 months or less, or which are unconditionally cancelable.

50 Percent Credit Conversion Factor:

a. Unused portions of credit lines with original maturities exceeding 6 months.

b. Commitments to participate in a loan or loan package.

100 Percent Credit Conversion Factor:

a. Irrevocable standby letters of credit guaranteeing financial performance (including VISA letters of credit issued by corporate credit unions on behalf of their members, or standby letters of credit backing Industrial Revenue Bonds).

b. Forward Commitments to purchase an asset or perform under a lease contract.

c. Securities held in safekeeping loaned with indemnification. Other off-balance sheet items will be addressed on a case-by-case basis by NCUA.

Appendix C to Part 704—Model Forms

This appendix contains three sample forms intended for use by corporate credit unions to aid in compliance with the permanent capital share account and secondary capital share account disclosure requirements of § 704.2. Corporate credit unions that use these forms will be in compliance with those requirements.

C–1 Sample disclosure for opening of secondary capital share account.

Terms and Conditions of Secondary Capital Share Account

(1) A secondary capital share account is not subject to share insurance coverage by the NCUSIF or other deposit insurer.

(2) A member credit union may withdraw shares from its secondary capital share account only with two years' notice, except where the member credit union is merging or liquidating. If a member credit union merges, the corporate credit union will return the member's secondary capital shares, less any penalty for early withdrawal, within 30 days of written notification from NCUA.

(3) Secondary capital share accounts cannot be used by member credit unions to collateralize borrowings.

(4) Secondary capital share accounts are available to absorb losses in the event of a deficit in primary capital in the corporate credit union.

(5) Where the corporate credit union is liquidated, secondary capital share accounts are payable only after satisfaction of all liabilities of the liquidation estate including uninsured obligations to shareholders and the NCUSIF.

I have read the above terms and conditions and I understand them. I further agree to maintain in the credit union's files the annual notice of terms and conditions of the secondary capital share account.

Signatures of Directors and Date

_____

_____

_____

_____

_____

Name of member credit union:

_____

Address of member credit union:

_____

_____

C–2 Sample annual notice of terms and conditions of secondary capital share account.

Terms and Conditions of Secondary Capital Share Account

(1) A secondary capital share account is not subject to share insurance coverage by the NCUSIF or other deposit insurer.

(2) A member credit union may withdraw shares from its secondary capital share account only with two years' notice, except where the member credit union is merging or liquidating. If a member credit union merges, the corporate credit union will return the member's secondary capital shares, less any penalty for early withdrawal, within 30 days of written notification from NCUA.

(3) Secondary capital shares cannot be used by member credit unions to collateralize borrowings.

(4) Secondary capital share accounts are available to absorb losses in the event of a deficit in primary capital in the corporate credit union.

(5) Where the corporate credit union is liquidated, secondary capital share accounts are payable only after satisfaction of all liabilities of the liquidation estate including uninsured obligations to shareholders and the NCUSIF.

Mailed to member _____

Month/Year.

_____

Signature of the Chairman of the Board

C–3 Sample disclosure for opening of permanent capital share account.

Terms and Conditions of Permanent Capital Share Account

(1) A permanent capital share account is not subject to share insurance coverage by the NCUSIF or other deposit insurer.

(2) Permanent capital shares are not redeemable without the written concurrence of NCUA.

(3) Permanent capital share accounts cannot be used by member credit unions to collateralize borrowings.

(4) Permanent capital share accounts are available to absorb losses in the event of a deficit in other primary capital accounts in the corporate credit union.

(5) Where the corporate credit union is liquidated, permanent capital share accounts are payable only after satisfaction of all liabilities of the liquidation estate including uninsured obligations to shareholders and the NCUSIF.

(6) Permanent capital share account dividends are noncumulative.

I have read the above terms and conditions and I understand them.

Signatures of Directors and Date

_____

_____

_____

Name of member credit union:

_____

Address of member credit union:

_____

_____

PART 741—REQUIREMENTS FOR INSURANCE

2. The authority citation for part 741 continues to read as follows:

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of the security. In addition, if the underlying assets of a mortgage-backed security are composed of more than one type of asset, for example, U.S. Government-sponsored agency securities and privately-issued pass-through securities that qualify for the 50 percent risk category, the entire mortgage-backed security is generally assigned to the category appropriate to the highest risk-weighted asset underlying the issue. Thus, in this example, the security would receive the 50 percent risk weight appropriate to the privately-issued pass-through securities.

Authority: 12 U.S.C. 1757, 1766, and 1781–1790. Section 741.11 is also authorized by 31 U.S.C. 3717.

3. Section 741.3 is amended by revising the heading and adding new paragraph (c) to read as follows:

§ 741.3 Other requirements.

* * * * *

(c) Adhere to the requirements stated in Part 703 of this chapter concerning transacting business with corporate credit unions.

[FR Doc. 95–10149 Filed 4–25–95; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–110–AD]

Airworthiness Directives; British Aerospace Model Viscount 744, 745D, and 810 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace Model Viscount 744, 745D, and 810 series airplanes. This proposal would require repetitive inspections to detect discrepancies of certain fittings and the actuator beam structure of the nose landing gear, and replacement of discrepant parts. This proposal is prompted by reports of fatigue cracking of the undercarriage bracing of the nose wheel. The actions specified by the proposed AD are intended to prevent such fatigue cracking, which could result in the failure of the structure and fittings, and subsequent collapse of the nose landing gear.

DATES: Comments must be received by May 5, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–110–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from British Aerospace Regional Aircraft Ltd., Engineering Support Manager, Military Business Unit, Chadderton Works, Greengate, Middleton, Manchester M24 1SA, England. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 94–NM–110–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–110–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all British Aerospace Model Viscount 744, 745D, and 810 airplanes. The CAA advises that reports have been received of cracking in the bracing structures of the nose wheel undercarriage on these airplanes. Investigation revealed that the cracking was fatigue related, and that deterioration of the structure also has occurred. These conditions, if not detected and corrected in a timely manner, could result in the collapse of the nose landing gear.

British Aerospace has issued Viscount Alert Preliminary Technical Leaflet (PTL) 331, VIS 1 Doc 12 (for Model 744 and 745D airplanes), and PTL 202, VIS 1 Doc. 4 (for Model 810 airplanes), both dated November 1, 1991. These PTL's describe the following procedures:

1. Procedures for repetitive non-destructive testing (NDT) inspections to detect cracking of the actuator attachment fittings of the nose landing gear.

2. Procedures for repetitive visual inspections to detect signs of structural deterioration of the central diaphragms of the actuator beam structure.

3. Procedures to detect elongation, cracking, buckling in the central diaphragms and reinforcing angles, and loosening of fasteners of the mounting bolt holes of the actuator attachment. And

4. Procedures for replacement of deteriorated or cracked parts with new parts. The CAA classified these alert PTL's as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require repetitive inspections to detect discrepancies of certain fittings and the actuator beam structure of the nose landing gear, and replacement of discrepant parts. The actions would be required to be accomplished in accordance with the alert PTL's described previously.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this long-standing requirement.

The FAA estimates that 29 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 15 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $26,100, or $900 per airplane, per inspection cycle.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace Regional Aircraft Limited (Formerly British Aerospace Commercial Aircraft Limited, Vickers-Armstrongs Aircraft Limited): Docket 94–NM–110–AD.

Applicability: All Model Viscount 744, 745D, and 810 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 (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent collapse of the nose landing gear, accomplish the following:

(a) Prior to the accumulation of 2,050 landings after the effective date of this AD, or within 12 months after the effective date of this AD, whichever occurs first: Perform a visual inspection and non-destructive testing (NDT) inspection to detect discrepancies of the actuator beam structure and actuator attachment fittings of the nose landing gear, in accordance with Viscount Alert Preliminary Technical Leaflet (PTL) 331 VIS 1 Doc 12 (for Model 744 and 745D airplanes), or PTL 202, VIS 1 Doc. 4 (for Model Viscount 810 airplanes), both dated November 1, 1991, as applicable. Thereafter, repeat these inspections at intervals not to exceed 2,050 landings.

(b) If any discrepancy is found, prior to further flight, replace the discrepant part with a new part, in accordance with Viscount Alert PTL 331, VIS 1 Doc 12 (for Model 744 and 745D airplanes), or PTL 202, VIS 1 Doc. 4 (for Model 810 airplanes), both dated November 1, 1991, as applicable.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

Issued in Renton, Washington, on April 20, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–10199 Filed 4–25–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 95–NM–27–AD]

Airworthiness Directives; British Aerospace Model BAe 146–100A, –200A, and –300A Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain British Aerospace Model BAe 146–100A, –200A, and –300A airplanes. This proposal would require modification of the elevator control system of the flight controls. This proposal is prompted by reports of low frequency constant amplitude oscillations of the elevator control system and non-centering of the pitch control upon autopilot disconnect. The actions specified by the proposed AD are intended to prevent uncommanded descent upon autopilot disconnect and reduced controllability of the airplane

due to low frequency constant amplitude oscillations.

DATES: Comments must be received by May 5, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–27–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from AVRO International Aerospace, Inc., 22111 Pacific Blvd., Sterling, Virginia 20166. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–27–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–27–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain British Aerospace Model BAe 146–100A, –200A, and –300A airplanes. The CAA advises that it has received several reports of the low frequency constant amplitude oscillations of the elevator control system and non-centering of the pitch control upon autopilot disconnect. Investigation revealed that one of the causes of the oscillations may be attributed to ice accretion on the stabilizer or elevator, which can reduce the aerodynamic damping of the elevator. Investigation revealed that another cause of the oscillations may be attributed to water or ice accumulation in the elevator, which can adversely affect the elevator balance. Further investigation revealed that the cause of the non-centering of the pitch control upon autopilot disconnect may be attributed to lack of sufficient centering force to overcome increased mechanical damping added to the elevator control system by the 'G' weight damper. These conditions, if not corrected, could result in uncommanded descent and reduced controllability of the airplane.

British Aerospace has issued Service Bulletin SB.27–77–00955A&C, Revision 2, dated March 10, 1989, which describes procedures for modifying the elevator control system of the flight controls by installing two specific modifications:

1. Modification HCM00955A involves installation of a damper into the elevator primary circuit at the 'G' weight arm, and an electrical heater mat and temperature switch to maintain the damper temperature within a certain range. This modification will prevent a possible control column oscillation at 2½ Hz.

2. Modification HCM00955C involves installation of a spring strut between the column and fixed structure of the elevator control system. This modification will increase column centering force in the aft direction only.

The CAA classified the service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require modification of the elevator control system of the flight controls. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 38 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would be supplied by the manufacture at no cost to the operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $9,120, or $240 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket.

A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace Regional Aircraft Limited, Avro International Aerospace Division (Formerly British Aerospace, plc; British Aerospace Commercial Aircraft Limited): Docket 95–NM–27–AD.

Applicability: Model BAe 146–00A, –200A, and –300A airplanes, as listed in British Aerospace Service Bulletin SB.27–77–00955A&C, Revision 2, dated March 10, 1989, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent uncommanded descend of the airplane and reduced controllability of the airplane, accomplish the following:

(a) Within 60 days after the effective date of this AD, modify the elevator control system of the flight controls in accordance with British Aerospace Service Bulletin SB.27–77–00955A&C, Revision 2, dated March 10, 1989.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

Issued in Renton, Washington, on April 20, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–10200 Filed 4–25–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 94–NM–161–D]

Airworthiness Directives; British Aerospace BAC 1–11–200 and –400 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace BAC 1–11–200 and –400 series airplanes. This proposal would require repetitive radiographic inspections to detect corrosion of the center torque shaft of the wing spoiler, and replacement, if necessary. This proposal is prompted by a report of the wing spoiler failing to retract fully after deployment, which caused the wing to drop significantly. Subsequent investigation revealed that the torque shaft assembly of the wing spoiler had failed, due to severe corrosion. The actions specified by the proposed AD are intended to prevent such failures, which can result in an adverse effect on controllability of the airplane.

DATES: Comments must be received by May 5, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–161–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from British Aerospace, Airbus Limited, P.O. Box 77, Bristol BS99 7AR, England. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 94–NM–161–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–161–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all British Aerospace Model BAC 1–11–200 and –400 series airplanes. The CAA advises that it has received a report of a failure of a wing spoiler on one airplane to retract fully after deployment. This failure caused the airplane wing to drop significantly. Subsequent investigation revealed that the center torque shaft of the wing spoiler had failed due to severe corrosion present on the internal surface of the shaft assembly. Such corrosion, if not detected and corrected in a timely manner, could cause the torque shaft to fail and, consequently, cause the airplane wing to drop significantly; this would result in an adverse effect on controllability of the airplane.

British Aerospace has issued Alert Service Bulletin 27–A–PM6007, Issue 1, dated April 10, 1992, which describes procedures for accomplishing repetitive radiographic inspections for corrosion of the center torque shaft of the spoiler on the left and right wing, and replacement of the shaft assembly, if necessary. The CAA classified this service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of repetitive radiographic inspections to detect corrosion of the center torque shaft of the wing spoiler, and replacement of the torque shaft assembly, if necessary. The actions would be required to be accomplished in accordance with the service bulletin described previously.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this requirement.

The FAA estimates that 31 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 40 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $74,400, or $2,400 per airplane, per inspection cycle.

Should an operator be required to accomplish the replacement of the torque shaft assembly, it would take approximately 40 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost approximately $2,950 per airplane. Based on these figures, the total cost impact of any necessary replacement action is estimated to be $5,350 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace Airbus Limited (Formerly British Aerospace Commercial Aircraft Limited, British Aerospace Aircraft Group): Docket 94–NM–161–AD.

Applicability: All Model BAC 1–11–200 and –400 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 failure of the center torque shaft of the spoiler on the left and right wing, accomplish the following:

(a) Perform a radiographic inspection to detect internal corrosion of the center torque shaft on the left and right wing spoilers, in accordance with the Accomplishment Instructions of British Aerospace BAC 1–11

Alert Service Bulletin 27–A–PM6007, Issue 1, dated April 10, 1992, at the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable. If the date of installation of a center torque shaft cannot be determined, the radiographic inspection of that shaft must be accomplished within 9 months after the effective date of this AD.

(1) For the center torque shaft on the left wing spoiler: Inspect within 10 years after the date of installation of that center torque shaft, or within 9 months after the effective date of this AD, whichever occurs later.

(2) For the center torque shaft on the right wing spoiler: Inspect within 10 years after the date of installation of that center torque shaft, or within 9 months after the effective date of this AD, whichever occurs later.

(b) If no internal corrosion is detected, repeat the radiographic inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 4 years.

(c) If any internal surface corrosion is detected, prior to further flight, replace that shaft assembly with either a used serviceable assembly or a new assembly, in accordance with British Aerospace Alert Service Bulletin 27–A–PM6007, Issue 1, dated April 10, 1992. Perform the radiographic inspection in accordance with that service bulletin at the applicable time specified in paragraph (c)(1) or (c)(2) of this AD.

(1) If a new shaft assembly is installed: Perform the inspection within 10 years after installation. Thereafter, repeat the inspection at intervals not to exceed 4 years.

(2) If a used serviceable shaft is installed: Prior to installation, perform an initial radiographic inspection of that shaft in accordance with the service bulletin. Thereafter, repeat the inspection at intervals not to exceed 4 years.

(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, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(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.

Issued in Renton, Washington, on April 20, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–10202 Filed 4–25–95; 8:45 am]

BILLING CODE 4910–13–U

INTERNATIONAL TRADE COMMISSION

19 CFR Part 210

Notice of Commission Decision Not To Proceed With Proposed Rulemaking Concerning Voting Procedures in Investigations and Related Proceedings on Unfair Practices in Import Trade

AGENCY: International Trade Commission.

ACTION: Notice that a proposed rulemaking will not proceed.

SUMMARY: The Commission will not proceed at this time with the proposed amendment of certain final rules for investigations and related proceedings under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). The proposed amendments were intended to do the following: (1) Increase the number of votes required for the Commission to review an initial determination (ID) on a matter other than temporary relief or grant a request for oral argument in connection with such a review; and (2) prescribe the effect of a tie vote concerning post-review disposition of an ID on a matter other than temporary relief.

DATES: April 26, 1995.

FOR FURTHER INFORMATION CONTACT: P. N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3061. Hearing-impaired individuals can obtain information concerning the proposed rulemaking by contacting the Commission's TDD terminal at 202–205–1810.

SUPPLEMENTARY INFORMATION: On January 19, 1995, the Commission published an advance notice of proposed rulemaking for the final rules to be codified in 19 CFR part 210 concerning investigations and related proceedings under section 337 of the Tariff Act. 60 FR 3785 (Jan. 19, 1995). The notice solicited written comments on whether the Commission should do the following:

1. Amend final rule 210.43(d)(3) to provide that the Commission will review an ID on a matter other than temporary relief when at least one-half of the participating Commissioners vote in favor of a review;

2. Amend final rule 210.45(a) to provide that the Commission will grant a request for oral argument in connection with review of an ID on a matter other than temporary relief when at least one-half of the participating Commissioners vote in favor of such argument; and/or

3. Amend final rule 210.45(c), without statutory changes, to state what effect a tie-vote will have on the Commission's disposition of an ID on a matter other than temporary relief—e.g., that a tie vote on the disposition of an ID after a review will constitute an affirmance of the ID.

Comments were filed by the American Bar Association's Section of International Law and Practice, the Customs and International Trade Bar Association, and the International Trade Commission Trial Lawyers Association. For the most part, the commenters advocated alternative amendments or retention of the existing rule or practice in response to the questions of whether the Commission should amend rules 210.43(d) and 210.45(a) as described in the advance notice. The commenters that addressed final rule 210.45(c) were evenly divided on whether the Commission should amend that rule as described in the advance notice.

A majority of the Commission has determined not to proceed with the proposed amendment of final rules 210.43(d) and 210.45(a) at this time. A majority of the Commission also has determined not to proceed with the proposed amendment of final rule 210.45(c) at this time.

Dated: April 21, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–10257 Filed 4–25–95; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD01–95–036]

Special Local Regulation: Whatever Festival Hydroplanes, Kennebec River, Augusta, ME

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a permanent special local regulation for a racing event called the Whatever Festival Hydroplanes. The race will be held on Saturday, June 24, and Sunday, June 25, 1995, and thereafter annually on the fourth weekend in June in the waters of the Kennebec River, Augusta, ME. This regulation is needed to protect the boating public from the hazards associated with high speed hydroplane racing in confined waters.

DATES: Comments must be received on or before May 24, 1995.

ADDRESSES: Comments should be mailed to Commander(b), First Coast

Guard District, Captain John Foster Williams Federal Building, 408 Atlantic Ave., Boston, MA 02110–3350, or may be hand delivered to Room 428 at the same address, between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays. Comments will be come part of this docket and will be available for inspection or copying at the above address.

FOR FURTHER INFORMATION CONTACT: Lieutenant(jg) B.M. Algeo, Chief, Boating Affairs Branch, First Coast Guard District, (617) 223–8311.

SUPPLEMENTARY INFORMATION

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD01–95–036), the specific section of the proposal to which each comment applies, and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an 8½″ x 11″ unbound format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons requesting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Commander(b), First Coast Guard District at the address under **ADDRESSES.** The request should include reasons why a hearing would be beneficial. If it is determined that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

The shortened comment period for this regulation was caused by a delay in receiving necessary information from the event sponsor. The Coast Guard considers this shortened comment period to be adequate because considerable promotional efforts undertaken by the sponsor have effectively publicized the event throughout the local area. The shortened comment period will allow sufficient time for the public to make substantive comments on the proposed rule.

Drafting Information

The drafters of this notice are Lieutenant(jg) B.M. Algeo, Project Manager, First Coast Guard District, and Lieutenant Commander S.R. Watkins, Project Counsel, First Coast Guard District Legal Office.

Background and Purpose

On February 3, 1995, the sponsor, Kennebec Valley Chamber of Commerce, submitted a request to hold a hydroplane race on the Kennebec River, Augusta, ME. The Coast Guard is considering establishing a permanent regulation on the Kennebec River for this event known as the ''Whatever Festival Hydroplanes.'' The proposed regulation would establish a regulated area on the Kennebec River and would provide specific guidance to control vessel movement during the race.

This event will include up to 50 hydroplanes competing on a rectangular course at speeds approaching 70 m.p.h. Due to the inherent dangers of a race of this type, vessel traffic will be temporarily restricted to provide for the safety of the spectators and participants.

The sponsor will provide a minimum of four safety boats, two manned with divers, and an EMT rescue ambulance on shore. All sponsor resources will be identified with regatta signs or flags, in accordance with American Power Boat Association requirements, to augment the Coast Guard patrol that will be assigned to the event. The race course will be well marked and patrolled, but due to the speed and proximity of the participating vessels, it is necessary to establish a special local regulation to control spectator and commercial vessel movement within this confined area.

Discussion of Proposed Amendments

The Coast Guard proposes to establish a special local regulation on specified waters of the Kennebec River, Augusta, Maine. The regulated area will be closed to all traffic from 10 a.m. to 4 p.m. on June 24, and from 11 a.m. to 3 p.m. on June 25, 1995, and thereafter annually on the fourth weekend in June. In emergency situations, provisions will be made to establish safe escort by Coast Guard designated vessels for mariners requiring transit through any regulated area. This regulation is needed to protect spectators and participants from the hazards that accompany a high speed powerboat race in a confined area.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the limited duration of the race, the extensive advisories that have been and will be made to the affected maritime community, and the fact that the event is taking place in an area where the only commercial interests affected are a few marinas.

Small Entities

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

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

Collection of Information

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

Federalism

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

Environment

The Coast Guard is considering the environmental impacts of both the proposed special regulations and the Whatever Festival Hydroplanes race. It is anticipated that an Environmental Assessment (EA) will be written and included in the docket concerning the potential environmental impacts resulting from this high speed hydroplane race for which the Coast Guard has received an ''Application for Marine Event Permit.'' Comments in this regard should be forwarded to the address listed under **ADDRESSES.**

List of Subjects in 33 CFR Part 100

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

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—[AMENDED]

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

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

2. A permanent section, § 100.109, is added to read as follows:

§ 100.109 Whatever Festival Hydroplanes, Augusta, ME.

(a) *Regulated Area.* This regulated area provides a 100 yard minimum safety zone around the race course coordinates and includes all waters within the following points:

Latitude	*Longitude*
44°19.01″ N	069°46.22″ W
44°19.00″ N	069°46.18″ W
44°18.37″ N	069°46.26″ W
44°18.36″ N	069°46.16″ W

(b) *Special Local Regulations.*

(1) Commander, U.S. Coast Guard Group Portland reserves the right to delay, modify, or cancel the race as conditions or circumstances require.

(2) No person or vessel may enter, transit, or remain in the regulated area during the effective period of regulation unless participating in the event or unless authorized by the Coast Guard patrol commander.

(3) Vessels desiring to transit the river may do so without Coast Guard approval as long as the vessel remains outside the regulated areas at specified times. No vessel will be allowed to transit through any portions of the regulated area during the actual race. In the event of an emergency, the Coast Guard patrol commander may authorize a vessel to transit through the regulated areas with a Coast Guard designated escort. Vessels encountering emergencies which require transit through the regulated areas should contact the Coast Guard patrol commander on VHF Channel 16.

(4) Spectator craft are authorized to watch the race from any area as long as they remain outside the designated regulated areas. There will be no movement of spectator craft during each heat of the race. Spectator craft are expected to remain outside the safety zone from 10 a.m. to 4 p.m. unless permission has been granted by the patrol commander.

(5) All persons and vessels shall comply with the instructions of the Commander, U.S. Coast Guard Group Portland or the designated on-scene patrol commander. On-scene patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately, then proceed as directed. Members of the Coast Guard Auxiliary will also be present to inform vessel operators of this regulation and other applicable laws.

(c) *Effective period.* This section will be effective from 10 a.m. to 4 p.m. on Saturday, June 24, and from 11 a.m. to 3 p.m. on Sunday, June 25, 1995, and thereafter annually on the fourth weekend in June, at the same prescribed times, unless otherwise specified in the Coast Guard Local Notice to Mariners and a notice of the **Federal Register.**

Dated: April 18, 1995.

J.L. Linnon,

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

[FR Doc. 95–10238 Filed 4–25–95; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[OK–001; FRN–5197–3]

Clean Air Act Interim Approval of Operating Permits Program; Oklahoma Department of Environmental Quality; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; Extension of the comment period.

SUMMARY: EPA is extending the comment period for a proposed rule published March 10, 1995 (60 FR 13088). On March 10, 1995, EPA proposed source category-limited interim approval of the operating permits program submitted by the State of Oklahoma. EPA received letters from the Oklahoma Department of Environmental Quality (ODEQ), the Department of the Air Force (Tinker AFB), and Mobil Exploration & Producing US Incorporated requesting an extension of the public comment period. Therefore, EPA is extending the comment period until May 10, 1995.

DATES: Comments must be received in writing on or before May 10, 1995.

ADDRESSES: Written comments on this action should be addressed to Ms. Jole C. Luehrs, Chief, New Source Review Section, at the Environmental Protection Agency, Region 6, Air Programs Branch (6T–AN), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Wm. Nicholas Stone, New Source Review Section, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone 214–665–7226.

Authority: 42 U.S.C. 7401–7671q.

Dated: April 19, 1995.

A. Stanley Meiburg,

Deputy Regional Administrator (6A).

[FR Doc. 95–10246 Filed 4–25–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 70

[AD–FRL–5197–2]

Clean Air Act Proposed Interim Approval of Operating Permits Program; State of Iowa

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes interim approval of the Operating Permits Program submitted by the state of Iowa for the purpose of complying with Federal requirements which mandate that states develop, and submit to EPA, programs for issuing operating permits to all major stationary sources, and to certain other sources.

DATES: Comments on this proposed action must be received in writing by May 26, 1995.

ADDRESSES: Comments may be mailed to: Christopher D. Hess, Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Copies of the Iowa submittal and other supporting information used in developing the proposed rule are available for inspection during normal business hours by contacting Christopher D. Hess at (913) 551–7213.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

As required under Title V of the Clean Air Act (''the Act'') as amended (1990), EPA has promulgated rules which define the minimum elements of an approvable state operating permits program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of state operating

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

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

II. Proposed Action and Implications

A. Analysis of Submission by State Authority

Introduction. What follows are brief explanations indicating how the submittal meets the requirements of Part 70. The reader may consult the technical support document (TSD) for a more detailed explanation of these topics.

1. Support Materials

a. Governor's Letter. The state of Iowa's submittal includes a request for approval in a cover letter by the Governor. This request also states that the entire geography of Iowa will be covered by this program. The letter further indicates that the state will not administer the program on any Indian lands. Therefore, EPA will retain jurisdiction over any Indian lands.

b. Regulations. The state of Iowa has submitted regulations which comprise the Title V program in Iowa, Administrative Code (IAC) 567–22.100–116. The regulations are analyzed in detail under various topics of the TSD.

Although some rule changes are required by the state as outlined in other portions of this notice, the submittal does not identify any provisions which restrict the operation of the program and that would, therefore, prevent proposal of interim approval of the program by the EPA. The Iowa Attorney General's opinion does note, however, some areas in which the regulations may not fully match the Title V requirements. EPA has analyzed those provisions which do not clearly match the Title V requirements, and has provided its rationale in the TSD for determining that they are not sufficient to prevent EPA from proposing interim approval of the program.

Iowa has submitted evidence, consistent with the applicable part 70 requirements, that the regulations comprising the program were properly adopted by the Environmental Protection Commission. The submittal includes a discussion of the public review and hearing process which the commission followed in adopting the rules.

c. Attorney General's Legal Opinion. The opinion of the Attorney General contains the elements required by 40 CFR 70.4(b)(3) and states there is adequate authority to meet all of the Title V and Part 70 requirements.

2. Implementation

a. Program Description. A comprehensive plan for implementing the Title V program is included in the submittal. This plan includes program authority, agency organization, and staffing. As noted elsewhere in this notice, EPA's concerns with the state's uncertainty about the exact amount of personnel and operating permit fees have resulted in a recommendation for interim approval.

In other matters related to the program description, it is noted that an implementation agreement was not included in Iowa's submittal, but the EPA and the Iowa Department of Natural Resources (IDNR) are pursuing its development in anticipation of interim approval.

Iowa intends to defer for five years sources that are not major, except for affected sources and solid waste incineration units. The state intends to use a voluntary SIP-based operating permit program that will capture some of these non-Title V sources.

The state has elected not to use the presumptive minimum for its operating permit fee. Instead, Iowa's Title V rules require a flat (without Consumer Price Index adjustment) $24 to fund the operating permit program. Thus, a fee demonstration was submitted by the state which demonstrates the adequacy of the proposed $24 fee to cover the costs of the program.

Since adoption of the rule requiring $24, the state has elected to collect only one-half of this amount and will subsequently determine if the total amount is necessary to implement the program and, if so, will collect the balance of the fee at a later time.

Finally, the state will fund two local programs (Linn County and Polk County) to prepare draft Title V permits and assist in inspections and compliance activities in their respective jurisdictions. The IDNR will fund the programs through a 28E interagency agreement.

b. Program Implementation. Iowa's submittal includes requirements for permit content, procedures for permit issuance, renewal, reopenings, revisions, and for payment of fees by sources. It further identifies two local agencies which will participate in the operating permit program, and contains a description of the annual compliance inspections.

The state describes how one-third of all permit applications will be reviewed each year for the first three years of the program. A description of the computerized permit tracking database and data management in general is also provided.

The submittal also indicates that the guidance outlined for the state concerning annual inspections, stack tests, and other compliance measures will be issued to the two local agencies in implementing the Title V program.

c. Personnel. In its original submission of November 15, 1993, Iowa provided a workload analysis projecting the need for 73 FTE in the state's air bureau, with additional Title V personnel augmenting the program from the local permitting agencies. EPA's analysis of the state's workload verified that this estimate was adequate to successfully implement the operating permit program.

However, in a supplemental letter dated December 6, 1994 (herein referenced as ''supplemental letter''), the state described a decision to hire only 10 additional personnel in FY–95, 15 in FY–96, and more personnel in later years. Since the state's air bureau currently has approximately 21 personnel, the current staffing plus modified projections would result in a total of 46 personnel in contrast to the 73 originally projected.

Since modifying the original projection in its supplemental letter, the state has not officially demonstrated to the EPA that a fully adequate number of personnel will be hired to implement the program. The IDNR has presented a proposal to the Environmental Protection Commission to increase the amount of personnel to 61 FTE (instead of 46), although this has not yet been approved or officially submitted to EPA for consideration.

For EPA to propose full approval of the program when the interim period expires, the state must either hire additional personnel to fulfill its original workload analysis or

demonstrate that successful implementation of the program may be accomplished with fewer personnel.

d. Data Management. Iowa specifies that the Administrator shall receive a copy of each permit application or modification application (including any attachments and compliance plan), each proposed permit, and each final permit. This information may be submitted in a computer-readable format compatible with the Administrator's national data base system.

The state's submittal describes a permit tracking data base consistent with part 70. This permit tracking system will record all Title V applications. After issuance of the final permits, the information from this tracking system will be used to update EPA's Aerometric Information Retrieval System (AIRS) database. The IDNR will maintain Title V records for a minimum of five years. Any claim of confidentiality requires the source to submit a copy of such claim directly to the Administrator.

e. Applicability Provisions. The program proposed by Iowa defers for five years sources that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to section 129(e) of the Act. This deferral is allowed by § 70.3(b)(1) until such time as the Administrator completes a rulemaking to determine how the program should be structured for nonmajor sources. The Administrator is making this determination for some new section 112 standards as they are being promulgated.

In some cases, nonmajor sources subject to section 112 standards will be required to obtain Title V permits. Iowa is proposing revisions to its regulations to require sources not exempted or deferred to receive Title V permits, consistent with Part 70 requirements.

The state exempts from inclusion in the permit application emission units of a certain size, emission level, or production rate if not needed to determine the applicability of or to impose any applicable requirements. This conforms to the provisions of § 70.5(c).

The state's current regulations exempt sources subject to new source performance standards for new residential wood heaters and the national emission standard for hazardous air pollutants for asbestos demolition/renovation activities, which are located at major sources from being included in permit applications. In its supplemental letter, the state has committed to modify this rule consistent with Part 70.

f. Permit Content. Iowa's regulations require Title V permits to include Part 70 terms and conditions for all applicable requirements at the time the permit is issued. These terms include the permit duration, required monitoring, and related recordkeeping and reporting requirements, as required by § 70.6. Iowa's regulations also require the permit to contain a condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Act, as required by § 70.6(a)(4). The regulations further require that the terms and conditions of each alternative scenario meet the requirements of Part 70. Permits are also required to contain terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases at the facility.

Iowa's program provides for general permits and permit shields and meets all corresponding part 70 requirements. The program does not include provisions for temporary sources. Instead, sources will be required to obtain a separate part 70 permit for each location.

Iowa's program does allow for section 502(b)(10) changes, but requires these changes to involve an emissions trade. In its supplemental letter, the state has committed to modify this rule consistent with part 70.

Iowa's regulations do allow for permits that contain terms and conditions allowing for the trading of emissions increases and decreases in the permitted facility, solely for the purpose of complying with a Federally enforceable emissions cap.

g. Permit Applications. Iowa's regulations require sufficient information to be submitted with the application, in accordance with the requirements of § 70.5. However, the EPA has separately notified the state of needed modifications to the permit application forms. In several instances, the state's rules require information to be submitted as part of the application in accordance with 70.5, but the forms themselves do not request all of this information.

EPA is therefore proposing approval of the program in that it meets the requirement to include standardized forms, but will continue to request that the state modify these forms to fully meet all of the specified requirements.

With respect to specific permit application criteria, sources are required to submit permit applications within 12 months after becoming subject to the permit program or at an earlier date established under the state operating permit registry. Applications for permit renewals are due between six and eighteen months prior to expiration of the permit.

Source permit applications must conform to the standard Iowa application form, and must contain information sufficient to allow the IDNR to determine all applicable requirements with respect to the applicant. Iowa regulations also require that an application be deemed complete within 60 days of receipt unless the IDNR determines them to be incomplete.

The Iowa regulations further require that no Title V source may operate after the time it is required to submit a timely and complete application, except in compliance with its Title V permit. However, an application shield is applicable if a timely and complete application is submitted by the source. This allows the source to continue to operate without a permit, as long as the source has submitted any additional information requested in writing by the IDNR within the time frame allowed.

h. Permit Issuance. The state's current regulations do not require that when a part 70 permit prohibits construction or a change in operation, the owner/operator must obtain a Title V permit revision before commencing construction as required by 70.5(a)(1)(ii). However, in its supplemental letter, the state has agreed to modify this rule to meet part 70 requirements.

The Iowa regulations require that final action be taken on complete applications within 18 months of submittal of a complete application, except for initial permit applications which are subject to the three year transition plan set forth by the Clean Air Act Amendments of 1990.

The Iowa rules require submittal of a complete application, compliance with public participation procedures, compliance with notification to affected states, compliance with all applicable requirements, and allow for a 45-day period for EPA objection to a draft permit.

The Iowa regulations provide for priority on applications for construction or modification under an EPA-approved preconstruction review program. Furthermore, the Iowa rules do not affect the requirement that any source have a preconstruction permit under an EPA-approved preconstruction review program. The Iowa program also provides that permits being renewed are subject to the same procedural requirements (including those for public participation, affected state, and EPA review) that apply to initial permit issuance. The Iowa operating permit program also provides for

administrative amendments, which meets part 70 requirements.

Permit modification processing procedures in the Iowa program are consistent with part 70 requirements as they provide for the same degree of permitting authority, EPA and affected state review, and public participation.

The Iowa program also meets the Federal minor permit modification procedures. The Iowa program provides for promptly sending to EPA any notice that the IDNR refuses to accept all recommendations of an affected state regarding a proposed minor permit modification. In addition, the Iowa program provides that the permitting authority may approve, but may not issue, a final permit modification until after EPA's 45-day review period or until EPA has notified the permitting authority that EPA will not object to issuance, whichever is first.

Significant modification procedures as defined in the Iowa program also parallel the Federal program. Iowa has included provisions which provide that a permit shall be reopened and revised when additional requirements become applicable to a major source with a remaining permit term of three or more years. The state also requires that such a reopening be completed within 18 months after promulgation of the applicable requirement. In addition, the Iowa program provides that proceedings to reopen a permit will follow the same procedures as apply to initial issuance, will affect only those parts of the permit for which cause to reopen exists, and will ensure reopenings are made as expeditiously as practicable.

i. Compliance Tracking and Enforcement. The requirement for a compliance tracking and enforcement program has been met by the state. Compliance tracking will be accomplished through two means. The first is monthly entry of compliance and enforcement information into AIRS. The second is an ongoing commitment in the annual section 105 grant workplans to provide EPA with copies of all enforcement documents. The enforcement program will consist of periodic ''for cause'' inspections, followed by any appropriate enforcement action consistent with the State/EPA Enforcement Agreement. The state has demonstrated adequate enforcement authority consistent with § 70.1 to seek injunctive relief, to assess or sue to recover civil penalties, and to seek criminal remedies, including fines. Civil and criminal penalties are recoverable in a maximum amount of not less than $10,000 per day.

j. Public Participation, EPA, and Affected States Review. Iowa's submittal ensures that all permit applications are available to the public. All requirements are included to ensure that each interested citizen will be aware of proposed and final permit actions. This includes the commitment to keep a record of proceedings that will allow citizens to object to a permit up to 60 days after the EPA review period.

Iowa has adopted rules that ensure mutual review by affected states and the EPA. The state will not issue a permit when it is objected to in accordance with Part 70.8(c).

3. Fee Demonstration

The state's rules provide for a fee of $24 per ton per year, which is required to be reviewed and adjusted as necessary by the Environmental Protection Commission annually. Thus, a detailed fee demonstration was submitted by the state since this amount is below the presumptive minimum set forth in § 70.9(b)(12). The IDNR provided a list of sources and the estimated actual and potential emissions from each source with a projected total revenue. This estimate adequately covers the program's anticipated operating costs if the $24 fee is maintained. If this fee is reduced, a revised demonstration will be required from the state.

The state is also required by § 70.9(d) to provide an initial accounting of how required fee revenues are to be used solely to cover the costs of meeting the various functions of the permitting program. IAC § 455.133B provides that any Title V fees collected shall be deposited in an air contaminant source fund. This provision further states that these fees ''shall be used solely to defray the costs related to the permit, monitoring, and inspection program, including the small business stationary source technical and environmental compliance assistance program required pursuant to the Federal Clean Air Act Amendments of 1990, sections 502 and 507.'' The State Auditor will also audit the program according to the supplemental letter.

Section 70.4(b)(8)(v) requires the permitting authority to submit an estimate of the permit program costs for the first four years after approval, and a description of how the state plans to cover those costs. The IDNR provided an estimate that adequately satisfies the four-year projection requirement if the $24 fee is maintained. A new forecast will be required if the fee is reduced.

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

a. Acid rain. The legal requirements for approval under the Title V operating permits program for a Title IV program were cited in EPA guidance distributed on May 21, 1993, entitled ''Title V—Title IV Interface Guidance for States.'' Iowa has met the five major criteria of this guidance which include legal authority, regulatory authority, forms, regulatory revisions, and a commitment to acid rain deadlines. Iowa developed acid rain rules based on a model state acid rain rule described in guidance issued by the EPA in May 1993.

The EPA's Acid Rain Division has identified necessary rule changes in its January 27, 1994, review of the state's program. The state has committed to make these changes in its supplemental letter.

b. Section 112. The state has demonstrated adequate authority to adopt section 112 standards and other requirements in a timely manner. The specific Title V program approval criteria with respect to section 112 provisions are enumerated in a memorandum from John Seitz, Office of Air Quality Planning and Standards, dated April 13, 1993. Iowa has met these criteria as described in the following topics:

(1) Section 112(d), (f), and (h).—EPA Emissions Standards. In accordance with Part 70, Iowa will not issue any permit (or permit revision addressing any emissions unit subject to a newly promulgated section 112 standard) unless it would ensure compliance with all applicable section 112 standards. Additionally, Part 70 permits will be reopened which have three or more years remaining before their expiration date to incorporate any newly promulgated standard (section 70.7(f)(1)(i)).

(2) Section 112(g)—The EPA has issued an interpretive notice on February 14, 1995 (60 FR 8333), which outlines EPA's revised interpretation of 112(g) applicability. The notice postpones the effective date of 112(g) until after EPA has promulgated a rule addressing that provision. The notice sets forth in detail the rationale for the revised interpretation.

The section 112(g) interpretive notice explains that EPA is still considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the Federal rule so as to allow states time to adopt rules implementing the Federal rule, and that EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until EPA provides for such an additional postponement of section 112(g), Iowa must have a Federally enforceable mechanism for implementing section 112(g) during the period between

promulgation of the Federal section 112(g) rule and adoption of implementing Federal regulations.

The EPA is aware that Iowa lacks a program designed specifically to implement section 112(g). However, Iowa has proposed rule 22.3(6) that gives the state authority to limit emissions of HAPs. Iowa may use this authority to establish case-by-case MACTs as needed for the review of new or modifed hazardous air pollutant sources until such time as they adopt 112(g).

(3) Section 112(i)(5)—Early Reductions. Since the state has elected not to adopt the November 29, 1992, early reduction rule by reference, the state will need to submit a delegation request and demonstration, pursuant to 40 CFR Part 63, Subpart E, in order for EPA to delegate authority to the state for implementation and enforcement of the Federal early reduction program.

(4) Section 112(j)—Case-by-case MACT Hammer. It is the agency's intent to make case-by-case MACT determinations and to issue permits to subject sources in accordance with the 112(j) requirements.

(5) Section 112(l)—State Air Toxics Programs. Requirements for approval, specified in 40 CFR § 70.4(b), encompass section 112(l)(5) approval requirements for delegation of section 112 standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the state's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, the EPA is proposing to grant approval under section 112(l)(5) and 40 CFR part 63.91 to Iowa for its program mechanism for receiving delegation of all existing and future section 112(d) standards for both part 70 and non-part 70 sources, and section 112 infrastructure programs, that are unchanged from Federal rules as promulgated. In addition, EPA is also proposing delegation of all existing standards and programs under CFR parts 61 and 63 for part 70 and non-part 70 sources.

Iowa has informed the EPA that it intends to accept delegation of section 112 standards through adoption by reference. The details of this delegation mechanism will be set forth in an implementation agreement between the state and EPA, to be implemented upon program approval.

(6) Section 112(r)—Accidental Release Plans. The agency has provided for the section 112(r) requirements in its rules. These rules specifically state that if any source is required to develop and register a risk management plan, the permit shall state the requirement for submission of the plan to the IDNR. This rule also requires that an annual certification be filed with the IDNR that the plan is being properly implemented.

Finally, for sources failing to make the required risk management plan submittal, Iowa rule 22.105(2)h(3)2 states that the permit application shall include a compliance schedule for sources that are not in compliance with all applicable requirements at the time of permit issuance.

B. Options for Approval/Disapproval and Implications

The EPA is proposing to grant interim approval for two years to the operating permits program submitted by the state of Iowa on November 15, 1993. In order to receive full approval, the state must adopt and submit to the EPA the rule changes identified above within 18 months of receiving full approval. Specifically, the state must amend the following rules for consistency with part 70:

(1) IAC § 22.101 pertaining to nonmajor sources which are not exempted from future section 112 standards;

(2) IAC § 22.102 and § 103 pertaining to insignificant activities and exempt sources;

(3) IAC § 22.105 pertaining to permit revisions prior to commencing construction;

(4) IAC § 22.110 pertaining to section 502(b)(10) changes.

The state must also finalize its operating permit fee and submit a revised fee demonstration as necessary. And, the state must either hire the originally forecasted amount of personnel to implement the Title V program or provide a revised workload analysis that adequately describes how the program may be successfully implemented with fewer personnel.

Finally, the state must correct its acid rain regulations to be consistent with EPA's rules as discussed in the technical support document.

Requirements for approval, specified in 40 CFR § 70.4(b), encompass section 112(l)(5) approval requirements for delegation of section 112 standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the Iowa program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, the EPA is also proposing to grant approval, under section 112(l)(5) and 40 CFR 63.91, to Iowa for its program mechanism for receiving delegation of all existing and future section 112(d) standards for both part 70 and non-part 70 sources, and infrastructure programs under section 112 that are unchanged from Federal rules as promulgated. In addition, EPA proposes to delegate existing standards under 40 CFR parts 61 and 63 for both part 70 and non-part 70 sources.

The scope of Iowa's part 70 program that EPA proposes to approve in this notice would apply to all part 70 sources as defined in the approved program within Iowa.

III. Administrative Requirements

A. Request for Public Comments

Copies of Iowa's submittal and other information relied upon for the proposed interim approval are contained in a docket maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed rulemaking. The docket is available for public inspection at the location listed under the **ADDRESSES** section of this document.

B. Executive Order 12866

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

C. Regulatory Flexibility Act

EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR Part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

IV. Miscellaneous

A. Proposed Rulemaking Action

List of Subjects in 40 CFR Part 70

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

Authority: 42 U.S.C. 7401–7671q.

Dated: April 3, 1995.

Dennis Grams,

Regional Administrator.

[FR Doc. 95–10244 Filed 4–25–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180

[OPP–300382; FRL–4945–5]

RIN 2070–AC18

Summer Squash; Definitions and Interpretations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that 40 CFR 180.1(h) be amended to expand EPA's interpretation for the application of tolerances and exemptions from the requirement of a tolerance established for pesticide chemicals in or on the raw agricultural commodity summer squash to include chayote fruit. The proposed amendment to 40 CFR 180.1(h) is based, in part, on recommendations of the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the document control number [OPP-300382], must be received on or before May 26, 1995.

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

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

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA 22202, (703)-308-8783; e-mail: Jamerson.Hoyt@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Paragraph (h) of 40 CFR 180.1 provides a listing of general commodity terms and EPA's interpretation of those terms as they apply to tolerances and exemptions from the requirement of a tolerance for pesticide chemicals under section 408 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a. General commodities are listed in column A of 40 CFR 180.1(h), and the corresponding specific commodities, for which tolerances and exemptions from the requirement of a tolerance established for the general commodity apply, are listed in column B. The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has requested that 40 CFR 180.1(h) be amended by revising the current interpretation for the general commodity term ''summer squash,'' which is listed in column A, by adding the specific commodity term ''chayote'' to column B. The revised column B would read as follows: ''Fruits of the gourd (Cucurbitaceae) family that are consumed when immature, 100% of the fruit is edible either cooked or raw, once picked it cannot be stored, has a soft rind which is easily penetrated, and if seeds were harvested they would not germinate; e.g., *Cucurbita pepo* (i.e, crookneck squash, straightneck squash, scallop squash, and vegetable marrow); *Lagenaria* spp. (i.e., spaghetti squash, hyotan, cucuzza); *Luffa* spp. (i.e., hechima, Chinese okra); *Momordica* spp. (i.e., bitter melon, balsam pear, balsam apple, Chinese cucumber); *Sechium edule* (chayote); and other cultivars and/or hybrids of these.''

EPA has completed an evaluation of the proposed amendment and concludes that tolerances established for the raw agricultural commodity summer squash are adequate to cover pesticide residues in or on chayote fruit. Chayote is a member of the Cucurbitaceae family which includes squash, cucumbers, pumpkins, melons, and gourds. Chayote fruit is similar to summer squash, in that they are harvested at an immature stage. Like summer squash, the outside of the chayote fruit is hard while the inside is soft and pulpy. Cultural practices and pest problems associated with chayote production are also similar to those for summer squash production.

Based on the above information, the Agency concludes that it is appropriate that the general commodity ''summer squash'' should be interpreted for tolerance purposes to include the corresponding specific commodity chayote fruit. Therefore, it is proposed that the changes to 40 CFR 180.1(h) be made as set forth below.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [OPP-300382]. All written comments filed in response to this proposal will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

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

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

Although this regulation does not establish or raise a tolerance level or establish an exemption from the requirement of a tolerance, the impact of the regulation would be the same as establishing new tolerances or exemptions from the requirement of a tolerance. Therefore, the Administrator concludes that this rule would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure,

Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 13, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

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

PART 180—[AMENDED]

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

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

2. In § 180.1(h) by amending the table therein by revising the entry for summer squash, to read as follows:

§ 180.1 Definitions and interpretations.

* * * * *

(h) * * *

A	B
* *	* * * * *
Summer squash	Fruits of the gourd (Cucurbitaceae) family that are consumed when immature, 100% of the fruit is edible either cooked or raw, once picked it cannot be stored, has a soft rind which is easily penetrated, and if seeds were harvested they would not germinate; e.g., *Cucurbita pepo* (i.e, crookneck squash, straightneck squash, scallop squash, and vegetable marrow); *Lagenaria*, spp. (i.e., spaghetti squash, hyotan, cucuzza); *Luffa* spp. (i.e., hechima, Chinese okra); *Momordica* spp. (i.e., bitter melon, balsam pear, balsam apple, Chinese cucumber); *Sechium edule* (chayote); and other cultivars and/or hybrids of these.
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[FR Doc. 95–10253 Filed 4–25–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP 3E4249/P613; FRL–4949–2]

RIN 2070–AC18

Fenarimol; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish a tolerance for the combined residues of the fungicide fenarimol in or on the imported raw agricultural commodity bananas at 0.5 part per million (ppm). Not more than 0.25 ppm shall be present in the pulp after the peel is removed. DowElanco petitioned for this regulation to establish a maximum permissible level for combined residues of the fungicide.

DATES: Comments, identified by the document control number [PP 3E4249/P613], must be received on or before May 26, 1995.

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

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

FOR FURTHER INFORMATION CONTACT: By mail: Connie B. Welch, Product Manager (PM) 21, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6900; e-mail: welch.connie@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA is proposing to establish an import tolerance for the combined residues of the fungicide fenarimol, [*alpha*-(2-chlorophenyl)-*alpha*-(4-chlorophenyl)-5-pyrimidinemethanol] and its metabolites [*alpha*-(2-chlorophenyl)-*alpha*-(4-chlorophenyl)-1,4-dihydro-5-pyrimidinemethanol and 5-(2-chlorophenyl)-(4-chlorophenyl)methyl]-3,4-dihydro-4-pyrimidinol measured as the total of fenarimol and 5-[(2-chlorophenyl)-(4-chlorophenyl)methyl]pyrimidine (calculated as fenarimol)], in or on the raw agricultural commodity bananas at 0.5 part per million (ppm). Not more than 0.25 ppm shall be present in the pulp after the peel is removed. The proposed regulation to establish a maximum permissible level of the fungicide pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, by amending 40 CFR 180.421 to include this commodity was requested in a pesticide petition, PP 3E4249, submitted by DowElanco, 9002 Purdue Rd., Indianapolis, IN 46268-1189. The scientific data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include the following:

1. A 1-year dog-feeding study using doses of 0, 1.25, 12.5, and 125 milligrams/kilogram (mg/kg) body weight (bwt)/day. The no-observed-effects level (NOEL) is 12.5 mg/kg bwt/day. The 125 mg/kg bwt/day dose level caused increased serum alkaline phosphatase, increased liver weights, increased *p*-nitroanisole *o*-demethylase activity, and mild hepatic bile stasis.

2. An initial 2-year chronic feeding/oncogenicity study in rats using dietary concentrations of 0, 50, 130, and 350 ppm (equivalent to doses of 0, 2.5, 6.5, and 17.5 mg/kg bwt/day). In a **Federal Register** document published in the issue of March 5, 1986 (51 FR 7567), the Agency indicated fenarimol to be oncogenic. In that document, the Agency's initial conclusion that fenarimol was oncogenic was based on a finding in the 2-year rat study of a statistically significant increase in hepatic lesions (adenomas and

hyperplastic nodules) at the highest dose tested (17.5 mg/kg bwt/day), when data for male and female rats were combined.

Since that time, the compound has been reevaluated. The Agency now considers it more appropriate to separate data for males and females and also to separate hyperplastic nodules from tumors (adenomas and carcinomas). When a reevaluation of the hepatic lesions for males and females was performed separately with the elimination of hyperplastic nodules, the data did not demonstrate a statistically significant increased incidence in adenomas and/or carcinomas in either sex. Moreover, the mouse oncogenicity study did not demonstrate oncogenic potential at dose levels up to and including a dose level of 85.7 mg/kg bwt/day (the highest dose level tested).

Because of the appearance of a low incidence of fatty change of the liver (nonneoplastic pathological lesions) in the low-dose groups in this study, it was unclear if a NOEL for fatty change of the liver was established in this study.

3. Additional 2-year chronic feeding/oncogenicity studies in rats using dietary concentrations of 0, 12.5, 25, and 50 ppm (equivalent to doses of 0, 0.63, 1.25, and 2.5 mg/kg bwt/day). The purpose of these additional studies was to assist in determining a NOEL for fatty liver changes. The first of these two studies was compromised, however, by an outbreak of chronic respiratory disease which reduced survival in all experimental groups, including controls. The study was then repeated with the same dose levels. In the second study, no fatty liver changes or oncogenic effects were observed at the doses tested under the conditions of the study. Using data from all three 2-year studies, a NOEL for fatty liver change of 6.5 mg/kg bwt/day was established.

4. A 2-year oncogenicity study in mice using dietary concentrations of 0, 50, 170, and 600 ppm (equivalent to 0, 7, 24.3, and 85.7 mg/kg bwt/day) that was negative for oncogenic effects at all doses tested under the conditions of the study. At 600 ppm, an increase in fatty change of the liver was demonstrated. The NOEL for this effect was 170 ppm (24.3 mg/kg bwt/day).

5. A rabbit teratology study that was negative for teratogenic effects at all doses tested (0, 5, 10, and 35 mg/kg).

6. A rat teratology study that demonstrated hydronephrosis at 35 mg/kg (doses tested were 0, 5, 13, and 35 mg/kg). A second study in rats (with a postpartum evaluation) again demonstrated hydronephrosis at 35 mg/kg, but also indicated that the dose level of 35 mg/kg was associated with a maternal toxic effect (decreased body weight gain during treatment). The Agency considers the NOEL for hydronephrosis and for maternal toxicity to be 13 mg/kg.

7. A multigeneration reproduction study in rats that demonstrated decreased fertility in males and delayed parturition and dystocia in females at 5 mg/kg bwt/day. The NOEL for reproductive effects in this study was 2.5 mg/kg bwt/day.

8. Multigeneration reproduction studies in guinea pigs and mice that were negative for reproductive effects at doses up to 35 mg/kg bwt/day (highest dose tested) and 20 mg/kg bwt/day, respectively.

9. An aromatase inhibition study in rats that showed fenarimol to be a moderately weak inhibitor of aromatase activity.

The adverse reproductive effects observed in the rat multigeneration reproduction study are considered to be a species-specific effect caused by aromatase inhibition. This enzyme promotes normal sexual behavior in rats and mice, but not in guinea pigs, primates, or man. A NOEL of 35 mg/kg bwt/day for reproductive effects relevant to humans was established in the multigeneration reproduction study in guinea pigs.

10. A mouse lymphoma forward mutation assay, a DNA repair synthesis study in rat liver culture systems, gene mutation assays in *Salmonella typhimurium* (Ames test) and *Escherichia coli*, a dominant-lethal assay in Wistar rats, an assay for transformation activity in the C3H/10T 1/2 embryonic mouse fibroblast, and an *in vivo* assay for chromosome aberration in the Chinese hamster. Fenarimol did not demonstrate mutagenic activity in any of these studies. Furthermore, fenarimol did not induce altered foci or neoplastic nodules in an initiation and promotion study in rat liver tissue.

Based on the above findings, the Agency concluded that fenarimol was not oncogenic in long-term studies in rats and mice under the test conditions in which the highest dose tested for both species approached a maximum-tolerated dose as evidenced by increased fatty change in the liver.

The acceptable daily intake (ADI) based on the 2-year rat chronic feeding study (NOEL of 6.5 mg/kg bwt/day) with an uncertainty factor of 100 is calculated to be 0.065 mg/kg bwt/day. The theoretical maximum residue contribution (TMRC) from previously established tolerances and the tolerance established here is 0.000431 mg/kg/day for the general population and utilizes 0.66% of the ADI. The percentage of the ADI for the most highly exposed subgroup, non-nursing infants (less than 1 year old), is 2.68%. The TMRC was calculated based on the assumption that fenarimol occurs at the maximum legal limit in all of the dietary commodities for which tolerances are proposed. Even with this probable large overestimate of exposure/risk, the TMRC is well below the ADI for the population as a whole and for each of the 22 subgroups considered. Thus, the dietary risk from exposure to fenarimol appears to be minimal.

The nature of the residues is adequately understood, and adequate analytical methodology is available for enforcement. Prior to their publication in the Pesticide Analytical Manual, Vol. II, the enforcement methodology is being made available in the interim to anyone who is interested in pesticide enforcement when requested from: Calvin Furlow, Public Information Branch, Field Operations Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm 1128C, CM 2, 1921 Jefferson Davis Hwy, Arlington, VA 22202, (703)-305-5232.

The pesticide is considered useful for the purpose for which the tolerance is sought. Based on the information and data considered, the Agency has determined that the tolerance established by amending 40 CFR part 180 will protect the public health. Therefore, the tolerances are established as set forth below. By way of public reminder, this notice also reiterates the registrant's responsibility under section 6(a)(2) of FIFRA, to submit additional factual information regarding adverse effects on the environment and to human health by these pesticides.

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

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 3E4249/P613]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from

8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: April 17, 1995.

Donald R. Stubbs,

Acting Director, Registration Division, Office of Pesticide Programs.

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

PART 180—[AMENDED]

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

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

2. In § 180.421(b) by revising the table therein, to read as follows:

§ 180.421 Fenarimol; tolerances for residues.

* * * * *

(b) * * *

Commodity	Parts per million
Bananas[1]	0.5 (Not more than 0.25 ppm shall be present in the pulp after peel is removed)
Cherries	1.0.
Grapes	0.2.

[1]There are no United States registrations for bananas as of April 26, 1995.

[FR Doc. 95–10252 Filed 4–21–95; 2:56 pm]

BILLING CODE 6560–50–F

40 CFR Part 300

[FRL–5196–8]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete the Jackson Township Landfill Superfund Site from the National Priorities List; Request for Comments.

SUMMARY: The United States Environmental Protection Agency (EPA), Region II, announces its intent to delete the Jackson Township Landfill Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR Part 300 which is the National Oil & Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the New Jersey Department of Environmental Protection (NJDEP) have determined that no further remedial action by the responsible party is appropriate under CERCLA. In addition, EPA and NJDEP have determined that remedial activities conducted to date at the site have been protective of public health, welfare, and the environment.

DATES: Comments concerning the deletion of the Jackson Township Landfill Site from the NPL may be submitted on or before May 26, 1995.

ADDRESSES: Comments should be submitted to: Joseph Gowers, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 19th Floor, New York, New York 10007–1866.

Comprehensive information on the Jackson Township Landfill Site is contained in the NJDEP public docket and is available for viewing, by appointment only, at: NJDEP-Bureau of Community Relations, 401 East State Street, CN 413, Trenton, NJ 08625, Phone: (609) 984–3081, 8.30 AM to 4.30 PM—Monday through Friday (excluding holidays), Contact: Donald Kakas.

Information on the Site is also available for viewing at the Jackson Township Landfill Site Administrative Record Repositories located at:

Jackson Township Municipal Complex, RD#4, Box 1000, Jackson, NJ 08527, Monday-Friday: 9am–5pm, (908) 928–1200

Ocean County Library, 101 Washington Street, Toms River, NJ 08753, Monday-Friday: 9am–9pm, Saturday: 9am-5pm (908) 349–6200

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Intended Site Deletion

I. Introduction

EPA Region II announces its intent to delete the Jackson Township Landfill Site from the NPL and requests public comment on this deletion. The NPL is Appendix B to the NCP, which EPA promulgated pursuant to Section 105 of CERCLA, as amended. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (the Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions, if conditions at the site warrant such action.

EPA will accept comments concerning the deletion of the Jackson Township Landfill Site from the NPL for 30 days after publication of this notice in the **Federal Register** until May 26, 1995.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the Jackson Township Landfill Site meets the NPL deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the

NPL. In accordance with 40 CFR 300.425 (e)(1)(i)–(iii), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA, in consultation with NJDEP, will consider whether any of the following criteria has been met:

(i) Responsible or other persons have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or to the environment and, therefore, taking remedial measures is not appropriate.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions warrant such actions. Section 300.425(e)(3) of the NCP states: ''All releases deleted from the NPL are eligible for further Fund-financed remedial actions should future conditions warrant such action. Whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the HRS [Hazard Ranking System].''

III. Deletion Procedures

The NCP provides that EPA shall not delete a site from the NPL until the State in which the release was located has concurred, and the public has been afforded an opportunity to comment on the proposed deletion. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts. The NPL is designed primarily for information purposes and to assist Agency management.

EPA Region II will accept and evaluate public comments before making a final decision to delete this site. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community may be most pertinent to deletion decisions. The following procedures were used for the intended deletion of the Jackson Township Landfill Site:

1. EPA Region II has recommended deletion and has prepared the relevant documents.

2. The NJDEP has concurred with the deletion decision.

3. Concurrent with the Notice of Intent to Delete, a notice has been published in local newspapers and has been distributed to appropriate federal, state and local officials, and other interested parties.

The comments received during the comment period will be evaluated before any final decision is made. EPA Region II will prepare a Responsiveness Summary, if necessary, which will address the comments received during the public comment period.

If, after consideration of these comments, EPA decides to proceed with the deletion, the EPA Regional Administrator will place a Notice of Deletion in the **Federal Register**. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary, if any, will be made available to local residents by EPA Region II.

IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for recommending deletion of the Jackson Township Landfill Site, Ocean County, New Jersey, from the NPL.

The Jackson Township Landfill Site is located off Lakehurst Avenue in Jackson Township, Ocean County, New Jersey. Jackson Township purchased the 135 acre landfill, which is situated in a regional reserve known as the New Jersey Pinelands, in 1972. The property was previously owned and mined by Glidden Corporation. Approximately 20 acres of the property were used for the disposal of various wastes.

In 1977, there were multiple complaints of medical problems associated with the use of area ground water. Subsequently, the NJDEP ordered groundwater analyses to be conducted in the vicinity of the landfill. Based upon the results of these analyses, NJDEP concluded that a segment of the Cohansey aquifer and several domestic wells had been contaminated by hazardous substances disposed of at the Jackson Township Landfill. The NJDEP used Spill Fund monies to provide bottled potable water for residences impacted by the ground water contamination.

In 1978, NJDEP ordered Jackson Township to stop disposing of liquid wastes at the landfill. In 1980, a citizen lawsuit resulted in a municipal water system extension to properties affected or potentially affected by contaminants disposed of at the landfill. The landfill was closed by order of the Superior Court of New Jersey in February 1980.

Sampling of 22 monitoring wells and eight domestic wells was performed in December 1981 and February 1982. Results of this sampling indicated that contaminants were present in ground water at levels only slightly exceeding criteria established for the protection of ground water. In April and December of 1982, the NJDEP sampled seventeen shallow and deep monitoring wells at and in the vicinity of the landfill. Organic compounds were only detected above method detection limits in one well, and inorganics rarely exceeded established criteria during this sampling event. Additional ground water sampling conducted in 1985 revealed similar results.

In December 1982, the Jackson Township Landfill was included on the National Priorities List of Superfund sites.

In 1988, the NJDEP and Jackson Township reached an agreement, known as the Judicial Consent Order (JCO), which required Jackson Township to reimburse the NJDEP for Spill Compensation Fund monies spent by the NJDEP. In addition, the JCO required Jackson Township to arrange for and fund the investigation and remediation of the landfill. Throughout 1989 and 1990, a Remedial Investigation (RI) was conducted in which air, surface water, ground water and soil studies were performed.

During performance of the RI, 22 ground water monitoring wells at and around the landfill were sampled. In addition, four surface water and sediment samples were collected in the Ridgeway and Obhanan-Ridgeway Branches, which are both tributaries to the Toms River. No site-related compounds were detected in surface water samples above Federal or State Surface Water Quality Criteria. Similarly, no compounds were detected in sediments above levels of concern developed in the Risk Assessment for the site.

Nine soil borings were also installed at the Jackson Township Landfill during performance of the RI. Contaminants were only detected in soils at low levels. Results of the RI indicate that contaminant levels have continued to decrease due to natural attenuation.

A Risk Assessment was conducted based upon the results of the RI. The Risk Assessment concluded that there is no unacceptable current or potential future risk to public health and the environment associated with the landfill.

The September 27, 1994 Record of Decision (ROD) for the Jackson Township Landfill site selected the No Further Action remedy, because the Risk Assessment has shown that no further action is necessary to protect human health and the environment. Furthermore, the ROD provides for the performance of a review within five (5) years of signing the ROD to ensure that the no further action remedy continues to provide adequate protection of human health and the environment.

Having met the deletion criteria, EPA, with concurrence of the State of New Jersey, proposes to delete this site from the NPL. EPA and NJDEP have determined that the response actions conducted to date are protective of human health and the environment.

Dated: April 10, 1995.

William J. Muszynski,

Acting Regional Administrator.

[FR Doc. 95–10146 Filed 4–25–95; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 60, No. 80

Wednesday, April 26, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Partially Closed Meeting

Committee: Malaria Vaccine Program Advisory Committee.

Date and Location: TvT Conference Room, 1601 North Kent Street, Suite 1104, Arlington, VA 22209.

1. April 27, 9 am–1 pm, (open session)
2. April 27, 1 pm–2:00 pm, (closed session)
3. April 27, 2 pm–5:00 pm, (open session)

Agenda: The committee will (1) review progress towards malaria vaccine development by USAID-funded and other invited investigators and (2) review procurement actions, both current and planned. Closed Meeting: Portions of the meeting are closed under exemption 9(B) of 5 U.S.C. 552(b) to discuss proposals, scopes of work, cost estimates, and other sensitive procurement information. Disclosures of such information would be likely to significantly frustrate implementation of current and futures procurement by USAID.

FOR FURTHER INFORMATION CONTACT: Steve Landry, Ph.D., Malaria Vaccine Development Program, USAID Office of Health and Nutrition, (SA–18 Room 1238), Washington, DC 20523–1817, (703) 875–4508. John Tomaro, Chief, Environmental Health Division, Office of Health and Nutrition, Center for Population, Health and Nutrition, Bureau for Global Programs, Field Support and Research.

Dated: April 21, 1995.

Mike Kitay,

Office of the General Counsel.

Charge to the Scientific Consultants Group

April 27, 1995.

The Scientific Consultants Group (SCG) is charged with providing USAID with advice regarding its efforts to develop vaccines against malaria. During this meeting, the SCG is requested to make comments and recommendations in the following areas:

(1) The role of the SCG
(2) The MVDP progress on:
- MAP Initiative
- MSP–1 Initiatives
- MVDP Primate Program
- Field Studies in Kenya

(3) The appropriateness of MVDP plans for new activities:
- SERA Initiative
- AMA–1 Initiative

(4) The MVDP processes for selecting and developing new antigens
(5) The coordination among USAID/TDR/CEC
(6) The projected future scope and direction of the MVDP

USAID-Malaria Vaccine Development Program, Meeting of the Scientific Consultants Group

April 27, 1995.

9:00 a.m. to 5 p.m.

- Welcome—Representative of the Office of Health and Nutrition.
- Announcements/Introductions—Dr. Steve Landry.
- Review of Agenda—Dr. Steve Landry/Dr. Robin Powell.
- Approval of Winter '94 Minutes—Dr. Robin Powell/SCG Members.
- Review of the Role of the SCG—Dr. Steve Landry/Dr. Robin Powell.
- Discussion and Comment—SCG Members.
- Charge to the SCG—John Tomaro/Dr. Robin Powell.

Coffee Break

- MVDP Update.

Current Initiatives-Overview—Dr. Steve Landry
MAP Initiative—Dr. Carter Diggs
MSP–1 Initiatives—Dr. Carter Diggs
MVDP Primate Program—Dr. Steve Landry
Field Studies in Kenya—Dr. Steve Landry
Discussion and Comment—SCG Members

New Initiatives
SERA Initiative—Dr. Carter Diggs
AMA-1 Initiative—Dr. Carter Diggs
Discussion and Comment—SCG Members

Lunch

- MVDP process for selecting developing new antigens (closed session—Drs. Landry and Diggs.
- Discussion and Comment (closed session)—SCG Members.
- MVDP/TDR/CEC Coordination—Dr. Steve Landry.
- Discussion and Comment—SCG Members.
- Future directions/priorities for the MVDP—Drs. Landry and Diggs/SCG Members.
- Discussion and Comment—SCG Members.
- Deliberations, Conclusions and Recommendations—SCG Members.
- Debriefing—SCG/David Oot.
- Plans for the next meeting.

[FR Doc. 95–10269 Filed 4–25–95; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 95–031–1]

Availability of Environmental Assessment and Finding of No Significant Impact

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment and a finding of no significant impact for the issuance of a conditional veterinary biological product license. A risk analysis, which forms the basis for the environmental assessment, has led us to conclude that issuance of this conditional license will not have a significant impact on the quality of the human environment. Based on our finding of no significant impact, we have determined that an environmental impact statement need not be prepared.

ADDRESSES: Copies of the environmental assessment and finding of no significant impact may be obtained by writing to the person listed under **FOR FURTHER INFORMATION CONTACT.** Please refer to the docket number of this notice when requesting copies. Copies of the environmental assessment and finding of no significant impact (as well as the risk analysis with confidential business information removed) are also available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect those documents are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Jeanette Greenberg, Veterinary Biologics, BBEP, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737–

1237; telephone (301) 734–8400; fax (301) 734–8910.

SUPPLEMENTARY INFORMATION: A veterinary biological product regulated under the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*) must be shown to be pure, safe, potent, and efficacious before a veterinary biological product license may be issued. The regulations in 9 CFR part 102 regarding the licensing of biological products provide that a conditional veterinary biological product license may be issued to meet an emergency situation, limited market, local situation, or other special circumstance. The special circumstance addressed here is the current raccoon rabies epizootic in the United States. The product being issued a conditional license is intended for vaccinating raccoons against rabies. No other licensed product is currently available for this purpose. The vaccination of raccoons is proposed to limit the further spread of the raccoon rabies epizootic, and to prevent the spread of rabies to domestic animals and to humans. Conditionally licensed products are required to be pure and safe, and have a reasonable expectation of efficacy.

In determining whether to issue a conditional license for the veterinary biological product referenced in this notice, the Animal and Plant Health Inspection Service (APHIS) conducted a risk analysis to assess the product's potential effects on the safety of animals, public health, and the environment. Based on that risk analysis, APHIS has prepared an environmental assessment. APHIS has concluded that issuance of a conditional veterinary biological product license for the veterinary biological product referenced in this notice will not significantly affect the quality of the human environment. Based on the finding of no significant impact, we have determined that there is no need to prepare an environmental impact statement.

An environmental assessment and a finding of no significant impact have been prepared for the issuance of a conditional veterinary biological product license for the following veterinary biological product: Rabies Vaccine, Live Vaccinia Vector; Code 1901.R0; to be issued to Rhone Merieux, Inc., Establishment License No. 298. This recombinant rabies vaccine is intended for vaccinating raccoons against rabies, and is not intended for use in pets. The conditional license restricts the use of this product to State or Federal Government agencies administering wildlife rabies control programs. The availability of the recombinant rabies vaccine for use in rabies control programs may be useful in limiting the spread of the current rabies epizootic in the United States.

A conditional license has been issued on the basis that the product has been demonstrated to be pure and safe, and to have a reasonable expectation of efficacy. The product has not met the efficacy requirements of title 9, Code of Federal Regulations, § 113.312 for rabies vaccines; however, a reasonable expectation of efficacy has been demonstrated in the studies that have been conducted to date. The efficacy of this recombinant rabies vaccine will be further evaluated during the conditional license period. The State and Federal Government agencies using the rabies vaccine will be provided with detailed instructions for safely using the recombinant vaccine. These instructions include continued use of the following mitigative procedures that have been implemented for the field tests previously conducted with this product:

1. Public education efforts, including education efforts directed at school-aged children, should be conducted prior to distributing the baits containing the recombinant rabies vaccine. Warning labels should be attached to the baits to minimize the possibility of accidental exposure of members of the local populations in the areas where the vaccine-laden baits are distributed. The warning labels should clearly identify the recombinant vaccine and list the phone number for the local public health authorities. The public education efforts should be conducted prior to distributing the baits and should include newspaper articles, local television reports, and the distribution of brochures and posters. Public information meetings may also be used. In addition, when the baits are distributed, signs should be posted at the periphery and at strategic points within the distribution area notifying visitors of the rabies control efforts and warning them not to disturb the vaccine-laden baits.

2. The local public health authorities in the areas where the recombinant rabies vaccine is used should be notified prior to the distribution of the baits. The public health authorities should be instructed to inform the authorizing State or Federal Government agency of any reported human contacts with the vaccine-laden baits. Individuals who may have been exposed to the vaccine should be examined for any adverse reactions or clinical signs of orthopoxvirus infection, and have blood samples drawn and analyzed for the presence of antibodies of rabies and/or vaccinia.

3. The personnel conducting the rabies control programs should be trained in the appropriate precautions and techniques for assembling, handling, and distributing the vaccine-laden baits. These personnel should be encouraged to be vaccinated against vaccinia, as recommended by the U.S. Public Health Service [Morbidity and Mortality Weekly Report; Recommendations and Reports; Vaccinia (Smallpox) Vaccine, Recommendations of the Immunization Practices Advisory Committee (ACIP), Vol. 40, pp. 1–10 (1991)], and also be vaccinated against rabies. All personnel should be non-pregnant adults at least 18 years of age, who are free of any known immunosuppressive conditions. Regular blood samples should be collected from the personnel and monitored for the presence of rabies and vaccinia antibodies.

4. The filling of the liquid vaccine into ampules for assembly into the baits should be conducted according to Biosafety Level-2 (BL–2) criteria [CDC–NIH Manual: Biosafety in Microbiological and Biomedical Laboratories, Third Edition (1993) pp. 18–24].

5. Any adverse reactions observed in the areas where the recombinant rabies vaccine is used should be reported to the licensed manufacturer, who will forward this information to Veterinary Biologics, APHIDS.

The environmental assessment and finding of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS NEPA Implementing Procedures (60 FR 6000–6005, February 1, 1995).

Done in Washington, DC, this 20th day of April 1995.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–10241 Filed 4–25–95; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–307–701, C–307–702]

Certain Electrical Conductor Aluminum Redraw Rod From Venezuela; Notice of Final Court Decision and Revocation of Antidumping and Countervailing Duty Orders

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final court decision and revocation of antidumping and countervailing duty orders.

SUMMARY: On February 17, 1995, the U.S. Court of Appeals for the Federal Circuit (Federal Circuit) affirmed the International Trade Commission's (ITC) determination on remand that an industry in the United States was not threatened with material injury by reason of imports of certain electrical conductor aluminum redraw rod (EC rod). On March 1, 1995, the ITC published notice in the **Federal Register** of the final Federal Circuit decision affirming its negative remand determination (60 FR 11110). Therefore, we are revoking the antidumping and countervailing duty orders on EC rod from Venezuela.

EFFECTIVE DATE: April 26, 1995.

FOR FURTHER INFORMATION CONTACT: Brian Albright 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) 482–5253.

SUPPLEMENTARY INFORMATION:

Background

On June 30, 1988, the Department of Commerce (the Department) determined that EC rod from Venezuela was being subsidized and sold at less than fair value (53 FR 24755, 24763). On August 17, 1988, the ITC determined that a U.S. industry was threatened with material injury by reason of imports of EC rod from Venezuela (53 FR 31111). On August 22, 1988, the Department published in the **Federal Register** the antidumping and countervailing duty orders on EC rod from Venezuela (53 FR 31903, 31904).

Suramerica de Aleaciones Laminadas, C.A., a Venezuelan exporter of EC rod, and others, appealed the ITC determination in the Court of International Trade (CIT). On March 15, 1993, the CIT reversed and remanded the ITC's original determination. On June 2, 1993, the ITC determined on remand that there was no threat of material injury to a U.S. industry. This remand was affirmed by the CIT on August 4, 1993. *Suramerica de Aleaciones Laminadas, C.A.* v. *United States*, 841 F. Supp. 1220 (CIT 1993).

The ITC and petitioner Southwire, Inc., appealed the CIT's decision to the Federal Circuit. On December 30, 1994, the CIT's decision was affirmed by the Federal Circuit. *Suramerica* v. *United States*, Nos. 93–1579 and 94–1021 (Fed. Cir. Dec. 30, 1994). Southwire filed in the Federal Circuit a petition for rehearing and suggestion for rehearing *in banc*. On February 13, 1995, the Federal Circuit denied Southwire's petition for rehearing and declined the suggestion for a rehearing *in banc*. On March 1, 1995, the ITC published notice in the **Federal Register** of the final Federal Circuit decision affirming its negative remand determination.

As a result of the ITC notification that there is no threat of material injury to the U.S. industry, the Department is revoking the antidumping and countervailing duty orders on EC rod from Venezuela. On October 12, 1993 (58 FR 52744), in accordance with *Timken Co.* v. *United States*, 893 F.2d 337 (Fed. Cir. 1990), the Department stated that, effective August 14, 1993, it would continue the suspension of liquidation on the subject merchandise until the Federal Circuit issued a conclusive decision in this lawsuit. Therefore, revocation of these orders is effective August 14, 1993, for all unliquidated entries.

Scope of Order

Imports covered by these orders are shipments of certain electrical conductor aluminum redraw rod from Venezuela, which is wrought rod of aluminum that is electrically conductive and contains not less than 99 percent aluminum by weight. This merchandise is currently classifiable under item numbers 7604.10.3010, 7604.10.3050, 7604.29.3010, 7604.29.3050, 7605.11.0030, 7605.11.0090, 7605.19.0000, 7605.21.0030, 7605.21.0090 and 7605.29.0000 of the *Harmonized Tariff Schedule* (HTS). The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

Termination of Suspension of Liquidation

Pursuant to section 516(e)(2) of the Tariff Act of 1930, as amended, the Department will instruct the U.S. Customs service to terminate the suspension of liquidation of EC rod from Venezuela and proceed with liquidation of the subject merchandise, which entered the United States on or after August 14, 1993, without regard to antidumping or countervailing duties.

Dated: April 19, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–10264 Filed 4–25–95; 8:45 am]

BILLING CODE 3510–DS–P

[C–351–029]

Final Results of Countervailing Duty Administrative Review: Certain Castor Oil Products From Brasil

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: April 26, 1995.

FOR FURTHER INFORMATION CONTACT: Vincent Kane or Cynthia Thirumalai, Office of Countervailing Investigations, Import Administration, U.S. Department of Commerce, Room B099, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–2815 and (202) 482–4087, respectively.

Final Determination

Background

On November 7, 1994, the Department of Commerce (the Department) published in the **Federal Register** (59 FR 55443) the preliminary results of its administrative review of the countervailing duty order on certain castor oil products from Brazil (Preliminary Determination). See 41 FR 11018 (March 16, 1976). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

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

The merchandise subject to this review is hydrogenated castor oil and 12-hydroxystearic acid. Imports of these products are currently classifiable under the following Harmonized Tariff Schedule (''HTS'') subheadings: 1516.20.90 and 1519.19.40. Although the HTS subheadings are provided for convenience and customs purposes, our

written description of the scope of this proceeding is dispositive.

This review covers the period January 1, 1992 through December 31, 1992, six companies, and the following 12 programs: (1) Preferential Export Financing under Resolution 950/1009; (2) Income Tax Exemption for Export Earnings; (3) Preferential Export Financing Under CIC–OPCRE 6–2–6; (4) Preferential Financing for industrial Enterprises by the Bank of Brazil; (5) Reduction of Industrial Products Tax (IPI) and Import Duties Under Decreto No. 77.065 through BEFIEX; (6) Preferential Financing for National Trading Companies under Resolution 883 of the Banco Central do Brasil; (7) Accelerated Depreciation for Brazilian-Made Capital Goods; (8) Preferential Financing under Resolution 68 through FINEX; (9) Preferential Financing under Resolution 578/83 through FUNPAR; (10) Preferential Financing under Resolution 579/83 through PROEX and PROSIM; (11) Preferential Financing for the Storage of Merchandise Destined for Export under Resolution 330/Portaria 130 of the Banco Central do Brasil; and (12) Green Yellow Drawback (Portaria 68/83).

Calculation Methodology for Assessment and Cash Deposit Purposes

We calculated the total subsidy on a country-wide basis by first calculating the subsidy for each company subject to the administrative review. We then weight-averaged the rate received by each company by its share of total Brazilian exports of the subject merchandise to the United States, including all companies, even those with *de minimis* and zero rates. Using this methodology we calculated a country-wide rate of 0.03 percent, which is *de minimis.*

Analysis of Program

Income Tax Exemption for Export Earnings

Although this program was eliminated on April 12, 1990, by Decree Law 8,034, Boley was authorized to use the income tax exemption on export earnings under the terms of a contract with the Commission for the Granting of Fiscal Benefits to Special Export Programs (BEFIEX) until its contract expired. Therefore, despite the fact that the income tax exemption for export earnings was eliminated, Boley received residual benefits from the program during the review period. No other company under review used this program.

Programs Found To Be Terminated

We find the following programs to be terminated and find that the respondents did not receive any residual benefits under them during the period of review.

a. Preferential Export Financing under Resolution 950/1009 through CACEX (Carteira de Comercio Exterior) of the Bank of Brazil.

We verified that this program was terminated on August 30, 1990, by Banco Central Bank do Brasil Resolution No. 1,744. See also *Final Negative Countervailing Duty Determination: Silicon Metal from Brasil,* 56 FR 26988, 26989 (June 12, 1991).

b. Preferential Export Financing under CIC–OPCRE 6–2–6.

We verified that, on May 10, 1990, the functions of CACEX of the Bank of Brazil, which administered these export financing loans, were absorbed by the Secretariat of Foreign Trade (SECEX). SECEX was not empowered to perform banking operations and the export financing was discontinued.

c. Reduction of Industrial Products Tax (IPI) and Import Duties under Decreto No. 77.065 through BEFIEX (Comissao par a Concessao de Beneficios a Programas Especials de Exportacao) and CIEX (Comissao para Incentivos a Exportacao).

We verified, that, on April 12, 1990, Decree Law 8,032 limited this program exclusively to imports made by the federal, state, and municipal governments, territories, other political entities, and scientific institutions, thereby eliminating the benefit to commercial enterprises.

d. Preferential Financing for National Trading Companies under Resolution 883 of the Banco Central do Brasil.

We verified that Banco Central do Brasil Resolution 1,744 revoked Resolution 883 on August 30, 1990, thereby terminating this program. (*See also, Certain Round-Shaped Agricultural Tillage Tools from Brazil; Preliminary Results of Countervailing Duty Administration Review,* 57 FR 10885, 10886 (March 31, 1992).)

e. Preferential Financing under Resolution 68 through FINEX.

We verified that this program was terminated on April 5, 1990, after it failed to be reenacted within two years of April 5, 1988, the date on which Brazil's new constitution came into effect. Article 4 of the new constitution provided that all programs requiring funding from the national treasury had to be reenacted within a two-year period or cease to exist. Legislation to reenact preferential financing through FINEX was not passed and the program ceased to exist.

f. Preferential Financing under Resolution 579/83 through PROSIM and PROEX (BNDES).

We verified that preferential financing through PROSIM was terminated on February 4, 1985, by BNDES Resolution 607, and that preferential financing through PROEX (BNDES) was terminated on September 2, 1991 by BNDES Resolution 762.

g. Preferential Financing for the Storage of Merchandise Destined for Export under Resolution 330/Portaria 130 of the Banco Central do Brasil.

We verified that this program was terminated on August 21, 1984, by Central Bank Resolution 950.

Programs Found To Be Not Used

We find that respondents did not use following programs during the review period:

a. Preferential Financing for Industrial Enterprises by the Bank of Brazil
b. Preferential Financing under Resolution 578/83 through FUNPAR
c. Accelerated Depreciation for Brazilian Made Capital Goods
d. Green Yellow Drawback (Portaria 68/83)

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 our review, we determine the net subsidy to be 0.03 percent *ad valorem* for all firms during the period January 1, 1992 through December 31, 1992. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis.*

Therefore, the Department will instruct the Customs Service to liquidate, without regard to countervailing duties, all shipments of this merchandise exported on or after January 1, 1992 and on or before December 31, 1992.

The Department will instruct the Customs Service to continue to suspend liquidation on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Because the net subsidy is *de minimus,* however, the cash deposit on shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register** will be zero. These instructions shall remain in effect until publication of the final results of the next administrative review.

Return or Destruction of Proprietary Information

This notice serves as the only reminder to parties subject to Administrative Protective Order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 355.34(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 Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: April 19, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–10265 Filed 4–25–95; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

[I.D. 041895B]

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 meetings.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold meetings on May 8 through May 12, 1995, at the Holiday Inn Crowne Plaza, 700 North Westshore Boulevard, Tampa, FL; telephone: (813) 289–8200.

ADDRESSES: Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609; telephone: (813) 228–2815.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION:

Council Meetings

The agenda is as follows:

May 10, 1995

The Council will convene at 8:30 a.m. and recess at 5:30 p.m.

8:45 a.m. to 4:00 p.m.—Receive public testimony on the king mackerel, Spanish mackerel and cobia total allowable catch (TAC) for the 1995–96 season, including recreational bag limits, size limits and commercial trip limits and quotas; and receive final public testimony on Draft Reef Fish Amendment 8 and Draft Reef Fish Amendment 11 (NOTE: Testimony cards must be turned in to staff before the start of public testimony);

4:00 p.m. to 5:30 p.m.—Receive a report of the Mackerel Management Committee and set TAC for the mackerel and cobia stocks for the 1995–96 season, including recreational bag limits, size limits and commercial trip limits and quotas.

May 11, 1995

8:30 a.m. to 5:00 p.m.—Receive a report of the Reef Fish Management Committee.

May 12, 1995

8:30 a.m. to 8:45 a.m.—Receive report of the Budget Committee;

8:45 a.m. to 9:00 a.m.—Receive report of the Shrimp Management Committee;

9:00 a.m. to 9:15 a.m.—Receive report of the Habitat Protection Committee;

9:15 a.m. to 9:30 a.m.—Receive report of the Stone Crab Management Committee;

9:30 a.m. to 10:00 a.m.—Receive report of the Administrative Policy Committee;

10:00 a.m. to 12:00 p.m.—Receive the South Atlantic Fishery Management Council Liaison Report, Bycatch Workshop Report, review Stock Assessment Protocol, Golden Crab Fishery Report, Enforcement Report, Director's Reports and Other Business.

Committee Meetings

May 8, 1995

10:00 a.m. to 12:00 p.m.—Convene meetings of the Stone Crab Management Committee, the Administrative Policy Committee, and the Mackerel Management Committee.

May 9, 1995

8:00 a.m. to 5:30 p.m.—Convene meetings of the Budget Committee, the Shrimp Management Committee, the Habitat Protection Committee, and the Reef Fish Management Committee.

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 address above by May 1, 1995.

Dated: April 20, 1995.

Richard W. Surdi,

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

[FR Doc. 95–10266 Filed 4–25–95; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 041895A]

Endangered Species; Permits

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

ACTION: Notice of receipt of a request to modify permit 825 (P513).

SUMMARY: Notice is hereby given that the Columbia River Inter-Tribal Fish Commission has requested a modification to permit 825 to take additional listed salmon species for the purpose of scientific research.

DATES: Written comments or requests for a public hearing on this modification request must be received on or before May 26, 1995.

ADDRESSES: The modification request, permit, and related documents are available for review upon written request or by appointment in the following offices:

Office of Protected Resources, F/PR8, NMFS, 1315 East-West Hwy., Room 13307, Silver Spring, MD 20910–3226 (301–713–1401); and

Environmental and Technical Services Division, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5424).

Written comments, or requests for a public hearing on this modification request should be submitted to the Chief, Endangered Species Division, Office of Protected Resources.

SUPPLEMENTARY INFORMATION: This modification to Permit 825 (P513) is requested under the authority of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217–227). The applicant requests authorization for non-lethal take of 1,046 listed juvenile spring/summer chinook salmon (*Oncorhynchus tshawytscha*) and two listed juvenile sockeye salmon (*Oncorhynchus nerka*), to study the occurrence of gas bubble trauma symptoms. The applicant requests a .2% mortality rate.

Those individuals requesting a hearing (see **ADDRESSES**) should set out the specific reasons why a hearing on this particular modification request 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 modification request summary are those of the Applicant and do not necessarily reflect the views of NMFS.

Dated: April 20, 1995.

Russell J. Bellmer,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 95–10268 Filed 4–25–95; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 041195A]

Marine Mammals

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

ACTION: Modification no. 2 to scientific research permit 770 (P66G).

SUMMARY: Notice is hereby given that a request for modification of scientific research permit no. 770 submitted by the Alaska Department of Fish and Game, P.O. Box 3–2000, Juneau, AK 99802, has been granted.

ADDRESSES: The modification 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, Suite 13130, Silver Spring, MD 20910 (301/713–2289);

Director, Alaska Region, NMFS, Federal Annex, P.O. Box 21668, Juneau, AK 99802 (907/586–7221).

FOR FURTHER INFORMATION CONTACT: Ruth Johnson, 301/713–2289.

SUPPLEMENTARY INFORMATION: On March 17, 1995, notice was published in the **Federal Register** (60 FR 14426) that a modification of permit no. 770, issued March 20, 1993 (57 FR 10649), had been requested by the above-named organization. The requested modification has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the provisions of section 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The permit was modified to allow an additional 100 harbor seals to be captured, restrained, immobilized, sampled, and flipper tagged, which brings the total number of seals to be handled to 300. Of these, up to 50 each may be muscle biopsy sampled, injected intramuscularly with 10 ml sterile deuterium oxide, and injected with 10 ml of medical grade sterile Evans Blue solution into the extradural intervertebral vein. Specimens collected from harbor seals and spotted seals may be exported to Canada, Netherlands, and on a worldwide basis as the need arises.

Dated: April 18, 1995.

Ann D. Terbush,

Chief, Permits & Documentation Division, National Marine Fisheries Service.

[FR Doc. 95–10267 Filed 4–25–95; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF DEFENSE

Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Central and Southern Florida Project for Flood Control and Other Purposes, Part V, Coastal Areas South of St. Lucie Canal, Design Memorandum, Canal 51—West End, Control Structure 155A, Pumping Station 319 and Stormwater Treatment Area 1 East, Palm Beach County, Florida

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The Jacksonville District, U.S. Army Corps of Engineers, along with the South Florida Water Management District (SFWMD) intends to prepare a Draft Environmental Impact Statement (DEIS) on the feasibility of implementing under the State of Florida's Everglades Forever Act of 1994, the Canal 51—West End, Control Structure 155A, Pumping Station 319 and Stormwater Treatment Area 1 East, Palm Beach County, Florida.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and draft EIS can be answered by: William Porter, U.S. Army Engineer District, PO Box 4970, Jacksonville, Florida 32232–0019; Telephone 904–232–2259.

SUPPLEMENTARY INFORMATION: a. The scope of this study is to evaluate implementation of the C–51, West End flood control project. The West Palm Beach Canal (C–51) is a component of the Central and Southern Florida (C&SF) Flood Control Project. The C–51 basin is located in Palm Beach County and extends from the edge of Water Conservation Area (WCA–1) on the West to Lake Worth on the east near the southerly limits of the city of West Palm Beach. The C–51 project will provide flood control for the lower 21 miles of the existing West Palm Beach Canal and 145 square miles of Palm Beach County. Project works for the east end of C–51 have been completed. All engineering and design work for the west end was previously discontinued at the request of the local sponsor pending the development of a mediated plan for resolution of the Everglades litigation. The Everglades Construction Project, a product of the Technical Mediated Plan (TMP), incorporates a substantially modified version of the Federal C–51 project. The TMP consists of modifications to the water management system in the Everglades Agricultural Area (EAA) and includes construction of six large Stormwater Treatment Areas (STAs) to filter nutrients from agricultural runoff before discharges are made to the Everglades. The TMP also alters the C–51 West project to include a Stormwater Treatment Area.

The locally preferred plan to be evaluated has many of the same physical features proposed in the 1992 Detail Design Memorandum (DDM) and are described below. The project will provide 10-year flood protection for the western basin of C–51. The major physical difference between the 1992 DDM plan and the recommended plan is the replacement of the 1,600-acre detention area with the 5,350-acre ''locally preferred'' STA 1 East. The most significant modification will be the reduction of discharges to Lake Worth, with C–51 West Basin runoff directed instead to Water Conservation Area 1 (The Arthur R. Marshall Loxahatchee National Wildlife Refuge). Runoff from the C–51 West Basin will pass through STA 1E for water quality improvement prior to its discharge to Water Conservation Area 1. In addition to the flood damage reduction benefits provided by the 1992 plan, the modified plan will provide water quality improvement, reduction of damaging freshwater discharges to Lake Worth, and increased water supply for the Everglades and other users.

Physical Data on Project Features is as follows: (1) Stormwater Treatment Area 1 East, with an effective treatment area of 5,350 acres, will be constructed in lieu of the 1,600-acre detention area provided for in the 1992 DDM. Inflows to this area will be delivered by Pump Station 319. Treated discharges will be lifted to WCA–1 by a new outflow pumping station built as part of the Stormwater Treatment Area, (2) Pump Station 319 will be relocated to a point about 1.7 miles east of the presently planned location. The capacity of the pump station will remain about the same, however, the static head differential across the pump station will be reduced as a result of the replacement of the 1,600-acre detention area with STA 1E, (3) Structure S–155A will be constructed in C–51 with a capacity of 1,000 cubic feet per second, (4) C–51 Canal enlargements will be required over a distance of about 4.3

miles between Structure 155A and Pump Station 319.

Environmental Quality: The Technical Mediated Plan will preserve the same flood control benefits that justify the original Corps project. The recommended plan will serve other purposes as well: provide additional water supply for the Everglades (and other urban and environmental users) and provide a filtering area to remove excessive nutrients from agricultural runoff before it is discharged into the Everglades. As an incidental, but important benefit, the plan will also reduce harmful freshwater discharges into Lake Worth at the eastern terminus of C–51.

b. Scoping: The scoping process as outlined by the Council on Environmental Quality will be utilized to involve Federal, State, and local agencies; and other interested persons and organizations. A scoping letter will be sent to interested Federal, State, and local agencies requesting their comments and concerns regarding issues they feel should be addressed in the EIS. Interested persons and organizations wishing to participate in the scoping process should contact the Corps of Engineers at the address above. Significant issues anticipated include concern for: local groundwater recharge, water quality, water supply, recreation, wetlands, fish and wildlife, and land use. Public scoping meetings will be held in the near future, the exact location, dates, and times will be announced in public notices and local newspapers.

c. It is estimated that the DEIS will be available to the public in March 1996.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 95–10193 Filed 4–25–95; 8:45 am]

BILLING CODE 3710–AJ–M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for San Francisco Bay to Stockton, Phase III (John F. Baldwin) Navigation Channel Deepening

AGENCY: U.S. Army Corps of Engineers.

ACTION: Notice of intent.

SUMMARY: John F. Baldwin is part of the San Francisco Bay to Stockton, California Navigation Project authorized by the River and Harbor Act of 1965 as contained in Public Law 89–298, Eighty-Ninth Congress, dated 29 October 1965. The authorization includes improving and deepening existing navigation channels from the San Francisco entrance channel to Port of Stockton. To fulfill the requirements of Section 102(2)(c) of the National Environmental Policy Act, the Corps of Engineers has determined that the proposed action may have significant effect on the quality of the human environment and therefore requires the preparation of an Environmental Impact Statement.

FOR FURTHER INFORMATION CONTACT: For further information about the project and the alternatives, contact Mr. Peter LaCivita, Chief, Environmental Planning Section, Corps of Engineers San Francisco District, 211 Main Street, Rm 918 (CESPN–PE–PP), San Francisco, CA 94105–1905. Phone number (415) 744–3342, fax number (415) 744–3312, internet address placivita@smtp.spd.usace.army.mil

ADDRESSES: Written statements should be mailed no later than June 16, 1995, to the District Engineer, USAED San Francisco, 211 Main Street, San Francisco, California 94105.

SUPPLEMENTARY INFORMATION:

Need for Action

Currently vessels with drafts greater than 35 feet arriving in San Francisco Bay are required to arrive with only a portion of their cargo hulls full, or to off-load a portion of their cargo before proceeding to their respective terminals as far as Point Edith in Suisun Bay. The proposed deepening of the channel will lessen or eliminate this need, reducing transportation costs through increasing fleet efficiency. Safety would improve and environmental risks would decrease due to the inherent reduction in ship traffic.

Summary

San Francisco Bay to Stockton, Phase III (John F. Baldwin) Ship Channel Improvement Project (JFB), starts in San Francisco Bay, extends through San Pablo Bay and Carquinez Strait and into Suisun Bay.

The project consists of dredging four reaches of the channel, three maneuvering areas, one approach area, and one turning basin. The first reach, 3 miles of the West Richmond Channel in central San Francisco Bay through the Richmond-San Rafael Bridge area, is to be deepened from −35 feet to −45 feet MLLW with a bottom width of 600 feet. The second reach to be dredged is the Pinole Shoal Channel, which extends approximately 11 miles across San Pablo Bay and connects the naturally deep waters of San Pablo Bay and Carquinez Strait. This channel will be deepened from −35 MLLW to −45 feet MLLW, and the bottom width reduced from 600 to 520 feet. The first maneuvering area to be dredged is associated with the Pinole Shoal Channel, in the area near the Unocal wharf at Oleum. This area will be dredged to −45 feet MLLW. The Carquinez Strait Channel is the third reach to be deepened as part of the JFB project. This approximately 3.5-mile long channel will be deepened from −35 feet MLLW, with a width of 600 feet to −45 feet MLLW with a width of 520 feet through the shoal areas of Upper Carquinez Strait in the Martinez-Benicia area, tapering to approximately 300 feet at the Interstate 680 (I–680) and Southern Pacific Railroad bridge. The approach area south of the main Carquinez Strait Channel at Martinez will be deepened to −45 feet MLLW and the maneuvering area will be enlarged to include the naturally deep water to the north. The final reach is Bulls Head Shoal Channel, a distance of approximately 2 miles. This reach will be dredged from the existing −35 feet to −45 feet MLLW and after passing through the narrow straits under the railroad bridge, widened from the existing 350 feet to 520 feet. This newly enlarged channel will continue into a 1500-foot trapezoidal turning basin that will be positioned at the upstream end of the reach with a depth of −35 feet MLLW outside of the channel. After leaving the turning basin the channel will revert to current project dimensions upstream of −35 feet MLLW with a width of 350 feet. The volume of material to be dredged from the project is approximately (9 million cubic yards [mcy]).

Alternatives

Alternatives associated with the JFB projects are the No-Action alternative, in which no disposal site would be used and therefore the project would not be constructed, and combinations of sites for disposal of dredged material. A total of ten sites have been identified for disposal and will be evaluated in the EIS/EIR. The sites include one ocean disposal site (EPA-designated San Francisco Deep Ocean Disposal Site [SF–DODS]), one San Francisco Bay disposal site (the Bay Farm Borrow area), and eight land sites. The SF–DODS is located approximately 50 miles west of the Golden Gate Bridge in over 8,000 feet of water. The Bay Farm Borrow Area (BFBA) is located off Bay Farm Island, Alameda County and is, on average, −31 feet MLLW, encompassing over 400 acres. The first land alternative is Leonard Ranch, located in Sonoma County, south of Highway 37, near Port Sonoma-Marin where material would be dried and used as cover material for landfills. Montezuma Wetlands (Phase I) is located in Solano County on Montezuma Slough north of the

confluence of the Sacramento and San Joaquin Rivers. Dredged material would be used to restore the site to a tidal wetland. Various Department of Water Resources (DWR) Delta Island sites have been identified through the Long Term Management Strategy (LTMS) as potential land sites for material to be used in levee maintenance. Sites with the most potential for use of dredged material in levee maintenance are Twitchell, Jersey, Sherman, Bradford, and Bethel Islands and Webb Tract.

Scoping

The focus of the DEIS will be on the construction and maintenance of the JFB channel and the associated disposal sites. Interested parties are requested to express their views concerning the proposed activity by June 16, 1995. A scoping meeting for the project will be held in the Bay Room at the George Gordon Center, 500 Court Street in Martinez, Contra Costa County, California on June 1, 1995, starting at 6 p.m.

Agencies and the public are encouraged to provide written comments in addition to, or in lieu of, oral comments at the scoping meeting. To be most helpful, the scoping comments should clearly describe specific environmental topics or issues which the commentator believes the document should address. Oral and written comments receive equal consideration. Written public comment concerning scoping of the DEIS will be accepted until June 16, 1995. Please address all correspondence to the District Engineer, USAED San Francisco, 211 Main Street, San Francisco, California 94105. For additional information, please contact the person indicated above.

Topics which have already been identified as needing consideration in the DEIS are salinity intrusion, wildlife conservation, endangered species, and sediment and water quality.

The DEIS will be used as the primary information document to secure concurrence in a Federal Coastal Zone Consistency Determination. In addition, the DEIS will be used by the local sponsor to meet its responsibilities under the California Environmental Quality Act, and may also be used by the San Francisco Regional Water Quality Control Board to meet its responsibilities under the Porter-Cologne Act. Other reviews in which the DEIS will be a source of information are the Fish and Wildlife Coordination Act, Endangered Species Act, Clean Water Act, and ''trustee agency'' reviews by the State of California. The DEIS will be available for public review in Fall, 1995.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 95–10191 Filed 4–25–95; 8:45 am]

BILLING CODE 3710–19–M

Department of the Navy

Community Redevelopment Authority and Available Surplus Buildings and Land at Military Installations Designated for Closure: Naval Reserve Center, Jamestown, New York

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: This Notice provides information regarding the redevelopment authority that has been established to plan the reuse of the Naval Reserve Center, Jamestown, NY, the surplus property that is located at that base closure site, and the timely election by the redevelopment authority to proceed under new procedures set forth in the Base Closure Community Redevelopment and Homeless Assistance Act of 1994.

FOR FURTHER INFORMATION CONTACT: John J. Kane, Director, Real Estate Operations Division, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332–2300, telephone (703) 325–0474, or Marian E. DiGiamarino, Special Assistant for Real Estate, Base Closure Team, Northern Division, Naval Facilities Engineering Command, 10 Industrial Highway, Mail Stop #82, Lester, PA 19113–2090, telephone (610) 595–0762. For detailed information regarding particular properties identified in this Notice (i.e., acreage, floor plans, sanitary facilities, exact street address, etc.), contact Helen McCabe, Realty Specialist, Base Closure Team, Northern Division, Naval Facilities Engineering Command, 10 Industrial Highway, Mail Stop #82, Lester, PA 19113–2090, telephone (610) 595–0762.

SUPPLEMENTARY INFORMATION: In 1993, the Naval Reserve Center, Jamestown, NY, was designated for closure pursuant to the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, as amended. Pursuant to this designation, the land and facilities at this installation were on July 15, 1994, declared surplus to the federal government and available for use by (a) non-federal public agencies pursuant to various statutes which authorize conveyance of property for public projects, and (b) homeless provider groups pursuant to the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended.

Election To Proceed Under New Statutory Procedures

Subsequently, the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Public Law 103–421) was signed into law. Section 2 of this statute gives the redevelopment authority at base closure sites the option of proceeding under new procedures with regard to the manner in which the redevelopment plan for the base is formulated and how requests are made for future use of the property by homeless assistance providers and non-federal public agencies. On December 21, 1994, the Governor of New York submitted a timely request to proceed under the new procedures. Accordingly, this notice of information regarding the redevelopment authority fulfills the **Federal Register** publication requirement of Section 2(e)(3) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994.

Also, pursuant to paragraph (7)(B) of Section 2905(b) of the Defense Base Closure and Realignment Act of 1990, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the following information regarding the surplus property at the Naval Reserve Center, Jamestown, NY, is published in the **Federal Register**.

Redevelopment Authority

The redevelopment authority for the Naval Reserve Center, Jamestown, NY, for purposes of implementing the provisions of the Defense Base Closure and Realignment Act of 1990, as amended, is the City of Jamestown, acting by and through Mayor Richard A. Kimball, Jr. For further information contact the Office of the Mayor, Municipal Building, 4th Floor, Jamestown, NY 14701, telephone (716) 483–7600 and facsimile (716) 483–7591.

Surplus Property Descriptions

The following is a listing of the land and facilities at the Naval Reserve Center, Jamestown, NY, that were declared surplus to the federal government on July 15, 1994.

Land

Approximately 2.48 acres of improved and unimproved fee simple land at the U.S. Naval Reserve Center, in the City of Jamestown, Chautauqua County, NY. In general, all areas are presently available. The station closed on July 1, 1994.

Buildings

The following is a summary of the facilities located on the above described land which are also presently available. Property numbers are available on request.

—Administration/training facility (1 structure). Comments: Approx. 36,561 square feet.

—Flammables storage facility (1 structure). Comments: Approx. 49 square feet.

—Garage facility (1 structure). Comments: Approx. 480 square feet.

—Miscellaneous facilities (5 structures). Comments: Measuring systems vary. Antenna masts, flagpoles, and fencing.

—Paved areas. Comments: Approx. 3,474 square yards. Parking area and sidewalks.

Expressions of Interest

Pursuant to paragraph 7 (C) of Section 2905(b) of the Defense Base Closure and Realignment Act of 1990, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, State and local governments, representatives of the homeless, and other interested parties located in the vicinity of the Naval Reserve Center, Jamestown, shall submit to the redevelopment authority (City of Jamestown) a notice of interest, of such governments, representatives, and parties in the above described surplus property, or any portion thereof. A notice of interest shall describe the need of the government, representative, or party concerned for the desired surplus property. Pursuant to paragraphs 7 (C) and (D) of Section 2905(b), the redevelopment authority shall assist interested parties in evaluating the surplus property for the intended use and publish in a newspaper of general circulation in Jamestown, NY, the date by which expressions of interest must be submitted. Under Section 2(e)(6) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the deadline for submissions of expressions of interest may not be less than one (1) month nor more than six (6) months from the date the Governor of New York elected to proceed under the new statute, i.e., December 21, 1994.

Dated: April 17, 1995.

M.D. Schetzsle,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 95–10186 Filed 4–25–95; 8:45 am]

BILLING CODE 3810–FF–P

Community Redevelopment Authority and Available Surplus Buildings and Land at Military Installations Designated for Closure: Naval Reserve Center, Pittsfield, Massachusetts

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: This Notice provides information regarding the redevelopment authority that has been established to plan the reuse of the Naval Reserve Center, Pittsfield, MA, the surplus property that is located at that base closure site, and the timely election by the redevelopment authority to proceed under new procedures set forth in the Base Closure Community Redevelopment and Homeless Assistance Act of 1994.

FOR FURTHER INFORMATION CONTACT: John J. Kane, Director, Real Estate Operations Division, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332–2300, telephone (703) 325–0474, or Marian E. DiGiamarino, Special Assistant for Real Estate, Base Closure Team, Northern Division, Naval Facilities Engineering Command, 10 Industrial Highway, Mail Stop #82, Lester, PA 19113–2090, telephone (610) 595–0762. For detailed information regarding particular properties identified in this Notice (i.e., acreage, floor plans, sanitary facilities, exact street address, etc.), contact Helen McCabe, Realty Specialist, Base Closure Team, Northern Division, Naval Facilities Engineering Command, 10 Industrial Highway, Mail Stop #82, Lester, PA 19113–2090, telephone (610) 595–0762.

SUPPLEMENTARY INFORMATION: In 1993, the Naval Reserve Center, Pittsfield, MA, was designated for closure pursuant to the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, as amended. Pursuant to this designation, the land and facilities at this installation were on July 15, 1994, declared surplus to the federal government and available for use by (a) non-federal public agencies pursuant to various statutes which authorize conveyance of property for public projects, and (b) homeless provider groups pursuant to the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended.

Election To Proceed Under New Statutory Procedures

Subsequently, the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Public Law 103–421) was signed into law. Section 2 of this statute gives the redevelopment authority at base closure sites the option of proceeding under new procedures with regard to the manner in which the redevelopment plan for the base is formulated and how requests are made for future use of the property by homeless assistance providers and non-federal public agencies. On December 20, 1994, the Governor of Massachusetts submitted a timely request to proceed under the new procedures. Accordingly, this notice of information regarding the redevelopment authority fulfills the **Federal Register** publication requirement of Section 2(e)(3) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994.

Also, pursuant to paragraph (7)(B) of Section 2905(b) of the Defense Base Closure and Realignment Act of 1990, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the following information regarding the surplus property at the Naval Reserve Center, Pittsfield, MA, is published in the **Federal Register**.

Redevelopment Authority

The redevelopment authority for the Naval Reserve Center, Pittsfield, MA, for purposes of implementing the provisions of the Defense Base Closure and Realignment Act of 1990, as amended, is the City of New Bedford, acting by and through Mayor Edward M. Reilly. For further information contact the Office of the Mayor, City of Pittsfield, 70 Allen St., Pittsfield, MA 02740, telephone (413) 499–9321, and facsimile (413) 442–8043.

Surplus Property Descriptions

The following is a listing of the land and facilities at the Naval Reserve Center, Pittsfield, MA, that were declared surplus to the federal government on July 15, 1994.

Land

Approximately 10.70 acres of improved and unimproved fee simple land and approximately 0.57 acre drainage easement at the U.S. Naval Reserve Center, in the City of Pittsfield, Berkshire County, MA. In general, all areas are presently available. The station closed on July 1, 1994.

Buildings

The following is a summary of the facilities located on the above described land which are also presently available. Property numbers are available on request.

—Administration/training facility (1 structure). Comments: Approx. 21,368 square feet.

—Garage facility (1 structure). Comments: Approx. 756 square feet.

—Gun mount (1 structure). Comments: Approx. 600 square feet. Training mock-up.

—Miscellaneous facilities (3 structures). Comments: Measuring systems vary. Antenna mast, flagpole, and fencing.

—Paved areas. Comments: Approx. 2,216 square yards. Parking area, roads, and sidewalks.

—Signal platform (1 structure). Comments: Approx. 400 square feet. Training mock-up.

—Small arms range (1 structure). Comments: Approx. 1,604 square feet.

—Utilities. Comments: Approx. 190 lineal feet of storm sewer.

Expressions of Interest

Pursuant to paragraph 7(C) of Section 2905(b) of the Defense Base Closure and Realignment Act of 1990, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, State and local governments, representatives of the homeless, and other interested parties located in the vicinity of the Naval Reserve Center, Pittsfield, shall submit to the redevelopment authority (City of Pittsfield) a notice of interest, of such governments, representatives, and parties in the above described surplus property, or any portion thereof. A notice of interest shall describe the need of the government, representative, or party concerned for the desired surplus property. Pursuant to paragraphs 7(C) and (D) of Section 2905(b), the redevelopment authority shall assist interested parties in evaluating the surplus property for the intended use and publish in a newspaper of general circulation in Pittsfield, MA, the date by which expressions of interest must be submitted. Under Section 2(e)(6) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the deadline for submissions of expressions of interest may not be less than one (1) month nor more than six (6) months from the date the Governor of Massachusetts elected to proceed under the new statute, i.e., December 20, 1994.

Dated: April 17, 1995.

M.D. Schetzsle,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 95–10187 Filed 4–25–95; 8:45 am]

BILLING CODE 3810–FF–P

Community Redevelopment Authority and Available Surplus Buildings and Land at Military Installations Designated for Closure: Naval Reserve Center, New Bedford, Massachusetts

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: This Notice provides information regarding the redevelopment authority that has been established to plan the reuse of the Naval Reserve Center, New Bedford, MA, the surplus property that is located at that base closure site, and the timely election by the redevelopment authority to proceed under new procedures set forth in the Base Closure Community Redevelopment and Homeless Assistance Act of 1994.

FOR FURTHER INFORMATION CONTACT: John J. Kane, Director, Real Estate Operations Division, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332–2300, telephone (703) 325–0474, or Marian E. DiGiamarino, Special Assistant for Real Estate, Base Closure Team, Northern Division, Naval Facilities Engineering Command, 10 Industrial Highway, Mail Stop #82, Lester, PA 19113–2090, telephone (610) 595–0762. For detailed information regarding particular properties identified in this Notice (i.e., acreage, floor plans, sanitary facilities, exact street address, etc.), contact Helen McCabe, Realty Specialist, Base Closure Team, Northern Division, Naval Facilities Engineering Command, 10 Industrial Highway, Mail Stop #82, Lester, PA 19113–2090, telephone (610) 595–0762.

SUPPLEMENTARY INFORMATION: In 1993, the Naval Reserve Center, New Bedford, MA was designated for closure pursuant to the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, as amended. Pursuant to this designation, the land and facilities at this installation were on July 15, 1994, declared surplus to the federal government and available for use by (a) non-federal public agencies pursuant to various statutes which authorize conveyance of property for public projects, and (b) homeless provider groups pursuant to the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended.

Election To Proceed Under New Statutory Procedures

Subsequently, the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Public Law 103–421) was signed into law. Section 2 of this statute gives the redevelopment authority at base closure sites the option of proceeding under new procedures with regard to the manner in which the redevelopment plan for the base is formulated and how requests are made for future use of the property by homeless assistance providers and non-federal public agencies. On December 20, 1994, the Governor of Massachusetts submitted a timely request to proceed under the new procedures. Accordingly, this notice of information regarding the redevelopment authority fulfills the **Federal Register** publication requirement of Section 2(e)(3) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994.

Also, pursuant to paragraph (7)(B) of Section 2905(b) of the Defense Base Closure and Realignment Act of 1990, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the following information regarding the surplus property at the Naval Reserve Center, New Bedford, MA, is published in the **Federal Register**.

Redevelopment Authority

The redevelopment authority for the Naval Reserve Center, New Bedford, MA, for purposes of implementing the provisions of the Defense Base Closure and Realignment Act of 1990, as amended, is the City of New Bedford, acting by and through Mayor Rosemary F. Tierney. For further information contact the Office of the Mayor, City of New Bedford, 133 William St., New Bedford, MA 02740, telephone (508) 979–1450, and facsimile (508) 991–6189.

Surplus Property Descriptions

The following is a listing of the land and facilities at the Naval Reserve Center, New Bedford, MA that were declared surplus to the federal government on July 15, 1994.

Land

Approximately 2.02 acres of improved and unimproved fee simple land at the U.S. Naval Reserve Center, in the City of New Bedford, Bristol County, MA. In general, all areas are presently available. The station closed on July 1, 1994.

Buildings

The following is a summary of the facilities located on the above described land which are also presently available. Property numbers are available on request.

—Administration/training facility (1 structure). Comments: Approx. 21,894 square feet.

—Flammable storage facility (1 structure). Comments: Approx. 100 square feet.
—Garage facility (1 structure). Comments: Approx. 462 square feet.
—Miscellaneous facilities (2 structures). Comments: Measuring systems vary. Flagpole and fencing.
—Paved areas. Comments: Approx. 4,522 square yards. Parking area, roads, and sidewalks.
—Utilities. Comments: Measuring systems vary. Sanitary sewer, water distribution line (potable), and electrical distribution line.

Expressions of Interest

Pursuant to paragraph 7(C) of Section 2905(b) of the Defense Base Closure and Realignment Act of 1990, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, State and local governments, representatives of the homeless, and other interested parties located in the vicinity of the Naval Reserve Center, New Bedford, shall submit to the redevelopment authority (City of New Bedford) a notice of interest, of such governments, representatives, and parties in the above described surplus property, or any portion thereof. A notice of interest shall describe the need of the government, representative, or party concerned for the desired surplus property. Pursuant to paragraphs 7(C) and (D) of Section 2905(b), the redevelopment authority shall assist interested parties in evaluating the surplus property for the intended use and publish in a newspaper of general circulation in New Bedford, MA, the date by which expressions of interest must be submitted. Under Section 2(e)(6) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the deadline for submissions of expressions of interest may not be less than one (1) month nor more than six (6) months from the date the Governor of Massachusetts elected to proceed under the new statute, i.e., December 20, 1994.

Dated: April 17, 1995.

M.D. Schetzsle,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 95–10188 Filed 4–25–95; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Advisory Committee on Human Radiation Experiments; Meeting

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770), notice is hereby given of the following meeting: Advisory Committee on Human Radiation Experiments.

DATES AND TIMES:

May 8, 1995, 9 a.m.–5 p.m.
May 9, 1995, 9 a.m.–5 p.m.
May 10, 1995, 8 a.m.–4 p.m.

PLACE: Doubletree Hotel Park Terrace, 1515 Rhode Island Ave, NW. Washington, DC.

FOR FURTHER INFORMATION CONTACT: Steve Klaidman, The Advisory Committee on Human Radiation Experiments, 1726 M Street, NW, Suite 600, Washington, DC 20036. Telephone: (202) 254–9795 Fax:(202) 254–9828.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee

The Advisory Committee on Human Radiation Experiments was established by the President, Executive Order No. 12891, January 15, 1994, to provide advice and recommendations on the ethical and scientific standards applicable to human radiation experiments carried out or sponsored by the United States Government. The Advisory Committee on Human Radiation Experiments reports to the Human Radiation Interagency Working Group, the members of which include the Secretary of Energy, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Attorney General, the Administrator of the National Aeronautics and Space Administration, the Director of Central Intelligence, and the Director of the Office of Management and Budget.

Tentative Agenda

Monday, April 8, 1995

9:00 a.m. Call to Order and Opening Remarks
9:05 a.m. Approval of Minutes
9:10 a.m. Public Comment
10:30 a.m. Discussion of Report Draft and Recommendations
12:00 p.m. Lunch
1:15 p.m. Discussion of Report Draft and Recommendations (continued)
5:00 p.m. Meeting Adjourned

Tuesday, April 9, 1995

9:00 a.m. Opening Remarks
9:10 a.m. Discussion of Report Draft and Recommendations
12:00 p.m. Lunch
1:15 p.m. Discussion of Report Draft and Recommendations (continued)
5:00 p.m. Meeting Adjourned

Wednesday, May 10, 1995

8:30 a.m. Opening Remarks
8:35 a.m. Discussion of Report Draft and Recommendations
12:00 p.m. Lunch
1:15 p.m. Discussion of Report Draft and Recommendations (continued)
4:00 p.m. Meeting Adjourned

A final agenda will be available at the meeting.

Public Participation

The meeting is open to the public. The chairperson is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Advisory Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make a five-minute oral statement should contact Kristin Crotty of the Advisory Committee at the address or telephone number listed above. Requests must be received at least five business days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that had to be resolved prior to publication.

Transcript

Available for public review and copying at the office of the Advisory Committee at the address listed above between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on April 21, 1995.

Rachel Murphy Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95–10263 Filed 4–25–95; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. EG95–42–000, et al.]

GVK Industries Limited, et al.; Electric Rate and Corporate Regulation Filings

April 18, 1995.

Take notice that the following filings have been made with the Commission:

1. GVK Industries Limited

[Docket No. EG95–42–000]

On April 13, 1995, GVK Industries Limited (''Applicant''), U.S. Office, Route 1, Box 197, Biscoe, NC 27209, filed with the Federal Energy Regulatory Commission an application for

determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Applicant will own an approximately 235 MW (ISO) electric generating facility located in Jegurupadu, Andhra Pradesh, India. The Facility's electricity will be sold exclusively at wholesale, with the possible exception of some retail sales in India. None of the electric energy generated by the Facility will be sold to consumers in the United States.

Comment date: May 8, 1995, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Jegurupadu Operating and Maintenance Co.

[Docket No. EG95–43–000]

On April 13, 1995, Jegurupadu Operating and Maintenance Company (''Applicant''), U.S. Office, Vice President of Operations, CMS Generation, 330 Town Center Drive, Suite 1000, Dearborn, MI 48126–2712, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Applicant will operate, as an agent of the owner, an approximately 235 MW (ISO) electric generating facility located in Jegurupadu, Andhra Pradesh, India. The facility's electricity will be sold exclusively at wholesale, with the possible exception of some retail sales in India. None of the electricity generated by the Facility will be sold to consumers in the United States.

Comment date: May 8, 1995, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. New England Power Co.

[Docket No. ER95–871–000]

Take notice that on April 6, 1995, New England Power Company, tendered for filing an addition to the Service Agreement between New England Power Company and Boston Edison Company for transmission service under NEP's FERC Electric Tariff, Original Volume No. 3.

Comment date: May 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

4. Portland General Electric Co.

[Docket No. ER95–872–000]

Take notice that on April 6, 1995, Portland General Electric Company (PGE), tendered for filing executed Service Agreements under FERC Electric Tariff, Original Volume No. 2 (PGE–2) with Public Utility District No. 1 of Cowlitz County and the City of Azusa Light & Water Department.

Pursuant to 18 CFR 35.11, and the Commission's Order in Docket No. PL93–2–002 issued July 30, 1993, PGE has requested that the Commission grant a waiver of the notice requirements of 18 CFR 35.3 to allow the executed Service Agreement with the City of Azusa Light & Water Dept. to become effective April 5, 1995. PGE has requested that the executed Service Agreement with Public Utility District No. 1 of Cowlitz County remain effective October 9, 1994, as ordered in the Commission's November 22, 1994 letter order issued in Docket No. ER94–1543–000.

Copies of the filing have been served on the parties included in the Certificate of Service attached to the filing letter.

Comment date: May 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

5. Electric Clearinghouse, Inc.

[Docket No. ER95–873–000]

Take notice that on April 6, 1995, Electric Clearinghouse, Inc. (ECI), tendered for filing a letter from the Executive Committee of the Western Systems Power Pool (WSPP) approving ECI's application for membership in the WSPP. ECI requests that the Commission amend the WSPP Agreement to include it as a member.

ECI requests an effective date of one day after filing for the proposed amendment. Accordingly, ECI requests waiver of the Commission's notice requirements for good cause shown. (18 CFR 35.3 and 35.11.)

Copies of the filing were served upon the WSPP Executive Committee.

Comment date: May 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

6. Illinois Power Co.

[Docket No. ER95–874–000]

Take notice that on April 6, 1995, Illinois Power Company (Illinois Power), tendered for filing Amendment No. 18, dated March 28, 1995, to the Interconnection Agreement, dated March 1, 1964, between Illinois Power and Commonwealth Edison Company (Edison). Amendment No. 18 adds a service schedule permitting Illinois Power to sell Firm Power to Edison and amends Article 7 of the Interconnection Agreement.

Illinois Power requests an effective date for its rate schedule of June 1, 1995. Accordingly, the parties request waiver of the Commission's notice requirements to the extent necessary.

Copies of this filing were served upon the Illinois Commerce Commission and Edison.

Comment date: May 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

7. The Washington Water Power Co.

[Docket No. ER95–875–000]

Take notice that on April 6, 1995, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.12, an agreement with the Bonneville Power Administration for the return of transmission losses.

Comment date: May 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

8. The Washington Water Power Co.

[Docket No. ER95–876–000]

Take notice that on April 6, 1995, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.12, an agreement with the Bonneville Power Administration for the return of transmission losses.

Comment date: May 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

9. The Montana Power Co.

[Docket No. ER95–877–000]

Take notice that on April 6, 1995, The Montana Power Company (Montana), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13 a supplement to Rate Schedule FERC No. 188 (a Transmission Agreement between The Montana Power Company and Puget Sound Power & Light Company, dated July 30, 1971). Montana requests that the Commission grant a waiver of the 60-day prior notice requirement pursuant to 18 CFR 35.11.

Comment date: May 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

10. Audit Pro Incorporated

[Docket No. ER95–878–000]

Take notice that on April 6, 1995, Audit Pro. Incorporated (API), tendered for filing pursuant to Rule 205, 18 CFR 385.205, a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1 to be effective on the date of the order.

API intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where API sells electric energy it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. API is not in the business of generating, transmitting, or distributing electric power.

Comment date: May 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

11. Public Service Company of Oklahoma Southwestern Electric Power Company

[Docket No. ER95–880–000]

Take notice that on April 3, 1995, Public Service Company of Oklahoma and Southwestern Electric Power Company (collectively the Companies), tendered for filing an executed coordination transmission service agreement between Companies and the NorAm Energy Services, Inc. (NorAm) and a revised index of purchasers to whom Companies provide service under their Coordination Transmission Service Tariff. The Companies request that the filing be accepted to become effective as of March 1, 1995.

A copy of the filing has been sent to NorAm, the Louisiana Public Service Commission, the Arkansas Public Service Commission and the Oklahoma Corporation Commission.

Comment date: May 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

12. Atlantic City Electric Co.

[Docket No. ER95–881–000]

Take notice that on April 6, 1995, Atlantic City Electric Company (ACE), tendered for filing an Agreement for Short-Term Energy Transactions between ACE and Engelhard Power Marketing, Inc. ACE requests that the Agreement be accepted to become effective April 7, 1995.

Copies of the filing were served on the New Jersey Board of Regulatory Commissioners.

Comment date: May 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

13. Cambridge Electric Light Co.

[Docket No. ER95–882–000]

Take notice that on April 6, 1995, Cambridge Electric Light Company (Cambridge), tendered for filing an informational report detailing the charges for non-firm transmission service derived under the formula rate provision of Cambridge's FERC Electric Tariff Original Volume No. 4, accepted by the Commission on September 30, 1987 in FERC Docket No. ER87–600–000.

Comment date: May 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–10218 Filed 4–25–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. ER95–430–000, et al.]

Philbro Division of Salomon, Inc., et al.; Electric Rate and Corporate Regulation Filings

April 19, 1995.

Take notice that the following filings have been made with the Commission:

1. Phibro Division of Salomon Inc.

[Docket No. ER95–430–000]

Take notice that on April 12, 1995, Phibro Division of Salomon Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: May 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. Kentucky Utilities Co.

[Docket No. ER95–595–000]

Take notice that on April 10, 1995, Kentucky Utilities Company tendered for filing an amendment in the above-referenced docket.

Comment date: May 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

3. TransCanada Northridge Power Ltd.

[Docket No. ER95–692–000]

Take notice that on April 12, 1995, TransCanada Northridge Power Ltd. tendered for filing an amendment in the above-referenced docket.

Comment date: May 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

4. IEP Power Marketing, L.L.C.

[Docket No. ER95–802–000]

Take notice that on April 10, 1995, IEP Power Marketing, L.L.C. tendered for filing an amendment in the above-referenced docket.

Comment date: May 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

5. Texas-New Mexico Co.

[Docket No. ER95–829–000]

Take notice that on March 30, 1995, Texas-New Mexico Power Company (TNMP) tendered for filing (1) a certain letter agreement between TNMP and Public Service Company of New Mexico (PNM) providing for the suspension of Service Schedule G to a certain PNM-TNMP interconnection agreement and (2) Amendment No. 5 of a certain Southwest New Mexico Transmission Project Participation (SWNMT) Agreement among TNMP, PNM, and El Paso Electric Company (EPE). Such interconnection agreement and SWNMT agreement are components of TNMP's Rate Schedule No. 4.

TNMP requests waiver of the Commission's notice requirements and that the two tendered contractual documents be permitted to become effective, in accordance with their provisions, as of the first day of the month following the filing.

TNMP asserts that the filing has been served on PNM, EPE, the Texas Public Utility Commission, and the New Mexico Public Utility Commission.

Comment date: May 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

6. West Resources, Inc.

[Docket No. ER95–841–000]

Take notice that on March 31, 1995, Western Resources, Inc., (WRI) tendered for filing a proposed change in its Rate Schedule FERC No. 264 and to Kansas Gas and Electric's (KG&E) Rate Schedule FERC No. 183. WRI states that the change is in accordance with its Electric Power, Transmission and Service Contract with Kansas Electric Power Cooperative (KEPCo) and further that the proposed change for KG&E is in accordance with the Electric Power, Transmission and Service contract between KG&E and KEPCo. Revised Exhibits B set forth Nominated Capacities for transmission, distribution and dispatch service for the contract

years, pursuant to Article IV, Section 4.1 of Rate Schedule FERC Nos. 264 and 183. Revised Exhibits C set forth KEPCo's Nominated Capacities for the Points of Interconnection, pursuant to Article IV, Section 4.1 of Rate Schedule FERC Nos. 264 and 183. Revised Exhibits D set forth KEPCo's load forecast and KEPCo's Capacity Resources intended to provide power and energy to meet the forecast requirement for ten years into the future, pursuant to Article V, Section 5.1 of Rate Schedule FERC Nos. 264 and 183.

Copies of the filing were served upon Kansas Electric Power Cooperative, Inc. and the Kansas Corporation Commission.

Comment date: May 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

7. Louisville Gas and Electric Co.

[Docket No. ER95–879–000]

Take notice that on April 3, 1995, Louisville Gas and Electric Company tendered for filing a copy of a service agreement between Louisville Gas and Electric Company and Rainbow Energy Marketing Corp. under Rate GSS.

Notice is also given that the service agreement listed below and filed with the Commission by Louisville Gas and Electric Company is to be cancelled.

Date of agreement	Purchaser	Cancellation date	Cancellation effective
3/28/95	Rainbow Energy Marketing Corp.	3/28/95	3/28/95

Comment date: May 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

8. Arkansas Power & Light Co.

[Docket No. FA89–28–005]

Take notice that on April 10, 1995, Arkansas Power & Light Company tendered for filing its refund report in the above-referenced docket.

Comment date: May 3, 1995, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–10217 Filed 4–25–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP95–311–000, et al.]

East Tennessee Natural Gas Company, et al.; Natural Gas Certificate Filings

April 18, 1995.

Take notice that the following filings have been made with the Commission:

1. East Tennessee Natural Gas Co.

[Docket No. CP95–311–000]

Take notice that on April 7, 1995, East Tennessee Natural Gas Company (East Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP95–311–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to modify an existing meter station in Roane County, Tennessee under East Tennessee's blanket certificate issued in Docket No. CP82–412–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

East Tennessee proposes to replace an obsolete 6-inch orifice meter tube with a 4-inch tube at the existing Harriman meter station, #75–9032, at M.P. 3110–1+8.40 (S.V. 3110B–101) on the 3100–1 Line. This tube replacement will allow the meter station to better match actual volumes being delivered. The installation will not be extensive and will cause minimal disturbance since the replacement tube dimensionally fits the existing piping arrangement. Total capacity at the meter station will be approximately equivalent to current levels due to the reduced operating condition of the existing 6-inch tube. The meter station will still be owned, operated and maintained by East Tennessee. The estimated cost is $39,100 to be funded from the appropriate division's minor capital budget. The firm service customer at the meter station is the City of Harriman, a municipal utility company that supplies residential customers. The tube replacement won't affect any shipper's contract entitlement.

After modification, East Tennessee states there won't be an increase in the delivery quantity under the firm agreement between it and the City of Harriman; delivery of volumes through the meter station won't impact peak day and annual deliveries; the proposed activity isn't prohibited by its existing tariff, and there is sufficient capacity for deliveries without detriment or disadvantage to other customers.

Comment date: June 2, 1995, in accordance with Standard Paragraph G at the end of this notice.

2. Florida Gas Transmission Co.

[Docket No. CP95–316–000]

Take notice that on April 11, 1995, Florida Gas Transmission Company (FGT), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP95–316–000 a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216) for permission and approval to abandon a small portion of an existing lateral line. FGT makes such request, under its blanket certificate issued in Docket No. CP82–553–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

FGT is proposing to abandon approximately 6,500 feet of its 6-inch East Mustang Island Lateral, at an estimated cost of $117,476. Specifically, FGT is proposing to abandon a 6,400 foot segment of line in place, 4,500 foot of which is owned by a development corporation, and 1,900 foot of which is located under a road and the adjacent right-of-way; the remaining 100 foot segment which crosses a small boat channel will be removed. It is stated that the portion of line that FGT is proposing to abandon is located in the areas of East Mustang Island and Laguna Madre, Nueces County, Texas. FGT states that the abandonment is necessary due to the encroachment of a residential housing development. FGT further states that it is proposing to abandon that segment of line rather than relocating it, because the relocation of that segment of line would be costly and would disturb an environmentally sensitive area.

FGT also states that service to its two customers located downstream of the proposed abandonment, Gulfside Industries, Ltd. and Valero Industrial

Gas, will continue under FGT's SFTS Rate Schedule and ITS–1 Rate Schedule, respectively, because FGT has constructed, upstream from the proposed abandonment, a new receipt point under the automatic authorization of Section 157.208(a) pursuant to FGT's blanket certificate authorized in Docket No. CP82–553–000.

Comment date: June 2, 1995, in accordance with Standard Paragraph G at the end of this notice.

3. Columbia Gas Transmission

[Docket No. CP95–321–000]

Take notice that on April 12, 1995, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314–1599 and Columbia Gulf Transmission Company (Columbia Gulf), of the same address, filed in Docket No. CP95–321–000 a joint application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain transportation services for Brooklyn Union Gas Company (Brooklyn Union) which were authorized in Docket No. CP83–331–000, all as more fully set forth in the application on file with the Commission and open to public inspection.

Columbia and Columbia Gulf propose to abandon transportation services under Rate Schedules X–117 and X–90, respectively for the account of Brooklyn Union. Columbia received, on an interruptible basis, up to 10,000 Dth of natural gas per day in Barbour, Randolph and Tucker Counties, West Virginia and made it available to Columbia Gulf for redelivery to Transcontinental Gas Pipeline Corporation in Terrebonne Parish, Louisiana for the account of Brooklyn Union. Columbia and Columbia Gulf state that the transportation agreement has been terminated and no volumes have flowed since November, 1984.

Comment date: May 9, 1995, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said application should on or before the comment date, file with the Federal Energy Regulatory Commission, Washington, 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 a grant of the certificate and/or permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 95–10215 Filed 4–25–95; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 5196–9]

Government-Owned Inventions: Available for Licensing

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are owned by the U.S. Government and are available for licensing in the United States in accordance with 35 U.S.C. 207 and 37 CFR part 404. Pursuant to 37 CFR 404.7, the Government may grant exclusive or partially exclusive licenses on any of the inventions listed below three months after the date of this notice.

Copies of the listed patents and patent applications are available from the person indicated below. Requests for copies must include the patent number or patent application serial number. An application for a license should include the information set forth in 37 CFR 404.8, including the applicant's plan for development or marketing the invention.

DATES: Exclusive licenses may be granted for the inventions listed below after July 26, 1995.

FOR FURTHER INFORMATION CONTACT: Alan Ehrlich, Patent Attorney, Office of General Counsel (2379), U.S. Environmental Protection Agency, Washington, D.C. 20460, Telephone (202) 260–7510.

Patents

U.S. Patent No. 5,101,670: Automated Proportional Integrated Sampling System; issued April 7, 1992.

U.S. Patent No. 5,221,230: Paint Spraying Booth with Split-Flow Ventilation; issued June 22, 1993.

U.S. Patent No. 5,294,553: An Improved Method for the Gravimetric Determination of Oil and Grease; issued March 15, 1994.

U.S. Patent No. 5,318,937: Ruthenium-Containing Perovskite Materials, Catalysts and Methods; issued June 7, 1994.

U.S. Patent No. 5,322,052: Fireplace with Destruction of Products of Incomplete Combustion Enhanced by a Gaseous-Fueled Pilot Burner; issued June 21, 1994.

U.S. Patent No. 5,333,511: Portable Controlled Air Sampler; issued August 2, 1994.

U.S. Patent No. 5,396,744: Electrically Induced Radon Barriers; issued March 14, 1995.

U.S. Patent No. 5,411,707: Vacuum Extractor Incorporating a Condenser Column; issuing May 2, 1995.

Patent Applications

U.S. Patent Application No. 07/793,881: Membrane Filter Agar Medium for Detection of Total Coliforms and E. Coli; filed November 18, 1991.

U.S. Patent Application No. 08/023,093: Method for Destruction of Halogenated Organics in Contaminated Media; filed February 26, 1993.

U.S. Patent Application No. 08/057,748: Virtual Impactor for Removing Particles from an Airstream and Method for Using Same; filed May 5, 1993.

U.S. Patent Application No. 08/084,985: Use of Immobilized Film Bioreactor; filed July 2, 1993.

U.S. Patent Application No. 08/148,725: Method for In-Situ Immobilization of Lead in Contaminated Soils, Wastes, and Sediments Using Solid Calcium Phosphate Materials; filed November 8, 1993.

U.S. Patent Application No. 08/150,996: Tandem Refrigeration System; filed November 12, 1993.

U.S. Patent Application No. 08/241,113: Landfill Gas Treatment System; filed May 10, 1994.

U.S. Patent Application No. 08/269,518: Removal of Hydrogen Sulfide from Anaerobic Digester Gas; filed July 1, 1994.

U.S. Patent Application No. 08/296,110: Low Temperature Destruction of Toxics in Pollutant Airstreams; filed August 24, 1994.

Canadian Patent Application No. 2082376: Single Chamber Woodstove Including Gaseous Hydrocarbon Supply; filed November 7, 1992.

Mexican Patent Application No. 92 06436: Hornillo Para Madera De Camara Unica Que Incluye Suministro De Hidrocarburo Gaseoso (Single Chamber Woodstove Including Gaseous Hydrocarbon Supply); filed November 7, 1992.

Dated: April 14, 1995.

Jean C. Nelson,

General Counsel.

[FR Doc. 95–10248 Filed 4–25–95; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5197–4]

Science Advisory Board; Notification of Public Advisory Committee Meeting(s) Open Meeting(s)

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that several committees of the Science Advisory Board (SAB) will meet on the dates and times described below. All times noted are Eastern Time. Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB Office. Public drafts of SAB reports are available to the Agency and the public from the SAB office. These meetings are open to the public, but seating is limited and available on a first come basis.

(1) Clean Air Act Compliance Analysis Council (CAACAC) Physical Effects Review Subcommittee (CAACACPERS) Meeting—May 18, 1995

The Clean Air Act Compliance Analysis Council (CAACAC) Physical Effects Review Subcommittee (CAACACPERS) of the Science Advisory Board (SAB) will conduct a one-day meeting on Thursday, May 18, 1995 from 9:00 a.m. to 5:00 p.m. eastern time. The meeting will take place at the Courtyard Marriott Hotel, 2899 Jefferson Davis Highway, Arlington, VA 22202 (tel. 703–549–3434). In this meeting, the CAACACPERS intends to complete edits to its draft report under preparation (it is entitled ''Review of Clean Air Act Section 812 Physical Effects Draft Documents''), which critiques six draft documents which have been prepared for review as required by Section 812 of the Clean Air Act (CAA). The CAACACPERS will also have a discussion with Agency staff on additional staff papers and supporting documentation regarding the overall Physical Effects review process (See below for details).

In the meeting, the CAACACPERS will be discussing its draft report edits resulting from a public meeting held on November 15 and 16, 1994 (See **Federal Register**, Vol. 59, No. 191, Tuesday, October 4, 1994, pp.50599–50601), and a public teleconference meeting held April 12, 1995 (See **Federal Register**, Vol. 60, No. 58, Monday, March 27, 1995, pp. 15761–15763) relating to review drafts of the Physical Effects Documents pertaining Section 812 of the Clean Air Act (CAA), namely (1) Ozone, (2) Sulphur Oxides, (3) Particulate Matter, (4) Carbon Monoxide, (5) Nitrogen Oxides, and (6) Lead, and a draft methodology document, which outlines the overall strategy of this effort. The proposed charge to the CAACACPERS relating to this review is listed in the October 4, 1994 **Federal Register** notice.pollutant?,

Additional draft documents, such as the methodology used to aggregate the effect of hazardous air pollutants, up-to-date assessments of the significance of recent research, and select methodology papers will be reviewed as necessary and appropriate. Additional draft documents may be made available by the Agency prior to the review. The following draft documents have been provided to the CAACACPERS in April for the April 12, 1995 teleconference and the May 18, 1995 CAACACPERS review meeting:

(1) A May 11, 1994 memorandum on non-cancer health benefits,

(2) A methodology for analysis of indirect exposure to hazardous air pollutants,

(3) A March 22, 1993 memorandum which provides a draft summary of methodology used for cancer risk from stationary sources,

(4) A September 30, 1992 memorandum on the retrospective analysis for Section 812(a) benefits study,

(5) A March 5, 1993 memorandum on cancer risk estimates from stationary sources,

(6) A November 11, 1994 draft on direct inhalation incidence benefits,

(7) Drafts on the effects of: air pollutants on agriculture; criteria air pollutants on forests; criteria air pollutants on ecosystems; air pollutants on wetland ecosystems; air pollutants on visibility; and air pollutants on materials—a summary of science, and

(8) A January 19, 1995 draft document entitled ''The impact of the Clean Air Act on lead pollution: emissions reductions, health effects, and economic benefits from 1970 to 1990.''

For copies of the Agency's draft Section 812 CAA draft documents, including all the above listed drafts, please contact Ms. Eileen Pritchard, Secretary, U.S. Environmental Protection Agency, Office of Policy Planning and Evaluation (OPPE), Economic Analysis and Innovation Division (Mail Code 2127), 401 M Street, S.W., Washington, D.C. 20460. Tel. (202) 260–3354, and FAX (202) 260–5732. For a discussion of technical aspects of the Agency draft documents, please contact Mr. James DeMocker of EPA's Office of Policy Analysis and Review (OPAR) at (202) 260–8980, or Mr. Tom Gillis of EPA's Office of Policy, Planning and Evaluation (OPPE) at (202) 260–4181.

Members of the public who wish to make a brief oral presentation at this meeting should contact Mrs. Diana L. Pozun, Staff Secretary, RCSS, (tel. 202–260–6552; FAX 202–260–7118) no later than May 15, 1995, in order to have time reserved on the agenda. For a copy of the proposed agenda, please contact Ms. Pozun at the numbers given above or via the INTERNET: POZUN.DIANA @EPAMAIL.EPA.GOV. For questions regarding technical issues to be discussed, please contact Dr. K. Jack Kooyoomjian, Designated Federal Official, Science Advisory Board (1400F), US EPA, 401 M Street, SW, Washington DC 20460, by telephone (202) 260–2560, FAX (202) 260–7118, or via the INTERNET: KOOYOOMJIAN.JACK@EPAMAIL.EPA.GOV.

(2) Radionuclide Cleanup Standards Subcommittee (RCSS) of the Radiation Advisory Committee (RAC) Meeting—May 23 & 24, 1995

The Radionuclide Cleanup Standards Subcommittee (RCSS) of the Science Advisory Board's (SAB's) Radiation Advisory Committee (RAC), will continue its review of the technical basis of the Agency's Cleanup Standards for Radionuclides with a public meeting on Tuesday, May 23 and Wednesday, May 24, 1995. The meeting will take place at the Courtyard Marriott Hotel, 2899 Jefferson Davis Highway, Arlington, VA 22202 (tel. 703–549–3434). The meeting will begin at 9:00 a.m. on Tuesday, May 23 and end no later than 5:00 p.m. Wednesday, May 24, 1995. In addition, the members of the RAC who are not part of the RCSS are being invited to join the RCSS on Wednesday, May 24, 1995 to conduct a closure review on this topic. The RCSS formally began this review at its first public meeting on the topic on October 27 and 28, 1994 (See **Federal Register** Vol. 59, No. 191, Tuesday, October 4, 1994, pages 50600–50601), and had a follow-up review meeting on January 26 and 27, 1995 (See **Federal Register** Vol. 60, No. 5, January 9, 1995, pp. 2386–2387), and a teleconference meeting on March 27, 1995 (See **Federal Register**, Vol. 60, No. 42, March 3, 1995). This meeting is open to the public, but seating is limited and available on a first come basis. Additional instructions about how to participate in the meeting can be obtained by calling Ms. Diana L. Pozun at

(202) 260–6552 or FAX (202) 260–7118 no later than May 17, 1995.

The draft documents that are the subject of this review are available from the originating EPA office (see below) and are not available from the SAB Office. These draft documents are: (1) Radiation Site Cleanup Regulations: Technical Support Document for the Development of Radionuclide Cleanup Levels for Soil, Review Draft, September 1994. and (2) Radiation Site Cleanup Regulations: Technical Support Document for the Development of Radionuclide Cleanup Levels for Soil, Appendices, September 1994.

To discuss technical aspects of the draft documents, please contact Dr. Anthony B. Wolbarst, Chief, Remedial Guidance Section, Office of Radiation and Indoor Air (ORIA) (6603J), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, tel. (202) 233–9392. To simply obtain copies of the draft documents, please contact Ms. Virginia Stradford, Secretary, at (202) 233–9350, FAX (202) 233–9650. The background documents that support this review, as well as the draft documents listed above are available in the Agency's Air and Radiation Docket. Please address written inquiries as follows: USEPA, Attn: Air and Radiation Docket, Mail Stop 6102, Air Docket No. A–93–27, Room M1500, First Floor, Waterside Mall, 401 M Street, SW, Washington, DC 20460. The docket may be inspected from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays, in Room M1500. A reasonable fee may be charged for copies of docket materials. Inquiries regarding access to the public information docket should be directed to Ms. Lynn Johnson, ORIA Staff at (202) 233–9383.

Members of the public who wish to make a brief oral presentation at this meeting should contact Mrs. Diana L. Pozun, Staff Secretary, RCSS, (tel. 202–260–6552; FAX 202–260–7118) no later than May 17, 1995, in order to have time reserved on the agenda. For a copy of the proposed agenda, please contact Ms. Pozun at the numbers given above or via the INTERNET: POZUN.DIANA @EPAMAIL.EPA.GOV. For questions regarding technical issues to be discussed, please contact Dr. K. Jack Kooyoomjian, Designated Federal Official, Science Advisory Board (1400F), US EPA, 401 M Street, SW, Washington DC 20460, by telephone (202) 260–2560, FAX (202) 260–7118, or via the INTERNET: KOOYOOMJIAN.JACK@EPAMAIL.EPA.GOV.

(3) Radiation Advisory Committee (RAC) Meeting—May 25, 1995

The Radiation Advisory Committee (RAC) of the Science Advisory Board (SAB) is meeting on Thursday, May 25, 1995 from 9:00 a.m. to no later than 4:00 p.m. to conduct a planning, coordination and review meeting. The meeting will take place at the Courtyard Marriott Hotel, 2899 Jefferson Davis Highway, Arlington, VA 22202 (tel. 703–549–3434). Expected topics include the following: a brief closure discussion on the Cleanup Standards review conducted May 23 and 24, 1995; an update by the Office of Research and Development (ORD), Office of Health and Environmental Assessment (OHEA) staff on the status of development of a draft document for a future review on electromagnetic fields (EMF) and carcinogenicity; a briefing by the Office of Radiation and Indoor Air (ORIA) staff on the Biological Effects of Ionizing Radiation (BIER) VI; a preliminary discussion on an upcoming advisory review of the Environmental Radiation Ambient Monitoring System (ERAMS) [the SAB/RAC plans an advisory review of the ERAMS system at the EPA's Montgomery, Alabama Laboratory on July 13 and 14, 1995]. Other topics will be reviewed as time permits.

Members of the public who wish to make a brief oral presentation at this meeting should contact Mrs. Diana L. Pozun, Staff Secretary, RCSS, (tel. 202–260–6552; FAX 202–260–7118) no later than May 17, 1995, in order to have time reserved on the agenda. For a copy of the proposed agenda, please contact Ms. Pozun at the numbers given above or via the INTERNET: POZUN.DIANA @EPAMAIL.EPA.GOV. For questions regarding technical issues to be discussed, please contact Dr. K. Jack Kooyoomjian, Designated Federal Official, Science Advisory Board (1400F), US EPA, 401 M Street, SW, Washington DC 20460, by telephone (202) 260–2560, FAX (202) 260–7118, or via the INTERNET: KOOYOOMJIAN.JACK@EPAMAIL.EPA.GOV.

(4) Clean Air Act Compliance Analysis Council (CAACAC) Meeting—June 12 and 13, 1995

The Clean Air Act Compliance Analysis Council (CAACAC) is meeting on Monday, June 12, 1995 and Tuesday, June 13, 1995 to continue its review of the Clean Air Act (CAA) Section 812 retrospective cost-benefit study. The CAACAC last met in June, 1993. The meeting will take place at the Courtyard Marriott Hotel, 2899 Jefferson Davis Highway, Arlington, VA 22202 (tel. 703–549–3434). The CAACAC will be receiving draft documents on emission modeling results (graphs and charts, and possibly some narrative), air quality modeling results (a draft document on particulate matter; a draft document on sulfur oxides, nitrogen oxides, and carbon monoxide; and sample model outputs on rural ozone, urban ozone and visibility), and a revised air toxics analysis. The CAACAC had already been provided with a series of valuation reports in 1994. The valuation reports included the following:

(1) Revised proposal on value of life methodology,

(2) Review of morbidity avoidance estimates,

(3) Comparison of morbidity, visibility, and forest valuation to the Contingent Valuation (CV) guidelines,

(4) Analysis of visibility valuation issues,

(5) Review of valuation of carbon sequestration services, and

(6) Review of various externality valuation models.

In addition to review of the above items, the CAACAC will be conducting a review of a draft report prepared by its Physical Effects Review Subcommittee (PERS), entitled ''Review of Clean Air Act Section 812 Physical Effects Draft Documents.'' The CAACACPERS is meeting on May 18, 1995 (See Item #1, above for details on this meeting.) to conduct a closure review on this report, as well as to review a number of draft document and other materials provided by the Agency.

For copies of the Agency's draft Section 812 CAA draft documents, or for any other documents pertaining to this review by the CAACAC, please contact Ms. Eileen Pritchard, Secretary, U. S. Environmental Protection Agency, Office of Policy Planning and Evaluation (OPPE), Economic Analysis and Innovation Division (Mail Code 2127), 401 M Street, S.W., Washington, D.C. 20460. Tel. (202) 260–3354, and FAX (202) 260–5732. For a discussion of technical aspects of the Agency draft documents, please contact Mr. James DeMocker of EPA's Office of Policy Analysis and Review (OPAR) at (202) 260–8980, or Mr. Tom Gillis of EPA's Office of Policy, Planning and Evaluation (OPPE) at (202) 260–4181.

Members of the public who wish to make a brief oral presentation at this meeting should contact Mrs. Diana L. Pozun, Staff Secretary, RCSS, (tel. 202–260–6552; FAX 202–260–7118) no later than June 7, 1995, in order to have time reserved on the agenda. For a copy of the proposed agenda, please contact Ms. Pozun at the numbers given above or via the INTERNET: POZUN.DIANA @EPAMAIL.EPA.GOV. For questions regarding technical issues to be discussed, please contact Dr. K. Jack Kooyoomjian, Designated Federal Official, Science Advisory Board (1400F), US EPA, 401 M Street, SW, Washington DC 20460, by telephone (202) 260–2560, FAX (202) 260–7118, or via the INTERNET: KOOYOOMJIAN.JACK@EPAMAIL.EPA.GOV.

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, for meetings, opportunities for oral comment will usually be limited to no more than five minutes per speaker and no more than thirty minutes total. Written comments (at least 35 copies) received in the SAB Staff Office sufficiently prior to a meeting date (usually one week prior to a meeting), 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 19, 1995.

A. Robert Flaak,

Acting Staff Director, Science Advisory Board.

[FR Doc. 95–10245 Filed 4–25–95; 8:45 am]

BILLING CODE 6560–50–P

[OPP–180969; FRL–4949–5]

Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests to the 11 States listed below and to the United States Department of the Interior, Fish and Wildlife Service. There were also six crisis exemptions initiated by various States. These exemptions, issued during the months of January and February 1995, are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. EPA has denied a specific exemption request from the Louisiana Department of Agriculture and Forestry. Information on these restrictions is available from the contact persons in EPA listed below.

DATES: See each specific and crisis exemption for its effective date.

FOR FURTHER INFORMATION CONTACT: See each emergency exemption for the name of the contact person. The following information applies to all contact persons: By mail: Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, CS #1, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308–8417; e-mail: beard.andrea@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. Alabama Department of Agriculture and Industries for the use of norflurazon on Bermuda grass to control annual grassy weeds; February 2, 1995, to June 15, 1995. (Libby Pemberton)

2. California Environmental Protection Agency for the use of bifenthrin on cucurbits to control whiteflies; February 6, 1995, to February 6, 1996. A notice of receipt published in the **Federal Register** of January 12, 1995 (60 FR 2962). The exemption was issued because the situation was determined to be urgent and nonroutine, and significant economic losses were expected for the affected acreage. (Andrea Beard)

3. California Environmental Protection Agency for the use of imidacloprid on cucurbits to control whiteflies; February 6, 1995, to February 6, 1996. (Andrea Beard)

4. Delaware Department of Agriculture for the use of metolachlor on spinach to control annual weeds; January 25, 1995, to January 24, 1996. (Margarita Collantes)

5. Georgia Department of Agriculture for the use of norflurazon on Bermuda grass to control annual grassy weeds; February 2, 1995, to July 1, 1995. (Libby Pemberton)

6. Hawaii Department of Agriculture for the use of imidacloprid on tomatoes to control the sweet potato whitefly; February 2, 1995, to December 31, 1995. Hawaii had initiated a crisis exemption for this use. (David Deegan)

7. North Carolina Department of Fertilizer and Pesticide Control, Clemson University, for the use of imidacloprid and fenpropathrin on tomatoes to control the sweet potato whitefly; February 23, 1995, to February 23, 1996. (David Deegan)

8. Oregon Department of Agriculture for the use of fenoxycarb on pears to control pear psylla; February 14, 1995, to May 1, 1995. (Andrea Beard)

9. South Carolina Division of Regulatory and Public Service Programs for the use of tralomethrin on tomatoes (fresh market) to control stinkbugs; February 27, 1995, to December 31, 1995. (Margarita Collantes)

10. Tennessee Department of Agriculture for the use of cypermethrin on mustard greens to control various insects; February 14, 1995, to November 15, 1995. (Libby Pemberton)

11. Texas Department of Agriculture for the use of norflurazon on Bermuda grass to control annual grassy weeds; February 2, 1995, to July 1, 1995. (Libby Pemberton)

12. Texas Department of Agriculture for the use of bifenthrin on cucurbits to control whiteflies; January 24, 1995, to January 12, 1996. A notice of receipt published in the **Federal Register** of January 12, 1995 (60 FR 2962). The exemption was issued because the situation was determined to be urgent and nonroutine, and significant economic losses were expected for the affected acreage. (Andrea Beard)

13. Texas Department of Agriculture for the use of imidacloprid on cucurbits to control whiteflies; January 24, 1995, to January 24, 1996. (Andrea Beard)

14. Texas Department of Agriculture for the use of imidacloprid and fenpropathrin on tomatoes to control the sweet potato whitefly; February 23, 1995, to February 23, 1996. (David Deegan)

15. Washington Department of Agriculture for the use of fenoxycarb on pears to control pear psylla; February 14, 1995, to May 1, 1995. (Andrea Beard)

16. United States Department of the Interior, Fish and Wildlife Service, for the use of brodifacoum and bromethalin on the Maritime National Wildlife Refuge to control Norway rats in the Aleutian Chain and Pribilof Islands. January 6, 1995, to January 5, 1996. (Larry Fried)

Crisis exemptions were initiated by the:

1. Alabama Department of Agriculture and Industries on January 25, 1995, for the use of hydrogen cyanamide on peaches to stimulate uniform bud-break. This program has ended. (Rick Keigwin)

2. California Department of Pesticide Regulation on February 21, 1995, for the use of fenamiphos on broccoli and cauliflower to control nematodes. This program is expected to last until February 20, 1996. (Libby Pemberton)

3. Georgia Department of Agriculture on January 19, 1995, for the use of hydrogen cyanamide on peaches to stimulate uniform bud-break. This program has ended. (Rick Keigwin)

4. Louisiana Department of Agriculture and Forestry on February 13, 1995, for the use of norflurazon on Bermuda grass to control annual grassy weeds. This program has ended. (Libby Pemberton)

5. Texas Department of Agriculture on February 8, 1995, for the use of hydrogen cyanamide on blueberries to allow uniform bloom. This program has ended. (Rick Keigwin)

6. Texas Department of Agriculture on January 30, 1995, for the use of hydrogen cyanamide on peach trees to stimulate uniform bud-break. This program has ended. (Rick Keigwin)

EPA has denied a specific exemption request from the Louisiana Department of Agriculture and Forestry for the use of metolachlor on spinach to control annual weeds. This specific exemption was denied because an emergency situation does not exist. This situation is not about avoiding economic losses if metolachlor is not granted due to the cancellation of diethatyl-ethyl, but rather about future marketing opportunity of earning profits due to a new enterprise of growing processed spinach which was not generally grown in central Louisiana. This new acreage did not previously use diethatyl-ethyl; therefore, it could not be lost as a weed control tool in spinach production. Use of metolachlor would allow growers entry into a profitable market of a new crop rather than prevent losses from a crop already established for market. No significant economic loss would be attributed to this pest problem. (Margarita Collantes)

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pests, Crisis exemptions.

Dated: April 13, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 95–10255 Filed 4–25–95; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2067]

Petition for Reconsideration of Actions in Rulemaking Proceedings

April 24, 1995.

Petition for reconsideration have been filed in the Commission rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document are available for viewing and copying in Room 239, 1919 M Street, N.W., Washington, D.C. or may be purchased from the Commission's copy contractor ITS, Inc. (202) 857–3800. Opposition to this petition must be filed May 11, 1995. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Review of the Pioneer's Preference Rules. (ET Docket No. 93–266)

Number of Petition Filed: 1.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–10211 Filed 4–25–95; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

[Petition No. P2–95]

Household Goods Forwarders Association of America, Inc.; Petition for Exemption From Tariff and Bonding Requirements in Regard to Household Goods and Personal Effects for the Account of the General Services Administration; Notice of Filing

Notice is hereby given that the Household Goods Forwarders Association of America, Inc. (''Petitioner'') has petitioned for an exemption pursuant to Section 16 of the Shipping Act of 1984 [46 U.S.C. app. 1715] and Section 35 of the Shipping Act, 1916 [46 U.S.C. app. 833a]. Petitioner seeks an exemption for non-vessel operating common carriers by water from the tariff filing requirements of Part 514 and the bonding requirement of Part 583 of Title 46 CFR, to the extent they engage in the transportation of used household goods and personal effects of personnel of federal civilian executive agencies in the domestic and foreign commerce of the United States, pursuant to a solicitation issued and administered by the General Services Administration of the United States.

In order for the Commission to make a thorough evaluation of the petition for exemption, and the proposed CFR amendments suggested therein, interested persons are requested to submit views or arguments in reply to the petition no later than May 25, 1995. Replies shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573–0001 in an original and 15 copies.

Replies shall also be served on Alan F. Wohlstetter, Denning & Wohlstetter, 1700 K Street NW., Washington, DC 20006.

Copies of the petition are available for examination at the Washington, DC office of the Commission, 800 N. Capitol St NW., Room 1046.

Joseph C. Polking,

Secretary.

[FR Doc. 95–10173 Filed 4–25–95; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Dalrymple Family Limited Partnership, L.P., et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 10, 1995.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Dalrymple Family Limited Partnership, L.P. and 2105 South Broadway Associates, L.P., both of Elmira, New York; each to acquire 4.92 percent of the voting shares of Chemung Financial Corporation, Elmira, New York, and thereby indirectly acquire Chemung Canal Trust Company, Elmira, New York.

Board of Governors of the Federal Reserve System, April 20, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–10228 Filed 4–25–95; 8:45 am]

BILLING CODE 6210–01–F

Republic Security Financial Corporation; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than May 19, 1995.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Republic Security Financial Corporation, West Palm Beach, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Republic Security Bank, West Palm Beach, Florida.

Board of Governors of the Federal Reserve System, April 20, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–10229 Filed 4–25–95; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement 533]

National Institute for Occupational Safety and Health; Cooperative Agreement for Model Program for Occupational Respiratory Disease Evaluation and Rehabilitation

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1995 funds for a cooperative agreement program for Occupational Respiratory Disease Evaluation and Rehabilitation through the National Institute for Occupational Safety and Health (NIOSH). The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Occupational Safety and Health. (For ordering Healthy People 2000 see the Section **WHERE TO OBTAIN ADDITIONAL INFORMATION**.)

Authority

This program is authorized under Sections 20(a) and 21(a) of the Occupational Safety and Health Act of 1970 and Section 501(a) of the Federal Mine Safety and Health Act (29 U.S.C. 669(a) and 670(a); 30 U.S.C. 951(a)).

Smoke-Free Workplace

PHS strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Applications may be submitted by public and private, non-profit and for-profit organizations, and governments and their agencies. Thus, universities, colleges, research institutions, hospitals, other public and private organizations, State and local health departments or their bona fide agents, federally recognized Indian tribal governments, Indian tribes or Indian tribal organizations, and small, minority- and/or women-owned businesses are eligible to apply.

Availability of Funds

Approximately $275,000 will be available in FY 1995 to fund one to two awards. The award(s) is expected to begin on or about September 30, 1995, for a 12-month budget period within a project period of three to five years. Funding estimates may vary and are subject to change. Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

Purpose

The purpose of this occupational respiratory disease cooperative agreement is to assist in the development, implementation, and maintenance of a model program for the diagnosis, evaluation, and rehabilitation of individuals with occupational respiratory disease. This program may build on existing expertise of an institution or provide assistance in initiating a new program. This program will report and disseminate findings, as well as relevant health and safety education and training information, to State health officials, health-care providers, workers, managers, unions, and employers. This program will include an evaluation of current standard and innovative interventions for early identification of occupational respiratory diseases which results in recommendations for, or a plan for the development of, new methods and techniques to improve the early recognition, rehabilitation and therapy of these diseases. The evaluation component built into each project should include carefully developed, realistic and appropriate evaluation tools. The evaluation results will be used to modify and improve ongoing program plans.

The objectives of the occupational respiratory disease evaluation and rehabilitation program are as follows:

1. To assist an institution in the development or refinement of a program for evaluation and rehabilitation of occupational respiratory disease.
2. To provide the opportunity for an institution to evaluate the effectiveness of a model program for evaluation and rehabilitation of occupational respiratory disease.
3. To provide a collaborative focus for occupational health expertise in occupational respiratory disease.
4. Contribute to a better understanding of occupational respiratory diseases.
5. Ultimately reduce the morbidity, mortality, and social and economic burden of occupational respiratory diseases in the United States.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for conducting activities under A. (Recipient Activities) below, and CDC/NIOSH will be responsible for conducting activities under B. (CDC/NIOSH Activities) below:

A. Recipient Activities

1. Identify a director for the program (or each program component).
2. Develop a targeted list of occupational respiratory diseases to be evaluated such as (but not limited to) silicosis, coal workers' pneumoconiosis, asbestosis, occupational asthma, hypersensitivity pneumonitis, organic dust diseases, and acute toxic respiratory injuries
3. Develop and conduct a model program for the early recognition, evaluation, diagnosis, rehabilitation, and therapy of occupational respiratory diseases.
4. Report and disseminate information on the organization, activities, and findings of the model program, as well as relevant health and safety education and training information to State and Federal health officials, health-care providers, workers, managers, unions, and employers.
5. Work with State and Federal disability compensation programs to identify and enroll workers who could be offered diagnosis, evaluation and rehabilitation of occupational respiratory diseases.
6. Develop a protocol(s) for the evaluation and rehabilitation of occupational respiratory diseases. Obtain peer review of the protocol(s); revise and finalize, as required, for final approval; evaluate the effectiveness of the protocol(s). Disseminate the results of these efforts to other health-care institutions evaluating, diagnosing, and rehabilitating workers with occupational respiratory diseases.
7. Develop new methods and techniques that improve the early recognition and rehabilitation of workers with occupational respiratory diseases.

B. CDC/NIOSH Activities

1. Provide technical assistance through site visits and correspondence for the development and implementation of the model program.
2. Provide scientific collaboration for the model program.
3. Provide limited professional assistance during the conduct of the program including, but not limited to, physicians, nurses, epidemiologists, statisticians, industrial hygienists and laboratory scientists.

4. Participate in peer review of the project protocol(s).

5. Provide technical assistance in all phases of development, implementation, and maintenance of the cooperative agreement and collaborative project activities.

6. Assist in reporting and disseminating findings as well as relevant health and safety education and training information to state health officials, health-care providers, workers, managers, unions, and employers.

Evaluation Criteria

Applications will be reviewed and evaluated according to the following criteria:

1. The applicant's understanding of the objectives of the proposed initiative. (5%)
2. Proposed schedule for initiating and accomplishing the activities of the cooperative agreement. (10%)
3. Responsiveness of the proposal to the scope and objectives described in the Announcement. (25%)
4. Technical merit and originality of the program proposal. (30%)
5. Training and experience of the proposed Program Director(s) and staff. The Program Director(s) must be a recognized scientist and technical expert, and must assume and provide assurances of major time commitment to the program. (10%)
6. Suitability of the facilities to conduct the program. (15%)
7. Evidence of plans for creative collaboration and coordination with local resources which could facilitate identification, evaluation or rehabilitation of workers with occupational respiratory diseases, including establishment of working relationships with State and Federal disability programs. (5%)
8. Extent to which the budget is reasonable, clearly justified, and consistent with the use of funds. (Not Scored)

Executive Order 12372 Review

Applications are subject to Intergovernmental Review of Federal Programs as governed by Executive Order (E.O.) 12372. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants (other than federally recognized Indian tribal governments) should contact their State Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC for each affected State. Indian tribes are strongly encouraged to request tribal government review of the proposed application. A current list of SPOCs is included in the application kit.

If SPOCs or tribal governments have any State process recommendations on applications submitted to CDC, they should send them to Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Atlanta, GA 30305, no later than 60 days after the application deadline date. The Program Announcement number and Program Title should be referenced on the document. The granting agency does not guarantee to ''accommodate or explain'' State process recommendations it receives after that date.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Numbers

The Catalog of Federal Domestic Assistance Number for this program is 93.262.

Other Requirements

Paperwork Reduction Act

Projects that involve the collection of information from 10 or more individuals and funded by this cooperative agreement will be subject to approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Human Subjects

This program involves research on human subjects; therefore, all applicants must comply with the Department of Health and Human Services Regulations, 45 CFR part 46, regarding the protection of human subjects. Assurance must be provided which demonstrates the project or activity will be subject to initial and continuing review by an appropriate institutional review committee.

In addition to other applicable committees, Indian Health Service (IHS) institutional review committees also must review the project if any component of IHS will be involved or will support the research. If any American Indian community is involved, its tribal government must also approve that portion of the project applicable to it.

The applicant will be responsible for providing assurances in accordance with the appropriate guidelines and forms provided in the application kit.

Application Submission and Deadline

The original and two copies of the application PHS Form 5161–1 (OMB Number 0937– 0189) must be submitted to Henry S. Cassell III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E13, Atlanta, GA 30305, on or before June 22, 1995.

Deadline: Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date, or

(b) Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailings.)

2. Late Applications: Applications which do not meet the criteria in 1.(a) or 1.(b) above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where To Obtain Additional Information

To receive additional written information call (404) 332–4561. You will be asked to leave your name, address, telephone number and will need to refer to Announcement 533.

You will receive a complete program description, information on application procedures, and application forms.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from Oppie M. Byrd, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–13, Atlanta, GA 30305, telephone (404) 842–6546. Programmatic technical assistance may be obtained from John E. Parker, M.D., National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC), 1095 Willowdale Road, Morgantown, WV 26505–2888, telephone (304) 285–5724.

Please refer to Announcement Number 533 when requesting information and submitting an application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report, Stock No. 017–001–00473–1) referenced in the Introduction through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

Dated: April 20, 1995.

Diane D. Porter,

Acting Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–10197 Filed 4–25–95; 8:45 am]

BILLING CODE 4163–19–P

National Committee on Vital and Health Statistics (NCVHS) Executive Subcommittee: Meeting

Pursuant to Pub. L. 92–463, the National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC), announces the following committee meeting.

Name: NCVHS Executive Subcommittee.

Time and Date: 8:30 a.m.–5 p.m., May 24, 1995.

Place: Suite 200 East, Conference Room 002–003, 1100 New York Avenue, NW., Washington, DC 20005.

Status: Open.

Purpose: The purpose of this meeting is for the Executive Subcommittee to review accomplishments, logistics, needs and work plans of NCVHS and individual subcommittees.

Contact Person for More Information: Substantive program information as well as summaries of the meeting and a roster of committee members may be obtained from Gail F. Fisher, Ph.D., Executive Secretary, NCVHS, NCHS, CDC, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone 301/436–7050.

Dated: April 20, 1995.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–10198 Filed 4–25–95; 8:45 am]

BILLING CODE 4163–18–M

Food and Drug Administration

[Docket No. 95N–0013]

Benton County Ag Center, Inc.; Proposal to Withdraw Approval of Applications for Medicated Animal Feeds; Opportunity for a Hearing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Center for Veterinary Medicine (CVM), Food and Drug Administration (FDA), is providing an opportunity for a hearing on a proposal to withdraw approval of certain medicated feed applications (MFA's) held by Benton County Ag Center, Inc., for animal feeds bearing or containing new animal drugs (NAD's). This action is based on new information showing the firm's methods and controls used for manufacturing, processing, and packing of the medicated feeds are inadequate to assure and preserve the identity, strength, quality, and purity of the NAD's therein, and they were not made adequate within a reasonable time after receipt of written notice from FDA.

DATES: Requests for a hearing and data and information in support of the hearing request are due by May 26, 1995.

ADDRESSES: Requests for a hearing in response to this notice should be identified with Docket No. 95N–0013 and sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Karen A. Kandra, Center for Veterinary Medicine (HFV–246), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1765.

SUPPLEMENTARY INFORMATION: CVM is providing an opportunity for a hearing on a proposal to withdraw approval of 11 MFA's held by the firm doing business as Benton County Ag Center, Inc., 312 Railroad St., P.O. Box 308, Keystone, IA 52249–0308, for the manufacture of animal feeds bearing or containing Category II NAD's. Benton County Ag Center, Inc., is a feed mill that manufactures both medicated and nonmedicated animal feeds. The 11 MFA's, held by Benton County Ag Center, Inc., were approved under section 512(m) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(m)) and are identified as follows:

MFA Number	Drug/Combination	Species
1. F 93–642.	Carbadox	Swine
2. F 127–333.	Tylosin/ Sulfamethazine.	Swine
3. F 131–878.	Carbadox	Swine
4. F 139–280.	Levamisole Hydrochloride.	Cattle and swine
5. F 141–603.	Carbadox/ Pyrantel tartrate.	Swine
6. F 141–604.	Pyrantel tartrate	Swine
7. F 141–757.	Lincomycin/ Pyrantel tartrate.	Swine
8. F 144–054.	Sulfamethazine/ Chlortetracycline (CTC)/Penicillin.	Swine
9. F 147–607.	Sulfamethazine/ CTC.	Cattle
10. F 147–617.	Arsanilic acid	Chickens, turkeys, and swine
11. F 147–641.	Oxytetracycline/ Neomycin.	Chickens, turkeys, swine, cattle, and mink

To manufacture a Type B or C animal feed bearing or containing a Category II NAD (i.e., Type A medicated article) a firm must file an MFA (Form FDA 1900) with FDA and obtain its approval. FDA does not approve such an application unless, among other things, the firm agrees to comply with the agency's regulations for current good manufacturing practice (CGMP) for medicated feeds (21 CFR part 225), which are intended to help assure that feed bearing or containing an NAD meets the requirements of the act pertaining to identity, strength, quality, and purity. The agency determines whether the firm's manufacture of medicated feed is in compliance with the CGMP regulations by inspecting the facilities and controls used for, and the methods used in, the manufacture, processing, and packing of the feed by the firm.

On December 22, 1992, the Iowa Department of Agriculture (Medicated Feed Bureau), under contract with FDA pursuant to section 702(a) of the act (21 U.S.C. 372(a)), inspected Benton County Ag Center, Inc. The inspection revealed significant deviations from the CGMP's for medicated feeds. The investigator noted the deviations on an inspectional observations form (Form FDA 483) (Ref. 1), issued a copy to the firm's General Manager, and discussed in detail the deviations with him. The deviations included the following:

1. Production records did not show when flushing of equipment was performed or the final disposition of flush materials, as required by 21 CFR 225.102(b)(4).

2. Production records did not show the actual quantity of medicated feed produced, as required by 21 CFR 225.102(b)(2)(iv).

3. Production records were not checked by a responsible person to determine if all required production steps had been performed, as required by 21 CFR 225.102(b)(4).

4. Only two of the three required assays were performed on medicated feeds containing monensin and melengestrol acetate, as required by 21 CFR 225.58(b)(1).

5. Proper labeling for medicated feed manufactured containing 300 grams per ton chlortetracycline was not available, as required by 21 CFR 225.80.

6. The drug scale, ingredient scale, and the bagger scale had not been tested for accuracy within the last year, as required by 21 CFR 225.30(b)(4).

7. No written procedures for flushing and sequencing were available, as required by 21 CFR 225.65(b).

8. Incoming labels were not proofread, dated, or initialed by a responsible person, as required by 21 CFR 225.80(b)(2).

9. No investigation or corrective action was taken after receipt of failed assay result for medicated feed, as required by 21 CFR 225.58(d) and (e).

10. No drug receipt records or daily drug inventory were maintained for Category I, Type A medicated articles, as required by 21 CFR 225.42(b)(5) and (b)(6).

As a result of the failed CGMP inspection, FDA sent a letter dated March 12, 1993 (Ref. 2), (with a copy of the Form FDA 483 enclosed) to the firm's president. The letter discussed potential regulatory consequences that could result due to facility personnel deviating from CGMP requirements. It urged that the firm's president ''* * * ensure complete and **lasting** [emphasis added] correction of all regulatory deficiencies.'' The letter also informed the firm's president that FDA would not approve additional MFA's until the violations were corrected and verified. Finally, the letter closed by stating that if the violations were not corrected, FDA might issue a notice of opportunity for a hearing on a proposal to withdraw approval of the firm's MFA's.

In response to the FDA letter, the firm's president sent a letter dated April 7, 1993 (Ref. 3), to FDA listing the actions that had been taken to correct all violations listed on the Form FDA 483.

The firm was inspected again on May 3, 4, 10, and 11, 1994. That inspection revealed continued violations of CGMP regulations for the manufacture of medicated animal feeds including the following:

1. Failed assay results had not been investigated, and the required corrective actions had not been instituted, as required by 21 CFR 225.58(d) and (e).

2. The three drug potency assays required per calendar year were not performed on medicated feeds containing Aureo S 700 (chlortetracycline and sulfamethazine), as required by 21 CFR 225.58(b)(1).

3. Master Record Files did not always indicate the amount of drug source material to be used in a batch of medicated feed, as required by 21 CFR 225.102(b)(1).

4. Liquid meters to measure molasses and white grease had not been tested for accuracy within the last year, as required by 21 CFR 225.30(b)(4).

5. A container (bearing expiration date 10/92) with 10 pounds of tiamulin indicated inadequate drug control, as required by 21 CFR 225.42(a).

A Form FDA 483 (Ref. 4) containing the observed violations was presented to and discussed with the firm's president.

Consequently, FDA sent a certified letter dated August 23, 1994 (Ref. 5), to the president of Benton County Ag Center, Inc., notifying him of FDA's intention to withdraw approval of the 11 MFA's currently held by his firm. The firm has not submitted a formal response to the letter.

Accordingly, FDA is now proposing to withdraw approval of the MFA's held by Benton County Ag Center, Inc., as identified above, under section 512(m)(4)(B)(ii) of the act and 21 CFR 514.115(c)(2).

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

References

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

1. Form FDA 483, inspection of December 22, 1992.

2. Letter, FDA to Benton County Ag Center, Inc., dated March 12, 1993.

3. Letter, Benton County Ag Center, Inc., to FDA, dated April 7, 1993.

4. Form FDA 483, inspection of May 3, 4, 10, and 11, 1994.

5. Letter, FDA to Benton County Ag Center, Inc., dated August 23, 1994.

Therefore, notice is given to Benton County Ag Center, Inc., and to any other interested persons who may be adversely affected, that CVM proposes to issue an order under section 512(m)(4)(B)(ii) of the act and 21 CFR 514.115(c)(2) withdrawing approval of MFA's F 93–642, F 127–333, F 131–878, F 139–280, F 141–603, F 141–604, F 141–757, F 144–054, F 147–607, F 147–617, F 147–641, and all amendments and supplements thereto, on the grounds that new information, evaluated together with the evidence available when the applications were approved, shows that the methods used in, or the facilities and controls used for, the manufacturing, processing, and packing of such animal feeds are: (1) Inadequate to ensure and preserve the identity, strength, quality, and purity of the NAD's therein, and (2) were not made adequate within a reasonable time after receipt of written notice from FDA specifying the inadequacies.

In accordance with provisions of section 512 of the act and regulations promulgated for the efficient enforcement of it (21 CFR part 514), and under authority delegated to the Director, Center for Veterinary Medicine (21 CFR 5.84), CVM hereby provides an opportunity for a hearing to show why approval of the MFA's identified in this notice, and all amendments and supplements to the applications, should not be withdrawn under section 512(m)(4)(B)(ii) of the act and 21 CFR 514.115(c)(2). Any hearing would be subject to the provisions of 21 CFR part 12.

An applicant who decides to seek a hearing shall file on or before May 26, 1995, a written notice of appearance, request for a hearing, and the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 514.200.

Procedures and requirements governing this notice of opportunity for a hearing, a notice of appearance and request for a hearing, submission of information and analysis to justify a hearing, other comments, and a grant or denial of a hearing, are contained in 21 CFR 514.200.

The failure of a sponsor to file a timely, written appearance and request for a hearing as required by 21 CFR 514.200 shall be construed as an election not to avail himself of the opportunity for a hearing. In such case, the Director, Center for Veterinary Medicine, under the authority delegated to him in 21 CFR 5.84(a)(2), without further notice will enter a final order withdrawing approval of the applications.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it clearly appears from the face of the documentation and analysis in the request for a hearing that there is no

genuine and substantial issue of fact that precludes the withdrawal of approval of the MFA's, or that the request for a hearing is not made in the required format or with the required analysis, the Commissioner of Food and Drugs will enter summary judgment against the person who requests the hearing, making findings and conclusions, and denying a hearing. If a hearing is requested and is justified by the sponsor's response to this notice, the issues will be defined, an administrative law judge will be assigned, and a written notice of the time and place at which the hearing will begin will be issued as soon as practicable.

All submissions under this notice shall be filed in four copies and, except as provided in 21 CFR 10.20(j), may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 512 (21 U.S.C. 360b)) and under authority delegated to the Director, Center For Veterinary Medicine (21 CFR 5.84).

Dated: April 19, 1995.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 95–10274 Filed 4–25–95; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 95N–0101]

Warren Teed Pharmaceuticals, Inc., et al.; Withdrawal of Approval of 107 Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 107 abbreviated new drug applications (ANDA's). The holders of the ANDA's notified the agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

EFFECTIVE DATE: May 26, 1995.

FOR FURTHER INFORMATION CONTACT: Carolyn C. Harris, Center for Drug Evaluation and Research (HFD–360), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1038.

SUPPLEMENTARY INFORMATION: The holders of the ANDA's listed in the table in this document have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications. The applicants have also, by their request, waived their opportunity for a hearing.

ANDA No.	Drug	Applicant
83–076	Sulfasalazine, 500 milligrams (mg)	Warren Teed Pharmaceuticals, Inc., Columbus, OH 43215.
83–078	Chlorpheniramine Maleate Tablets, 4 mg	Anabolic, Inc., P.O. Box C–19508, Irvine, CA 92713.
83–135	Lidocaine Hydrochloride Injection, U.S.P., 1% and 2%	G. D. Searle and Co., P.O. Box 5110, Chicago, IL 60680.
83–168	Hydrocortisone Liquid, 1% and 2 1/2%	Dermik Laboratories, Inc., 500 Arcola Rd., P.O. Box 1200, Collegeville, PA 19426–0107.
83–169	Hydrocortisone Gel, 1% and 2 1/2%	Do.
83–184	Propoxyphene Hydrochloride Capsules, 65 mg	Smith, Kline & French, One Franklin Plaza, P.O. Box 7929, Philadelphia, PA 19101.
83–275	Diphenhydramine Hydrochloride Capsules, U.S.P., 50 mg	Anabolic, Inc.
83–301	Pentobarbital Sodium Capsules, 100 mg	Purepac Pharmaceutical, Co., 200 Elmora Ave., Elizabeth, NJ 07207.
83–313	Triamcinolone Acetonide Ointments, 0.025%, 0.1%, and 0.5%.	Dermik Laboratories, Inc.
83–314	Triamcinolone Acetonide Creams, 0.025%, 0.1%, and 0.5%.	Do.
83–363	Metaraminol Bitartrate Injection, U.S.P., 10 mg/milliliters (mL).	Elkins-Sinn, Inc., Two Esterbrook Lane, Cherry Hill, NJ 08003–4099.
83–554	Hydrochlorothiazide Tablets, 50 mg	Smith, Kline & French.
83–567	Diphenhydramine Hydrochloride Capsules, 50 mg	West-Ward Pharmaceutical Corp., 465 Industrial Way, West, Eatontown, NJ 07724.
83–625	Tripelennamine Hydrochloride Tablets, U.S.P., 25 mg	Warner-Lambert, 201 Tabor Rd., Morris Plains, NJ 07950.
83–626	Tripelennamine Hydrochloride Tablets, U.S.P., 50 mg	Do.
84–125	Dextroamphetamine Sulfate Tablets, 5 mg and 10 mg	Purepac Pharmaceutical, Co.
84–239	Hydrocortisone Tablets, 10 mg	Warner-Lambert.
84–240	Prednisone Tablets, 5 mg	Do.
84–242	Prednisolone Tablets, 5 mg	Do.
84–530	Aminophylline Tablets, 200 mg	The Vale Chemical Co., Inc., Allentown, PA 18102.
84–531	Aminophylline Tablets, 100 mg	Do.
84–601	Chlordiazepoxide Hydrochloride Capsules, 10 mg	Mylan Pharmaceuticals, Inc., P.O. Box 4310, 781 Chestnut Ridge Rd., Morgantown, WV 26505–4310.
84–699	Aminophylline Tablets, 100 mg	Purepac Pharmaceutical, Co.
84–739	Theophylline Elixir, 80 mg/15 mL	Roxane Laboratories, Inc., 1809 Wilson Rd., Columbus, OH 43228.
84–880	Hydrochlorothiazide Tablets, 25 mg and 50 mg	Mylan Pharmaceuticals, Inc.
85–112	Hydrochlorothiazide Tablets, 50 mg	Do.
85–195	Meclizine Hydrochloride Tablets, 12.5 mg	Circa Pharmaceuticals, 15 Grand Park Blvd., Athens, OH 45701.
85–375	Acetaminophen Capsules, 500 mg Oxycodone Hydrochloride Capsules, 4.5 mg Oxycodone Terephthalate Capsules, 0.38 mg.	McNeil Pharmaceutical, Welsh and Mckeon Rds., Spring House, PA 19477–0776.
85–534	Sulfisoxazole Tablets, 500 mg	Chelsea Laboratories, Inc., 896 Orlando Ave., West Hempstead, NY 11552.
85–564	Aminophylline Tablets, 200 mg	Do.
85–567	Aminophylline Tablets, 100 mg	Do.

ANDA No.	Drug	Applicant
85–667	Hydrocodone Bitartrate Tablets, 5 mg Acetaminophen Tablets, 500 mg.	Knoll Pharmaceutical, 30 North Jefferson Rd., Whippany, NJ 07981.
85–867	Secobarbital Sodium Capsules, U.S.P., 100 mg	Purepac Pharmaceutical, Co.
85–892	Dextroamphetamine Sulfate Tablets, 10 mg	Phoenix Pharmaceutical, Inc., 111 Leuning St., South Hackensack, NJ 07606.
86–044	Isosorbide Dinitrate Tablets, 10 mg	Circa Pharmaceuticals.
86–049	Brompheniramine Maleate Tablets, 4 mg	Purepac Pharmaceutical Co.
86–170	Hydrocortisone Cream,1%	Stiefel Laboratories, Inc., 2801 Ponce De Leon Blvd., Coral Gables, FL 33134.
86–202	Procaine Hydrochloride Injection, 1% and 2%	G. D. Searle and Co.
86–205	Ammonium Chloride Injection, 3 milliquivalent (meq)/mL	Do.
86–219	Potassium Chloride Injection, U.S.P., 10 meq/10 mL, 20 meq/10 mL, 30 meq/mL, and 40 meq/10 mL.	Do.
86–220	Potassium Chloride Injection	G. D. Searle and Co.
86–302	Isosorbide Dinitrate Tablets, 10 mg	Purepac Pharmaceutical, Co.
86–304	Isosorbide Dinitrate Tablets, 5 mg	Do.
86–369	Hydrochlorothiazide Tablets, 25 mg	Smith, Kline & French.
86–418	Metaraminol Bitartrate Injection, U.S.P.	McGaw Inc., P.O. Box 19791, Irvine, CA 92713–9791.
86–824	Hydrocortisone Lotion, 0.5%	Pharmaceutical Associates, Inc., P.O. Box 128, Conestee, SC 29636.
86–858	Isosorbide Dinitrate Tablets, U.S.P., 5 mg	Lederle Labs, One Cyanamid Co., Wayne, NJ 07470–8426.
86–862	Isosorbide Dinitrate Tablets, U.S.P., 10 mg	Do.
86–981	Dipyridamole Tablets, Coated, 25 mg	Circa Pharmaceuticals.
87–085	Hydralazine Hydrochloride Tablets, 25 mg Hydrochlorothiazide Tablets, 15 mg Reserpine Tablets, 0.1 mg.	Mylan Pharmaceuticals, Inc.
87–163	Isosorbide Dinitrate Chewable Tablets, 5 mg	D. M. Graham Laboratories, Inc., Hobart, NY 13788.
87–415	Isosorbide Dinitrate Capsules T.R., 40 mg, Green & Clear	Eon Labs Manufacturing, Inc., 227–15 North Conduit Ave., Laurelton, NY 11413.
87–474	Isosorbide Dinitrate Oral Tablets, 5 mg	Ascot Hospital Pharmaceuticals, Inc., 8055 North Ridgeway Ave., Skokie, IL 60076.
87–475	Isosorbide Dinitrate Oral Tablets, 10 mg	Do.
87–476	Isosorbide Dinitrate Oral Tablets, 20 mg	Do.
87–478	Isosorbide Dinitrate Sublinqual Tablets, 5 mg	Do.
87–484	Nitroglycerine TD Capsules, 2.5 mg	Do.
87–485	Nitroglycerine TD Capsules, 6.5 mg	Do.
87–486	Isosorbide Dinitrate SR Capsules, 40 mg	Do.
87–512	Chlordiazepoxide Hydrochloride Capsules, 25 mg	Do.
87–514	Triprolidine Hydrochloride Syrup, 1.25 mg/5 mL	Pharmaceutical Associates, Inc.
87–517	Brompheniramine Maleate Elixir, 2 mg/5 mL	Do.
87–518	Promethazine Hydrochloride Syrup, 6.25 mg/5 mL	Do.
87–520	Chlorpheniramine Maleate Syrup, 2 mg/5 mL	Do.
87–522	Aminophylline Tablets, 100 mg	Ascot Hospital Pharmaceuticals, Inc.
87–523	Aminophylline Tablets,200 mg	Do.
87–524	Chlordiazepoxide Hydrochloride Capsules, 10 mg	Do.
87–525	Chlordiazepoxide Hydrochloride Capsules, 5 mg	Do.
87–539	Hydrochlorothiazide Tablets, 25 mg	Do.
87–540	Hydrochlorothiazide Tablets, 50 mg	Do.
87–541	Tolbutamide Tablets, 500 mg	Do.
87–542	Procainamide Hydrochloride Capsules, 250 mg	Do.
87–543	Procainamide Hydrochloride Capsules, 500 mg	Do.
87–621	Aminophylline Injection, 25 mg/mL	G. D. Searle and Co.
87–660	Methocarbamol Tablets, 500 mg	Ascot Hospital Pharmaceuticals, Inc.
87–661	Methocarbamol Tablets,750 mg	Do.
87–662	Sulfamethoxazole Tablets, 500 mg	Do.
87–663	Propantheline Bromide Tablets, 15 mg	Do.
87–685	Cyproheptadine Hydrochloride Tablets, 4 mg	Do.
87–686	Acetazolamide Tablets, 250 mg	Do.
87–687	Spironolactone Tablets,25 mg	Do.
87–697	Procainamide Hydrochloride Capsules, 375 mg	Do.
87–698	Chlorthalidone Tablets, 25 mg	Do.
87–699	Chlorthalidone Tablets, 50 mg	Do.
87–734	Nitroglycerin Oral Transmucosal Long Acting Tablets, 1 mg.	Merrell Dow Pharmaceuticals, Inc., 2110 East Galbraith Rd., P.O. Box 156300, Cincinnati, OH 45215–6300.
87–778	Dimenhydrinate Tablets, 50 mg	Republic Drug Co., Inc., 175 Great Arrow Ave., Buffalo, NY 14207.
87–934	Diphenoxylate Hydrochloride Tablets, 2.5 mg Atropine Sulfate Tablets, 0.025 mg.	Ascot Hospital Pharmaceuticals, Inc.
88–005	Isosorbide Dinitrate Sublingual Tablets, 5 mg	Unit Dose Laboratories, 1718 Northrock Court, Rockford, IL 61103.
88–006	Isosorbide Dinitrate Tablets, Oral, 10 mg	Do.
88–025	Spironolactone with Hydrochlorothiazide Tablets, 25 mg/25 mg.	Ascot Hospital Pharmaceuticals, Inc.

ANDA No.	Drug	Applicant
88–067	Orphenadrine Citrate S. R. Tablets, 100 mg	Do.
88–117	Triprolidine Hydrochloride Tablets, 2.5 mg Pseudoephedrine Hydrochloride Tablets, 60 mg.	West-Ward Pharmaceutical Corp.
88–199	Folic Acid Tablets, 1 mg	Unit Dose Laboratories.
88–256	Meclizine Hydrochloride Tablets, 12.5 mg	Do.
88–257	Meclizine Hydrochloride Tablets, 25 mg	Do.
88–288	Bethanechol Chloride Tablets, 10 mg	Ascot Hospital Pharmaceuticals, Inc.
88–289	Bethanechol Chloride Tablets, 25 mg	Do.
88–307	Thioridazine Hydrochloride Oral Concentrate, 30 mg/milliliters (mL).	Geneva Pharmaceuticals, Inc., 2555 West Midway Blvd., Broomfield, CO 80038–0446.
88–308	Thioridazine Hydrochloride Oral Concentrate, 100 mg/mL	Do.
88–318	Triprolidine Hydrochloride Tablets, 2.5 mg Pseudoephedrine Hydrochloride Tablets, 60 mg.	Circa Pharmaceuticals.
88–332	Thioridazine Hydrochloride Tablets, 10 mg	Mylan Pharmaceuticals, Inc.
88–333	Thioridazine Hydrochloride Tablets, 25 mg	Do.
88–334	Thioridazine Hydrochloride Tablets, 50 mg	Do.
88–335	Thioridazine Hydrochloride Tablets, 100 mg	Do.
88–582	Quinidine Gluconate Sustained Release Tablets, 324 mg	Ascot Hospital Pharmaceuticals, Inc.
88–646	Methocarbamol Tablets, 500 mg	Roxane Laboratories, Inc.
89–079	Nitroglycerin Controlled Release Capsules, 9 mg	Ascot Hospital Pharmaceuticals, Inc.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) and under authority delegated to the Director, Center for Drug Evaluation and Research (21 CFR 5.82), approval of the ANDA's listed above, and all amendments and supplements thereto, is hereby withdrawn, effective on May 26, 1995.

Dated: April 10, 1995.

Janet Woodcock,

Director, Center for Drug Evaluation and Research.

[FR Doc. 95–10272 Filed 4–25–95; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Advisory Commission on Childhood Vaccines; Request for Nominations for Voting Members

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is requesting nominations to fill three vacancies on the Advisory Commission on Childhood Vaccines (ACCV). The ACCV was established by title XXI of the Public Health Service Act (the Act), as enacted by Public Law (Pub. L.) 99–660 and as subsequently amended, and advises the Secretary of Health and Human Services (the Secretary) on issues related to implementation of the National Vaccine Injury Compensation Program (VICP).

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Anderson, Principal Staff Liaison, Policy and Commission Branch, Division of Vaccine Injury Compensation, at (301) 443–1533.

DATES: Nominations are to be submitted by May 26, 1995.

ADDRESSES: All nominations are to be submitted to the Director, Division of Vaccine Injury Compensation, Bureau of Health Professions, HRSA, Parklawn Building, Room 8A–35, 5600 Fishers Lane, Rockville, Maryland 20857.

SUPPLEMENTARY INFORMATION: Under the authorities that established the ACCV, viz., the Federal Advisory Committee Act of October 6, 1972 (P.L. 92–463) and section 2119 of the Act, 42 U.S.C. 300aa–19, as added by P.L. 99–660 and amended, HRSA is requesting nominations for three voting members of the ACCV.

The ACCV advises the Secretary on the implementation of the VICP; on its own initiative or as the result of the filing of a petition, recommends changes in the Vaccine Injury Table; advises the Secretary in implementing the Secretary's responsibilities under section 2127 regarding the need for childhood vaccination products that result in fewer or no significant adverse reactions; surveys Federal, State, and local programs and activities relating to the gathering of information on injuries associated with the administration of childhood vaccines, including the adverse reaction reporting requirements of section 2125(b); advises the Secretary on means to obtain, compile, publish, and use credible data related to the frequency and severity of adverse reactions associated with childhood vaccines; and recommends to the Director, National Vaccine Program, Office of the Assistant Secretary for Health, research related to vaccine injuries which should be conducted to carry out the VICP.

The ACCV consists of nine members appointed by the Secretary as follows: Three health professionals, of whom at least two are pediatricians, who are not employees of the United States, who have expertise in the health care of children, the epidemiology, etiology and prevention of childhood diseases, and the adverse reactions associated with vaccines; three members from the general public, of whom at least two are legal representatives of children who have suffered a vaccine-related injury or death; and three attorneys, of whom at least one shall be an attorney whose specialty includes representation of persons who have suffered a vaccine-related injury or death and one shall be an attorney whose specialty includes representation of vaccine manufacturers. In addition, the Director of the National Institutes of Health, the Assistant Secretary for Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of the Food and Drug Administration (or the designees of such officials) serve as nonvoting ex officio members.

Specifically, HRSA is requesting nominations for three voting members of the ACCV representing: (1) A health professional with special experience in childhood diseases; (2) a member from the general public who is a legal representative of a child who has suffered a vaccine-related injury or death; and (3) an attorney whose specialty includes representation of persons who have suffered a vaccine-related injury or death. Nominees will be invited to serve 3-year terms beginning January 1, 1996, and ending December 31, 1998.

Interested persons may nominate one or more qualified persons for

membership on the ACCV. Nominations shall state that the nominee is willing to serve as a member of the ACCV and appears to have no conflict of interest that would preclude the ACCV membership. Potential candidates will be asked to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts to permit evaluation of possible sources of conflicts of interest. A curriculum vitae should be submitted with the nomination.

The Department of Health and Human Services has special interest in assuring that women, minority groups, and the physically handicapped are adequately represented on advisory committees and therefore extends particular encouragement to nominations for appropriately qualified female, minority, or physically handicapped candidates.

Dated: April 19, 1995.

Ciro V. Sumaya,

Administrator.

[FR Doc. 95–10175 Filed 4–25–95; 8:45 am]

BILLING CODE 4160–15–P

Substance Abuse and Mental Health Services Administration

Office for Women's Services; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a teleconference meeting of the Advisory Committee for Women's Services in May 1995.

The meeting will be held by telephone conference call. The meeting agenda of the Advisory Committee for Women's Services will include a discussion of women's substance abuse and mental health service needs within the context of the SAMHSA Strategic Plan, the proposed SAMHSA Performance Partnership grants, and proposed Policy Demonstration grants.

A summary of this meeting and/or a roster of committee members may be obtained from: Jennifer B. Fiedelholtz, Executive Secretary, Advisory Committee for Women's Services, Office for Women's Services, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 13–99, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–5184.

Substantive information may be obtained from the contact whose name and telephone number is listed below.

Committee Name: Advisory Committee for Women's Services.

Meeting Date: May 22, 1995.

Place: Room 12–94, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open: 2:00 p.m. to adjournment.

Contact: Jennifer B. Fiedelholtz, Room 13–99, Parklawn Building, Telephone (301) 443–5184.

Dated: April 20, 1995.

Jeri Lipov,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 95–10204 Filed 4–25–95; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Draft Environmental Impact Statement (DEIS) for the Yellowstone Pipeline Rights-of-Way Renewal Across Trust and Allotted Lands of the Flathead Indian Reservation, Montana

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability of DEIS and public hearing dates.

SUMMARY: The Draft Environmental Impact Statement (DEIS) is for the proposed renewal of rights-of-way for an existing petroleum products pipeline. Constructed in 1954, this pipeline transports gasoline, diesel fuel, and jet fuel from refineries in Billings, Montana, 588 miles west to Spokane and Moses Lake, Washington. A portion of the pipeline crosses both tribal and allotted trust lands on the Flathead Indian Reservation in northwestern Montana.

The Yellowstone Pipe Line Company (YPL) and the Confederated Salish and Kootenai Tribes of the Flathead Nation (CSKT) executed a lease agreement for these trust lands for the period April 21, 1975, through April 21, 1995. It was approved by the Bureau of Indian Affairs (BIA), which serves as the federal trustee for the lands. The YPL requested a renewal of its lease from the CSKT in order to continue operating the pipeline through the year 2016.

A third party consultant, L.W. Reed Consultants, Inc. of Fort Collins, Colorado, is preparing the EIS for the BIA. They signed vouchers saying that they have no interest in the final decision of the BIA and have no conflict of interests involving YPL. The BIA required that YPL fund the EIS.

This notice is published pursuant to Sec. 1503.1 of the Council on Environmental Quality Regulations (40 CFR, Parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), Department of Interior Manual (516 DM 1–6) and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

DATES: Public hearings on the DEIS will be held on the following dates: Thursday, May 11; Monday, May 15; Tuesday, May 16; Wednesday, May 17; and Thursday, May 18. Written comments must arrive on or before June 26, 1995, at the address given below. We will consider all comments received during this period in preparing the Final EIS.

ADDRESSES: Written comments may be submitted at the public meetings, or sent to: Mr. Ernest Moran, Superintendent, Flathead Agency, Box A, Pablo, MT 59855.

Public hearings on the DEIS will be held at the following locations and times: Cavanaugh's River Inn, Spokane, WA, Thursday May 11, 7 p.m.; Ruby's Reserve Street Inn, Missoula, MT, Monday May 15, 7 p.m.; St. Ignatius Community Center, St. Ignatius, MT, Tuesday May 16, 4 p.m.; CSKT Tribal Complex, Pablo, MT, Wednesday May 17, 11 a.m.; Tribal Senior Citizens Center, Hot Springs, MT, Thursday May 18, 4 p.m.

If you would like a copy of this DEIS, please contact Mr. Lanny Reed, Lanny Reed Consultants Inc., 516 Spring Canyon Court, Fort Collins, Colorado 80525, or call toll-free at (800) 695–9305. We have sent copies of the DEIS to all agencies and individuals who previously requested them.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Beyer, Flathead Agency Box A, Pablo, Montana 59855, telephone (406) 675–7200 ext. 260, or you may call toll-free at (800) 695–9305.

SUPPLEMENTARY INFORMATION: The Department of the Interior classifies the renewal of an existing right-of-way ''where there would be essentially no change in use and continuation would not lead to environmental degradation'' as a Categorical Exclusion under NEPA. In this case, two large spills and five smaller ones on the Reservation during the life of the pipeline indicated that continuation might lead to significant environmental degradation. Therefore, the Superintendent of the Flathead Agency, BIA, in consultation with the CSKT, decided that an EIS would be required prior to any federal decision concerning lease renewal.

The Proposed Action consists of the YPL's request to renew existing rights-of-way across trust lands, with added pipeline safety improvements. The action is needed in order to continue: (1) Operation of the pipeline to serve the needs of the public; (2) transportation of

refined petroleum products to consumers in the greater Spokane area; and (3) transportation of military jet fuel to Fairchild Air Force Base in Spokane. The pipeline now supplies approximately 34 percent of all consumer gasoline and diesel fuel to the Spokane market, 100 percent of the military jet fuel to the Fairchild Air Force Base, and 100 percent of the commercial jet fuel to the Grant County Airport, which supports the Boeing Aircraft and the Japan Air Lines pilot test programs.

The Proposed Action would allow continued use of the existing rights-of-way, with additional safety improvements designed to improve the maintenance of the pipe, the detection of leaks and ruptures, should they occur, and the containment of any product spills. These safety improvements include: (1) Hydrostatic pressure testing every 10 years to identify weak place in the pipeline; (2) instrumented ''smart pig'' testing every 10 years to detect areas of corrosion that might lead to leakage or rupture; (3) monthly ''shut-in'' testing to detect low volume leakage; (4) close interval survey of cathodic protection every 10 years; and (5) better, all-weather, spill contingency planning.

The No Action alternative would deny renewal of the rights-of-way. Petroleum products would thus have to reach the Spokane area markets through alternate modes of transportation.

Because the response to market vacuum resulting from this alternative would be market-driven, it is difficult to predict. Most likely, for the first six months following cessation of pipeline service from Missoula, Montana, product would be supplied by truck from Missoula and from Pasco, Washington; by rail car from Seattle, Washington, or Portland, Oregon; and by a slight increase in flow in the Chevron pipeline from Pasco to Spokane. In the six month to four year period, it is likely that flow in the Chevron pipeline would increase and that shipment by barge would replace shipment by rail, thus increasing traffic on the Columbia River from Portland to Pasco.

A Modified Existing Route Alternative would use the safety improvements identified in the proposed action. It would also re-route the pipeline around five identified sensitive areas in order to reduce (1) the chance of rupture due to stream scour and/or ground movement during earthquakes and (2) the exposure of people, cultural and aquatic resources, and other sensitive receptors in those areas to the adverse effects of petroleum products. This alternative would add four remote control block valves and two new check valves, designed to reduce the volume of product spilled by drain-down in the event of rupture.

Dated: April 21, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95–10220 Filed 4–25–95; 8:45 am]

BILLING CODE 4310–02–P

Bureau of Land Management

[MT–930–1430–01; MTM 82124]

Conveyance of Public Lands, Beaverhead, Madison, and Yellowstone Counties; Montana

Correction

In notice document 95–6496 appearing on page 14298 in the issue of Thursday, March 16, 1995, make the following corrections:

1. In the description listed under Gabel Construction Inc., ''T. N.'' should read ''T. 2 N.''.

2. In the description listed under Elmer F. Link ''lot 5.2.'' should read ''lot 5.''

Dated: April 14, 1995.

Dee L. Baxter,

Acting Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 95–10189 Filed 4–25–95; 8:45 am]

BILLING CODE 4310–DN–P

[NV–050–1430–01; N–59112]

Notice of Realty Action: Lease/ Conveyance for Recreation and Public Purposes

AGENCY: Bureau of Land Management, Interior.

ACTION: Recreation and public purpose lease/conveyance.

SUMMARY: The following described public land in Pahrump, Nye County, Nevada has been examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). The South Valley Baptist Church proposes to use the land for church facility.

Mount Diablo Meridian, Nevada

T. 21S., R. 53 E.,
Sec. 24: Government Lot 1.
(more accurately described as the E½NE¼NE¼ NE¼ of Section 24)
Containing 5.00 acres, more or less.

The land is not required for any federal purpose. The lease/conveyance is consistent with current Bureau planing for this area and would be in the public interest. The lease/patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws and disposals under the mineral material disposal laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed lease/ conveyance for classification of the lands to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126.

CLASSIFICATION COMMENTS: Interested parties may submit comments involving the suitability of the land for a church facility. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

APPLICATION COMMENTS: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a church facility.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the land described in this Notice will become effective 60

days from the date of publication in the **Federal Register**. The lands will not be offered for lease/conveyance until after the classification becomes effective.

Dated: April 14, 1995.

Michael F. Dwyer,

District Manager, Las Vegas, NV.

[FR Doc. 95–10192 Filed 4–25–95; 8:45 am]

BILLING CODE 4310–HC–M

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT–801598

Applicant: Robert Engesser, Trenton, FL.

The applicant requests a permit to export/reexport and import/reimport captive-born tigers (*Panthera tigris*), leopards (*Panthera pardus*), and ring-tailed lemurs (*Lemur catta*), and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from Canada to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three year period.

PRT–801603

Applicant: Thomas R. Pritchett, Edmonds, WA.

The applicant requests a permit to import two pairs of captive-hatched Cabot's tragopan (*Tragopan caboti*) from Glen Howe, Aylmer, Ontario, Canada for the purpose of enhancement of the species through captive breeding.

PRT–799514

Applicant: Charles Eder, Jr., Oroville, WA.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*) culled from the captive herd maintained by Mr. A. G. Spaeth, ''Doornboom'', Bedford, Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–801705

Applicant: David P. Roberts, Madison, WI.

The applicant requests a permit to import two pair of captive-hatched Cabot's tragopan (*Tragopan caboti*) from Glen Howe, Aylmer, Ontario, Canada for the purpose of enhancement of the species through captive breeding.

PRT–801709

Applicant: Arne Lassen, Greensboro, NC.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*) culled from the captive herd maintained by A. Austin, ''Spitzkop'', Grahamstown, Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–792842

Applicant: David Owens, Biology Department, Texas A & M University, College Station, TX.

The applicant requests to amend his permit to import additional blood and salvaged tissue samples from Kemp's ridley (*Lepidochelys kempi*), leatherback (*Dermochelys coriacea*) and green sea turtles (*Chelonia mydas*) from Mexico, Trinidad, Suriname, St. Croix, and Indonesia for the purpose of scientific research to benefit the species in the wild.

PRT–726400

Applicant: National Museum of Natural History, Washington, D.C.

The applicant requests renewal of their permit authorizing import of salvaged specimens of endangered and threatened amphibians and reptiles collected worldwide. These specimens will be accessioned into the museum collection and will be available for scientific research.

PRT–801648

Applicant: Brigitte Perella, Petaluma, CA.

The applicant requests a permit to export two captive-bred Nene(Hawaiian Geese) (*Branta sandvicensis*) to Costa Rica, for the purpose of enhancement of the survival of the species through propagation.

PRT–797861

Applicant: University of Wisconsin, Department of Biochemistry, Madison, WI.

The applicant requests a permit to import small blood serum samples from up to 10 individuals each of captive-held golden-headed lion tamarin (*Leontopithecus chrysomelas*) and buff-headed marmoset (*Callithrix flavicepes*) for the purpose of enhancement of the survival of the species through scientific research.

PRT–687932, 763638 and 799990

Applicant: Adriatic Animal Attractions, Inc., Deland, FL.

The applicant requests permits to export/reexport and import/reimport captive-bred tigers (*Panthera tigris*) and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from worldwide locations to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three year period.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: April 21, 1995.

Caroline Anderson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 95–10275 Filed 4–25–95; 8:45 am]

BILLING CODE 4310–55–P

Minerals Management Service

De Minimis Amount for Recoupments on Federal Offshore Mineral Leases

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of amount.

SUMMARY: This notice establishes the amounts below which a royalty payor is not required to follow the statutory recoupment procedures. The Minerals Management Service (MMS) recently issued regulations governing recoupment of overpayments on Federal offshore mineral leases. Those regulations provide that MMS will publish a notice establishing de minimis amounts where it is not cost effective to process the recoupment request.

FOR FURTHER INFORMATION CONTACT: Paul A. Knueven, Financial Compliance Branch, Compliance Verification Division, Minerals Management Service, Royalty Management Program, P.O. Box 25165, MS–3670, Denver, Colorado, 80225–3165, telephone number (303) 231–3316, fax number (303) 231–3760.

SUPPLEMENTARY INFORMATION: The Royalty Management Program of the

Minerals Management Service (MMS) established regulations at 30 CFR part 230 (59 FR 38365, July 28, 1994, effective August 29, 1994) implementing Section 10 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1339.

Section 10 requires that requests for refunds or credits of excess payments on Federal offshore leases be authorized only if (1) a request for refund or credit is filed within 2 years after the making of the payment, and (2) 30 days expire after both Houses of Congress are notified of the refund request.

In the regulations, MMS identified certain transactions not subject to Section 10. Under one of those exceptions, the regulations at 30 CFR 230.461(h) permit payors to file credit adjustments for de minimis amounts without filing requests for refunds with MMS. Those rules provide that MMS periodically will publish in the **Federal Register** what the de minimis threshold is. Based on the cost experience for fiscal year 1994, MMS is establishing $250 as this amount. MMS will re-calculate the amount whenever costs to process a Section 10 refund request change significantly.

Under these procedures, payors may make credit adjustments for $250 or less for each OCS lease and report month without filing a request with MMS. A credit adjustment for a lease within a unit may exceed $250 of credits during one report month, provided the net credit adjustment for that month considering all positive and negative adjustments for leases in the unit is less than $250. For example, if leases A and B are part of a unit, a payor may submit a credit adjustment of $10,000 for lease A and a payment of $9,800 for lease B within the same report month. Since the two leases within the unit net to a credit of $200, the payor is within the de minimis amount. As provided by the regulations, the overpayment recoupments must be made within 2 years of the date MMS received the payment.

Dated: April 20, 1995.

Connie G. Bartram,

Acting Associate Director for Royalty Management.

[FR Doc. 95–10196 Filed 4–25–95; 8:45 am]

BILLING CODE 4310–MR–P

National Park Service

National Capital Region; National Capital Memorial Commission; Public Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Commission will be held on Tuesday, May 9, 1995, at 1 p.m., at the National Building Museum, Room 312, 5th and F Streets NW.

The Commission was established by Public Law 99–652, the Commemorative Works Act, for the purpose of preparing and recommending to the Secretary of the Interior, Administrator, General Services Administration, and Members of Congress broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended), through the media of monuments, memorials and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary and Administrator, and to serve as information focal point for those persons seeking to erect memorials on Federal land in the National Capital Region.

The members of the Commission are as follows:

Director, National Park Service

Chairman, National Capital Planning Commission

The Architect of the Capitol

Chairman, American Battle Monuments Commission

Chairman, Commission of Fine Arts

Mayor of the District of Columbia

Administrator, General Services Administration

Secretary of Defense

The purpose of the meeting will be to consider:

I. Old Business

II. Site Selection

(a) Japanese American Patriots Memorial

(b) World War II Memorial

III. S. 426 and H.J. Res. 70, bills to establish a memorial to Martin Luther King, Jr., in the District of Columbia or its environs.

IV. Other Business.

The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed. Persons who wish to file a written statement or testify at the meeting or who want further information concerning the meeting may contact the Commission at 202–619–7097. Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the Office of Land Use Coordination, National Capital Region, 1100 Ohio Drive SW., Room 201, Washington, D.C., 20242.

Dated: April 19, 1995.

Robert Stanton,

Regional Director, National Capital Region.

[FR Doc. 95–10177 Filed 4–25–95; 8:45 am]

BILLING CODE 4310–70–M

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. 35). Copies of the proposed collection of information and related form may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau clearance officer and to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503, telephone 202–395–7340.

Title: Customer Service Survey (Evaluation Questionnaire)

OMB Approval Number: Not yet assigned

Abstract: Executive Order 12862 requires agencies to survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services. The information supplied by this survey will determine customer satisfaction with OSM services and to identify areas needing improvement.

Bureau form number: None

Frequency: Annually

Description of respondents: Coal-field residents; environmental, citizen and industry groups; coal operators; and regulatory authorities

Estimated Completion Time: 10 minutes

Annual Responses: 1,500

Annual Burden Hours: 250

Bureau Clearance Officer: John A. Trelease, 202–343–1475.

Dated: February 2, 1995.

Andrew F. DeVito,

Chief, Branch of Environmental and Economic Analysis.

[FR Doc. 95–10261 Filed 4–25–95; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[No. TA–201–64 (Provisional Relief Phase)]

Report to the President on Investigation Fresh Winter Tomatoes [1]

Determinations [2]

On the basis of the statute and available information developed to date in the subject investigation—

Chairman Watson and Commissioners Crawford and Bragg find two full-year, national industries producing tomatoes for (1) fresh-market use and (2) processing.

Chairman Watson and Commissioner Crawford further determine that fresh winter tomatoes are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industries producing a like or directly competitive perishable product.

Commissioner Bragg finds that the available information in this investigation, while somewhat incomplete, suggests that fresh winter tomatoes are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industries producing a like or directly competitive perishable product; however, she makes a negative determination in this investigation based on a negative finding with respect to whether—

(I) serious injury is likely to be difficult to repair by reason of perishability of the like or directly competitive agricultural product; or

(II) the serious injury cannot be timely prevented through investigation under subsection (b) and action under section 203.

Commissioners Rohr and Newquist make a negative determination in this investigation based on a negative finding with respect to whether—

(I) serious injury or threat of serious injury is likely to be difficult to repair by reason of perishability of the like or directly competitive agricultural product; or

(II) the serious injury or threat of serious injury cannot be timely prevented through investigation under subsection (b) and action under section 203.

[1] Specifically, fresh or chilled tomatoes, excluding cherry tomatoes, if entered during the period from January 1 through April 30 inclusive, provided for in subheadings 0702.00.20 and 0702.00.60 of the Harmonized Tariff Schedules of the United States.

[2] Vice Chairman Nuzum not participating.

Background

Following receipt of a petition filed on March 29, 1995, on behalf of the Florida Tomato Exchange, Orlando, FL, and the constituent members thereof, the Commission instituted investigation No. TA–201–64 under section 202(b) of the Trade Act of 1974 to determine whether fresh winter tomatoes are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article. In addition, the petitioner sought provisional relief under section 202(d) of the Act.

Notice of the institution of the Commission's investigation and of a public conference to be held in connection with the provisional relief phase of the investigation was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 3, 1995 (60 FR 16883). The conference was held in Washington, DC, on April 10, 1995, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in this investigation to the President on April 19, 1995. The views of the Commission are contained in USITC Publication 2881 (April 1995), entitled ''Fresh Winter Tomatoes: Investigation No. TA–201–64 (Provisional Relief Phase).''

Issued: April 21, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–10256 Filed 4–25–95; 8:45 am]

BILLING CODE 7020–02–P

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–55 (Sub-No. 505X)]

CSX Transportation, Inc.—Abandonment Exemption—in Lee County, NC

CSX Transportation, Inc. (CSXT), has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 0.46 miles of rail line extending between milepost AE–245.06 and milepost AE–244.6 in Sanford, Lee County, NC.

CSXT has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or 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), 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 26, 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 May 8, 1995.[3] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 16, 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: Charles M. Rosenberger, CSX Transportation, Inc., 500 Water Street J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio.*

[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.

CSXT 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 May 1, 1995. Interested persons may obtain a copy of the EA by writing to SEA at (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 19, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–10209 Filed 4–25–95; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

DNA Advisory Board Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given that the DNA Advisory Board (DAB) will meet on May 12, 1995, from 11:00 am until 5:00 pm, at the General Services Administration Regional Office Building, Room 1909, Seventh and D Streets Southwest, Washington, D. C. 20407. Entrance to the meeting is through the 9th and D Street entrance. All attendees will be admitted only after displaying personal identification which bears a photograph of the attendee.

The DAB's objectives and scope are: To develop, and if appropriate, periodically revise, recommended standards for quality assurance to the Director of the FBI, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA; To recommend standards to the Director of the FBI which specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories; and, To make recommendations to the Director of the FBI for a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

The topics discussed at this meeting include a review of Federal ethics and conflict of interest laws and the role of DAB members as special government employees, the review administrative procedures and to establish by-laws and rules of order for the conduct of DAB meetings, and to review the history of forensic DNA testing and the development of quality assurance standards now in place.

The meeting is open to the public on a first-come, first seated basis. Anyone wishing to address the DAB must notify the Designated Federal Employee (DFE) in writing at least twenty-four hours before the DAB meets. The notification must include the requestor's name, organizational affiliation, a short statement describing the topic to be addressed, and the amount of time requested. Oral statements to the DAB will be limited to five minutes and limited to subject matter directly related to the DAB's agenda, unless otherwise permitted by the Chairman.

Any member of the public may file a written statement for the record concerning the DAB and its work before or after the meeting. Written statements for the record will be furnished to each DAB member for their consideration and will be included in the official minutes of a DAB meeting. Written statements must be type written on 8 xerographic weight paper, one side only, and bound only by a paper clip (not stapled). All pages must be numbered. Statements should include the Name, Organizational Affiliation, Address, and Telephone number of the author(s). Written statements for the record will be included in minutes of the meeting immediately following the receipt of the written statement, unless the statement is received within three weeks of the meeting. Under this circumstance, the written statement will be included with the minutes of the following meeting. Written statements for the record should be submitted to the DFE.

Inquiries may be addressed to the DFE, Mr. Milton E. Ahlerich, Assistant Director, Laboratory Division, Tenth Street Northwest, Washington, DC 20535, (202) 324–4410.

Dated: April 20, 1995.

Milton E. Ahlerich.

Assistant Director, Federal Bureau of Investigation.

[FR Doc. 95–10240 Filed 4–25–95; 8:45 am]

BILLING CODE 4410–02–P

Immigration and Naturalization Service

[INS No. 1715–95]

RIN 1115–AE12

Naturalization Pilot Project; Availability of Funds; Solicitation for Proposals

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of availability of funds and solicitation for applications for a cooperative agreement.

SUMMARY: The Immigration and Naturalization Service (INS) announces the availability of up to $500,000 for a cooperative agreement to conduct a naturalization pilot project pursuant to the funding provisions of the President's Immigration Initiative, Public Law 103–317 enacted August 26, 1994. *See* H.R. Conf. Rep. 103–708, 103d Cong., 2d Sess. (1994) at 23,26.

The Office of Justice Programs will award a cooperative agreement on behalf of INS to an organization demonstrating a capacity to design and successfully implement a program enhancing public awareness of naturalization in urban and rural areas of Southern California.

The INS will accept proposals from organizations with the experience, expertise and resources to prepare and disseminate information, assist in the preparation of naturalization applications, conduct or coordinate citizenship education programs and fully assist INS in the naturalization process. The INS welcomes proposals from nonprofit organizations (501(c)(3) status), such as national and local voluntary agencies, community-based organizations as well as ethnic, civic, patriotic, educational and other immigrant interest organizations.

APPLICATION DUE DATE: June 5, 1995.

FOR FURTHER INFORMATION CONTACT: E.B. Duarte, Jr., Director, Examinations Operations Facilitation Program, Immigration and Naturalization Service, 425 I Street, NW.; room 3214, Washington, DC 20536; telephone 202/307–3587.

SUPPLEMENTARY INFORMATION: The INS announces the availability of funds to conduct a naturalization pilot project in urban and rural areas of southern California. A cooperative agreement will be awarded to one organization which may function by itself or as a principal organization responsible for directing and coordinating a consortium of affiliated entities. The organization may conduct the pilot project in any one, two or all of the following INS jurisdictions: The district offices of Los

Angeles and San Diego and the suboffice of Fresno.

Background

Enhancing the naturalization process for all eligible immigrants is an INS priority. The goal is to focus on lawful permanent residents who gained their status in the 1980s through the legalization program and are now becoming eligible to apply for naturalization, as well as those permanent residents who have not yet chosen to become United States citizens. The best public awareness program is the speedy, efficient delivery of a quality product. The INS will implement an enhanced program to process the additional filings resulting from awareness activities and permanent residents motivated recently to seek citizenship. A key element of the program is the naturalization pilot project.

A cooperative agreement will be awarded to a nonprofit, voluntary organization which, depending on the scope of its program, will work closely with either or both district directors at Los Angeles and San Diego and/or the officer-in-charge at Fresno and their appropriate staffs. In cooperation and consultation with the INS field offices, the organization will develop creative approaches to reach out to potential naturalization applicants from a wide range of various ethnic groups individually or en masse to complete and file their naturalization applications.

The organization will also help applicants meet their English language and civics requirements, assist the INS in the naturalization process and provide follow-up educational programs on citizenship responsibilities.

An objective of the cooperative agreement is to ensure the provision of appropriate information and assistance to eligible naturalization applicants.

Purpose

The INS intends to empower local community groups to develop a viable programmatic relationship with INS field offices to provide naturalization applicants from diverse groups with general information, technical assistance and educational opportunities to complete their applications and prepare for their naturalization interviews. To do so, the INS seeks proposals from organizations that have experience in developing creative and innovative approaches (utilizing various multi-media packages and state-of-the-art information system technologies) of screening and assisting eligible applicants in the immigration application process, and can demonstrate accessible, credible educational programs for required English and civics proficiencies.

Program Description

The pilot project is designed to develop and implement a program enhancing public awareness of naturalization in urban and rural areas of southern California. Organizations shall propose to conduct programmatic activities in the following INS jurisdictions: only the Los Angeles district, only the San Diego district, only the Fresno suboffice, or any combination of two or all three of these jurisdictions. Proposals should specify in which jurisdiction(s) the organizations will conduct the pilot project and the strategies they will pursue, and describe the level of effort they will exert in each jurisdiction. Additionally, proposals should address the following critical elements:

Part I: Targeted Population

Outreach efforts emphasizing naturalization under the cooperative agreement shall be directed to a wide-range of ethnic groups or particular classes of immigrants in urban and rural areas of the INS jurisdictions stated above in which the organization will conduct pilot project activities. Classes would include, for example: Those lawful permanent residents who obtained status through the legislation or special agricultural programs during the 1980s and are now becoming eligible to apply for citizenship; lawful permanent residents from particular ethnic groups who have not been fully motivated to apply for naturalization; and elderly applicants from diverse ethnic groups who may require special educational programs tailored to their needs. Proposals should emphasize how the organization can develop effective systems enabling applicants to electronically file their naturalization applications with the INS field office(s), and may include a discussion of how certified educational entities, if approved by the INS, would test naturalization applicants on the English and civics requirements, especially the ability to speak English words and phrases in ordinary usage.

Proposals should define the characteristics of the targeted ethnic groups or particular classes as well as the organization's qualifications to reach large segments in a credible manner through educational and public informational activities.

Part II: Pilot Project Strategies

Proposers are encouraged to develop creative approaches for providing a comprehensive program that will assist the widest possible targeted audiences. Proposals should discuss how the organization, either functioning by itself or directing and coordinating a consortium of entities, will develop strategies to implement the following activities:

A. Make eligible persons from a wide-range of ethnic groups aware of the naturalization process through general outreach projects such as the production and distribution of brochures, flyers, posters, public service and other media announcements/productions, public forums, media events, and similar activities.

1. In consultation and cooperation with the INS, the organization shall produce and disseminate the multi-media informational items to the public.

2. Any media or multi-media promotional, educational or instructional materials developed by the organization must be reviewed and approved by the INS for technical accuracy and proper emphasis prior to production.

3. All informational items disseminated shall mention INS as a source for assistance, information and action, and shall include the correct addresses of local INS office(s).

4. Upon request, the organization shall provide the INS with all print mechanicals and master tapes of video/audio media items produced under this agreement in a timely manner.

B. Assist persons individually or in groups to prepare and file complete, fully-documented, naturalization applications with local INS offices.

1. Screen applicants carefully to determine eligibility for naturalization and reduce INS adjudication time,

2. Develop creative ways of assisting applicants in group processing programs and assist INS, when necessary, in making arrangements and performing other tasks related to group processing.

3. Develop innovative ways of filing naturalization applications, making use to the fullest extent possible of state-of-the-art electronic systems, in cooperation with local INS offices.

4. Develop and maintain records of individual naturalization applicants, including those assisted to prepare and file their applications at INS offices.

C. Assure that applicants meet the English, and United States history and government knowledge requirements of the naturalization law.

1. Screen applicants to determine if they can speak, read and write English

in ordinary usage, have a general knowledge of United States history and government, or meet the statutory exemptions to these requirements.

2. Conduct English and civics classes for applicants and offer the standardized citizenship test, or refer the applicants to educational or community organizations that offer these services.

3. Encourage universities, colleges, high schools and adult education programs to offer English, United States history and government courses which could be recognized by the INS.

4. Develop and maintain accurate records tracking individual applicant's progress through the educational programs.

D. Cooperate and coordinate with INS offices in the submission of naturalization applications according to local procedures.

1. Assist, as needed, in the coordination of INS sponsored public forums, off-site adjudication of naturalization applications, and other activities related to both judicial and administrative oath ceremonies, including leasing of appropriate facilities to conduct these activities.

2. Ensure that arrangements made for oath ceremonies enhance the patriotism and dignity of such ceremonies.

E. Provide follow-up education to newly naturalized Americans on citizenship responsibilities, such as voter registration, serving on juries, community and school involvement, anticrime efforts, neighborhood improvements, and similar activities.

Proposals shall discuss how the various components of the pilot project strategies will be implemented in the INS jurisdiction(s) based on the organization's experience, expertise and resources. Discussions of campaign strategies and supporting rationale should be clear and concise, reflecting sound evidence and reasoning.

Part III: Conditions

Organizations should be aware of the following conditions affecting the pilot project strategies:

A. Representation

In order to ensure competent assistance for naturalization applicants, the organization, whether functioning alone or as a consortium of affiliated entities assisting naturalization applicants to prepare and file their applications, shall have attorneys or accredited representatives on staff or as *pro bono* volunteers who are responsible for directing, supervising or coordinating the organization's counseling and representation activities in the preparation of such applications in accordance with title 8, Code of Federal Regulations, § 292.2.

B. Prohibition on Assessing or Requesting Fees or Donations

The organization and its affiliated entities shall not request, accept, or receive any fees or donations for any activities or services described in this solicitation, and provided under the cooperative agreement, such as, but not limited to, assisting applicants to prepare and file naturalization applications, ancillary assistance such as fingerprints and photographs, and rendering educational courses.

C. Progress and Other Reports

1. The organization shall submit progress reports to the INS on a quarterly basis. Each report shall be typewritten as a narrative not exceeding ten (10) pages, and shall describe pilot project strategies developed and implemented in the INS jurisdiction(s) noted in the cooperative agreement. The narrative shall summarize the following, highlighting accomplishments, results and innovative approaches:

a. Specific outreach activities and events.

b. Statistics detailing the number of persons assisted to prepare and file their naturalization applications, particularly in group sessions; the number of persons who made an initial contact but did not apply; the numbers by category of persons whose applications were approved, denied, rescheduled, withdrawn or are pending; and the number of persons sworn in as new citizens.

c. The use of innovative application filing procedures, such as electronic systems.

d. Educational programs assisting applicants to meet the English and civics requirements; various approaches and methodologies used; and statistics by category of the number of applicants currently enrolled in programs, and of those who were previously enrolled and whether they passed, failed, or dropped out.

e. Special outreach and programmatic activities conducted with INS offices.

f. Follow-up citizenship education programs.

2. Other reasonable work-flow reports as requested.

D. The organization will provide all staff, materials, supplies, space, and equipment to provide naturalization applicants with general information, technical assistance, and educational services to complete and file their naturalization applications, prepare for their INS interviews, and learn the scope of citizenship responsibilities.

E. The INS directly and through its official representatives will monitor program activities of the organization and provide technical assistance and INS forms to the organization and its affiliated entities.

F. The INS recognizes that the organization may be engaged in a wide range of other immigration related activities, such as general immigration counseling, refugee resettlement, social services, etc. The cooperative agreement does not in any way limit the organization's performance of these services for the receipt of fees or donations. No provision of the agreement shall be construed as a prohibition against the performance of such other normal services, or other activities not directly related to the agreement. Nonetheless, the organization shall use any monies disbursed by INS under the agreement exclusively for activities and services designated as part of the naturalization pilot project.

Part IV: Program Management and Coordination

In order to insure effective implementation of the pilot project activities, proposals shall describe how the organization plans to manage and coordinate the pilot project strategies according to the following guidance:

The organization, whether functioning alone or directing and coordinating a consortium of entities, shall be primarily and exclusively responsible for the performance of all pilot project activities, including those implementing by its affiliated entities.

A. Appoint a Project Manager

1. Subject to the approval of INS, the organization shall appoint a project manager with the authority and ability to carry out the pilot project activities, and an alternate to act in the manager's absence. The organization shall notify the INS in writing at least ten (10) days in advance of any proposed changes in the persons designated for these positions.

2. The project manager shall insure that adequate numbers of trained staff are available to provide information and assist applicants in completing the naturalization process and other related activities without excessive delay.

3. The project manager and staff shall communicate regularly with local INS officials to coordinate and facilitate the naturalization process and other project activities.

4. The project manager shall respond to inquiries from the INS on matters related to the cooperative agreement

requiring immediate, follow-up or other relevant action in a timely manner.

B. Coordination of Consortium of Affiliated Entities

If functioning as a consortium, the organization, through its project manager, will coordinate and be responsible for all pilot project activities performed by its affiliated entities.

C. Establishment, Operation and Closing of Affiliated Entities

1. For the purpose of program coordination, the project manager shall provide all INS offices in the jurisdictions served with the complete names, addresses, and telephone numbers, of the persons in charge of each affiliated entity participating in the consortium, as well as the tasks to be performed by each entity in the respective jurisdiction(s).

2. The project manager shall also perform the following administrative responsibilities related to the consortium:

a. Consult with and provide the INS notification and written justification three weeks prior to the recommended phasing-in or removal of any affiliated entities. Obtain written approval from the INS prior to their inclusion in the consortium. No unilateral phase-ins will be permitted. The relationship of all affiliates will be approved by the INS. Those affiliated entities approved in the application process will have met this requirement.

b. Develop and submit for INS approval, written agreements with all affiliated entities that incorporate all applicable programmatic and budgetary provisions relating to the pilot project activities.

c. Monitor the activities of the affiliated entities and provide required assistance to assure continued efficient operation of each entity.

Part V. Financial Reporting and Records Retention

A. Financial Reporting

The organization awarded the cooperative agreement is required to submit a financial status report reflecting financial information related to Federal obligations and outlays. This report is required for each active quarter on a calendar-quarterly basis. The report is due 45 days after the end of each calendar quarter. The final financial status report is due 90 days after the end of the cooperative agreement period or any extension thereof.

B. Records Retention

All financial records, supporting documents, statistical records, and all other records pertinent to the aware shall be retained for at least three years from the closed audit report date for purposes of Federal examination. The retention requirement extends to books of original entry, source documents, supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks, and related documents and records.

Part VI. Evaluation of Pilot Project Strategies

The central goal of this program is to determine which pilot program strategies are most effective, and should therefore be included in future INS naturalization outreach efforts. Therefore, it is crucial that the methods of evaluating the strategies are accurately and objectively described. The organization shall submit a full evaluation of the project's effectiveness within 60 days of the conclusion of the program.

Selection Criteria

The final selection for award of the cooperative agreement will be made by the Executive Associate Commissioner, Programs, Immigration and Naturalization Service.

Proposals will be submitted to a review panel. The INS anticipates seeking assistance from sources with specialized knowledge in naturalization and other immigration laws, and evaluating proposals, including the Community Relations Service, Office of Special Counsel for Immigration Related Unfair Employment Practices, Commission on Immigration Reform, Office of Refugee Resettlement, and Commission on Civil Rights. Each panelist will evaluate proposals for effectiveness and efficiency, emphasizing the factors enumerated below. The panel's results are advisory in nature and not binding on the INS. Letters of support, endorsement or recommendation will not be accepted.

Organizations should be aware that the State of California is planning to fund some educational programs focusing on naturalization applicants. Unnecessary duplication of specific efforts under those programs should be avoided.

To determine which organization should be awarded the cooperative agreement, the INS will consider the following (based on a 200 point scale):

A. Program Design (40 points)

Sound program design and cost effective strategies utilized to increase awareness of naturalization are imperative. In developing their proposals, organizations should demonstrate evidence of in-depth knowledge of the goals and objectives of the project; identify INS jurisdictions in which activities will be performed, and the organization's qualifications to accomplish these goals effectively; discuss a cost effective strategy to enhance public awareness of naturalization, justifying planned programmatic strategies; and outline the evaluation methods that will be used to measure the effectiveness of the pilot project, and describe their precision in indicating to what degree the program is successful.

Consequently, areas that will be closely examined in the program design include the following elements:

1. Creative and innovative outreach approaches to make eligible applicants aware of naturalization benefits. (5 points)

2. Experience and expertise in the areas necessary to screen and assist eligible persons to prepare and file fully completed naturalization applications, particularly in prompting, organizing and conducting group processing sessions. (10 points)

3. Ability to assist diverse groups of naturalization applicants in meeting the English and civics requirements through structured and special educational programs, standardized citizenship testing, or other innovative and measurable programs. (10 points)

4. Ability to cooperate with INS field office(s) in the submission of naturalization applications; and on an as needed basis, test the feasibility of filing applications electronically; assist in the coordination of INS sponsored public forums, and off-site processing of naturalization applicants, and implement various activities related to both judicial and administrative oath ceremonies. (10 points)

5. Ability to provide follow-up education to recently naturalized citizens on citizenship responsibilities, such as community and school involvement, voter registration, serving on juries, anti-crime efforts and similar civic activities. (5 points)

B. Administrative Capability (20 points)

Proposals will be rated in terms of capability of the organization to implement the programmatic activities and evaluation components.

1. Evidence of proven ability to provide high quality results. (10 points)

2. Evidence that the organization can implement the campaign, and complete the evaluation component within the time lines provided. (10 points)

C. Staff Capability (20 points)

Proposals will be evaluated in terms of the degree to which:

1. The duties outlined for cooperative agreement positions appear appropriate to the work that will be conducted under the award. (10 points)

2. The qualifications of the cooperative agreement-funded positions appear to match the requirements of these positions. (10 points)

D. Previous Experience (20 points)

The proposals will be evaluated on the degree to which the organization demonstrates that it has successfully carried out programs or work similar to the overall pilot project strategies described in this notice.

E. Jurisdictional Involvement (100 points)

During evaluation the panel will closely examine the proposals that guarantee maximum exposure and implementation of the pilot project strategies in the INS jurisdiction(s). Thus, a program designed to reach a very large proportion of potential naturalization applicants in the INS district of Los Angeles would take precedence over a program in only the INS district of San Diego, or only the jurisdiction of the Fresno suboffice. In keeping with the purpose of the pilot project to reach naturalization applicants in urban and rural areas in southern California, points will be awarded to those organizations that best describe overall programmatic strategies and administrative capabilities applicable to the following jurisdictions:

1. Los Angeles INS District which has the largest number of potential applicants from diverse groups. (50 points)

2. Fresno INS Suboffice which has a significantly large rural area and a large population of permanent residents who gained this status through the Special Agricultural Worker (SAW) program during legalization. (30 points)

3. San Diego INS district with significant urban and rural constituencies. (20 points)

Eligible Organizations

This competition is open to nonprofit voluntary organizations (501(c)(3) status) that customarily provide assistance with respect to immigration benefits, including naturalization.

Period and Award Amount

An award of up to $500,000 will be made to one organization.

Publication of this announcement does not require that an organization should be funded, or that the entire amount of funds available, or any part thereof, be obligated for funding. The period of performance will be from the date of the award until September 30, 1996, unless extended by mutual agreement between the awardee and the INS.

Proposal Deadline

All proposals must be received by 5 p.m. EDT, June 5, 1995, at the Naturalization Special Projects Branch, Adjudications Unit, room 3214, Immigration and Naturalization Service, Washington, DC 20536. Proposals submitted via facsimile machine will not be accepted or considered.

Proposal Requirements

Organizations should submit an original and two (2) copies of their completed proposal by the deadline established above. All submissions must contain the following items in the order listed below:

1. A completed and signed Application for Federal Assistance (Standard Form 424) and Budget Information (Standard Form 424A).

2. Department of Justice, Office of Justice Programs, Form 4061/6 (Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Work place requirements).

3. An abstract of the full proposal, not to exceed one page.

4. A program narrative of not more than twenty-five (25) double-spaced typed pages which includes the following:

a. A clear statement describing the approaches and strategies to be utilized to complete the tasks identified in the program description;

b. A clear statement of the proposed goals and objectives, including a listing of the major events, activities, products and time-tables for completion;

c. Description of how the project will be evaluated.

5. A proposed budget outlining all direct and indirect costs for personnel, fringe benefits, travel, equipment, supplies, subcontracts, and a short narrative justification of each budgeted line item cost. If an indirect cost rate is used in the budget, then a copy of a current fully executed agreement between the applicant and the Federal Cognizant Agency must accompany the budget.

6. Copies of resumes for the professional staff proposed in the budget.

7. Detailed technical materials that support or supplement the description of the proposed effort should be included in an appendix.

In order to facilitate handling, please do not use covers, binders or tabs.

Proposal application forms may be obtained by writing or telephoning: Examinations Operations Facilitation Program, Adjudications Unit, Immigration and Naturalization Service, 425 I Street, NW., room 3214, Washington, DC 20536, telephone 202/307–3587.

Dated: April 12, 1995.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 95–10270 Filed 4–25–95; 8:45 am]

BILLING CODE 4410–10–M

LIBRARY OF CONGRESS

American Folklife Center; Board of Trustees Meeting

AGENCY: Library of Congress.

ACTION: Notice of Meeting.

SUMMARY: This notice announces a meeting of the Board of Trustees of the American Folklife Center. This notice also describes the functions of the Center. Notice of this meeting is required in accordance with Public Law 94–463.

DATES: Friday, May 12, 1995; 9:00 a.m. to 1:00 p.m.

ADDRESSES: West Dining Room, James Madison Building, Library of Congress, Washington, D.C. 20540.

FOR FURTHER INFORMATION CONTACT: Alan Jabbour, Director American Folklife Center, Washington, D.C. 20540–8100.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. It is suggested that persons planning to attend this meeting as observers contact Doris M. Craig at (202) 707–6590.

The American Folklife Center was created by the U.S. Congress with passage of Public Law 94–201, the American Folklife Preservation Act, in 1976. The Center is directed to ''preserve and present American folklife'' through programs of research, documentation, archival preservation, live presentation, exhibition, publications, dissemination, training, and other activities involving the many folk cultural traditions of the United States. The Center is under the general guidance of a Board of Trustees composed of members from Federal agencies and private life widely recognized for their interest in American folk traditions and arts.

The Center is structured with a small core group of versatile professionals who both carry out programs themselves

and oversee projects done by contract by others. In the brief period of the Center's operation it has energetically carried out its mandate with programs that provide coordination, assistance, and model projects for the field of American folklife.

Dated: April 10, 1995.

Alan Jabbour,

Director American Folklife Center.

[FR Doc. 95–10212 Filed 4–25–95; 8:45 am]

BILLING CODE 1410–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Cooperative Agreement for Administrative Assistance

AGENCY: National Endowment for the Arts.

ACTION: Notification of availability.

SUMMARY: The National Endowment for the Arts requests proposals leading to the award of a Cooperative Agreement to assist its Local Arts Agencies Program in the fiscal control and administration of payments to evaluators for telephone evaluations of grant applicants. Total payments are not expected to exceed $5,000. Responsibilities will entail administering approximately 30 payments to the evaluators, and preparing a financial report for the Local Arts Agencies Program. Those interested in receiving the Solicitation should reference Program Solicitation PS 95–05 in their written request and include two (2) self-addressed labels. Verbal requests for the Solicitation will not be honored.

DATES: Program Solicitation PS 95–05 is scheduled for release approximately May 15, 1995 with proposals due on June 15, 1995.

ADDRESSES: Requests for the Solicitation should be addressed to National Endowment for the Arts, Contracts Division, Room 217, 1100 Pennsylvania Ave., N.W. Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: William I. Hummel, Contracts Division, National Endowment for the Arts, 1100 Pennsylvania Ave., N.W., Washington, D.C. 20506 (202/682–5482).

William I. Hummel,

Director, Contracts and Procurement Division.

[FR Doc. 95–10190 Filed 4–25–95; 8:45 am]

BILLING CODE 7537–01–M

National Council on the Humanities; Meeting

April 17, 1995.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on May 11–12, 1995.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, N.W., Washington, D.C. A portion of the morning and afternoon sessions on May 11–12, 1995, will not be open to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated July 19, 1993.

The agenda for the sessions on May 11, 1995, will be as follows:

8:30–9:00 a.m. Coffee for Council Members—Room 527

Committee Meetings (Open to the Public)

Policy Discussion

9:00–10:00 a.m.—Education Programs—Room M–14
Public Programs—Room 415
Research Programs—Room M07
Preservation and Access & Challenge Grants—Room 315
Federal-State Partnership—Room 507

10:00 a.m. until Adjourned (Closed to the Public) Discussion of specific grant applications before the Council

The morning session on May 12, 1995, will convene at 9:00 a.m., in the 1st Floor Council Room, M–09, and will be open to the public, as set out below. The agenda for the morning session will be as follows:

(Coffee for Staff and Council members will be served from 8:30–9:00 a.m.)

Minutes of the Previous Meeting
Reports
A. Introductory Remarks
B. Introduction of New Staff
C. Contracts Awarded in the Previous Quarter
D. Budget Reports
E. Legislative Report/Reauthorization
F. Committee Reports on Policy and General Matters
G. 1. Overview
2. Education Programs
3. Research Programs
4. Preservation and Access & Challenge Grants
5. Public Programs
6. Federal-State Partnership
7. Jefferson Lecture

(The meeting will be closed to the public at this point.)

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Mr. David C. Fisher, Advisory Committee Management Officer, Washington, D.C. 20506, or call area code (202) 606–8322, TDD (202) 606–8282. Advance notice of any special needs or accommodations is appreciated.

David C. Fisher,

Advisory Committee Management Officer.

[FR Doc. 95–10210 Filed 4–25–95; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

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 (#1193).

Date and Time: May 12, 1995; 8:30 am–4 pm.

Place: National Science Foundation, Room 1160, 4201 Wilson Blvd., Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Caroline E. Wardle, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Phone : (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 Research Infrastructure proposals as part of the selection process.

Reason for Closing: The proposal 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 21, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–10271 Filed 4–25–95; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–244]

Rochester Gas and Electric Corporation; Ginna Nuclear Power Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from Facility Operating License No. DPR–18, issued to Rochester Gas and Electric Corporation (RG&E), (the licensee), for operation of the Ginna Nuclear Power Plant, located in Wayne County, New York.

Environmental Assessment

Identification of the Proposed Action

The proposed action would grant a one-time exemption from performing Type C tests for certain containment isolation valves (CIVs) during the 1995 refueling outage and extend the schedule required by 10 CFR Part 50, Appendix J, Section III.D.3, up to 1-month of the 2-year interval.

The proposed action is in accordance with the licensee's application for the exemption dated March 15, 1995.

The Need for the Proposed Action

The proposed action is requested on a one-time basis only to support the current refueling outage schedule. Requiring a plant shutdown before the next scheduled refueling outage in April 1996, soley to perform surveillance tests would cause an unnecessary thermal transient on the plant and could result in unnecessary exposure to personnel. The performance of the CIVs and the plant's overall containment integrity have been good. RG&E proposes to limit the exemption to exclude those valves: (1) On which maintenance has been performed; and (2) on those valves that have not demonstrated acceptable leakage rate testing during the past two leakage tests.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the proposed exemption would allow RG&E to conduct the local leak rate tests during the next refueling outage, an extension of up to 1 month. There will be no changes to the facility or the environment as a result of the exemption.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the NRC staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Ginna Nuclear Power Plant.

Agencies and Persons Consulted

In accordance with its stated policy, on April 11, 1995, the staff consulted with the New York State official, Donna Ross, Acting State Liaison Officer of the New York Energy, Research, and Development Authority, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated March 15, 1995, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Rochester Public Library, 115 South Avenue, Rochester, New York.

Dated at Rockville, Maryland, this 19th day of April 1995.

For the Nuclear Regulatory Commission.

Ledyard B. Marsh,

Director, Project Directorate I–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–10207 Filed 4–25–95; 8:45 am]

BILLING CODE 7590–01–M

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from March 31, 1995, through April 14, 1995. The last biweekly notice was published on Wednesday, April 12, 1995 (60 FR 18621).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a

margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By May 26, 1995, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248–5100 (in Missouri 1-(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to (*Project Director*): petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Carolina Power & Light Company, et al., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: March 20, 1995.

Description of amendment request: The licensee proposes a revision to Technical Specification (TS) 2.2.1, Reactor Trip System Instrumentation Setpoints, and to relocate cycle specific Overpower and Overtemperature Delta T trip setpoint parameters to the Core Operating Limits Report (COLR).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

This change does not involve a significant hazards consideration for the following reasons:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change of relocating Overtemperature Delta T * * * and the Overpower Delta T * * * trip setpoint parameters to the COLR has no influence or impact to the probability or consequences of an accident. The revised TS will continue to implement the Reactor Trip System Instrumentation [Overtemperature Delta T] and [Overpower Delta T] setpoint limits through reference to the parameters in the COLR. In addition, the COLR is subject to the existing controls of TS 6.9.1.6, including the establishment of the parameter values using an NRC approved methodology. Given that this change administratively relocates the selected trip setpoint parameter values to another TS-controlled document, there would be no increase in the probability or consequences of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

No safety-related equipment, safety function, or plant operation will be altered as a result of this proposed change. The limits are simply being relocated to another TS-controlled document. The TS will continue to require operation within the required limits as established per NRC approved methodologies. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

Relocation of the Reactor Trip System Instrumentation [Overtemperature Delta T] and [Overpower Delta T] setpoint limits to the TS-controlled COLR has no effect on the trip system setpoints currently in force in TS 2.2.1. Future revisions to the trip setpoint parameters are governed by TS 6.9.1.6. TS 6.9.1.6 lists each TS that references values in the COLR and the NRC approved methodologies utilized in developing those values. Since this change is only an administrative relocation of the selected trip setpoint parameter values to another TS controlled document, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

Attorney for licensee: R. E. Jones, General Counsel, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Project Director: David B. Matthews.

Carolina Power & Light Company, et al., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: March 30, 1995.

Description of amendment request: The licensee proposes to revise the Emergency Diesel Generator (EDG) surveillance requirements contained in Technical Specification (TS) 4.8.1.1.2 to be consistent with NUREG–1431, Standard Technical Specifications for Westinghouse Plants, and to eliminate the need for duplicate EDG testing that has already been implemented to satisfy the requirements of the Station Blackout Rule and the Maintenance Rule.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

This change does not involve a significant hazards consideration for the following reasons:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

A failure of the Emergency Diesel Generator (EDG) is not an initiator for any previously evaluated FSAR Chapter 15 accident scenario. By committing to and implementing an EDG reliability program that satisfies the requirements of the Station Blackout Rule and the Maintenance Rule, the Shearon Harris Nuclear Power Plant (SHNPP) will continue to ensure that target EDG reliability and availability is being achieved by conducting appropriate monitoring, testing, and maintenance activities. This program will be developed and controlled as a Plant Operating Manual procedure and will incorporate industry, vendor, and TDI Owners Group recommendations. Therefore, with commensurate levels of testing and inspection in place to provide assurance that the EDGs will perform their intended safety function in the event of an accident, the proposed changes will have no effect on the probability or consequences of such an accident.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

A failure of the EDG is not an initiator for any previously evaluated FSAR Chapter 15 accident scenario nor would the proposed changes to the EDG surveillance requirements result in the possibility of a new or different kind of accident from any accident previously evaluated. By committing to and implementing an EDG reliability program that satisfies the requirements of the Station Blackout Rule and the Maintenance Rule, SHNPP will continue to ensure that target EDG reliability and availability is being achieved by conducting appropriate monitoring, testing, and maintenance activities. This program will be developed and controlled as a Plant Operating Manual procedure and will incorporate industry, vendor, and TransAmerica Delaval Inc. Owners Group recommendations. Therefore, with commensurate levels of testing and inspection in place to provide assurance that the EDGs will perform their intended safety function in the event of an accident, the proposed changes would not increase the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

The proposed changes will not affect any parameters which relate to the margin of safety as defined in the Technical Specifications or the FSAR. Testing, inspection and maintenance necessary to verify the EDGs' ability to perform their intended safety function will continue to be

performed. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

Attorney for licensee: R. E. Jones, General Counsel, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Project Director: David B. Matthews.

Commonwealth Edison Company, Docket Nos. 50–295 and 50–304, Zion Nuclear Power Station, Units 1 and 2, Lake County, Illinois

Date of amendment request: March 24, 1995.

Description of amendment request: The proposed amendments would acknowledge the acceptability of performing containment leakage rate testing in accordance with 10 CFR Part 50, Appendix J, and all approved exemptions.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability of occurrence or consequences of any accident previously evaluated.

The proposed changes to Technical Specifications to add an allowance to test in accordance with approved exemptions to 10 CFR 50 Appendix J are administrative in nature and will not affect any accident initiators or precursors. 10 CFR 50 Appendix J provides the requirements to periodically test the primary reactor containment. The objective of these requirements is to ensure that leakage from the primary reactor containment structure and systems and components that penetrate the containment is maintained below the limits established for containment leakage. The performance of periodic integrated leakage rate testing (Type A) and local penetration testing (Type B and C) during containment life provides a current assessment of potential leakage from containment during accident conditions.

10 CFR 50.12 allows the Commission to grant specific exemptions to the requirements of 10 CFR 50 Appendix J when those exemptions are authorized by law, will not present undue risk to the public, and are consistent with the common defense and security. In addition, special circumstances must exist as described in Section 50.12. Since all exemptions to 10 CFR 50 Appendix J receive NRC review and approval prior to being implemented, all containment leakage rate testing will continue to be performed in accordance with NRC approved methodologies when relying upon the allowance that is added to the Technical Specifications by the proposed amendment. The proposed changes are consistent with the requirements provided in NUREG–1431, ''Standardized Technical Specifications, Westinghouse Plants'' which has been approved by the NRC.

The proposed changes will not affect any accident initiators or precursors and will not change or alter the design assumptions for the systems used to mitigate the consequences of an accident. The proposed changes do not involve the addition of any new or different type of equipment, nor do they involve the operation of equipment required for safe operation of the facility in a manner different from those addressed in the UFSAR. There are no changes to parameters governing plant operation as a result of the proposed changes. The results and conclusions in the Zion Updated Final Safety Analysis Report (UFSAR) are unaffected by this proposed License Amendment.

Based on the previous discussion, the proposed changes do not involve a significant increase in the probability of occurrence or consequences of any accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any previously analyzed.

The proposed changes to Technical Specifications to add an allowance to perform containment leakage rate testing in accordance with approved exemptions to 10 CFR 50 Appendix J are administrative in nature and do not involve the addition of any new or different types of safety related equipment, nor does it involve the operation of equipment required for safe operation of the facility in a manner different from those addressed in the safety analyses. The proposed changes may only affect the methods used to perform containment leakage rate testing while in a shutdown condition. No safety related equipment or function will be altered as a result of the proposed changes. Also, the procedures governing normal plant operation and recovery from an accident are not changed by the proposed Technical Specification changes. Since no new failure modes or mechanisms are added by the proposed changes, the possibility of a new or different kind of accident is not created.

3. The proposed changes do not involve a significant reduction in a margin of safety.

Given the proposed changes to Technical Specifications, testing would be allowed in accordance with approved exemptions to Appendix J. Exemptions are allowed by the Commission in accordance with 10 CFR 50.12 when it is shown that the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. In addition, special circumstances must exist.

The proposed changes will not impact any margin of safety and testing in accordance with approved exemptions will not involve a significant reduction in a level of safety since containment leakage testing is performed while in a shutdown condition. In addition, it is likely that any test methodology that significantly reduces a margin of safety would not be approved by the NRC.

The ability to safely shut down the operating unit and mitigate the consequences of all accidents previously evaluated will be maintained. Therefore, the margin of safety is not significantly affected.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Local Public Document Room location: Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Attorney for licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690.

NRC Project Director: Robert A. Capra.

Consumers Power Company, Docket No. 50–155, Big Rock Point Plant, Charlevoix County, Michigan

Date of amendment request: December 15, 1994.

Description of amendment request: The proposed amendment would revise Technical Specification 11.3.1.5 *ACTION* a. to eliminate the need to demonstrate that the actuation circuitry of the unaffected reactor depressurization system channels is operable. In addition, an editorial change correcting a typographical error is also proposed.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change will eliminate the probability of a subsystem failure caused by additional testing (which unnecessarily introduces the potential for human and equipment problems), therefore eliminating the probability that the facility would have to be challenged and brought to the SHUTDOWN condition within 12 hours and to the COLD SHUTDOWN condition within the following 24 hours.

2. Will the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change does not alter the plant configuration, systems, components, or operation; and does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change is expected to eliminate unnecessary challenges to a safety system that has already been determined to be operable by routine surveillance testing; therefore contributing to the overall safe operation of the facility.

3. Will the proposed change involve a significant reduction in the margin of safety?

The RDS [Reactor Depressurization System] provides for both manual and automatic depressurization of the primary system to allow injection of the core spray following a small-to-intermediate size break in the primary system. This will allow core cooling with the objective of preventing excessive fuel clad temperatures. The design of the system is based on the specified initiation set points described in the Technical Specifications. Transient analysis demonstrated that these conditions result in adequate safety margins for both the fuel and the system pressure. The proposed change does not affect these setpoints, therefore the margin of safety is not changed.

In addition, the proposed editorial change to correct a typographical error is administrative in nature and, therefore, would have no effect on the three standards of 10 CFR 50.92 discussed above.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Project Director: Cynthia A. Carpenter, Acting.

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Nuclear Generating Plant, Unit No. 3, Citrus County, Florida

Date of amendment request: January 26, 1995, as supplemented March 9, 1995.

Description of amendment request: The proposed amendment would revise the technical specifications (TS) to increase the allowable nominal fuel enrichment from 4.2 to 5.0 weight percent for reload fuel assemblies. TS impose a limit on fuel enrichment of stored fuel assemblies to prevent inadvertent criticality. Presently, the Crystal River Unit 3 (CR3) TS specify a maximum enrichment of 4.5 weight percent for storage pool A and dry fuel (new fuel) storage racks, and 4.2 weight percent for fuel pool B. The licensee proposed to revise TS 3.7.15, 4.2, and 4.3, and associated TS bases to allow increasing the enrichment limits from 4.2 to 5.0 weight percent for the dry fuel storage racks and for A and B fuel pools. Additionally, a typographical error in TS 4.3.1.2.b will also be corrected.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. This amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

An increase in fuel enrichment will not by itself affect the mixture of fission product nuclides. A change in fuel cycle design which makes use of an increased enrichment may result in fuel burnup consisting of a somewhat different mixture of nuclides. The effect in this instance is insignificant because:

a. The isotopic mixture of the irradiated assembly is relatively insensitive to the assembly's initial enrichment.

b. Most accident doses are such a small fraction of 10 CFR 100 limits, a large margin exists before any change becomes significant.

c. The change in Pu content which would result from an increase in burnup would produce more of some fission product nuclides and less of other nuclides. Small increases in some doses are offset by reductions in other doses. The radiological consequences of accidents are not significantly changed.

2. This amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

An unplanned criticality event will not occur as K_{eff} [effective neutron multiplication factor] will not exceed 0.95 with the maximum allowable enriched fuel in Pool A and Pool B, when flooded with unborated water, and K_{eff} will not exceed 0.98 in the new fuel storage racks assuming conditions of optimum hypothetical low density moderation. The new fuel storage racks have two rows of storage cells physically blocked to ensure reactivity limits are not exceeded. Administrative controls assure fuel is stored in configurations which meet the requirements of the safety analysis.

3. This amendment will not involve a significant reduction in a margin of safety.

While the increased enrichment in Pool A, Pool B, and the dry storage racks may lessen the margin to criticality, this reduction is not significant because the overall safety margin is within NRC criteria of K_{eff} [less than or equal to] 0.95 (NRC Standard Review Plan, Section 9.1.2.)

Therefore, this amendment request satisfies the criteria specified in 10 CFR 50.92 for amendments which do not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida 32629.

Attorney for licensee: A. H. Stephens, General Counsel, Florida Power Corporation, MAC–A5D, P. O. Box 14042, St. Petersburg, Florida 33733.

NRC Project Director: David B. Matthews.

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: March 16, 1995.

Description of amendment request: The proposed amendment would revise Technical Specification 4.6.1.2, regarding the overall integrated containment leakage rate tests, so that it would reference 10 CFR Part 50, Appendix J directly, rather than paraphrase the regulation, and allow approved exemptions to the test frequency requirements. In addition, there is an associated proposed exemption, from the requirements of 10 CFR Part 50, Appendix J, to provide a one-time interval extension for the Unit 2 Type A test (containment integrated leak rate test) from the current scheduled 48 months to approximately 66 months.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1—Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change specific to Unit 2 will provide a onetime exemption from the 10 CFR 50, Appendix J Section III.D.I.(a) leak rate test schedule requirement. This change will allow for a one-time test interval for Type A Integrated Leak Rate Tests of approximately 66 months.

Leak rate testing is not an initiating event in any accident; therefore, this proposed

change does not involve a significant increase in the probability of a previously evaluated accident.

Type A tests are capable of detecting both local leak paths and gross containment failure paths. Experience at South Texas Project Unit 2 demonstrates that excessive containment leakage paths are local leakage detected by Type B and C Local Leak Rate Tests.

Administrative controls govern maintenance and testing of containment penetrations such that the probability of excessive penetration leakage due to improper maintenance or valve misalignment is very low. Following maintenance on any containment penetration, a Local Leak Rate Test is performed to ensure acceptable leakage levels. Following a Local Leak Rate Test on a containment isolation valve, an independent valve alignment check is performed. Therefore, Type A testing is not necessary to ensure acceptable leakage rates through containment penetrations.

While Type A testing is not necessary to ensure acceptable leakage rates through containment penetrations, Type A testing is necessary to demonstrate that there are no gross containment failures. Structural failure of the containment is considered to be a very unlikely event, and in fact, since South Texas Project Unit 2 has been in operation, it has successfully passed each Type A Integrated Leak Rate Test. Therefore, a one-time exemption increasing the interval for performing an Integrated Leak Rate Test results [sic] in a significant decrease in the confidence in the leak tightness of the containment structure. Therefore, this change does not involve a significant increase in the consequences of an accident previously evaluated.

The proposed amendment revised Technical Specification 4.6.1.2 to reference the testing frequency requirements of 10 CFR 50, Appendix J, and to state that Nuclear Regulatory Commission approved exemptions to the applicable regulatory requirements are permitted. This portion of the proposed change is applicable to Unit 1 and Unit 2. The current language of Technical Specification 4.6.1.2 paraphrases the requirements of Section III,D.I.(a) [sic] of Appendix J. The proposed administrative revision simply deletes the paraphrased language and directly references Appendix J. No new requirements are added, nor are any existing requirements deleted. Any specific changes to the requirements of Section III.D.I.(a) will require a submittal from Houston Lighting & Power under 10 CFR 50.12 and subsequent review and approval by the Nuclear Regulatory Commission prior to implementation.

The proposed amendment, in itself, does not affect reactor operations or accident analysis and has no radiological consequences. The change provides clarification so that future Technical Specification changes will not be necessary to correspond to applicable Nuclear Regulatory Commission-approved exemptions from the requirements of Appendix J.

Therefore, this proposed amendment does *not* involve a significant increase in the probability or consequences of any accident previously evaluated.

Criterion 2—Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The proposed Unit 2 exemption request does not affect normal plant operations or configuration, nor does it affect leak rate test methods. The proposed change allows a one-time test interval of approximately 66 months for the Integrated Leak Rate Test. Because the test history of South Texas Project Unit 2 demonstrates no Type A test failures during plant lifetime, the relaxation in schedule should not significantly decrease the confidence in the leak tightness of the containment.

The proposed Technical Specification amendment for Units 1 and 2 provides clarification to a specification that paraphrases a codified requirement.

Since the proposed change and amendment would not change the design, configuration or method of operation of the plant, they would *not* create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3—Does Not Involve a Significant Reduction in the Margin of Safety

The purpose of the existing schedule for Integrated Leak Rate Tests is to ensure that release of radioactive materials will be restricted to those leak paths and leak rates assumed in accident analyses. The relaxed schedule for Integrated Leak Rate Tests does not allow for relaxation of Type B and C Local Leak Rate Tests. Therefore, methods for detecting local containment leak paths and leak rates are unaffected by this proposed change. A one-time increase of the South Texas Project Unit 2 test interval does not leak to a significant probability of creating a new leakage path or increased leakage rates because the test history for Integrated Leak Rate Tests shows no failure during plant life. The margin of safety inherent in existing accident analyses is maintained.

The proposed Technical Specification amendment for Units 1 and 2 is administrative and clarifies the relationship between the requirements of Technical Specification 4.6.1.2, Appendix J, and any approved exemptions to Appendix J. It does not, in itself, change a safety limit, a Limiting Condition of Operation, or a surveillance requirement on equipment required to operate the plant. Nuclear Regulatory Commission approval of any proposed change or exemption to III.D.1.(a) of Appendix J will be required prior to implementation.

Therefore, this change and amendment do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Local Public Document Room location: Wharton County Junior College, J. M. Hodges, Learning Center, 911 Boling Highway, Wharton, TX 77488.

Attorney for licensee: Jack R. Newman, Esq., Newman & Holtzinger, P.C., 1615 L Street, NW., Washington, DC 20036.

NRC Project Director: William D. Beckner.

IES Utilities Inc., Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: March 10, 1995.

Description of amendment request: The proposed amendment would remove redundant Limiting Conditions of Operation and Surveillance Requirements for the containment hydrogen and oxygen monitors in the Technical Specifications (TS).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. No physical changes will result from this amendment. This change deletes requirements that are redundant and unduly restrictive. The annual surveillance deleted by this amendment is redundant to the semi-annual surveillance required in Table 4.2–H. The Limiting Conditions for Operation are not changed by the proposed amendment.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. No physical changes will result from this amendment. Functional tests are performed on the hydrogen and oxygen analyzers semiannually as required in TS Table 4.2–H. Deleting the annual requirement for a functional test of the same equipment will not reduce the amount of testing performed or increase the possibility of degraded equipment being undetected.

3. The proposed amendment does not involve a significant reduction in a margin of safety. No physical changes will result from this amendment. The existing requirement for a semi-annual test of the hydrogen and oxygen analyzer in Table 4.2–H exceeds the requirements to be deleted in Section 3.7/4.7–H. The frequency of testing of the hydrogen and oxygen analyzers will not be reduced as a result of this amendment.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Kathleen H. Shea, Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, DC 20036–5869.

NRC Project Director: Gail H. Marcus.

IES Utilities Inc., Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: March 28, 1995.

Description of amendment request: The proposed amendment would revise and clarify Technical Specification Table 3.2–A that lists allowable out-of-service times and surveillance test intervals for instrumentation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes to TS Table 3.2–A will not significantly increase the probability or consequences of an accident previously evaluated. The changes do not alter the physical design or operation of the plant and serve to describe more accurately and clearly the actual logic configurations. The existing logic designs are in conformance with the Architect/Engineer's design documentation since plant startup. These changes will assure that the information in the tables is clearer and more consistent with the column headings of the table. The proposed changes do not affect assumptions contained in the plant safety analysis.

The Bases changes provide additional information about the logic arrangements as appropriate to identify unique or different logic configurations. Changes to the Allowed Outage Time (AOT) descriptions for the MSL Flow—High and MSL Tunnel Temperature—High provide clarification regarding application of the AOT to these logic arrangements, since multiple instrument channels provide input into multiple logic channels. This application conforms to the single failure criterion of the design basis (NEDO–10139, Compliance of Protection Systems to Industry Criteria: General Electric BWR Nuclear Steam Supply System, dated June 1970) and to the analytical basis for the TS (NEDC–31677P–A, Technical Specification Improvement Analysis for BWR Isolation Actuation Instrumentation, dated July 1990).

2. The proposed changes to Table 3.2–A will not introduce a new or different kind of accident from any accident previously evaluated. The changes do not alter the physical design of the plant or affect any modes of operation. The proposed changes serve to clarify the existing information to better assure that the trip instrumentation will be maintained as assumed in the accident analyses contained in the Updated Final Safety Analysis Report.

3. The proposed changes do not involve a significant reduction in a margin of safety. Clarification of the logic arrangements in both Table 3.2–A and the TS Bases and how the AOT is applied does not affect the ability of the isolation logic to perform its intended function. No physical changes to the plant are being made as part of this amendment.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Kathleen H. Shea, Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, DC 20036–5869.

NRC Project Director: Gail H. Marcus.

Indiana Michigan Power Company, Docket No. 50–315, Donald C. Cook Nuclear Plant, Unit No. 1, Berrien County, Michigan

Date of amendment request: March 17, 1995.

Description of amendment request: The proposed amendment would defer performance of the Type A containment integrated leakage rate test until the next refueling outage.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Per 10 CFR 50.92, a proposed change does not involve a significant hazards consideration if the change does not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated,

2. Create the possibility of a new or different kind of accident from any accident previously evaluated, or

3. Involve a significant reduction in a margin of safety.

Criterion 1

The Cook Nuclear Plant Type A test history provides substantial justification for the proposed test schedule. Three Type A tests were performed over a seven year period with successful results. The tests indicate that the Cook Nuclear Plant has a low leakage containment. In addition, there are no adverse trends in the results from the previous Types A, B, and C tests or visual inspections that indicate a gradual degradation of the containment boundary. Further, there are no structural modifications planned which would adversely affect the structural capability of the containment and that would be a factor in deferring the Type A test one refueling outage. Containment leak rate testing is not an initiator of any accident. The proposed interval extension does not affect reactor operations or the accident analysis and has no radiological consequences, except for the dose savings associated with not performing the test. There will be no changes to 10 CFR 100 dose limits or the control room dose limits. Extending the test interval will not increase the probability of a malfunction of equipment important to safety. Based on these considerations, it is concluded that the change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2

The proposed change does not involve physical changes to the plant or changes in plant operating configuration. The proposed change only relaxes the schedular requirements for conducting one Type A test from the T/Ss and defers performance of the test one cycle. The purpose of the test is to provide periodic verification of the leak-tight integrity of the primary reactor containment, and systems and components which penetrate containment. The tests assure that leakage through containment and systems and components penetrating containment will not exceed the allowable leak rate values established in 10 CFR 50, Appendix J. Thus, it is concluded that the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3

The proposed change to the schedule for performing the Type A test does not reduce the margin of safety assumed in the accident analysis for any release of radioactive materials or reduce any margin of safety preserved by the technical specifications. The methodology, acceptance criteria, and the technical specification leak rate limits for the performance of the Type A test will not change. Type A tests will continue to be performed in accordance with 10 CFR 50, Appendix J and the applicable Cook Nuclear Plant Technical Specifications beginning in 1997. In addition, there are no adverse trends in the results from the previous Type A, B, and C tests or visual inspections that indicate a gradual degradation of the containment boundary. Based on these considerations, it is concluded that the change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and

Trowbridge, 2300 N Street, NW, Washington, DC 20037.

NRC Project Director: Cynthia A. Carpenter, Acting.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment requests: March 31, 1995.

Description of amendment requests: The proposed amendments would modify the Containment Ventilation System Technical Specifications (and associated Bases) to allow limited containment purge operation in Modes 1, 2, 3, and 4 for pressure control, ALARA [as low as is reasonably achievable], and respirable air quality considerations.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1

The purpose of this amendment is to allow flexibility in the use of the containment purge system during MODES 1, 2, 3, and 4. The use of this system during these modes of operation has previously been approved (Amendment No. 66). Therefore, this amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed change to the T/Ss does not affect the assumptions, parameters, or results of any UFSAR [Updated Final Safety Analysis Report] accident analysis. Based on the existing system design and demonstrated closure capability it is concluded that the proposed changes do not modify the response of the containment during a design basis accident. The proposed amendment does not add or modify any existing equipment. Based on these considerations, it is concluded that the changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2

The proposed change does not involve physical changes to the plant or changes in the plant operating configuration. Thus, it is concluded that the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3

The margin for safety presently provided is not reduced by the proposed change. As discussed previously, the containment purge valves have been designed and demonstrated capable of closure against the dynamic forces resulting from a loss of coolant accident. The proposed amendment does not impact the ability of the purge valves to perform their intended function (i.e. achieve closure) in the event of an accident. Based on these considerations, it is concluded that the changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Maud Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037.

NRC Project Director: Cynthia A. Carpenter, Acting.

Northeast Nuclear Energy Company (NNECO), Docket No. 50–245, Millstone Nuclear Power Station, Unit 1, New London County, Connecticut

Date of amendment request: March 31, 1995.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) to increase the as-found setpoint tolerance of the safety/relief valves (SRVs) from plus or minus 1% to plus or minus 3%. In addition, the proposed amendment (1) would allow the as-found condition of one SRV to be inoperable, (2) clarifies the 1325 psig safety limit wording, (3) increases the number of SRVs to be tested during each refueling outage, (4) makes editorial changes to reflect the TS changes, and (5) revises the bases for the applicable sections.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

NNECO has reviewed the proposed changes in accordance with 10 CFR 50.92 and concluded that the changes do not involve a significant hazards consideration (SHC). The basis for this conclusion is that the three criteria of 10 CFR 50.92(c) are not compromised. The proposed changes do not involve an SHC because the changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously analyzed.

The safety function of the SRVs is to mitigate the effects of a RPV [reactor pressure vessel] overpressurization, therefore a failure to open until the upper setpoint limit (+3%) is reached cannot affect the probability of an accident. The lowest allowable limit (−3%) is still above normal operating pressure and therefore does not significantly increase the probability of an inadvertent opening.

Should the SRVs open in response to an RCS [reactor coolant system] overpressure event, opening of the SRVs below the nominal setpoints does not adversely affect the consequences of an accident. The fuel reload analysis demonstrates that actuation of five valves at or below 103% of nominal provides sufficient pressure reduction to maintain peak RCS pressure below the safety limit of 1375 psig and to maintain vessel steam space pressure below 1325 psig. The hydrodynamic loads on the SRV discharge pipe (i.e., tail pipe) and the torus remain within the design limits.

The performance of the high pressure systems; FWCI [feedwater coolant injection], SLC [standby liquid control] and IC [isolation condenser] remain acceptable. There is also no adverse impact on the operability of the APR [automatic pressure relief] system.

The SRV setpoints will continue to be required to be within [plus or minus] 1% prior to plant startup from a refueling outage. This ensures that the SRVs are restored to the optimal conditions at the start of each fuel cycle.

Therefore, increasing the ''as-found'' tolerance from [plus or minus] 1% to [plus or minus] 3% does not result in a significant increase in the probability or consequences of a previously analyzed accident.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

Revising the acceptable as-found setpoint tolerance from [plus or minus] 1% to [plus or minus] 3% does not change the type of action that these valves are expected to perform, nor does it change the initial ''as-left'' requirements for the valves. Plant operating parameters have not changed. Therefore, this change cannot create the possibility of a new or different kind of accident.

3. Involve a significant reduction in the margin of safety.

The margin of safety established and stated in the Millstone Unit No. 1 Technical Specifications, is a peak RCS pressure of 1375 psig and a peak vessel steam space pressure of 1325 psig. While allowing the SRV setpoint tolerance to increase to [plus or minus] 3% would allow peak pressures from an MSIV [main steam isolation valve] closure event to approach that safety limit, the safety limit will not be exceeded. Therefore, this change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resource Center, Three Rivers Community-Technical College, Thames Valley Campus, 574 New London Turnpike, Norwich, CT 06360.

Attorney for licensee: Ms. L. M. Cuoco, Senior Nuclear Counsel, Northeast Utilities Service Company, Post Office Box 270, Hartford, CT 06141–0270.

NRC Project Director: Phillip F. McKee.

PECO Energy Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Dockets Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: February 10, 1995.

Description of amendment request: The proposed changes provide for the correction of administrative errors made in the past during the processing of technical specification changes related to control room ventilation filter surveillance testing.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated because the changes are purely administrative and do not involve any physical changes to plant SSC [systems, structures, or components]. Therefore, these changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated because the changes will not alter the plant or the manner in which the plant is operated. The changes do not allow plant operation in any mode that is not already evaluated in the safety analysis. The changes will not alter assumptions made in the safety analysis and licensing bases. Therefore, these changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed changes do not involve a significant reduction in a margin of safety because they are purely administrative and have no impact on any safety analysis assumptions.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, PECO Energy Company, 2301 Market Street, Philadelphia, Pennsylvania 19101.

NRC Project Director: John F. Stolz.

Pennsylvania Power and Light Company, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: March 15, 1994.

Description of amendment request: This amendment would reflect an exemption from 10 CFR Part 50, Appendix J, Section II.H.4, concerning the scope of Type 'C' testing on specified emergency core cooling system and reactor core isolation cooling containment isolation valves by revising Technical Specification Table 3.6.3–1, Primary Containment Isolation Valves. The subject valves on systems which terminate below the minimum water level of the suppression pool and are associated with closed systems would be tested using requirements of the American Society of Mechanical Engineers' Section XI Code.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

I. This proposal does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to the scope of Type 'C' testing for the subject valves does not affect the probability of the design basis accidents. The valves will continue to be maintained in an operable state, and in their current design configuration. There is no correlation between the scope of the Type 'C' testing and accident probability.

PP&L reviewed the postulated consequences of design basis events on primary containment isolation under the proposed change. GDC 50 design conformance states that the primary containment structure, including access openings, penetrations and the containment heat removal system, is designed so that the containment structure and its internal compartments can withstand, without exceeding the design leakage rate (1.0% per day), the peak accident pressure and temperature that could occur during any postulated LOCA.

For the purposes of considering the consequences of LOCAs under the proposed change, a single active failure of a CIV or a passive failure of the closed system were reviewed, within the limits of the existing licensing basis. Under the existing licensing basis, a pipe rupture of seismically qualified ECCS piping does not have to be assumed concurrent with the LOCA, except if it is a consequence of the LOCA. Consequential failures can be eliminated, since a LOCA inside containment is separated from the ECCS piping by the containment structure. Consequential failures of the ECCS piping from LOCA's outside containment are outside the Appendix J design considerations, although they are adequately addressed through the redundancy and separation of the ECCS design. A single active failure of the CIV, under the LOCA condition, can be accommodated since the closed and filled system piping remains as the leakage barrier. The ECCS passive failure criterion does require consideration of system leaks, but not pipe breaks, beyond the initiating LOCA. Pipe leakage, equivalent to the leakage from a valve or pump seal failure, should be considered at 24 hours or greater post-LOCA. The capability to make-up inventory to the suppression pool is adequate to ensure that postulated seat leakage and pipe leakage does not result in a condition that jeopardizes pool level. Make-up capability exists to the suppression pool via the Condensate Storage Tank and Spray Pond. Actions to make-up to the suppression pool are delineated in Emergency Operating Procedures.

Therefore, the proposal to eliminate the subject Type 'C' tests does not involve a significant increase in the probability or consequences of an accident previously evaluated.

II. This proposal does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The acceptability of the proposed change to the scope of Type 'C' testing for the subject valves is based on maintaining the existing barriers to primary containment leakage, and ensuring that the suppression pool level is assured for 30 days during all design basis, post-accident modes of operation. By meeting these dual objectives, the plant response to the design basis events will be unchanged, and no new accident scenarios will be encountered. These two objectives are related, in that, the suppression pool inventory creates a passive barrier to primary containment atmospheric leakage for penetrations which are located below the minimum water level of the pool. The subject valve lines terminate below the minimum suppression pool water level.

The subject valves are all single isolation valves associated with lines that penetrate the primary containment, but are not connected directly to the primary containment atmosphere or the reactor coolant pressure boundary. The redundant isolation boundary for each of the affected valves is the closed system associated with the valve. This configuration is described in General Design Criteria (GDC) 57. The proposed exemption, and Technical Specification change, does not alter the configuration of these systems. The valves will continue to be tested and maintained to ensure their operability. The closed system

piping meets PP&L's design conformance to GDC 56 and is verified via a 10CFR50 Appendix J Type 'A' test. The integrity of the closed systems is also monitored and controlled via Technical Specification 6.8.4.a.

The subject valves may be open, or change state, postaccident to support the design function of their associated ECCS systems (HPCI, Core Spray, RHR) or RCIC. The subject valves function as system valves during the periods when they are open or in an intermediate state, not as containment isolation valves. Reliance is placed on the suppression pool seal and the closed system piping to maintain the barrier between primary and secondary containment atmospheres.

Therefore, with the valve and closed system configuration unaffected by the proposed change, the existing barriers to primary containment atmospheric leakage are maintained, so long as the suppression pool level is ensured.

The suppression pool is designed and operated so that it is filled with water in accordance with Technical Specifications 3/4.5.3, ''Suppression Chamber,'' 3/4.6.2, ''Depressurization Systems—Suppression Chamber,'' and the associated Bases. The supply of water in the suppression pool is assured for 30 days during all design basis, post-accident modes of operation. Type 'C' leak rate testing has historically been performed on valves associated with lines that connect to the suppression pool. The acceptance criteria for combined leakage from these penetrations is 3.3 gpm. This leakage rate is at a level which ensures the 30 day post-accident suppression pool level. However, for the valves discussed in this change, seat leakage past the CIV is into a closed and filled system. Thus ''leakage'' from the suppression pool, past the CIV, is a function of closed system leakage.

As mentioned above, the integrity of the closed system piping is verified via a 10CFR50 Appendix J Type 'A' test and is monitored and controlled via Technical Specification 6.8.4.a. TS 6.8.4.a establishes a program to monitor and control leakage from systems located outside containment that could contain highly radioactive fluids during a serious transient or accident. This program applies to the ECCS systems and RCIC affected by the proposed change and ensures that leakage into secondary containment via packing, flanges, seals, etc., is controlled. Leakage from these systems, plus the Scram Discharge Volume, Reactor Water Clean-up, and PASS, has been found to be very low, and well below the 5 gpm limit established for these systems. Current leakage for Unit 1 is 0.14 gpm and for Unit 2, 0.043 gpm. The proposed change is not expected to contribute to higher levels of system leakage. Any leakage from these systems is processed via Standby Gas Treatment and the radwaste system to maintain ALARA and comply with regulatory guidance. The closed systems are maintained filled, so that a supply of water exists on both sides of the isolation valves.

While suppression pool leakage is a function of closed system leakage for the subject penetrations, a review of Type 'C' test data for the subject CIVs showed that the valves have had low leakage rates during previous tests. This leakage is on the order of 0.6 gpm, per unit. Proposed testing of the valves under Section XI and the current requirements of the Generic Letter 8910 program will ensure valve operability.

Therefore, leakage past the CIV and out of the closed system is expected to be low and in keeping with the design basis for the suppression pool. However, the capability does exist to make-up water to the suppression pool from the Condensate Storage Tank or Spray Pond if necessary. Existing Emergency Operating Procedures require actions if suppression pool level is less than 22 feet or greater than 24 feet. Thus, the level of the suppression pool is ensured, independent of the current CIV Type 'C' testing requirement.

The proposed change to the scope of Type 'C' testing for the subject valves maintains the existing barriers to primary containment leakage, and ensures that the suppression pool level is assured for 30 days during all design basis, post-accident modes of operation. Therefore, the plant response to the design basis events is unchanged, and the proposal does not create the possibility of a new or different kind of accident from any accident previously evaluated.

III. This change does not involve a significant reduction in a margin of safety.

As discussed in questions I and II, the proposed change does not alter the plant response to existing accident scenarios, and does not introduce new or different scenarios. So the margin of safety from a design basis accident standpoint is maintained.

Historically, the leakage rate through the subject valves has been determined under the Type 'C' testing program. This leakage rate has been found to be very low, and is currently on the order of 0.6 gpm. Quantifying leakage past the CIVs has been used to ensure that the suppression pool level is assured for 30 days post-accident. Under the proposed change, this leakage rate will not be quantified. This is acceptable since leakage from the suppression pool is in reality a function of closed system leakage, not solely CIV leakage. Closed system leakage is monitored and controlled by an existing Technical Specification program. Closed system leakage has been found to be very low on both units, and is currently a small fraction of a gallon per minute compared with a 5 gpm allowable. Therefore, leakage past the CIV and out of the closed system is expected to be low and in keeping with the design basis for the suppression pool. However, the capability does exist, and is proceduralized, to make-up water to the suppression pool from the Condensate Storage Tank or Spray Pond if necessary. Thus the current capability to maintain adequate suppression pool level for 30 days postaccident is assured under the proposed change.

Therefore the proposed change to the scope of Type 'C' testing for the subject valves does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037.

NRC Project Director: John F. Stolz.

Pennsylvania Power and Light Company, Docket Nos. 50–387 and 50–388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: March 31, 1995.

Description of amendment request: These amendments would modify the surveillance requirement for reactor coolant system pH analysis in section 4.4.4 of the Technical Specifications (TS) for each unit. Also, they would clarify in the TS that the pH analysis would be taken at least every 72 hours whenever reactor coolant conductivity exceeds 1.0 μmho/cm.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

I. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The pH limits on reactor coolant are not affected by this change. The pH will be measured whenever it is theoretically possible for it to be outside the Tech Spec [Technical Specifications] limits of <5.6 or >8.6 (i.e., whenever the conductivity is greater than 1.0 μmho/cm). Because of the theoretical relationship between pH and conductivity as shown in Attachment A [see application dated March 31, 1995, for this reference], it is possible to establish pH limits on the reactor coolant by limiting the conductivity. As shown in this figure, the pH must be >5.6 and <8.6 if the conductivity is less than or equal to 1.0 μmho/cm. Attachment A was taken from Regulatory Guide 1.56 Revision 1, July 1978 ''Maintenance of Water Purity in Boiling Water Reactors''. As noted in both FSAR final safety analysis report and Technical Specification Bases, the pH and conductivity limits for OPERATIONAL CONDITION 1 are consistent with this theoretical relationship. The Bases for Section 3/4.4.4 of the Tech Specs [Technical Specifications] contains [contain] the following statement: ''When the conductivity is within limits, the pH,

chlorides and other impurities affecting conductivity must also be within their acceptable limits[''].

Since the conductivity is measured by grab sampling at least every 72 hours to verify that it is within limits, this will also verify that pH is within limits every 72 hours. If the conductivity should exceed 1.0 μmho/cm, pH measurements will be made to determine if the Tech Spec [Technical Specifications] pH limits have been exceeded. It should also be noted that inline conductivity instrumentation is very stable and reliable and is used to continuously monitor the reactor coolant per Tech Spec [Technical Specifications] requirements, with instrumentation connected to redundant sources (reactor water cleanup influent and reactor recirculation loop). Therefore, the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

II. Create the possibility of a new or different kind of accident from any accident previously evaluated.

As stated above, the pH limits on reactor coolant are not affected by this change. Since the conductivity is monitored continuously, to verify that it is within limits, this will also verify that pH is within limits. If the conductivity should exceed 1.0 μmho/cm, pH measurements will be made to determine if the Tech Spec [Technical Specifications] pH limits have been exceeded. Therefore, the incorporation of this change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

III. Involve a significant reduction in a margin of safety.

The in-line conductivity instrumentation has been determined to be very stable and reliable in its use to continuously monitor the reactor coolant per Tech Spec [Technical Specifications] requirements. To maintain this reliability, this instrumentation is connected to redundant sources (reactor water cleanup influent and reactor recirculation loop). Based on this continuous monitoring of reactor coolant conductivity, as provided by this instrumentation, the incorporation of this change will have no impact on current safety margins, nor will it involve a significant reduction in the margin [of] safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037.

NRC Project Director: John F. Stolz.

Pennsylvania Power and Light Company, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: March 31, 1995.

Description of amendment request: These amendments would delete from the Technical Specifications of each unit, the operational condition restriction in Surveillance Requirement 4.8.1.1.2.d.7 which requires that 24-hour emergency diesel generator testing be performed with at least one unit in operational condition 4 or 5 (cold shutdown or refueling).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below: The proposed changes do not:

I. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to permit the 24 hour testing of the emergency diesel generators during power operation does not increase the chances for a previously analyzed accident to occur. The function of the EDGs [emergency diesel generators] is to supply emergency power in the event of a loss of offsite power. As stated above [,] the diesel generator being tested has been determined to remain operable and available to supply the emergency loads within the required times. In addition, the three remaining EDGs will be operable during this test. Operations [Operation] of an EDGs [EDG] is not a precursor to any accident. If, however, an offsite disturbance were to occur that affected the operability of the DG [emergency diesel generator] being tested, the remaining EDGs are capable of feeding the loads necessary for safe shutdown of the plant. In summary, the proposed change does not adversely affect the performance or the ability of the diesel generators to perform their intended safety function. Therefore, the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

II. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change to the 24 hour surveillance requirement will not affect the operation of any safety system or alter its response to any previously evaluated accident. The diesel generator will automatically transfer from test mode if necessary to supply emergency loads in the required time. The test mode is used for the monthly surveillances of these diesel generators, resulting in no new plant operating modes being introduced. In the event the EDG fails the functional test[,] it will be declared inoperable and the actions required for an inoperable diesel will be performed. The remaining three EDGs will be operable and are capable of feeding the loads necessary for safe shutdown of the plant. Therefore, the incorporation of this change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

III. Involve a significant reduction in a margin of safety.

Changing the EDG test timing results is no reduction in the safety margin as defined in the design basis. Because loss of an EDG is not expected as a result of LOOP [loss of offsite power] or LOCA/LOOP [loss-of-coolant accident with a loss of offsite power] during the 24 hour test, SSES [Susquehanna Steam Electric Station] remains within its design basis. In fact, because the test EDG loads the ESS [engineered safety system] bus 8.5 seconds earlier than the non-test EDGs during LOCA with LOOP, plant response is actually improved. Risk of operation during the 24 hour EDG test is certainly less than during the current 84 hour allowed outage time (AOT) because both the impact of the initiating events evaluated (EDG in test is not actually failed) and the frequency of the limiting plant condition (loss of two EDGs) are less. No increase in frequency or impact of design basis events, and no reduction in the safety margin occurs during the 24 hour EDG test. Therefore, the incorporation of this change will have no impact on current safety margins, nor will it involve a significant reduction in the margin to [of] safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037.

NRC Project Director: John F. Stolz.

Pennsylvania Power and Light Company, Docket No. 50–388, Susquehanna Steam Electric Station, Unit 2, Luzerne County, Pennsylvania

Date of amendment request: March 31, 1995.

Description of amendment request: This amendment would change Susquehanna Unit 2 Technical Specifications (TS) by incorporating the General Electric (GE) NRC approved methodology for GE–12 type lead use fuel assemblies (NEDE–24011–P–A–10) into the list of references in Section 6.9.3.2. The licensee plans to insert four of these fuel assemblies into the Unit 2 core during the fall of 1995. The addition of the reference to the TS would allow the use of the GE methodology to document that all

applicable requirements of the safety analysis are met by the assemblies.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change does not:

I. Involve a significant increase in the probability or consequences of an accident previously evaluated.

Incorporation of this proposed change of adding reference NEDE–24011–P–A–10, ''General Electric Standard Application for Reactor Fuel'' to the list of references in [the] Unit 2 Technical Specifications will allow the use of the GE methodology to calculate the operating limits for the four GE Lead Use Assemblies which are of a different mechanical design than the Siemens 9X9 fuel [currently installed in the reactor core]. This NRC approved methodology will be referenced as the approved methodology in showing that all applicable safety limits of the safety analysis are met by the four GE–12 LUAs. Results of incorporating this change will not significantly increase the probability or the consequences of an accident previously evaluated.

II. Create the possibility of a new or different kind of accident from any accident previously evaluated.

As stated above, the incorporation of this change will allow the use of the GE methodology to be referenced as the approved methodology to show that all applicable limits of the safety analysis are met by the four GE–12 LUAs. Therefore, the incorporation of this change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

III. Involve a significant reduction in a margin of safety.

The use of the GE methodology will not result in a change in safety margin, but will ensure that the safety margin is maintained with the insertion of the four GE LUAs of the GE–12 type in Unit 2 Cycle 8. Therefore, the incorporation of these changes will have no impact on current safety margins, nor will they involve a significant reduction in the margin to [of] safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037.

NRC Project Director: John F. Stolz.

Philadelphia Electric Company, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: December 2, 1994.

Description of amendment request: The proposed change to Limerick Generating Station, Units 1 and 2, Technical Specifications (TS) relocates the TS Fire Protection Requirements to Licensee controlled documents consistent with NRC Generic Letter (GL) 86–10 ''Implementation of Fire Protection Requirements,'' and GL 88–12, ''Removal of Fire Protection Requirements from Technical Specifications.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed Technical Specifications changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes are administrative in nature and are consistent with NRC GL 86–10 and GL 88–12. Removal of Fire Protection Program (FPP) requirements does not affect any fire protection equipment nor plant equipment important to safety, or involve any physical modifications to plant structures, systems or components, and therefore is not associated with an accident initiator or accident mitigator and can not affect the probability of occurrence of an accident or increase the consequences of an accident. The licensee controlled Technical Requirements Manual (TRM) containing the relocated requirements will be maintained in accordance with TS Section 6.0. ''Administrative Controls'' and subject to review in accordance with 10 CFR 50.59. Since future changes to the FPP (i.e., Updated Final Safety Analysis Report and the TRM) will be evaluated per 10 CFR 50.59, no increase (significant or insignificant) in the probability or consequences of an accident previously evaluated will be allowed. Therefore, these changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The changes will not alter the plant configuration (no new or different type of equipment will be installed) or create changes in methods governing normal plant operation that will introduce new failure modes. These changes will not impose different requirements and proper control of information will be maintained. These changes will not alter assumptions made in the safety analysis and licensing basis. Therefore, these changes do not create the possibility of a new or different kind of accident previously evaluated.

3. The proposed TS changes do not involve a significant reduction in a margin of safety.

The proposed changes are administrative in nature and are consistent with NRC GL 86–10 and GL 88–12. The changes will not reduce the margin of safety since they have no impact on any safety analysis assumptions or sequence of events used in any accident analysis. In addition, any future changes to the FPP will be evaluated per the requirements of 10 CFR 50.59. Therefore, the changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania 19101.

NRC Project Director: John F. Stolz.

Philadelphia Electric Company, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: January 27, 1995.

Description of amendment request: The proposed change to Limerick Generating Station (LGS) Units 1 and 2 Technical Specifications (TS) will eliminate the TS active safety function designation of eight (i.e., four per unit) Drywell Chilled Water System (DCWS) valves.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed Technical Specifications changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes will eliminate the TS active safety function designation of eight (i.e., four per unit) DCWS valves. The DCWS motor operated valves (MOVs) are designated in TS as Primary Containment Isolation Valves (PCIVs), during operational conditions (OPCONS) 1, 2, and 3, which mitigate the consequences of design basis accidents. The proposed changes will prohibit the subject DCWS valves from opening during OPCONs 1, 2, and 3, thereby,

eliminating the active safety function, and maintaining a passive safety function. The postulated accidents which require the Primary Containment to act as a barrier in order to mitigate the release of radioactivity described in the LGS Updated Final Safety Analysis Review [Report] (UFSAR) Section 15, are not affected by these changes. Therefore, the previously evaluated postulated on-site and off-site radiological effects of these accidents will not change.

The DCWS valves will be prohibited from opening during OPCONs 1, 2, and 3 by physical changes made to the electrical control circuitry and administrative controls. Therefore, the probability of the valves to fail in the open position will diminish, and the required Primary Containment isolation safety function will be maintained.

Therefore, these proposed changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes remove the affected automatic isolation relays from the DCWS MOVs' circuitry. These changes eliminate any postulated relay failure effects on the associated control circuits and electrical power supplies. The proposed changes do not introduce any new accident initiators or any new valve failure modes not previously evaluated.

Therefore, these changes will not create the possibility of a new or different kind of accident from any accidents previously evaluated.

3. The proposed TS changes do not involve a significant reduction in a margin of safety.

The proposed changes will prohibit the opening of the DCWS valves which provide backup cooling from RECW [reactor enclosure cooling water] during OPCONs 1, 2, and 3. The RECW System is not the normal DCWS cooling alignment, is not required as a backup safety related drywell cooling system, and this backup alignment is not an automatic function. The proposed changes do not affect the function or operation of DCWS, and since the proposed changes and administrative controls ensure the valves will remain closed during OPCONs 1, 2, and 3, the capability for Primary Containment isolation is not affected. Therefore, the changes will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania 19101.

NRC Project Director: John F. Stolz.

Philadelphia Electric Company, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: February 22, 1995.

Description of amendment request: The proposed change to Limerick Generating Station (LGS) Units 1 and 2 Technical Specifications (TS) revises various TS Surveillance Requirements to clarify the Emergency Diesel Generator acceptable steady state voltage range.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed Technical Specifications changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed Emergency Diesel Generator steady state voltage range of 4280 [plus or minus] 120 volts provides voltages through the 4160V and 480V distribution systems which are within the operating range of the connected equipment and power system components. Therefore, the reduced steady state voltage range will not cause the malfunction of any equipment or affect the operation of any equipment in a manner which would increase the probability of occurrence of an accident previously evaluated in the [Safety Analysis Report] SAR.

Reducing the Emergency Diesel Generator steady state voltage range in the Technical Specifications maintains the capability of the Emergency Diesel Generator to start and attain rated voltage and frequency within 10 seconds and to accept the engineered safeguard loads in the required time in order to mitigate the consequences of an accident. The Emergency Diesel Generator automatic voltage regulator setting is calibrated to within a range of 4266.5 volts to 4308.5 volts. A review of results from recent monthly Emergency Diesel Generator Surveillance Tests has confirmed that the voltage regulators currently maintain the Emergency Diesel Generator steady state voltage within the 4280 [plus or minus] 120 volt range to be included in the Technical Specifications. Establishing, via Technical Specification surveillance requirements and administrative limits within Station Surveillance Test Procedures, that the Emergency Diesel Generator voltage regulator is maintaining the steady state voltage within a narrower range (within the existing range) provides increased assurance that connected equipment required to mitigate the consequences of an accident will operate as required.

Therefore, the proposed TS changes do not involve an increase in the probability or consequences of an accident previously evaluated.

2. The proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Reducing the Emergency Diesel Generator steady state voltage range in the Technical Specifications to a range of 4280 [plus or minus] 120 volts does not create any new accident initiators or affect any existing accident initiators such that a different type of accident than previously evaluated could result. The function and operation of the Emergency Diesel Generators and their connected loads are not changed in a manner which would create the possibility of an accident of a different type than any previously evaluated.

Therefore, the proposed TS changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed TS changes do not involve a significant reduction in a margin of safety.

Reducing the Emergency Diesel Generator steady state voltage range in the Technical Specifications to a range of 4280 [plus or minus] 120 volts does not reduce the margin of safety. The reduced range provides increased assurance that the equipment powered by the Emergency Diesel Generators will start and operate as designed in order to perform their design basis functions.

Therefore, the proposed TS changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania 19101.

NRC Project Director: John F. Stolz.

Philadelphia Electric Company, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: March 1, 1995.

Description of amendment request: The proposed changes will clarify the concentrations of calibration gas required to calibrate the Hydrogen and Oxygen Analyzers, and support the requirements of Limerick Generating Station (LGS) Transient Response Implementation Plant (TRIP) T–102, ''Primary Containment Control Bases.''

Basis for proposed no significant hazards consideration determination:

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed TS [Technical Specification] changes remove calibration of the H2/O2 Analyzers using zero volume percent hydrogen (H2) and 100% bottled Nitrogen (N2). A calibration gas containing zero volume percent H2 and 100% bottled N2 is not required for calibration of the analyzers to the required accuracy. Calibration of the H2/O2 Analyzers is done in accordance with the manufacturer's instructions. The proposed TS changes also revise the span gas concentration from 5% to 7% to support the requirements of TRIP T–120. The H2/O2 Analyzers provide indication of the concentrations of combustible gases in the primary containment and provide annunciation when combustible gas concentrations reach unacceptable levels. Failure of the analyzers is not an accident initiator. The analyzers do not connect to the reactor coolant pressure boundary; therefore, they do not increase the probability of a LOCA [loss-of-coolant accident]. The proposed TS changes do not involve any design changes to analyzers. Therefore, these TS changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The H2/O2 Analyzers provide indication and alarms for H2 and O2 concentrations in containment. No physical or design changes to the analyzers are being made by these TS changes. During normal operations, the potential for an explosive atmosphere is negligible due to the absence of H2 sources. For Post-LOCA, conditions the levels of H2 and O2 in containment have already been evaluated in LGS UFSAR [Updated Final Safety Analysis Report] Section 6.2.5. No physical or design changes which could introduce a new analyzer failure mode are being made. The failure modes of the analyzers are evaluated in UFSAR Table 6.2–21. Therefore, these TS changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed TS changes do not involve a significant reduction in a margin of safety.

These TS changes will clarify statements in the LGS UFSAR and TS concerning calibrated ranges of the analyzers. The change of the span gas from 5% to 7% falls within conditions previously analyzed. The Bases for TS 3/4.3.7.5 and 3/4.6.6 require operable H2/O2 Analyzers to ensure the analyzers will be available for monitoring, assessing and controlling H2 and O2 in containment following a LOCA. These TS changes do not adversely affect operability of the analyzers or their availability for use during Post-LOCA conditions; therefore, the margin of safety is not reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania 19101

NRC Project Director: John F. Stolz.

Public Service Electric & Gas Company, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Date of amendment request: December 15, 1994.

Description of amendment request: In accordance with 10CFR50.90, PSE&G proposes to remove Technical Specification Surveillance Requirement 4.8.1.1.2.h.1, and utilize plant-controlled programs to govern diesel generator maintenance. To ensure procedural consistency and reduce the impact of this change on Hope Creek procedures, the remaining Surveillance Requirements of Technical Specification 4.8.1.1.2.h are not renumbered.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change is consistent with the improved Standard Technical Specifications (NUREG–1433) and does not result in any changes to the existing plant design. The Hope Creek preventative maintenance program will utilize diesel generator performance history, engineering analyses and manufacturer's recommendations as appropriate for determining diesel generator inspection requirements. Since the changes do not impact the ability of the diesel generators and the AC electrical power sources to perform their function, the changes do not result in a significant increase in the consequences of any accident previously evaluated. The diesel generators will continue to function as designed. Therefore, the proposed change will not impact the probability of occurrence of any accident previously evaluated.

2. Will not create the possibility of a new or different kind of accident from any accident previously evaluated.

This request does not result in any change to the plant design nor does it involve a significant change in current plant operation. The diesel generators will be inspected utilizing diesel generator operating history, engineering analyses and manufacturer's recommendations as appropriate, and the remaining surveillance requirements will not be changed. As a result, no new failure modes will be introduced, and the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Will not involve a significant reduction in a margin of safety. The proposed request does not adversely impact the reliability of the diesel generators. As stated above, the diesel generator operating history, engineering analyses and the manufacturer's recommendations will be utilized as appropriate to perform the diesel generator inspections. In addition, the diesel generators will continue to perform their design functions. This request does not involve an adverse impact on diesel generator operation or reliability. Since the diesel generator function is not affected by the proposed changes, this request does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070.

Attorney for licensee: M. J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Project Director: John F. Stolz.

Tennessee Valley Authority, Docket No. 50–327, Sequoyah Nuclear Plant, Unit 1, Hamilton County, Tennessee

Date of amendment request: April 6, 1995 (TS 95–09).

Description of amendment request: The proposed change would revise Operating Condition 2.C.(25) to extend the ice condenser Surveillance 4.6.5.1.d to October 1, 1995, to coincide with the Unit 1 Cycle 7 refueling outage.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

TVA has evaluated the proposed technical specification (TS) change and has determined that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c). Operation of Sequoyah Nuclear Plant (SQN) in accordance with the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change is temporary and allows a one-time extension of the ice condenser Surveillance Requirement 4.6.5.1.d for Cycle 7 to allow surveillance testing to coincide with the seventh refueling outage. The proposed surveillance interval extension will not cause a significant reduction in system reliability nor affect the ability of the system to perform the design function. Current monitoring of plant conditions and continuation of the surveillance testing required during normal plant operation will continue to be performed to ensure conformance with TS operability requirements. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

Extending the surveillance interval for the performance of ice condenser testing will not create the possibility of a new or different kind of accident. No change is required to any system configuration, plant equipment, or analyses.

3. Involve a significant reduction in a margin of safety.

The safety limits assumed in the accident analyses and the design function of the equipment required to mitigate the consequences of postulated accidents will not be changed significantly. Existing analysis indicates that the potential reduction in ice weight resulting from the proposed extension will continue to maintain the maximum containment accident pressure below 12 pounds per square inch gauge. The ice condenser will continue to support accident mitigation functions although some Row 1 baskets could drop slightly below the required 993-pound analysis limit. Therefore, the plant will be maintained with acceptable ice weights for accident mitigation and the proposed extension will not significantly reduce the margin of safety.

The NRC has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11H, Knoxville, Tennessee 37902.

NRC Project Director: Frederick J. Hebdon.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: April 6, 1995 (TS 95–11).

Description of amendment request: The proposed change would relocate the constant numerical value found in the overtemperature delta temperature and overpower delta temperature equations of Technical Specifications Table 2.2–1 and place them in the Core Operating Limits Report (COLR). This would be accomplished by revising notes 1 and 2 in Table 2.2–1 to state that the values are located in the COLR. The values of the constants, however, would not be changed. Also, the ''Overtemperature and Overpower Delta Temperature Setpoint Parameter Values for Specification 2.2.1'' would be added to the list of core operating limits specified in Section 6.9.1.14 that are required to be included in the COLR. In addition, a reference to WCAP–8745–P–A, ''Design Bases for the Thermal Overpower delta-T and Thermal Overtemperature delta-T Trip Functions,'' would be added to Section 6.9.1.14.a.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

TVA has evaluated the proposed technical specification (TS) change and has determined that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c). Operation of Sequoyah Nuclear Plant (SQN) in accordance with the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes will allow changes to the constant numerical values for the overtemperature delta temperature (OT[delta-]T) and overpower delta temperature (OP[delta-]T) equations in accordance with the 10 CFR 50.59 requirements. This revision does not revise these constants, but relocates them to the core operating limits report (COLR) that is governed by the 10 CFR 50.59 requirements. The addition of the lag compensator functions for measured [delta-]T and average temperature in these equations does not alter the setpoint because this lag function has a value of unity. Therefore, the proposed revision does not alter plant functions or setpoints, but does allow for a more timely revision process for parameters that may require changes due to specific fuel cycle requirements or updated plant analyses. The use of the lag functions and revisions to the constant numerical values will be maintained within the safety analysis for the plant by the 10 CFR 50.59 process requirements. The probability of an accident is not increased because the plant functions are not altered by the proposed revision and future changes will be in accordance with 10 CFR 50.59. Additionally, the consequences of an accident are not increased because the mitigation functions of the OT[delta-]T and OP[delta-]T functions are not changed and revisions to the equations that derive the setpoints will be processed under the requirements of the 10 CFR 50.59 program.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

The proposed revision will not change plant functions and future revisions will continue to be controlled in accordance with the 10 CFR 50.59 requirements. The addition of the lag functions does not create a new accident potential because these functions have already been considered in the analysis as shown in NUREG 1431. Therefore, the possibility of a new or different kind of accident is not created by the proposed revision.

3. Involve a significant reduction in a margin of safety.

Plant parameters are not altered by the proposed revision and the OT[delta-]T and OP[delta-]T functions will not reflect a change in setpoint generation or value. The proposed change will allow revision of the constant numerical values and use of the lag compensator functions in accordance with the 10 CFR 50.59 provisions to ensure the design basis of the plant is maintained. This revision does not result in changes that reduce the margin of safety because the OT[delta-]T and OP[delta-]T functions remain unchanged and future revisions to these functions will be performed in accordance with 10 CFR 50.59.

The NRC has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11H, Knoxville, Tennessee 37902.

NRC Project Director: Frederick J. Hebdon.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: April 6, 1995 (TS 94–15).

Description of amendment request: The proposed change would modify the Technical Specifications associated with the Post Accident Sampling (PAS) system by deleting License Condition 2.C.(23)F for Unit 1 and 2.C.(16)g for Unit 2 that require operation of the PAS system in accordance with referenced letters no later than startup from the second refueling outage. The submittal also includes a revised description of operation of the PAS system for insertion into the Updated Final Safety

Analysis Report for staff approval. This information supersedes the information contained in the letters referenced in the License Conditions listed above and would be maintained in accordance with the 10 CFR 50.59 process.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

TVA has evaluated the proposed technical specification (TS) change and has determined that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c). Operation of Sequoyah Nuclear Plant (SQN) in accordance with the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change involves the deletion of license conditions that authorized TVA to operate SQN's postaccident sampling (PAS) system. TVA proposed change establishes programmatic control of SQN's PAS system under SQN TS 6.8.4.e and the SQN Final Safety Analysis Report. Any future changes to SQN's PAS Program would be governed by the 10 CFR 50.59 process. PAS and analysis will continue at SQN through grab sample acquisition and laboratory analysis and will continue to meet the PAS objectives in NUREG–0737, Item II.B.3 and Regulatory Guide 1.97, Revisions 2. Accordingly, the proposed change does not affect the probability or consequences of an accident.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

The proposed change involves improvements in the operational reliability of SQN's PAS system by using more reliable laboratory analysis methods, reducing sampling personnel radiation dose, and incorporating practical methods for sample acquisition and analysis. Because the proposed change involves license conditions and sampling methods that are utilized for postaccident recovery, the potential for an unanalyzed accident is not created. Consequently, no new failure modes are introduced.

3. Involve a significant reduction in a margin of safety.

Plant safety margins are established through limiting conditions of operation, limiting safety system settings, and safety limits specified in the TSs. As a result of the proposed amendment, there will be no change to either the physical design of the plant or to any of these settings and limits. The proposed changes do not affect the safe operation of SQN. Therefore, there are no changes to any of the margins of safety.

The NRC has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11H, Knoxville, Tennessee 37902.

NRC Project Director: Frederick J. Hebdon.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: April 6, 1995 (TS 94–18).

Description of amendment request: The proposed change would revise Surveillance Requirement (SR) 4.0.5 by replacing the current Inservice Inspection program requirements with the requirements stated in the Standard Technical Specifications (NUREG–1431). As a result, SR 4.0.5 would more clearly specify the inservice inspection (ISI) program requirements and the inservice testing (IST) program requirements of the American Society of Mechanical Engineers (ASME) Code Class 1, 2, and 3 components. The licensee also proposed deletion of Technical Specification 3/4.4.10, ''Structural Integrity ASME Code Class 1, 2 and 3 Components,'' and its related Bases information.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

TVA has evaluated the proposed technical specification (TS) change and has determined that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c). Operation of Sequoyah Nuclear Plant (SQN) in accordance with the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

Operation of the facility in accordance with the proposed amendment would not involve any increase in the probability of occurrence or consequences of an accident previously evaluated. The Inservice Inspection and Testing Programs, pursuant to 10 CFR 50.55a are described in the TSs. The proposed amendment, in accordance with NUREG–1431 and draft NUREG–1482 permits relief from an American Society of Mechanical Engineers (ASME) code requirement in the interim between the time of submittal of a relief request and NRC approval of the relief. The changes being proposed do not affect assumptions contained in plant safety analyses or change the physical design and/or operation of the plant, nor do they affect TSs that preserve safety analysis assumptions. Any relief from the approved ASME Section XI code requirements that is implemented prior to NRC review and approval will require evaluation under the 10 CFR 50.59 process to determine that no TS changes or unreviewed safety questions exist. This evaluation process will ensure that the impact of any code relief is thoroughly evaluated and that the structures, systems, and components remain in conformance with assumptions made in the safety analysis. The proposed change to delete SQN TS 3/4.4.10, Structural Integrity, does not affect plant safety analyses or change the physical design or operation of the plant. The proposed amendment relocates the structural integrity requirements under the existing TS Surveillance Requirement (SR) 4.0.5 to allow these requirements to be governed and controlled within the inservice inspection (ISI) program. Therefore, operation of the facility in accordance with the proposed amendment would not affect the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. The Inservice Inspection and Testing Programs, pursuant to 10 CFR 50.55a are described in the TSs. The proposed amendment, in accordance with NUREG–1433 and draft NUREG–1482, permits relief from an ASME code requirement in the interim between the time of submittal of a relief request and NRC approval of the relief. The changes being proposed will not change the physical plant or the modes of operation defined in the Facility License. The changes do not involve the addition or modification of equipment nor do they alter the design or operation of plant systems. Any relief from the approved ASME Section XI code requirements that is implemented prior to NRC review and approval will require evaluation under the 10 CFR 50.59 process to determine that no TS changes or unreviewed safety questions exist. This evaluation process will ensure that the impact of the code relief is thoroughly evaluated and that the structures, systems, and components remain in conformance with assumptions made in the safety analysis. The proposed change to delete SQN TS 3/4.4.10 does not affect plant safety analyses or change the physical design or operation of the plant. The proposed amendment relocates the structural integrity requirements under the existing TS SR 4.0.5 to allow these requirements to be governed and controlled within the ISI program. Therefore, operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

Operation of the facility in accordance with the proposed amendment would not involve any reduction in a margin of safety.

The Inservice Inspection and Testing Programs, pursuant to 10 CFR 50.55a, are required by the SQN TSs. The proposed amendment, in accordance with NUREG–1431 and draft NUREG–1482 permits relief from an ASME code requirement in the interim between the time of submittal of a relief request and NRC approval of the relief. Any relief from the ASME Section XI code is required to be evaluated under the 10 CFR 50.59 process to determine that no TS changes or unreviewed safety questions exist. This evaluation process will ensure that code relief does not affect the ability of structures, systems, or components to perform their design function, affect compliance with any TS requirements or reduce the margin of safety. The proposed change to delete SQN TS 3/4.4.10 does not affect plant safety analyses or change the physical design or operation of the plant. The proposed amendment relocates the structural integrity requirements under the existing TS SR 4.0.5 to allow these requirements to be governed and controlled within SQN's ISI program. Therefore, operation of the facility in accordance with the proposed amendment would not involve a reduction in the margin of safety.

The NRC has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11H, Knoxville, Tennessee 37902.

NRC Project Director: Frederick J. Hebdon.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: April 6, 1995 (TS 95–06).

Description of amendment request: The proposed change would delete the technical specification requirement that limits and controls loads traveling over the spent fuel pool (Specification 3.9.7), the graph that relates the Load Carried Over the Shield to the Allowable Height Above the Shield Surface (Figure 3.9–1), the crane interlocks and physical stops surveillance requirements (Specifications 4.9.7.1 and 4.9.7.2), and the related Bases information. These requirements would be relocated to administratively controlled procedures.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

TVA has evaluated the proposed technical specification (TS) change and has determined that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c). Operation of Sequoyah Nuclear Plant (SQN) in accordance with the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed TS change involves the relocation of a requirement that does not pertain to limitations or conditions of reactor operation or to equipment to mitigate design basis accidents or transients. SQN is proposing to relocate this TS based on NRC's final policy statement on TS improvement (58 FR 39132, dated July 22, 1993). Based on this criteria, the spent fuel pit (SFP) crane travel is not important to operational safety and may be relocated to administratively controlled procedures. By placing the crane travel requirements in administratively controlled procedures, adequate controls will remain in place to prevent heavy loads from traveling over fuel assemblies in the SFP. The administratively controlled procedure that controls the by-passing of the interlocks and physical stops is subject to the requirements of TS 6.5.1A. Therefore, the relocation of this TS will not involve an increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

The proposed change involves relocating TS requirements to another administratively controlled document. No modifications to the plant are involved. Additionally, there are no changes to the operation of the plant or equipment proposed. Based on this, the relocation of this TS will not create the possibility of a new or different kind of accident from any previously analyzed.

3. Involve a significant reduction in a margin of safety.

The proposed change involves the relocation of TS requirements to administratively controlled procedures. The relocation of this requirement is based on the criteria endorsed in the Commission's Policy Statement on TS improvements as it pertains to 10 CFR 50.36. Additionally, this change does not alter the basic design and safety analysis requirements, as discussed in the Updated Final Safety Analysis Report. Therefore, the deletion of this TS will not involve a reduction in the margin of safety.

The NRC has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11H, Knoxville, Tennessee 37902.

NRC Project Director: Frederick J. Hebdon.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: April 6, 1995 (TS 94–19).

Description of amendment request: The proposed change would revise the Action statement for Technical Specification 3.8.1.1 by inserting a new Action a, relabeling and modifying existing Action a to become Action b, adding a footnote referenced to Action b, renumbering the subsequent action statements, and adding information to the Bases that amplifies the action statements. The proposed new Action a would no longer address required actions for diesel generator testing. It would require that, should one of the AC electrical power sources listed be inoperable, then operability of the remaining offsite AC circuit be demonstrated by performing Surveillance Requirement 4.8.1.1.1.a within 1 hour and at least once per 8 hours thereafter. If two offsite circuits cannot be restored within 72 hours, the unit must be placed in hot standby within the next 6 hours and in cold shutdown within the following 30 hours.

The proposed change to Action b would address the testing requirements should a diesel generator become inoperable. It would require testing of operable diesel generators if the inoperability of the affected diesel generator has the potential to be the result of a common cause failure. A footnote would clarify that the common cause determination must be completed regardless of how long the diesel generator inoperability persists or Surveillance 4.8.1.1.2.a.4 must be completed to verify diesel generator operability. The proposed change to the Bases would provide clear guidance on the use of common cause failure determinations to eliminate unnecessary diesel generator testing and would define when testing is required to verify diesel generator operability.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

TVA has evaluated the proposed technical specification (TS) change and has determined

that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c). Operation of Sequoyah Nuclear Plant (SQN) in accordance with the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed revisions do not alter the plant features or operating practices. This revision will reduce unnecessary starts of the diesel generators (D/Gs) when a common cause failure is not involved or for an inoperable offsite circuit. This change will not affect the accident mitigation capabilities of the D/Gs, but should improve the reliability by reducing the wear and tear associated with starting the D/Gs. The D/Gs are not the source of a postulated accident and because this change does not alter plant functions or operating practices the probability of an accident is not increased. The D/G's operability will continue to be verified for conditions that indicate a potential common-cause failure to ensure accident mitigation capabilities are not affected. Therefore, this revision will continue to provide actions that will support alternating-current (ac) electrical power source safety functions without unnecessary degradation of the D/Gs and will not increase the consequences of an accident.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

The D/Gs are not the source of accidents and the proposed revision will not alter plant functions or actions by more appropriately limiting the conditions when a D/G must be verified operable. Therefore, the possibility of a new or different accident is not created

3. Involve a significant reduction in a margin of safety.

This revision does not alter plant functions that provide the margin of safety. The reduction of D/G testing will only be allowed for situations where the operable D/Gs are not affected by the conditions resulting in the ac power source inoperability. This reduced testing should improve D/G reliability for accident mitigation functions and further ensure the margin of safety provided by the D/Gs. Therefore, the margin of safety is not reduced by the proposed revision to limit unnecessary D/G starts.

The NRC has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11H, Knoxville, Tennessee 37902.

NRC Project Director: Frederick J. Hebdon.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: April 6, 1995 (TS 95–02).

Description of amendment request: The proposed change would add Limiting Condition for Operation 3.0.6 to allow equipment that has been removed from service or declared inoperable to be returned to service under administrative control in order to perform testing required to demonstrate operability. It would be applicable for operability testing of the inoperable equipment or other equipment that requires the operability feature to be in service in order to perform the test. A related change to the Bases would provide amplifying explanation on the use of this new provision. In addition, a proposed change to Action 18 of Table 3.3–3, ''Engineered Safety Feature Actuation System Instrumentation,'' would clarify the time interval that an instrument channel may be in the bypass condition. For those instruments that reference Action 18, the change would allow the bypass for 6 hours.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

TVA has evaluated the proposed technical specification (TS) change and has determined that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c). Operation of Sequoyah Nuclear Plant (SQN) in accordance with the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The addition of the exception to TSs 3.0.1 and 3.0.2 and the definition for the time to place a channel in bypass will not change plant equipment or the operating practices at SQN. The exception will allow testing to be performed with inoperable equipment returned to service under administrative controls, but will not change functions. The function will be available from other redundant channels during the brief durations that the new provision would be utilized. The specified time interval to achieve a bypass condition will clarify the implementation of the action requirement with the affected functions remaining available through the redundant operable channels. This clarification does not change the intent of the action but does set the previously undefined time interval.

The proposed change affects actions associated with the actuation of functions to mitigate accidents and are not the source of an accident. Therefore, the probability of an accident is not increased. The affected functions provide accident mitigation functions and the proposed revisions serve to ensure equipment can be maintained in required conditions within acceptable time intervals and administrative controls. The brief periods utilized for the TSs 3.0.1 and 3.0.2 exception will not significantly affect the accident mitigation capabilities because of the availability of redundant equipment. In addition, the benefit of performing operability testing to return equipment permanently to service or to maintain the operability of other equipment outweighs the slight reduction in safety function actuation redundancy. Therefore, the proposed change will not significantly increase the consequences of an accident.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

The proposed changes affect functions utilized to mitigate an accident and are not the source of an accident. The exception provides reasonable flexibility to maintain equipment operability and the bypass time interval reduces the potential for damage to safety related equipment. Because plant functions are not changed as a result of this request the possibility of a new or different kind of accident is not created.

3. Involve a significant reduction in a margin of safety.

The proposed change does not alter setpoints or operating considerations that maintain the margin of safety for SQN. These changes provide needed flexibility to perform TS required testing and clarifications for implementing action requirements. These changes will slightly affect the redundancy of the affected safety functions but provide greater benefit for maintaining equipment in an operable condition. Therefore, the margin of safety provided by the affected equipment has not changed and the proposed change will not result in a reduction.

The NRC has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11H, Knoxville, Tennessee 37902.

NRC Project Director: Frederick J. Hebdon.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: April 6, 1995 (TS 94–04).

Description of amendment request: The proposed amendment would change the power range neutron flux channel calibration frequency

surveillance requirement from monthly to every 31 effective full power days and delay the requirement to perform the surveillance for 96 hours after reaching 15 percent power. A proposed change to the Bases would provide amplifying information.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

TVA has evaluated the proposed technical specification (TS) change and has determined that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c). Operation of Sequoyah Nuclear Plant (SQN) in accordance with the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The likelihood that an accident will occur is neither increased or decreased by this TS change, which only affects when the first surveillance is performed following an outage and changes the frequency of performance of the surveillance. Before start-up following refueling outage, the power range high trip setpoint is set below 85 percent power, typically 60 percent, for conservatism. The power range low trip setpoint is set at 22 percent power, TS requires the setpoint to be less than or equal to 25 percent power. These settings are in addition to the conservatism built into start-up following a refueling outage. Therefore, delaying the first performance for 96 hours will not impact on the operation of the plant since the setpoints are set conservatively. Also, the change of the frequency to every 31 effective full power days (EFPD) only delays the surveillance when the plant is operated at reduced power. During operation at reduced power changes in the neutron flux are also reduced. Therefore, changing the frequency from monthly to every 31 EFPD allows slow changes in neutron flux during the fuel cycle to be more accurately detected and evaluated.

This TS change will not impact the function or method of operation of plant equipment. Thus, there is not a significant increase in the probability of a previously analyzed accident due to this change. No systems, equipment, or components are affected by the proposed change. Thus, the consequences of a malfunction of equipment important to safety previously evaluated in the Updated Final Safety Analysis Report are not increased by this change.

The proposed changes provide TS improvements that ensure the system operates within the bounds of SQN's accident analysis as contained in the Final Safety Analysis Report (FSAR) and only affects when a surveillance is performed. This change has no impact on accident initiators and does not involve a physical modification to the plant. Accordingly, the proposed changes do not involve an increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

This revision will not change any plant equipment, system configurations, or accident assumptions. This change will more accurately monitor changes in the condition of the core.

Fuel burn-up is necessary to change the relationship between the incore axial power and the excore detectors response. At reduced levels the effectiveness of the monitoring activity is reduced. Therefore, changing the frequency to 31 EFPD allows slow changes in neutron flux during the fuel cycle to be more accurately detected and evaluated. Delaying the first performance of the surveillance requirement, until 96 hours after reaching 15 percent rated thermal power, will allow the unit to be in a more stable condition. Therefore, this change will not affect the safety function of any components and will create the possibility of a new or different kind of accident.

3. Involve a significant reduction in a margin of safety.

The proposed changes provide TS improvements for SQN's power range monitoring system that ensure the system operates within the bounds of SQN's accident analysis as contained in the FSAR since only the time interval between performances of the surveillance is being extended. This change does not involve a physical modification to SQN's power range monitoring system. Accordingly, the margin of safety has not been reduced.

The NRC has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11H, Knoxville, Tennessee 37902.

NRC Project Director: Frederick J. Hebdon.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: April 6, 1995 (TS 95–08).

Description of amendment request: The proposed change would (1) change the core alteration definition to limit the term to reactor vessel internal activities that could have an affect on core reactivity, (2) change the quadrant power tilt ratio definition to eliminate the conflict in the definition of the term and its use in Surveillance Requirement 4.2.4.2, and (3) revise the Unit 1 Operational Modes parameters in Table 1.1 to be consistent with the description in Table 1.1 for Unit 2.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

TVA has evaluated the proposed technical specification (TS) change and has determined that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c). Operation of Sequoyah Nuclear Plant (SQN) in accordance with the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed changes provide TS improvements that ensure the plant operates within the bounds of SQN's accident analysis as contained in the Final Safety Analysis Report (FSAR) and only affects the definitions and does not have any affect on any work performed. The change to core alteration is to clarify those components that may result in reactivity changes. The change will not effect movement of fuel or components that effect reactivity, therefore, a fuel handling accident will not be effected. The change in the definition of quadrant power tilt ratio (QPTR) allows the alternate method of determining QPTR to be utilized. The current TS surveillance requirement (SR) and bases allow alternate means for determining QPTR, therefore, revising the definition will have no effect on any accident. The revision to the mode parameters is administrative in nature, therefore it will have no effect on any accident. This change has no impact on accident initiators and does not involve a physical modification to the plant. Accordingly, the proposed changes do not involve an increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

This revision will not change any plant equipment, system configurations, or accident assumptions. This change will better define the associated parameters and will eliminate potential ambiguity and confusion. The change in the definition of core alteration allows components that do not affect reactivity to be moved within the reactor vessel. The change in the definition will not effect the monitoring of QPTR with one channel inoperable. The core will be monitored in accordance with the SRs. Therefore, this change will not affect the safety function of any components and will not create the possibility of a new or different kind of accident.

3. Involve a significant reduction in a margin of safety.

The proposed changes provide improvements for SQN's TS. This change does not involve a physical modification to the plant nor change the methods of monitoring plant parameters. Accordingly, the margin of safety has not been reduced.

The NRC has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11H, Knoxville, Tennessee 37902.

NRC Project Director: Frederick J. Hebdon.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: March 24, 1995.

Description of amendment request: This amendment request proposes to revise Technical Specification (TS) 1.7, ''Containment Integrity,'' TS 3/4.6.1, ''Containment Integrity,'' TS 3/4.6.3, ''Containment Isolation Valves,'' and the associated Bases. These proposed changes will relocate TS Table 3.6–1, ''Containment Isolation Valves,'' to Wolf Creek Generating Station procedures. This proposed change is in accordance with the guidance provided in Generic Letter 91–08, ''Removal of Component Lists from Technical Specifications,'' dated May 6, 1991.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes simplify the technical specifications, meet the regulatory requirements for control of containment isolation, and are consistent with the guidelines of GL 91–08. The procedural details of Technical Specification Table 3.6–1 have not been changed, but only relocated to a different controlling document. The proposed changes are administrative in nature, should result in improved administrative practices, and do not affect plant operations.

The probability of occurrence of a previously evaluated accident is not increased because this change does not introduce any new potential accident initiating conditions. The consequences of an accident previously evaluated is not increased because the ability of [the] containment to restrict the release of any fission product radioactivity to the environment will not be degraded by this change.

(2) The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed changes are administrative in nature, do not result in physical alterations or changes to the operation of the plant, and cause no change in the method by which any safety-related system performs its function. Therefore, this proposed change will not create the possibility of a new or different kind of accident from any previously evaluated.

(3) The proposed change does not involve a significant reduction in the margin of safety.

The administrative change to relocate Technical Specification Table 3.6–1 to appropriate plant procedures does not alter the basic regulatory requirements for containment isolation and will not adversely affect containment isolation capability for credible accident scenarios. Adequate control of the content of the table is assured by existing plant procedures.

The proposed relocation of Technical Specification Table 3.6–1 does not alter the requirements for containment isolation valve operability currently in the technical specifications. The LCO [limiting condition for operation] and Surveillance Requirements would be retained in the revised technical specifications. Therefore, the proposed change will not affect the meaning, application, and function of the current technical specification requirements for the valves in Table 3.6–1.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room locations: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037.

NRC Project Director: William H. Bateman.

Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Entergy Operations, Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: April 4, 1995, as supplemented by letter dated April 5, 1995.

Description of amendment request: The proposed amendment would change the technical specifications on moderator temperature coefficient. The proposed change constitutes a one time deviation not to perform the two-thirds end-of-cycle moderator temperature coefficient test for Cycle 7.

Date of individual notice in the **Federal Register**: April 11, 1995 (60 FR 18432).

Expiration date of individual notice: May 11, 1995.

Local Public Document Room location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has

prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved.

Baltimore Gas and Electric Company, Docket No. 50–318, Calvert Cliffs Nuclear Power Plant, Unit No. 2, Calvert County, Maryland

Date of application for amendment: February 24, 1995.

Brief description of amendment: The amendment revises Technical Specification Section 4.6.1.2.a, Primary Containment/Containment Leakage, to reference 10 CFR Part 50, Appendix J, as modified by approved exemptions.

Date of issuance: April 10, 1995.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 183.

Facility Operating License No. DPR–69: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: March 8, 1995 (60 FR 12789).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 10, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland 20678.

Carolina Power & Light Company, et al., Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendments: September 30, 1994, as supplemented on March 24, 1995.

Brief Description of amendments: The proposed change will revise Technical Specification requirements to eliminate the reactor scram and isolation functions of the Main Steam Line Radiation Monitors. The March 24, 1995, supplement provided clarifying information only and did not affect the NRC's determination of no significant hazards considerations.

Date of issuance: March 31, 1995.

Effective date: March 31, 1995.

Amendment No.: 160.

Facility Operating License Nos. DPR–71 and DPR–62. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: November 9, 1994 (59 FR 55867). The March 24, 1995, submittal provided clarifying information only and did not affect the no significant hazards consideration as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 31, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403–3297.

Carolina Power & Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of application for amendment: July 22, 1994, as supplemented March 6, 1995.

Brief description of amendment: The amendments change the Technical Specifications to implement a performance based assessment program, including corresponding organizational and functional changes. Specifically, the changes affect the independent assessment of plant activity and the independent review function, the independent assessment of plant activity and the Independent Safety Engineering Group. These functions will be performed by the Nuclear Assessment Section (NAS). The NAS's fundamental role will be to: (1) Assist plant management in the early identification of issues that may prevent the plant from achieving quality, and (2) ensure effective correction of deficiencies.

Date of issuance: March 31, 1995.

Effective date: March 31, 1995.

Amendment No.: 160.

Facility Operating License No. DPR–23. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register**: August 31, 1994 (59 FR 45017). The March 6, 1995, submittal added Radiation Protection to the list of assessments in TS 6.5.5.2 and reworded Section 6.5.4.4, but did not change the no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 31, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Hartsville Memorial Library, 147 West College Avenue, Hartsville, South Carolina 29550.

Carolina Power & Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of application for amendment: August 23, 1994, as supplemented March 2, 1995.

Brief description of amendment: The amendment increases the trip voltage settings of the degraded grid voltage relays which are shown in TS Table 3.5–1, Engineering Safety Feature System Initiation Instrument Setting Limits, Item 6b.

Date of issuance: April 14, 1995.

Effective date: April 14, 1995.

Amendment No.: 161.

Facility Operating License No. DPR–23. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register**: March 2, 1995 (60 FR 11692). The licensee's March 2, 1995, submittal provided clarifying information that did not affect the no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 14, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Hartsville Memorial Library, 147 West College Avenue, Hartsville, South Carolina 29550.

Commonwealth Edison Company, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of application for amendments: June 9, 1994.

Brief description of amendments: The amendments implement a partial application of the Generic Electric ARTS (Average Power Range Monitor (APRM)/Rod Block Monitor (RBM)/ Technical Specification) Improvement Program. Four new ARTS thermal limits replace the existing flow-referenced APRM trip setpoint setdown requirements and the Minimum Critical Power Ratio (MCPR) K_f factor.

Date of issuance: April 13, 1995.

Effective date: Immediately to be implemented within 60 days.

Amendment Nos.: 103 and 88.

Facility Operating License Nos. NPF–11 and NPF–18. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: August 3, 1994 (59 FR 39582).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 13, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Jacobs Memorial Library, Illinois Valley Community College, Oglesby, Illinois 61348.

Detroit Edison Company, Docket No. 50–341, Fermi–2, Monroe County, Michigan

Date of application for amendment: July 29, 1993, as supplemented October 8, 1993.

Brief description of amendment: The amendment revises the Technical Specification ACTION STATEMENTS related to operability of the control room emergency filtration system. A portion of the amendment request was denied. A separate Notice of Denial of Amendment has been sent to the **Federal Register** for publication.

Date of issuance: March 31, 1995.

Effective date: March 31, 1995, with full implementation within 45 days.

Amendment No.: 103.

Facility Operating License No. NPF–43. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register**: August 18, 1993 (58 FR 43925). The October 8, 1993, letter provided clarifying information within the scope of the original submittal and did not change the staff's initial no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 31, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: January 18, 1995.

Brief description of amendments: The amendments revise TS Table 4.3–3 to allow the analog channel operational test interval for radiation monitoring instrumentation to be increased from monthly to quarterly, and are consistent with the guidance in Generic Letter 93–05, ''Line-Item Technical Specifications Improvements to Reduce Surveillance Requirements for Testing During Power Operation.''

Date of issuance: April 3, 1995.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: 154 and 136.

Facility Operating License Nos. NPF–9 and NPF–17. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: March 1, 1995 (60 FR 11132).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 3, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of application for amendment: July 22, 1993.

Brief description of amendment: The amendment revised operability requirements for the Reactor Protection System and the Engineered Safety Features Acturation System.

Date of issuance: April 3, 1995.

Effective date: April 3, 1995.

Amendment No.: 159.

Facility Operating License No. NPF–6. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: September 1, 1993 (58 FR 46229).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 3, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, AR 72801.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant, Units 3 and 4, Dade County, Florida

Date of application for amendments: July 19, 1994, resubmitted October 20, 1994, and supplemented February 20, 1995.

Brief description of amendments: These amendments relate to the maximum allowable reactor thermal power operation with inoperable main steam safety valves.

Date of issuance: April 11, 1995.

Effective date: April 11, 1995.

Amendment Nos.: 172 and 166.

Facility Operating Licenses Nos. DPR–31 and DPR–41. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: November 23, 1994 (59 FR 60380).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 11, 1995. The February 20, 1995 submittal provided additional information that did not change the staff's proposed no significant hazards consideration determination.

No significant hazards consideration comments received: No.

Local Public Document Room location: Florida International University, University Park, Miami, Florida 33199.

IES Utilities Inc., Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: October 28, 1994.

Brief description of amendment: The amendment revised the license by deleting the ''Plan for the Integrated Scheduling of Plant Modifications for the Duane Arnold Energy Center,'' as a condition of the license.

Date of issuance: April 3, 1995.

Effective date: April 3, 1995.

Amendment No.: 208.

Facility Operating License No. DPR–49. Amendment revised the license.

Date of initial notice in **Federal Register**: March 1, 1995 (60 FR 11134).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 3, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street SE., Cedar Rapids, Iowa 52401.

Maine Yankee Atomic Power Company, Docket No. 50–309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of application for amendment: December 6, 1994, as supplemented on February 27, and April 4, 1995.

Brief description of amendment: The amendment revises the Technical Specifications to allow the use of the Combustion Engineering sleeving process for repairing steam generator tubes. (The current requirement specifies that degraded steam generator tubes be repaired by plugging.)

Date of issuance: April 14, 1995.

Effective date: As of the date of issuance, to be implemented within 30 days.

Amendment No.: 149.

Facility Operating License No. DPR–36. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: January 18, 1995 (60 FR 3673). The February 27, and April 4, 1995,

letters provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 14, 1995.

No significant hazards consideration comments received: Yes.

Comments were provided by letter dated February 17, 1995, from the Maine State Nuclear Safety Inspector, Office of Nuclear Safety, Division of Health Engineering, Department of Human Services. The NRC staff responded to his comments in its letter dated March 15, 1995.

Local Public Document Room location: Wiscasset Public Library, High Street, P.O. Box 367, Wiscasset, ME 04578.

Northeast Nuclear Energy Company, et al., Docket No. 50–423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of application for amendment: September 30, 1994, as supplemented February 13, 1995.

Brief description of amendment: The amendment revises the Technical Specifications to (1) clarify the definition of core alterations, (2) change the verbiage in the Limiting Condition For Operation (LCO) addressing the refueling operations, (3) make changes of surveillance requirements involving source range instrumentation, and (4) change the LCO regarding the Residual Heat Removal and coolant circulation water levels to be consistent with the guidance provided in NUREG–1431, Standard Technical Specifications for Westinghouse plants.

Date of issuance: April 12, 1995.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 107.

Facility Operating License No. NPF–49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: November 9, 1994 (59 FR 55877). The February 13, 1995, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 12, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Learning Resources Center, Three Rivers Community-Technical College, Thames Valley Campus, 574 New London Turnpike, Norwich, CT 06360.

Northeast Nuclear Energy Company, et al., Docket No. 50–423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of application for amendment: January 26, 1993, as supplemented August 4, 1993.

Brief description of amendment: The amendment changes the Technical Specifications governing electrical power systems, AC and DC power sources, and onsite power distribution for shutdown conditions (modes 5 and 6).

Date of issuance: April 12, 1995.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 108.

Facility Operating License No. NPF–49. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 12, 1993 (58 FR 28058). The August 4, 1993, submittal provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 12, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Learning Resources Center, Three Rivers Community-Technical College, Thames Valley Campus, 574 New London Turnpike, Norwich, CT 06360.

North Atlantic Energy Service Corporation, Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: April 23, 1993.

Description of amendment request: The amendment revises the Appendix A Technical Specifications to allow longer surveillance test intervals and allowed outage times for the reactor protection system and the engineered safety features actuation system. Also, the amendment removes the requirement to perform the reactor trip system analog channel operational test on a staggered basis.

Date of issuance: April 10, 1995.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 36.

Facility Operating License No. NPF–86. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: August 4, 1993 (58 FR 41507).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 10, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Exeter Public Library, 47 Front Street, Exeter, NH 03833.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: February 16, 1994 (Reference LAR 94–03)

Brief description of amendments: The amendments revise TS 4.6.1.2, ''Containment Integrity,'' to allow a more flexible schedule for testing the primary containment integrated leakage rate.

Date of issuance: April 11, 1995.

Effective date: April 11, 1995, to be implemented within 30 days of issuance.

Amendment Nos.: Unit 1—Amendment No. 99; Unit 2—Amendment No. 98

Facility Operating License Nos. DPR–80 and DPR–82. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: March 30, 1994 (59 FR 14893).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 11, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: August 17, 1994.

Brief description of amendments: The amendments revise the combined technical specifications (TS) to change TS 3/4.4.9.1, ''Reactor Coolant System—Pressure/Temperature Limits,'' Figures 3.4–2, ''Reactor Coolant System Heatup Limitations—Applicable Up to 8 EFPY,'' and 3.4–3, ''Reactor Coolant System Cooldown Limitations—Applicable Up to 8 EFPY,'' to extend the applicability up to 12 effective full-power years (EFPYs). TS 3/4/4/9/3, ''Overpressure Protection Systems,'' is revised to

specify a new low-temperature overprotection (LTOP) system actuation pressure setpoint. The associated Bases were also appropriately revised. Additionally, TS 3/4.1.2.2, ''Flow Paths—Operating;'' TS 3/4.1.2.4, ''Charging Pumps—Operating;'' TS 3/4.4.1.3, ''Hot Shutdown;'' TS 3/4.4.1.4.1, ''Cold Shutdown—Loops Filled;'' TS 3/4.4.9.3, ''Overpressure Protection Systems;'' and TS 3/4.5.3, ''ECCS Subsystems—T_{avg} Less than 350 Degrees F,'' are revised to specify a new LTOP system enable temperature.

Date of issuance: April 13, 1995.

Effective date: April 13, 1995.

Amendment Nos.: Unit 1—Amendment No. 100; Unit 2—Amendment No. 99.

Facility Operating License Nos. DPR–80 and DPR–82. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register**: October 12, 1994 (59 FR 51622).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 13, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Power Authority of the State of New York, Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: June 13, 1994.

Brief description of amendment: The amendment removes License Condition 2.E from the Facility Operating License. License Condition 2.E incorporated the requirements of U.S. Department of Interior publication ''Environmental Criteria for Electric Transmission Systems''—1970, which applies to the construction cleanup, restoration, and maintenance of transmission lines. The NRC staff has determined that removing this condition from the Facility Operating License has no bearing on plant safety or the health and safety of the public, and is therefore acceptable.

Date of issuance: March 31, 1995.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 224.

Facility Operating License No. DPR–59. Amendment revised the Facility Operating License.

Date of initial notice in **Federal Register**: March 1, 1995 (60 FR 11140).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 31, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendments request: June 10, 1995.

Brief Description of amendments: The amendments allow modifications to be made for both units to relocate the lower level steam generator water level taps during the upcoming refueling outages. These modifications affect the Technical Specifications associated with the reactor trip system and engineered safety feature actuation system setpoints.

Date of issuance: April 7, 1995.

Effective date: As of the date of issuance to be implemented within 30 days

Amendment Nos.: 114 and 105.

Facility Operating License Nos. NPF–2 and NPF–8. Amendments revise the Technical Specifications.

Date of initial notice in **Federal Register**: March 6, 1995 (60 FR 12253).

Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 7, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Houston-Love Memorial Library, 212 W. Burdeshaw Street, Post Office Box 1369, Dothan, Alabama 36302.

Southern Nuclear Operating Company, Inc., Joseph M. Farley Nuclear Plant, Unit 2, Houston County, Alabama

Date of application for amendment: December 7, 1994, as supplemented February 14 and March 20, 1995.

Brief description of amendment: The December 7, 1994, submittal requested a permanent change to the Technical Specifications for both units related to steam generator tube support plate voltage-based repair criteria in accordance with the draft Generic Letter on this issue.

Date of issuance: April 7, 1995.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 106.

Facility Operating License No. NPF–8. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register**: February 15, 1995 (60 FR 8754). The February 14 and March 20, 1995, letters provided clarifying information that did not change the scope of the original December 7, 1994, application and the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 7, 1995.

No significant hazards consideration comments received: No.

Local Public Document Room location: Houston-Love Memorial Library, 212 W. Burdeshaw Street, Post Office Box 1369, Dothan, Alabama 36302.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: December 16, 1994; supplemented February 10, 1995 (TS 94–07).

Brief description of amendments: The amendments revise the technical specifications to reduce the high reactor power level setpoints when one or more main steam safety valves are inoperable and incorporate related changes.

Date of issuance: April 4, 1995.

Effective date: April 4, 1995.

Amendment Nos.: 196 and 187.

Facility Operating License Nos. DPR–77 and DPR–79. Amendments revise the technical specifications.

Date of initial notice in **Federal Register**: March 1, 1995 (60 FR 11140).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 4, 1995.

No significant hazards consideration comments received: None.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee 37402.

TU Electric Company, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, Somervell County, Texas

Date of amendment request: February 14, 1994 (Reference LAR 94–002, TXX–94008), as supplemented by letters dated May 17, 1994 (Reference TXX–94142), and April 3, 1995 (TXX–95098).

Brief description of amendments: The amendments revised Technical Specification (TS) 3/4.2.4, ''Quadrant Power Tilt Ratio,'' by replacing the existing TS and associated Bases concerning the quadrant power tilt ratio with a TS consistent with the improved Standard Technical Specifications (NUREG-1431).

Date of issuance: April 4, 1995.
Effective date: April 4, 1995.
Amendment Nos.: Unit 1—Amendment No. 36; Unit 2—Amendment No. 22.
Facility Operating License Nos. NPF–87 and NPF–89. The amendments revised the Technical Specifications.
Date of initial notice in **Federal Register**: July 20, 1994 (59 FR 37087).
The additional information contained in the supplemental letter dated April 3, 1995, was clarifying in nature and thus, within the scope of the initial notice and did not affect the staff's proposed no significant hazards consideration determination.
The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 4, 1995.
No significant hazards consideration comments received: No.
Local Public Document Room location: University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, TX 76019.

TU Electric Company, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, Somervell County, Texas

Date of amendment request: February 28, 1995 (Reference LAR 95–01).
Brief description of amendments: These amendments replace Surveillance Requirement (SR) 4.6.2.1b of Technical Specification (TS) 3/4.6.2, ''Depressurization and Cooling Systems—Containment Spray System,'' with the corresponding SR from NUREG–1431. Bases Section 3/4.6.2.1 ''Containment Spray System'' has also been revised to expand the detail consistent with the corresponding Bases from NUREG–1431. The SR, and its associated Bases, for confirming the performance of the containment spray pumps are changed by replacing the specific pump head and flow values with the general requirement that the pumps provide the required head at the flow test point while the specific required values are moved to the Comanche Peak Steam Electric Station Technical Requirements Manual.
Date of issuance: April 6, 1995.
Effective date: April 6, 1995.
Amendment Nos.: Unit 1—Amendment No. 37; Unit 2—Amendment No. 23.
Facility Operating License Nos. NPF–87 and NPF–89. The amendments revised the Technical Specifications.
Date of initial notice in **Federal Register**: March 6, 1995 (60 FR 12255).
The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 6, 1995.
No significant hazards consideration comments received: No.
Local Public Document Room location: University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, TX 76019.

TU Electric Company, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, Somervell County, Texas

Date of amendment request: April 22, 1994 (LAR 94–011, TXX–94116).
Brief description of amendments: These amendments changed Surveillance Requirement 4.7.1.2 of Technical Specification 3/4.7.1.2 ''Auxiliary Feedwater System,'' for the operational test frequency of the motor driven and turbine driven pumps from ''at least once per 31 days on a STAGGERED TEST BASIS'' to ''at least once per 92 days on a STAGGERED TEST BASIS.'' This change is consistent with ASME Section XI requirements and Generic Letter 93–05, ''Line-Item Technical Specifications Improvements to Reduce Surveillance Requirements for Testing During Power Operations.''
Date of issuance: April 7, 1995.
Effective date: April 7, 1995.
Amendment Nos.: Unit 1—Amendment No. 38; Unit 2—Amendment No. 24.
Facility Operating License Nos. NPF–87 and NPF–89. The amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** August 3, 1994 (59 FR 39598).
The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 7, 1995.
No significant hazards consideration comments received: No.
Local Public Document Room location: University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, TX 76019.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: December 9, 1994, as supplemented on January 27, 1995.
Brief description of amendment: The amendment revises the Technical Specification Surveillance Requirement 4.6.1.2.a and its associated Bases. The change defers the requirement to perform the Type A Containment Integrated Leak Rate Test until Refuel 8 (October 1996), in conjunction with the exemption to 10 CFR Part 50, Appendix J.
Date of issuance: April 5, 1995.
Effective date: April 5, 1995.
Amendment No.: 98.
Facility Operating License No. NPF–30. Amendment revises the Technical Specifications.
Date of initial notice in **Federal Register:** March 1, 1995 (60 FR 11141).
The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 5, 1995.
No significant hazards consideration comments received: No.
Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: December 12, 1994.
Brief description of amendment: The amendment clarifies the surveillance requirements for verifying the correct required position for the valves in the auxiliary feedwater system.
Date of issuance: April 3, 1995.
Effective date: April 3, 1995, to be implemented within 30 days of issuance.
Amendment No.: 85.
Facility Operating License No. NPF–42. The amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** January 18, 1995 (60 FR 3677).
The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 3, 1995.
No significant hazards consideration comments received: No.
Local Public Document Room locations: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621.

Wisconsin Public Service Corporation, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: April 11, 1994, as supplemented on November 30, and December 22, 1994, and March 3, 1995.
Brief description of amendment: The amendment revises Kewaunee Nuclear Power Plant (KNPP) Technical Specification (TS) 3.1.f, ''Minimum Conditions for Criticality,'' and its associated basis, by specifying that the moderator temperature coefficient (MTC) shall be no greater than 5.0 pcm/°F when at or below 60% rated thermal power and shall be zero or negative when above 60% rated thermal power. Additionally, the MTC shall be no less

negative than −8 pcm/°F for 95% of the cycle time at full power. The amendment also incorporates required actions to be implemented, if the MTC specification is not met.

Date of issuance: April 3, 1995.

Effective date: April 3, 1995.

Amendment No.: 117.

Facility Operating License No. DPR–43. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 28, 1994 (59 FR 49442).

The November 30, and December 22, 1994, and March 3, 1995, submittals, provided clarifying information and expanded the basis portion of the TS, but did not change the initial no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 3, 1995.

No significant hazards consideration comments received: None.

Local Public Document Room location: University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301.

Notice of Issuance of Amendments to Facility Operating Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By May 26, 1995, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene.

Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to (*Project Director*): petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

Commonwealth Edison Company, Docket Nos. 50–295 and 50–304, Zion Nuclear Power Station, Units 1 and 2, Lake County, Illinois

Date of application for amendments: March 29, 1995.

Brief description of amendments: The amendments change the Technical Specifications by revising the periodicity of the channel functional test of the turbine driven auxiliary feedwater pump from quarterly to each refueling outage.

Date of issuance: April 14, 1995.

Effective date: April 14, 1995.

Amendment Nos.: 161 and 149.

Facility Operating License Nos. DPR–39 and DPR–48. The amendments revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

The Commission's related evaluation of the amendments, finding of emergency circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated April 14, 1995.

Attorney for licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690.

Local Public Document Room location: Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

NRC Project Director: Robert A. Capra.

Dated at Rockville, Maryland, this 19th day of April 1995.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Acting Director, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–10127 Filed 4–25–95; 8:45 am]

BILLING CODE 7590–01–P

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

Revision 3 of Regulatory Guide 1.118, ''Periodic Testing of Electric Power and Protection Systems,'' describes a method acceptable to the NRC staff for complying with the Commission's regulations with respect to the periodic testing of the electric power and protection systems.

Comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides are available for inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC. Copies of issued guides may be purchased from the Government Printing Office at the current GPO price. Information on current GPO prices may be obtained by contracting the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7082, telephone (202) 512–2249. Issued guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 12th day of April 1995.

For the Nuclear Regulatory Commission.

Eric S. Beckjord,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 95–10206 Filed 4–25–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–16 and 50–341]

Detroit Edison Co.; Enrico Fermi Nuclear Plant, Unit Nos. 1 and 2

Notice is hereby given that the United States Nuclear Regulatory Commission (the Commission) is considering approval under 10 CFR 50.80 and 10 CFR 30.34 of the proposed corporate restructuring of Detroit Edison Company (DECo), the licensee for Fermi 1, and Fermi 2, and seven byproduct licenses. By letter dated March 27, 1995, DECo informed the Commission that a corporate restructuring of DECo has been proposed that will result in the creation of a holding company under the name DTE Holdings, Inc. (''Holding Company'') of which DECo would become a wholly-owned subsidiary. DECo will remain holder of its licenses for Fermi 1, Fermi 2, and the seven byproduct licenses. Under the restructuring, the holders of DECo common stock will become the holders of common stock of the Holding Company on a share-by-share basis. After the restructuring, DECo will continue to be a public utility providing the same utility services as it did immediately prior to the reorganization. According to the proposed plan, there will be no significant change in ownership, management, or sources of funds for operation, maintenance, or decommissioning of the Fermi power station due to the corporate restructuring.

Pursuant to 10 CFR 50.80 and 10 CFR 30.34, the Commission may approve the transfer of control of a license after notice to interested persons. Such approval is contingent upon the Commission's determination that the holder of the license following the transfer is qualified to have control of the license and that the transfer of such control is otherwise consistent with applicable provisions of law, regulations, and orders of the Commission.

For further details with respect to this proposed action, see the licensee's letter dated March 27, 1995, with the following attachments: DECo's proposed notice; letter dated February 10, 1995, from Robert S. Waters, Counsel for the licensee, containing the February 10, 1995, DECo application before the Federal Energy Regulatory Commission; and the March 9, 1995, Form S–4 registration statement for DTE Holding, Inc., filed before the Securities and Exchange Commission. These documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, N.W., Washington, DC, and at the local public document room located at the Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Rockville, Maryland, this 17th day of April 1995.

Timothy G. Colburn, Sr.

Project Manager, Project Directorate III–1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–10205 Filed 4–25–95; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Notice of Request for Reclearance of Form RI 20–80

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 reclearance of an information collection. Form RI 20–80, Alternative Annuity Election, is used for individuals who are eligible to elect whether to receive a reduced annuity and a lump-sum payment equal to their retirement contributions (alternative form of annuity) or an unreduced annuity and no lump sum.

Approximately 500 RI 20–80 forms are completed annually. The form requires approximately 20 minutes to complete. The annual burden is 167 hours.

For copies of this proposal, contact Doris R. Benz on (703) 908–8564.

DATES: Comments on this proposal should be received on or before May 26, 1995.

ADDRESSES: Send or deliver comments to—

Lorraine E. Dettman, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW., 3349, 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.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 95–10227 Filed 4–25–95; 8:45 am]

BILLING CODE 6325–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Columbia River Basin Fish and Wildlife Program; Power Plan Amendments

April 18, 1995.

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Comments on proposed amendments to the Columbia River Basin Fish and Wildlife Program.

SUMMARY: Pursant to the Pacific Northwest Electric Power Planning and Conservation Act (the Northwest Power Act, 16 U.S.C. 839, *et seq.*) the Pacific Northwest Electric Power and Conservation Planning Council (Council) invites comments on proposed amendments to the resident fish and wildlife measures in the Columbia River Basin Fish and Wildlife Program (program).

BACKGROUND: The proposed amendments are based on recommendations that were submitted to the Council by fish and wildlife agencies, Indian tribes and others earlier this year. Copies of the recommendations were distributed to interested parties earlier in this process, and are available on request (document 95–1). These recommendations provide the basis and purpose for the proposed amendments. The Council will hold public hearings on the proposed amendments in Idaho, Montana, Oregon and Washington, on a schedule to be announced. After June 15, the Council may initiate consultations with interested parties through July 7, 1995, to discuss issues raised in comments or in the Council's analysis. The Council expects to make final decisions on the proposed amendments, beginning on July 10. At the end of this process, the Council will make findings required by the Northwest Power Act regarding any recommendations the Council rejects. The Council wishes to emphasize that it may adopt or reject any of these recommendations after it has received public comment, and comment may be directed to any of them.

REQUEST FOR COMMENTS: You are invited to comment on proposed amendments by 5 p.m. on June 15, 1995. Please label comments ''Resident Fish and Wildlife Amendments'' and submit them to Steve Crow, Director of Public Affairs at 851 S.W. 6th Avenue, Suite 1100, Portland, Oregon 97204.

FOR FURTHER INFORMATION CONTACT: For a full copy of the proposed amendments or for further information, please contact the Council's Public Affairs Division 851 S.W. Sixth Avenue, Suite 1100, Portland, Oregon 97204 or (503) 222–5161, toll free 1–800–222–3355. Copies of amendment recommendations previously submitted to the Council (document 95–1) are available on request. Please specify if you are interested in a particular recommendation(s), as the recommendations are in several volumes and we may be able to send you a particular volume instead of the entire set. The Council has also prepared a paper (document 95–3) that discusses the amendment recommendations on which the proposed amendments are based, and issues raised by the recommendations. The paper is available on request.

Edward W. Sheets,

Executive Director.

[FR Doc. 95–10213 Filed 4–25–95; 8:45 am]

BILLING CODE 0000–00–M

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–7163; 34–35632; File No. 265–20]

Advisory Committee on the Capital Formation and Regulatory Processes

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting.

SUMMARY: This is to give notice that the Securities and Exchange Commission Advisory Committee on the Capital Formation and Regulatory Processes will meet on May 8, 1995 in room 1C30 at the Commission's main offices, 450 Fifth Street, N.W., Washington, D.C., beginning at 2:00 p.m. The meeting will be open to the public, and the public is invited to submit written comments to the Committee.

ADDRESSES: Written comments should be submitted in triplicate and should refer to File No. 265–20. Comments should be submitted to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: David A. Sirignano, Committee Staff Director, at 202–942–2870; Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 10a, notice is hereby given that the Committee will meet on May 8, 1995 in room 1C30 at the Commission's main offices, 450 Fifth Street, N.W., Washington, D.C., beginning at 2:00 p.m. The meeting will be open to the public.

The Committee was formed in February 1995, and its responsibilities include advising the Commission regarding the informational needs of investors and the regulatory costs imposed on the U.S. securities markets.

The purpose of this meeting will be to discuss the progress of the Committee's work, hear presentations on the need for reform of the capital formation and regulatory processes, as well as possible alternative approaches, and general organizational matters.

Dated: April 20, 1995.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–10225 Filed 4–25–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35630; File No. SR–BSE–95–06]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Boston Stock Exchange, Inc. Relating to the Clarification of Its Fee Schedule

April 19, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 13, 1995, the Boston Stock Exchange, Inc. (''BSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. On April 17, 1995, the Exchange submitted to the Commission Amendment No. 1 to the proposed rule change.[1] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange seeks to amend certain provisions of its fee schedule. The text of the proposed rule change is as follows [new text is italicized; deleted text is bracketed]:

Transaction Fees

Trade Recording and Comparison Charges

**BSE executions* [Trades] up to and including 2,000 shares: No Charge

[(all trades accumulate for volume discounts)]

**All other executions* [Trades above 2,000 shares]

First 2,500 trades per month: $.29 per 100 shares

Next 2,500 trades per month: $.25 per 100 shares

Next 2,500 trades per month: $.15 per 100 shares

Over 7,500 trades per month: $.05 per 100 shares

Maximum charge per side (non-cross): $50.00

Maximum charge per side (cross): $25.00

(all trades accumulate for volume discounts)

*Beacon subscriber Credits: $.25 per trade

All non-self-directed, electronically routed trades (credit is limited to total monthly layoff transaction fees)

Value Charges

*BSE executions up to and including 2,000 shares: $.20 per 100 shares

[(contract value accumulates for volume discounts)]

*All other execution (*BSE* [includes] trades over 2,000 shares and ITS trades)

First $10 million per month: $.16 per $1,000 contract value

Next $40 million per month: $.13 per $1,000 contract value

Next $50 million per month: $.10 per $1,000 contract value

Next $100 million per month: $.08 per $1,000 contract value

Next $300 million per month: $.05 per $1,000 contract value

$500.1 + million per month: $.01 per $1,000 contract value

[1] See letter from Karen Aluise, Assistant Vice President, BSE, to Jennnifer Choi, Attorney, SEC, dated April 12, 1995. In Amendment No. 1, the Exchange explains that certain language regarding trade recording and comparison charges that had been changed previously was inadvertently included in the last several fee filings submitted to the Commission. The Exchange explains that this rule filing is intended to cleanup the language of the rule to reflect accurately the current trade recording and comparison charges. In addition, Amendment No. 1 proposes non-substantive, stylistic changes to the language describing value charges.

Maximum charge per side (non-cross): $100.00

Maximum charge per side (cross): $75.00

(*contract value accumulates for volume discounts*)

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

It its filing with the Commission, the self-regulatory organization 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. The self-regulatory organization 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

1. Purpose

The purpose of the proposed rule change is to clarify certain provisions of the fee schedule. The trade recording and comparison charges are being amended to reflect that all trades up to and including 2,000 shares executed on the Exchange will not be charged, and that all other executions will be charged under the current scale applicable to trades over 2,000 shares.[2] The value charges are being amended to add explanatory language that the contract value of trades will accumulate for the volume discounts and to clarify that all other executions pertain to BSE trades over 2,000 shares and ITS trades.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(5) of the Act in that it furthers the objectives to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and in general, to protect investors and the public interest, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

[2] The scale also applies to all ITS trades.

B. Self-Regulatory Organization's Statement on Burden on Competition

The fee change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the fee change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange and, therefore, has become effective pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to file No. SR–BSE–95–06 and should be submitted by May 17, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–10224 Filed 4–25–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35629; File No. SR–CBOE–94–44]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Approving and Notice of Filing and Order Granting Accelerated Approval of Amendments to a Proposed Rule Change Relating to Market Maker Appointments

April 19, 1995.

I. Introduction

On November 14, 1994, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposal to amend CBOE Rule 8.3(c) concerning the number of trading stations at which a single market maker's appointed classes of options are traded. The proposed rule change was published for comment and appeared in the **Federal Register** on January 12, 1995.[3] on February 21, 1995, the CBOE filed Amendment No. 1 to its proposal,[4] on February 24, 1995, the CBOE filed Amendment No. 2 to its proposal,[5] and on April 11, 1995, the CBOE filed Amendment No. 3 to its

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1994).

[3] *See* Securities Exchange Act Release No. 35192 (January 4, 1995), 60 FR 3012.

[4] In Amendment No. 1, the CBOE provides information comparing its method of assigning classes of options to that of the American Stock Exchange (''Amex''), describes the effect of increasing the number of trading stations to which a market maker's appointment may relate from five to ten, provides further rationale for this increase; and states that future changes respecting the number of applicable trading stations would be made pursuant to a filing under Section 19(b)(3)(A) under the Act, 15 U.S.C. 78s(b)(3)(A) (1988). See letter from Michael L. Meyer, Schiff, Hardin & Waite, to Francois Mazur, Attorney, Division of Market Regulation (''Division''), Commission, dated February 17, 1995. The reference in Amendment No. 1 regarding the means by which future changes will be effected is superseded by Amendment Nos. 2 and 3, *infra* notes 5 and 6, respectively.

[5] Amendment No. 2 states that the CBOE will discuss with Commission staff the appropriate manner in which to file future changes in the maximum number of designated trading stations prior to making any such filing with the Commission. *See* letter from Mary L. Bender, Senior Vice President, Division of Regulatory Services, CBOE to Francois Mazur, Attorney, Division, Commission, dated February 23, 1995.

proposal.[6] No comments were received regarding the proposal. This order approves the proposal, as amended.

II. Description of the Proposal

The CBOE proposes to increase from five trading stations to ten the maximum number of trading stations at which a market maker's appointed classes of options may be traded pursuant to CBOE Rule 8.3(c).[7] In addition, the MPC maintains its authority to provide exemptions to the trading station limitation. The CBOE's proposal also will have the effect of allowing market makers to rely on the market maker exemption to the NASD's short sale rule for hedging a greater number of options classes, provided that the requirements of the exemption are met.[8]

III. Discussion

The Commission finds the proposed rule change consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. Specifically, the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act because the proposal is designed to remove impediments to and perfect the mechanism of a free and open market, and protect investors and the public interest.

The Commission believes that increasing the number of trading stations which may be included in a market maker's appointment from five stations to ten stations is a reasonable measure designed by the Exchange to help ensure adequate market maker participation in each class of options traded on the Exchange. The Exchange has stated that the effect of increasing the trading station maximum will be to increase the maximum number of options classes in which a market maker may hold an appointment. Accordingly, out of a total of 644 classes of options at the CBOE, the change can result in increases from 137 to 241 in appointed classes, representing an increase from 21% to 37% of the total number of classes traded on the Exchange.[9]

The Commission believes that the CBOE's proposal will benefit the market and investors by increasing the potential number of options classes to which the obligations of a market maker will apply.[10] Although the Commission recognizes that the proposal can result in increasing a market maker's appointed classes by over 100 classes, we believe adequate market making capabilities and obligations will continue to exist in such classes. In this regard, the Commission expects CBOE to assess whether market makers have adequate capital to fulfill their continual market making obligations under CBOE Rule 8.7 in all their appointed classes. Further, the in-person and general trading requirements applicable to market makers under CBOE Rule 8.7, Interpretation and Policy .03[11] should continue to ensure that market making is adequate in all appointed classes.[12] Finally, in light of the growth of the number of options traded on the Exchange in recent years, the increase from 21% to 37% of the classes traded on the CBOE is reasonable.[13]

The Commission finds good cause for approving Amendment No. 1, as modified by, and together with, Amendment Nos. 2 and 3, prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. Amendment No. 1 provides additional information regarding the number of options classes affected by the Exchange's proposal, as well as general information regarding the structure of its trading floor. Amendment No. 2 modifies Amendment No. 1 by stating that the CBOE will consult with Commission staff regarding the manner in which to file any future changes to the maximum number of trading stations at which market makers may hold appointments. Amendment No. 3 effects changes to Proposed Rule 8.3(c), but does not change the effect of the Exchange's proposal.

The Commission believes that these changes do not affect the substance of the Exchange's proposal because they merely serve to provide additional data regarding the proposal, describe guidelines for seeking Commission approval of future changes by the MPC in trading station appointments, and fashion minor textual changes to the proposed language of Rule 8.3(c). Accordingly, the Commission believes the Amendments raise no new or unique regulatory issues. Therefore, the Commission believes it is consistent with Sections 6(b)(5) and 19(b)(2) of the Act[14] to approve Amendment Nos. 1, 2, and 3 to the proposal on an accelerated basis.

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[6] Amendment No. 3 amends the original proposed changes to Rule 8.3(c) by removing reference to the Market Performance Committee (''MPC'') designating the maximum number of trading stations, and by removing Proposed Interpretation and Policy .02 which stated that the MPC had designated such maximum number to be ten. Proposed Rule 8.3(c) now replaces five with ten as the maximum number of trading stations at which a market maker may hold an appointment. Amendment No. 3 also discusses the alternative means by which future proposed changes to Rule 8.3(c) may be filed, and states that the MPC, when assigning station appointments to market makers, considers, among other matters, the physical location of stations to be assigned to a market maker. See letter from Mary L. Bender, Senior Vice President, Division of Regulatory Services, CBOE, to Michael Walinskas, Branch Chief, Division, Commission, dated April 10, 1995.

[7] See Amendment No. 3, *supra* note 6.

[8] The NASD short sale rule prohibits broker-dealers from effecting short sales for themselves or their customers at or below the ''bid'' when the current ''inside'' or best price is below the previous inside bid. See NASD Rules of Fair Practice, Art. III, section 48. The CBOE's market maker exemption to the short sale rule allows options market makers to hedge options positions in their appointed classes of options by buying or selling (including selling short) shares of underlying stocks or underlying component stocks contained in stock indexes. Such an ''exempt hedge transaction'' is defined by the Exchange as a short sale effected to hedge, and which in fact serves to hedge, an existing offsetting options position or an offsetting options position that was created in one or more transactions contemporaneous with the short sale. See CBOE Rule 15.10.

[9] See Amendment No. 1, *supra* note 4. In comparison, the CBOE notes that a registered options trader on the Amex may be assigned to 300 classes of options or more representing 70% of the 430 classes of options traded on the Amex. *Id.*

[10] For example, CBOE Rule 8.7 requires generally that a market maker's transactions constitute a course of dealing reasonably calculated to contribute to the maintenance of a fair and orderly market. Specific requirements include a market maker's continuous obligation to deal for his or her own account when there is a lack of price continuity; or when there is a disparity between supply and demand for a particular option contract, or between options contracts of the same class. In fulfilling these requirements, market maker must, among other things, compete with other market makers to improve markets, make markets, and update market quotations in response to changed market conditions.

The Commission notes that increasing the number of trading stations at which a market maker may hold an appointment does not in any way lessen a market maker's obligation to make a market. The CBOE has stated that the MPC, when assigning station appointments to market makers, considers, among other matters, the physical location of the stations to be assigned to a market maker. See amendment No. 3, *supra* note 6.

[11] CBOE Rule 8.7, Interpretation .03 generally requires that at least 25% of a market maker's transactions be executed in person, and not through the use of orders. Moreover, at least 75% of a market maker's total contract volume must be in option classes to which the market maker has been appointed.

[12] The Commission notes that any further increases may warrant the development of additional standards to ensure adequate market making performance.

[13] The CBOE has indicated in its proposal that, in the future, it will consult with Commission staff in order to determine the appropriate rule filing method for proposing any further increases to the maximum trading stations at which a market maker may hold an appointment. The alternatives would include: (1) filing a proposal pursuant to Section 19(b)(2) of the Act, which requires that the Commission publish notice of the proposal and provide an opportunity for public comment; or (2) filing a proposal pursuant to Section 19(b)(3)(A) of the Act, including either a filing that would be effective immediately upon filing, or operative 30 days after the filing date, if filed as a non-controversial rule proposal. See Amendment Nos. 2 and 3, *supra* notes 5 and 6, respectively.

[14] 15 U.S.C. 78f(b)(5) and 78s(b)(2) (1988).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendments Nos. 1, 2, and 3. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–94–44 and should be submitted by May 17, 1995.

V. Conclusion

For the reasons discussed above, the Commission finds that the proposal is consistent with the Act, and, in particular, Section 6 of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[15] that the proposed rule change (File No. SR–CBOE–94–44), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–10222 Filed 4–25–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35631; International Series Release No. 805; File No. SR–Phlx–95–06]

Self-Regulatory Organizations; Order Approving a Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to British Pound Strike Price Intervals

April 20, 1995.

I. Introduction

On January 30, 1995, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') a proposed rule change to revise its strike price policy respecting foreign currency options on the British pound by changing from: a $.025 interval to a $.01 interval in the nearest three expiration months; a $.025 interval to a $.02 interval in the next three nearest expiration months; and a $.05 interval to a $.04 interval for long-term British pound options, which have 12 to 36 months until expiration.

Notice of the proposal was published for comment and appeared in the **Federal Register** on March 3, 1995.[3] No comment letters were received on the proposed rule change. This order approves the Exchange's proposal.

II. Description of the Proposal

The Phlx has proposed to revise its strike price policy respecting foreign currency options on the British pound pursuant to Phlx Rule 1012—Series of Options Open for Trading by adopting shorter strike price intervals than currently used. Currently, British pound options are listed at 2½ cent intervals; long-term options are listed at 5 cent intervals. Pursuant to Phlx Rule 1012, six expiration months are currently listed in regular foreign currency options, with one, two, three, six, nine, and twelve months until expiration. Additionally, two long-term options are currently listed (in June and December) with 18 and 24 months until expiration. Fluctuations in the spot price of the British pound currently result in additional listings at 2½ cent intervals.[4]

The Exchange proposes to revise its strike price policy respecting foreign currency options on the British pound by changing from a $.025 interval to a $.01 interval in the nearest three expiration months and from a $.025 interval to a $.02 in the next three nearest expiration months. In addition to reducing the strike price interval from 2½ cents to 1 and 2 cents, respectively, the Exchange also proposes to reduce the strike price interval for long-term British pound options, which have 12 to 36 months until expiration, from $.05 to $.04.

The Exchange states that the purpose of the proposed rule change is to address certain market needs that have arisen as a result of recent lower volatility respecting the British pound (in relation to the U.S. dollar), which has created a customer need for narrower strike price intervals.[5] The Exchange represents that the lower volatility of the British pound has resulted in a narrower trading range for the currency option, sometimes limiting the availability of sufficient near- or at-the-money series.

Additionally, the Exchange believes the proposal is necessary to ensure that the British pound foreign currency option contract remains competitive and consistent with the contract terms applicable to British pound foreign currency futures (and futures options) traded on the Chicago Mercantile Exchange (''CME''). Recently, the CME determined to list certain options on British pound futures (the three near months) as $.01 intervals.

The Phlx asserts that the proposed rule change will initially create 496 new strike prices.[6] Additionally, both the Phlx and the Options Price Reporting Authority (''OPRA'') represent that the predicted increase in the number of British pound options series will not adversely affect their respective computer processing capacities to accommodate the additional strike prices.[7]

The Exchange further states that its general policy with respect to the delisting of inactive options series, subject to the assigned option specialist's approval, is to delist series in which there is no open interest beginning with the highest or lowest strike for that month. The Exchange, however, may not delist a series if such

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[15] 15 U.S.C. 78s(b)(2) (1988).

[16] 17 CFR 200.30–3(a)(12) (1994).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] See Securities Exchange Act Release No. 35420 (February 27, 1995), 60 FR 11999 (March 3, 1995).

[4] Currently, the addition of strike prices, which is governed by Phlx Rules 1012 and 1101A, is determined by the movement of the underlying stock, index, or foreign currency, such that strike prices reasonably close to the value of the underlying security are listed for trading. When the Exchange plans to add a new strike price, a memorandum is distributed to the trading floor as well as over electronic systems notifying the membership and their customers of the new strike. See Securities Exchange Act Release No. 34349 (July 11, 1994), 59 FR 36469 (July 18, 1994).

[5] The Commission has previously approved certain Phlx proposals that shortened foreign currency option strike price intervals. See e.g., Securities Exchange Act Release Nos. 25685 (May 10, 1988), 53 FR 17524 (May 17, 1988) (French franc from $.05 to $.025 strike price intervals) (File No. SR–Phlx–86–14), and 24103 (February 13, 1987), 52 FR 5605 (February 25, 1987) (British Pound from $.05 to $.025 strike price intervals) (File No. SR–Phlx–86–14).

[6] The total number of new strikes includes both puts and calls for American and European style options on the British pound. *See* Letter from Gerald O'Connell, First Vice President, Phlx, to Michael Walinskas, Office of Market Supervision (''OMS''), Division of Market Regulation (''Division''), Commission, dated April 10, 1995 (''O'Connell Letter No. 1'').

[7] *See* Letter from William H. Morgan, Vice President, Phlx, to Michael Walinskas, OMS, Division, Commission, dated April 12, 1995 (''Morgan Letter''). *See also* Letter from Joseph P. Corrigan, Executive Director, OPRA, to William Terrell, Vice President, Phlx, dated April 6, 1995 (''OPRA Letter'').

delisting would create a gap in consecutive strikes.[8]

The Exchange believes that the proposed reduction in the strike price interval should provide investors and traders of British pound foreign currency options with the ability to more closely tailor investment and hedging strategies to British pound trading levels and movement. The Exchange further believes that the proposed rule change is designed to promote just and equitable principles of trade by enabling more effective management of foreign currency risk respecting the British pound.

III. Commission Finding and Conclusions

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5) of the Act.[9] Specifically the Commission finds that the Exchange's proposal to revise its strike price policy respecting foreign currency options on the British pound by changing from a $.025 interval to a $.01 interval in the nearest three months; from $.025 interval to $.02 interval in the next three nearest expiration months; and from $.05 to $.04 interval for long-term British pound options, which have 12 to 36 months until expiration, is a reasonable attempt to perfect the mechanism of a free and open market and a national market system.

The Commission recognizes that any narrowing of strike price intervals increases the flexibility accorded market participants and allows options positions to be more finely tailored to achieve intended investment objectives. At the same time, however, narrower strike price intervals create the possibility of dispersing trading interest to the degree that there is an excessive dilution of liquidity in open options series.

Accordingly, an evaluation of the appropriate strike price interval for an option contract requires a balancing of the need to accommodate market participants by providing a wide array of investment opportunities and the need to avoid causing excessive proliferation of illiquid options series. The Commission believes that the Phlx proposal strikes such a reasonable balance. Although the proposal makes available a significant number of new options series, the Commission notes that Phlx generally seeks to delist options series (including British pound foreign currency options) with no open interest.[10] Therefore, the Phlx should be able to eliminate any illiquid series that might result from the implementation of the new strike price proposal. Accordingly, the Commission expects the Phlx to monitor British pound foreign currency options activity closely in order to detect any proliferation of illiquid series possibly resulting from the narrower strike price intervals and to act promptly to remedy this situation should it occur.

In addition, based on representations from the Phlx[11] and OPRA,[12] the Commission believes that the predicted increase in the number of British pound options series should not adversely affect the computer processing capacity to accommodate the additional strike prices. More specifically, both the Phlx and OPRA have represented that their respective systems can adequately handle the additional options transaction-related traffic generated by the projected new series. Nevertheless, the Commission requests that the Exchange monitor the volume of additional options series listed as a result of this rule change and continue to ensure that these additional series will not adversely impact processing system capacity.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[13] that the proposed rule change (File No. SR–Phlx–95–06) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–10182 Filed 4–25–95; 8:45 am]

BILLING CODE 8010–01–M

[8] *See* Letter from Gerald O'Connell, First Vice President, Phlx, to Michael Walinskas, Branch Chief, OMS, Division, Commission, dated April 12, 1995 (''O'Connell Letter No. 2'').

[9] 15 U.S.C. 78f(b)(5).

[10] *See* O'Connell Letter No. 2, *supra* note 8.

[11] *See* Morgan Letter, *supra* note 7. *See also* O'Connell Letter No. 1, *supra* note 6.

[12] *See* OPRA Letter, *supra* note 7.

[13] 15 U.S.C. 78s(b)(2).

[14] 17 CFR 200.30–3(a)(12).

[Rel. No. IC–21024; 812–9524]

Equity Income Fund, Select Ten Portfolio

April 20, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Equity Income Fund, Select Ten Portfolio.

RELEVANT ACT SECTIONS: Order requested under section 6(c) of the Act that would exempt applicant from section 12(d)(3) of the Act.

SUMMARY OF APPLICATION: Applicant requests an order on behalf of its series (the ''Series'') and the Series' component trusts (the ''Trusts'') to permit each Trust to invest up to ten percent of its total assets in securities of issuers that derived more than fifteen percent of their gross revenues in their most recent fiscal year from securities related activities.

FILING DATE: The application was filed on March 14, 1995 and amended on April 20, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 15, 1995 and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicant, c/o Merrill Lynch, Pierce Fenner & Smith Incorporated, P.O. Box 9051, Princeton, N.J. 08543–9051.

FOR FURTHER INFORMATION CONTACT: Marianne H. Khawly, Staff Attorney, at (202) 942–0562, or C. David Messman, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Each Series will be a series of Equity Income Fund, Select Ten Portfolio, a unit investment trust registered under the Act, composed of one or more separate Trusts. Merrill Lynch, Pierce, Fenner & Smith Incorporated (''Merrill Lynch''), Prudential Securities Incorporated, PaineWebber Incorporated, Smith Barney Inc., and Dean Witter Reynolds

Inc. are applicant's depositors (collectively, the ''Sponsors'').

2. Each Trust will invest approximately 10%, but in no event more than 10.5%,[1] of the value of its total assets in each of the ten common stocks in the Financial Times Index or the Hang Seng Index with the highest dividend yields as of its initial date of deposit, and hold those stocks over the life of the Trust (presently anticipated to be approximately one year).

3. The Financial Times Index comprises 30 common stocks chosen by the editors of The Financial Times (London) as representative of British industry and commerce. The companies are major factors in their industries and their stocks are widely held by individuals and institutional investors. The Hang Seng Index comprises 33 of the stocks listed on the Hong Kong Stock Exchange and includes companies intended to represent four major market sectors: commerce and industry, finance, properties, and utilities. The Hang Seng Index is a recognized indicator of stock market performance in Hong Kong.

4. The portfolio securities deposited in each Trust will be chosen solely according to the formula described above, and will not necessarily reflect the research opinions or buy or sell recommendations of the Sponsors. The Sponsors will have no discretion as to which securities are purchased. Securities deposited in a Trust may include securities of issuers that derived more than fifteen percent of their gross revenues in their most recent fiscal year from securities related activities.

5. During the 90-day period following the initial date of deposit, the Sponsors may deposit additional securities while maintaining to the extent practicable the original proportionate relationship among the number of shares of each stock in the portfolio. Deposits made after this 90-day period generally must replicate exactly the proportionate relationship among the face amounts of the securities comprising the portfolio at the end of the initial 90-day period, whether or not a stock continues to be among the ten highest dividend yielding stocks.

6. A Trust's portfolio will not be actively managed. Sales of portfolio securities will be made in connection with redemptions of units issued by a Trust and at termination of the Trust. The Sponsors have no discretion as to when securities will be sold except that it is authorized to sell securities in extremely limited circumstances, namely, upon failure of the issuer of a security in a Trust to pay amounts due on any of the securities, institution of certain legal proceedings, default under certain documents materially and adversely affecting future declaration or payment of amounts due, or the occurrence of other market or credit factors that in the opinion of the Sponsors would make the retention of such securities in a Trust detrimental to the interests of the unitholders. The adverse financial condition of an issuer will not necessarily require the sale of its securities from a Trust's portfolio.[2]

Applicant's Legal Analysis

1. Section 12(d)(3) of the Act, with limited exceptions, prohibits an investment company from acquiring any security issued by any person who is a broker, dealer, underwriter, or investment adviser. Rule 12d3–1 under the Act exempts the purchase of securities of an issuer that derived more than fifteen percent of its gross revenues in its most recent fiscal year from securities related activities, provided that, among other things, immediately after such acquisition, the acquiring company has invested not more than five percent of the value of its total assets in securities of the issuer.

2. Section 6(c) of the Act provides that the SEC may exempt a person from any provision of the Act or any rule thereunder, if and to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

3. Applicant requests an exemption under section 6(c) from section 12(d)(3) to permit any Trust to invest up to approximately 10%, but in no event more than 10.5%, of the value of its total assets in securities of an issuer that derives more than fifteen percent of its revenues from securities related activities. Applicant and each Trust will comply with all provisions of rule 12d3–1, except for the five percent limitation in paragraph (b)(3) of the rule.

4. Section 12(d)(3) was intended to prevent investment companies from exposing their assets to the entrepreneurial risks of securities related businesses, to prevent potential conflicts of interest, and to eliminate certain reciprocal practices between investment companies and securities related businesses. One potential conflict could occur if an investment company purchased securities or other interests in a broker-dealer to reward that broker-dealer for selling fund shares, rather than solely on investment merit. Applicant believes that this concern does not arise in connection with its application because neither applicant nor the Sponsors have discretion in choosing the portfolio securities or percentage amount purchased. The security must first be included in the Financial Times Index or the Hang Seng Index, which indexes are unaffiliated with the Sponsors and applicant, and must also qualify as one of the ten highest dividend yielding securities.

5. Applicant also believes that the effect of a Trust's purchase on the stock of parents of broker-dealers would be *de minimis*. Applicant asserts that the common stocks of securities related issuers represented in the Financial Times Index or the Hang Seng Index are widely held, have active markets, and that potential purchases by any Trust would represent an insignificant amount of the outstanding common stock and the trading volume of any of these issues. Accordingly, applicant believes that it is highly unlikely that Trust purchases of these securities would have any significant impact on the securities' market value.

6. Another potential conflict of interest could occur if an investment company directed brokerage to a broker-dealer in which the company has invested to enhance the broker-dealer's profitability or to assist it during financial difficulty, even though that broker-dealer may not offer the best price and execution. To preclude this type of conflict, applicant and each Series agree, as a condition of this application, that no company held in the portfolio of a Trust nor any affiliate thereof will act as a broker for any Trust in the purchase or sale of any security for its portfolio. In light of the above, applicant believes that its proposal meets the section 6(c) standards.

Applicant's Condition

Applicant and each Series agree that any order granted under this application

[1] The Sponsors will attempt to purchase equal values of each of the ten common stocks in a Trust's portfolio and may choose to purchase the securities in odd lots in order to achieve this goal. However, it is more efficient if securities are purchased in 100 share lots and board lots. A board lot is comprised of a fixed number of shares determined by the issuer. Most fees associated with trading, settling, and transferring of Hong Kong securities are charged on a per board lot basis. As a result, the Sponsors may choose to purchase securities of a securities related issuer which represent over 10%, but in no event more than 10.5% percent, of a Trust's assets on the initial date of deposit to the extent necessary to enable the Sponsors to meet their purchase requirements and to obtain the best price for the securities.

[2] In the master agreement among underwriters, the other Sponsors have appointed Merrill Lynch as agent for the Sponsors. In that capacity, Merrill Lynch is authorized to determine the date of deposit, to purchase securities for deposit in the Series and to supervise each Series' portfolio.

may be conditioned upon no company held in a Trust's portfolio nor any affiliate thereof acting as broker for any Trust in the purchase or sale of any security for a Trust's portfolio.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–10223 Filed 4–25–95; 8:45 am]

BILLING CODE 8010–01–M

Issuer Delisting; Notice of Application to Withdraw From Listing and Registration; (Semtech Corporation, Common Stock, $.01 Par Value) File No. 1–6395

April 20, 1995.

The Semtech Corporation (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the American Stock Exchange, Inc. (''Amex'').

The reasons alleged in the application for withdrawing the Security from listing and registration include the following:

According to the Company, its Board of Directors unanimously approved resolutions on March 2, 1995 to withdraw the Security from listing on the Amex and, instead, list the Security on the Nasdaq/NMS. The decision of the Board followed a lengthy study of the matter, and was based upon the belief that listing of the Security on the Nasdaq/NMS will be more beneficial to its stockholders than the present listing on the Amex because:

(a) The support of Market Makers on the Nasdaq (as compared to the activities of the AMEX specialist) and the potential for research coverage and other financial services will be advantageous;

(b) The greater visibility of the Nasdaq with various media coverage will be advantageous;

(c) The potential for the Company to be promoted as a growth-oriented, diversified company is enhanced on the Nasdaq, given the Nasdaq's history;

(d) There is potentially more capital support for the Company in the Nasdaq given the Market Maker's responsibilities; and

(e) The services the Nasdaq offers that have been reviewed are more likely to assist the Company in communicating with shareholders and understanding the market.

Any interested person may, on or before May 11, 1995, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–10239 Filed 4–25–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–21022/812–9550]

Smith Barney Muni Funds, et al.; Notice of Application

April 19, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: Smith Barney Muni Funds (the ''Trust''), Smith Barney Income Trust (the ''Income Trust''), Smith Barney Mutual Funds Management Inc. (''SBMFM'') and Smith Barney Inc. (''Smith Barney'').

RELEVANT ACT SECTIONS: Order requested under section 17(b) for an exemption from section 17(a).

SUMMARY OF APPLICATION: Applicants request an order to allow Smith Barney Intermediate Maturity California Municipals Fund (the ''Intermediate Maturity Fund''), a series of the Income Trust, to acquire substantially all of the assets of the California Limited Term Portfolio (the ''Limited Term Portfolio''), a series of the Trust. Because of certain affiliations, the two series may not rely on rule 17a–8 under the Act.

FILING DATE: The application was filed on March 24, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 15, 1995, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, 388 Greenwich Street, 22nd Floor, New York, New York 10013.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Staff Attorney, at (202) 942–0574, or Robert A. Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. The Limited Term Portfolio is a series of the Trust and the Intermediate Maturity Fund is a series of the Income Trust. The Trust and the Income Trust each are registered under the Act as open-end management investment companies and are organized as Massachusetts business trusts. The Limited Term Portfolio and the Intermediate Maturity Fund are referred to herein as the ''Funds.''

2. SBMFM serves as investment adviser to the Intermediate Maturity Fund and the Limited Term Portfolio. Smith Barney is the Funds' distributor and, as of February 13, 1995, owned 12.22% of the outstanding shares of the Limited Term Portfolio. SBMFM and Smith Barney are each a wholly-owned subsidiary of Smith Barney Holdings, Inc. (''Holdings'').

3. Each Fund offers three classes of shares, Class A, Class C and Class Y shares. Class A shares of each Fund are sold with an initial sales charge of 2.00% of the net asset value of the shares. Class C shares of each Fund are sold without an initial sales charge but are subject to a contingent deferred sales charge (''CDSC'') of 1.00% payable upon certain redemptions. Class Y shares of each Fund are sold without an initial sales charge or CDSC and are available only to investors investing a minimum of $5.0 million. Class A and Class C shares of each Fund are sold subject to substantially similar 12b–1 distribution plans.

4. The investment objectives, policies and restrictions of the Limited Term Portfolio and the Intermediate Maturity Fund are substantially similar. The Limited Term Portfolio seeks to pay its shareholders as high a level of income exempt from federal taxes and California personal income taxes by investing primarily in obligations issued by the State of California and its political subdivisions, agencies and instrumentalities. The Intermediate Maturity Fund seeks to provide its shareholders with as high a level of income exempt from federal income taxes and California personal income taxes by investing an investment-grade obligations issued by the State of California and its political subdivisions, agencies and public authorities.

5. The Intermediate Maturity Fund proposes to acquire all or substantially all of the assets and certain liabilities of the Limited Term Portfolio in exchange for shares of the Intermediate Maturity Fund pursuant to an agreement and plan of reorganization (''Reorganization Agreement''). Under the Reorganization Agreement, the number of shares of each class of the Intermediate Maturity Fund to be issued to the Limited Term Portfolio will be determined on the basis of the Funds' relative net asset values per their respective classes of shares. The Limited Term Portfolio then will liquidate and distribute such shares of the Intermediate Maturity Fund *pro rata* to its shareholders. Class A, Class C and Class Y shareholders of the Limited Term Portfolio would receive Class A, Class C and Class Y shares, respectively, of the Intermediate Maturity Fund.

6. The proposed reorganization was unanimously approved by the boards of trustees of the Trust and the Income Trust, including a majority of the trustees who are not interested persons, on December 1, 1994 and December 20, 1994, respectively. In approving the proposed reorganization, each board found that participation in the reorganization is in the best interests of the relevant Fund and that the interest of existing Fund shareholders will not be diluted as a result of the reorganization. Each board based its decision to approve the reorganization on a number of factors, including: (a) The terms and conditions of the reorganization; (b) the fact that the reorganization will be effected as a tax-free reorganization; (c) the costs of the reorganization to the Funds; (d) the compatibility of the objectives, policies and restrictions of the two Funds; (e) the savings in expenses borne by shareholders expected to be realized by the reorganization; and (f) the potential benefits to the Funds' affiliates, including SBMFM, Smith Barney and Holdings.

7. Applicants contemplate that the Reorganization Agreement will be submitted for approval by the shareholders of the Limited Term Portfolio at a meeting scheduled to be held on or about June 23, 1995, and that a prospectus/proxy statement will be sent to shareholders of the Limited Term Portfolio in May 1995. Assuming that the required shareholder vote is obtained at the shareholders' meeting, the closing date is expected to be held shortly thereafter.

8. Smith Barney will bear any expenses incurred in connection with the reorganization, except that each Fund will be liable for any fees and expenses of its own custodian and transfer agent incurred in connection with the reorganization and the Limited Term Portfolio will be liable for all fees and expenses incurred relating to its liquidation and termination.

Applicants' Legal Analysis

1. Section 17(a), in pertinent part, prohibits an affiliated person of a registered investment company, acting as principal, from selling to or purchasing from such registered company, any security or other property. Section 17(b) provides that the SEC may exempt a transaction from section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

2. Rule 17a–8 under the Act exempts from section 17(a) mergers, consolidations, or purchases or sales of substantially all the assets involving registered investment companies that may be affiliated persons solely by reason of having a common investment adviser, common directors/trustees and/or common officers provided that certain conditions are satisfied. SBMFM is the investment adviser to both the Intermediate Maturity Fund and the Limited Term Portfolio, and Smith Barney is the distributor to both of the Funds. However, Smith Barney also is an ''affiliated person'' of the Limited Term Portfolio because it beneficially owns 5% or more of the shares of the Limited Term Portfolio; therefore, applicants may not rely on rule 17a–8.

3. Applicants believe that the terms of the proposed reorganization satisfy the standards set forth in section 17(b). The boards of the Trust and the Income Trust have reviewed the terms of the reorganization as set forth in the Reorganization Agreement, including the consideration to be paid or received, and have found that participation in the reorganization is in the best interests of each Fund and that the interests of the existing shareholders of each Fund will not be diluted as a result of the reorganization. The investment objectives of the Funds, moreover, are essentially the same. Accordingly, the proposed reorganization will be consistent with the policies of each Fund.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–10183 Filed 4–25–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–21023; 811–3529]

Smith Barney Shearson Municipal Money Market Fund Inc.; Notice of Application

April 20, 1995.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Smith Barney Shearson Municipal Money Market Fund Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATES: The application was filed on February 22, 1995 and amended on April 5, 1995 and April 20, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 15, 1995, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549.

Applicant, 388 Greenwich Street, New York, New York 10013.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 942–0572, or C. David Messman, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company that was organized as a corporation under the laws of Maryland. On July 29, 1982, applicant registered under the Act as an investment company, and filed a registration statement to register its shares under the Securities Act of 1933. The registration statement was declared effective on October 12, 1982, and the initial public offering commenced shortly thereafter.

2. On April 27, 1994 and May 25, 1994, applicant's board of trustees approved an agreement and plan of reorganization (the ''Plan'') between applicant and Smith Barney Tax-Free Money Market Fund (the ''Acquiring Fund'')—a registered open-end management investment company. In addition, the board of trustees made the findings required by rule 17a–8 under the Act.[1]

3. On July 29, 1994, applicant mailed proxy materials to its shareholders. On November 11, 1994, applicant's shareholders approved the reorganization at a special meeting of shareholders.

4. Pursuant to the Plan, on November 18, 1994, applicant transferred all of its assets to the Acquiring Fund in exchange for shares of the Acquiring Fund and the assumption by the Acquiring Fund of certain liabilities of applicant. Immediately thereafter, applicant liquidated and distributed *pro rata* to its shareholders the shares it received from the Acquiring Fund in the reorganization. On November 18, 1994, applicant had 3,476,800,171 shares outstanding, having an aggregate net asset value of $3,475,385,704 and a per share net asset value of $1.00.[2]

5. Expenses incurred in connection with the reorganization, consisting of accounting, printing, administrative, and legal expenses, totaled $281,807. One half of the expenses were borne by the Fund's sponsor, Smith Barney Inc., and the remainder were divided between applicant and the Acquiring Fund based on relative net assets.

6. There are no securityholders to whom distributions in complete liquidation of their interests have not been made. Applicant has no debts or other liabilities that remain outstanding. Applicant is not a party to any litigation or administrative proceeding.

7. Applicant intents to file the appropriate notice of termination with Maryland authorities.

8. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–10184 Filed 4–25–95; 8:45 am]

BILLING CODE 8010–01–M

[1] Section 17(a) of the Act generally prohibits sales or purchase of securities between registered investment companies and any affiliated person of that company. Rule 17a–8 provides an exemption from section 17(a) for certain reorganizations among registered investment companies that may be affiliated persons, or affiliated persons of an affiliated person, solely by reason of having a common investment adviser, common directors, and/or common officers. Applicant and the Acquiring Fund were ''affiliated persons'' as defined in the Act solely by reason of having a common investment adviser.

[2] Dividing the number of outstanding shares by the total net assets does not yield a precise figure of $1.00 per share. This results from both the effect on the total net assets of realized gains and losses resulting from the sale of portfolio securities prior to their stated maturity and the effect of penny rounding.

SMALL BUSINESS ADMINISTRATION

Little Rock District Advisory Council; Public Meeting

The U.S. Small Business Little Rock District Advisory Council, will hold a public meeting from 9:00 a.m. to 11:30 a.m., on Monday, May 1, 1995, at the U.S. Small Business Administration Little Rock District Office, located at 2120 Riverfront Drive, Suite 100, Little Rock, Arkansas, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Valerie J. Coleman, Business Opportunity Specialist, U.S. Small Business Administration, at the above address, Tele: 501/324–5871, ext. 236.

Dated: April 20, 1995.

Dorothy A. Overal,

Director, Office of Advisory Councils.

[FR Doc. 95–10180 Filed 4–25–95; 8:45 am]

BILLING CODE 8025–01–M

SOCIAL SECURITY ADMINISTRATION

[Social Security Ruling SSR 95–1p]

Titles II and XVI: Finding Good Cause for Missing the Deadline To Request Administrative Review Due to Statements in the Notice of Initial or Reconsideration Determination Concerning the Right To Request Review and the Option to File a New Application

AGENCY: Social Security Administration.

ACTION: Notice of Social Security Ruling.

SUMMARY: In accordance with 20 CFR 422.406(b)(1), the Commissioner of Social Security gives notice of Social Security Ruling 95–1p. This Policy Interpretation Ruling clarifies the Social Security Administration's policy on establishing good cause for late filing of a request for administrative review where the claimant received a notice of an initial or reconsideration determination made prior to July 1, 1991, which did not explain that filing a new application instead of a request for review could result in the loss of benefits. Notices of determinations made on or after July 1, 1991, are covered under Section 205(b) of the Social Security Act, as amended by Public Law 101–508.

EFFECTIVE DATE: April 26, 1995.

FOR FURTHER INFORMATION CONTACT: Joanne K. Castello, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–1711.

SUPPLEMENTARY INFORMATION: Although we are not required to do so pursuant to 5 U.S.C. 552 (a)(1) and (a)(2), we are publishing this Social Security Ruling in accordance with 20 CFR 422.406(b)(1).

Social Security Rulings make available to the public precedential decisions relating to the Federal old-age, survivors, disability, supplemental security income, and black lung benefits programs. Social Security Rulings may be based on case decisions made at all administrative levels of adjudication, Federal court decisions, Commissioner's decisions, opinions of the Office of the General Counsel, and other policy interpretations of the law and regulations.

Although Social Security Rulings do not have the force and effect of the law or regulations, they are binding on all components of the Social Security Administration, in accordance with 20 CFR 422.406(b)(1), and are to be relied upon as precedents in adjudicating other cases.

If this Social Security Ruling is later superseded, modified, or rescinded, we will publish a notice in the **Federal Register** to that effect.

(Catalog of Federal Domestic Assistance, Programs 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.)

Dated: April 18, 1995.

Shirley S. Chater,

Commissioner of Social Security.

Policy Interpretation Ruling

Title II and Title XVI: Finding Good Cause for Missing the Deadline to Request Administrative Review due to Statements in the Notice of Initial or Reconsideration Determination Concerning the Right to Request Administrative Review and the Option to File a New Application

Purpose

To reflect the Social Security Administration's (SSA) policy on establishing good cause for late filing of a request for administrative review as it applies to a claimant who received an initial or reconsideration determination notice dated prior to July 1, 1991, which did not state that filing a new application instead of a request for administrative review could result in the loss of benefits.

Citations (Authority)

Sections 205(b) and 1631(c)(1) of the Social Security Act (the Act); Regulation No. 4, sections 404.903(j), 404.909, 404.911, 404.933, 404.957(c)(3); and Regulation No. 16, sections 416.1403(a)(8), 416.1409, 416.1411, 416.1433, 416.1457(c)(3).

Pertinent History

Our rules in 20 CFR sections 404.909(a), 404.933(b), 416.1409(a), and 416.1433(b) provide that a request for reconsideration and a request for hearing before an administrative law judge (ALJ) must be filed within 60 days after the date of receipt by the claimant of the notice of the determination being appealed. However, the regulations also provide that a claimant can request that the 60-day time period for filing a request for review be extended if the claimant can show good cause for missing the deadline. The request for an extension of time must be in writing and must give the reason why the request for review was not filed timely.

When the claimant fails to timely request reconsideration or an ALJ hearing, the Agency applies the criteria in section 404.911 or section 416.1411, as appropriate, in determining whether good cause for missing the deadline exists.

Section 404.911(a) states:

In determining whether you have shown that you had good cause for missing a deadline to request review we consider—

(1) What circumstances kept you from making the request on time;

(2) Whether our action misled you;

(3) Whether you did not understand the requirements of the Act resulting from amendments to the Act, other legislation, or court decisions; and

(4) Whether you had any physical, mental, educational, or linguistic limitations (including any lack of facility with the English language) which prevented you from filing a timely request or from understanding or knowing about the need to file a timely request for review.

Section 416.1411(a) sets out essentially the same criteria.

If the Agency determines that good cause for the claimant missing the deadline to request review exists, we process the request for review in accordance with established procedures and the prior administrative action is not final or binding for purposes of applying the rules on either *res judicata* or administrative finality.

Many SSA initial and reconsideration determination notices denying claims for Social Security benefits based on disability issued from September 1, 1977, through February 28, 1990, stated that, if the claimant did not seek administrative review within the 60-day time period, he or she still had the right to file another application at any time. The notices did not further state that filing a new application instead of a request for administrative review could result in the loss of benefits. Some claimants have alleged that they have failed to file a timely request for administrative review as a result of these notices.

In 1984, SSA began making revisions to its notices to explain more clearly the difference between seeking administrative review and filing a new application. Language was added to the initial determination notice stating that a new application is not the same as an appeal of the determination. In 1989 SSA began adding this language to the reconsideration determination notice along with an explanation on both notices to specifically advise the claimant that failing to seek administrative review could result in a loss of benefits. SSA completed implementation of this revision to the notices in February 1990.

SSA has further revised its notices as a result of section 5107 of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101–508. This section amended the Act to provide that a failure to timely request administrative review of an initial or reconsideration determination made on or after July 1, 1991, may not be used to deny or dismiss a subsequent claim for benefits on the basis of *res judicata* if the claimant demonstrates that he or she failed to request administrative review of the determination acting in good faith reliance upon incorrect, incomplete or misleading information, relating to the consequences of reapplying for benefits in lieu of seeking review of the determination and the information was provided by an officer or employee of SSA or a State agency making disability determinations under section 221 of the Act.

Policy Interpretation

SSA will make a finding of good cause for late filing of a request for administrative review for a title II, title XVI, or concurrent title II/title XVI claim if a claimant received a notice covered by this Ruling and demonstrates that, as a result of the notice, he or she did not timely request such review. The mere receipt of a notice covered by this Ruling will not, by itself, establish good cause.

A. Notices Covered by This Ruling

A notice is covered by this Ruling if it advised the claimant that if he or she did not request administrative review, he or she still had the right to file a new application at any time without further explaining that filing a new application instead of a request for administrative review could result in the loss of benefits. The following are notices covered by this Ruling, if the notice did not state that filing a new application instead of a request for review could result in the loss of benefits.

1. *Initial Determination Notice Containing The Following Sentence:*

''If you do not request reconsideration of your case within the prescribed time period, you still have the right to file another application at any time.''

2. *Reconsideration Determination Notice Containing The Following Sentence:*

''If you do not request a hearing of your case within the prescribed time period, you still have the right to file another application at any time.''

A notice described above is not excluded from the Ruling simply because it contained the following additional sentence:

''A new application is not the same as an appeal of this determination.''

However, the fact that a notice contained this additional statement is a factor to be considered along with all of the pertinent facts in each case in determining whether good cause for failure to file a timely request for administrative review exists. The presence of this additional statement will make it more difficult for a claimant to show that he or she did not make a timely request for administrative review as a result of the notice. In making the good cause determination when the notice contained this additional statement, the adjudicator may consider whether the claimant should reasonably have been expected to make additional inquiries, whether such inquiries were made, and the results thereof.

B. Proof of Receipt of a Notice Covered by This Ruling

Absent evidence to the contrary, SSA will presume that any notice of an initial or reconsideration determination denying a claim for title II disability benefits is covered by this Ruling if it was dated after August 31, 1977, and prior to March 1, 1990.

In all other situations (e.g., notices in title II nondisability claims, title XVI disability notices and any notice dated prior to September 1, 1977, or after February 28, 1990), the claimant must furnish a copy of the notice covered by this Ruling, or SSA's records must show that a notice covered by this Ruling was issued to the claimant.

C. Failure To Request Administrative Review as a Result of a Notice Covered by this Ruling

Under this Ruling, the Agency will find that a claimant has demonstrated that the failure to file a timely request for administrative review was the result of a notice covered by this Ruling if he or she provides an acceptable explanation, based on all the pertinent facts in a particular case, linking his or her failure to file a timely request for administrative review to the absence in the notice of a statement that filing a new application instead of a request for administrative review could result in the loss of benefits.

In making this determination, factors which an adjudicator may consider include, but are not limited to, the following:

—The claimant's explanation of what he or she thought the notice meant and how that understanding influenced his or her actions;

—The claimant's mental condition;[1]

—The claimant's educational level;

—The claimant's ability to speak and understand the English language;

—How much time elapsed before the claimant filed a subsequent claim or sought administrative review of the prior determination; and

—Whether the claimant was represented by a non-attorney. Normally, representation by an attorney at the time of receipt of the notice bars a claimant from relief under this Ruling.

D. Good Cause Found

If the adjudicator determines that good cause exists, he or she will extend the time for requesting administrative review and take the action which would have been appropriate had the claimant filed a timely request for administrative review. A finding of good cause will result either in a new determination or decision that is subject to further administrative or judicial review of the claim, or a dismissal (for a reason other than late filing) of the request for review, as appropriate.

E. Good Cause Not Found

If the adjudicator determines that good cause does not exist, he or she will deny the request to extend the time for filing and dismiss the request. The dismissal will state the adjudicator's rationale for not finding good cause and advise the claimant that he or she can file a new application.

FOR FURTHER INFORMATION CONTACT: This Ruling does not supersede or modify any instructions issued in connection with Acquiescence Ruling (AR) 92–7(9). Claimants in the Ninth Circuit are eligible for relief under the conditions set forth in this Ruling and/or under the AR as applicable. SSA will not apply this Ruling where the administrative determination at issue has been reopened previously or where a decision finding good cause to extend the time for review of that determination has been made previously under SSA policies and procedures or under court order.

EFFECTIVE DATE: This Ruling is effective April 26, 1995.

CROSS-REFERENCES: Program Operations Manual System, Part 2, Chapter 031, Subchapters 01 and 09; Part 4, Chapter 275, Subchapter 16; Acquiescence Ruling 92–7(9); Social Security Ruling 91–5p.

[1] In cases in which the claimant's capacity to understand the administrative appeal process is questionable, Social Security Ruling 91–5p and for Fourth Circuit residents, Acquiescence Ruling 90–4(4) should be applied prior to consideration under this Ruling.

[FR Doc. 95–10208 Filed 4–25–95; 8:45 am]
BILLING CODE 4190–29–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD13–95–015]

Notice of National Environmental Policy Act Activity

AGENCY: Coast Guard, DOT.

ACTION: Notice; Intent to prepare environmental assessment of Seattle Seafair Unlimited Hydroplane Races and Airshow, Lake Washington, Seattle, WA.

SUMMARY: The Coast Guard is preparing an Environmental Assessment (EA) to consider the environmental effects of granting a marine event permit to Seafair, Inc. for the Seattle Seafair Unlimited Hydroplane Races and Airshow. The Coast Guard is seeking public comment in order to assist in determining the relevant issues, possible environmental effects, and proper scope of this EA. This notice provides information about the event and explains how members of the public can submit their comments to the Coast Guard.

DATES: Persons wishing to submit written comments regarding the scope of the EA, including alternatives and environmental effects to be addressed, should do so on or before May 26, 1995.

ADDRESSES: Comments may be mailed to U.S. Coast Guard Group Seattle, 1519 Alaskan Way So., Seattle, WA 98134. The comments and other materials referenced in this notice will be available for inspection and copying at the above address in Building One, Room 130, Operations Division. Normal office hours are between 7 a.m. and 4 p.m. Monday through Friday, except federal holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: LTJG Ben White, U.S. Coast Guard Group Seattle, (206) 217–6138.

SUPPLEMENTARY INFORMATION:

Proposed Action

The Seattle Seafair Unlimited Hydroplane Race and Airshow is scheduled to be held on August 4, 5, and 6, 1995. Pursuant to the requirements of 33 CFR part 100, the sponsor of the event, Seafair, Inc., has applied for a Marine Event Permit from the U.S. Coast Guard. In accordance

with the National Environmental Policy Act (NEPA) and Commandant Instruction M16475.1B, the U.S. Coast Guard must conduct an Environmental Assessment (EA) before a Marine Event Permit can be issued. An EA is a brief report that provides sufficient evidence and analysis of the potential environmental effects of a proposed action and its alternatives. An EA is the document used for determining whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

Background and Discussion

The Seattle Seafair Unlimited Hydroplane Race and Airshow is an annual event held on the waters of Lake Washington in an area west of Mercer Island, south of the I–90 floating bridge, and north of Bailey Peninsula.

Waterborne activities during the event will include two days of hydroplane time-trials and one day (Sunday, August 6, 1995) of hydroplane races. A log boom will separate the race course and the boaters' viewing area. Spectator craft will congregate in the area east of the log boom and will be present, in increasing numbers, on all three days. The number of spectator boats on Sunday, August 6, 1995, is estimated to be between 1700 and 2000.

On the shores of Jefferson Park along the west side of the race course, vendors, spectators, race officials, and boat crews will conduct shoreside activities. First aid stations will also be set up close to the pit area and on Mercer Island. Increased traffic, both vehicular and pedestrian, is expected during the event. This may result in temporary road closures in residential areas to keep traffic on arterial streets.

During the three day event, airshows will periodically be performed over Lake Washington. All flight demonstrations will be done over the hydroplane race track in a designated ''airbox.'' Acrobatic maneuvers and aerial stunts will be confined to the airbox and will be performed only when the area below the airbox is clear of waterborne craft. In addition to the marine event permit issued by the Coast Guard, the sponsors of this event must obtain a separate permit from the Federal Aviation Administration for the airshow.

Drafting Information

The principal persons involved in drafting this notice are LTJG Ben White, U.S. Coast Guard Group Seattle, WA, Project Officer, and LCDR John C. Odell, Project Attorney, Thirteenth Coast Guard District Legal Office, Seattle, WA.

Request for Comments

In accordance with the National Environmental Policy Act and the Coast Guard's policy encouraging all interested and effected parties to participate in the early consultation process, the Coast Guard requests scoping comments from the public. The Coast Guard is interested in receiving comments about possible environmental effects, alternative proposals, and other relevant issues related to the scope of its Environmental Assessment of this marine event.

Persons submitting comments should include their names and addresses, identify this notice (CGD13–95–015) and the specific section of this notice to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and filing. Persons wanting acknowledgment of receipt of their comments should enclose stamped, self-addressed postcards or envelopes.

Dated: April 18, 1995.

G.O. Kinney,

Commander, U.S. Coast Guard, Commander, Coast Guard Group Seattle.

[FR Doc. 95–10235 Filed 4–25–95; 8:45 am]

BILLING CODE 4910–14–M

[GGD 95–036]

National Boating Safety Advisory Council Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The National Boating Safety Advisory Council (NBSAC) will meet to discuss various issues related to recreational boating safety. Agenda items include: Boating education, boat occupant protection, multiple use waterways, inflatable personal flotation devices, nighttime boating, search and rescue, and Recreational Boating Safety Program direction. The meeting will be open to the public.

DATES: The meeting will be held on May 22 and 23, 1995, from 8:30 a.m. to 5 p.m. daily. Written material should be submitted not later than May 10, 1995.

ADDRESSES: The meeting will be held at the Amway Grand Plaza Hotel, 187 Monroe, NW, Grand Rapids, Michigan 49503. Written material should be submitted to Mr. Albert J. Marmo, Executive Director, Commandant (G–NAB), U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593–0001, telephone (202) 267–1077.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2, Section 1 et seq. The agenda will include discussion of the following topics:

1. Review of action taken at the 54th meeting of the Council.
2. Executive Director's Report.
3. Boat Occupant Protection Subcommittee Report.
4. Multiple Use Waterways Subcommittee Report.
5. Mandatory Education Subcommittee Report.
6. Report on Boating Safety Education in California.
7. Report on the Oil Pollution Act of 1990 Subcommittee.
8. Report on Recreational Boating Safety Program Direction.
9. Presentation on Inflatable Personal Flotation Device Rulemaking.
10. Report on Nighttime Boating Study.
11. Report on the Search and Rescue Program.
12. Presentation on Streamlining and Other Issues.
13. Chairman's Session.

Attendance is open to the interested public. With advance notice, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director listed above under **ADDRESSES**, no later than the day before the meeting. Written material may be submitted at any time for presentation to the Council. However, to ensure advance distribution to each Council member, persons submitting written material are asked to provide 25 copies to the Executive Director no later than May 10, 1995.

Dated: April 19, 1995.

G. A. Pennington,

Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 95–10236 Filed 4–25–95; 8:45 am]

BILLING CODE 4910–14–M

[GGD95–035]

National Boating Safety Advisory Council Subcommittee Meetings

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: The National Boating Safety Advisory Council's Subcommittees on Boat Occupant Protection, Mandatory Education, and Multiple Use Waterways will meet to discuss various issues related to these topics. The meetings will be open to the public.

DATES: The meetings will be held on May 20 and 21, 1995, from 1:00 p.m. to 5 p.m. on May 20, and from 8:30 a.m.

to 11:00 a.m. on May 21, 1995. Written material should be submitted not later than May 10, 1995.

ADDRESSES: The meetings will be held at the Amway Grand Plaza Hotel, 187 Monroe, N.W., Grand Rapids, Michigan 49503. Written material should be submitted to Mr. Albert J. Marmo, Executive Director, Commandant (G–NAB), U.S. Coast Guard, 2100 Second Street S.W., Washington, DC 20593–0001, telephone (202) 267–1077.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2, Section 1 et seq. The agenda for the meetings will be to discuss various issues related to the topics listed in the **SUMMARY**.

Attendance is open to the interested public. With advance notice, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director listed above under **ADDRESSES**, no later than the day before the meeting. Written material may be submitted at any time for presentation to the Committee. However, to ensure advance distribution to each Committee member, persons submitting written material are asked to provide 25 copies to the Executive Director no later than May 10, 1995.

Dated: April 19, 1995.

G. A. Penington,

Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 95–10237 Filed 4–25–95; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 810]

Commerce in Explosives; List of Explosive Materials

Pursuant to the provisions of Section 841(d) of Title 18, United States Code, and 27 CFR 55.23, the Director, Bureau of Alcohol, Tobacco and Firearms, must publish and revise at least annually in the **Federal Register** a list of explosives determined to be within the coverage of 18 U.S.C. Chapter 40, Importation, Manufacture, Distribution and Storage of Explosive Materials. This chapter covers not only explosives, but also blasting agents and detonators, all of which are defined as explosive materials in section 841(c) of Title 18, United States Code. Accordingly, the following is the 1995 List of Explosive Materials subject to regulation under 18 U.S.C. Chapter 40, which includes both the list of explosives (including detonators) required to be published in the **Federal Register** and blasting agents. The list is intended to also include any and all mixtures containing any of the materials in the list. Materials constituting blasting agents are marked by an asterisk. While the list is comprehensive, it is not all inclusive. The fact that an explosive material may not be on the list does not mean that it is not within the coverage of the law if it otherwise meets the statutory definitions in section 841 of Title 18, United States Code. Explosive materials are listed alphabetically by their common names followed by chemical names and synonyms in brackets. This revised list supersedes the List of Explosive Materials dated January 7, 1994, (59 FR 1056) and will be effective as of the date of publication in the **Federal Register**.

List of Explosive Materials

A

Acetylides of heavy metals.
Aluminum containing polymeric propellant.
Aluminum ophorite explosive.
Amatex.
Amatol.
Ammonal.
Ammonium nitrate explosive mixtures (cap sensitive).
*Ammonium nitrate explosive mixtures (non cap sensitive).
Aromatic nitro-compound explosive mixtures.
Ammonium perchlorate explosive mixtures.
Ammonium perchlorate composite propellant.
Ammonium picrate [picrate of ammonia, Explosive D].
Ammonium salt lattice with isomorphously substituted inorganic salts.
*ANFO [ammonium nitrate-fuel oil].

B

Baratol.
Baronol.
BEAF [1, 2-bis (2, 2-difluoro-2-nitroacetoxyethane)].
Black powder.
Black powder based explosive mixtures.
*Blasting agents, nitro-carbo-nitrates, including non cap sensitive slurry and water-gel explosives.
Blasting caps.
Blasting gelatin.
Blasting powder.
BTNEC [bis (trinitroethyl) carbonate].
Bulk salutes.
BTNEN [bis (trinitroethyl) nitramine].
BTTN [1, 2, 4 butanetriol trinitrate].
Butyl tetryl.

C

Calcium nitrate explosive mixture.
Cellulose hexanitrate explosive mixture.
Chlorate explosive mixtures.
Composition A and variations.
Composition B and variations.
Composition C and variations.
Copper acetylide.
Cyanuric triazide.
Cyclotrimethylenetrinitramine [RDX].
Cyclotetramethylenetetranitramine [HMX].
Cyclonite [RDX].
Cyclotol.

D

DATB [diaminotrinitrobenzene].
DDNP [diazodinitrophenol].
DEGDN [diethyleneglycol dinitrate].
Detonating cord.
Detonators.
Dimethylol dimethyl methane dinitrate composition.
Dinitroethyleneurea.
Dinitroglycerine [glycerol dinitrate].
Dinitrophenol.
Dinitrophenolates.
Dinitrophenyl hydrazine.
Dinitroresorcinol.
Dinitrotoluene-sodium nitrate explosive mixtures.
DIPAM.
Dipicryl sulfone.
Dipicrylamine.
Display fireworks.
DNDP [dinitropentano nitrile].
DNPA [2,2-dinitropropyl acrylate].
Dynamite.

E

EDDN [ethylene diamine dinitrate].
EDNA.
Ednatol.
EDNP [ethyl 4,4-dinitropentanoate].
Erythritol tetranitrate explosives.
Esters of nitro-substituted alcohols.
EGDN [ethylene glycol dinitrate].
Ethyl-tetryl.
Explosive conitrates.
Explosive gelatins.
Explosive mixtures containing oxygen releasing inorganic salts and hydrocarbons.
Explosive mixtures containing oxygen releasing inorganic salts and nitro bodies.
Explosive mixtures containing oxygen releasing inorganic salts and water insoluble fuels.
Explosive mixtures containing oxygen releasing inorganic salts and water soluble fuels.
Explosive mixtures containing sensitized nitromethane.
Explosive mixtures containing tetranitromethane (nitroform).
Explosive nitro compounds of aromatic hydrocarbons.

Explosive organic nitrate mixtures.
Explosive liquids.
Explosive powders.

F

Flash powder.
Fulminate of mercury.
Fulminate of silver.
Fulminating gold.
Fulminating mercury.
Fulminating platinum.
Fulminating silver.

G

Gelatinized nitrocellulose.
Gem-dinitro aliphatic explosive mixtures.
Guanyl nitrosamino guanyl tetrazene.
Guanyl nitrosamino guanylidene hydrazine.
Guncotton

H

Heavy metal azides.
Hexanite.
Hexanitrodiphenylamine.
Hexanitrostilbene.
Hexogen (RDX).
Hexogene or octogene and a nitrated N-methylaniline.
Hexolites.
HMX [cyclo-l,3,5,7-tetramethylene 2,4,6,8-tetranitramine; Octogen].
Hydrazinium nitrate/hydrazine/aluminum explosive system.
Hydrazoic acid.

I

Igniter cord.
Igniters.
Initiating tube systems.

K

KDNBF [potassium dinitrobenzo-furoxane].

L

Lead azide.
Lead mannite.
Lead mononitroresorcinate.
Lead picrate.
Lead salts, explosive.
Lead styphnate [styphnate of lead, lead trinitroresorcinate].
Liquid nitrated polyol and trimethylolethane.
Liquid oxygen explosives.

M

Magnesium ophorite explosives.
Mannitol hexanitrate.
MDNP [methyl 4,4-dinitropentanoate].
MEAN [monoethanolamine nitrate].
Mercuric fulminate.
Mercury oxalate.
Mercury tartrate.
Metriol trinitrate.
Minol-2 [40% TNT, 40% ammonium nitrate, 20% aluminum].
MMAN [monomethylamine nitrate]; methylamine nitrate.
Mononitrotoluene-nitroglycerin mixture.
Monopropellants.

N

NIBTN [nitroisobutametriol trinitrate].
Nitrate sensitized with gelled nitroparaffin.
Nitrated carbohydrate explosive.
Nitrated glucoside explosive.
Nitrated polyhydric alcohol explosives.
Nitrates of soda explosive mixtures.
Nitric acid and a nitro aromatic compound explosive.
Nitric acid and carboxylic fuel explosive.
Nitric acid explosive mixtures.
Nitro aromatic explosive mixtures.
Nitro compounds of furane explosive mixtures.
Nitrocellulose explosive.
Nitroderivative of urea explosive mixture.
Nitrogelatin explosive.
Nitrogen trichloride.
Nitrogen tri-iodide.
Nitroglycerine [NG, RNG, nitro, glyceryl trinitrate, trinitroglycerine].
Nitroglycide.
Nitroglycol (ethylene glycol dinitrate, EGDN)
Nitroguanidine explosives.
Nitroparaffins Explosive Grade and ammonium nitrate mixtures.
Nitronium perchlorate propellant mixtures.
Nitrostarch.
Nitro-substituted carboxylic acids.
Nitrourea.

O

Octogen [HMX].
Octol [75 percent HMX, 25 percent TNT].
Organic amine nitrates.
Organic nitramines.

P

PBX [RDX and plasticizer].
Pellet powder.
Penthrinite composition.
Pentolite.
Perchlorate explosive mixtures.
Peroxide based explosive mixtures.
PETN [nitropentaerythrite, pentaerythrite tetranitrate, pentaerythritol tetranitrate].
Picramic acid and its salts.
Picramide.
Picrate of potassium explosive mixtures.
Picratol.
Picric acid (manufactured as an explosive).
Picryl chloride.
Picryl fluoride.
PLX [95% nitromethane, 5% ethylenediamine].
Polynitro aliphatic compounds.
Polyolpolynitrate-nitrocellulose explosive gels.
Potassium chlorate and lead sulfocyanate explosive.
Potassium nitrate explosive mixtures.
Potassium nitroaminotetrazole.
Pyrotechnic compositions.
PYX (2,6-bis(picrylamino))-3,5-dinitropyridine.

R

RDX [cyclonite, hexogen, T4, cyclo-1,3,5,- trimethylene-2,4,6,-trinitramine; hexahydro-1,3,5-trinitro-S-triazine].

S

Safety fuse.
Salutes, (bulk).
Salts of organic amino sulfonic acid explosive mixture.
Silver acetylide.
Silver azide.
Silver fulminate.
Silver oxalate explosive mixtures.
Silver styphnate.
Silver tartrate explosive mixtures.
Silver tetrazene.
Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel and sensitizer (cap sensitive).
Smokeless powder.
Sodatol.
Sodium amatol.
Sodium azide explosive mixture.
Sodium dinitro-ortho-cresolate.
Sodium nitrate-potassium nitrate explosive mixture.
Sodium picramate.
Special fireworks.
Squibs.
Styphnic acid explosives.

T

Tacot [tetranitro-2,3,5,6-dibenzo-l,3a,4,6a tetrazapentalene].
TATB [triaminotrinitrobenzene].
TEGDN [triethylene glycol dinitrate].
Tetrazene [tetracene, tetrazine, l(5-tetrazolyl)-4-guanyl tetrazene hydrate].
Tetranitrocarbazole.
Tetryl [2,4,6 tetranitro-N-methylaniline].
Tetrytol.
Thickened inorganic oxidizer salt slurried explosive mixture.
TMETN (trimethylolethane trinitrate).
TNEF [trinitroethyl formal].
TNEOC [trinitroethylorthocarbonate].
TNEOF [trinitroethylorthoformate].
TNT [trinitrotoluene, trotyl, trilite, triton].
Torpex.
Tridite.
Trimethylol ethyl methane trinitrate composition.
Trimethylolthane trinitrate-nitrocellulose.

Trimonite.
Trinitroanisole.
Trinitrobenzene.
Trinitrobenzoic acid.
Trinitrocresol.
Trinitro-meta-cresol.
Trinitronaphthalene.
Trinitrophenetol.
Trinitrophloroglucinol.
Trinitroresorcinol.
Tritonal.

U

Urea nitrate.

W

Water bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates, or sulfamates (cap sensitive).
Water-in-oil emulsion explosive compositions.

X

Xanthamonas hydrophilic colloid explosive mixture.

For Further Information Contact: Linda Deel, Specialist, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226 (202–927–8310).

Approved: April 19, 1995.

John W. Magaw,

Director.

[FR Doc. 95–10221 Filed 4–25–95; 8:45 am]

BILLING CODE 4810–31–P

Office of the Comptroller of the Currency

Information Collection Submitted to OMB for Review

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

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Office of the Comptroller of the Currency (OCC) hereby gives notice that it has sent to the Office of Management and Budget (OMB) a Paperwork Reduction Act Submission regarding an information collection titled Fiduciary Interview.

DATES: Comments on this information collection are welcome and should be submitted by May 1, 1995.

ADDRESSES: A copy of the submission may be obtained by calling or writing the OCC contact.

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the OCC has sent to the OMB a Paperwork Reduction Act Submission regarding the following information collection:

Type of Review: Expedited.
Title: Fiduciary Interview.
Description: The OCC will seek the views of a cross-section of fiduciary bankers, primarily senior trust officers of large, medium, and small institutions. The OCC will use this information as a factor in designing and scheduling examiner training to adequately address focus areas, to make staffing decisions, and to redesign its fiduciary examination procedures.
Form Number: None.
OMB Number: None.
Respondents: Businesses or other for-profit.
Number of Respondents: 100.
Total Annual Responses: 100.
Average Hours Per Response: 1 hour.
Total Annual Burden Hours: 100.
OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Paperwork Reduction Project 1557, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.
OCC Contact: John Ference or Jessie Gates, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.
Comments: Comments regarding the submission should be addressed to both the OMB reviewer and the OCC contact listed above.

Dated: April 11, 1995.

Brenda Curry,

Assistant Director, Legislative and Regulatory Activities.

[FR Doc. 95–9445 Filed 4–25–95; 8:45 am]

BILLING CODE 4810–33–P

Sunshine Act Meetings

Federal Register
Vol. 60, No. 80
Wednesday, April 26, 1995

This section of the FEDERAL REGISTER contains notices of meetings published under the ''Government in the Sunshine Act'' (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, May 1, 1995.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed acquisition of currency processing equipment within the Federal Reserve System.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. 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 21, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–10300 Filed 4–24–95; 9:45 am]

BILLING CODE 6210–01–P

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–95–013]

TIME AND DATE: May 19, 1995 at 10:00 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS:

1. Agenda for future meeting.
2. Minutes.
3. Ratification List.
4. Inv. No. 731–TA–731 (Preliminary) (Bicycles from the People's Republic of China)—briefing and vote.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission:

Issued: April 24, 1995.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–10430 Filed 4–24–95; 3:46 pm]

BILLING CODE 7020–02–P

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–95–011]

TIME AND DATE: May 2, 1995 at 10:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436.

STATUS:

1. Agenda for future meeting.
2. Minutes.
3. Ratification List.
4. Inv. No. 731–TA–699 (Final) (Stainless Steel Angle from Japan)—briefing and vote.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: April 24, 1995.

By order of the Commission:

Donna R. Koehnke,

Secretary.

[FR Doc. 95–10431 Filed 4–24–95; 3:51 pm]

BILLING CODE 7020–02–P

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–95–012]

TIME AND DATE: May 15, 1995 at 10:00 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS:

1. Agenda for future meeting.
2. Minutes.
3. Ratification List.
4. Inv. No. 731–TA–730 (Preliminary) (Certain Light-Walled Rectangular Pipe and Tube from Mexico)—briefing and vote.
5. Outstanding action jackets:
   1. GC–95–025, Annual **Federal Register** notice on administrative protective order violations.
   2. ID–95–014, Institution of section 332 investigation on U.S.-Africa Trade Flows and Effects of the Uruguay Round Agreements and U.S. Trade and Development Policy on Such Flows.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: April 24, 1995.

By order of the Commission:

Donna R. Koehnke,

Secretary.

[FR Doc. 95–10432 Filed 4–24–95; 3:52 pm]

BILLING CODE 7020–02–P

Federal Register

Wednesday
April 26, 1995

Part II

Department of the Treasury

Customs Service

Pharmaceutical Tables 1 and 3 of the HTSUS; Notice

DEPARMENT OF THE TREASURY

Customs Service

[T.D. 95–33]

Pharmaceutical Tables 1 and 3 of the HTSUS

AGENCY: Customs Service, Department of the Treasury.

ACTION: Listing of the products found in Table 1 and Table 3 of the Pharmaceutical Appendix to the Harmonized Tariff Schedule of the United States of America in Chemical Abstracts Service Number (''CAS Number'') order.

SUMMARY: By act of Congress, the U.S. Customs Service implemented the Pharmaceutical Agreement of the General Agreements on Tariff and Trade (GATT) on January 1, 1995. A critical portion of the implementing legislation includes listings of the pharmaceuticals and pharmaceuticals intermediates covered by the treaty. These listings, Tables 1 and 3 of the Pharmaceutical Appendix of the Tariff Schedule, consist of an alphabetical listing of pharmaceuticals and pharmaceutical intermediates with corresponding CAS numbers. U.S. Customs and other agencies have been receiving comments from the public indicating that because of the large number of products listed in the tables and the fact that the products may be properly identified by several different names, it is difficult to apply the Pharmaceutical Appendix in a significant number of instances. In general, the public has indicated that products covered by the treaty are more easily identified by their CAS numbers and that use of the Tariff Schedule would be greatly facilitated if a listing of the products in Tables 1 and 3 is made available in CAS number numerical order.

Accordingly, listed below are the products found in Table 1 and Table 3 of the Pharmaceutical Appendix of the Harmonized Tariff Schedule which have been arranged in CAS number order. This listing is neither intended to change the legal intent of the Pharmaceuticals Appendix as stated in the Tariff Schedule, nor is it intended to define or change U.S. Customs policy in enforcing the statute. Rather, the listing is intended to assist users of the Tariff Schedule to more quickly identify products which are covered by the statute.

EFFECTIVE DATE: January 1, 1995.

FOR FURTHER INFORMATION CONTACT: Ira S. Reese, Chief, Technical Branch, Office of Laboratories and Scientific Services, U.S. Customs Service, 1301 Constitution Avenue NW, Washington, D.C. 20229 at (202) 927–1060.

Dated: April 14, 1995.

A. W. Tennant,

Director, Office of Laboratories and Scientific Services.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS

CAS No.	Pharmaceutical
N/A	ACTAGARDIN.
N/A	ARDACIN.
N/A	BICIROMAB.
N/A	CELUCLORAL.
N/A	CORTICORELIN.
N/A	DORLIMOMAB ARITOX.
N/A	FIBRINOGEN (125 I).
N/A	INSULIN DEFALAN.
N/A	MACROGOL ESTER.
N/A	POLYSORBATE.
N/A	SEVIRUMAB.
N/A	SOMETRIBOVE.
N/A	SOMETRIPOR.
N/A	TENDAMISTAT.
N/A	THYMOSTIMULIN.
N/A	TUVIRUMAB.
N/A	UROFOLLITROPIN.
50–02–2	DEXAMETHASONE.
50–06–6	PHENOBARBITAL.
50–07–7	MITOMYCIN.
50–10–2	OXYPHENONIUM BROMIDE.
50–11–3	METHARBITAL.
50–12–4	MEPHENYTOIN.
50–14–6	ERGOCALCIFEROL.
50–18–0	CYCLOPHOSPHAMIDE.
50–19–1	OXYFENAMATE.
50–23–7	HYDROCORTISONE.
50–24–8	PREDNISOLONE.
50–28–2	ESTRADIOL.
50–29–3	CLOFENOTANE.
50–33–9	PHENYLBUTAZONE.
50–34–0	PROPANTHELINE BROMIDE.
50–35–1	THALIDOMIDE.
50–37–3	LYSERGIDE.
50–39–5	PROTHEOBROMINE.
50–44–2	MERCAPTOPURINE.
50–47–5	DESIPRAMINE.
50–48–6	AMITRIPTYLINE.
50–49–7	IMIPRAMINE.
50–50–0	ESTRADIOL BENZOATE.
50–52–2	THIORIDAZINE.
50–53–3	CHLORPROMAZINE.
50–55–5	RESERPINE.
50–56–6	OXYTOCIN.
50–57–7	LYPRESSIN.
50–59–9	CEFALORIDINE.
50–60–2	PHENTOLAMINE.
50–65–7	NICLOSAMIDE.
50–76–0	DACTINOMYCIN.
50–81–7	ASCORBIC ACID.
50–91–9	FLOXURIDINE.
51–06–9	PROCAINAMIDE.
51–12–7	NIALAMIDE.
51–18–3	TRETAMINE.
51–21–8	FLUOROURACIL.
51–24–1	TIRATRICOL.
51–26–3	THYROPROPIC ACID.
51–31–0	LEVISOPRENALINE.
51–41–2	NOREPINEPHRINE.
51–43–4	EPINEPHRINE.
51–52–5	PROPYLTHIOURACIL.
51–61–6	DOPAMINE.
51–64–9	DEXAMFETAMINE.
51–68–3	MECLOFENOXATE.
51–71–8	PHENELZINE.
51–75–2	CHLORMETHINE.
51–77–4	GEFARNATE.
51–79–6	URETHANE.
51–83–2	CARBACHOL.
52–01–7	SPIRONOLACTONE.
52–24–4	THIOTEPA.
52–31–3	CYCLOBARBITAL.
52–39–1	ALDOSTERONE.
52–43–7	ALLOBARBITAL.
52–51–7	BRONOPOL.
52–53–9	VERAPAMIL.
52–62–0	PENTOLONIUM TARTRATE.
52–67–5	PENICILLAMINE.
52–68–6	METRIFONATE.
52–76–6	LYNESTRENOL.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
52–78–8	NORETHANDROLONE.
52–86–8	HALOPERIDOL.
52–88–0	ATROPINE METHONITRATE.
52–90–4	CYSTEINE.
53–03–2	PREDNISONE.
53–06–5	CORTISONE.
53–10–1	HYDROXYDIONE SODIUM SUCCINATE.
53–16–7	ESTRONE.
53–18–9	BIETASERPINE.
53–19–0	MITOTANE.
53–31–6	MEDIBAZINE.
53–33–8	PARAMETHASONE.
53–34–9	FLUPREDNISOLONE.
53–39–4	OXANDROLONE.
53–43–0	PRASTERONE.
53–46–3	METHANTHELINIUM BROMIDE.
53–73–6	ANGIOTENSINAMIDE.
53–79–2	PUROMYCIN.
53–84–9	NADIDE.
53–86–1	INDOMETACIN.
53–89–4	BENZPIPERYLONE.
54–03–5	HEXOBENDINE.
54–05–7	CHLOROQUINE.
54–30–8	CAMYLOFIN.
54–31–9	FUROSEMIDE.
54–32–0	MOXISYLYTE.
54–36–4	METYRAPONE.
54–42–2	IDOXURIDINE.
54–49–9	METARAMINOL.
54–64–8	THIOMERSAL.
54–80–8	PRONETALOL.
54–85–3	ISONIAZID.
54–91–1	PIPOBROMAN.
54–92–2	IPRONIAZID.
54–95–5	PENTETRAZOL.
55–03–8	LEVOTHYROXINE SODIUM.
55–52–7	PHENIPRAZINE.
55–56–1	CHLORHEXIDINE.
55–65–2	GUANETHIDINE.
55–73–2	BETANIDINE.
55–97–0	HEXAMETHONIUM BROMIDE.
55–98–1	BUSULFAN.
56–04–2	METHYLTHIOURACIL.
56–28–0	TRICLODAZOL.
56–29–1	HEXOBARBITAL.
56–40–6	GLYCINE.
56–41–7	ALANINE.
56–45–1	SERINE.
56–53–1	DIETHYLSTILBESTROL.
56–59–7	FELYPRESSIN.
56–72–4	COUMAFOS.
56–75–7	CHLORAMPHENICOL.
56–84–8	ASPARTIC ACID.
56–85–9	LEVOGLUTAMIDE.
56–86–0	GLUTAMIC ACID.
56–87–1	LYSINE.
56–94–0	DEMECARIUM BROMIDE.
56–97–3	TRIMEDOXIME BROMIDE.
57–08–9	ACEXAMIC ACID.
57–09–0	CETRIMONIUM BROMIDE.
57–15–8	CHLOROBUTANOL.
57–22–7	VINCRISTINE.
57–30–7	PHENOBARBITAL SODIUM.
57–41–0	PHENYTOIN.
57–42–1	PETHIDINE.
57–43–2	AMOBARBITAL.
57–44–3	BARBITAL.
57–53–4	MEPROBAMATE.
57–57–8	PROPIOLACTONE.
57–62–5	CHLORTETRACYCLINE.
57–63–6	ETHINYLESTRADIOL.
57–66–9	PROBENECID.
57–67–0	SULFAGUANIDINE.
57–68–1	SULFADIMIDINE.
57–83–0	PROGESTERONE.
57–92–1	STREPTOMYCIN.
57–94–3	TUBOCURARINE CHLORIDE.
57–96–5	SULFINPYRAZONE.
58–14–0	PYRIMETHAMINE.
58–15–1	AMINOPHENAZONE.
58–18–4	METHYLTESTOSTERONE.
58–19–5	DROSTANOLONE.
58–22–0	TESTOSTERONE.
58–25–3	CHLORDIAZEPOXIDE.
58–32–2	DIPYRIDAMOLE.
58–34–4	THIAZINAMIUM METILSULFATE.
58–37–7	AMINOPROMAZINE.
58–38–8	PROCHLORPERAZINE.
58–39–9	PERPHENAZINE.
58–40–2	PROMAZINE.
58–46–8	TETRABENAZINE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
58–54–8	ETACRYNIC ACID.
58–63–9	INOSINE.
58–73–1	DIPHENHYDRAMINE.
58–85–5	BIOTIN.
58–89–9	LINDANE.
58–93–5	HYDROCHLOROTHIAZIDE.
58–94–6	CHLOROTHIAZIDE.
59–01–8	KANAMYCIN.
59–05–2	METHOTREXATE.
59–14–3	BROXURIDINE.
59–26–7	NIKETHAMIDE.
59–30–3	FOLIC ACID.
59–32–5	CHLOROPYRAMINE.
59–39–2	PIPEROXAN.
59–40–5	SULFAQUINOXALINE.
59–42–7	PHENYLEPHRINE.
59–43–8	THIAMINE.
59–46–1	PROCAINE.
59–47–2	MEPHENESIN.
59–50–7	CHLOROCRESOL.
59–52–9	DIMERCAPROL.
59–58–5	PROSULTIAMINE.
59–63–2	ISOCARBOXAZID.
59–66–5	ACETAZOLAMIDE.
59–67–6	NICOTINIC ACID.
59–87–0	NITROFURAL.
59–92–7	LEVODOPA.
59–96–1	PHENOXYBENZAMINE.
59–98–3	TOLAZOLINE.
60–00–4	EDETIC ACID.
60–18–4	TYROSINE.
60–23–1	MERCAPTAMINE.
60–31–1	ACETYLCHOLINE CHLORIDE.
60–32–2	AMINOCAPROIC ACID.
60–40–2	MECAMYLAMINE.
60–45–7	FENIMIDE.
60–46–8	DIMEVAMIDE.
60–54–8	TETRACYCLINE.
60–56–0	THIAMAZOLE.
60–57–1	DIELDRIN.
60–79–7	ERGOMETRINE.
60–80–0	PHENAZONE.
60–87–7	PROMETHAZINE.
60–89–9	PECAZINE.
60–91–3	DIETHAZINE.
60–99–1	LEVOMEPROMAZINE.
61–00–7	ACEPROMAZINE.
61–01–8	METHOPROMAZINE.
61–19–8	ADENOSINE PHOSPHATE.
61–32–5	METICILLIN.
61–33–6	BENZYLPENICILLIN.
61–56–3	SULTIAME.
61–57–4	NIRIDAZOLE.
61–68–7	MEFENAMIC ACID.
61–72–3	CLOXACILLIN.
61–73–4	METHYLTHIONINIUM CHLORIDE.
61–74–5	DOMOXIN.
61–75–6	BRETYLIUM TOSILATE.
61–80–3	ZOXAZOLAMINE.
61–90–5	LEUCINE.
62–33–9	SODIUM CALCIUM EDETATE.
62–37–3	CHLORMERODRIN.
62–44–2	PHENACETIN.
62–51–1	METHACHOLINE CHLORIDE.
62–67–9	NALORPHINE.
62–73–7	DICHLORVOS.
62–97–5	DIPHEMANIL METILSULFATE.
63–12–7	BENZQUINAMIDE.
63–25–2	CARBARIL.
63–68–3	METHIONINE.
63–74–1	SULFANILAMIDE.
63–89–8	COLFOSCERIL PALMITATE.
63–91–2	PHENYLALANINE.
63–98–9	PHENACEMIDE.
64–39–1	TRIMEPERIDINE.
64–55–1	MEBUTAMATE.
64–65–3	BEMEGRIDE.
64–77–7	TOLBUTAMIDE.
64–85–7	DESOXYCORTONE.
64–95–9	ADIPHENINE.
65–23–6	PYRIDOXINE.
65–29–2	GALLAMINE TRIETHIODIDE.
65–45–2	SALICYLAMIDE.
65–64–5	MEBANAZINE.
65–86–1	OROTIC ACID.
66–75–1	URAMUSTINE.
66–76–2	DICOUMAROL.
66–79–5	OXACILLIN.
66–81–9	CICLOHEXIMIDE.
67–20–9	NITROFURANTOIN.
67–28–7	NIHYDRAZONE.
67–42–5	EGTAZIC ACID.
67–43–6	PENTETIC ACID.
67–45–8	FURAZOLIDONE.
67–48–1	CHOLINE CHLORIDE.
67–68–5	DIMETHYL SULFOXIDE.
67–73–2	FLUOCINOLONE ACETONIDE.
67–81–2	PENMESTEROL.
67–95–8	QUINGESTRONE.
67–96–9	DIHYDROTACHYSTEROL.
67–97–0	COLECALCIFEROL.
68–19–9	CYANOCOBALAMIN.
68–22–4	NORETHISTERONE.
68–23–5	NORETYNODREL.
68–26–8	RETINOL.
68–35–9	SULFADIAZINE.
68–41–7	CYCLOSERINE.
68–76–8	TRIAZIQUONE.
68–88–2	HYDROXYZINE.
68–89–3	METAMIZOLE SODIUM.
68–90–6	BENZIODARONE.
68–91–7	TRIMETAPHAN CAMSILATE.
68–96–2	HYDROXYPROGESTERONE.
69–23–8	FLUPHENAZINE.
69–25–0	ELEDOISIN.
69–27–2	CHLORISONDAMINE CHLORIDE.
69–53–4	AMPICILLIN.
69–81–8	CARBAZOCHROME.
70–00–8	TRIFLURIDINE.
70–07–5	MEPHENOXALONE.
70–10–0	TICLATONE.
70–26–8	ORNITHINE.
70–30–4	HEXACHLOROPHENE.
70–51–9	DEFEROXAMINE.
70–70–2	PAROXYPROPIONE.
71–00–1	HISTIDINE.
71–27–2	SUXAMETHONIUM CHLORIDE.
71–63–6	DIGITOXIN.
71–73–8	THIOPENTAL SODIUM.
71–81–8	ISOPROPAMIDE IODIDE.
71–91–0	TETRYLAMMONIUM BROMIDE.
72–14–0	SULFATHIAZOLE.
72–18–4	VALINE.
72–19–5	THREONINE.
72–33–3	MESTRANOL.
72–44–6	METHAQUALONE.
72–63–9	METANDIENONE.
72–69–5	NORTRIPTYLINE.
72–80–0	CHLORQUINALDOL.
73–07–4	PRAZEPINE.
73–09–6	ETOZOLIN.
73–22–3	TRYPTOPHAN.
73–32–5	ISOLEUCINE.
73–48–3	BENDROFLUMETHIAZIDE.
73–49–4	QUINETHAZONE.
74–55–5	ETHAMBUTOL.
74–79–3	ARGININE.
75–19–4	CYCLOPROPANE.
76–14–2	CRYOFLUORANE.
76–23–3	TETRABARBITAL.
76–38–0	METHOXYFLURANE.
76–41–5	OXYMORPHONE.
76–42–6	OXYCODONE.
76–43–7	FLUOXYMESTERONE.
76–47–1	HYDROCORTAMATE.
76–65–3	AMOLANONE.
76–73–3	SECOBARBITAL.
76–74–4	PENTOBARBITAL.
76–90–4	MEPENZOLATE BROMIDE.
76–99–3	METHADONE.
77–01–0	FENPIPRAMIDE.
77–02–1	APROBARBITAL.
77–04–3	PYRITHYLDIONE.
77–07–6	LEVORPHANOL.
77–09–8	PHENOLPHTHALEIN.
77–10–1	PHENCYCLIDINE
77–12–3	PENTACYNIUM CHLORIDE.
77–14–5	PROHEPTAZINE.
77–15–6	ETHOHEPTAZINE.
77–19–0	DICYCLOVERINE.
77–20–3	ALPHAPRODINE.
77–21–4	GLUTETHIMIDE.
77–22–5	CARAMIPHEN.
77–23–6	PENTOXYVERINE.
77–26–9	BUTALBITAL.
77–36–1	CHLORTALIDONE.
77–37–2	PROCYCLIDINE.
77–38–3	CHLORPHENOXAMINE.
77–39–4	CYCRIMINE.
77–41–8	MESUXIMIDE.
77–46–3	ACEDAPSONE.
77–51–0	ISOAMINILE.
77–65–6	CARBROMAL.
77–66–7	ACECARBROMAL.
77–67–8	ETHOSUXIMIDE.
77–75–8	METHYLPENTYNOL.
77–86–1	TROMETAMOL.
78–11–5	PENTAERITHRITYL TETRANITRATE.
78–12–6	PETRICHLORAL.
78–28–4	EMYLCAMATE.
78–34–2	DIOXATION.
78–41–1	TRIPARANOL.
78–44–4	CARISOPRODOL.
79–01–6	TRICHLOROETHYLENE.
79–17–4	PIMAGEDINE.
79–55–0	PEMPIDINE.
79–57–2	OXYTETRACYCLINE.
79–64–1	DIMETHISTERONE.
79–90–3	TRICLOBISONIUM CHLORIDE.
79–93–6	PHENAGLYCODOL.
80–08–0	DAPSONE.
80–13–7	HALAZONE.
80–32–0	SULFACHLORPYRIDAZINE.
80–34–2	GLYPROTHIAZOL.
80–35–3	SULFAMETHOXYPYRIDAZINE.
80–49–9	HOMATROPINE METHYLBROMIDE.
80–50–2	OCTATROPINE METHYLBROMIDE.
80–77–3	CHLORMEZANONE.
81–13–0	DEXPANTHENOL.
81–23–2	DEHYDROCHOLIC ACID.
81–81–2	WARFARIN.
82–02–0	KHELLIN.
82–66–6	DIPHENADIONE.
82–88–2	PHENINDAMINE.
82–92–8	CYCLIZINE.
82–93–9	CHLORCYCLIZINE.
82–95–1	BUCLIZINE.
82–98–4	PIPERIDOLATE.
82–99–5	TIFENAMIL.
83–12–5	PHENINDIONE.
83–40–9	HYDROXYTOLUIC ACID.
83–43–2	METHYLPREDNISOLONE.
83–73–8	DIIODOHYDROXYQUINOLINE.
83–86–3	FYTIC ACID.
83–88–5	RIBOFLAVIN.
83–89–6	MEPACRINE.
83–98–7	ORPHENADRINE.
84–01–5	CHLORPROETHAZINE.
84–04–8	PIPAMAZINE.
84–06–0	THIOPROPAZATE.
84–08–2	PARATHIAZINE.
84–12–8	PHANQUINONE.
84–17–3	DIENESTROL.
84–22–0	TETRYZOLINE.
84–36–6	SYROSINGOPINE.
84–55–9	VIQUIDIL.
84–80–0	PHYTOMENADIONE.
84–96–8	ALIMEMAZINE.
85–73–4	PHTHALYLSULFATHIAZOLE.
85–79–0	CINCHOCAINE.
85–90–5	METHYLCHROMONE.
85–95–0	BENZESTROL.
86–12–4	THENALIDINE.
86–13–5	BENZATROPINE.
86–14–6	DIETHYLTHIAMBUTENE.
86–21–5	PHENIRAMINE.
86–22–6	BROMPHENIRAMINE.
86–34–0	PHENSUXIMIDE.
86–35–1	ETHOTOIN.
86–42–0	AMODIAQUINE.
86–43–1	PROPOXYCAINE.
86–54–4	HYDRALAZINE.
86–75–9	BENZOXIQUINE.
86–78–2	PENTAQUINE.
86–80–6	QUINISOCAINE.
87–08–1	PHENOXYMETHYLPENICILLIN.
87–09–2	ALMECILLIN.
87–10–5	TRIBROMSALAN.
87–12–7	DIBROMSALAN.
87–21–8	PIRIDOCAINE.
87–33–2	ISOSORBIDE DINITRATE.
87–90–1	SYMCLOSENE.
88–04–0	CHLOROXYLENOL.
89–57–6	MESALAZINE.
90–33–5	HYMECROMONE.
90–34–6	PRIMAQUINE.
90–39–1	SPARTEINE.
90–45–9	AMINOACRIDINE.
90–49–3	PHENETURIDE.
90–54–0	ETAFENONE.
90–69–7	LOBELINE.
90–81–3	RACEPHEDRINE.
90–82–4	PSEUDOEPHEDRINE.
90–84–6	AMFEPRAMONE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
90–86–8	CINNAMEDRINE.
90–89–1	DIETHYLCARBAMAZINE.
91–33–8	BENZTHIAZIDE.
91–75–8	ANTAZOLINE.
91–79–2	THENYLDIAMINE.
91–80–5	METHAPYRILENE.
91–81–6	TRIPELENNAMINE.
91–84–9	MEPYRAMINE.
91–85–0	THONZYLAMINE.
92–12–6	PHENYLTOLOXAMINE.
92–23–9	LEUCINOCAINE.
92–31–9	TOLONIUM CHLORIDE.
92–62–6	PROFLAVINE.
92–84–2	PHENOTHIAZINE.
93–14–1	GUAIFENESIN.
93–30–1	METHOXYPHENAMINE.
93–47–0	VERAZIDE.
93–88–9	PHENPROMETHAMINE.
94–09–7	BENZOCAINE.
94–10–0	ETOXAZENE.
94–12–2	RISOCAINE.
94–14–4	ISOBUTAMBEN.
94–19–9	SULFAETHIDOLE.
94–20–2	CHLORPROPAMIDE.
94–23–5	PARETHOXYCAINE.
94–24–6	TETRACAINE.
94–35–9	STYRAMATE.
94–63–3	PRALIDOXIME IODIDE.
94–78–0	PHENAZOPYRIDINE.
95–04–5	ECTYLUREA.
95–05–6	SULFIRAM.
95–25–0	CHLORZOXAZONE.
95–27–2	DIMAZOLE.
96–50–4	AMINOTHIAZOLE.
96–62–8	DINSED.
96–83–3	IOPANOIC ACID.
96–84–4	IOPHENOIC ACID.
97–18–7	BITHIONOL.
97–23–4	DICHLOROPHEN.
97–24–5	FENTICLOR.
97–27–8	CHLORBETAMIDE.
97–44–9	ACETARSOL.
97–57–4	TOLPRONINE.
97–77–8	DISULFIRAM.
98–50–0	ARSANILIC ACID.
98–72–6	NITARSONE.
98–75–9	PROPAZOLAMIDE.
98–79–3	PIDOLIC ACID.
98–92–0	NICOTINAMIDE.
98–96–4	PYRAZINAMIDE.
99–15–0	ACETYLLEUCINE.
99–43–4	OXYBUPROCAINE.
99–45–6	ADRENALONE.
99–66–1	VALPROIC ACID.
99–79–6	IOFENDYLATE.
100–33–4	PENTAMIDINE.
100–51–6	BENZYL ALCOHOL.
100–91–4	EUCATROPINE.
100–92–5	MEPHENTERMINE.
100–95–8	METALKONIUM CHLORIDE.
100–97–0	METHENAMINE.
101–08–6	DIPERODON.
101–20–2	TRICLOCARBAN.
101–26–8	PYRIDOSTIGMINE BROMIDE.
101–71–3	DIPHENAN.
101–93–9	PHENACAINE.
102–05–6	DIBEMETHINE.
102–45–4	CYCLOPENTAMINE.
102–60–3	EDETOL.
102–65–8	SULFACLOZINE.
102–76–1	TRIACETIN.
103–03–7	PHENICARBAZIDE.
103–16–2	MONOBENZONE.
104–06–3	THIOACETAZONE.
104–14–3	OCTOPAMINE.
104–22–3	BENZYLSULFAMIDE.
104–28–9	CINOXATE.
104–29–0	CHLORPHENESIN.
104–31–4	BENZONATATE.
104–32–5	PROPAMIDINE.
105–20–4	BETAZOLE.
107–35–7	TAURINE.
108–02–1	CAPTAMINE.
109–57–9	ALLYLTHIOUREA.
111–30–8	GLUTARAL.
111–48–8	THIODIGLYCOL.
112–24–3	TRIENTINE.
113–15–5	ERGOTAMINE.
113–18–8	ETHCHLORVYNOL.
113–42–8	METHYLERGOMETRINE.
113–45–1	METHYLPHENIDATE.
113–53–1	DOSULEPIN.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
113–59–7	CHLORPROTHIXENE.
113–73–5	GRAMICIDIN S.
113–78–0	DEMOXYTOCIN.
113–79–1	ARGIPRESSIN.
113–80–4	ARGIPRESTOCIN.
114–07–8	ERYTHROMYCIN.
114–43–2	DESASPIDIN.
114–80–7	NEOSTIGMINE BROMIDE.
114–86–3	PHENFORMIN.
114–90–9	OBIDOXIME CHLORIDE.
114–91–0	METYRIDINE.
115–02–6	AZASERINE.
115–38–8	METHYLPHENOBARBITAL.
115–44–6	TALBUTAL.
115–46–8	AZACYCLONOL.
115–55–9	PHENYTHILONE.
115–63–9	HEXOCYCLIUM METILSULFATE.
115–67–3	PARAMETHADIONE.
115–68–4	SULFADICRAMIDE.
115–79–7	AMBENONIUM CHLORIDE.
116–38–1	EDROPHONIUM CHLORIDE.
116–42–7	SULFAPROXYLINE.
116–43–8	SUCCINYLSULFATHIAZOLE.
116–49–4	GLYCOBIARSOL.
116–52–9	DICLORALUREA.
117–10–2	DANTRON.
117–30–6	DIPIPROVERINE.
117–37–3	ANISINDIONE.
117–89–5	TRIFLUOPERAZINE.
118–23–0	BROMAZINE.
118–42–3	HYDROXYCHLOROQUINE.
118–56–9	HOMOSALATE.
118–57–0	ACETAMINOSALOL.
119–04–0	FRAMYCETIN.
119–29–9	AMBUCAINE.
119–41–5	EFLOXATE.
119–85–7	VANYLDISULFAMIDE.
119–96–0	ARSTHINOL.
120–32–1	CLOROFENE.
120–97–8	DICLOFENAMIDE.
121–19–7	ROXARSONE.
121–25–5	AMPROLIUM.
121–54–0	BENZETHONIUM CHLORIDE.
121–55–1	SUBATHIZONE.
121–59–5	CARBARSONE.
121–64–2	SULOCARBILATE.
122–09–8	PHENTERMINE.
122–11–2	SULFADIMETHOXINE.
122–16–7	SULFANITRAN.
122–18–9	CETALKONIUM CHLORIDE.
122–89–4	MESULFAMIDE.
123–03–5	CETYLPYRIDINIUM CHLORIDE.
123–47–7	PROLONIUM IODIDE.
123–82–0	TUAMINOHEPTANE.
123–99–9	AZELAIC ACID.
124–07–2	OCTANOIC ACID.
124–28–7	DIMANTINE.
124–72–1	TEFLURANE.
124–88–9	DIMETHIODAL SODIUM.
124–94–7	TRIAMCINOLONE.
125–13–3	OXYPHENISATINE.
125–28–0	DIHYDROCODEINE.
125–29–1	HYDROCODONE.
125–33–7	PRIMIDONE.
125–40–6	SECBUTABARBITAL.
125–42–8	VINBARBITAL.
125–45–1	AZATEPA.
125–51–9	PIPENZOLATE BROMIDE.
125–53–1	OXYPHENCYCLIMINE.
125–58–6	LEVOMETHADONE.
125–60–0	FENPIVERINIUM BROMIDE.
125–64–4	METHYPRYLON.
125–65–5	PLEUROMULIN.
125–70–2	LEVOMETHORPHAN.
125–71–3	DEXTROMETHORPHAN.
125–73–5	DEXTRORPHAN.
125–84–8	AMINOGLUTETHIMIDE.
125–99–5	TRIDIHEXETHYL IODIDE.
126–07–8	GRISEOFULVIN.
126–22–7	BUTONATE.
126–27–2	OXETACAINE.
126–31–8	METHIODAL SODIUM.
126–52–3	ETHINAMATE.
126–92–1	SODIUM ETASULFATE.
126–93–2	OXANAMIDE.
127–07–1	HYDROXYCARBAMIDE.
127–31–1	FLUDROCORTISONE.
127–33–3	DEMECLOCYCLINE.
127–35–5	PHENAZOCINE.
127–48–0	TRIMETHADIONE.
127–58–2	SULFAMERAZINE SODIUM.
127–60–6	ACEDIASULFONE SODIUM.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
127–65–1	TOSYLCHLORAMIDE SODIUM.
127–69–5	SULFAFURAZOLE.
127–71–9	SULFABENZAMIDE.
127–77–5	SULFABENZ.
127–79–7	SULFAMERAZINE.
128–12–1	SULFADIASULFONE SODIUM.
128–13–2	URSODEOXYCHOLIC ACID.
128–20–1	ELTANOLONE.
128–62–1	NOSCAPINE.
129–03–3	CYPROHEPTADINE.
129–16–8	MERBROMIN.
129–20–4	OXYPHENBUTAZONE.
129–46–4	SURAMIN SODIUM.
129–57–7	SODIUM DIPROTRIZOATE.
129–63–5	SODIUM ACETRIZOATE.
129–83–9	PHENAMPROMIDE.
130–16–5	CLOXIQUINE.
130–26–7	CLIOQUINOL.
130–37–0	MENADIONE SODIUM BISULFITE.
130–73–4	METHESTROL.
130–81–4	QUINDONIUM BROMIDE.
131–01–1	DESERPIDINE.
131–48–6	ACENEURAMIC ACID.
131–53–3	DIOXYBENZONE.
131–57–7	OXYBENZONE.
131–67–9	FTALOFYNE.
132–21–8	DEXBROMPHENIRAMINE.
132–22–9	CHLORPHENAMINE.
132–60–5	CINCHOPHEN.
132–89–8	CHLORTHENOXAZINE.
133–11–9	FENAMISAL.
133–16–4	CHLOROPROCAINE.
133–53–9	DICHLOROXYLENOL.
133–65–3	SOLASULFONE.
133–67–5	TRICHLORMETHIAZIDE.
134–03–2	SODIUM ASCORBATE.
134–37–2	AMPHENIDONE.
134–49–6	PHENMETRAZINE.
134–62–3	DIETHYLTOLUAMIDE.
135–07–9	METHYCLOTHIAZIDE.
135–09–1	HYDROFLUMETHIAZIDE.
135–43–3	LAUROGUADINE.
135–58–0	MESULFEN.
136–44–7	LISADIMATE.
136–70–9	PROTOKYLOL.
136–82–3	PIPEROCAINE.
137–05–3	MECRILATE.
137–08–6	CALCIUM PANTOTHENATE.
137–26–8	THIRAM.
137–53–1	DEXTROTHYROXINE SODIUM.
137–58–6	LIDOCAINE.
137–76–8	CETOTIAMINE.
137–86–0	OCTOTIAMINE.
138–39–6	MAFENIDE.
138–41–0	CARZENIDE.
138–56–7	TRIMETHOBENZAMIDE.
139–05–9	SODIUM CYCLAMATE.
139–07–1	BENZODODECINIUM CHLORIDE.
139–08–2	MIRISTALKONIUM CHLORIDE.
139–56–0	SALAZOSULFAMIDE.
139–62–8	CYCLOMETHYCAINE.
139–88–8	SODIUM TETRADECYL SULFATE.
139–91–3	FURALTADONE.
140–40–9	AMINITROZOLE.
140–59–0	STILBAMIDINE ISETIONATE.
140–65–8	PRAMOCAINE.
140–87–4	CYACETACIDE.
141–94–6	HEXETIDINE.
143–52–2	METOPON.
143–82–8	PROBARBITAL SODIUM.
143–92–0	TROPENZILINE BROMIDE.
144–02–5	BARBITAL SODIUM.
144–11–6	TRIHEXYPHENIDYL.
144–12–7	TIEMONIUM IODIDE.
144–14–9	ANILERIDINE.
144–45–6	SPIRGETINE.
144–75–2	ALDESULFONE SODIUM.
144–80–9	SULFACETAMIDE.
144–82–1	SULFAMETHIZOLE.
144–83–2	SULFAPYRIDINE.
145–12–0	OXYMESTERONE.
145–13–1	PREGNENOLONE.
145–41–5	SODIUM DEHYDROCHOLATE.
145–54–0	PROPYROMAZINE BROMIDE.
145–94–8	CLORINDANOL.
146–22–5	NITRAZEPAM.
146–37–2	LAUROLINIUM ACETATE.
146–54–3	TRIFLUPROMAZINE.
147–20–6	DIPHENYLPYRALINE.
147–27–3	DIMOXYLINE.
147–52–4	NAFCILLIN.
147–55–7	PHENETICILLIN.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
147–85–3	PROLINE.
147–94–4	CYTARABINE.
148–01–6	DINITOLMIDE.
148–07–2	BENZMALECENE.
148–18–5	DITIOCARB SODIUM.
148–56–1	FLUMETHIAZIDE.
148–65–2	CHLOROPYRILENE.
148–79–8	TIABENDAZOLE.
148–82–3	MELPHALAN.
149–16–6	BUTACAINE.
149–17–7	FTIVAZIDE.
150–59–4	ALVERINE.
150–76–5	MEQUINOL.
151–67–7	HALOTHANE.
151–83–7	METHOHEXITAL.
152–02–3	LEVALLORPHAN.
152–43–2	QUINESTROL.
152–47–6	SULFALENE.
152–58–9	CORTODOXONE.
152–62–5	DYDROGESTERONE.
152–72–7	ACENOCOUMAROL.
152–97–6	FLUOCORTOLONE.
153–00–4	METENOLONE.
153–18–4	RUTOSIDE.
153–43–5	CLORINDANIC ACID.
153–61–7	CEFALOTIN.
153–87–7	OXYPERTINE.
154–21–2	LINCOMYCIN.
154–23–4	CIANIDANOL.
154–42–7	TIOGUANINE.
154–73–4	GUANISOQUINE.
154–82–5	SIMETRIDE.
154–87–0	COCARBOXYLASE.
154–93–8	CARMUSTINE.
155–09–9	TRANYLCYPROMINE.
156–08–1	BENZFETAMINE.
156–34–3	LEVAMFETAMINE.
156–62–7	CALCIUM CARBIMIDE.
297–90–5	RACEMORPHAN.
298–46–4	CARBAMAZEPINE.
298–55–5	CLOCINIZINE.
298–57–7	CINNARIZINE.
299–48–9	PIPERAMIDE.
299–61–6	GANGLEFENE.
299–75–2	TREOSULFAN.
299–84–3	FENCLOFOS.
299–86–5	CRUFOMATE.
299–88–7	BENTIAMINE.
299–89–8	ACETIAMINE.
300–22–1	MEDAZOMIDE.
300–37–8	DIODONE.
300–62–9	AMFETAMINE.
302–33–0	PROADIFEN.
302–40–9	BENACTYZINE.
302–41–0	PIRITRAMIDE.
302–49–8	UREDEPA.
302–79–4	TRETINOIN.
303–49–1	CLOMIPRAMINE.
303–53–7	CYCLOBENZAPRINE.
303–54–8	DEPRAMINE.
303–69–5	PROTHIPENDYL.
303–81–1	NOVOBIOCIN.
303–98–0	UBIDECARENONE.
304–55–2	SUCCIMER.
304–84–7	ETAMIVAN.
305–03–3	CHLORAMBUCIL.
305–97–5	ANTHIOLIMINE.
306–12–7	OXOPHENARSINE.
306–20–7	FENACLON.
306–41–2	HEXCARBACHOLINE BROMIDE.
306–52–5	TRICLOFOS.
306–53–6	AZAMETHONIUM BROMIDE.
306–94–5	PERFLUNAFENE.
309–29–5	DOXAPRAM.
313–05–3	AZACOSTEROL.
314–03–4	PIMETHIXENE.
314–35–2	ETAMIPHYLLIN.
315–30–0	ALLOPURINOL.
315–72–0	OPIPRAMOL.
316–15–4	BUCRICAINE.
316–81–4	THIOPROPERAZINE.
317–34–0	AMINOPHYLLINE.
317–52–2	HEXAFLURONIUM BROMIDE.
318–23–0	IMOLAMINE.
319–89–1	TETROQUINONE.
320–67–2	AZACITIDINE.
321–55–1	HALOXON.
321–64–2	TACRINE.
322–35–0	BENSERAZIDE.
322–79–2	TRIFLUSAL.
329–65–7	RACEPINEFRINE.
332–69–4	BROMAMIDE.
333–36–8	FLUROTYL.
333–41–5	DIMPYLATE.
337–03–1	FLUGESTONE.
338–83–0	PERFLUAMINE.
338–95–4	ISOFLUPREDONE.
339–43–5	CARBUTAMIDE.
339–72–0	LEVCYCLOSERINE.
340–57–8	MECLOQUALONE.
341–00–4	ETIFELMINE.
346–18–9	POLYTHIAZIDE.
350–12–9	SULBENTINE.
356–12–7	FLUOCINONIDE.
357–56–2	DEXTROMORAMIDE.
357–66–4	SPIRILENE.
357–67–5	PHETHARBITAL.
357–70–0	GALANTAMINE.
358–52–1	HEXAPROPYMATE.
359–83–1	PENTAZOCINE.
361–37–5	METHYSERGIDE.
362–29–8	PROPIOMAZINE.
362–74–3	BUCLADESINE.
363–13–3	BENHEPAZONE.
363–24–6	DINOPROSTONE.
364–62–5	METOCLOPRAMIDE.
364–98–7	DIAZOXIDE.
365–26–4	OXILOFRINE.
369–77–7	HALOCARBAN.
370–14–9	PHOLEDRINE.
372–66–7	HEPTAMINOL.
378–44–9	BETAMETHASONE.
382–67–2	DESOXIMETASONE.
382–82–1	DICOLINIUM IODIDE.
388–51–2	METOFENAZATE.
389–08–2	NALIDIXIC ACID.
390–28–3	METHOXAMINE.
390–64–7	PRENYLAMINE.
391–70–8	TROXONIUM TOSILATE.
395–28–8	ISOXSUPRINE.
396–01–0	TRIAMTERENE.
405–22–1	NIDROXYZONE.
406–90–6	FLUROXENE.
407–41–0	DEXFOSFOSERINE.
423–55–2	PERFLUBRON.
426–13–1	FLUOROMETHOLONE.
427–00–9	DESOMORPHINE.
428–07–9	ATROMEPINE.
428–37–5	PROFADOL.
432–60–0	ALLYLESTRENOL.
434–03–7	ETHISTERONE.
434–07–1	OXYMETHOLONE.
434–22–0	NANDROLONE.
434–43–5	PENTOREX.
435–97–2	PHENPROCOUMON.
436–40–8	INPROQUONE.
437–38–7	FENTANYL.
437–74–1	XANTINOL NICOTINATE.
438–60–8	PROTRIPTYLINE.
439–14–5	DIAZEPAM.
440–58–4	IODAMIDE.
441–61–2	ETHYLMETHYLTHIAMBUTENE.
442–03–5	ANISOPIROL.
442–16–0	ETHACRIDINE.
442–52–4	CLEMIZOLE.
443–48–1	METRONIDAZOLE.
444–27–9	TIMONACIC.
446–86–6	AZATHIOPRINE.
447–41–6	BUPHENINE.
448–34–0	AZAPROCIN.
451–71–8	GLYHEXAMIDE.
451–77–4	HOMARYLAMINE.
455–83–4	DICHLOROPHENARSINE.
456–59–7	CYCLANDELATE.
457–60–3	NEOARSPHENAMINE.
457–87–4	ETILAMFETAMINE.
458–24–2	FENFLURAMINE.
459–86–9	MITOGUAZONE.
461–06–3	CARNITINE.
461–78–9	CHLORPHENTERMINE.
465–39–4	BUFOGENIN.
465–53–2	CYCLOPREGNOL.
465–65–6	NALOXONE.
466–06–8	PROSCILLARIDIN.
466–14–8	IBROTAMIDE.
466–40–0	ISOMETHADONE.
466–90–0	THEBACON.
466–97–7	NORMORPHINE.
466–99–9	HYDROMORPHONE.
467–15–2	NORCODEINE.
467–18–5	MYROPHINE.
467–36–7	THIALBARBITAL.
467–38–9	THIOTETRABARBITAL.
467–43–6	METHITURAL.
467–60–7	PIPRADROL.
467–83–4	DIPIPANONE.
467–84–5	PHENADOXONE.
467–85–6	NORMETHADONE.
467–86–7	DIOXAPHETYL BUTYRATE.
467–90–3	ETHYPICONE.
468–07–5	PHENOMORPHAN.
468–50–8	BETAMEPRODINE.
468–51–9	ALPHAMEPRODINE.
468–56–4	HYDROXYPETHIDINE.
468–59–7	BETAPRODINE.
468–61–1	OXELADIN.
469–21–6	DOXYLAMINE.
469–62–5	DEXTROPROPOXYPHENE.
469–78–3	METHEPTAZINE.
469–79–4	KETOBEMIDONE.
469–80–7	PHENERIDINE.
469–81–8	MORPHERIDINE.
469–82–9	ETOXERIDINE.
470–43–9	PROMOXOLANE.
470–90–6	CLOFENVINFOS.
471–53–4	ENOXOLONE.
473–30–3	THIAZOSULFONE.
473–32–5	CHAULMOSULFONE.
473–42–7	NITROSULFATHIAZOLE.
474–25–9	CHENODEOXYCHOLIC ACID.
474–58–8	SITOGLUSIDE.
476–66–4	ELLAGIC ACID.
477–30–5	DEMECOLCINE.
477–32–7	VISNADINE.
477–80–5	CINNOFURADIONE.
477–93–0	DIMETHOXANATE.
479–18–5	DIPROPHYLLINE.
479–50–5	LUCANTHONE.
479–68–5	BROPARESTROL.
479–81–2	BIETAMIVERINE.
479–92–5	PROPYPHENAZONE.
480–17–1	LEUCOCIANIDOL.
480–22–8	DITHRANOL.
480–49–9	FILIPIN.
482–15–5	ISOTHIPENDYL.
483–63–6	CROTAMITON.
484–23–1	DIHYDRALAZINE.
485–24–5	PHTHALYLSULFAMETHIZOLE.
485–34–7	NEOCINCHOPHEN.
485–41–6	SULFACHRYSOIDINE.
485–89–2	OXYCINCHOPHEN.
486–12–4	TRIPROLIDINE.
486–16–8	CARBINOXAMINE.
486–17–9	CAPTODIAME.
486–47–5	ETHAVERINE.
486–56–6	COTININE.
486–79–3	DIPYROCETYL.
487–48–9	SALACETAMIDE.
487–53–6	HYDROXYPROCAINE.
487–79–6	KAINIC ACID.
488–41–5	MITOBRONITOL.
490–55–1	AMIPHENAZOLE.
490–79–9	GENTISIC ACID.
490–98–2	HYDROXYTETRACAINE.
492–18–2	MERSALYL.
492–39–7	CATHINE.
492–85–3	NICOPHOLINE.
493–75–4	BIALAMICOL.
493–76–5	PROPANOCAINE.
493–78–7	METHAPHENILENE.
493–80–1	HISTAPYRRODINE.
493–92–5	PROLINTANE.
494–03–1	CHLORNAPHAZINE.
494–14–4	CHLORDIMORINE.
494–79–1	MELARSOPROL.
495–70–5	MEPRYLCAINE.
495–83–0	TIGLOIDINE.
495–84–1	SALINAZID.
495–99–8	HYDROXYSTILBAMIDINE.
496–00–4	DIBROMPROPAMIDINE.
496–38–8	MIDAMALINE.
496–67–3	BROMISOVAL.
497–75–6	DIOXETHEDRIN.
498–73–7	MERCUROBUTOL.
498–78–2	STEARYLSULFAMIDE.
499–67–2	PROXYMETACAINE.
500–08–3	FORMINITRAZOLE.
500–42–5	CHLORAZANIL.
500–89–0	THIAMBUTOSINE.
500–92–5	PROGUANIL.
501–62–2	PHENAMAZOLINE.
501–68–8	BECLAMIDE.
502–55–6	DIXANTHOGEN.
502–59–0	OCTAMYLAMINE.
502–98–7	CHLORAZODIN.
503–01–5	ISOMETHEPTENE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
503–49–1	MEGLUTOL.
504–03–0	NANOFIN.
505–86–2	CETRIMIDE.
506–26–3	GAMOLENIC ACID.
507–30–2	CHOLINE GLUCONATE.
509–56–8	METHYLDIHYDROMORPHINE.
509–67–1	PHOLCODINE.
509–74–0	ACETYLMETHADOL.
509–78–4	DIMENOXADOL.
509–84–2	METETHOHEPTAZINE.
509–86–4	HEPTABARB.
510–53–2	RACEMETHORPHAN.
510–74–7	SPIRAMIDE.
510–90–7	BUTHALITAL SODIUM.
511–12–6	DIHYDROERGOTAMINE.
511–41–1	DIPHOXAZIDE.
511–45–5	PRIDINOL.
511–46–6	CLOFENETAMINE.
511–55–7	XENYTROPIUM BROMIDE.
512–15–2	CYCLOPENTOLATE.
512–16–3	CYCLOBUTYROL.
512–48–1	VALDETAMIDE.
513–10–0	ECOTHIOPATE IODIDE.
514–50–1	ACEBROCHOL.
514–65–8	BIPERIDEN.
514–68–1	ESTRIOL SUCCINATE.
514–73–8	DITHIAZANINE IODIDE.
515–49–1	SULFATHIOUREA.
515–57–1	MALEYLSULFATHIAZOLE.
515–58–2	SALAZOSULFATHIAZOLE.
515–64–0	SULFISOMIDINE.
517–18–0	METHALLENESTRIL.
518–61–6	DACEMAZINE.
519–30–2	DIMETHAZAN.
519–37–9	ETOFYLLINE.
519–88–0	AMBUCETAMIDE.
519–95–9	FLORANTYRONE.
520–27–4	DIOSMIN.
520–52–5	PSILOCYBINE.
520–85–4	MEDROXYPROGESTERONE.
521–10–8	METHANDRIOL.
521–11–9	MESTANOLONE.
521–18–6	ANDROSTANOLONE.
521–35–7	CANNABINOL.
521–74–4	BROXYQUINOLINE.
522–00–9	PROFENAMINE.
522–18–9	CHLORBENZOXAMINE.
522–24–7	FENETHAZINE.
522–40–7	FOSFESTROL.
522–51–0	DEQUALINIUM CHLORIDE.
522–87–2	YOHIMBIC ACID.
523–54–6	ETYMEMAZINE.
523–87–5	DIMENHYDRINATE.
524–81–2	MEBHYDROLIN.
524–83–4	ETYBENZATROPINE.
524–84–5	DIMETHYLTHIAMBUTENE.
524–99–2	MEDRYLAMINE.
525–30–4	MERCUDERAMIDE.
525–61–1	QUINOCIDE.
525–66–6	PROPRANOLOL.
525–94–0	ADICILLIN.
526–08–9	SULFAPHENAZOLE.
526–18–1	OSALMID.
526–35–2	ALLOMETHADIONE.
526–36–3	XYLOMETAZOLINE.
527–75–3	BERYTHROMYCIN.
528–96–1	CALCIUM BENZAMIDOSALICYLATE.
530–08–5	ISOETARINE.
530–54–1	METHOXYPHEDRINE.
530–78–9	FLUFENAMIC ACID.
531–76–0	SARCOLYSIN.
532–03–6	METHOCARBAMOL.
532–40–1	MONOPHOSPHOTHIAMINE.
532–77–4	HEXYLCAINE.
533–08–4	TROPIGLINE.
533–45–9	CLOMETHIAZOLE.
534–84–9	PIMECLONE.
535–51–3	PHENARSONE SULFOXYLATE.
535–65–9	GLYBUTHIAZOL.
536–21–0	NORFENEFRINE.
536–33–4	ETHIONAMIDE.
536–71–0	DIMINAZENE.
537–17–7	AMANOZINE.
537–21–3	CHLORPROGUANIL.
537–46–2	METAMFETAMINE.
538–71–6	DOMIPHEN BROMIDE.
539–21–9	AMBAZONE.
541–15–1	LEVOCARNITINE.
541–20–8	PENTAMETHONIUM BROMIDE.
541–22–0	DECAMETHONIUM BROMIDE.
541–64–0	FURTRETHONIUM IODIDE.
541–66–2	OXAPROPANIUM IODIDE.
541–79–7	CARBOCLORAL.
543–82–8	OCTODRINE.
544–31–0	PALMIDROL.
544–62–7	BATILOL.
545–59–5	RACEMORAMIDE.
545–80–2	POLDINE METILSULFATE.
545–90–4	DIMEPHEPTANOL.
546–06–5	CONESSINE.
546–32–7	OXPHENERIDINE.
546–88–3	ACETOHYDROXAMIC ACID.
547–17–1	XANTOFYL PALMITATE.
547–44–4	SULFACARBAMIDE.
547–81–9	EPIESTRIOL.
548–00–5	ETHYL BISCOUMACETATE.
548–62–9	METHYLROSANILINIUM CHLORIDE.
548–73–2	DROPERIDOL.
548–84–5	PYRVINIUM CHLORIDE.
549–40–6	FUROSTILBESTROL.
549–68–8	OCTAVERINE.
550–28–7	AMISOMETRADINE.
550–81–2	AMOPYROQUINE.
551–11–1	DINOPROST.
551–27–9	PROPICILLIN.
551–92–8	DIMETRIDAZOLE.
552–25–0	DIAMPROMIDE.
552–92–1	TOLOCONIUM METILSULFATE.
552–94–3	SALSALATE.
553–08–2	TONZONIUM BROMIDE.
553–13–9	ZOLAMINE.
553–65–1	AMOXECAINE.
553–69–5	FENYRAMIDOL.
554–18–7	GLUCOSULFONE.
554–24–5	PHENOBUTIODIL.
554–57–4	METHAZOLAMIDE.
554–72–3	TRYPARSAMIDE.
555–30–6	METHYLDOPA.
555–44–2	TRIPALMITIN.
555–57–7	PARGYLINE.
555–65–7	BROCRESINE.
555–77–1	TRICHLORMETHINE.
555–84–0	NIFURADENE.
555–90–8	NICOTHIAZONE.
556–08–1	ACEDOBEN.
556–12–7	FURALAZINE.
561–43–3	OXYPYRRONIUM BROMIDE.
561–48–8	NORPIPANONE.
561–76–2	PROPERIDINE.
561–77–3	DIHEXYVERINE.
561–83–1	NEALBARBITAL.
561–86–4	BRALLOBARBITAL.
562–26–5	PHENOPERIDINE.
564–25–0	DOXYCYCLINE.
565–33–3	METAHEXAMIDE.
565–99–1	RENANOLONE.
566–48–3	FORMESTANE.
569–57–3	CHLOROTRIANISENE.
569–65–3	MECLOZINE.
574–77–6	PAPAVEROLINE.
575–74–6	BUCLOSAMIDE.
576–68–1	MANNOMUSTINE.
577–11–7	DOCUSATE SODIUM.
578–89–2	PIMETREMIDE.
579–23–7	CYCLOVALONE.
579–38–4	DILOXANIDE.
579–94–2	MENGLYTATE.
580–74–5	XANTOCILLIN.
583–03–9	FENIPENTOL.
584–69–0	DITOPHAL.
585–14–8	POSKINE.
585–86–4	LACTITOL.
586–06–1	ORCIPRENALINE.
586–60–7	DYCLONINE.
586–98–1	PICONOL.
587–46–2	BENZPYRINIUM BROMIDE.
587–49–5	SALFLUVERINE.
587–61–1	PROPYLIODONE.
595–52–8	DESCINOLONE.
595–77–7	ALGESTONE.
596–51–0	GLYCOPYRRONIUM BROMIDE.
599–33–7	PREDNYLIDENE.
599–79–1	SULFASALAZINE.
599–88–2	SULFAPERIN.
602–40–4	CYHEPTROPINE.
602–41–5	THIOCOLCHICOSIDE.
603–00–9	PROXYPHYLLINE.
603–50–9	BISACODYL.
604–51–3	DEPTROPINE.
604–74–0	BUFENADRINE.
604–75–1	OXAZEPAM.
606–17–7	ADIPIODONE.
606–90–6	PIPRINHYDRINATE.
609–78–9	CYCLOGUANIL EMBONATE.
611–53–0	IBACITABINE.
616–68–2	TRIMECAINE.
616–91–1	ACETYLCYSTEINE.
618–82–6	SULFARSPHENAMINE.
620–30–4	RACEMETIROSINE.
621–42–1	METACETAMOL.
621–72–7	BENDAZOL.
630–56–8	HYDROXYPROGESTERONE CAPROATE.
631–27–6	GLYCLOPYRAMIDE.
632–00–8	SULFASOMIZOLE.
633–47–6	CROPROPAMIDE.
633–90–9	CIFOSTODINE.
634–03–7	PHENDIMETRAZINE.
634–08–2	LEVOFACETOPERANE.
635–05–2	PAMAQUINE.
635–41–6	TRIMETOZINE.
636–47–5	STALLIMYCIN.
636–54–4	CLOPAMIDE.
637–07–0	CLOFIBRATE.
638–23–3	CARBOCISTEINE.
638–94–8	DESONIDE.
639–48–5	NICOMORPHINE.
642–44–4	AMINOMETRADINE.
642–72–8	BENZYDAMINE.
642–83–1	ACEGLATONE.
644–62–2	MECLOFENAMIC ACID.
645–05–6	ALTRETAMINE.
646–02–6	AMINOETHYL NITRATE.
651–06–9	SULFAMETOXYDIAZINE.
652–67–5	ISOSORBIDE.
653–03–2	BUTAPERAZINE.
655–05–0	TOZALINONE.
657–24–9	METFORMIN.
664–95–9	GLYCYCLAMIDE.
671–16–9	PROCARBAZINE.
671–88–5	DISULFAMIDE.
671–95–4	CLOFENAMIDE.
672–87–7	METIROSINE.
673–31–4	PHENPROBAMATE.
679–90–3	ROFLURANE.
692–13–7	BUFORMIN.
695–53–4	DIMETHADIONE.
702–54–5	DIETHADIONE.
709–55–7	ETILEFRINE.
720–76–3	FLUMINOREX.
721–19–7	METHASTYRIDONE.
721–50–6	PRILOCAINE.
723–42–2	DITOLAMIDE.
723–46–6	SULFAMETHOXAZOLE.
728–88–1	TOLPERISONE.
729–99–7	SULFAMOXOLE.
730–07–4	PROPETAMIDE.
735–52–4	CETOFENICOL.
735–64–8	FENAMIFURIL.
737–31–5	SODIUM AMIDOTRIZOATE.
738–70–5	TRIMETHOPRIM.
739–71–9	TRIMIPRAMINE.
742–20–1	CYCLOPENTHIAZIDE.
744–80–9	BENZOBARBITAL.
745–65–3	ALPROSTADIL.
747–30–8	AMINOPHENAZONE CYCLAMATE.
748–44–7	ACOXATRINE.
749–02–0	SPIPERONE.
749–13–3	TRIFLUPERIDOL.
751–84–8	BENETHAMINE PENICILLIN.
751–97–3	ROLITETRACYCLINE.
768–94–5	AMANTADINE.
777–11–7	HALOPROGIN.
786–19–6	CARBOFENOTION.
787–93–9	AMELTOLIDE.
790–69–2	LOFLUCARBAN.
791–35–5	CLOFEDANOL.
796–29–2	KETIMIPRAMINE.
797–58–0	NORBOLETONE.
797–63–7	LEVONORGESTREL.
800–22–6	CHLORACYZINE.
801–52–5	PORFIROMYCIN.
804–10–4	CARBOCROMEN.
804–30–8	FURSULTIAMINE.
807–31–8	ACEPERONE.
808–24–2	NICODICODINE.
808–26–4	SANCYCLINE.
809–01–8	EDOGESTRONE.
811–97–2	NORFLURANE.
827–61–2	ACECLIDINE.
829–74–3	CORBADRINE.
830–89–7	ALBUTOIN.
835–31–4	NAPHAZOLINE.
841–73–6	BUCOLOME.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
844–26–8	BITHIONOLOXIDE.
846–48–0	BOLDENONE.
846–49–1	LORAZEPAM.
846–50–4	TEMAZEPAM.
847–20–1	FLUBANILATE.
847–25–6	RACEFENICOL.
848–21–5	NORGESTRIENONE.
848–53–3	HOMOCHLORCYCLIZINE.
848–75–9	LORMETAZEPAM.
850–52–2	ALTRENOGEST.
852–19–7	SULFAPYRAZOLE.
852–42–6	GUAIAPATE.
853–34–9	KEBUZONE.
859–07–4	CEFALORAM.
863–61–6	MENATETRENONE.
865–04–3	METHOSERPIDINE.
865–21–4	VINBLASTINE.
865–24–7	VINGLYCINATE.
881–17–4	SODIUM IODOHIPPURATE (131 I).
882–09–7	CLOFIBRIC ACID.
886–08–8	NORLETIMOL.
892–01–3	HEXACYPRONE.
893–01–6	TENYLIDONE.
896–71–9	TIGESTOL.
910–86–1	TIOCARLIDE.
911–45–5	CLOMIFENE.
911–65–9	ETONITAZENE.
914–00–1	METACYCLINE.
915–30–0	DIPHENOXYLATE.
926–93–2	METALLIBURE.
938–73–8	ETHENZAMIDE.
952–54–5	MORINAMIDE.
957–56–2	FLUINDIONE.
959–10–4	XENBUCIN.
959–14–8	OXOLAMINE.
960–05–4	CARBUBARB.
962–02–7	NITRODAN.
963–39–3	DEMOXEPAM.
964–82–9	XENYHEXENIC ACID.
965–52–6	NIFUROXAZIDE.
965–90–2	ETHYLESTRENOL.
965–93–5	METRIBOLONE.
968–63–8	BUTINOLINE.
968–81–0	ACETOHEXAMIDE.
968–93–4	TESTOLACTONE.
972–02–1	DIFENIDOL.
976–71–6	CANRENONE.
977–79–7	MEDROGESTONE.
979–32–8	ESTRADIOL VALERATE.
982–24–1	CLOPENTHIXOL.
983–85–7	PENAMECILLIN.
987–02–0	DEMECYCLINE.
987–78–0	CITICOLINE.
992–21–2	LYMECYCLINE.
1008–65–7	FENADIAZOLE.
1018–34–4	TREPIRIUM IODIDE.
1018–71–9	PYRROLNITRIN.
1027–87–8	TOLPENTAMIDE.
1028–33–7	PENTIFYLLINE.
1034–82–8	HEPTOLAMIDE.
1038–59–1	GLYOCTAMIDE.
1042–42–8	CARCAINIUM CHLORIDE.
1043–21–6	PIRENOXINE.
1046–17–9	DIBUPYRONE.
1050–48–2	BENZILONIUM BROMIDE.
1050–79–9	MOPERONE.
1054–88–2	SPIROXATRINE.
1066–17–7	COLISTIN.
1069–55–2	BUCRILATE.
1077–93–6	TERNIDAZOLE.
1082–56–0	TEFAZOLINE.
1082–57–1	TRAMAZOLINE.
1083–57–4	BUCETIN.
1084–65–7	METICRANE.
1085–91–2	NAFCAPROIC ACID.
1088–11–5	NORDAZEPAM.
1088–80–8	METAMELFALAN.
1088–92–2	NIFURTOINOL.
1092–46–2	KETOCAINE.
1093–58–9	CLOSTEBOL.
1096–72–6	HEPZIDINE.
1098–97–1	PYRITINOL.
1110–40–3	CORTIVAZOL.
1110–80–1	PIPACYCLINE.
1111–39–3	ACETYLDIGITOXIN.
1113–10–6	GUANCIDINE.
1119–97–7	TETRADONIUM BROMIDE.
1131–64–2	DEBRISOQUINE.
1134–47–0	BACLOFEN.
1146–98–1	BROMINDIONE.
1146–99–2	CLORINDIONE.
1150–20–5	AZABON.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
1156–05–4	PHENGLUTARIMIDE.
1156–19–0	TOLAZAMIDE.
1157–87–5	ETOLOXAMINE.
1159–93–9	CLOBENZEPAM.
1161–88–2	SULFATOLAMIDE.
1165–48–6	DIMEFLINE.
1166–34–3	CINANSERIN.
1169–79–5	QUINESTRADOL.
1174–11–4	XENAZOIC ACID.
1178–28–5	METOSERPATE.
1181–54–0	CLOMOCYCLINE.
1187–56–0	SELENOMETHIONINE (75 SE).
1195–16–0	CITIOLONE.
1197–18–8	TRANEXAMIC ACID.
1199–18–4	OXIDOPAMINE.
1209–98–9	FENCAMFAMIN.
1212–03–9	METIPRENALINE.
1213–06–5	ETEBENECID.
1219–35–8	PRIMAPERONE.
1219–77–8	BENSULDAZIC ACID.
1220–83–3	SULFAMONOMETHOXINE.
1221–56–3	SODIUM IOPODATE.
1222–57–7	ZOLIMIDINE.
1223–36–5	CLOFEXAMIDE.
1227–61–8	MEFEXAMIDE.
1228–19–9	GLYPINAMIDE.
1231–93–2	ETYNODIOL.
1232–85–5	ELANTRINE.
1233–53–0	BUNAMIODYL.
1233–70–1	DIARBARONE.
1234–30–6	ETOCARLIDE.
1234–71–5	NAMOXYRATE.
1239–29–8	FURAZABOL.
1239–45–8	HOMIDIUM BROMIDE.
1242–69–9	DECITROPINE.
1243–33–0	MEFECLORAZINE.
1247–42–3	MEPREDNISONE.
1253–28–7	GESTONORONE CAPROATE.
1254–35–9	OXABOLONE CIPIONATE.
1300–94–3	AMYLMETACRESOL.
1301–42–4	EUPROCIN.
1317–25–5	ALCLOXA.
1317–30–2	POTASSIUM GLUCALDRATE.
1321–14–8	SULFOGAIACOL.
1330–44–5	ALGELDRATE.
1336–80–7	FERROCHOLINATE.
1338–39–2	SORBITAN LAURATE.
1338–41–6	SORBITAN STEARATE.
1338–43–8	SORBITAN OLEATE.
1344–34–9	STIBAMINE GLUCOSIDE.
1391–41–9	ENDOMYCIN.
1392–21–8	KITASAMYCIN.
1393–25–5	SECRETIN.
1393–87–9	FUSAFUNGINE.
1394–02–1	HACHIMYCIN.
1397–89–3	AMPHOTERICIN B.
1400–61–9	NYSTATIN.
1401–69–0	TYLOSIN.
1402–81–9	AMBOMYCIN.
1402–82–0	AMFOMYCIN.
1402–84–2	ANTELMYCIN.
1403–17–4	CANDICIDIN.
1403–47–0	DUAZOMYCIN.
1403–66–3	GENTAMICIN.
1403–71–0	HAMYCIN.
1403–99–2	MITOGILLIN.
1404–04–2	NEOMYCIN.
1404–08–6	NEUTRAMYCIN.
1404–15–5	NOGALAMYCIN.
1404–20–2	PELIOMYCIN.
1404–26–8	POLYMYXIN B.
1404–48–4	RELOMYCIN.
1404–55–3	RISTOCETIN.
1404–59–7	RUTAMYCIN.
1404–64–4	SPARSOMYCIN.
1404–74–6	STREPTOVARYCIN.
1404–88–2	TYROTHRICIN.
1404–90–6	VANCOMYCIN.
1405–00–1	VIRIDOFULVIN.
1405–52–3	SULFOMYXIN.
1405–76–1	GITALIN, AMORPHOUS.
1405–87–4	BACITRACIN.
1405–97–6	GRAMICIDIN.
1407–05–2	METHOCIDIN.
1420–55–9	THIETHYLPERAZINE.
1421–14–3	PROPANIDID.
1421–68–7	AMIDEFRINE MESILATE.
1424–00–6	MESTEROLONE.
1456–52–6	IOPROCEMIC ACID.
1461–15–0	OFTASCEINE.
1463–28–1	GUANACLINE.
1469–07–4	DAMOTEPINE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
1470–35–5	ISOBROMINDIONE.
1477–19–6	BENZARONE.
1477–39–0	NORACYMETHADOL.
1480–19–9	FLUANISONE.
1491–41–4	NAFTALOFOS.
1491–59–4	OXYMETAZOLINE.
1491–81–2	BOLMANTALATE.
1492–02–0	GLYBUZOLE.
1492–18–8	CALCIUM FOLINATE.
1505–95–9	NAFTYPRAMIDE.
1508–45–8	MITOPODOZIDE.
1508–75–4	TROPICAMIDE.
1518–86–1	HYDROXYAMFETAMINE.
1524–88–5	FLUDROXYCORTIDE.
1531–12–0	NORLEVORPHANOL.
1538–09–6	BENZATHINE BENZYLPENICILLIN.
1539–39–5	GAPICOMINE.
1553–60–2	IBUFENAC.
1580–71–8	AMIPERONE.
1580–83–2	PARAFLUTIZIDE.
1596–63–0	QUINACILLIN.
1600–19–7	XYLOXEMINE.
1605–89–6	BOLASTERONE.
1607–17–6	PENTRINITROL.
1612–30–2	MENADIOL SODIUM SULFATE.
1614–20–6	NIFURPRAZINE.
1617–90–9	VINCAMINE.
1622–61–3	CLONAZEPAM.
1622–62–4	FLUNITRAZEPAM.
1641–17–4	MEXENONE.
1649–18–9	AZAPERONE.
1661–29–6	METUREDEPA.
1665–48–1	METAXALONE.
1668–19–5	DOXEPIN.
1673–06–9	AMPHOTALIDE.
1679–75–0	CINNAMAVERINE.
1679–76–1	DROFENINE.
1689–89–0	NITROXINIL.
1693–37–4	PARAPROPAMOL.
1695–77–8	SPECTINOMYCIN.
1698–95–9	PROQUINOLATE.
1703–48–6	DIMABEFYLLINE.
1707–15–9	METAZIDE.
1715–40–8	BROMOCYCLEN.
1729–61–9	RENYTOLINE.
1740–22–3	PYRINOLINE.
1744–22–5	RILUZOLE.
1748–43–2	TRETHINIUM TOSILATE.
1759–09–7	LEVOMETIOMEPRAZINE.
1764–85–8	EPITIZIDE.
1766–91–2	PENFLUTIZIDE.
1767–88–0	DESMETHYLMORAMIDE.
1776–83–6	QUINTIOFOS.
1812–30–2	BROMAZEPAM.
1824–52–8	BEMETIZIDE.
1824–58–4	ETHIAZIDE.
1830–32–6	AZINTAMIDE.
1841–19–6	FLUSPIRILENE.
1843–05–6	OCTABENZONE.
1845–11–0	NAFOXIDINE.
1856–34–4	CLOTIOXONE.
1866–43–9	ROLODINE.
1879–77–2	DOXIBETASOL.
1882–26–4	PYRICARBATE.
1884–24–8	CYNARINE.
1893–33–0	PIPAMPERONE.
1897–89–8	PIRIQUALONE.
1900–13–6	NIFURVIDINE.
1910–68–5	METISAZONE.
1926–48–3	FENBENICILLIN.
1926–49–4	CLOMETOCILLIN.
1951–25–3	AMIODARONE.
1953–02–2	TIOPRONIN.
1954–28–5	ETOGLUCID.
1954–79–6	MECLORALUREA.
1961–77–9	CHLORMADINONE.
1972–08–3	DRONABINOL.
1977–10–2	LOXAPINE.
1977–11–3	PERLAPINE.
1980–45–6	BENZODEPA.
1980–49–0	FELIPYRINE.
1982–37–2	METHDILAZINE.
1984–15–2	MEDRONIC ACID.
1984–94–7	SULFASYMAZINE.
2001–81–2	DIPONIUM BROMIDE.
2011–67–8	NIMETAZEPAM.
2013–58–3	MECLOCYCLINE.
2016–36–6	CHOLINE SALICYLATE.
2016–63–9	BAMIFYLLINE.
2022–85–7	FLUCYTOSINE.
2030–63–9	CLOFAZIMINE.
2037–95–8	CARSALAM.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
2043–38–1	BUTIZIDE.
2055–44–9	PERISOXAL.
2056–56–6	CINNOPENTAZONE.
2058–52–8	CLOTIAPINE.
2062–78–4	PIMOZIDE.
2062–84–2	BENPERIDOL.
2066–89–9	PASINIAZID.
2078–54–8	PROPOFOL.
2098–66–0	CYPROTERONE.
2104–96–3	BROMOFOS.
2127–01–7	CLOREXOLONE.
2135–17–3	FLUMETASONE.
2139–47–1	NIFENAZONE.
2152–34–3	PEMOLINE.
2154–02–1	METOFOLINE.
2156–27–6	BENPROPERINE.
2165–19–7	GUANOXAN.
2167–85–3	PIPAZETATE.
2169–64–4	AZARIBINE.
2174–64–3	FLAMENOL.
2179–37–5	BENCYCLANE.
2180–92–9	BUPIVACAINE.
2181–04–6	POTASSIUM CANRENOATE.
2183–56–4	HYDROMORPHINOL.
2193–87–5	FLUPREDNIDENE.
2201–15–2	ETICYCLIDINE.
2201–39–0	ROLICYCLIDINE.
2205–73–4	TIOMESTERONE.
2207–50–3	AMINOREX.
2208–51–7	PELANSERIN.
2209–86–1	LOPRODIOL.
2210–63–1	MOFEBUTAZONE.
2210–77–7	PYRROCAINE.
2216–77–5	DIBUPROL.
2217–44–9	IODOPHTHALEIN SODIUM.
2218–68–0	CLORAL BETAINE.
2226–11–1	BORNELONE.
2235–90–7	ETRYPTAMINE.
2240–21–3	THIOFURADENE.
2244–21–5	TROCLOSENE POTASSIUM.
2259–96–3	CYCLOTHIAZIDE.
2260–08–4	ACETIROMATE.
2261–94–1	FLUCARBRIL.
2272–11–9	MONOETHANOLAMINE OLEATE.
2276–90–6	IOTALAMIC ACID.
2277–92–1	OXYCLOZANIDE.
2295–58–1	FLOPROPIONE.
2315–08–4	SALAZOSULFADIMIDINE.
2320–86–7	ENESTEBOL.
2338–37–6	LEVOPROPOXYPHENE.
2353–33–5	DECITABINE.
2355–59–1	DROCINONIDE.
2363–58–8	EPITIOSTANOL.
2385–81–1	FURETHIDINE.
2398–81–4	OXINIACIC ACID.
2398–95–0	FOSCOLIC ACID.
2398–96–1	TOLNAFTATE.
2401–56–1	DEDITONIUM BROMIDE.
2409–26–9	PRAZITONE.
2423–66–7	QUINDOXIN.
2424–71–7	METOCINIUM IODIDE.
2430–27–5	VALPROMIDE.
2430–46–8	TOLBOXANE.
2430–49–1	VINYLBITAL.
2438–72–4	BUFEXAMAC.
2440–22–4	DROMETRIZOLE.
2444–46–4	NONIVAMIDE.
2447–57–6	SULFADOXINE.
2454–11–7	FORMEBOLONE.
2455–84–7	AMBENOXAN.
2455–92–7	SULCLAMIDE.
2465–59–0	OXIPURINOL.
2485–62–3	MECYSTEINE.
2487–63–0	QUINBOLONE.
2490–97–3	ACEGLUTAMIDE.
2507–91–7	GLOXAZONE.
2521–01–9	ENCYPRATE.
2522–81–8	PIBECARB.
2531–04–6	PIPERYLONE.
2537–29–3	PROXIBARBAL.
2545–24–6	NICEVERINE.
2545–39–3	CLAMOXYQUINE.
2557–49–5	DIFLORASONE.
2577–72–2	METABROMSALAN.
2589–47–1	PRAJMALIUM BITARTRATE.
2607–06–9	DIFLUCORTOLONE.
2608–24–4	PIPOSULFAN.
2609–46–3	AMILORIDE.
2612–33–1	CLONITRATE.
2618–25–9	IOGLYCAMIC ACID.
2622–24–4	PROTHIXENE.
2622–26–6	PERICIAZINE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
2622–30–2	CARFENAZINE.
2622–37–9	TRIFLUOMEPRAZINE.
2623–33–8	DIACETAMATE.
2624–43–3	CYCLOFENIL.
2624–44–4	ETAMSYLATE.
2627–69–2	ACADESINE.
2667–89–2	BISBENTIAMINE.
2668–66–8	MEDRYSONE.
2673–23–6	XENYGLOXAL.
2709–56–0	FLUPENTIXOL.
2740–52–5	ANAGESTONE.
2748–88–1	MIRIPIRIUM CHLORIDE.
2750–76–7	RIFAMIDE.
2751–09–9	TROLEANDOMYCIN.
2751–68–0	ACETOPHENAZINE.
2768–90–3	QUINALDINE BLUE.
2779–55–7	OPINIAZIDE.
2804–00–4	ROXOPERONE.
2809–21–4	ETIDRONIC ACID.
2825–60–7	FORMOCORTAL.
2829–19–8	ROLICYPRINE.
2856–74–8	MODALINE.
2856–81–7	AZABUPERONE.
2894–67–9	DELORAZEPAM.
2897–83–8	ALONIMID.
2898–12–6	MEDAZEPAM.
2898–13–7	SULAZEPAM.
2901–75–9	AFALANINE.
2908–75–0	ESCULAMINE.
2921–92–8	PROPATYLNITRATE.
2922–20–5	BUTAXAMINE.
2924–67–6	FLUORESONE.
2933–94–0	TOLIPROLOL.
2949–95–3	TIXADIL.
2955–38–6	PRAZEPAM.
2971–90–6	CLOPIDOL.
2998–57–4	ESTRAMUSTINE.
3006–10–8	MECETRONIUM ETILSULFATE.
3011–89–0	AKLOMIDE.
3030–53–3	CLOFENOXYDE.
3031–48–9	ACETERGAMINE.
3056–17–5	STAVUDINE.
3064–61–7	SODIUM STIBOCAPTATE.
3074–35–9	GLIDAZAMIDE.
3093–35–4	HALCINONIDE.
3094–09–5	DOXIFLURIDINE.
3099–52–3	NICAMETATE.
3102–00–9	FEBUPROL.
3105–97–3	HYCANTHONE.
3106–85–2	ISOSPAGLUMIC ACID.
3115–05–7	IOBENZAMIC ACID.
3116–76–5	DICLOXACILLIN.
3124–93–4	ETHYNERONE.
3130–96–9	RATHYRONINE.
3147–75–9	OCTRIZOLE.
3151–59–5	HETAFLUR.
3166–62–9	METHYLBENACTYZIUM BROMIDE.
3176–03–2	DROTEBANOL.
3184–59–6	ALIPAMIDE.
3207–50–9	CLINOLAMIDE.
3215–70–1	HEXOPRENALINE.
3239–44–9	DEXFENFLURAMINE.
3240–20–8	CARBENZIDE.
3253–60–9	LAUDEXIUM METILSULFATE.
3254–93–1	DOXENITOIN.
3258–51–3	VALOFANE.
3261–53–8	GITALOXIN.
3270–71–1	NIFURALDEZONE.
3277–59–6	MIMBANE.
3286–46–2	SULBUTIAMINE.
3313–26–6	TIOTIXENE.
3342–61–8	DEANOL ACEGLUMATE.
3362–45–6	NOXIPTILINE.
3363–58–4	NIFURFOLINE.
3366–95–8	SECNIDAZOLE.
3378–93–6	CLOCIGUANIL.
3380–34–5	TRICLOSAN.
3383–96–8	TEMEFOS.
3385–03–3	FLUNISOLIDE.
3397–23–7	ORNIPRESSIN.
3416–24–8	GLUCOSAMINE.
3416–26–0	LIDOFLAZINE.
3425–97–6	DIMECOLONIUM IODIDE.
3426–08–2	PROZAPINE.
3436–11–1	DELFANTRINE.
3440–28–6	BETAMIPRON.
3447–95–8	BENFURODIL HEMISUCCINATE.
3459–20–9	GLYMIDINE SODIUM.
3459–96–9	AMICARBALIDE.
3478–15–7	ETIPIRIUM IODIDE.
3485–14–1	CICLACILLIN.
3485–62–9	CLIDINIUM BROMIDE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
3506–31–8	DETERENOL.
3511–16–8	HETACILLIN.
3538–57–6	HALOPROGESTERONE.
3540–95–2	FENPIPRANE.
3544–35–2	IPROCLOZIDE.
3546–03–0	CYAMEMAZINE.
3551–18–6	ACETRYPTINE.
3562–55–8	PIPROCURARIUM IODIDE.
3562–63–8	MEGESTROL.
3562–84–3	BENZBROMARONE.
3562–99–0	MENBUTONE.
3563–01–7	APROFENE.
3563–14–2	SULFASUCCINAMIDE.
3563–49–3	PYROVALERONE.
3563–58–4	CHLORALODOL.
3563–92–6	ZYLOFURAMINE.
3565–03–5	PIMETINE.
3565–72–8	EMBRAMINE.
3567–08–6	GLYSOBUZOLE.
3567–38–2	CARFIMATE.
3567–40–6	DIOXAMATE.
3568–00–1	MEBUTIZIDE.
3569–26–4	INDOPINE.
3569–58–2	OXYSONIUM IODIDE.
3569–59–3	HEXASONIUM IODIDE.
3569–77–5	AMIDAPSONE.
3570–07–8	DIMECAMINE.
3570–10–3	BENORTERONE.
3570–75–0	NIFURTHIAZOLE.
3571–53–7	ESTRADIOL UNDECYLATE.
3571–71–9	METATEROL.
3572–43–8	BROMHEXINE.
3572–52–9	XENYSALATE.
3572–74–5	MOXASTINE.
3572–80–3	CYCLAZOCINE.
3575–80–2	MELPERONE.
3576–64–5	CLEFAMIDE.
3577–01–3	CEFALOGLYCIN.
3579–62–2	DENAVERINE.
3583–64–0	BUMADIZONE.
3590–16–7	FECLEMINE.
3595–11–7	PROPYLHEXEDRINE.
3601–19–2	ROPIZINE.
3605–01–4	PIRIBEDIL.
3607–18–9	CIDOXEPIN.
3607–24–7	FENYRIPOL.
3611–72–1	CLORIDAROL.
3612–98–4	TROXYPYRROLIUM TOSILATE.
3614–30–0	EMEPRONIUM BROMIDE.
3614–47–9	HYDRACARBAZINE.
3615–24–5	RAMIFENAZONE.
3615–74–5	PROMOLATE.
3625–06–7	MEBEVERINE.
3625–07–8	MEBOLAZINE.
3626–67–3	HEXADILINE.
3638–82–2	PROPETANDROL.
3639–19–8	DIFETARSONE.
3643–00–3	OXOGESTONE.
3658–25–1	GUANOCTINE.
3670–68–6	PROPIPOCAINE.
3671–05–4	FENOCINOL.
3684–46–6	BROXALDINE.
3686–58–6	TOLYCAINE.
3686–78–0	DIETIFEN.
3688–66–2	NICOCODINE.
3688–85–5	TIAMIZIDE.
3689–50–7	OXOMEMAZINE.
3689–76–7	CHLORMIDAZOLE.
3690–58–2	FUBROGONIUM IODIDE.
3690–61–7	PRODECONIUM BROMIDE.
3691–78–9	BENZETHIDINE.
3692–44–2	THIOHEXAMIDE.
3693–39–8	FLUCLOROLONE ACETONIDE.
3696–28–4	DIPYRITHIONE.
3703–76–2	CLOPERASTINE.
3703–79–5	BAMETHAN.
3704–09–4	MIBOLERONE.
3731–52–0	PICOLAMINE.
3731–59–7	MOROXYDINE.
3733–63–9	DECLOXIZINE.
3733–81–1	DEFOSFAMIDE.
3734–12–1	HEXOPYRRONIUM BROMIDE.
3734–17–6	PRODILIDINE.
3734–33–6	DENATONIUM BENZOATE.
3734–52–9	METAZOCINE.
3735–45–3	VETRABUTINE.
3735–65–7	BUTYNAMINE.
3735–85–1	MEFESERPINE.
3735–90–8	FENCARBAMIDE.
3736–08–1	FENETYLLINE.
3736–12–7	LEVOPROPICILLIN.
3737–09–5	DISOPYRAMIDE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
3748–77–4	BUNAMIDINE.
3754–19–6	AMBUSIDE.
3764–87–2	TRESTOLONE.
3771–19–5	NAFENOPIN.
3772–76–7	SULFAMETOMIDINE.
3776–93–0	FURFENOREX.
3778–73–2	IFOSFAMIDE.
3780–72–1	MORSUXIMIDE.
3781–28–0	PROPYPERONE.
3784–89–2	PHENACTROPINIUM CHLORIDE.
3784–99–4	STILBAZIUM IODIDE.
3785–21–5	BUTANILICAINE.
3788–16–7	CIMEMOXIN.
3795–88–8	LEVOFURALTADONE.
3810–35–3	TENONITROZOLE.
3811–25–4	CLORPRENALINE.
3811–53–8	PROPINETIDINE.
3811–56–1	AMINOQUINURIDE.
3811–75–4	HEXAMIDINE.
3818–37–9	FENOXYPROPAZINE.
3818–50–6	BEPHENIUM HYDROXYNAPHTHOATE.
3818–62–0	BETOXYCAINE.
3818–88–0	TRICYCLAMOL CHLORIDE.
3819–00–9	PIPERACETAZINE.
3820–67–5	GLAFENINE.
3833–99–6	HOMOFENAZINE.
3841–11–0	FLUPEROLONE.
3861–73–2	ANAZOLENE SODIUM.
3861–76–5	CLONITAZENE.
3876–10–6	CLOMINOREX.
3896–11–5	BUMETRIZOLE.
3900–31–0	FLUDIAZEPAM.
3902–71–4	TRIOXYSALEN.
3922–90–5	OLEANDOMYCIN.
3924–70–7	AMCINAFAL.
3930–19–6	RUFOCROMOMYCIN.
3930–20–9	SOTALOL.
3964–81–6	AZATADINE.
4004–94–8	ZOLERTINE.
4008–48–4	NITROXOLINE.
4015–18–3	SULFACLOMIDE.
4015–32–1	QUAZODINE.
4023–00–1	PRAXADINE.
4042–30–2	PARVAQUONE.
4044–65–9	BITOSCANATE.
4047–34–1	TRANTELINIUM BROMIDE.
4052–13–5	CLOPERIDONE.
4065–45–6	SULISOBENZONE.
4075–88–1	OXIFENTOREX.
4093–35–0	BROMOPRIDE.
4117–65–1	ASPARTOCIN.
4138–96–9	CANRENOIC ACID.
4140–20–9	ESTRAPRONICATE.
4148–16–7	RITROSULFAN.
4171–13–5	VALNOCTAMIDE.
4177–58–6	CLOTIXAMIDE.
4201–22–3	TOLONIDINE.
4205–90–7	CLONIDINE.
4210–97–3	TIFORMIN.
4213–51–8	BROMACRYLIDE.
4214–72–6	ISAXONINE.
4255–23–6	ALFETAMINE.
4267–05–4	TECLOTHIAZIDE.
4267–81–6	BOLAZINE.
4268–36–4	TYBAMATE.
4291–63–8	CLADRIBINE.
4295–55–0	CLOFENAMIC ACID.
4295–63–0	MEPROTIXOL.
4298–15–1	CLETOQUINE.
4304–01–2	TRUXICURIUM IODIDE.
4304–40–9	THENIUM CLOSILATE.
4310–89–8	HEDAQUINIUM CHLORIDE.
4317–14–0	AMITRIPTYLINOXIDE.
4342–03–4	DACARBAZINE.
4350–09–8	OXITRIPTAN.
4354–45–4	OXYCLIPINE.
4366–18–1	COUMETAROL.
4378–36–3	FENBUTRAZATE.
4386–35–0	MERALEIN SODIUM.
4388–82–3	BARBEXACLONE.
4394–00–7	NIFLUMIC ACID.
4394–04–1	METANIXIN.
4394–05–2	NIXYLIC ACID.
4397–91–5	NICOFURATE.
4406–22–8	CYPRENORPHINE.
4419–39–0	BECLOMETASONE.
4434–05–3	COUMAMYCIN.
4438–22–6	ATROPINE OXIDE.
4439–67–2	AMIKHELLINE.
4442–60–8	BUTAMOXANE.
4444–23–9	PERSILIC ACID.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
4448–96–8	SOLYPERTINE.
4474–91–3	ANGIOTENSIN II.
4480–58–4	STREPTONIAZID.
4498–32–2	DIBENZEPIN.
4499–40–5	CHOLINE THEOPHYLLINATE.
4533–39–5	NITRACRINE.
4546–39–8	PIPETHANATE.
4548–15–6	FLUNIDAZOLE.
4551–59–1	FENALAMIDE.
4564–87–8	CARBOMYCIN.
4575–34–2	MYFADOL.
4582–18–7	ENDOMIDE.
4599–60–4	PENIMEPICYCLINE.
4618–18–2	LACTULOSE.
4630–95–9	PRIFINIUM BROMIDE.
4662–17–3	FURIDARONE.
4663–83–6	BURAMATE.
4665–04–7	FENACETINOL.
4684–87–1	OCTAMOXIN.
4696–76–8	BEKANAMYCIN.
4697–36–3	CARBENICILLIN.
4730–07–8	PENTAMOXANE.
4732–48–3	MECLORISONE.
4741–41–7	DEXOXADROL.
4755–59–3	CLODAZON.
4757–49–7	MONOMETACRINE.
4757–55–5	DIMETACRINE.
4759–48–2	ISOTRETINOIN.
4774–24–7	QUIPAZINE.
4774–53–2	BOTIACRINE.
4776–06–1	FLUSALAN.
4780–24–9	ISOPROPICILLIN.
4792–18–1	LEVOXADROL.
4803–27–4	ANTRAMYCIN.
4828–27–7	CLOCORTOLONE.
4846–91–7	FENOXAZOLINE.
4858–60–0	MEFENIDRAMIUM METILSULFATE.
4876–45–3	CAMPHOTAMIDE.
4880–88–0	VINBURNINE.
4880–92–6	APOVINCAMINE.
4904–00–1	CYPROLIDOL.
4910–46–7	SPAGLUMIC ACID.
4914–30–1	DEHYDROEMETINE.
4936–47–4	NIFURATEL.
4938–00–5	DANOSTEINE.
4940–39–0	CHROMOCARB.
4945–47–5	BAMIPINE.
4955–90–2	SODIUM GENTISATE.
4960–10–5	PERASTINE.
4969–02–2	METIXENE.
4989–94–0	TRIAMCINOLONE FURETONIDE.
4991–65–5	TIOXOLONE.
5001–32–1	GUANOCLOR.
5003–48–5	BENORILATE.
5005–72–1	LEPTACLINE.
5011–34–7	TRIMETAZIDINE.
5029–05–0	ANTIENITE.
5034–76–4	INDOXOLE.
5036–02–2	TETRAMISOLE.
5036–03–3	NIFURDAZIL.
5051–22–9	DEXPROPRANOLOL.
5051–62–7	GUANABENZ.
5053–06–5	FENSPIRIDE.
5055–20–9	NIFURQUINAZOL.
5055–42–5	SILANDRONE.
5060–55–9	PREDNISOLONE STEAGLATE.
5061–22–3	NAFIVERINE.
5104–49–4	FLURBIPROFEN.
5107–49–3	FLUALAMIDE.
5118–17–2	FURAZOLIUM CHLORIDE.
5118–29–6	MELITRACEN.
5118–30–9	LITRACEN.
5129–14–6	ANISACRIL.
5169–78–8	TIPEPIDINE.
5192–84–7	TRENGESTONE.
5197–58–0	STENBOLONE.
5205–82–3	BEVONIUM METILSULFATE.
5214–29–9	AMPYZINE.
5220–68–8	CLOQUINOZINE.
5221–49–8	PYRIMITATE.
5232–99–5	ETOCRILENE.
5234–86–6	AZAQUINZOLE.
5250–39–5	FLUCLOXACILLIN.
5251–34–3	CLOPREDNOL.
5287–46–7	PRENISTEINE.
5310–55–4	CLOMACRAN.
5322–53–2	OXIPEROMIDE.
5334–23–6	TISOPURINE.
5355–16–8	DIAVERIDINE.
5367–84–0	CLOMEGESTONE.
5370–41–2	PRIDEFINE.
5377–20–8	METOMIDATE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
5467–78–7	FENAMOLE.
5486–03–3	BUQUINOLATE.
5486–77–1	ALLOCLAMIDE.
5522–39–4	DIFLUANAZINE.
5534–05–4	BETAMETHASONE ACIBUTATE.
5534–95–2	PENTAGASTRIN.
5536–17–4	VIDARABINE.
5541–67–3	TILIQUINOL.
5560–69–0	ETHYL DIBUNATE.
5560–72–5	IPRINDOLE.
5560–77–0	ROTOXAMINE.
5560–78–1	TECLOZAN.
5571–84–6	POTASSIUM NITRAZEPATE.
5571–97–1	DICHLORMEZANONE.
5575–21–3	CEFALONIUM.
5578–73–4	SANGUINARIUM CHLORIDE.
5579–05–5	PAXAMATE.
5579–06–6	PENTALAMIDE.
5579–08–8	PROPYL DOCETRIZOATE.
5579–13–5	CAPURIDE.
5579–27–1	SIMTRAZENE.
5579–81–7	ALDIOXA.
5579–85–1	BROMCHLORENONE.
5579–89–5	NIFURSEMIZONE.
5579–92–0	IOPYDOL.
5579–93–1	IOPYDONE.
5579–94–2	MERISOPROL (197 HG).
5579–95–3	NIFURMERONE.
5580–22–3	OXONAZINE.
5580–25–6	NIFURETHAZONE.
5580–32–5	ORTETAMINE.
5581–35–1	AMFECLORAL.
5581–40–8	DIMEFADANE.
5581–46–4	MOLINAZONE.
5581–52–2	TIAMIPRINE.
5585–59–1	NITROCYCLINE.
5585–64–8	AMINOXYTRIPHENE.
5585–93–3	OXYPENDYL.
5587–93–9	AMPYRIMINE.
5588–16–9	ALTIZIDE.
5588–20–5	CLODANTOIN.
5588–21–6	CINTRAMIDE.
5588–29–4	FENMETRAMIDE.
5588–33–0	MESORIDAZINE.
5588–38–5	TOLPYRRAMIDE.
5591–27–5	CLOMETERONE.
5591–33–3	IOSEFAMIC ACID.
5591–47–9	CYCLOMENOL.
5591–49–1	ANILAMATE.
5598–52–7	FOSPIRATE.
5610–40–2	SECURININE.
5611–51–8	TRIAMCINOLONE HEXACETONIDE.
5617–26–5	DIFENCLOXAZINE.
5626–25–5	CLODACAINE.
5626–34–6	PREDNISOLAMATE.
5626–36–8	NONAPYRIMINE.
5627–46–3	CLOBENZTROPINE.
5630–53–5	TIBOLONE.
5632–44–0	TOLPROPAMINE.
5632–52–0	CLOFENCICLAN.
5633–16–9	LEIOPYRROLE.
5633–18–1	MELENGESTROL.
5633–20–5	OXYBUTYNIN.
5634–37–7	CLORETATE.
5634–38–8	GUAIFYLLINE.
5634–41–3	PARAPENZOLATE BROMIDE.
5634–42–4	TOCAMPHYL.
5635–50–7	HEXESTROL.
5636–83–9	DIMETINDENE.
5636–92–0	PICLOXYDINE.
5638–76–6	BETAHISTINE.
5657–61–4	NICOXAMAT.
5666–11–5	LEVOMORAMIDE.
5667–70–9	PENTABAMATE.
5668–06–4	MECLOXAMINE.
5684–90–2	PENTHRICHLORAL.
5696–06–0	METETOIN.
5696–09–3	PROXAZOLE.
5696–17–3	EPIPROPIDINE.
5697–56–3	CARBENOXOLONE.
5711–40–0	BROMEBRIC ACID.
5714–08–9	DETROTHYRONINE.
5714–09–0	ETHYL CARTRIZOATE.
5714–75–0	PREDNAZATE.
5714–76–1	QUINETALATE.
5714–82–9	TRICLOFENOL PIPERAZINE.
5728–52–9	FELBINAC.
5741–22–0	MOPROLOL.
5749–67–7	CARBASALATE CALCIUM.
5779–54–4	CYCLARBAMATE.
5779–59–9	ALAZANINE TRICLOFENATE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
5786–21–0	CLOZAPINE.
5786–71–0	FOSFOCREATININE.
5789–72–0	TRIMETAMIDE.
5793–04–4	PROPISERGIDE.
5793–88–4	CALCIUM SACCHARATE.
5800–19–1	METIAPINE.
5835–72–3	DIPROFENE.
5845–26–1	TIAZESIM.
5854–93–3	ALANOSINE.
5868–05–3	NICERITROL.
5868–06–4	FENTONIUM BROMIDE.
5874–95–3	AMICYCLINE.
5874–98–6	TESTOSTERONE KETOLAURATE.
5879–67–4	OLETIMOL.
5934–14–5	SUCCISULFONE.
5941–36–6	ESTRAZINOL.
5942–95–0	CARPIPRAMINE.
5959–10–4	STIBOSAMINE.
5964–24–9	SODIUM TIMERFONATE.
5964–62–5	DIATHYMOSULFONE.
5965–40–2	ALLOCUPREIDE SODIUM.
5966–41–6	DIISOPROMINE.
5977–10–6	FENCIBUTIROL.
5980–31–4	HEXEDINE.
5984–83–8	FENABUTENE.
5984–97–4	IODOTHIOURACIL.
5988–22–7	PHYTONADIOLSODIUM DIPHOSPHATE.
6011–39–8	CLEMIZOLE PENICILLIN.
6043–01–2	DOMAZOLINE.
6055–48–7	TOLOXYCHLORINOL.
6064–83–1	FOSFOSAL.
6092–18–8	CYCOTIAMINE.
6168–76–9	CROTETAMIDE.
6170–69–0	CLAMIDOXIC ACID.
6184–06–1	SORBINICATE.
6187–50–4	TOLQUINZOLE.
6192–97–8	LEVOPROPYLHEXEDRINE.
6196–08–3	ELANZEPINE.
6197–30–4	OCTOCRILENE.
6217–54–5	DOCONEXENT.
6223–35–4	SODIUM GUALENATE.
6236–05–1	NIFUROXIME.
6272–74–8	LAPIRIUM CHLORIDE.
6281–26–1	FURMETHOXADONE.
6284–40–8	MEGLUMINE.
6306–71–4	LOBENDAZOLE.
6319–06–8	NOREXIMIDE.
6340–87–0	TRICLACETAMOL.
6363–02–6	NITRAMISOLE.
6376–26–7	SALVERINE.
6385–58–6	SODIUM BITIONOLATE.
6443–40–9	XYLAMIDINE TOSILATE.
6452–71–7	OXPRENOLOL.
6469–36–9	CLOPROTHIAZOLE.
6489–97–0	METAMPICILLIN.
6493–05–6	PENTOXIFYLLINE.
6495–46–1	DIOXADROL.
6503–95–3	TRIAMPYZINE.
6506–37–2	NIMORAZOLE.
6533–00–2	NORGESTREL.
6535–03–1	STEVALADIL.
6536–18–1	MORAZONE.
6538–22–3	DIMEPROZAN.
6556–11–2	INOSITOL NICOTINATE.
6577–41–9	OXAPIUM IODIDE.
6606–65–1	ENBUCRILATE.
6620–60–6	PROGLUMIDE.
6621–47–2	PERHEXILINE.
6673–35–4	PRACTOLOL.
6673–97–8	SPIROXASONE.
6693–90–9	PREDNAZOLINE.
6701–17–3	OCRILATE.
6723–40–6	FLUINDAROL.
6740–88–1	KETAMINE.
6795–60–4	NORVINISTERONE.
6804–07–5	CARBADOX.
6809–52–5	TEPRENONE.
6818–37–7	OLAFLUR.
6829–98–7	IMIPRAMINOXIDE.
6893–02–3	LIOTHYRONINE.
6903–79–3	CREATINOLFOSFATE.
6915–57–7	BIBROCATHOL.
6961–46–2	IDROCILAMIDE.
6964–20–1	TIADENOL.
6968–72–5	MEPIROXOL.
6981–18–6	ORMETOPRIM.
6990–06–3	FUSIDIC ACID.
6998–60–3	RIFAMYCIN.
7001–56–1	PENTAGESTRONE.
7002–65–5	OXIBETAINE.
7004–98–0	EPIMESTROL.
7007–76–3	GLUCOSULFAMIDE.
7007–81–0	TRETHOCANIC ACID.
7007–88–7	BUTADIAZAMIDE.
7007–92–3	CETOHEXAZINE.
7007–96–7	CROTONIAZIDE.
7008–00–6	DIMETHOLIZINE.
7008–02–8	IODETRYL.
7008–13–1	HALOPENIUM CHLORIDE.
7008–14–2	HYDROXINDASATE.
7008–15–3	HYDROXINDASOL.
7008–17–5	HYDROXYPYRIDINE TARTRATE.
7008–18–6	IMINOPHENIMIDE.
7008–24–4	CHLOROSERPIDINE.
7008–26–6	DICHLORISONE.
7008–42–6	ACRONINE.
7009–43–0	METHIOMEPRAZINE.
7009–49–6	SODIUM HEXACYCLONATE.
7009–54–3	PENTAPIPERIDE.
7009–60–1	PHENIODOL SODIUM.
7009–65–6	PRAMPINE.
7009–68–9	PYROXAMINE.
7009–69–0	PYROPHENDANE.
7009–76–9	TRICLAZATE.
7009–79–2	XENTHIORATE.
7009–82–7	TRIMETHIDINIUM METHOSULFATE.
7009–88–3	PHENYRACILLIN.
7009–91–8	NITRICHOLINE PERCHLORATE.
7035–04–3	PYRIDARONE.
7036–58–0	PROPOXATE.
7077–30–7	BUTOPYRAMMONIUM IODIDE.
7077–33–0	FEBUVERINE.
7077–34–1	TROLNITRATE.
7085–55–4	TROXERUTIN.
7114–11–6	NAPHTHONONE.
7125–67–9	METOQUIZINE.
7125–71–5	TOQUIZINE.
7125–73–7	FLUMETRAMIDE.
7125–76–0	CODOXIME.
7162–37–0	PARIDOCAINE.
7168–18–5	CHLORPHENOCTIUM AMSONATE.
7174–23–4	OXYDIPENTONIUM CHLORIDE.
7175–09–9	TILBROQUINOL.
7182–51–6	TALOPRAM.
7195–27–9	MEFRUSIDE.
7199–29–3	CYHEPTAMIDE.
7219–91–2	THIHEXINOL METHYLBROMIDE.
7220–56–6	FLUTIAZIN.
7224–08–0	IMICLOPAZINE.
7225–61–8	SODIUM METRIZOATE.
7232–51–1	PARAROSANILINE EMBONATE.
7235–40–7	BETACAROTENE.
7237–81–2	HEPRONICATE.
7242–04–8	PENGITOXIN.
7246–21–1	SODIUM TYROPANOATE.
7247–57–6	HETERONIUM BROMIDE.
7248–21–7	IPRAZOCHROME.
7261–97–4	DANTROLENE.
7262–75–1	LEFETAMINE.
7270–12–4	CLOQUINATE.
7273–99–6	GAMFEXINE.
7297–25–8	ERITRITYL TETRANITRATE.
7303–78–8	IMIDOLINE.
7332–27–6	AMCINAFIDE.
7361–61–7	XYLAZINE.
7395–90–6	INDRILINE.
7413–36–7	NIFENALOL.
7416–34–4	MOLINDONE.
7424–00–2	FENCLONINE.
7432–25–9	ETAQUALONE.
7433–10–5	BUTIDRINE.
7456–24–8	DIMETOTIAZINE.
7473–70–3	GUANOXABENZ.
7481–89–2	ZALCITABINE.
7483–09–2	MESABOLONE.
7488–92–8	KETOCAINOL.
7489–66–9	TIPINDOLE.
7491–74–9	PIRACETAM.
7518–35–6	MANNOSULFAN.
7527–91–5	ACRISORCIN.
7528–13–4	CARPERIDINE.
7541–30–2	MESUPRINE.
7542–37–2	PAROMOMYCIN.
7554–65–6	FOMEPIZOL.
7585–39–9	BETADEX.
7617–74–5	LAURIXAMINE.
7644–67–9	AZOTOMYCIN.
7654–03–7	BENMOXIN.
7681–76–7	RONIDAZOLE.
7681–78–9	MEBEZONIUM IODIDE.
7681–79–0	ETAFEDRINE.
7681–80–3	PENTAPIPERIUM METILSULFATE.
7681–93–8	NATAMYCIN.
7683–59–2	ISOPRENALINE.
7696–00–6	MITOTENAMINE.
7696–12–0	TETRAMETHRIN.
7698–97–7	FENESTREL.
7706–67–4	DIMECROTIC ACID.
7712–50–7	MYRTECAINE.
7716–60–1	ETISAZOLE.
7724–76–7	RIBOPRINE.
7761–75–3	FURTERENE.
7790–26–3	SODIUM IODIDE (131 I).
8001–54–5	BENZALKONIUM CHLORIDE.
8002–90–2	CHINIOFON.
8007–43–0	SORBITAN SESQUIOLEATE.
8012–34–8	MERCUROPHYLLINE.
8016–07–7	ETHIODIZED OIL (131 I).
8017–88–7	PHENYLMERCURIC BORATE.
8025–81–8	SPIRAMYCIN.
8026–10–6	COMPOUND SOLUTION OF SODIUM CHLORIDE.
8026–79–7	COMPOUND SOLUTION OF SODIUM LACTATE.
8027–28–9	SODIUM PHOSPHATE (32 P).
8031–09–2	SODIUM MORRHUATE.
8049–55–6	CORTICOTROPIN-ZINC HYDROXIDE.
8049–62–5	COMPOUND INSULIN ZINC SUSPENSION.
8049–62–5	INSULIN ZINC SUSPENSION (AMORPHOUS).
8049–62–5	INSULIN ZINC SUSPENSION (CRYSTALLINE).
8052–16–2	CACTINOMYCIN.
8052–74–2	ISOPHANE INSULIN.
8063–24–9	ACRIFLAVINIUM CHLORIDE.
8063–26–1	DEXTRIFERRON.
8063–28–3	RIBAMINOL.
8063–29–4	BIPHASIC INSULIN INJECTION.
8063–80–7	POLISAPONIN.
8063–82–9	HYPROMELLOSE.
8069–64–5	MERALLURIDE.
9000–11–7	CARMELLOSE.
9000–11–7	CROSCARMELLOSE.
9000–99–1	BRINASE.
9001–00–7	BROMELAINS.
9001–01–8	KALLIDINOGENASE.
9001–09–6	CHYMOPAPAIN.
9001–54–1	HYALURONIDASE.
9001–62–1	RIZOLIPASE.
9001–74–5	PENICILLINASE.
9002–01–1	STREPTOKINASE.
9002–04–4	THROMBIN, BOVINE.
9002–60–2	CORTICOTROPIN.
9002–61–3	CHORIONIC GONADOTROPHIN.
9002–70–4	SERUM GONADOTROPHIN.
9002–71–5	THYROTROPHIN.
9002–79–3	INTERMEDINE.
9002–84–0	POLITEF.
9002–92–0	LAUROMACROGOL 400.
9002–93–1	OCTOXINOL.
9002–96–4	TOCOFERSOLAN.
9003–11–6	POLOXALENE.
9003–11–6	POLOXAMER.
9003–23–0	POLYETADENE.
9003–39–8	POLYVIDONE.
9003–97–8	POLYCARBOPHIL.
9004–04–0	APROTININ.
9004–07–3	CHYMOTRYPSIN.
9004–09–5	FIBRINOLYSIN (HUMAN).
9004–10–8	NEUTRAL INSULIN INJECTION.
9004–12–0	DALANATED INSULIN.
9004–17–5	PROTAMINE ZINC INSULIN INJECTION.
9004–21–1	GLOBIN ZINC INSULIN INJECTION.
9004–36–8	CELLABURATE.
9004–38–0	CELLACEFATE.
9004–54–0	DEXTRAN.
9004–67–5	METHYLCELLULOSE.
9004–70–0	PYROXYLIN.
9004–95–9	CETOMACROGOL 1000.
9005–49–6	HEPARIN SODIUM.
9006–65–9	DIMETICONE.
9007–12–9	CALCITONIN.
9010–34–8	THYROGLOBULIN.
9011–04–5	HEXADIMETHRINE BROMIDE.
9011–05–6	POLYNOXYLIN.
9012–76–4	POLIGLUSAM.
9014–02–2	ZINOSTATIN.
9014–67–9	ALOXIPRIN.
9015–56–9	POLYGELINE.
9015–73–0	COLEXTRAN.
9016–01–7	ORGOTEIN.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
9016–45–9	NONOXINOL.
9031–11–2	TILACTASE.
9039–53–6	UROKINASE.
9039–61–6	BATROXOBIN.
9041–08–1	ARDEPARIN SODIUM.
9041–08–1	DALTEPARIN SODIUM.
9041–08–1	ENOXAPARIN SODIUM.
9046–56–4	ANCROD.
9048–49–1	IODINATED (125 I) HUMAN SERUM ALBUMIN.
9048–49–1	IODINATED (131 I) HUMAN SERUM ALBUMIN.
9050–67–3	SIZOFIRAN.
9074–07–1	PROMELASE.
10001–13–5	PEXANTEL.
10001–43–1	PIMEFYLLINE.
10004–67–8	AMANTOCILLIN.
10016–20–3	ALFADEX.
10023–54–8	AMINOQUINOL.
10039–53–9	SODIUM CHROMATE (51 CR).
10040–45–6	SODIUM PICOSULFATE.
10043–49–9	GOLD (198 AU), COLLOIDAL.
10061–32–2	LEVOPHENACYLMORPHAN.
10072–48–7	ACEFURTIAMINE.
10078–46–3	ROLETAMIDE.
10087–89–5	ENPROMATE.
10116–22–0	DEMEGESTONE.
10118–85–1	LIDIMYCIN.
10118–90–8	MINOCYCLINE.
10161–33–8	TRENBOLONE.
10171–69–4	CLAZOLAM.
10176–39–3	GITOFORMATE.
10189–94–3	BEPIASTINE.
10202–40–1	FLUTIZENOL.
10206–21–0	CEFACETRILE.
10210–36–3	SODIUM AUROTIOSULFATE.
10226–54–7	LOMIFYLLINE.
10238–21–8	GLIBENCLAMIDE.
10262–69–8	MAPROTILINE.
10310–32–4	TRIBENOSIDE.
10318–26–0	MITOLACTOL.
10321–12–7	PROPIZEPINE.
10322–73–3	ESTROFURATE.
10329–60–9	DIOXIFEDRINE.
10331–57–4	NICLOFOLAN.
10351–50–5	LENIQUINSIN.
10355–14–3	BOXIDINE.
10375–56–1	CHLORMERODRIN (197 HG).
10379–11–0	NORTETRAZEPAM.
10379–14–3	TETRAZEPAM.
10389–73–8	CLORTERMINE.
10397–75–8	IOCARMIC ACID.
10402–90–1	EPRAZINONE.
10403–51–7	MITINDOMIDE.
10405–02–4	TROSPIUM CHLORIDE.
10417–94–4	ICOSAPENT.
10418–03–8	STANOZOLOL.
10423–37–7	CITENAMIDE.
10433–71–3	TIAMETONIUM IODIDE.
10447–39–9	QUIFENADINE.
10448–84–7	NITROMIFENE.
10448–96–1	ALMESTRONE.
10457–66–6	GEROQUINOL.
10457–90–6	BROMPERIDOL.
10457–91–7	CLOFLUPEROL.
10489–23–3	TIOCTILATE.
10539–19–2	MOXAVERINE.
10540–29–1	TAMOXIFEN.
10571–59–2	NICOCLONATE.
10572–34–6	CICLIOMENOL.
10592–65–1	QUINGESTANOL.
10596–23–3	CLODRONIC ACID.
11000–17–2	VASOPRESSIN INJECTION.
11003–38–6	CAPREOMYCIN.
11006–70–5	OLIVOMYCIN.
11006–76–1	MIKAMYCIN.
11006–76–1	OSTREOGRYCIN.
11006–76–1	PRISTINAMYCIN.
11006–76–1	VIRGINIAMYCIN.
11011–72–6	BLUENSOMYCIN.
11014–70–3	LEVORIN.
11015–37–5	BAMBERMYCIN.
11029–70–2	HELIOMYCIN.
11033–34–4	STEFFIMYCIN.
11041–12–6	COLESTYRAMINE.
11043–99–5	MITOMALCIN.
11048–13–8	NEBRAMYCIN.
11048–15–0	KALAFUNGIN.
11051–71–1	AVILAMYCIN.
11056–06–7	BLEOMYCIN.
11056–09–0	RANIMYCIN.
11056–11–4	BINIRAMYCIN.
11056–12–5	CIROLEMYCIN.
11056–14–7	MITOCARCIN.
11056–15–8	MITOSPER.
11056–16–9	NIFUNGIN.
11061–68–0	INSULIN (HUMAN).
11096–49–4	PARTRICIN.
11115–82–5	ENRAMYCIN.
11118–25–5	CALCITONIN, RAT.
11121–32–7	MEPARTRICIN.
12002–30–1	PIPERAZINE CALCIUM EDETATE.
12040–73–2	SUCRALOX.
12111–24–9	CALCIUM TRISODIUM PENTETATE.
12182–48–8	GLUCALOX.
12211–28–8	SUTILAINS.
12214–50–5	SODIUM GLUCASPALDRATE.
12244–57–4	SODIUM AUROTHIOMALATE.
12279–41–3	SERACTIDE.
12304–65–3	HYDROTALCITE.
12321–44–7	CALCITONIN, PORCINE.
12408–47–8	SIMALDRATE.
12569–38–9	CALCIUM GLUBIONATE.
12629–01–5	SOMATROPIN.
12650–69–0	MUPIROCIN.
12772–35–9	BUTIROSIN.
13007–93–7	CUPROXOLINE.
13010–47–4	LOMUSTINE.
13021–53–9	TERBUPROL.
13042–18–7	FENDILINE.
13050–83–4	GUANOXYFEN.
13051–01–9	CARBAZOCHROME SALICYLATE.
13058–67–8	LUCIMYCIN.
13074–00–5	AZASTENE.
13085–08–0	MAZIPREDONE.
13093–88–4	PERIMETAZINE.
13115–03–2	CYANOCOBALAMIN (57 CO).
13157–90–9	BENZQUERCIN.
13221–27–7	TRIBUZONE.
13237–70–2	FOSMENIC ACID.
13246–02–1	FEBARBAMATE.
13254–33–6	CARPRONIUM CHLORIDE.
13292–46–1	RIFAMPICIN.
13311–84–7	FLUTAMIDE.
13355–00–5	MELARSONYL POTASSIUM.
13364–32–4	CLOBENZOREX.
13369–07–8	SULFATROZOLE.
13392–18–2	FENOTEROL.
13392–28–4	RIMANTADINE.
13402–51–2	TIBENZATE.
13409–53–5	PODILFEN.
13410–86–1	ACONIAZIDE.
13411–16–0	NIFURPIRINOL.
13422–16–7	TRIFLOCIN.
13422–51–0	HYDROXOCOBALAMIN.
13422–53–2	CYANOCOBALAMIN (60 CO).
13422–55–4	MECOBALAMIN.
13425–92–8	AMIQUINSIN.
13425–98–4	IMPROSULFAN.
13445–12–0	IOBUTOIC ACID.
13445–63–1	ITRAMIN TOSILATE.
13447–95–5	METHANIAZIDE.
13448–22–1	CLOROTEPINE.
13456–08–1	BITIPAZONE.
13460–98–5	THEODRENALINE.
13461–01–3	ACEPROMETAZINE.
13463–41–7	PYRITHIONE ZINC.
13471–78–8	BECLOTIAMINE.
13479–13–5	PARGEVERINE.
13495–09–5	PIMINODINE.
13523–86–9	PINDOLOL.
13539–59–8	AZAPROPAZONE.
13551–87–6	MISONIDAZOLE.
13563–60–5	NORGESTERONE.
13583–21–6	NORCLOSTEBOL.
13642–52–9	SOTERENOL.
13647–35–3	TRILOSTANE.
13655–52–2	ALPRENOLOL.
13665–88–8	MOPIDAMOL.
13669–70–0	NEFOPAM.
13696–15–6	BENZOPYRRONIUM BROMIDE.
13710–19–5	TOLFENAMIC ACID.
13739–02–1	DIACEREIN.
13741–18–9	XIBORNOL.
13752–33–5	PANIDAZOLE.
13757–97–6	QUINPRENALINE.
13799–03–6	PROTIZINIC ACID.
13838–08–9	AZIDAMFENICOL.
13838–16–9	ENFLURANE.
13862–07–2	DIFEMETOREX.
13870–90–1	COBAMAMIDE.
13877–99–1	MINEPENTATE.
13885–31–9	ORESTRATE.
13909–09–6	SEMUSTINE.
13912–77–1	OCTACAINE.
13912–80–6	NICOBOXIL.
13930–34–2	CLORMECAINE.
13931–64–1	PROCYMATE.
13946–02–6	IPROHEPTINE.
13957–36–3	MELADRAZINE.
13957–38–5	HYDROBENTIZIDE.
13958–40–2	OXIRAMIDE.
13977–33–8	DEMELVERINE.
13980–94–4	METAGLYCODOL.
13993–65–2	METIAZINIC ACID.
13997–19–8	NEQUINATE.
14007–64–8	BUTETAMATE.
14008–44–7	METOPIMAZINE.
14008–60–7	CRESOTAMIDE.
14008–66–3	PINOXEPIN.
14008–71–0	XANTHIOL.
14009–24–6	DROTAVERINE.
14028–44–5	AMOXAPINE.
14058–90–3	METAZAMIDE.
14088–71–2	PROCLONOL.
14089–84–0	PROXIBUTENE.
14107–37–0	ALFADOLONE.
14144–06–0	DISOGLUSIDE.
14166–26–8	TAGLUTIMIDE.
14176–10–4	CETIEDIL.
14176–49–9	TILETAMINE.
14222–46–9	PYRITIDIUM BROMIDE.
14222–60–7	PROTIONAMIDE.
14235–86–0	HYDRARGAPHEN.
14255–87–9	PARBENDAZOLE.
14261–75–7	CLOFOREX.
14289–25–9	DIPROLEANDOMYCIN.
14293–44–8	XIPAMIDE.
14334–40–8	PRAMIVERINE.
14340–01–3	GESTADIENOL.
14357–78–9	DIPRENORPHINE.
14368–24–2	TROCIMINE.
14376–16–0	SULFALOXIC ACID.
14417–88–0	MELINAMIDE.
14433–82–0	THIACETARSAMIDE SODIUM.
14437–41–3	CLIOXANIDE.
14461–91–7	CYCLAZODONE.
14484–47–0	DEFLAZACORT.
14504–73–5	TRITOQUALINE.
14521–96–1	ETORPHINE.
14556–46–8	BUPRANOLOL.
14561–42–3	MENOCTONE.
14587–50–9	DIFETEROL.
14611–51–9	SELEGILINE.
14613–30–0	MAGNESIUM CLOFIBRATE.
14636–12–5	TERLIPRESSIN.
14679–73–3	TODRALAZINE.
14698–29–4	OXOLINIC ACID.
14728–33–7	TEROXALENE.
14745–50–7	MELETIMIDE.
14759–04–7	OXYRIDAZINE.
14759–06–9	SULFORIDAZINE.
14769–73–4	LEVAMISOLE.
14769–74–5	DEXAMISOLE.
14785–50–3	TIAPIRINOL.
14796–24–8	CINPERENE.
14796–28–2	CLODANOLENE.
14816–18–3	PHOXIM.
14817–09–5	DECIMEMIDE.
14838–15–4	PHENYLPROPANOLAMINE.
14860–49–2	CLOBUTINOL.
14885–29–1	IPRONIDAZOLE.
14929–11–4	SIMFIBRATE.
14932–42–4	XENON (133 XE).
14992–59–7	SODIUM DIBUNATE.
15037–44–2	ETONAM.
15130–91–3	SULTROPONIUM.
15145–14–9	CICLACTATE.
15176–29–1	EDOXUDINE.
15179–96–1	NIFURIMIDE.
15180–02–6	AMFONELIC ACID.
15180–03–7	ALCURONIUM CHLORIDE.
15221–81–5	FLUDOREX.
15228–71–4	VINROSIDINE.
15250–13–2	ARAPROFEN.
15251–14–6	ROSE BENGAL (131 I) SODIUM.
15256–58–3	BELOXAMIDE.
15262–77–8	DELMADINONE.
15301–40–3	ACTINOQUINOL.
15301–45–8	ANTAFENITE.
15301–48–1	BEZITRAMIDE.
15301–50–5	CLOPONONE.
15301–52–7	CYCLEXANONE.
15301–54–9	CYPENAMINE.
15301–67–4	FENERITROL.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
15301–68–5	FENHARMANE.
15301–69–6	FLAVOXATE.
15301–80–1	OXAMARIN.
15301–82–3	PECOCYCLINE.
15301–88–9	PYTAMINE.
15301–89–0	QUILLIFOLINE.
15301–93–6	TOFENACIN.
15301–96–9	TYROMEDAN.
15301–97–0	XYLOCOUMAROL.
15302–05–3	BUTOXYLATE.
15302–10–0	CLIBUCAINE.
15302–12–2	DIMELAZINE.
15302–15–5	ETOSALAMIDE.
15302–16–6	FENOZOLONE.
15302–18–8	FORMETOREX.
15307–86–5	DICLOFENAC.
15311–77–0	CLOXYPENDYL.
15318–45–3	THIAMPHENICOL.
15339–50–1	FERROTRENINE.
15350–99–9	AMOXYDRAMINE CAMSILATE.
15351–04–9	BECANTONE.
15351–05–0	BUZEPIDE METIODIDE.
15351–09–4	METAMFEPRAMONE.
15351–13–0	NICOFURANOSE.
15356–70–4	RACEMENTHOL.
15378–99–1	ANAZOCINE.
15387–10–7	NIPROFAZONE.
15387–18–5	FEZATIONE.
15421–84–8	TRAPIDIL.
15468–10–7	OXIDRONIC ACID.
15500–66–0	PANCURONIUM BROMIDE.
15518–76–0	CIPROXIMIDE.
15518–82–8	METESCUFYLLINE.
15518–84–0	MOBECARB.
15518–87–3	MYRALACT.
15534–05–1	PIPRATECOL.
15534–92–6	TERBUFICIN.
15574–49–9	MECARBINATE.
15574–96–6	PIZOTIFEN.
15585–70–3	BIBENZONIUM BROMIDE.
15585–71–4	BROMETENAMINE.
15585–86–1	CYPRODENATE.
15585–88–3	DICARFEN.
15590–00–8	ETAMOCYCLINE.
15599–22–1	CYCLOPYRRONIUM BROMIDE.
15599–26–5	DROXYPROPINE.
15599–27–6	ETAMINILE.
15599–36–7	HALETAZOLE.
15599–37–8	HEXAPRADOL.
15599–39–0	NOXYTIOLIN.
15599–44–7	SPIRAZINE.
15599–45–8	SYMETINE.
15599–51–6	APICYCLINE.
15599–52–7	BROQUINALDOL.
15639–50–6	SAFINGOL.
15663–27–1	CISPLATIN.
15676–16–1	SULPIRIDE.
15686–23–4	TRIMOXAMINE.
15686–27–8	AMFEPENTOREX.
15686–33–6	BICLOTYMOL.
15686–38–1	CARBAZOCINE.
15686–51–8	CLEMASTINE.
15686–60–9	FLAVAMINE.
15686–61–0	FENPROPOREX.
15686–63–2	ETABENZARONE.
15686–68–7	VOLAZOCINE.
15686–71–2	CEFALEXIN.
15686–72–3	TIBROFAN.
15686–76–7	BENSALAN.
15686–77–8	FURSALAN.
15686–78–9	TIOSALAN.
15686–81–4	NORBUDRINE.
15686–83–6	PYRANTEL.
15686–87–0	PIFENATE.
15686–91–6	PROPIRAM.
15686–97–2	PYRROLIFENE.
15687–05–5	CLORACETADOL.
15687–07–7	CYPRAZEPAM.
15687–08–8	DEXTROFEMINE.
15687–09–9	DIFEBARBAMATE.
15687–13–5	DODECLONIUM BROMIDE.
15687–14–6	EMBUTRAMIDE.
15687–16–8	CARBIFENE.
15687–18–0	FENPENTADIOL.
15687–21–5	FLUMEDROXONE.
15687–22–6	FOLESCUTOL.
15687–23–7	GUAIACTAMINE.
15687–33–9	METINDIZATE.
15687–37–3	NAFTAZONE.
15687–40–8	OCTAFONIUM CHLORIDE.
15687–41–9	OXYFEDRINE.
15690–55–8	ZUCLOMIFENE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
15690–57–0	ENCLOMIFENE.
15690–63–8	CESIUM (131 CS) CHLORIDE.
15708–41–5	SODIUM FEREDETATE.
15722–48–2	OLSALAZINE.
15766–94–6	THEOPHYLLINE EPHEDRINE.
15790–02–0	TROPODIFENE.
15793–38–1	QUINAZOSIN.
15793–40–5	TERODILINE.
15825–70–4	MANNITOL HEXANITRATE.
15845–98–4	SODIUM IOTALAMATE (131 I).
15876–67–2	DISTIGMINE BROMIDE.
15879–93–3	CHLORALOSE.
15949–72–1	PRAZOCILLIN.
15992–13–9	INTRAZOLE.
15997–76–9	NONAPERONE.
16008–36–9	METHYLDESORPHINE.
16024–67–2	IOTRIZOIC ACID.
16034–77–8	IOCETAMIC ACID.
16037–91–5	SODIUM STIBOGLUCONATE.
16051–77–7	ISOSORBIDE MONONITRATE.
16110–51–3	CROMOGLICIC ACID.
16112–96–2	INDANOREX.
16188–61–7	TALASTINE.
16208–51–8	DIMESNA.
16231–75–7	ATOLIDE.
16259–34–0	PENIMOCYCLINE.
16320–04–0	GESTRINONE.
16378–21–5	PIROHEPTINE.
16401–80–2	DELMETACIN.
16426–83–8	NIOMETACIN.
16469–74–2	HYDROMADINONE.
16485–05–5	OXADIMEDINE.
16485–10–2	PANTHENOL.
16498–21–8	OXAFLUMAZINE.
16506–27–7	BENDAMUSTINE.
16509–11–8	OTIMERATE SODIUM.
16509–23–2	ETHOMOXANE.
16543–10–5	FOSENAZIDE.
16545–11–2	GUAMECYCLINE.
16549–56–7	HOMPRENORPHINE.
16562–98–4	CLANTIFEN.
16571–59–8	BENZINDOPYRINE.
16590–41–3	NALTREXONE.
16662–47–8	GALLOPAMIL.
16676–26–9	NALMEXONE.
16679–58–6	DESMOPRESSIN.
16759–59–4	BENOXAFOS.
16773–42–5	ORNIDAZOLE.
16781–39–8	ETASULINE.
16846–24–5	JOSAMYCIN.
16852–81–6	BENZOCLIDINE.
16870–37–4	AMOGASTRIN.
16915–70–1	NIFURSOL.
16915–71–2	CINGESTOL.
16915–78–9	BOLENOL.
16915–79–0	MEQUIDOX.
16925–51–2	AUROTHIOGLYCANIDE.
16941–32–5	GLUCAGON.
16960–16–0	TETRACOSACTIDE.
16985–03–8	NONABINE.
17021–26–0	CALUSTERONE.
17033–82–8	IOMETIN (125 I).
17033–83–9	IOMETIN (131 I).
17088–72–1	PENOCTONIUM BROMIDE.
17090–79–8	MONENSIN.
17127–48–9	GLAZIOVINE.
17140–60–2	CALCIUM GLUCOHEPTONATE.
17176–17–9	ADEMETIONINE.
17196–88–2	VINCOFOS.
17199–54–1	ALPHAMETHADOL.
17199–55–2	BETAMETHADOL.
17199–58–5	ALPHACETYLMETHADOL.
17199–59–6	BETACETYLMETHADOL.
17226–75–4	KHELLOSIDE.
17230–85–2	AMQUINATE.
17230–88–5	DANAZOL.
17230–89–6	NIMAZONE.
17243–33–3	FEPENTOLIC ACID.
17243–38–8	AZIDOCILLIN.
17243–39–9	BENZOCTAMINE.
17243–49–1	DICLOMETIDE.
17243–56–0	VISNAFYLLINE.
17243–57–1	MEFENOREX.
17243–64–0	PIPROZOLIN.
17243–65–1	PIRRALKONIUM BROMIDE.
17243–68–4	TALOXIMINE.
17243–70–8	TRICLOFYLLINE.
17259–75–5	OXDRALAZINE.
17279–39–9	DIMETAMFETAMINE.
17289–49–5	TETRIDAMINE.
17316–67–5	BUTAFOSFAN.
17332–61–5	ISOPREDNIDENE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
17365–01–4	ETIROXATE.
17411–19–7	DICARBINE.
17560–51–9	METOLAZONE.
17575–22–3	LANATOSIDE C.
17590–01–1	AMFETAMINIL.
17598–65–1	DESLANOSIDE.
17617–23–1	FLURAZEPAM.
17650–98–5	CERULETIDE.
17692–20–5	CYCLOBUTOIC ACID.
17692–22–7	METIZOLINE.
17692–23–8	BENTIPIMINE.
17692–24–9	BISOXATIN.
17692–26–1	CICLOFENAZINE.
17692–28–3	CLONAZOLINE.
17692–30–7	DINIPROFYLLINE.
17692–31–8	DROPROPIZINE.
17692–34–1	ETODROXIZINE.
17692–35–2	ETOFURADINE.
17692–37–4	FANTRIDONE.
17692–38–5	FLUPROFEN.
17692–39–6	FOMOCAINE.
17692–43–2	PICODRALAZINE.
17692–45–4	QUATACAINE.
17692–51–2	METERGOLINE.
17692–54–5	MITOCLOMINE.
17692–56–7	MOXICOUMONE.
17692–62–5	NORLEUSACTIDE.
17692–63–6	OXITEFONIUM BROMIDE.
17692–71–6	VANITIOLIDE.
17692–74–9	SODIUM IOTALAMATE (125 I).
17693–51–5	PROMETHAZINE TEOCLATE.
17716–89–1	PRANOSAL.
17737–65–4	CLONIXIN.
17737–68–7	DICLONIXIN.
17780–72–2	CLORGILINE.
17784–12–2	SULFACITINE.
17854–59–0	MEPIXANOX.
17902–23–7	TEGAFUR.
17969–20–9	FENCLOZIC ACID.
17969–45–8	BROFEZIL.
18016–80–3	LISURIDE.
18046–21–4	FENTIAZAC.
18053–31–1	FOMINOBEN.
18109–80–3	BUTAMIRATE.
18118–80–4	OXISOPRED.
18195–32–9	CYANOCOBALAMIN (58 CO).
18296–44–1	VALTRATE.
18296–45–2	DIDROVALTRATE.
18323–44–9	CLINDAMYCIN.
18356–28–0	ROLZIRACETAM.
18378–89–7	PLICAMYCIN.
18428–63–2	ACEFYLLINE PIPERAZINE.
18429–69–1	MEMOTINE.
18429–78–2	FAMOTINE.
18464–39–6	CAROXAZONE.
18467–77–1	DIPROGULIC ACID.
18471–20–0	DITAZOLE.
18493–30–6	METOCHALCONE.
18507–89–6	DECOQUINATE.
18559–94–9	SALBUTAMOL.
18679–90–8	HOPANTENIC ACID.
18683–91–5	AMBROXOL.
18694–40–1	EPIRIZOLE.
18699–02–0	ACTARIT.
18719–76–1	KERACYANIN.
18725–37–6	DACISTEINE.
18840–47–6	GEPEFRINE.
18841–58–2	PIPOCTANONE.
18857–59–5	NIFURMAZOLE.
18866–78–9	COLTEROL.
18883–66–4	STREPTOZOCIN.
18910–65–1	SALMEFAMOL.
18965–97–4	BERLAFENONE.
18966–32–0	CLOCANFAMIDE.
19028–28–5	TOLIODIUM CHLORIDE.
19056–26–9	QUINDECAMINE.
19120–01–5	HYDROXYSTENOZOLE.
19179–78–3	XIPRANOLOL.
19216–56–9	PRAZOSIN.
19281–29–9	APTOCAINE.
19291–69–1	GESTACLONE.
19356–17–3	CALCIFEDIOL.
19368–18–4	FTAXILIDE.
19379–90–9	BENZOXONIUM CHLORIDE.
19387–91–8	TINIDAZOLE.
19388–87–5	TAUROLIDINE.
19395–58–5	MOQUIZONE.
19410–02–7	TROPIRINE.
19485–08–6	CIPROQUINATE.
19486–61–4	LAURALKONIUM CHLORIDE.
19504–77–9	PECILOCIN.
19561–70–7	NIFURATRONE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
19562–30–2	PIROMIDIC ACID.
19705–61–4	CICORTONIDE.
19767–45–4	MESNA.
19793–20–5	BOLANDIOL.
19794–93–5	TRAZODONE.
19863–06–0	IOXOTRIZOIC ACID.
19877–89–5	VINCANOL.
19881–18–6	NITROSCANATE.
19885–51–9	ARANOTIN.
19888–56–3	FLUAZACORT.
19889–45–3	GUABENXAN.
19982–08–2	MEMANTINE.
19992–80–4	BUTIXIRATE.
20047–75–0	CLOGESTONE.
20123–80–2	CALCIUM DOBESILATE.
20168–99–4	CINMETACIN.
20170–20–1	DIFENAMIZOLE.
20187–55–7	BENDAZAC.
20223–84–1	MERCAPTOMERIN.
20228–27–7	RUVAZONE.
20229–30–5	METITEPINE.
20282–58–0	TRICOSACTIDE.
20287–37–0	FENQUIZONE.
20326–12–9	MEPIPRAZOLE.
20326–13–0	TOLPIPRAZOLE.
20380–58–9	TILIDINE.
20406–60–4	MIPIMAZOLE.
20423–99–8	DEPRODONE.
20448–86–6	BORNAPRINE.
20537–88–6	AMIFOSTINE.
20559–55–1	OXIBENDAZOLE.
20574–50–9	MORANTEL.
20594–83–6	NALBUPHINE.
20788–07–2	RESORANTEL.
20830–75–5	DIGOXIN.
20830–81–3	DAUNORUBICIN.
20977–50–8	CARPERONE.
21132–59–2	PAZOXIDE.
21187–98–4	GLICLAZIDE.
21208–26–4	DIMEPREGNEN.
21215–62–3	CALCITONIN, HUMAN.
21221–18–1	FLAZALONE.
21228–13–7	DORASTINE.
21245–01–2	PADIMATE.
21256–18–8	OXAPROZIN.
21362–69–6	MEPITIOSTANE.
21363–18–8	VIMINOL.
21365–49–1	TRALONIDE.
21416–87–5	RAZOXANE.
21434–91–3	CAPOBENIC ACID.
21440–97–1	BROFOXINE.
21466–07–9	BROMOFENOFOS.
21489–20–3	TALSUPRAM.
21500–98–1	TENOCYCLIDINE.
21512–15–2	CITENAZONE.
21560–58–7	PIQUIZIL.
21560–59–8	HOQUIZIL.
21590–91–0	OMIDOLINE.
21590–92–1	ETOMIDOLINE.
21593–23–7	CEFAPIRIN.
21626–89–1	DIFTALONE.
21662–79–3	SULFACECOLE.
21679–14–1	FLUDARABINE.
21686–10–2	FLUPRANONE.
21702–93–2	CLOGUANAMIL.
21715–46–8	ETIFOXINE.
21721–92–6	NITREFAZOLE.
21730–16–5	METAPRAMINE.
21738–42–1	OXAMNIQUINE.
21755–66–8	PICOPERINE.
21766–53–0	IOLIDONIC ACID.
21817–73–2	BIDIMAZIUM IODIDE.
21820–82–6	FENPIPALONE.
21829–22–1	CLONIXERIL.
21829–25–4	NIFEDIPINE.
21888–98–2	DEXETIMIDE.
21925–88–2	TESICAM.
22012–72–2	ZILANTEL.
22013–23–6	METOXEPIN.
22071–15–4	KETOPROFEN.
22089–22–1	TROFOSFAMIDE.
22103–14–6	BUFENIODE.
22131–35–7	BUTALAMINE.
22131–79–9	ALCLOFENAC.
22136–26–1	AMEDALIN.
22136–27–2	DALEDALIN.
22150–28–3	IPRAGRATINE.
22164–94–9	SUNCILLIN.
22204–53–1	NAPROXEN.
22204–91–7	LIFIBRATE.
22232–54–8	CARBIMAZOLE.
22232–57–1	RACEFEMINE.
22232–71–9	MAZINDOL.
22254–24–6	IPRATROPIUM BROMIDE.
22292–91–7	NARANOL.
22293–47–6	FEPROSIDNINE.
22316–47–8	CLOBAZAM.
22336–84–1	METERGOTAMINE.
22345–47–7	TOFISOPAM.
22365–40–8	TRIFLUBAZAM.
22407–74–5	BISOBRIN.
22443–11–4	NEPINALONE.
22457–89–2	BENFOTIAMINE.
22487–42–9	BENAPRIZINE.
22494–27–5	FLUFENISAL.
22494–42–4	DIFLUNISAL.
22494–47–9	CLOBUZARIT.
22514–23–4	FOPIRTOLINE.
22572–04–9	CODACTIDE.
22573–93–9	ALEXIDINE.
22609–73–0	NILUDIPINE.
22619–35–8	TIOCLOMAROL.
22632–06–0	BUPICOMIDE.
22661–76–3	AMOPROXAN.
22662–39–1	RAFOXANIDE.
22664–55–7	METIPRANOLOL.
22668–01–5	ETANIDAZOLE.
22693–65–8	OLMIDINE.
22730–86–5	IOLIXANIC ACID.
22733–60–4	SICCANIN.
22736–85–2	DIFLUMIDONE.
22760–18–5	PROQUAZONE.
22790–84–7	CARBANTEL.
22801–44–1	MEPIVACAINE.
22839–47–0	ASPARTAME.
22855–57–8	BROSUXIMIDE.
22881–35–2	FAMPROFAZONE.
22888–70–6	SILIBININ.
22916–47–8	MICONAZOLE.
22933–72–8	SALAZODINE.
22950–29–4	DIMETOFRINE.
22994–85–0	BENZNIDAZOLE.
23023–91–8	FLUCRILATE.
23031–25–6	TERBUTALINE.
23047–25–8	LOFEPRAMINE.
23049–93–6	ENFENAMIC ACID.
23089–26–1	LEVOMENOL.
23092–17–3	HALAZEPAM.
23110–15–8	FUMAGILLIN.
23111–34–4	FECLOBUZONE.
23155–02–4	FOSFOMYCIN.
23163–42–0	METYNODIOL.
23205–04–1	IOSULAMIDE.
23210–56–2	IFENPRODIL.
23214–92–8	DOXORUBICIN.
23233–88–7	BROTIANIDE.
23249–97–0	PROCODAZOLE.
23256–23–7	SULFATROXAZOLE.
23256–30–6	NIFURTIMOX.
23271–63–8	AMICIBONE.
23271–74–1	FEDRILATE.
23288–49–5	PROBUCOL.
23360–92–1	VINLEUROSINE.
23465–76–1	CAROVERINE.
23476–83–7	PROSPIDIUM CHLORIDE.
23477–98–7	SEDECAMYCIN.
23492–69–5	SOPITAZINE.
23573–66–2	DETANOSAL.
23580–33–8	FURACRINIC ACID.
23593–75–1	CLOTRIMAZOLE.
23602–78–0	BENFLUOREX.
23651–95–8	DROXIDOPA.
23672–07–3	LEVOSULPIRIDE.
23674–86–4	DIFLUPREDNATE.
23694–81–7	MEPINDOLOL.
23696–28–8	OLAQUINDOX.
23707–33–7	METRIFUDIL.
23744–24–3	PIPOXOLAN.
23757–42–8	MIDAFLUR.
23758–80–7	ALLETORPHINE.
23779–99–9	FLOCTAFENINE.
23790–08–1	MOXIPRAQUINE.
23869–24–1	MONOXERUTIN.
23873–85–0	PROLIGESTONE.
23887–41–4	CINEPAZET.
23887–46–9	CINEPAZIDE.
23887–47–0	CINPROPAZIDE.
23891–60–3	MEPRAMIDIL.
23910–07–8	MEBIQUINE.
23915–73–3	TREBENZOMINE.
23930–19–0	ALFAXALONE.
23964–58–1	ARTICAINE.
23980–14–5	ETHYL DIRAZEPATE.
24143–17–7	OXAZOLAM.
24166–13–0	CLOXAZOLAM.
24219–97–4	MIANSERIN.
24237–54–5	TINORIDINE.
24243–89–8	TRIFLUMIDATE.
24279–91–2	CARBOQUONE.
24280–93–1	MYCOPHENOLIC ACID.
24305–27–9	PROTIRELIN.
24320–27–2	HALOCORTOLONE.
24340–35–0	PIRIDOXILATE.
24353–45–5	DIBUSADOL.
24353–88–6	LORBAMATE.
24358–76–7	NIVACORTOL.
24358–84–7	DEXIVACAINE.
24359–64–6	SODIUM IODIDE (125 I).
24360–55–2	MILIPERTINE.
24403–04–1	DEBROPOL.
24455–58–1	GLICETANILE.
24477–37–0	GLISOLAMIDE.
24526–64–5	NOMIFENSINE.
24527–27–3	SPICLOMAZINE.
24584–09–6	DEXRAZOXANE.
24622–72–8	AMIXETRINE.
24632–47–1	NIFURPIPONE.
24645–20–3	HEXAPROFEN.
24671–26–9	BENRIXATE.
24678–13–5	LENPERONE.
24701–51–7	DEMEXIPTILINE.
24815–24–5	RESCINNAMINE.
24818–79–9	ALUMINIUM CLOFIBRATE.
24840–59–3	PRETAMAZIUM IODIDE.
24870–04–0	GIRACTIDE.
24886–52–0	PIPOFEZINE.
25038–54–4	POLICAPRAM.
25038–59–9	PEGOTERATE.
25046–79–1	GLISOXEPIDE.
25053–27–4	SODIUM APOLATE.
25092–07–3	DIMESONE.
25092–41–5	NORGESTOMET.
25122–41–2	CLOBETASOL.
25126–32–3	SINCALIDE.
25155–18–4	METHYLBENZETHONIUM CHLORIDE.
25161–41–5	ACEVALTRATE.
25229–42–9	CICROTOIC ACID.
25269–04–9	NISOBAMATE.
25287–60–9	ETOFAMIDE.
25301–02–4	TYLOXAPOL.
25314–87–8	ELUCAINE.
25322–68–3	MACROGOL.
25333–77–1	ACETORPHINE.
25384–17–2	ALLYLPRODINE.
25392–50–1	OXAZORONE.
25394–78–9	CETOXIME.
25422–75–7	ANTAZONITE.
25451–15–4	FELBAMATE.
25509–07–3	CLOROQUALONE.
25523–97–1	DEXCHLORPHENIRAMINE.
25526–93–6	ALOVUDINE.
25546–65–0	RIBOSTAMYCIN.
25573–43–7	ESERIDINE.
25614–03–3	BROMOCRIPTINE.
25683–71–0	TERIZIDONE.
25717–80–0	MOLSIDOMINE.
25771–23–7	DUOMETACIN.
25803–14–9	CLOMETACIN.
25812–30–0	GEMFIBROZIL.
25827–12–7	SULOXIFEN.
25827–76–3	IOMEGLAMIC ACID.
25859–76–1	GLIBUTIMINE.
25875–51–8	ROBENIDINE.
25905–77–5	MINAPRINE.
25953–19–9	CEFAZOLIN.
25967–29–7	FLUTOPRAZEPAM.
25999–31–9	LASALOCID.
26002–80–2	PHENOTHRIN.
26009–03–0	POLYGLYCOLIC ACID.
26020–55–3	OXETORONE.
26058–50–4	DOTEFONIUM BROMIDE.
26070–23–5	TRAZITILINE.
26070–78–0	UBISINDINE.
26095–59–0	OTILONIUM BROMIDE.
26097–80–3	CAMBENDAZOLE.
26112–29–8	CALCITONIN, BOVINE.
26130–02–9	FRENTIZOLE.
26159–36–4	NAPROXOL.
26171–23–3	TOLMETIN.
26225–59–2	MECINARONE.
26242–33–1	VINTIAMOL.
26266–57–9	SORBITAN PALMITATE.
26266–58–0	SORBITAN TRIOLEATE.
26281–69–6	EXIPROBEN.
26304–61–0	AZEPINDOLE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
26305–03–3	PEPSTATIN.
26308–28–1	RIPAZEPAM.
26328–53–0	AMOSCANATE.
26350–39–0	NIFURIZONE.
26481–51–6	TIPRENOLOL.
26513–79–1	PARAXAZONE.
26513–90–6	LETIMIDE.
26538–44–3	ZERANOL.
26552–51–2	TIFENCILLIN.
26615–21–4	ZOTEPINE.
26629–87–8	OXAFLOZANE.
26631–90–3	BROBACTAM.
26652–09–5	RITODRINE.
26658–19–5	SORBITAN TRISTEARATE.
26675–46–7	ISOFLURANE.
26717–47–5	CLOFIBRIDE.
26718–25–2	HALOFENATE.
26750–81–2	ALIBENDOL.
26774–90–3	EPICILLIN.
26787–78–0	AMOXICILLIN.
26807–65–8	INDAPAMIDE.
26839–75–8	TIMOLOL.
26844–12–2	INDORAMIN.
26849–57–0	TRICLONIDE.
26864–56–2	PENFLURIDOL.
26887–04–7	IOTRANIC ACID.
26921–72–2	MELIZAME.
26944–48–9	GLIBORNURIDE.
26973–24–0	CEFTEZOLE.
26976–72–7	ACEBURIC ACID.
27025–41–8	OXIGLUTATIONE.
27025–49–6	CARFECILLIN.
27031–08–9	SULFAGUANOLE.
27035–30–9	OXAMETACIN.
27050–41–5	CLENPIRIN.
27060–91–9	FLUTAZOLAM.
27076–46–6	ALPERTINE.
27112–37–4	DIAMOCAINE.
27115–86–2	DACURONIUM BROMIDE.
27199–40–2	PIFEXOLE.
27203–92–5	TRAMADOL.
27220–47–9	ECONAZOLE.
27223–35–4	KETAZOLAM.
27302–90–5	OXISURAN.
27314–77–8	DRAZIDOX.
27314–97–2	TIRAPAZAMINE.
27315–91–9	PIPEBUZONE.
27318–86–1	FLOVERINE.
27325–36–6	PROCINOLOL.
27367–90–4	NIAPRAZINE.
27432–00–4	MEZEPINE.
27450–21–1	OSMADIZONE.
27466–27–9	INTRIPTYLINE.
27469–53–0	ALMITRINE.
27470–51–5	SUXIBUZONE.
27511–99–5	ETEROBARB.
27523–40–6	ISOCONAZOLE.
27574–24–9	TROPATEPINE.
27581–02–8	IDROPRANOLOL.
27589–33–9	AZOSEMIDE.
27591–01–1	BUNOLOL.
27591–42–0	OXAZIDIONE.
27591–97–5	TILORONE.
27661–27–4	BENAXIBINE.
27686–84–6	MASOPROCOL.
27736–80–7	FENAFTIC ACID.
27737–38–8	MIXIDINE.
27762–78–3	KETOXAL.
27826–45–5	LIBECILLIDE.
27848–84–6	NICERGOLINE.
27877–51–6	TOLINDATE.
27885–92–3	IMIDOCARB.
27959–26–8	NICOMOL.
28014–46–2	POLYESTRADIOL PHOSPHATE.
28022–11–9	MEGALOMICIN.
28038–04–2	SALCOLEX.
28069–65–0	CUPRIMYXIN.
28125–87–3	FLUTONIDINE.
28168–10–7	TETRIPROFEN.
28179–44–4	IOXITALAMIC ACID.
28189–85–7	ETOXADROL.
28197–69–5	DIACETOLOL.
28240–18–8	PINOLCAINE.
28319–77–9	CHOLINE ALFOSCERATE.
28395–03–1	BUMETANIDE.
28434–01–7	BIORESMETHRIN.
28523–86–6	SEVOFLURANE.
28532–90–3	FUROMAZINE.
28546–58–9	ULDAZEPAM.
28598–08–5	CINOCTRAMIDE.
28610–84–6	RIMAZOLIUM METILSULFATE.
28657–80–9	CINOXACIN.
28721–07–5	OXCARBAZEPINE.
28781–64–8	MENITRAZEPAM.
28782–42–5	DIFENOXIN.
28797–61–7	PIRENZEPINE.
28810–23–3	ZEPASTINE.
28820–28–2	NAFTOXATE.
28841–62–5	ATRINOSITOL.
28860–95–9	CARBIDOPA.
28911–01–5	TRIAZOLAM.
28971–58–6	ACROCINONIDE.
28981–97–7	ALPRAZOLAM.
29025–14–7	BUTROPIUM BROMIDE.
29041–71–2	FERRIC FRUCTOSE.
29050–11–1	SECLAZONE.
29053–27–8	MESECLAZONE.
29069–24–7	PREDNIMUSTINE.
29094–61–9	GLIPIZIDE.
29098–15–5	TEROFENAMATE.
29110–47–2	GUANFACINE.
29122–68–7	ATENOLOL.
29125–56–2	DROCLIDINIUM BROMIDE.
29176–29–2	LOFENDAZAM.
29177–84–2	ETHYL LOFLAZEPATE.
29216–28–2	MEQUITAZINE.
29218–27–7	TOLOXATONE.
29334–07–4	SULMARIN.
29342–02–7	METIPIROX.
29342–05–0	CICLOPIROX.
29442–58–8	MOTRAZEPAM.
29462–18–8	BENTAZEPAM.
29474–12–2	CIMEPANOL.
29535–27–1	MALETAMER.
29541–85–3	OXITRIPTYLINE.
29546–59–6	CICLONIUM BROMIDE.
29619–86–1	MOCTAMIDE.
29767–20–2	TENIPOSIDE.
29782–68–1	SILIDIANIN.
29899–95–4	CLOBENOSIDE.
29936–79–6	MOFOXIME.
29952–13–4	PERATIZOLE.
29975–16–4	ESTAZOLAM.
30033–10–4	STERCURONIUM IODIDE.
30097–06–4	TIDIACIC.
30103–44–7	BUMECAINE.
30223–48–4	FLUACIZINE.
30271–85–3	RAZINODIL.
30279–49–3	SUCLOFENIDE.
30286–75–0	OXITROPIUM BROMIDE.
30299–08–2	CLINOFIBRATE.
30387–39–4	COLISTIMETHATE SODIUM.
30392–40–6	BITOLTEROL.
30418–38–3	TRETOQUINOL.
30516–87–1	ZIDOVUDINE.
30529–16–9	STIRIMAZOLE.
30531–86–3	COLFENAMATE.
30533–89–2	FLURANTEL.
30544–47–9	ETOFENAMATE.
30544–61–7	CLANOBUTIN.
30578–37–1	AMEZINIUM METILSULFATE.
30652–11–0	DEFERIPRONE.
30653–83–9	PARSALMIDE.
30685–43–9	METILDIGOXIN.
30709–69–4	TIZOPROLIC ACID.
30716–01–9	EMILIUM TOSILATE.
30748–29–9	FEPRAZONE.
30751–05–4	TROXIPIDE.
30781–27–2	AMADINONE.
30817–43–7	FENCLEXONIUM METILSULFATE.
30840–27–8	PRETIADIL.
30851–76–4	ETHOXAZORUTOSIDE.
30868–30–5	PIRAZOFURIN.
30910–27–1	TRELOXINATE.
30914–89–7	FLUMEXADOL.
30924–31–3	CAFAMINOL.
31002–79–6	TRIAMCINOLONE BENETONIDE.
31036–80–3	LOFEXIDINE.
31101–25–4	MIRINCAMYCIN.
31112–62–6	METRIZAMIDE.
31127–82–9	IODOXAMIC ACID.
31221–85–9	IBUVERINE.
31224–92–7	PIFOXIME.
31232–26–5	DANITRACEN.
31314–38–2	PRODIPINE.
31329–57–4	NAFTIDROFURYL.
31342–36–6	CLORAMFENICOL PANTOTENATE COMPLEX.
31352–82–6	ZOLAZEPAM.
31386–24–0	AMINDOCATE.
31386–25–1	INDOCATE.
31428–61–2	TIAMENIDINE.
31430–15–6	FLUBENDAZOLE.
31430–18–9	NOCODAZOLE.
31431–39–7	MEBENDAZOLE.
31431–43–3	CICLOBENDAZOLE.
31478–45–2	BAMNIDAZOLE.
31581–02–9	CINOXOLONE.
31598–07–9	IOZOMIC ACID.
31637–97–5	ETOFIBRATE.
31698–14–3	ANCITABINE.
31721–17–2	QUINUPRAMINE.
31729–24–5	ENPIPRAZOLE.
31770–79–3	MEGLUCYCLINE.
31793–07–4	PIRPROFEN.
31828–71–4	MEXILETINE.
31842–01–0	INDOPROFEN.
31848–01–8	MORCLOFONE.
31868–18–5	MEXAZOLAM.
31879–05–7	FENOPROFEN.
31883–05–3	MORACIZINE.
31932–09–9	TICARBODINE.
31980–29–7	NICOFIBRATE.
32059–27–1	SUMETIZIDE.
32195–33–8	BISBENDAZOLE.
32211–97–5	CICLINDOLE.
32222–06–3	CALCITRIOL.
32289–58–0	POLIHEXANIDE.
32295–18–4	TOSIFEN.
32359–34–5	MEDIFOXAMINE.
32385–11–8	SISOMICIN.
32421–46–8	BUNAFTINE.
32447–90–8	DEXTILIDINE.
32449–92–6	GLUCUROLACTONE.
32462–30–9	OXFENICINE.
32527–55–2	TIARAMIDE.
32665–36–4	EPROZINOL.
32710–91–1	TRIFEZOLAC.
32795–44–1	ACECAINIDE.
32797–92–5	GLIPENTIDE.
32808–51–8	BUCLOXIC ACID.
32838–26–9	BUTOCTAMIDE.
32886–97–8	PIVMECILLINAM.
32887–01–7	MECILLINAM.
32909–92–5	SULFAMETROLE.
32953–89–2	RIMITEROL.
32954–43–1	PENDECAMAINE.
32986–56–4	TOBRAMYCIN.
32988–50–4	VIOMYCIN.
33005–95–7	TIAPROFENIC ACID.
33069–62–4	PACLITAXEL.
33089–61–1	AMITRAZ.
33103–22–9	ENVIOMYCIN.
33122–60–0	NORDINONE.
33124–50–4	FLUOCORTIN.
33125–97–2	ETOMIDATE.
33144–79–5	BROPERAMOLE.
33156–28–4	RAMNODIGIN.
33159–27–2	ECABET.
33178–86–8	ALINIDINE.
33204–76–1	QUADROSILAN.
33335–58–9	DIMETHYLTUBOCURARINIUM CHLORIDE.
33342–05–1	GLIQUIDONE.
33369–31–2	ZOMEPIRAC.
33396–37–1	MEPROSCILLARIN.
33414–30–1	FTORMETAZINE.
33414–36–7	FTORPROPAZINE.
33419–42–0	ETOPOSIDE.
33453–23–5	CIPROQUAZONE.
33459–27–7	XANOXIC ACID.
33515–09–2	GONADORELIN.
33545–56–1	CICLOPRAMINE.
33588–20–4	CLIDAFIDINE.
33605–67–3	CARGUTOCIN.
33605–94–6	PIRISUDANOL.
33665–90–6	ACESULFAME.
33671–46–4	CLOTIAZEPAM.
33743–96–3	PROROXAN.
33765–68–3	OXENDOLONE.
33779–37–2	SALPROTOSIDE.
33813–84–2	DEPROSTIL.
33817–20–8	PIVAMPICILLIN.
33876–97–0	LINSIDOMINE.
33889–69–9	SILICRISTIN.
33996–33–7	OXACEPROL.
33996–58–6	ETIRACETAM.
34024–41–4	DEBOXAMET.
34031–32–8	AURANOFIN.
34042–85–8	SUDOXICAM.
34061–33–1	TACLAMINE.
34106–48–4	FENIODIUM CHLORIDE.
34148–01–1	CLIDANAC.
34150–62–4	CALCIUM SODIUM FERRICLATE.
34161–24–5	FIPEXIDE.
34184–77–5	PROMEGESTONE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
34262–84–5	MESOCARB.
34273–10–4	SARALASIN.
34297–34–2	ANIDOXIME.
34301–55–8	ISOMETAMIDIUM CHLORIDE.
34368–04–2	DOBUTAMINE.
34427–79–7	PROXIFEZONE.
34433–66–4	LEVACETYLMETHADOL.
34444–01–4	CEFAMANDOLE.
34482–99–0	FLETAZEPAM.
34493–98–6	DIBEKACIN.
34499–96–2	TEMODOX.
34552–84–6	ISOXICAM.
34580–13–7	KETOTIFEN.
34616–39–2	FENALCOMINE.
34633–34–6	BIFLURANOL.
34645–84–6	FENCLOFENAC.
34661–75–1	URAPIDIL.
34662–67–4	COTRIPTYLINE.
34675–84–8	CETRAXATE.
34703–49–6	DROPEMPINE.
34740–13–1	PROFEXALONE.
34753–46–3	CIHEPTOLANE.
34758–83–3	ZIPEPROL.
34765–96–3	ALSACTIDE.
34784–64–0	TERTATOLOL.
34787–01–4	TICARCILLIN.
34816–55–2	MOXESTROL.
34839–70–8	METIAMIDE.
34866–47–2	CARBUTEROL.
34887–52–0	FENISOREX.
34911–55–2	AMFEBUTAMONE.
34914–39–1	RITIOMETAN.
34915–68–9	BUNITROLOL.
34919–98–7	CETAMOLOL.
34959–30–3	AZASPIRIUM CHLORIDE.
34966–41–1	CARTAZOLATE.
34976–39–1	TIOXACIN.
35035–05–3	TIMEPIDIUM BROMIDE.
35067–47–1	DROXACIN.
35100–44–8	ENDRISONE.
35115–60–7	TEPROTIDE.
35121–78–9	EPOPROSTENOL.
35135–01–4	BENAFENTRINE.
35135–68–3	CORMETASONE.
35142–68–8	HOMOPIPRAMOL.
35189–28–7	NORGESTIMATE.
35212–22–7	IPRIFLAVONE.
35265–50–0	PERAQUINSIN.
35273–88–2	GLIFLUMIDE.
35301–24–7	CEDEFINGOL.
35319–70–1	TIAZURIL.
35322–07–7	FOSAZEPAM.
35423–09–7	TESIMIDE.
35423–51–9	TISOCROMIDE.
35449–36–6	GEMCADIOL.
35452–73–4	CIPRAFAMIDE.
35457–80–8	MIDECAMYCIN.
35515–77–6	TRUXIPICURIUM IODIDE.
35523–45–6	FLUDALANINE.
35531–88–5	CARINDACILLIN.
35578–20–2	OXARBAZOLE.
35607–20–6	AVRIDINE.
35607–66–0	CEFOXITIN.
35619–65–9	TRITIOZINE.
35620–67–8	PIRDONIUM BROMIDE.
35700–23–3	CARBOPROST.
35703–32–3	CINAMETIC ACID.
35710–57–7	TRIZOXIME.
35727–72–1	ONTIANIL.
35764–73–9	FLUOTRACEN.
35775–82–7	MARIDOMYCIN.
35795–16–5	TRIMAZOSIN.
35834–26–5	ROSARAMICIN.
35838–63–2	CLOCOUMAROL.
35843–07–3	MOROCROMEN.
35846–53–8	MAITANSINE.
35898–87–4	DILAZEP.
35941–65–2	BUTRIPTYLINE.
35943–35–2	TRICIRIBINE.
36067–73–9	AZEPEXOLE.
36093–47–7	SALANTEL.
36104–80–0	CAMAZEPAM.
36121–13–8	BURODILINE.
36141–82–9	DIAMFENETIDE.
36148–38–6	BESUNIDE.
36175–05–0	SODIUM PICOFOSFATE.
36199–78–7	GUAFECAINOL.
36292–69–0	KETAZOCINE.
36309–01–0	DIMEMORFAN.
36322–90–4	PIROXICAM.
36330–85–5	FENBUFEN.
36364–49–5	IMIDAZOLE SALICYLATE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
36441–41–5	LIVIDOMYCIN.
36471–39–3	NUCLOTIXENE.
36499–65–7	DICOBALT EDETATE.
36504–64–0	NICTINDOLE.
36505–82–5	PRODOLIC ACID.
36505–83–6	DECTAFLUR.
36505–84–7	BUSPIRONE.
36518–02–2	DIPROQUALONE.
36531–26–7	OXANTEL.
36590–19–9	AMOCARZINE.
36616–52–1	FENCLORAC.
36637–18–0	ETIDOCAINE.
36735–22–5	QUAZEPAM.
36740–73–5	FLUMIZOLE.
36791–04–5	RIBAVIRIN.
36798–79–5	BUDRALAZINE.
36889–15–3	BETAMICIN.
36894–69–6	LABETALOL.
36920–48–6	CEFOXAZOLE.
36921–54–7	XANTIFIBRATE.
36945–03–6	LERGOTRILE.
36950–96–6	CICLOPROFEN.
36980–34–4	GLICARAMIDE.
36983–69–4	ACTODIGIN.
37000–20–7	ZINTEROL.
37025–55–1	CARBETOCIN.
37065–29–5	MILOXACIN.
37087–94–8	TIBRIC ACID.
37091–66–0	AZLOCILLIN.
37106–97–1	BENTIROMIDE.
37115–32–5	ADINAZOLAM.
37132–72–2	FOTRETAMINE.
37148–27–9	CLENBUTEROL.
37209–31–7	DETRALFATE.
37305–75–2	ACTAPLANIN.
37312–62–2	SERRAPEPTASE.
37321–09–8	APRAMYCIN.
37326–33–3	HYALOSIDASE.
37332–99–3	AVOPARCIN.
37340–82–2	STREPTODORNASE.
37350–58–6	METOPROLOL.
37398–31–5	DILMEFONE.
37456–21–6	TERBUCROMIL.
37470–13–6	FLAVODIC ACID.
37517–28–5	AMIKACIN.
37517–30–9	ACEBUTOLOL.
37517–33–2	ESPROQUINE.
37529–08–1	MEXOPROFEN.
37554–40–8	FLUQUAZONE.
37561–27–6	FENOVERINE.
37577–24–5	LEVOFENFLURAMINE.
37598–94–0	GLIPALAMIDE.
37612–13–8	ENCAINIDE.
37640–71–4	APRINDINE.
37669–57–1	ARFENDAZAM.
37681–00–8	COUMAZOLINE.
37686–84–3	TERGURIDE.
37693–01–9	CLOFOCTOL.
37717–21–8	FLUROCITABINE.
37723–78–7	IOPRONIC ACID.
37750–83–7	RIMOPROGIN.
37751–39–6	CICLAZINDOL.
37753–10–9	SUFOSFAMIDE.
37762–06–4	ZAPRINAST.
37855–80–4	IPROCROLOL.
37855–92–8	AZANATOR.
37863–70–0	IOSUMETIC ACID.
37967–98–9	TIENOPRAMINE.
38070–41–6	TIODONIUM CHLORIDE.
38081–67–3	CARMANTADINE.
38083–17–9	CLIMBAZOLE.
38103–61–6	TOLAMOLOL.
38129–37–2	BICOZAMYCIN.
38194–50–2	SULINDAC.
38234–21–8	FERTIRELIN.
38274–54–3	BENURESTAT.
38304–91–5	MINOXIDIL.
38321–02–7	DEXVERAPAMIL.
38349–38–1	METRAFAZOLINE.
38363–40–5	PENBUTOLOL.
38373–83–0	ROMIFENONE.
38452–29–8	TOLMESOXIDE.
38647–79–9	UREFIBRATE.
38668–01–8	TAURULTAM.
38677–81–5	PIRBUTEROL.
38677–85–9	FLUNIXIN.
38821–53–3	CEFRADINE.
38821–80–6	RODOCAINE.
38873–55–1	FUROBUFEN.
38916–34–6	SOMATOSTATIN.
38955–22–5	PINADOLINE.
38957–41–4	EMORFAZONE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
39087–48–4	CALCIUM CLOFIBRATE.
39099–98–4	CINAMOLOL.
39123–11–0	PITUXATE.
39133–31–8	TRIMEBUTINE.
39178–37–5	INICARONE.
39186–49–7	PIROLAZAMIDE.
39219–28–8	PROMESTRIENE.
39224–48–1	NITROCLOFENE.
39492–01–8	GABEXATE.
39516–21–7	TIOPROPAMINE.
39537–99–0	MICINICATE.
39544–74–6	BENZOTRIPT.
39552–01–7	BEFUNOLOL.
39562–70–4	NITRENDIPINE.
39563–28–5	CLORANOLOL.
39567–20–9	OLPIMEDONE.
39577–19–0	PICUMAST.
39633–62–0	ACLANTATE.
39640–15–8	PIBERALINE.
39685–31–9	CEFURACETIME.
39715–02–1	ENDRALAZINE.
39718–89–3	ALMINOPROFEN.
39731–05–0	CARPINDOLOL.
39754–64–8	TIFEMOXONE.
39791–20–3	NILESTRIOL.
39809–25–1	PENCICLOVIR.
39825–23–5	BISORCIC.
39832–48–9	TAZOLOL.
39860–99–6	PIPOTIAZINE.
39862–58–3	STRINOLINE.
39907–68–1	DOPAMANTINE.
39951–65–0	LOMETRALINE.
39978–42–2	NIFURZIDE.
40034–42–2	ROSOXACIN.
40054–69–1	ETIZOLAM.
40173–75–9	TOFETRIDINE.
40180–04–9	TIENILIC ACID.
40198–53–6	TIOXAPROFEN.
40256–99–3	FLUCETOREX.
40391–99–9	PAMIDRONIC ACID.
40507–23–1	FLUPROQUAZONE.
40507–78–6	INDANAZOLINE.
40516–48–1	TRETINOIN TOCOFERIL.
40580–59–4	GUANADREL.
40594–09–0	FLUCINDOLE.
40596–69–8	METHOPRENE.
40665–92–7	CLOPROSTENOL.
40666–16–8	FLUPROSTENOL.
40680–87–3	PIPROFUROL.
40691–50–7	TIXANOX.
40692–37–3	TISOQUONE.
40759–33–9	NOLINIUM BROMIDE.
40762–15–0	DOXEFAZEPAM.
40796–97–2	BEMESETRON.
40828–44–2	CLAZOLIMINE.
40828–45–3	AZOLIMINE.
40828–46–4	SUPROFEN.
40912–73–0	BROSOTAMIDE.
40966–79–8	SARPICILLIN.
41020–79–5	DICIRENONE.
41078–02–8	ENPROFYLLINE.
41094–88–6	TRACAZOLATE.
41113–86–4	BROMOXANIDE.
41152–17–4	MORFOREX.
41183–64–6	GALLIUM (67 GA) CITRATE.
41294–56–8	ALFACALCIDOL.
41340–25–4	ETODOLAC.
41340–39–0	IMPACARZINE.
41342–54–5	CARBALDRATE.
41385–14–2	LEUCIGLUMER.
41387–02–4	LEXOFENAC.
41473–09–0	FENMETOZOLE.
41510–23–0	BIRIPERONE.
41570–61–0	TULOBUTEROL.
41575–94–4	CARBOPLATIN.
41706–81–4	POLIGLECAPRONE.
41708–72–9	TOCAINIDE.
41717–30–0	BEFURALINE.
41729–52–6	DEZAGUANINE.
41744–40–5	SULBENICILLIN.
41791–49–5	LONAPROFEN.
41826–92–0	TREPIBUTONE.
41859–67–0	BEZAFIBRATE.
41952–52–7	CEFCANEL.
41964–07–2	TOLIMIDONE.
41992–23–8	SPIROGERMANIUM.
42024–98–6	MAZATICOL.
42050–23–7	NAFETOLOL.
42061–52–9	PUMITEPA.
42110–58–7	METIOXATE.
42116–76–7	CARNIDAZOLE.
42200–33–9	NADOLOL.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
42220–21–3	IODOCHOLESTEROL (131 I).
42228–92–2	ACIVICIN.
42239–60–1	TILOZEPINE.
42281–59–4	OXILORPHAN.
42293–72–1	BENCISTEINE.
42399–41–7	DILTIAZEM.
42408–79–7	PIRANDAMINE.
42408–80–0	TANDAMINE.
42408–82–2	BUTORPHANOL.
42422–68–4	TALERANOL.
42438–73–3	DENPIDAZONE.
42461–79–0	SULFONTEROL.
42465–20–3	ACEQUINOLINE.
42471–28–3	NIMUSTINE.
42583–55–1	CARMETIZIDE.
42597–57–9	RONIFIBRATE.
42779–82–8	CLOPIRAC.
42792–26–7	ISOSULPRIDE.
42794–76–3	MIDODRINE.
42835–25–6	FLUMEQUINE.
42863–81–0	LOPIRAZEPAM.
42879–47–0	PRANOLIUM CHLORIDE.
42924–53–8	NABUMETONE.
42971–09–5	VINPOCETINE.
43169–54–6	MEXRENOATE POTASSIUM.
43200–80–2	ZOPICLONE.
43210–67–9	FENBENDAZOLE.
45086–03–1	ETOFORMIN.
46263–35–8	NAFOMINE.
46464–11–3	MEOBENTINE.
46803–81–0	SALETAMIDE.
46817–91–8	VILOXAZINE.
47029–84–5	DAZADROL.
47082–97–3	PARGOLOL.
47128–12–1	CYCLIRAMINE.
47135–88–6	CLOSIRAMINE.
47141–42–4	LEVOBUNOLOL.
47166–67–6	OCTRIPTYLINE.
47206–15–5	ENPRAZEPINE.
47254–05–7	SPIROXEPIN.
47419–52–3	DEXPROXIBUTENE.
47420–28–0	TRIXOLANE.
47487–22–9	ACRIDOREX.
47543–65–7	PRENOXDIAZINE.
47562–08–3	LORAJMINE.
47662–15–7	SUXEMERID.
47682–41–7	FLUPIMAZINE.
47739–98–0	CLOCAPRAMINE.
47747–56–8	TALAMPICILLIN.
47806–92–8	DIFENOXIMIDE.
47917–41–9	PRIMYCIN.
47931–80–6	TOSACTIDE.
47931–85–1	CALCITONIN, SALMON.
49561–92–4	NIVIMEDONE.
49562–28–9	FENOFIBRATE.
49564–56–9	FAZADINIUM BROMIDE.
49697–38–3	RIMEXOLONE.
49745–00–8	AMIDANTEL.
49755–67–1	IOGLICIC ACID.
49763–96–4	STIRIPENTOL.
49785–74–2	SUPIDIMIDE.
49847–97–4	PRORENOATE POTASSIUM.
49864–70–2	AZACLORZINE.
50264–69–2	LONIDAMINE.
50264–78–3	XINIDAMINE.
50270–32–1	BUFEZOLAC.
50270–33–2	ISOFEZOLAC.
50335–55–2	MEZILAMINE.
50366–32–0	FLUNAMINE.
50370–12–2	CEFADROXIL.
50432–78–5	PEMERID.
50435–25–1	NIMIDANE.
50454–68–7	TOLNIDAMINE.
50465–39–9	TOCOFIBRATE.
50516–43–3	NOFECAINIDE.
50528–97–7	XILOBAM.
50583–06–7	HALONAMINE.
50588–47–1	AMAFOLONE.
50629–82–8	HALOMETASONE.
50650–76–5	PIROCTONE.
50673–97–7	COLESTOLONE.
50679–08–8	TERFENADINE.
50700–72–6	VECURONIUM BROMIDE.
50708–95–7	TINABINOL.
50801–44–0	CORTISUZOL.
50838–36–3	TOLCICLATE.
50846–45–2	BACMECILLINAM.
50847–11–5	IBUDILAST.
50892–23–4	PIRINIXIC ACID.
50924–49–7	MIZORIBINE.
50925–79–6	COLESTIPOL.
50935–04–1	CARUBICIN.
50935–71–2	MOCIMYCIN.
50972–17–3	BACAMPICILLIN.
51012–32–9	TIAPRIDE.
51022–69–6	AMCINONIDE.
51022–71–0	NABILONE.
51022–74–3	IOTROXIC ACID.
51022–75–4	CLIPROFEN.
51022–76–5	SULNIDAZOLE.
51022–77–6	ETAZOLATE.
51025–85–5	ARBEKACIN.
51037–30–0	ACIPIMOX.
51037–88–8	TUCLAZEPAM.
51047–24–6	DIMETIPIRIUM BROMIDE.
51146–56–6	DEXIBUPROFEN.
51152–91–1	BUTACLAMOL.
51154–48–4	FIBRACILLIN.
51213–99–1	CLANFENUR.
51234–28–7	BENOXAPROFEN.
51264–14–3	AMSACRINE.
51321–79–0	SPARFOSIC ACID.
51322–75–9	TIZANIDINE.
51333–22–3	BUDESONIDE.
51354–32–6	NISTERIME.
51395–42–7	BUTEDRONIC ACID.
51411–04–2	ALRESTATIN.
51460–26–5	CARBAZOCHROME SODIUM SULPHONATE.
51481–61–9	CIMETIDINE.
51481–62–0	BUCAINIDE.
51481–65–3	MEZLOCILLIN.
51493–19–7	CINPRAZOLE.
51497–09–7	TENAMFETAMINE.
51527–19–6	TIANAFAC.
51543–39–6	ESFLURBIPROFEN.
51579–82–9	AMFENAC.
51598–60–8	CIMETROPIUM BROMIDE.
51627–14–6	CEFATRIZINE.
51627–20–4	CEFAPAROLE.
51762–05–1	CEFROXADINE.
51781–06–7	CARTEOLOL.
51803–78–2	NIMESULIDE.
51832–87–2	PICOBENZIDE.
51876–98–3	GLIAMILIDE.
51876–99–4	IOSERIC ACID.
51899–01–5	OCRASE.
51934–76–0	IOMORINIC ACID.
51940–44–4	PIPEMIDIC ACID.
51940–78–4	ZETIDOLINE.
51953–95–8	DOXAPROST.
51987–65–6	DESGLUGASTRIN.
52042–01–0	ELFAZEPAM.
52042–24–7	DIPROXADOL.
52061–73–1	VALDIPROMIDE.
52080–57–6	CHLOROPREDNISONE.
52093–21–7	MICRONOMICIN.
52128–35–5	TRIMETREXATE.
52157–83–2	MINDOPERONE.
52157–91–2	GALOSEMIDE.
52196–22–2	KETOTREXATE.
52212–02–9	PIPECURONIUM BROMIDE.
52214–84–3	CIPROFIBRATE.
52231–20–6	CEFROTIL.
52232–67–4	TERIPARATIDE.
52247–86–6	CICLOXOLONE.
52279–58–0	METOGEST.
52279–59–1	MOXNIDAZOLE.
52304–85–5	LOTUCAINE.
52340–25–7	DEXCLAMOL.
52365–63–6	DIPIVEFRINE.
52391–89–6	FLUTEMAZEPAM.
52395–99–0	BELARIZINE.
52403–19–7	IPROXAMINE.
52406–01–6	UREDOFOS.
52430–65–6	GLISAMURIDE.
52443–21–7	GLUCAMETACIN.
52463–83–9	PINAZEPAM.
52468–60–7	FLUNARIZINE.
52479–85–3	EXIFONE.
52485–79–7	BUPRENORPHINE.
52549–17–4	PRANOPROFEN.
52618–67–4	TIOPERIDONE.
52645–53–1	PERMETHRIN.
52658–53–4	BENFOSFORMIN.
52742–40–2	ALIMADOL.
52758–02–8	BENZAPRINOXIDE.
52795–02–5	TAMETRALINE.
52814–39–8	METESCULETOL.
52829–30–8	PROFLAZEPAM.
52832–91–4	XINOMILINE.
52867–74–0	ZOLOPERONE.
52867–77–3	FLUZOPERINE.
52934–83–5	NANAFROCIN.
52942–31–1	ETOPERIDONE.
52994–25–9	GLICONDAMIDE.
53003–10–4	SALINOMYCIN.
53003–81–9	IVARIMOD.
53034–85–8	IBUTEROL.
53066–26–5	LEXITHROMYCIN.
53076–26–9	MOXAPRINDINE.
53078–44–7	CAPROXAMINE.
53086–13–8	DEXINDOPROFEN.
53123–88–9	SIROLIMUS.
53131–74–1	CIAPILOME.
53164–05–9	ACEMETACIN.
53179–07–0	NISOXETINE.
53179–10–5	FLUPERAMIDE.
53179–11–6	LOPERAMIDE.
53179–12–7	CLOPIMOZIDE.
53179–13–8	PIRFENIDONE.
53228–00–5	CETOCYCLINE.
53230–10–7	MEFLOQUINE.
53251–94–8	PINAVERIUM BROMIDE.
53267–01–9	CIBENZOLINE.
53341–49–4	PONFIBRATE.
53370–90–4	EXALAMIDE.
53394–92–6	DRINIDENE.
53400–67–2	TIQUINAMIDE.
53403–97–7	PYRIDOFYLLINE.
53415–46–6	FEPITRIZOL.
53449–58–4	CICLONICATE.
53583–79–2	SULTOPRIDE.
53597–27–6	FENDOSAL.
53597–28–7	FLUDAZONIUM CHLORIDE.
53608–96–1	CLOXOTESTOSTERONE.
53643–48–4	VINDESINE.
53648–05–8	IBUPROXAM.
53648–55–8	DEZOCINE.
53657–16–2	DIMEPRANOL.
53684–49–4	BUFETOLOL.
53714–56–0	LEUPRORELIN.
53716–44–2	ROCIVERINE.
53716–46–4	ANILOPAM.
53716–48–6	NEXERIDINE.
53716–49–7	CARPROFEN.
53716–50–0	OXFENDAZOLE.
53731–36–5	FLOREDIL.
53736–51–9	CROMITRILE.
53772–83–1	ZUCLOPENTHIXOL.
53783–83–8	TROMANTADINE.
53808–86–9	RITROPIRRONIUM BROMIDE.
53808–87–0	TETROXOPRIM.
53808–88–1	LONAZOLAC.
53813–83–5	SURICLONE.
53861–02–2	OXETACILLIN.
53862–80–9	ROXOLONIUM METILSULFATE.
53862–81–0	DETAJMIUM BITARTRATE.
53882–12–5	LODOXAMIDE.
53902–12–8	TRANILAST.
53910–25–1	PENTOSTATIN.
53943–88–7	LETOSTEINE.
53966–34–0	FLOXACRINE.
53973–98–1	POLIGEENAN.
53983–00–9	NIBROXANE.
53993–67–2	TIFLOREX.
53994–73–3	CEFACLOR.
54017–73–1	MURODERMIN.
54022–49–0	VINFORMIDE.
54024–22–5	DESOGESTREL.
54029–12–8	ALBENDAZOLE OXIDE.
54048–10–1	ETONOGESTREL.
54063–23–9	CINEPAZIC ACID.
54063–24–0	AMIFLOVERINE.
54063–25–1	AMITEROL.
54063–26–2	AZAFTOZINE.
54063–27–3	BICLOFIBRATE.
54063–28–4	CAMIVERINE.
54063–29–5	CICARPERONE.
54063–30–8	CILTOPRAZINE.
54063–31–9	CISMADINONE.
54063–32–0	CLOBETASONE.
54063–33–1	CLOXESTRADIOL.
54063–34–2	COFISATIN.
54063–35–3	DOFAMIUM CHLORIDE.
54063–36–4	ETOLOREX.
54063–37–5	ETOPRINDOLE.
54063–38–6	FENAPERONE.
54063–39–7	FENETRADIL.
54063–40–0	FENOXEDIL.
54063–41–1	FEPROMIDE.
54063–42–2	FERRIC (59 FE) CITRATE INJECTION.
54063–44–4	FERROPOLIMALER.
54063–45–5	FETOXILATE.
54063–46–6	FEXICAINE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
54063–47–7	GEMAZOCINE.
54063–48–8	HEPTAVERINE.
54063–49–9	METAMFAZONE.
54063–50–2	MOFLOVERINE.
54063–51–3	NADOXOLOL.
54063–52–4	PITOFENONE.
54063–53–5	PROPAFENONE.
54063–54–6	REPROTEROL.
54063–55–7	SULFACLORAZOLE.
54063–56–8	SULOCTIDIL.
54063–57–9	SUXETHONIUM CHLORIDE.
54063–58–0	TOPRILIDINE.
54083–22–6	ZORUBICIN.
54110–25–7	PIROZADIL.
54120–61–5	PROSTALENE.
54141–87–6	CINFENINE.
54143–54–3	SEPAZONIUM CHLORIDE.
54143–55–4	FLECAINIDE.
54147–28–3	TEBATIZOLE.
54182–57–9	CARBOMER.
54182–58–0	SUCRALFATE.
54182–59–1	SULGLICOTIDE.
54182–60–4	TOLPOVIDONE (131 I).
54182–61–5	VISTATOLON.
54182–62–6	POLACRILIN.
54182–63–7	MACROSALB (131 I).
54182–65–9	AZALOMYCIN.
54187–04–1	RILMENIDINE.
54188–38–4	METRALINDOLE.
54239–37–1	CIMATEROL.
54277–47–3	MACROSALB (99M TC).
54340–58–8	MEPTAZINOL.
54340–59–9	QUINCARBATE.
54340–61–3	BROVANEXINE.
54340–62–4	BUFURALOL.
54340–63–5	CLOFEVERINE.
54340–64–6	FLUCIPRAZINE.
54340–65–7	FURBUCILLIN.
54340–66–8	SUBENDAZOLE.
54341–02–5	PIFLUTIXOL.
54350–48–0	ETRETINATE.
54376–91–9	TIPETROPIUM BROMIDE.
54400–59–8	BUTAMISOLE.
54419–31–7	FENIROFIBRATE.
54504–70–0	ETOFYLLINE CLOFIBRATE.
54510–20–2	IODOCETILIC ACID (123 I).
54531–52–1	POLYBENZARSOL.
54533–85–6	NIZOFENONE.
54592–27–7	DIVABUTEROL.
54657–96–4	NIFURALIDE.
54657–98–6	SERFIBRATE.
54663–47–7	TIBEZONIUM IODIDE.
54739–18–3	FLUVOXAMINE.
54739–19–4	CLOVOXAMINE.
54785–02–3	ADAMEXINE.
54818–11–0	CEFSUMIDE.
54824–17–8	MITONAFIDE.
54824–20–3	PINAFIDE.
54867–56–0	BUFROLIN.
54870–27–8	FOSFONET SODIUM.
54870–28–9	MEGLITINIDE.
54910–89–3	FLUOXETINE.
54935–03–4	SULISATIN.
54965–21–8	ALBENDAZOLE.
54965–22–9	FLUSPIPERONE.
55028–70–1	ARBAPROSTIL.
55077–30–0	ACLATONIUM NAPADISILATE.
55079–83–9	ACITRETIN.
55096–26–9	NALMEFENE.
55102–44–8	BOFUMUSTINE.
55134–13–9	NARASIN.
55142–85–3	TICLOPIDINE.
55149–05–8	PIROLATE.
55150–67–9	CLIMIQUALINE.
55165–22–5	BUTOCROLOL.
55242–55–2	PROPENTOFYLLINE.
55242–77–8	TRIAFUNGIN.
55248–23–2	NEBIDRAZINE.
55268–74–1	PRAZIQUANTEL.
55268–75–2	CEFUROXIME.
55273–05–7	IMPROMIDINE.
55285–35–3	BUTANIXIN.
55285–45–5	PIRIFIBRATE.
55286–56–1	DOXAMINOL.
55294–15–0	MUZOLIMINE.
55297–95–5	TIAMULIN.
55299–10–0	PIVOXAZEPAM.
55299–11–1	IQUINDAMINE.
55300–29–3	ANTRAFENINE.
55313–67–2	PIPRAMADOL.
55432–15–0	PIRINIDAZOLE.
55453–87–7	ISOXEPAC.
55477–19–5	IPROZILAMINE.
55482–89–8	GUACETISAL.
55485–20–6	ACAPRAZINE.
55530–41–1	ROTAMICILLIN.
55689–65–1	OXEPINAC.
55694–83–2	PENTIZIDONE.
55694–98–9	CICLAFRINE.
55721–11–4	SECALCIFEROL.
55726–47–1	ENOCITABINE.
55769–65–8	BUTOBENDINE.
55779–06–1	ASTROMICIN.
55779–18–5	ARPRINOCID.
55837–13–3	PICLOPASTINE.
55837–14–4	BUTAVERINE.
55837–15–5	BUTOPIPRINE.
55837–16–6	ENTSUFON.
55837–17–7	BRINDOXIME.
55837–18–8	BUTIBUFEN.
55837–19–9	EXAPROLOL.
55837–20–2	HALOFUGINONE.
55837–21–3	PIPOXIZINE.
55837–22–4	PRIBECAINE.
55837–23–5	TEFLUTIXOL.
55837–24–6	BISFENAZONE.
55837–25–7	BUFLOMEDIL.
55837–26–8	FENPERATE.
55837–27–9	PIRETANIDE.
55837–28–0	TIAFIBRATE.
55837–29–1	TIROPRAMIDE.
55843–86–2	MIROPROFEN.
55845–78–8	XENIPENTONE.
55870–64–9	PENTISOMICIN.
55902–02–8	ISAMFAZONE.
55902–93–7	MEBENOSIDE.
55902–94–8	SITOFIBRATE.
55905–53–8	CLEBOPRIDE.
55926–23–3	GUANCLOFINE.
55937–99–0	BECLOBRATE.
55975–92–3	PIRBENICILLIN.
55981–09–4	NITAZOXANIDE.
55985–32–5	NICARDIPINE.
55986–43–1	CETABEN.
56030–50–3	TREPIPAM.
56030–54–7	SUFENTANIL.
56066–19–4	ADITEREN.
56066–63–8	ADITOPRIME.
56079–81–3	ROPITOIN.
56087–11–7	DEXTRANOMER.
56097–80–4	VALCONAZOLE.
56119–96–1	FURODAZOLE.
56180–94–0	ACARBOSE.
56187–47–4	CEFAZEDONE.
56187–89–4	XIMOPROFEN.
56208–01–6	PIFARNINE.
56211–40–6	TORASEMIDE.
56211–43–9	TAMETICILLIN.
56219–57–9	ARILDONE.
56227–39–5	POLIDEXIDE SULFATE.
56281–36–8	MOTRETINIDE.
56283–74–0	LAIDLOMYCIN.
56287–74–2	AFLOQUALONE.
56290–94–9	MEDROXALOL.
56302–13–7	SATRANIDAZOLE.
56341–08–3	MABUTEROL.
56355–17–0	ZOLIPROFEN.
56377–79–8	NOSIHEPTIDE.
56383–05–2	ZINDOTRINE.
56391–55–0	OCTAZAMIDE.
56391–56–1	NETILMICIN.
56420–45–2	EPIRUBICIN.
56430–99–0	FLUMECINOL.
56433–44–4	OXAPROTILINE.
56463–68–4	ISOPRAZONE.
56481–43–7	SETAZINDOL.
56488–58–5	TIZOLEMIDE.
56488–59–6	TERBUFIBROL.
56488–60–9	GLUTAURINE.
56488–61–0	FLUBEPRIDE.
56518–41–3	BRODIMOPRIM.
56562–79–9	IOGLUNIDE.
56592–32–6	EFROTOMYCIN.
56605–16–4	SPIROMUSTINE.
56611–65–5	OXAGRELATE.
56689–41–9	ALIFLURANE.
56689–42–0	REPROMICIN.
56689–43–1	CANBISOL.
56693–13–1	MOCIPRAZINE.
56693–15–3	TERCIPRAZINE.
56695–65–9	ROSAPROSTOL.
56717–18–1	ISOTIQUIMIDE.
56739–21–0	NITRAQUAZONE.
56741–95–8	BROPIRIMINE.
56775–88–3	ZIMELDINE.
56784–39–5	OZOLINONE.
56796–20–4	CEFMETAZOLE.
56824–20–5	AMIPRILOSE.
56917–29–4	FLURETOFEN.
56959–18–3	GLUSOFERRON.
56969–22–3	OXAPADOL.
56980–93–9	CELIPROLOL.
56983–13–2	FUROFENAC.
56995–20–1	FLUPIRTINE.
57009–15–1	ISOCROMIL.
57010–31–8	TIAPAMIL.
57014–02–5	CALCITONIN, EEL.
57021–61–1	ISONIXIN.
57041–67–5	DESFLURANE.
57067–46–6	ISAMOXOLE.
57076–71–8	DENBUFYLLINE.
57083–89–3	PERALOPRIDE.
57109–90–7	DIPOTASSIUM CLORAZEPATE.
57132–53–3	PROGLUMETACIN.
57144–56–6	ISOPROFEN.
57149–07–2	NAFTOPIDIL.
57227–17–5	SEVOPRAMIDE.
57237–97–5	TIMOPRAZOLE.
57262–94–9	SETIPTILINE.
57296–63–6	INDACRINONE.
57333–96–7	TACALCITOL.
57381–26–7	IRSOGLADINE.
57435–86–6	PREMAZEPAM.
57459–72–0	SULEPAROID SODIUM.
57460–41–0	TALINOLOL.
57474–29–0	NIFUROQUINE.
57475–17–9	BROVINCAMINE.
57479–88–6	SULMEPRIDE.
57526–81–5	PRENALTEROL.
57548–79–5	PICAFIBRATE.
57558–44–8	SECOVERINE.
57574–09–1	AMINEPTINE.
57576–44–0	ACLARUBICIN.
57645–05–3	SERMETACIN.
57647–79–7	BENCLONIDINE.
57648–21–2	TIMIPERONE.
57653–26–6	FENOBAM.
57653–27–7	DROPRENILAMINE.
57653–28–8	IBAZOCINE.
57653–29–9	COGAZOCINE.
57680–55–4	GLEPTOFERRON.
57680–56–5	SUCROSOFATE.
57694–27–6	VINPOLINE.
57726–65–5	NUFENOXOLE.
57734–69–7	SEQUIFENADINE.
57773–63–4	TRIPTORELIN.
57773–65–6	DESLORELIN.
57775–26–5	SULTOSILIC ACID.
57775–28–7	PREFENAMATE.
57775–29–8	CARAZOLOL.
57781–15–4	HALOPREDONE.
57801–81–7	BROTIZOLAM.
57808–63–6	CICLOXILIC ACID.
57808–64–7	TOLDIMFOS.
57808–65–8	CLOSANTEL.
57808–66–9	DOMPERIDONE.
57821–32–6	MENFEGOL.
57847–69–5	CEFEDROLOR.
57916–70–8	ICLAZEPAM.
57925–64–1	NAPRODOXIME.
57935–49–6	TIOMERGINE.
57982–77–1	BUSERELIN.
57982–78–2	BUDIPINE.
57998–68–2	DIAZIQUONE.
58001–44–8	CLAVULANIC ACID.
58012–63–8	FURCLOPROFEN.
58019–65–1	NABAZENIL.
58066–85–6	MILTEFOSINE.
58095–31–1	SULBENOX.
58152–03–7	ISEPAMICINE.
58158–77–3	AMANTANIUM BROMIDE.
58166–83–9	CAFEDRINE.
58182–63–1	ITANOXONE.
58186–27–9	IDEBENONE.
58239–89–7	MOXAZOCINE.
58261–91–9	MEFENIDIL.
58298–92–3	COLIMECYCLINE.
58306–30–2	FEBANTEL.
58313–74–9	TREPTILAMINE.
58337–35–2	ELLIPTINIUM ACETATE.
58338–59–3	DINALIN.
58409–59–9	BUCUMOLOL.
58416–00–5	PROTIOFATE.
58433–11–7	TILOMISOLE.
58473–73–7	DROBULINE.
58473–74–8	CINROMIDE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
58493–49–5	OLVANIL.
58497–00–0	PROCINONIDE.
58503–82–5	AZIPRAMINE.
58503–83–6	PENIROLOL.
58524–83–7	CIPROCINONIDE.
58546–54–6	BESIGOMSIN.
58581–89–8	AZELASTINE.
58602–66–7	AMINOPTERIN SODIUM.
58662–84–3	MECLONAZEPAM.
58665–96–6	CEFAZAFLUR.
58691–88–6	NOMEGESTROL.
58703–77–8	SULPROSAL.
58703–78–9	CETHEXONIUM CHLORIDE.
58712–69–9	TRAXANOX.
58757–61–2	TRIMEXILINE.
58761–87–8	SUDEXANOX.
58765–21–2	CICLOTIZOLAM.
58805–38–2	AMBICROMIL.
58832–68–1	CLOXIMATE.
58857–02–6	AMBRUTICIN.
58882–17–0	ROXADIMATE.
58944–73–3	SINEFUNGIN.
58957–92–9	IDARUBICIN.
58970–76–6	UBENIMEX.
58994–96–0	RANIMUSTINE.
59009–93–7	CARBURAZEPAM.
59010–44–5	PRIZIDILOL.
59017–64–0	IOXAGLIC ACID.
59032–40–5	DISULERGINE.
59040–30–1	NAFAZATROM.
59091–65–5	DELERGOTRILE.
59110–35–9	PAMATOLOL.
59122–46–2	MISOPROSTOL.
59128–97–1	HALOXAZOLAM.
59160–29–1	LIDOFENIN.
59170–23–9	BEVANTOLOL.
59179–95–2	LORZAFONE.
59184–78–0	BUQUINERAN.
59209–97–1	ZAFULEPTINE.
59227–89–3	LAUROCAPRAM.
59252–59–4	GUANAZODINE.
59277–89–3	ACICLOVIR.
59338–93–1	ALIZAPRIDE.
59429–50–4	TAMITINOL.
59467–70–8	MIDAZOLAM.
59467–77–5	CLIMAZOLAM.
59497–39–1	NAFLOCORT.
59619–81–7	ETIPROSTON.
59643–91–3	IMEXON.
59653–74–6	TEROXIRONE.
59708–52–0	CARFENTANIL.
59721–28–7	CAMOSTAT.
59729–31–6	LORCAINIDE.
59729–33–8	CITALOPRAM.
59729–37–2	FEXINIDAZOLE.
59733–86–7	BUTIKACIN.
59752–23–7	BENDERIZINE.
59755–82–7	ENOLICAM.
59767–12–3	OCTASTINE.
59776–90–8	DUPRACETAM.
59794–18–2	PAULOMYCIN.
59798–73–1	ENILOSPIRONE.
59803–98–4	BRIMONIDINE.
59804–37–4	TENOXICAM.
59831–63–9	DOCONAZOLE.
59831–64–0	MILENPERONE.
59831–65–1	HALOPEMIDE.
59840–71–0	PITENODIL.
59859–58–4	FEMOXETINE.
59865–13–3	CICLOSPORIN.
59889–36–0	CIPREFADOL.
59937–28–9	MALOTILATE.
59939–16–1	CIRAZOLINE.
60019–19–4	IOTETRIC ACID.
60019–20–7	BRAZERGOLINE.
60023–92–9	ROXIBOLONE.
60070–14–6	MARIPTILINE.
60084–10–8	TIAZOFURINE.
60085–78–1	CLOPIPAZAN.
60104–29–2	CLOFEZONE.
60104–30–5	ORAZAMIDE.
60135–06–0	MERCUMATILIN SODIUM.
60135–22–0	FLUMOXONIDE.
60136–25–6	EPERVUDINE.
60142–96–3	GABAPENTIN.
60173–73–1	ARFALASIN.
60175–95–3	OMONASTEINE.
60200–06–8	CLORSULON.
60207–31–0	AZACONAZOLE.
60239–66–9	ALMADRATE SULFATE.
60248–23–9	FUPRAZOLE.
60282–87–3	GESTODENE.
60324–59–6	NOMELIDINE.
60325–46–4	SULPROSTONE.
60400–92–2	PROXICROMIL.
60560–33–0	PINACIDIL.
60569–19–9	PROPIVERINE.
60575–32–8	AMEZEPINE.
60576–13–8	PIKETOPROFEN.
60607–34–3	OXATOMIDE.
60607–35–4	TOPTERONE.
60607–68–3	INDENOLOL.
60628–96–8	BIFONAZOLE.
60628–98–0	LOMBAZOLE.
60643–86–9	VIGABATRIN.
60653–25–0	ORPANOXIN.
60662–16–0	BINEDALINE.
60662–18–2	ENICLOBRATE.
60662–19–3	NILPRAZOLE.
60668–24–8	ALAFOSFALIN.
60719–82–6	ALAPROCLATE.
60719–84–8	AMRINONE.
60719–86–0	IMAFEN.
60719–87–1	DEXIMAFEN.
60731–46–6	ELCATONIN.
60734–87–4	NISBUTEROL.
60762–57–4	PIRLINDOLE.
60763–49–7	CINNARIZINE CLOFIBRATE.
60784–46–5	ELMUSTINE.
60812–35–3	DECOMINOL.
60925–61–3	CEFORANIDE.
60929–23–9	INDELOXAZINE.
60940–34–3	EBSELEN.
60986–89–2	CLOFURAC.
61036–62–2	TEICOPLANIN.
61115–28–4	ALUSULF.
61197–73–7	LOPRAZOLAM.
61220–69–7	TIOPINAC.
61263–35–2	METENEPROST.
61270–58–4	CEFONICID.
61318–90–9	SULCONAZOLE.
61325–80–2	FLUMEZAPINE.
61337–67–5	MIRTAZAPINE.
61343–44–0	TOCOFENOXATE.
61379–65–5	RIFAPENTINE.
61380–40–3	LOFENTANIL.
61400–59–7	PARCONAZOLE.
61413–54–5	ROLIPRAM.
61422–45–5	CARMOFUR.
61477–95–0	MONALAZONE DISODIUM.
61477–96–1	PIPERACILLIN.
61477–97–2	DAZOLICINE.
61484–38–6	PAREPTIDE.
61557–12–8	PENPROSTENE.
61563–18–6	SOQUINOLOL.
61570–90–9	TIOXIDAZOLE.
61622–34–2	CEFOTIAM.
61661–06–1	LEVDOBUTAMINE.
61764–61–2	CLOROPERONE.
61822–36–4	DIPROBUTINE.
61825–94–3	OXALIPLATIN.
61864–30–0	BENOLIZIME.
61869–07–6	DOMIODOL.
61869–08–7	PAROXETINE.
61887–16–9	DULOFIBRATE.
61914–43–0	GLUCURONAMIDE.
61951–99–3	TIXOCORTOL.
61990–92–9	BENPENOLISIN.
62013–04–1	DIRITHROMYCIN.
62030–88–0	DUOPERONE.
62052–97–5	BUMEPIDIL.
62087–72–3	PENTIGETIDE.
62087–96–1	TRILETIDE.
62107–94–2	PLAURACIN.
62228–20–0	BUTOPROZINE.
62265–68–3	QUINFAMIDE.
62305–86–6	OROTIRELIN.
62380–23–8	CINECROMEN.
62435–42–1	PERFOSFAMIDE.
62473–79–4	TENILOXAZINE.
62510–56–9	PICILOREX.
62524–99–6	DELPROSTENATE.
62559–74–4	FROXIPROST.
62571–86–2	CAPTOPRIL.
62571–87–3	MINAXOLONE.
62587–73–9	CEFSULODIN.
62613–82–5	OXIRACETAM.
62625–18–7	PIROGLIRIDE.
62658–63–3	BOPINDOLOL.
62658–88–2	MESUDIPINE.
62666–20–0	PROGABIDE.
62816–98–2	ORMAPLATIN.
62851–43–8	ZIDOMETACIN.
62882–99–9	TINAZOLINE.
62883–00–5	IOPAMIDOL.
62893–19–0	CEFOPERAZONE.
62894–89–7	TIFLAMIZOLE.
62904–71–6	DOXPICOMINE.
62928–11–4	IPROPLATIN.
62973–76–6	AZANIDAZOLE.
62989–33–7	SAPROPTERIN.
62992–61–4	ETERSALATE.
63014–96–0	DELANTERONE.
63075–47–8	FEPRADINOL.
63119–27–7	ANITRAZAFEN.
63245–28–3	ETIFENIN.
63269–31–8	CIRAMADOL.
63329–53–3	LOBENZARIT.
63358–49–6	ASPOXICILLIN.
63388–37–4	DECLENPERONE.
63394–05–8	PLAFIBRIDE.
63469–19–2	APALCILLIN.
63472–04–8	METBUFEN.
63516–07–4	FLUTROPIUM BROMIDE.
63521–85–7	ESORUBICIN.
63527–52–6	CEFOTAXIME.
63547–13–7	ADRAFINIL.
63551–77–9	SFERICASE.
63585–09–1	FOSCARNET SODIUM.
63590–64–7	TERAZOSIN.
63610–08–2	INDOBUFEN.
63612–50–0	NILUTAMIDE.
63619–84–1	TRIOXIFENE.
63638–91–5	BROFAROMINE.
63659–12–1	CICLOPROLOL.
63659–18–7	BETAXOLOL.
63667–16–3	DRIBENDAZOLE.
63675–72–9	NISOLDIPINE.
63758–79–2	INDALPINE.
63824–12–4	ALICONAZOLE.
63834–83–3	GUAIETOLIN.
63927–95–7	BENTEMAZOLE.
63941–73–1	IOGLUCOL.
63941–74–2	IOGLUCOMIDE.
63958–90–7	NONATHYMULIN.
63968–64–9	ARTEMISININ.
63996–84–9	TIBALOSIN.
64000–73–3	PILDRALAZINE.
64019–03–0	DOQUALAST.
64039–88–9	NICAFENINE.
64057–48–3	OXIFUNGIN.
64063–57–6	PICOTRIN.
64098–32–4	ZAPIZOLAM.
64099–44–1	QUISULTAZINE.
64118–86–1	AZIMEXON.
64179–54–0	TIMOFIBRATE.
64204–55–3	ESAPRAZOLE.
64211–45–6	OXICONAZOLE.
64212–22–2	NAFIMIDONE.
64218–02–6	PLAUNOTOL.
64221–86–9	IMIPENEM.
64224–21–1	OLTIPRAZ.
64228–81–5	ATRACURIUM BESILATE.
64241–34–5	CADRALAZINE.
64294–94–6	TROPABAZATE.
64294–95–7	SETASTINE.
64314–52–9	MEDORUBICIN.
64318–79–2	GEMEPROST.
64379–93–7	CINFLUMIDE.
64396–09–4	TERFLURANOL.
64420–40–2	ETIBENDAZOLE.
64440–87–5	CIDEFERRON.
64496–66–8	SALAFIBRATE.
64506–49–6	SOFALCONE.
64552–16–5	ECIPRAMIDIL.
64552–17–6	BUTOFILOLOL.
64557–97–7	CINOQUIDOX.
64603–91–4	GABOXADOL.
64638–07–9	BROLAMFETAMINE.
64706–54–3	BEPRIDIL.
64743–08–4	DICLOFURIME.
64743–09–5	NITRAFUDAM.
64748–79–4	AZUMOLENE.
64755–06–2	QUINUCLIUM BROMIDE.
64779–98–2	IROLAPRIDE.
64795–23–9	ETISULERGINE.
64795–35–3	MESULERGINE.
64840–90–0	EPERISONE.
64860–67–9	VALPERINOL.
64862–96–0	AMETANTRONE.
64872–76–0	BUTOCONAZOLE.
64952–97–2	LATAMOXEF.
65002–17–7	BUCILLAMINE.
65008–93–7	BOMETOLOL.
65052–63–3	CEFETAMET.
65057–90–1	TALISOMYCIN.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
65085–01–0	CEFMENOXIME.
65089–17–0	PIRINIXIL.
65141–46–0	NICORANDIL.
65184–10–3	TEOPROLOL.
65195–55–3	ABAMECTIN.
65222–35–7	PAZELLIPTINE.
65236–29–5	PRENOVERINE.
65271–80–9	MITOXANTRONE.
65277–42–1	KETOCONAZOLE.
65285–58–7	VINCANTRIL.
65307–12–2	CEFETRIZOLE.
65329–79–5	MOBENZOXAMINE.
65350–86–9	MECIADANOL.
65400–85–3	ETHYL CARFLUZEPATE.
65415–41–0	NICOCORTONIDE.
65415–42–1	OXABREXINE.
65429–87–0	SPIRENDOLOL.
65472–88–0	NAFTIFINE.
65509–24–2	MAROXEPIN.
65509–66–2	CITATEPINE.
65511–41–3	NANTRADOL.
65517–27–3	METACLAZEPAM.
65569–29–1	CLOXACEPRIDE.
65571–68–8	LOFEMIZOLE.
65606–61–3	DICIFERRON.
65617–86–9	AVIZAFONE.
65634–39–1	PENTAFLURANOL.
65646–68–6	FENRETINIDE.
65655–59–6	PACRINOLOL.
65708–37–4	FLUFOSAL.
65717–97–7	DISOFENIN.
65761–24–2	SULFAMAZONE.
65776–67–2	AFUROLOL.
65807–02–5	GOSERELIN.
65847–85–0	MORNIFLUMATE.
65884–46–0	CIADOX.
65886–71–7	FAZARABINE.
65896–16–4	ROMIFIDINE.
65899–72–1	ALOZAFONE.
65899–73–2	TIOCONAZOLE.
65928–58–7	DIENOGEST.
65950–99–4	PIRQUINOZOL.
66085–59–4	NIMODIPINE.
66093–35–4	TALMETOPRIM.
66104–22–1	PERGOLIDE.
66108–95–0	IOHEXOL.
66112–59–2	TEMURTIDE.
66148–78–5	TEMOCILLIN.
66172–75–6	VEROFYLLINE.
66195–31–1	IBOPAMINE.
66203–00–7	CAROCAINIDE.
66203–94–9	MUROCAINIDE.
66208–11–5	IFOXETINE.
66211–92–5	DETORUBICIN.
66215–27–8	CYROMAZINE.
66264–77–5	SULFINALOL.
66292–52–2	BUTILFENIN.
66304–03–8	EPICAINIDE.
66327–51–3	FUZLOCILLIN.
66357–35–5	RANITIDINE.
66364–73–6	ENPIROLINE.
66376–36–1	ALENDRONIC ACID.
66451–06–7	BORNAPROLOL.
66474–36–0	CEFIVITRIL.
66508–53–0	FOSMIDOMYCIN.
66516–09–4	MERTIATIDE.
66529–17–7	MIDAGLIZOLE.
66532–85–2	PROPACETAMOL.
66535–86–2	LOTRIFEN.
66556–74–9	NABITAN.
66564–14–5	CINITAPRIDE.
66564–15–6	ALEPRIDE.
66564–16–7	CICLOSIDOMINE.
66575–29–9	COLFORSIN.
66608–04–6	ROLGAMIDINE.
66608–32–0	IMCARBOFOS.
66635–85–6	ANIROLAC.
66644–81–3	VERALIPRIDE.
66711–21–5	APRACLONIDINE.
66722–44–9	BISOPROLOL.
66734–12–1	BUTOPAMINE.
66759–48–6	DESOCRIPTINE.
66778–37–8	ORCONAZOLE.
66788–41–8	TINOFEDRINE.
66813–51–2	ALEXITOL SODIUM.
66827–12–1	ALMAGATE.
66834–24–0	CIANOPRAMINE.
66866–63–5	LUTRELIN.
66871–56–5	LIDAMIDINE.
66877–67–6	DOMOPREDNATE.
66887–96–5	PROPIKACIN.
66898–60–0	TALOSALATE.
66898–62–2	TALNIFLUMATE.
66934–18–7	FLUNOXAPROFEN.
66960–34–7	METKEFAMIDE.
66969–81–1	TIODAZOSIN.
66981–73–5	TIANEPTINE.
66984–59–6	CINFENOAC.
67037–37–0	EFLORNITHINE.
67040–53–3	TIPROSTANIDE.
67102–87–8	PENTOMONE.
67110–79–6	LUPROSTIOL.
67121–76–0	FLUPERLAPINE.
67165–56–4	DICLOFENSINE.
67199–66–0	DANIQUIDONE.
67227–55–8	PRIMIDOLOL.
67227–56–9	FENOLDOPAM.
67254–81–3	PERADOXIME.
67268–43–3	GIPARMEN.
67330–25–0	UFENAMATE.
67337–44–4	SARMOXILLIN.
67392–87–4	DROSPIRENONE.
67452–97–5	ALCLOMETASONE.
67469–69–6	VANOXERINE.
67489–39–8	TALMETACIN.
67542–41–0	IMURACETAM.
67577–23–5	PIVENFRINE.
67579–24–2	BROMADOLINE.
67696–82–6	ACRIHELLIN.
67699–40–5	VINZOLIDINE.
67700–30–5	FURAPROFEN.
67765–04–2	ENEFEXINE.
67793–71–9	DRAQUINOLOL.
67915–31–5	TERCONAZOLE.
68020–77–9	CARPRAZIDIL.
68170–69–4	VINEPIDINE.
68170–97–8	PALMOXIRIC ACID.
68206–94–0	CLORICROMEN.
68247–85–8	PEPLOMYCIN.
68252–19–7	PIRMENOL.
68284–69–5	DISOBUTAMIDE.
68289–14–5	METRAZIFONE.
68291–97–4	ZONISAMIDE.
68298–00–0	PIRNABIN.
68302–57–8	AMLEXANOX.
68318–20–7	VERILOPAM.
68367–52–2	SORBINIL.
68373–14–8	SULBACTAM.
68377–92–4	AROTINOLOL.
68379–03–3	CLOFILIUM PHOSPHATE.
68401–81–0	CEFTIZOXIME.
68475–40–1	CIPROPRIDE.
68475–42–3	ANAGRELIDE.
68497–62–1	PRAMIRACETAM.
68548–99–2	OXINDANAC.
68550–75–4	CILOSTAMIDE.
68556–59–2	PROSULPRIDE.
68562–41–4	MECASERMIN.
68567–30–6	SOLPECAINOL.
68576–86–3	ENCIPRAZINE.
68616–83–1	PENTAMORPHONE.
68635–50–7	DELOXOLONE.
68677–06–5	LORAPRIDE.
68693–11–8	MODAFINIL.
68741–18–4	BUTERIZINE.
68767–14–6	LOXOPROFEN.
68786–66–3	TRICLABENDAZOLE.
68788–56–7	ETACEPRIDE.
68797–29–5	PIPRADIMADOL.
68844–77–9	ASTEMIZOLE.
68859–20–1	INSULIN ARGINE.
68876–74–4	ZOCAINONE.
68902–57–8	METIOPRIM.
68959–20–6	DISIQUONIUM CHLORIDE.
69004–03–1	TOLTRAZURIL.
69014–14–8	TIOTIDINE.
69017–89–6	IPEXIDINE.
69047–39–8	BINIFIBRATE.
69049–73–6	NEDOCROMIL.
69118–25–8	CINEPAXADIL.
69123–90–6	FIACITABINE.
69123–98–4	FIALURIDINE.
69175–77–5	LOSINDOLE.
69217–67–0	SUMACETAMOL.
69304–47–8	BRIVUDINE.
69365–65–7	FENOCTIMINE.
69372–19–6	PEMIROLAST.
69373–95–1	DIPROTEVERINE.
69381–94–8	FENPROSTALENE.
69387–87–7	TINISULPRIDE.
69408–81–7	AMONAFIDE.
69414–41–1	PIRIDICILLIN.
69425–13–4	PRIFELONE.
69429–84–1	CILOBAMINE.
69479–26–1	PIREPOLOL.
69539–53–3	ETINTIDINE.
69542–93–4	PIVAGABINE.
69558–55–0	THYMOPENTIN.
69624–60–8	NELEZAPRINE.
69635–63–8	AMIPIZONE.
69648–38–0	BUTAPROST.
69648–40–4	OXOPROSTOL.
69655–05–6	DIDANOSINE.
69712–56–7	CEFOTETAN.
69739–16–8	CEFODIZIME.
69756–53–2	HALOFANTRINE.
69815–38–9	PROXORPHAN.
69900–72–7	TRIMOPROSTIL.
69907–17–1	INDOPANOLOL.
69915–62–4	LOXANAST.
69975–86–6	DOXOFYLLINE.
70009–66–4	OXALINAST.
70018–51–8	QUAZINONE.
70132–50–2	PIMONIDAZOLE.
70161–09–0	DEMOCONAZOLE.
70181–03–2	DAZOPRIDE.
70260–53–6	MINDODILOL.
70288–86–7	IVERMECTIN.
70312–00–4	TOLNAPERSINE.
70356–09–1	AVOBENZONE.
70374–39–9	LORNOXICAM.
70458–92–3	PEFLOXACIN.
70458–96–7	NORFLOXACIN.
70529–35–0	ITAZIGREL.
70541–17–2	OXAZAFONE.
70590–58–8	ETRABAMINE.
70639–48–4	ETISOMICIN.
70641–51–9	EDELFOSINE.
70667–26–4	ORNOPROSTIL.
70696–66–1	NAPIRIMUS.
70704–03–9	VINCONATE.
70724–25–3	CARBAZERAN.
70774–25–3	LEURUBICIN.
70788–27–1	ACEFYLLINE CLOFIBROL.
70788–28–2	FLUROFAMIDE.
70788–29–3	TOLFAMIDE.
70797–11–4	CEFPIRAMIDE.
70801–02–4	FLUTROLINE.
70833–07–7	PRIFUROLINE.
70895–45–3	TIPROPIDIL.
70976–76–0	BIFEPRAMIDE.
70977–46–7	EFLUMAST.
71002–09–0	PIRAZOLAC.
71010–45–2	GLISINDAMIDE.
71027–13–9	ECLANAMINE.
71031–15–7	CATHINONE.
71048–87–8	LEVONANTRADOL.
71048–88–9	CEFTIOXIDE.
71079–19–1	TIMEGADINE.
71097–23–9	ZOFICONAZOLE.
71097–83–1	NILEPROST.
71116–82–0	TIAPROST.
71119–10–3	LOTIFAZOLE.
71119–11–4	BUCINDOLOL.
71119–12–5	DINAZAFONE.
71125–38–7	MELOXICAM.
71138–71–1	OCTAPINOL.
71195–56–7	BROCLEPRIDE.
71195–57–8	BICIFADINE.
71195–58–9	ALFENTANIL.
71205–22–6	ALMASILATE.
71251–02–0	OCTENIDINE.
71251–04–2	SURFOMER.
71276–43–2	QUADAZOCINE.
71316–84–2	FLURADOLINE.
71320–77–9	MOCLOBEMIDE.
71461–18–2	TONAZOCINE.
71475–35–9	LOZILUREA.
71486–22–1	VINORELBINE.
71576–40–4	APTAZAPINE.
71620–89–8	REBOXETINE.
71628–96–1	MENOGARIL.
71653–63–9	RIODIPINE.
71675–85–9	AMISULPRIDE.
71680–63–2	DAMETRALAST.
71731–58–3	TIQUIZIUM BROMIDE.
71767–13–0	IOTASUL.
71771–90–9	DENOPAMINE.
71827–56–0	CLEMEPROL.
71923–29–0	FLUDOXOPONE.
71923–34–7	CLODOXOPONE.
71963–77–4	ARTEMETHER.
71990–00–6	BREMAZOCINE.
72005–58–4	VADOCAINE.
72060–05–0	CONORFONE.
72131–33–0	SULOTROBAN.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
72141–57–2	LOSULAZINE.
72238–02–9	RETELLIPTINE.
72301–78–1	VIROXIME.
72301–78–1	ZINVIROXIME.
72301–79–2	ENVIROXIME.
72324–18–6	STEPRONIN.
72332–33–3	PROCATEROL.
72420–38–3	ACIFRAN.
72432–03–2	MIGLITOL.
72432–10–1	ANIRACETAM.
72444–62–3	PERAFENSINE.
72444–63–4	LODIPERONE.
72467–44–8	PICLONIDINE.
72479–26–6	FENTICONAZOLE.
72481–99–3	BROCRINAT.
72492–12–7	SPIZOFURONE.
72496–41–4	PIRARUBICIN.
72522–13–5	EPTAZOCINE.
72558–82–8	CEFTAZIDIME.
72559–06–9	RIFABUTIN.
72573–82–1	GADOTERIC ACID.
72619–34–2	BERMOPROFEN.
72702–95–5	PONALRESTAT.
72714–74–0	VIQUALINE.
72714–75–1	IVOQUALINE.
72732–56–0	PIRITREXIM.
72803–02–2	DARODIPINE.
72808–81–2	TEPIRINDOLE.
72822–12–9	DAPIPRAZOLE.
72822–56–1	AZALOXAN.
72830–39–8	OXMETIDINE.
72895–88–6	ELTENAC.
72956–09–3	CARVEDILOL.
72973–11–6	FORFENIMEX.
73080–51–0	REPIRINAST.
73090–70–7	EPIROPRIM.
73105–03–0	NEPTAMUSTINE.
73121–56–9	ENPROSTIL.
73278–54–3	LAMTIDINE.
73334–07–3	IOPROMIDE.
73384–59–5	CEFTRIAXONE.
73384–60–8	SULMAZOLE.
73445–46–2	FENFLUMIZOL.
73514–87–1	FOSARILATE.
73573–42–9	RESCIMETOL.
73573–87–2	FORMOTEROL.
73573–88–3	MEVASTATIN.
73590–58–6	OMEPRAZOLE.
73590–85–9	UFIPRAZOLE.
73647–73–1	VIPROSTOL.
73684–69–2	MIROSAMICIN.
73725–85–6	LIDANSERIN.
73747–20–3	SULVERAPRIDE.
73758–06–2	INDORENATE.
73771–04–7	PREDNICARBATE.
73790–28–0	ENILCONAZOLE.
73803–48–2	TRIPAMIDE.
73815–11–9	CIMOXATONE.
73865–18–6	NARDETEROL.
73873–87–7	ILOPROST.
73931–96–1	DENZIMOL.
73963–72–1	CILOSTAZOL.
74011–58–8	ENOXACIN.
74014–51–0	ROKITAMYCIN.
74050–20–7	HYDROCORTISONE ACEPONATE.
74050–98–9	KETANSERIN.
74103–06–3	KETOROLAC.
74129–03–6	TEBUQUINE.
74131–77–4	TICABESONE.
74150–27–9	PIMOBENDAN.
74168–08–4	LOSMIPROFEN.
74176–31–1	ALFAPROSTOL.
74191–85–8	DOXAZOSIN.
74220–07–8	SPIRORENONE.
74258–86–9	ALACEPRIL.
74512–12–2	OMOCONAZOLE.
74513–62–5	TRIMEGESTONE.
74517–42–3	DITERCALINIUM CHLORIDE.
74517–78–5	INDECAINIDE.
74531–88–7	TIOXAMAST.
74604–76–5	ENOXAMAST.
74627–35–3	CIANERGOLINE.
74639–40–0	DOCARPAMINE.
74709–54–9	VINDEBURNOL.
74738–24–2	RECAINAM.
74772–77–3	CIGLITAZONE.
74790–08–2	SPIROPLATIN.
74817–61–1	MURABUTIDE.
74863–84–6	ARGATROBAN.
74912–19–9	NABOCTATE.
74978–16–8	MAGALDRATE.
75018–71–2	TAUROSELCHOLIC ACID.
75078–91–0	TEMAROTENE.
75139–06–9	TETRONASIN.
75176–37–3	ZOFENOPRILAT.
75184–94–0	FENPRINAST.
75219–46–4	ATRIMUSTINE.
75330–75–5	LOVASTATIN.
75345–27–6	PEGALDESLEUKIN.
75345–27–6	POLIDRONIUM CHLORIDE.
75358–37–1	LINOGLIRIDE.
75437–14–8	MILVERINE.
75438–57–2	MOXONIDINE.
75444–64–3	FLUMERIDONE.
75444–65–4	PIRENPERONE.
75458–65–0	TIENOCARBINE.
75464–11–8	BUTANTRONE.
75481–73–1	CEFMINOX.
75522–73–5	DAZIDAMINE.
75530–68–6	NILVADIPINE.
75558–90–6	AMPEROZIDE.
75616–02–3	DULOZAFONE.
75616–03–4	CIPRAZAFONE.
75626–99–2	TOBUTEROL.
75659–07–3	DILEVALOL.
75689–93–9	IMANIXIL.
75695–93–1	ISRADIPINE.
75696–02–5	CINOLAZEPAM.
75706–12–6	LEFLUNOMIDE.
75748–50–4	ANCAROLOL.
75755–07–6	PIRIDRONIC ACID.
75820–08–5	ZIDAPAMIDE.
75841–82–6	MOPIDRALAZINE.
75847–73–3	ENALAPRIL.
75859–04–0	RIMCAZOLE.
75867–00–4	FENFLUTHRIN.
75889–62–2	FOSTEDIL.
75917–92–9	IOFETAMINE (123 I).
75949–60–9	ISOXAPROLOL.
75949–61–0	PAFENOLOL.
75963–52–9	NUCLOMEDONE.
75985–31–8	CIAMEXON.
75991–50–3	DAZEPINIL.
75992–53–9	MOXADOLEN.
76002–75–0	DAZOQUINAST.
76053–16–2	RECLAZEPAM.
76145–76–1	TOMOXIPROLE.
76168–82–6	RAMOPLANIN.
76252–06–7	NICAINOPROL.
76263–13–3	FLUZINAMIDE.
76301–19–4	TIMEFURONE.
76330–71–7	ALTANSERIN.
76352–13–1	TROPAPRIDE.
76420–72–9	ENALAPRILAT.
76448–31–2	PROPENIDAZOLE.
76470–66–1	LORACARBEF.
76496–68–9	LEVOPROTILINE.
76497–13–7	SULTAMICILLIN.
76530–44–4	AZAMULIN.
76536–74–8	BUQUITERINE.
76541–72–5	MIFOBATE.
76547–98–3	LISINOPRIL.
76568–02–0	FLOSEQUINAN.
76584–70–8	VALPROATE SEMISODIUM.
76596–57–1	BROXATEROL.
76600–30–1	NOSANTINE.
76610–84–9	CEFBUPERAZONE.
76612–20–9	LORTALAMINE.
76631–45–3	NAPACTADINE.
76631–46–4	DETOMIDINE.
76639–94–6	FLORFENICOL.
76676–34–1	OXPRENOATE POTASSIUM.
76696–97–4	ROFELODINE.
76712–82–8	HISTRELIN.
76716–60–4	FLUPRAZINE.
76732–75–7	PICARTAMIDE.
76743–10–7	LUCARTAMIDE.
76812–98–1	TRIGEVOLOL.
76824–35–6	FAMOTIDINE.
76894–77–4	DAZMEGREL.
76932–56–4	NAFARELIN.
76953–65–6	DRAMEDILOL.
76956–02–0	LAVOLTIDINE.
76963–41–2	NIZATIDINE.
76990–56–2	MILACEMIDE.
77005–28–8	TEXACROMIL.
77016–85–4	PLOMESTANE.
77086–21–6	DIZOCILPINE.
77164–20–6	LEVOMOPROLOL.
77175–51–0	CROCONAZOLE.
77181–69–2	SORIVUDINE.
77191–36–7	NEFIRACETAM.
77197–48–9	QUINEZAMIDE.
77257–42–2	STILONIUM IODIDE.
77287–05–9	RIOPROSTIL.
77287–89–9	XORPHANOL.
77337–76–9	ACAMPROSATE.
77342–26–8	TEFENPERATE.
77360–52–2	CEFTIOLENE.
77372–61–3	VALPROATE PIVOXIL.
77400–65–8	ASOCAINOL.
77416–65–0	EXEPANOL.
77472–98–1	PIPEQUALINE.
77502–27–3	TOLPADOL.
77518–07–1	AMIFLAMINE.
77519–25–6	DEXETOZOLINE.
77528–67–7	MANOZODIL.
77590–92–2	SUPROCLONE.
77590–96–6	FLORDIPINE.
77599–17–8	PANOMIFENE.
77639–66–8	PRINOMIDE.
77650–95–4	PROTERGURIDE.
77658–97–0	ANAXIRONE.
77671–31–9	ENOXIMONE.
77679–27–7	IOBENGUANE (131 I).
77695–52–4	ECASTOLOL.
77727–10–7	NACARTOCIN.
77858–21–0	VELARESOL.
77862–92–1	FALIPAMIL.
77989–60–7	METIBRIDE.
78088–46–7	TABILAUTIDE.
78090–11–6	PICOPRAZOLE.
78092–65–6	RISTIANOL.
78110–38–0	AZTREONAM.
78113–36–7	ROMURTIDE.
78168–92–0	FILENADOL.
78186–33–1	FUMOXICILLIN.
78186–34–2	BISANTRENE.
78208–13–6	ZOLENZEPINE.
78218–09–4	DAZOXIBEN.
78266–06–5	MEBROFENIN.
78273–80–0	ROXATIDINE.
78299–53–3	TIACRILAST.
78370–13–5	EMOPAMIL.
78371–66–1	BUCROMARONE.
78372–27–7	STIROCAINIDE.
78410–57–8	OCILTIDE.
78415–72–2	MILRINONE.
78421–12–2	DROXICAINIDE.
78459–19–5	ADIMOLOL.
78466–70–3	ZOMEBAZAM.
78466–98–5	RAZOBAZAM.
78467–68–2	LOCICORTOLONE DICIBATE.
78480–14–5	DICRESULENE.
78512–63–7	PIMELAUTIDE.
78541–97–6	PIQUINDONE.
78613–35–1	AMOROLFINE.
78628–80–5	TERBINAFINE.
78649–41–9	IOMEPROL.
78664–73–0	POSATIRELIN.
78718–52–2	BENEXATE.
78755–81–4	FLUMAZENIL.
78756–61–3	ALIFEDRINE.
78771–13–8	SARMAZENIL.
78967–07–4	MOFEZOLAC.
78994–24–8	ORMELOXIFENE.
78997–40–7	PRISOTINOL.
79069–94–6	FANETIZOLE.
79071–15–1	TAZASUBRATE.
79094–20–5	DALTROBAN.
79130–64–6	ANSOXETINE.
79152–85–5	ACODAZOLE.
79201–80–2	VERADOLINE.
79201–85–7	PICENADOL.
79211–10–2	IOSIMIDE.
79211–34–0	IOTRISIDE.
79243–67–7	ROSTEROLONE.
79253–92–2	TAZIPRINONE.
79262–46–7	SAVOXEPIN.
79282–39–6	RILOZARONE.
79286–77–4	ESAFLOXACIN.
79313–75–0	SOPROMIDINE.
79350–37–1	CEFIXIME.
79360–43–3	NOCLOPROST.
79404–91–4	CILOFUNGIN.
79449–98–2	CABASTINE.
79449–99–3	ICOSPIRAMIDE.
79455–30–4	NICARAVEN.
79467–19–9	SINTROPIUM BROMIDE.
79467–22–4	BIPENAMOL.
79467–23–5	MIOFLAZINE.
79516–68–0	LEVOCABASTINE.
79548–73–5	PIRLIMYCIN.
79594–24–4	SOMANTADINE.
79617–96–2	SERTRALINE.
79619–31–1	FLAVODILOL.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
79644–90–9	VEBUFLOXACIN.
79660–72–3	FLEROXACIN.
79672–88–1	PIRIPROST.
79700–61–1	DOPROPIDIL.
79700–63–3	FRONEPIDIL.
79712–55–3	TAZIFYLLINE.
79770–24–4	IOTROLAN.
79778–41–9	NERIDRONIC ACID.
79781–95–6	RILAPINE.
79784–22–8	BARUCAINIDE.
79794–75–5	LORATADINE.
79798–39–3	KETORFANOL.
79855–88–2	TREQUINSIN.
79874–76–3	DELMOPINOL.
79902–63–9	SIMVASTATIN.
79944–58–4	IDAZOXAN.
79992–71–5	PIMETACIN.
80012–43–7	EPINASTINE.
80018–06–0	FENGABINE.
80109–27–9	CILADOPA.
80125–14–0	REMOXIPRIDE.
80195–36–4	CEFDALOXIME.
80210–62–4	CEFPODOXIME.
80214–83–1	ROXITHROMYCIN.
80225–28–1	TILSUPROST.
80263–73–6	ECLAZOLAST.
80288–49–9	FURAFYLLINE.
80294–25–3	MEXAFYLLINE.
80343–63–1	SUFOTIDINE.
80349–58–2	PANURAMINE.
80370–57–6	CEFTIOFUR.
80387–96–8	DIFEMERINE.
80410–36–2	FEZOLAMINE.
80428–29–1	MAFOPRAZINE.
80433–71–2	CALCIUM LEVOFOLINATE.
80471–63–2	EPOSTANE.
80529–93–7	GADOPENTETIC ACID.
80573–03–1	IPSALAZIDE.
80573–04–2	BALSALAZIDE.
80576–83–6	EDATREXATE.
80595–73–9	ACEFLURANOL.
80614–21–7	NICOGRELATE.
80614–27–3	MIDAZOGREL.
80621–81–4	RIFAXIMIN.
80680–05–3	TIVANIDAZOLE.
80680–06–4	TEFLUDAZINE.
80743–08–4	DIOXADILOL.
80755–51–7	BUNAZOSIN.
80763–86–6	GLUNICATE.
80809–81–0	DOCEBENONE.
80830–42–8	RENTIAPRIL.
80844–07–1	ETOFENPROX.
80876–01–3	INDOLAPRIL.
80879–63–6	EMIGLITATE.
80880–90–6	TELENZEPINE.
80883–55–2	ENVIRADENE.
80937–31–1	FLOSULIDE.
81026–63–3	ENISOPROST.
81043–56–3	METRENPERONE.
81045–33–2	IODECIMOL.
81045–50–3	PIVOPRIL.
81093–37–0	PRAVASTATIN.
81098–60–4	CISAPRIDE.
81103–11–9	CLARITHROMYCIN.
81167–16–0	IMILOXAN.
81329–71–7	MODECAINIDE.
81377–02–8	SEGLITIDE.
81382–51–6	PENTIAPINE.
81403–80–7	ALFUZOSIN.
81409–90–7	CABERGOLINE.
81424–67–1	CARACEMIDE.
81428–04–8	TALTRIMIDE.
81447–78–1	LEVLOFEXIDINE.
81447–79–2	DEXLOFEXIDINE.
81447–80–5	DIPRAFENONE.
81478–25–3	LOMEVACTONE.
81486–22–8	NIPRADILOL.
81523–49–1	VANEPRIM.
81525–10–2	NAFAMOSTAT.
81528–80–5	DALBRAMINOL.
81571–28–0	VINLEUCINOL.
81584–06–7	XIBENOLOL.
81600–06–8	VINTRIPTOL.
81656–30–6	TIFLUADOM.
81669–57–0	ANISTREPLASE.
81674–79–5	GUAIMESAL.
81703–42–6	BENDACALOL.
81732–65–2	BAMBUTEROL.
81792–35–0	TEOPRANITOL.
81801–12–9	XAMOTEROL.
81840–15–5	VESNARINONE.
81845–44–5	CIPROSTENE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
81872–10–8	ZOFENOPRIL.
81907–78–0	BATEBULAST.
81968–16–3	MERGOCRIPTINE.
81982–32–3	ALPIROPRIDE.
82009–34–5	CILASTATIN.
82030–87–3	SOMATREM.
82101–10–8	FLEROBUTEROL.
82114–19–0	AMFLUTIZOLE.
82117–51–9	CINUPERONE.
82140–22–5	ETOLOTIFEN.
82159–09–9	EPALRESTAT.
82168–26–1	ADAFENOXATE.
82190–91–8	FLUFYLLINE.
82190–92–9	FLOTRENIZINE.
82190–93–0	TRENIZINE.
82209–39–0	PIRAXELATE.
82219–78–1	CEFUZONAM.
82227–39–2	PIBAXIZINE.
82230–03–3	CARBETIMER.
82230–53–3	GIRISOPAM.
82239–52–9	MOXIRAPRINE.
82279–57–0	ZINC ACETATE, BASIC.
82410–32–0	GANCICLOVIR.
82413–20–5	DROLOXIFENE.
82509–56–6	PIROXICILLIN.
82547–58–8	CEFTERAM.
82571–53–7	OZAGREL.
82599–22–2	DITIOMUSTINE.
82626–01–5	ALPIDEM.
82626–48–0	ZOLPIDEM.
82650–83–7	TENILAPINE.
82664–20–8	FLURITHROMYCIN.
82666–62–4	SULOSEMIDE.
82821–47–4	MABUPROFEN.
82834–16–0	PERINDOPRIL.
82924–03–6	PENTOPRIL.
82964–04–3	TOLRESTAT.
82989–25–1	TAZANOLAST.
83015–26–3	TOMOXETINE.
83059–56–7	ZABICIPRIL.
83150–76–9	OCTREOTIDE.
83153–39–3	TIPRINAST.
83166–17–0	TAMPRAMINE.
83184–43–4	MIFENTIDINE.
83200–08–2	EPROXINDINE.
83200–09–3	DEMBREXINE.
83200–10–6	ANIPAMIL.
83275–56–3	TIRACIZINE.
83366–66–9	NEFAZODONE.
83380–47–6	OFLOXACIN.
83395–21–5	RIDAZOLOL.
83435–66–9	DELAPRIL.
83455–48–5	BROMERGURIDE.
83471–41–4	PINCAINIDE.
83480–29–9	VOGLIBOSE.
83482–77–3	VINMEGALLATE.
83519–04–4	ILMOFOSINE.
83573–53–9	TIZABRIN.
83602–05–5	SPIRAPRILAT.
83625–35–8	AMEBUCORT.
83646–97–3	INOCOTERONE.
83647–97–6	SPIRAPRIL.
83656–38–6	IPRAMIDIL.
83689–23–0	MOLFARNATE.
83712–60–1	DEFIBROTIDE.
83784–21–8	MENABITAN.
83805–11–2	FLOCALCITRIOL.
83863–79–0	FLORIFENINE.
83880–70–0	DEXAMETHASONE ACEFURATE.
83881–51–0	CETIRIZINE.
83903–06–4	LUPITIDINE.
83905–01–5	AZITHROMYCIN.
83928–76–1	GEPIRONE.
83930–13–6	SOMATORELIN.
83991–25–7	AMBASILIDE.
83997–19–7	ATAPROST.
84057–84–1	LAMOTRIGINE.
84057–95–4	ROPIVACAINE.
84057–96–5	FLUSOXOLOL.
84071–15–8	RAMIXOTIDINE.
84088–42–6	ROQUINIMEX.
84145–89–1	ALMOXATONE.
84145–90–4	NAFOXADOL.
84203–09–8	TRIFENAGREL.
84225–95–6	RACLOPRIDE.
84226–12–0	ETICLOPRIDE.
84233–61–4	NESOSTEINE.
84243–58–3	IMAZODAN.
84252–03–9	ERYTHROMYCIN STINOPRATE.
84290–27–7	TUCARESOL.
84371–65–3	MIFEPRISTONE.
84379–13–5	BRETAZENIL.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
84386–11–8	BAXITOZINE.
84392–17–6	XENALIPIN.
84408–37–7	DESCICLOVIR.
84449–90–1	RALOXIFENE.
84490–12–0	PIROXIMONE.
84611–23–4	ERDOSTEINE.
84625–59–2	DOTARIZINE.
84625–61–6	ITRACONAZOLE.
84629–61–8	DARENZEPINE.
84697–21–2	ZINOCONAZOLE.
84697–22–3	TUBULOZOLE.
84845–57–8	RITIPENEM.
84845–75–0	NIPEROTIDINE.
84878–61–5	MADURAMICIN.
84880–03–5	CEFPIMIZOLE.
84901–45–1	DOLIRACETAM.
84957–29–9	CEFPIROME.
84957–30–2	CEFQUINOME.
84962–75–4	FLUTOMIDATE.
85053–46–9	SURICAINIDE.
85076–06–8	AXAMOZIDE.
85118–42–9	LUFURADOM.
85118–43–0	FLUPROFYLLINE.
85118–44–1	MINOCROMIL.
85125–49–1	BICLODIL.
85136–71–6	TILISOLOL.
85166–20–7	CICLOTROPIUM BROMIDE.
85175–67–3	ZATEBRADINE.
85181–40–4	TROPANSERIN.
85197–77–9	TIPREDANE.
85247–76–3	DAGAPAMIL.
85247–77–4	RONIPAMIL.
85320–67–8	ERICOLOL.
85320–68–9	AMOSULALOL.
85392–79–6	INDANIDINE.
85418–85–5	SUNAGREL.
85441–60–7	QUINAPRILAT.
85441–61–8	QUINAPRIL.
85443–48–7	BENCIANOL.
85465–82–3	THYMOTRINAN.
85466–18–8	THYMOCARTIN.
85505–64–2	VAPIPROST.
85604–00–8	ZALTIDINE.
85622–93–1	TEMOZOLOMIDE.
85622–95–3	MITOZOLOMIDE.
85666–24–6	FUREGRELATE.
85673–87–6	REVENAST.
85691–74–3	PIRMAGREL.
85702–89–2	TAZEPROFEN.
85721–33–1	CIPROFLOXACIN.
85750–38–5	EROCAINIDE.
85750–39–6	ETILEFRINE PIVALATE.
85754–59–2	AMBAMUSTINE.
85760–74–3	QUINPIROLE.
85856–54–8	MOVELTIPRIL.
85966–89–8	PRECLAMOL.
85969–07–9	BUDOTITANE.
85977–49–7	TAUROMUSTINE.
86024–64–8	QUINACAINOL.
86042–50–4	CISTINEXINE.
86048–40–0	QUAZOLAST.
86111–26–4	ZINDOXIFENE.
86140–10–5	NERAMINOL.
86168–78–7	SERMORELIN.
86181–42–2	TEMELASTINE.
86189–69–7	FELODIPINE.
86197–47–9	DOPEXAMINE.
86216–41–3	BROXITALAMIC ACID.
86273–18–9	LENAMPICILLIN.
86273–92–9	TOLUFAZEPAM.
86304–28–1	BUCICLOVIR.
86315–52–8	ISOMAZOLE.
86347–14–0	MEDETOMIDINE.
86348–98–3	FLUNOPROST.
86365–92–6	TRAZOLOPRIDE.
86386–73–4	FLUCONAZOLE.
86393–37–5	AMIFLOXACIN.
86401–95–8	METHYLPREDNISOLONE ACEPONATE.
86433–40–1	TERFLAVOXATE.
86434–57–3	BEPERIDIUM IODIDE.
86487–64–1	SETOPERONE.
86541–75–5	BENAZEPRIL.
86541–78–8	BENAZEPRILAT.
86627–15–8	ARONIXIL.
86627–50–1	LODINIXIL.
86636–93–3	NEFLUMOZIDE.
86641–76–1	DIBROSPIDIUM CHLORIDE.
86662–54–6	BINIZOLAST.
86696–86–8	TENILSETAM.
86696–87–9	AGANODINE.
86696–88–0	FRABUPROFEN.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
86780–90–7	ARANIDIPINE.
86811–09–8	LITOXETINE.
86811–58–7	FLUAZURON.
86880–51–5	EPANOLOL.
86914–11–6	TOLGABIDE.
86939–10–8	INDATRALINE.
87034–87–5	BAMALUZOLE.
87051–13–6	TOSULUR.
87051–43–2	RITANSERIN.
87051–46–5	BUTANSERIN.
87056–78–8	QUINAGOLIDE.
87071–16–7	ARCLOFENIN.
87116–72–1	TIMOBESONE.
87129–71–3	ARNOLOL.
87151–85–7	SPIRADOLINE.
87178–42–5	DOSERGOSIDE.
87233–61–2	EMEDASTINE.
87269–59–8	NAXAPROSTENE.
87269–97–4	RAMIPRILAT.
87333–19–5	RAMIPRIL.
87344–06–7	AMTOLMETIN GUACIL.
87495–31–6	DISOXARIL.
87549–36–8	PARCETASAL.
87556–66–9	CLOTICASONE.
87611–28–7	MELQUINAST.
87626–55–9	MITOFLAXONE.
87638–04–8	CARUMONAM.
87646–83–1	LODAZECAR.
87679–37–6	TRANDOLAPRIL.
87679–71–8	TRANDOLAPRILAT.
87691–91–6	TIOSPIRONE.
87719–32–2	ETAROTENE.
87721–62–8	FLESTOLOL.
87726–17–8	PANIPENEM.
87729–89–3	SEGANSERIN.
87760–53–0	TANDOSPIRONE.
87771–40–2	IOVERSOL.
87784–12–1	OFORNINE.
87806–31–3	PORFIMER SODIUM.
87810–56–8	FOSTRIECIN.
87848–99–5	ACRIVASTINE.
87936–75–2	TAZADOLENE.
87940–60–1	EPROBEMIDE.
87952–98–5	MESPIRENONE.
88040–23–7	CEFEPIME.
88041–40–1	LEMIDOSUL.
88053–05–8	CINOXOPAZIDE.
88058–88–2	NAXAGOLIDE.
88069–67–4	PILSICAINIDE.
88107–10–2	TOMELUKAST.
88124–26–9	ADOSOPINE.
88124–27–0	ETAZEPINE.
88133–11–3	BEMITRADINE.
88150–42–9	AMLODIPINE.
88199–75–1	SEVITROPIUM MESILATE.
88255–01–0	NETOBIMIN.
88296–61–1	MEDORINONE.
88296–62–2	TRANSCAINIDE.
88303–60–0	LOSOXANTRONE.
88321–09–9	ALOXISTATIN.
88426–32–8	URSULCHOLIC ACID.
88426–33–9	BUPARVAQUONE.
88430–50–6	BERAPROST.
88431–47–4	CLOMOXIR.
88495–63–0	ARTESUNATE.
88578–07–8	IMOXITEROL.
88579–39–9	TASULDINE.
88660–47–3	EPICRIPTINE.
88669–04–9	TROSPECTOMYCIN.
88678–31–3	LIRANAFTATE.
88768–40–5	CILAZAPRIL.
88852–12–4	LIMAPROST.
88859–04–5	MAFOSFAMIDE.
88931–51–5	CLINPROST.
88939–40–6	SEMORPHONE.
88980–20–5	MEXIPROSTIL.
89163–44–0	CINAPROXEN.
89194–77–4	BISARAMIL.
89197–32–0	EFAROXAN.
89213–87–6	CARPERITIDE.
89303–63–9	ATIPROSIN.
89365–50–4	SALMETEROL.
89371–37–9	IMIDAPRIL.
89383–13–1	SOMIDOBOVE.
89391–50–4	IMIRESTAT.
89419–40–9	MOSAPRAMINE.
89482–00–8	ZALTOPROFEN.
89565–68–4	TROPISETRON.
89613–77–4	MEZACOPRIDE.
89622–90–2	BRINAZARONE.
89651–00–3	VOXERGOLIDE.
89662–30–6	DETIRELIX.
89667–40–3	ISBOGREL.
89672–11–7	CIOTERONEL.
89767–59–9	SALMISTEINE.
89778–26–7	TOREMIFENE.
89781–55–5	ROLAFAGREL.
89786–04–9	TAZOBACTAM.
89796–99–6	ACECLOFENAC.
89797–00–2	IOPENTOL.
89838–96–0	OCTIMIBATE.
89875–86–5	TIFLUCARBINE.
89943–82–8	CICLETANINE.
89987–06–4	TILUDRONIC ACID.
90055–97–3	TIENOXOLOL.
90101–16–9	DROXICAM.
90103–92–7	ZABICIPRILAT.
90104–48–6	DOREPTIDE.
90139–06–3	CILAZAPRILAT.
90162–60–0	ISBUFYLLINE.
90182–92–6	ZACOPRIDE.
90207–12–8	SULICRINAT.
90237–04–0	DEXSECOVERINE.
90243–66–6	MONTIRELIN.
90243–97–3	SPICLAMINE.
90243–98–4	DIMOXAPROST.
90293–01–9	BIFEMELANE.
90326–85–5	NESAPIDIL.
90350–40–6	METHYLPREDNISOLONE SULEPTANATE.
90402–40–7	ABANOQUIL.
90409–78–2	POLIFEPROSAN.
90509–02–7	LUXABENDAZOLE.
90566–53–3	FLUTICASONE.
90581–63–8	FALINTOLOL.
90693–76–8	EPTALOPROST.
90697–56–6	ZIMIDOBEN.
90697–57–7	MOTAPIZONE.
90729–41–2	OXODIPINE.
90729–42–3	CAREBASTINE.
90729–43–4	EBASTINE.
90733–40–7	EDIFOLONE.
90749–32–9	LAPRAFYLLINE.
90779–69–4	ATOSIBAN.
90808–12–1	DIVAPLON.
90828–99–2	ITROCAINIDE.
90845–56–0	TRECADRINE.
90850–05–8	GLOXIMONAM.
90895–85–5	RONACTOLOL.
90898–90–1	OXIMONAM.
90961–53–8	TEDISAMIL.
90992–25–9	BESULPAMIDE.
91017–58–2	ABUNIDAZOLE.
91077–32–6	DEZINAMIDE.
91257–14–6	TUVATIDINE.
91374–21–9	ROPINIROLE.
91406–11–0	ESUPRONE.
91431–42–4	LONAPALENE.
91441–23–5	PIROXANTRONE.
91441–48–4	TELOXANTRONE.
91524–14–0	NAPAMEZOLE.
91524–15–1	IRLOXACIN.
91587–01–8	PELRETIN.
91618–36–9	IBAFLOXACIN.
91714–94–2	BROMFENAC.
91753–07–0	MITOQUIDONE.
91832–40–5	CEFDINIR.
91833–77–1	ROCASTINE.
91935–26–1	TORIPRISTONE.
92071–51–7	ROTRAXATE.
92118–27–9	FOTEMUSTINE.
92210–43–0	BEMARINONE.
92257–40–4	DIZATRIFONE.
92268–40–1	PERFOMEDIL.
92302–55–1	DEVAPAMIL.
92339–11–2	IODIXANOL.
92569–65–8	APRIKALIM.
92615–20–8	NAFENODONE.
92623–83–1	PRAVADOLINE.
92623–85–3	MILNACIPRAN.
92629–87–3	DEXNAFENODONE.
92665–29–7	CEFPROZIL.
92812–82–3	FLUORODOPA 18F.
93047–39–3	ETANTEROL.
93047–40–6	NAMINTEROL.
93064–63–2	VENRITIDINE.
93105–81–8	LODELABEN.
93106–60–6	ENROFLOXACIN.
93181–81–8	LODAXAPRINE.
93181–85–2	ENDIXAPRINE.
93221–48–8	LEVOBETAXOLOL.
93277–96–4	ALTAPIZONE.
93390–81–9	FOSPHENYTOIN.
93413–69–5	VENLAFAXINE.
93479–96–0	ALTECONAZOLE.
93479–97–1	GLIMEPIRIDE.
93664–94–9	NEMONAPRIDE.
93738–40–0	RALITOLINE.
93821–75–1	BUTINAZOCINE.
93957–54–1	FLUVASTATIN.
94011–82–2	BAZINAPRINE.
94055–76–2	SUPLATAST TOSILATE.
94149–41–4	MIDESTEINE.
94168–98–6	RIFAMETANE.
94192–59–3	LIXAZINONE.
94386–65–9	PELRINONE.
94470–67–4	CROMAKALIM.
94535–50–9	LEVCROMAKALIM.
94554–99–1	PALDIMYCIN.
94746–78–8	MOLRACETAM.
95058–70–1	NICTIAZEM.
95058–81–4	GEMCITABINE.
95104–27–1	TETRAZOLAST.
95105–77–4	SORNIDIPINE.
95153–31–4	PERINDOPRILAT.
95232–68–1	TENOSAL.
95233–18–4	ATOVAQUONE.
95355–10–5	DOMIPIZONE.
95374–52–0	PRIDEPERONE.
95399–71–6	FOSINOPRILAT.
95520–81–3	ELZIVERINE.
95588–08–2	TIPENTOSIN.
95634–82–5	BATELAPINE.
95635–55–5	RANOLAZINE.
95668–38–5	IDRALFIDINE.
95722–07–9	CICAPROST.
95729–65–0	AZETIRELIN.
95734–82–0	NEDAPLATIN.
95847–70–4	IPSAPIRONE.
95847–87–3	REVOSPIRONE.
95896–08–5	ANARITIDE.
96036–03–2	MEROPENEM.
96125–53–0	CLENTIAZEM.
96128–89–1	ERYTHROMYCIN ACISTRATE.
96153–56–9	BISFENTIDINE.
96164–19–1	PERACLOPONE.
96187–53–0	BREQUINAR.
96191–65–0	IOXABROLIC ACID.
96258–13–8	TRIBENDILOL.
96301–34–7	ATAMESTANE.
96306–34–2	TIMELOTEM.
96346–61–1	ONAPRISTONE.
96353–48–9	SOMAGREBOVE.
96389–68–3	CRISNATOL.
96392–96–0	DEXORMAPLATIN.
96427–12–2	LACTALFATE.
96449–05–7	RISPENZEPINE.
96478–43–2	IRINDALONE.
96487–37–5	NUVENZEPINE.
96497–67–5	RODORUBICIN.
96513–83–6	PENTISOMIDE.
96515–73–0	PALONIDIPINE.
96566–25–5	ABLUKAST.
96609–16–4	LIFIBROL.
96645–87–3	ERIZEPINE.
96743–96–3	RAMCICLANE.
96829–58–2	ORLISTAT.
96914–39–5	ACTISOMIDE.
96922–80–4	PANTENICATE.
97068–30–9	ELSAMITRUCIN.
97110–59–3	TRAZIUM ESILATE.
97240–79–4	TOPIRAMATE.
97275–40–6	CEFCANEL DALOXATE.
97322–87–7	TROGLITAZONE.
97466–90–5	QUINELORANE.
97483–17–5	TIFURAC.
97519–39–6	CEFTIBUTEN.
97546–74–2	TROXOLAMIDE.
97642–74–5	CLOMIFENOXIDE.
97682–44–5	IRINOTECAN.
97702–82–4	IOSARCOL.
97747–88–1	LILOPRISTONE.
97825–25–7	RACTOPAMINE.
97852–72–7	TIBENELAST.
97878–35–8	LIBENZAPRIL.
97901–21–8	NAFAGREL.
97964–54–0	TOMOGLUMIDE.
97964–56–2	LORGLUMIDE.
98048–07–8	FOMIDACILLIN.
98048–97–6	FOSINOPRIL.
98079–51–7	LOMEFLOXACIN.
98105–99–8	SARAFLOXACIN.
98106–17–3	DIFLOXACIN.
98116–53–1	SULUKAST.
98123–83–2	EPSIPRANTEL.
98204–48–9	SPIROFYLLINE.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
98205–89–1	FLESINOXAN.
98207–12–6	LOBUPROFEN.
98224–03–4	ELTOPRAZINE.
98319–26–7	FINASTERIDE.
98323–83–2	CARMOXIROLE.
98330–05–3	ANPIRTOLINE.
98374–54–0	SILTENZEPINE.
98383–18–7	ECOMUSTINE.
98410–36–7	PALATRIGINE.
98631–95–9	SOBUZOXANE.
98651–66–2	ULOBETASOL.
98815–38–4	CASOKEFAMIDE.
99011–02–6	IMIQUIMOD.
99107–52–5	BUNAPROLAST.
99149–95–8	SARUPLASE.
99156–66–8	BARMASTINE.
99200–09–6	NEBIVOLOL.
99248–32–5	DONETIDINE.
99258–56–7	OXAMISOLE.
99283–10–0	MOLGRAMOSTIM.
99287–30–6	EGUALEN.
99291–25–5	LEVODROPROPIZINE.
99323–21–4	INAPERISONE.
99453–84–6	NELTENEXINE.
99464–64–9	AMPIROXICAM.
99499–40–8	DISUPRAZOLE.
99500–54–6	EFETOZOLE.
99518–29–3	DERPANICATE.
99522–79–9	PRANIDIPINE.
99591–83–0	SIGUAZODAN.
99592–32–2	SERTACONAZOLE.
99593–25–6	RILMAZAFONE.
99665–00–6	FLOMOXEF.
99759–19–0	TIQUESIDE.
99803–72–2	NERBACADOL.
99821–44–0	NASARUPLASE.
100016–62–4	CALCITONIN, CHICKEN.
100035–75–4	EVANDAMINE.
100158–38–1	OTENZEPAD.
100345–64–0	SIAGOSIDE.
100417–09–2	TIMIRDINE.
100427–26–7	LERCANIDIPINE.
100510–33–6	ADIBENDAN.
100587–52–8	NORFLOXACIN SUCCINIL.
100643–96–7	INDOLIDAN.
100927–13–7	IDAVERINE.
100927–14–8	BEFIPERIDE.
100981–43–9	EBROTIDINE.
100986–85–4	LEVOFLOXACIN.
101193–40–2	QUINOTOLAST.
101197–99–3	ACITEMATE.
101238–51–1	LEVEMOPAMIL.
101246–68–8	EPTASTIGMINE.
101335–99–3	EPROVAFEN.
101343–69–5	OCFENTANIL.
101345–71–5	BRIFENTANIL.
101363–10–4	RUFLOXACIN.
101396–42–3	MEQUITAMIUM IODIDE.
101418–00–2	POLICRESULEN.
101477–55–8	LOMERIZINE.
101479–70–3	ADAPROLOL.
101506–83–6	NAMIROTENE.
101526–83–4	SEMATILIDE.
101530–10–3	LANOCONAZOLE.
101626–70–4	TALIPEXOLE.
101828–21–1	BUTENAFINE.
101831–36–1	CLAZURIL.
101831–37–2	DICLAZURIL.
101975–10–4	ZARDAVERINE.
102130–84–7	NEMADECTIN.
102144–78–5	TAMERIDONE.
102280–35–3	BAQUILOPRIM.
102507–71–1	TIGEMONAM.
102625–70–7	PANTOPRAZOLE.
102669–89–6	SATERINONE.
102670–46–2	BATANOPRIDE.
102676–47–1	FADROZOLE.
102767–28–2	LEVETIRACETAM.
102771–12–0	NERISOPAM.
102791–47–9	NANTERINONE.
102908–59–8	BINOSPIRONE.
103055–07–8	LUFENURON.
103060–53–3	DAPTOMYCIN.
103177–37–3	PRANLUKAST.
103181–72–2	GUAISTEINE.
103222–11–3	VAPREOTIDE.
103238–56–8	PARODILOL.
103238–57–9	CEFEMPIDONE.
103336–05–6	DITEKIREN.
103337–74–2	LETRAZURIL.
103420–77–5	DEVAZEPIDE.
103451–84–9	AVICATONIN.
103475–41–8	TEPOXALIN.
103486–79–9	BELFOSDIL.
103577–45–3	LANSOPRAZOLE.
103598–03–4	ESMOLOL.
103624–59–5	TRABOXOPINE.
103628–46–2	SUMATRIPTAN.
103725–47–9	BETIATIDE.
103745–39–7	FASUDIL.
103775–10–6	MOEXIPRIL.
103775–14–0	MOEXIPRILAT.
103775–75–3	MIBOPLATIN.
103831–41–0	SODIUM BOROCAPTATE (10 B).
103844–77–5	NECOPIDEM.
103844–86–6	SARIPIDEM.
103878–84–8	LAZABEMIDE.
103878–96–2	FOSOPAMINE.
103890–78–4	LACIDIPINE.
103923–27–9	PIRTENIDINE.
103926–64–3	SEPIMOSTAT.
103946–15–2	ELNADIPINE.
103980–45–6	METOSTILENOL.
103997–59–7	SELPRAZINE.
104051–20–9	BREFONALOL.
104054–27–5	ATIPAMEZOLE.
104145–95–1	CEFDITOREN.
104153–37–9	RILOPIROX.
104153–38–0	SABELUZOLE.
104227–87–4	FAMCICLOVIR.
104317–84–2	GUSPERIMUS.
104340–86–5	LEMINOPRAZOLE.
104456–79–3	CISCONAZOLE.
104485–01–0	TRAPENCAINE.
104561–36–6	DORETINEL.
104632–26–0	PRAMIPEXOLE.
104675–35–6	SURONACRINE.
104713–75–9	BARNIDIPINE.
104716–22–5	TECHNETIUM (99M TC) TEBOROXIME.
104719–71–3	LORCINADOL.
104775–36–2	ECABAPIDE.
104777–03–9	ASOBAMAST.
104902–08–1	CILUTAZOLINE.
104987–11–3	TACROLIMUS.
105051–87–4	MINAMESTANE.
105102–20–3	LIROLDINE.
105102–21–4	TORBAFYLLINE.
105102–22–5	MOMETASONE.
105118–13–6	IPROTIAZEM.
105118–14–7	DATELLIPTIUM CHLORIDE.
105149–04–0	OSATERONE.
105182–45–4	FLUPAROXAN.
105219–56–5	APAFANT.
105239–91–6	CEFCLIDIN.
105250–86–0	EBIRATIDE.
105292–70–4	ALONACIC.
105431–72–9	LINOPIRDINE.
105462–24–6	RISEDRONIC ACID.
105523–37–3	TIPROTIMOD.
105567–83–7	BEREFRINE.
105613–48–7	EXAMETAZIME.
105618–02–8	GALAMUSTINE.
105685–11–8	BATOPRAZINE.
105687–93–2	SUMAROTENE.
105851–17–0	FLUDEOXYGLUCOSE (18 F).
105857–23–6	ALTEPLASE.
105920–77–2	CAMONAGREL.
105953–59–1	DUMORELIN.
105956–97–6	CLINAFLOXACIN.
105979–17–7	BENIDIPINE.
106033–96–9	ITROCINONIDE.
106073–01–2	TANIPLON.
106100–65–6	FASIPLON.
106133–20–4	TAMSULOSIN.
106266–06–2	RISPERIDONE.
106282–98–8	SOMALAPOR.
106400–81–1	LOMETREXOL.
106417–28–1	TECHNETIUM (99M TC) SIBOROXIME.
106498–99–1	VINTOPEROL.
106516–24–9	SERTINDOLE.
106560–14–9	FROPENEM.
106650–56–0	SIBUTRAMINE.
106669–71–0	ARPROMIDINE.
106685–40–9	ADAPALENE.
106686–40–2	GAPROMIDINE.
106707–51–1	DOBUPRIDE.
106719–74–8	GALTIFENIN.
106819–53–8	DOXACURIUM CHLORIDE.
106854–46–0	ARGIMESNA.
106861–44–3	MIVACURIUM CHLORIDE.
106900–12–3	LOPERAMIDE OXIDE.
106972–33–2	DENIPRIDE.
107000–34–0	ZANOTERONE.
107052–56–2	ROMERGOLINE.
107097–80–3	LOXIGLUMIDE.
107266–06–8	GEVOTROLINE.
107266–08–0	CARVOTROLINE.
107320–86–5	ISOMOLPAN.
107361–33–1	ENAZADREM.
107429–63–0	LINTOPRIDE.
107452–79–9	CEFMEPIDIUM CHLORIDE.
107489–37–2	THYMOCTONAN.
107667–60–7	POLAPREZINC.
107736–98–1	UMESPIRONE.
107767–55–5	ALBIFYLLINE.
107793–72–6	IOXILAN.
107868–30–4	EXEMESTANE.
108001–60–1	TROQUIDAZOLE.
108050–54–0	TILMICOSIN.
108138–46–1	TOSUFLOXACIN.
108210–73–7	BIFEPROFEN.
108258–89–5	SULAZURIL.
108310–20–9	PIRODOMAST.
108319–06–8	TEMAFLOXACIN.
108319–07–9	PIRAZMONAM.
108391–88–4	ORBUTOPRIL.
108436–80–2	ROCICLOVIR.
108437–28–1	BINFLOXACIN.
108612–45–9	MIZOLASTINE.
108674–86–8	SERGOLEXOLE.
108674–88–0	IDENAST.
108687–08–7	TELUDIPINE.
108736–35–2	LANREOTIDE.
108785–69–9	LORPIPRAZOLE.
108894–39–9	SITALIDONE.
108894–40–2	BROLACONAZOLE.
108894–41–3	FAMIRAPRINIUM CHLORIDE.
108945–35–3	TAPROSTENE.
109229–58–5	ENGLITAZONE.
109525–44–2	CLIROPAMINE.
109543–76–2	ROMAZARIT.
109581–73–9	TECHNETIUM (99M TC) SESTAMIBI.
109623–97–4	GEDOCARNIL.
109683–61–6	UTIBAPRIL.
109683–79–6	UTIBAPRILAT.
109713–79–3	NELDAZOSIN.
109826–26–8	ZALDARIDE.
109859–50–9	CILOBRADINE.
109889–09–0	GRANISETRON.
110013–21–3	MERAFLOXACIN.
110042–95–0	ACEMANNAN.
110101–66–1	TIRILAZAD.
110140–89–1	RIDOGREL.
110172–45–7	SEBRIPLATIN.
110267–81–7	AMRUBICIN.
110294–55–8	SUDISMASE.
110311–27–8	SULOFENUR.
110314–48–2	ADOZELESIN.
110347–85–8	SELFOTEL.
110390–84–6	PERBUFYLLINE.
110588–56–2	NOBERASTINE.
110588–57–3	SAPERCONAZOLE.
110605–64–6	ISAGLIDOLE.
110623–33–1	SURITOZOLE.
110629–41–9	ELBANIZINE.
110690–43–2	EMITEFUR.
110703–94–1	ZOPOLRESTAT.
110845–89–1	REMIPROSTOL.
110871–86–8	SPARFLOXACIN.
110883–46–0	GIRACODAZOLE.
111011–63–3	EFONIDIPINE.
111025–46–8	PIOGLITAZONE.
111212–85–2	ERSOFERMIN.
111223–26–8	CERONAPRIL.
111393–84–1	AMITIVIR.
111406–87–2	ZILEUTON.
111490–36–9	ZENIPLATIN.
111523–41–2	ENLOPLATIN.
111753–73–2	SATIGREL.
111786–07–3	PRINOXODAN.
111841–85–1	ABECARNIL.
111902–57–9	TEMOCAPRIL.
111911–87–6	REBAMIPIDE.
111974–60–8	RITOLUKAST.
112018–00–5	TEBUFELONE.
112018–01–6	BEMORADAN.
112192–04–8	ROXINDOLE.
112362–50–2	DALFOPRISTIN.
112398–08–0	DANOFLOXACIN.
112573–73–6	ECADOTRIL.
112727–80–7	RENZAPRIDE.
112733–06–9	ZENARESTAT.
112828–00–9	CALCIPOTRIOL.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
112856–44–7	LOSIGAMONE.
112885–41–3	MOSAPRIDE.
112891–97–1	ALENTEMOL.
112893–26–2	BECLICONAZOLE.
112922–55–1	CERICLAMINE.
112964–98–4	VELNACRINE.
113079–82–6	TERBEQUINIL.
113082–98–7	ENALKIREN.
113102–19–5	RIFAMEXIL.
113165–32–5	NIGULDIPINE.
113167–61–6	TERDECAMYCIN.
113359–04–9	CEFOZOPRAN.
113378–31–7	SEMDURAMICIN.
113507–06–5	MOXIDECTIN.
113593–34–3	FLOSATIDIL.
113617–63–3	ORBIFLOXACIN.
113662–23–0	GADOBENIC ACID.
113665–84–2	CLOPIDOGREL.
113759–50–5	CRONIDIPINE.
113775–47–6	DEXMEDETOMIDINE.
113932–41–5	TEMATROPIUM METILSULFATE.
113957–09–8	CEBARACETAM.
114298–18–9	ZALOSPIRONE.
114432–13–2	FANTOFARONE.
114451–30–8	GANEFROMYCIN.
114485–92–6	PIDOLACETAMOL.
114517–02–1	FOSQUIDONE.
114568–26–2	PATAMOSTAT.
114716–16–4	PEMEDOLAC.
114776–28–2	BEPAFANT.
114798–26–4	LOSARTAN.
114977–28–5	DOCETAXEL.
115103–54–3	TIAGABINE.
115256–11–6	DOFETILIDE.
115308–98–0	TALLIMUSTINE.
115313–22–9	SERAZAPINE.
115436–73–2	IPAZILIDE.
115550–35–1	MARBOFLOXACIN.
115574–30–6	IRTEMAZOLE.
115575–11–6	LIAROZOLE.
115911–28–9	SAMPIRTINE.
115956–12–2	DOLASETRON.
115972–78–6	OLRADIPINE.
116002–70–1	ONDANSETRON.
116041–13–5	NEBRACETAM.
116057–75–1	IDOXIFENE.
116078–65–0	BIDISOMIDE.
116289–53–3	TULOPAFANT.
116313–94–1	NITECAPONE.
116476–13–2	SEMOTIADIL.
116539–59–4	DULOXETINE.
116763–36–1	NESTIFYLLINE.
116795–97–2	LEDAZEROL.
116818–99–6	ISALSTEINE.
116861–00–8	ISAMOLTAN.
117211–03–7	CEFETECOL.
117305–33–6	TELIMOMAB ARITOX.
117523–47–4	MIRFENTANIL.
117545–11–6	BIMAKALIM.
117704–25–3	DORAMECTIN.
117819–25–7	BAKEPROFEN.
117827–79–9	ZILPATEROL.
117827–80–2	GADOPENAMIDE.
117827–81–3	DELFAPRAZINE.
117857–45–1	LORECLEZOLE.
117976–89–3	RABEPRAZOLE.
118812–69–4	ULARITIDE.
119006–77–8	FLUTRIMAZOLE.
119169–78–7	EPRISTERIDE.
119302–91–9	ROCURONIUM BROMIDE.
119322–27–9	MERIBENDAN.
119356–77–3	DAPOXETINE.
119386–96–8	MOFEGILINE.
119391–55–8	BENZETIMIDE.
119413–55–7	ELGODIPINE.
119431–25–3	ELIPRODIL.
119514–66–8	LIFARIZINE.
119610–26–3	ALORACETAM.
119625–78–4	TERLAKIREN.
119637–67–1	MOGUISTEINE.
119693–74–2	SOMENOPOR.
119719–11–8	ILATREOTIDE.
119813–10–4	CARZELESIN.
119817–90–2	DEXLOXIGLUMIDE.
119914–60–2	GREPAFLOXACIN.
120054–86–6	DEXNIGULDIPINE.
120066–54–8	GADOTERIDOL.
120092–68–4	MANIDIPINE.
120138–50–3	QUINUPRISTIN.
120210–48–2	TENIDAP.
120279–96–1	DORZOLAMIDE.
120287–85–6	CETRORELIX.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
120373–36–6	UNOPROSTONE.
120410–24–4	BIAPENEM.
120443–16–5	VERLUKAST.
120444–71–5	DERAMCICLANE.
120551–59–9	CRILVASTATIN.
120608–46–0	DUTEPLASE.
120635–74–7	CILANSETRON.
120656–74–8	TREFENTANIL.
120688–08–6	RISOTILIDE.
120770–34–5	DRAFLAZINE.
120788–07–0	SULOPENEM.
120815–74–9	BUTIXOCORT.
120819–70–7	NAROPARCIL.
120824–08–0	LINOTROBAN.
121029–11–6	ALTOQUALINE.
121181–53–1	FILGRASTIM.
121281–41–2	TECHNETIUM (99M TC) BICISATE.
121288–39–9	LOXORIBINE.
121547–04–4	MIRIMOSTIM.
121588–75–8	AMESERGIDE.
121617–11–6	SAVIPRAZOLE.
121650–80–4	PANCOPRIDE.
121679–13–8	NARATRIPTAN.
121808–62–6	PIDOTIMOD.
121840–95–7	ROGLETIMIDE.
121929–20–2	ZONICLEZOLE.
122173–74–4	MIDEPLANIN.
122312–55–4	DOSMALFATE.
122431–96–3	ZILASCORB (2 H).
122575–28–4	NAGLIVAN.
122647–31–8	IBUTILIDE.
122795–43–1	GADODIAMIDE.
122830–14–2	DERIGLIDOLE.
122852–42–0	ALOSETRON.
122898–67–3	ITOPRIDE.
122946–42–3	SPIRIPROSTIL.
122946–43–4	TELMESTEINE.
122955–18–4	SIBOPIRDINE.
122957–06–6	MODIPAFANT.
123040–69–7	AZASETRON.
123072–45–7	APROSULATE SODIUM.
123122–54–3	CANDOXATRILAT.
123122–55–4	CANDOXATRIL.
123205–52–7	TRELNARIZINE.
123212–08–8	SOMATOSALM.
123258–84–4	ITASETRON.
123286–00–0	VINFOSILTINE.
123308–22–5	SEZOLAMIDE.
123482–22–4	ZATOSETRON.
123524–52–7	AZELNIDIPINE.
123618–00–8	FEDOTOZINE.
123774–72–1	SARGRAMOSTIM.
123948–87–8	TOPOTECAN.
123955–10–2	ALMOKALANT.
124012–42–6	GALOCITABINE.
124066–33–7	TAUROSTEINE.
124083–20–1	ETOMOXIR.
124316–02–5	ALPRAFENONE.
124378–77–4	ENADOLINE.
124423–84–3	PANADIPLON.
124436–59–5	PIRODAVIR.
124832–26–4	VALACICLOVIR.
124858–35–1	NADIFLOXACIN.
124904–93–4	GANIRELIX.
124937–51–5	TOLTERODINE.
125363–87–3	CARSATRIN.
125372–33–0	DACOPAFANT.
125472–02–8	MIVAZEROL.
125729–29–5	LEMILDIPINE.
125926–17–2	SARPOGRELATE.
125974–72–3	INTOPLICINE.
126100–97–8	DIMIRACETAM.
126132–83–0	IMCIROMAB.
126222–34–2	REMIKIREN.
126294–30–2	SAGANDIPINE.
126544–47–6	CICLESONIDE.
126752–39–4	SOMAVUBOVE.
126825–36–3	BERTOSAMIL.
126924–38–7	SEPROXETINE.
127035–60–3	ENOFELAST.
127214–23–7	CAMIGLIBOSE.
127304–28–3	LINAROTENE.
127308–82–1	ZAMIFENACIN.
127396–36–5	IOMAZENIL (123 I).
127420–24–0	IDRAPRIL.
127502–06–1	TETROFOSMIN.
127625–29–0	FANANSERIN.
127757–91–9	REGRAMOSTIM.
127757–92–0	MASLIMOMAB.
127779–20–8	SAQUINAVIR.
127932–90–5	RAMORELIX.
128075–79–6	LUFIRONIL.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
128229–52–7	TAMOLARIZINE.
128232–14–4	RAXOFELAST.
128298–28–2	REMACEMIDE.
128326–80–7	NICORACETAM.
128326–81–8	CALDIAMIDE.
128326–82–9	EBERCONAZOLE.
128470–15–5	MELARSOMINE.
128470–16–6	ARBUTAMINE.
128486–54–4	LUROSETRON.
128620–82–6	LIMAZOCIC.
129029–23–8	OCAPERIDONE.
129260–79–3	LOTEPREDNOL.
129336–81–8	TENOSIPROL.
129566–95–6	SOMFASEPOR.
129618–40–2	NEVIRAPINE.
129655–21–6	BIZELESIN.
129729–66–4	EMAKALIM.
129731–10–8	VOROZOLE.
129731–11–9	TIBEGLISENE.
130120–57–9	PREZATIDE COPPER ACETATE.
130167–69–0	PEGASPARGASE.
130209–82–4	LATANOPROST.
130308–48–4	ICATIBANT.
130610–93–4	NIRAVOLINE.
130641–36–0	PICUMETEROL.
130641–38–2	BINDARIT.
130726–68–0	NETICONAZOLE.
130759–56–7	NEMAZOLINE.
130782–54–6	BECIPARCIL.
130929–57–6	ENTACAPONE.
131081–40–8	SILTEPLASE.
131129–98–1	MIPRAGOSIDE.
131635–06–8	SIFAPRAZINE.
131741–08–7	SIMENDAN.
131796–63–9	ODAPIPAM.
132014–21–2	RILMAKALIM.
132019–54–6	MONATEPIL.
132100–55–1	DALVASTATIN.
132203–70–4	CILNIDIPINE.
132338–79–5	TERIKALANT.
132373–81–0	VAMICAMIDE.
132449–46–8	LESOPITRON.
132539–06–1	OLANZAPINE.
132553–86–7	GLEMANSERIN.
132640–22–3	ANDOLAST.
132722–73–7	CALTERIDOL.
132722–74–8	PIRSIDOMINE.
132829–83–5	ESPATROPATE.
132875–61–7	REMIFENTANIL.
133267–19–3	ARTILIDE.
133454–47–4	ILOPERIDONE.
133652–38–7	RETEPLASE.
133718–29–3	REVIZINONE.
134088–74–7	NARTOGRASTIM.
134308–13–7	TOLCAPONE.
134377–69–8	SAFIRONIL.
134564–82–2	BEFLOXATONE.
134678–17–4	LAMIVUDINE.
135062–02–1	REPAGLINIDE.
135381–77–0	FLEZELASTINE.
135558–11–1	LOBAPLATIN.
135889–00–8	CEFCAPENE.
135968–09–1	LENOGRASTIM.
136033–49–3	NEXOPAMIL.
136816–75–6	ATEVIRDINE.
136949–58–1	IOBITRIDOL.
137099–09–3	TUROSTERIDE.
137214–72–3	ILIPARCIL.
137460–88–9	ODALPROFEN.
137487–62–8	ALVIRCEPT SUDOTOX.
137862–53–4	VALSARTAN.
138071–82–6	GADOBUTROL.
138506–45–3	PIDOBENZONE.
138511–81–6	ICODULINE.
138661–01–5	NEBACUMAB.
138661–02–6	PENTETREOTIDE.
138661–03–7	FURNIDIPINE.
138708–32–4	FERPIFOSATE SODIUM.
138778–28–6	SIRATIAZEM.
139402–18–9	ALESTRAMUSTINE.
139404–48–1	TIOTROPIUM BROMIDE.
140850–73–3	IGMESINE.
141200–24–0	DARGLITAZONE.
141374–81–4	TARAZEPIDE.
141410–98–2	EDOBACOMAB.
141483–72–9	ZOLIMOMAB ARITOX.
141505–33–1	LEVOSIMENDAN.
141660–63–1	IOFRATOL.
141725–88–4	CETEFLOXACIN.
143003–46–7	ALGLUCERASE.
143257–97–0	SAMERIDINE.
143257–98–1	LERISETRON.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
143631–62–3	CIPROKIREN.
144058–40–2	SATUMOMAB.

TABLE 1.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical
144916–42–7	SONERMIN.
156586–92–4	ALTUMOMAB.

TABLE 3.—PHARMACEUTICAL APPENDIX TO THE HTSUS

CAS No.	Pharmaceutical/Pharmaceutical intermediate
N/A	Potassium clavulanate-microcrystalline cellulose (1:1).
N/A	(4S,5S)-5-Benzyl-2-oxo-1,3-oxazolidin-4-ylmethyl-4-nitrobenzenesulfonate.
N/A	Ethyl-2-(2-chloro-4,5-difluorobenzoyl)-3-(2,4-difluoroanilino)acrylate.
N/A	Potassium clavulanate-sucrose (1:1).
N/A	O-(6-Fluoro-2-methylinden-3-yl)-p-tolyl methyl sulfide, in the form of a solution in toluene.
N/A	Potassium clavulanate-silicon dioxide (1:1).
N/A	4-(4-Fluorobenzoyl)pyridinium p-toluenesulfonate.
N/A	Magnesium bis(4-nitrobenzyl malonate) dihydrate.
50–69–1	D-Ribose.
55–91–4	Diisopropyl phosphorofluoridate.
56–12–2	4-Aminobutyric acid.
79–50–5	DL-O-Hydroxy-β,β-dimethyl-r-butyrolactone.
81–27–6	Sennoside A.
84–19–5	Dienestrol di(acetate).
87–13–8	Diethyl ethoxymethylenemalonate.
92–39–7	2-Chlorophenothiazine.
94–05–3	Ethyl 2-cyano-3-ethoxyacrylate.
96–82–2	4-O-β-D-Galactopyranosyl-D-gluconic acid.
100–76–5	Quinuclidine.
103–67–3	Benzyl(methyl)amine.
120–20–7	3,4-Dimethoxyphenethylamine.
121–17–5	4-Chloro-O,O,O-trifluoro-3-nitrotoluene.
121–30–2	4-Amino-6-chlorobenzene-1,3-disulfonamide.
121–60–8	N-Acetylsulfanilyl chloride.
128–57–4	Sennoside B.
130–80–3	Diethylstilbestrol dipropionate.
256–96–2	5H-Dibenz[b,f]azepine.
298–81–7	9-Methoxyfuro(3,2-g)chromen-7-one.
482–44–0	9-(3-Methylbut-2-enyloxy)-7H-furo[3,2-g]chromen-7-one.
494–19–9	10,11-Dihydro-5H-dibenz[b,f]azepine.
505–32–8	3,7,11,15-Tetramethylhexadec-1-en-3-ol.
533–67–5	2-Deoxy-D-erythropentose.
551–16–6	6-Aminopenicillanic acid.
583–91–5	2-Hydroxy-4-(methylthio)butyric acid.
590–63–6	2-Carbamoyloxypropyltrimethylammonium chloride.
599–04–2	O-Hydroxy-β,β-dimethyl-r-butyrolactone.
611–71–2	D-Mandelic acid.
620–20–2	O,3-Dichlorotoluene.
645–13–6	4-Methylvalerophenone.
671–89–6	4-Amino-6-chlorobenzene-1,3-di(sulfonyl chloride).
696–23–1	2-Methyl-4-nitroimidazole.
822–36–6	4-Methylimidazole.
841–77–0	1-Benzhydrylpiperazine.
875–74–1	D-O-Phenylglycine.
886–74–8	Chlorphenesin carbamate.
910–99–6	17-O-Hydroxy-16-α-16-α-methyl-3,20-dioxopregna-1,4,9(11)-trien-21-acetate.
920–66–1	1,1,1,3,3,3-Hexafluoropropan-2-ol.
957–68–6	7-Aminocephalosporanic acid.
981–34–0	9-β-11-β-Epoxy-17-O,21-dyhydroxy-16-α-methylene-pregna-1,4-diene-3,20-dione.
1132–95–2	1,1-Diisopropoxycyclohexane.
1210–35–1	10,11-Dihydro-5H-dibenzo[a,d]cyclohepten-5-one.
1458–18–0	Methyl 3-amino-5,6-dichoropyrazine-2-carboxylate.
1570–95–2	2-Phenylpropane-1,3-diol.
1609–66–1	N-Phenyl-N-(4-piperidyl)propionamide.
1614–57–9	3-(5H-Dibenzo[a,d]cycloheptен-5-ylpropyl) dimethylammonium chl.
1939–27–1	2-Methyl-N-(O,O,O-trifluoro-m-tolyl) propionamide.
2011–66–7	2-Amino-2′-chloro-5-nitrobenzophenone.
2147–83–3	1-(1,2,3,6-Tetrahydro-4-pyridyl)-1H-benzimidazol-2(3H)-one.
2222–33–5	5H-Dibenzo[a,d]cyclohepten-5-one.
2942–59–8	2-Chloronicotinic acid.
3158–91–6	2-Chlorodibenz[b,f][1,4]oxazepin-11(10H)-one.
3312–04–7	1-Chloro-4,4-bis(4-fluorophenyl)butane.
3453–33–6	6-Methoxy-2-naphthaldehyde.
3588–63–4	N-Benzyloxycarbonyl-DL-valine.
3736–92–3	1,2-Diphenyl-4-(2-phenylthioethyl) pyrazolidine-3,5-dione.
3874–54–2	4-Chloro-4′-fluorobutyrophenone.
3976–69–0	Methyl (R)-3-hydroxybutyrate.
4093–31–6	Methyl 4-acetamido-5-chloro-o-anisate.
4252–78–2	2,2′,4′-Trichloroacetophenone.
4295–65–2	2-Chloro-9-(3-dimethylaminopropyl)-9H-thioxanthen-9-ol.
4320–30–3	Arginine l-glutamate.
4462–55–9	3-(2,6-Dichlorophenyl)-5-methyl-1,2-oxazole-4-carbonyl chlori.
4965–33–7	7-Chloro-2-methylquinoline.
5018–45–1	5,6-Dimethoxypyrimidin-4-ylamine.
5081–87–8	3-(2-Chloroethyl)quinazoline-2,4(1H,3H)-dione.
5111–65–9	6-Bromo-2-naphthyl methyl ether.
5271–67–0	Thiophene-2-carbonyl chloride.
5422–34–4	N-(2-Hydroxyethyl)lactamide.
5511–98–8	Acetyldigoxin.
5521–55–1	5-Methylpyrazine-2-carboxylic acid.
5794–13–8	L-Asparagine monohydrate.
6631–94–3	2-Acetylphenothiazine.
6928–85–4	4-Methylpiperazin-1-ylamine.
7206–70–4	4-Amino-5-chloro-2-methoxybenzoic acid.

TABLE 3.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical/Pharmaceutical intermediate
7597–60–6	6-Amino-5-formamido-1,3-dimethyluracil.
8024–48–4	Casanthranol.
8055–80–9	Fibrinuclease, powder.
9001–63–2	Lysosyme chloride.
9003–98–9	Deoxyribonuclease.
10106–41–9	17-Hydroxy-16-O-methyl-3,20-dioxopregna-1,4,9(11)-trien-21-yl acetate.
10191–60–3	Dimethyl cyanocarbonimidodithioate.
10506–37–3	O-2-Naphthyl chlorothioformate.
11116–97–5	Calcium gluconate lactate.
13062–59–4	4-Morpholin-2-ylpyrocatechol hydrochloride.
13183–79–4	1-Methyltetrazole-5-thiol.
13255–50–0	4-Formyl-N-isopropylbenzamide.
13291–96–8	Sodium (R)-N-(3-methoxy-1-methyl-3-oxoprop-1-enyl)-2-phenylglycinate.
13292–22–3	3–Formylrifamycin.
13338–63–1	3,4,5-Trimethoxyphenylacetonitrile.
13485–59–1	L-Alanyl-L-proline.
13931–75–4	Phenmetrazine teoclate.
14205–39–1	Methyl 3-aminocrotonate.
14487–05–9	Rifamycin O.
14818–98–5	L-N-(1-Cyano-1-vanillylethyl)acetamide.
15362–40–0	1-(2,6-Dichlorophenyl)indolin-2-one.
16390–07–1	4-Chloro-1′-(4-methoxyphenyl)benzohydrazide.
16673–34–0	N-(2-(4-Sulfamoyl)phenyl)ethyl-5-chloro-2-methoxybenzamide.
16883–16–2	5-Methyl-3-phenyl-1,2-oxazole-4-carbonyl chloride.
17630–75–0	5-Chloroindolin-2-one.
18416–35–8	Enoxolone dihydrogen phosphate.
19395–41–6	2-Phenyl-2-(2-piperidyl)acetic acid.
20096–03–1	3,3-Diethyl-5-(hydroxymethyl)pyridine-2,4(1H,3H)-dione.
20627–73–0	2-Nitrobenzaldehyde dimethyl acetal.
20662–53–7	1-(4-Piperidyl)-1H-benzimidazol-2(3H)-one.
20763–30–8	2-Cyclohexa-1,4-dienylglycine.
20850–49–1	3-Methyl-2-(3,4-dimethoxyphenyl)butyronitrile.
21080–92–2	3-Thienylmalonic acid.
21601–78–5	Phenyl hydrogen phenylmalonate.
21732–17–2	Tetrazol-1-ylacetic acid.
22252–43–3	7-Amino-3-methyl-3-cephem-4-carboxylic acid.
22663–37–2	1-(4-Chlorobenzenesulfonyl)urea.
22720–75–8	2-Acetylbenzo[b]thiophene.
22818–40–2	D-2-(4-Hydroxyphenyl)glycine.
22982–78–1	1,2,3,4-Tetrahydro-2-isopropylaminomethyl-6-methyl-7-nitroquinoline methanesulfo.
23323–37–7	1-Deoxy-1-(octylamino)-D-glucitol.
23680–84–4	4-Amino-2-chloro-6,7-dimethoxyquinazoline.
24085–03–8	2-[Benzyl(tert-butyl)amino]-1-(O,4-dihydroxy-m-tolyl)ethanol.
24085–08–3	Benzyl(tert-butyl)(4-hydroxy-3-hydroxymethyl-4-oxophenethyl)ammonium chloride.
24155–42–8	1-(2,4-Dichlorophenyl)-2-imidazol-1-ylethanol.
24209–38–9	7-Amino-3-(1-methyltetrazol-5-ylthiomethyl)-3-cephem-4-carboxyacid.
24510–54–1	17-O-Hydroxy-16-O-methyl-3,20-dioxopregna-1, 4-dien-21-yl acet.
24510–55–2	17-O-Hydroxy-16-α-methyl-3,20-dioxopregna-1, 4-dien-21-yl acet.
24683–26–9	Ethyl 4-hydroxy-2-methyl-2H-1, 2-benzothiazine-3-carboxylate 1,1 dioxide.
24701–69–7	7-Amino-3-methoxymethyl-3-cephem-4-carboxylic acid.
25629–50–9	3-(2-Chlorophenyl)-5-methyl-1,2-oxazole-4-carbonyl chloride.
26116–12–1	1-Ethylpyrrolidin-2-ylmethylamine.
26787–84–8	Sodium (R)-2-(4-hydroxyphenyl)-N-(3-methoxy-1-methyl-3-oxoprop-1-enyl)glycinate.
27366–72–9	2-(Dimethylaminothio)acetamide hydrochloride.
27387–31–1	1,2,3,4-Tetrahydro-9-methylcarbazol-4-one.
27469–60–9	1-(4,4′-Difluorobenzhydryl)piperazine.
28092–62–8	(3aS,6aR)-1,3-Dibenzyl-2,3,3a,4,6,6a-hexahydro-1H-furo[3,4-d]imid azole-2,4-dione.
28416–82–2	(6-α,11-β,16-α,17-α)-6,9-Difluoro-11, 17-dihydroxy-16-methyl-3-oxoandrosta-1,4-di 7-carboxylic acid.
28657–79–6	1-Ethyl-1,4-dihydro-4-oxo-1,3-dioxolo [4,5-g]cinnoline-3-carbonitrile.
28888–44–0	6,7-Dimethoxyquinazoline-2,4(1H,3H)-dione.
29169–64–0	(R)-O-(Chlorocarbonyl)benzyl formate.
29490–19–5	5-Methyl-1,3,4-thiadiazole-2-thiol.
29707–62–8	4-Nitrobenzyl 6-(2-phenoxyacetamido)penicillanate 1-oxide.
29754–58–3	Methyl 5-glyoxyloylsalicylate monohydrate.
29976–53–2	Ethyl 4-oxopiperidine-1-carboxylate.
30131–16–9	4-(4-Phenylbutoxy)benzoic acid.
30246–33–4	(7R)-7-Amino-3[(5-methyl-1,3,4-thiadiazole-2-yl)thiomethyl]-3-cephem-4-carboxylic acid.
30566–92–8	5-(N,N-Dibenzylglycyl)salicylamide.
31264–51–4	3-Chloropropyl 2,5-xylyl ether.
32338–15–1	Phenothiazin-2-ylamine.
32852–95–2	2-(3-Phenoxyphenyl)propiononitrile.
33659–28–8	Calcium bis(4-O-(-D-galactopyranosyl)-D-gluconate)—calcium bromide (1:1).
34582–65–5	Potassium (R)-N-(3-methoxy-1-methyl-3-oxoprop-1-enyl)-2-phenylglycinate.
35000–38–5	tert-Butyl triphenylphosphoranylideneacetate.
36622–33–0	3-Methyl-2-(3,4,5-trimethoxyphenyl) butyronitrile.
36657–18–3	Hexestrol dibutyrate.
37052–78–1	5-Methoxybenzimidazole-2-thiol.
37742–98–6	4-Bromo-2,2-diphenylbutyric acid.
37743–18–3	3,3-Diphenyltetrahydrofuran-2-ylidene (dimethyl)ammonium bromide.
38345–66–3	(2S,3R)-4-Dimethylamino-3-methyl-1,2-diphenylbutan-2-ol.
38849–09–1	3-(9,10-Dihydro-9,10-ethanoanthracen-9-yl)acrylaldehyde.
39098–97–0	2-Thienylacetyl chloride.
39512–49–7	4-(4-Chlorophenyl)piperidin-4-ol.
39754–02–4	7-[(R)-Amino(phenyl)acetamido]-3-methyl-3-cephem-4-carboxylic acid- -dimethylformamide (2:1).
40172–95–0	1-(2-Furoyl)piperazine.
40591–65–9	2,3,4,6-Tetra-O-acetyl- -D-glucopyranosyl carbamimidothioate hydrobromide.
41078–70–0	3-(2-Chloroethyl)-2-methyl-4H-pyrido [1,2-a]pyrimidin-4-one.
43076–30–8	1-(4-tert-Butylphenyl)-4-[4-(O-hydroxybenz hydryl)piperidino]butan-1-one.
43076–61–5	4′-tert-Butyl-4-chlorobutyrophenone.
49627–27–2	(Z)-5-Fluoro-2-methyl-1-(4-methylthio benzylidene)-1H-inden-3-ylacetic acid.
51458–28–7	(1R,2R)-2-Amino-1-(4-methylsulfonyl phenyl)propane-1,3-diol.
51718–70–8	2,3-Epoxypropyl 4-(2-methoxyethyl)phenyl ether.
51818–85–0	7-[(D)-Mandelamido]cephalosporanic acid.

TABLE 3.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical/Pharmaceutical intermediate
51856–79–2	Methyl 1-methylpyrrol-2-ylacetate.
52099–72–6	1-Isopropenyl-1H-benzimidazol-2(3H)-one.
52730–36–7	Sennoside A, calcium salt.
52730–37–7	Sennoside B, calcium salt.
53786–28–0	5-Chloro-1-(4-piperidyl)-1H-benzimidazol-2(3H)-one.
53786–45–1	Ethyl 4-(2-amino-4-chloroanilino)piperidine-1-carboxylate.
53786–46–2	Ethyl 4-(5-chloro-2,3-dihydro-2-oxo-1H-benzimidazol-2-yl)piperidine-1-carboxylate.
53994–83–5	4-Nitrobenzyl 7-amino-3-chloro-3-cephem-4-carboxylate.
54322–20–2	Sodium 4-chloro-1-hydroxybutane-1-sulfonate.
54396–44–0	O′,O′,O′-Trifluoro-2,3-xylidine.
55174–61–3	3,4-Dimethoxy-β-methylphenethylamine.
55408–10–1	Ethyl tetrazole-5-carboxylate.
56326–98–8	1-(4-Fluorophenyl)-4-oxocyclohexane carbonitrile.
56724–21–1	(1R,2R)-2-Amino-1-(4-methylsulfonyl phenyl)propane-1,3-diol hydrochloride.
57988–58–6	4-(4-Bromophenyl)piperidin-4-ol.
59386–02–6	Hexestrol dipropionate.
59468–44–9	8-Chloro-6-(2-fluorophenyl)-1-methyl-4H-imidazo [1,5-a][1,4]benzodiazepine-3-carb carboxylic acid.
61380–02–7	1-Benzyl-4-(methoxymethyl)-N-phenyl-4-piperidylamine.
61516–73–2	Ethyl 2-oxopyrrolidin-2-ylacetate.
61832–41–5	Methyl (1-methylthio-2-nitrovinyl)amine.
63074–07–7	1-(Tetrahydro-2-furoyl)piperazine.
63427–57–6	4-Nitrobenzyl 3-methylene-7-(phenoxyacetamido) cepham-4-carbox-5-oxide.
63484–12–8	Methyl 2-methoxy-5-methylsulfonylbenzoate.
64485–82–1	Ethyl 2-(2-amino-1,3-thiazol-4-yl)-2-hydroxyiminoacetate.
64838–55–7	(2S)-1-(3-Acetylthio-2-methyl-1-oxopropyl)-L-proline.
64920–29–2	Ethyl 2-oxo-4-phenylbutyrate.
64987–03–7	Ethyl (2-formamido-1,3-thiazol-4-yl)glyoxylate.
64987–06–0	(2-Formamido-1,3-thiazol-4-yl)glyoxylic acid.
65872–43–7	2-(2-Formamido-1,3-thiazol-4-yl)-2-methoxyiminoacetic acid.
66242–82–8	Disodium 2,5-dihydro-5-thiooxo-1H-tetrazol-1-ylmethanesulfona.
66356–53–4	5-(2–Aminoethylthiomethyl) furfuryldimethylamine.
67305–72–0	N-(2-Mercaptoethyl) propionamide.
67914–60–7	4-(4-Acetylpiperazin-4-yl)phenol.
67914–85–6	cis-2-(2,4-Dichlorophenyl)-2-(1H-1,2,4-triazol-1-ylmethyl)-1,3-dioxolan-4-ylmeth.
67914–97–0	4-(4-isopropylpiperazin-1-yl)phenol.
68077–26–9	7-Chloro-1-ethyl-6-fluoro-1,4-dihydro-4-oxoquinoline-3-carboxylic acid.
69048–98–2	1-Ethyl-1,2-dihydro-5H-tetrazol-5-one.
69399–79–7	3-(2-Chloro-6-fluorophenyl)-5-methyl-1,2-oxazole-4-carbonyl chloride.
69416–61–1	Potassium (R)-2-(4-hydroxyphenyl)-N-(3-methoxy-1-methyl-3-oxoprop-1-enyl)glycinate.
70918–74–0	1-(2,3-Dihydro-1,4-benzodioxin-2-ylcarbonyl)piperazine hydrochloride.
71107–19–2	2-Oxo-5-vinylpyrrolidine-3-carboxamide.
74203–92–2	Carbenoxolone, dicholine salt.
74283–25–3	Ethchlorvynol carbamate.
74345–73–6	D-(-)-3-Acetylthio-2-methylpropionyl chloride.
74664–03–2	Diethylstilbestrol dibutyrate.
75885–58–4	2,2-Dimethylcyclopropanecarboxamide.
75970–99–9	[1-(4-Fluorobenzyl)-1H-benzimidazol-2-yl](4-piperidyl)amine.
76247–39–7	Iodomethyl penicillanate 1,1-dioxide.
76497–39–7	D-(-)-3-Acetylthio-2-methylpropionic acid.
76855–69–1	(3S,4R)-4-Acetoxy-3-[(R)-1-(tert-butyl dimethylsilyloxy)ethyl]azetidin-2-one.
77497–97–3	(S)-3-Benzyloxycarbonyl-1,2,3,4-tetra hydroisoquinolinium p-toluenesulfonate.
77550–67–5	Ammonium (3R,5R)-7-{(1S,2S,6R,8S,8aR) -1,2,6,7,8,8a-hexahydro-2,6-dimethyl-8-[(2S)-2-methyryloxy]-1-naphthyl}-3,5-dihydroxyheptanoate.
78441–62–0	4-(2-Aminoethylthiomethyl)-1,3-thiazol-2-ylmethyl(dimethyl)am in the form of a solution in toluene.
79617–99–5	trans-(+-)-4-(3,4-Dichlorophenyl)-1,2,3,4 -tetrahydro-1-naphthyl(methyl) ammonium chloride.
79814–47–4	Methyl hydrogen (2S,3R)-3-amino-2[(S)-(1-hydroxyethyl)]gluta.
79836–44–5	4-(3,4-Dichlorophenyl)-3,4-dihydronaphthalen-1(2H)-one.
81880–96–8	N-(4-Hydrazinobenzyl)methanesulfonamide hydrochloride.
82671–06–5	2,6-Dichloro-5-fluoronicotinic acid.
82717–96–2	(S,S)-N-(1-Ethoxycarbonyl-3-phenyl propyl)alanine.
83556–85–8	1-(3-Chloropropyl)-2,6-dimethylpiperidinium chloride.
83682–27–3	Sodium 2-hydroxy-1-(4-hydroxy-3-methoxyphenyl)propane-2-sulfo.
83783–69–1	4-Fluorobenzyl-1H-benzimidazol-2-ylamine.
83857–96–9	2-Butyl-5-chloro-1H-imidazole-4-carbaldehyde.
84196–16–7	N-[4-(Methoxymethyl)-4-piperidyl]-N-phenylpropionamide hydrochloride.
84501–68–8	Ethyl 4-[1-(4-fluorobenzyl)-1H-benzimidazol -2-ylamino]piperidine-1-carboxylate.
84682–23–5	2-(2,4-Dichlorophenyl)-2-(1H-imidazol-1-ylmethyl)-1,3-dioxolan-4-yl methanol.
84793–24–8	Ethyl (S)-2-[(S)-4-methyl-2,5-dioxo-1,3 -oxazolidin-3-yl]-4-phenylbutyrate.
84803–46–3	4-(4-Chlorophenyl)piperidine-2,6-dione.
85700–75–0	11-α,17,21-Trihydroxy-16-β-methylpregna-1,4-diene-3,20-dione.
86386–75–6	2,4′-Difluoro-2-(1H-1,2,4-triazol-1-yl) acetophenone hydrochloride.
86604–78–6	4-Methoxy-3,5-dimethyl-2-pyridylmethanol.
87460–09–1	Benzyl hydroxy(4-phenylbutyl) phosphinoylacetate.
87932–78–3	(6R,7R)-3-Acetoxymethyl-7-[(R)-2-formyloxy-2-phenylacetamido]-8-oxo-5-thia-1-aza lo[4.2.0]oct-2-ene-2-carboxylic acid.
88918–84–7	4-Aminobenzyl-N-methylmethanesulfonamide hydrochloride.
88919–22–6	3-(2-Aminoethyl)-N-methyl-1H-indol-5-ylmethanesulfonamide.
89766–91–6	1-Carboxy-1-methylethoxyammonium chloride.
90005–55–3	3′-Amino-2′-hydroxyacetophenone hydrochloride.
90657–55–9	trans-4-Cyclohexyl-2-proline hydrochloride.
93076–03–0	3-(2-Chloroethyl)-6,7,8,9-tetrahydro-2-methyl-4H-pyrido[1,2-a]pyrimidin-4-one hydrochloride.
93107–30–3	1-Cyclopropyl-6,7-difluoro-1,4-dihydro-4-oxoquinoline-3-carboxylic acid.
94021–22–4	2-Piperazin-1-ylpyrimidine dihydrochloride.
94158–44–8	1,1-Dimethoxy-2-(2-methoxyethoxy)ethane.
97845–60–8	2-(Acetoxymethyl)-4-(2-amino-6-chloropurin-9-yl)butyl acetate.
98105–79–4	7-Chloro-6-fluoro-1-(4-fluorophenyl)-1,4-dihydro-4-oxoquinoline-3-carboxylic acid.
99614–02–5	1,2,3,4-Tetrahydro-9-methyl-3-(2-methyl-1H-imidazol-1-ylmethyl)carbazol-4-one.
100491–29–0	Ethyl 7-chloro-1-(2,4-difluorophenyl)-6-fluoro-1,4-dihydro-4-oxonaphthyridine-3-carbox.
100501–62–0	Ethyl 1-ethyl-6,7,8-trifluoro-1,4-dihydro-4-oxoquinoline-3-carboxylate.
101904–56–7	4-(5H-Dibenzo[a,d]cyclohepten-5-yl) piperidine.
103094–30–0	3-Ethyl 5-methyl (+-)-4-(2-Chlorophenyl)1,4 dihydro-2-[2-(1,3-dioxoisoindolin-2-yl) ethoxymethyl]p ne-3,5-dicarboxylate.
103300–89–6	N6-Trifluoroacetyl-L-lysyl-L-proline.
103300–91–0	1-{N2-[(S)-1-Ethoxycarbonyl-3-phenylpropyl]- N6-trifluoroacetyllysyl}proline.
103335–41–7	Methyl 3-oxo-4-aza-5-O-androst-1-ene-17-β-carboxylate.
103335–54–2	3-Oxo-4-azaandrost-5-ene-17-β-carboxylic acid.

TABLE 3.—PHARMACEUTICAL APPENDIX TO THE HTSUS—Continued

CAS No.	Pharmaceutical/Pharmaceutical intermediate
103335–55–3	3-Oxo-4-aza-5-α-androstane-17-β-carboxylic acid.
103831–11–4	Pyrrolidin-3-ylamine dihydrochloride.
103995–01–3	1-(2,4-Difluorophenyl)-6,7-difluoro-1, hydro-4-oxoquinoline-3-carboxylic acid.
104146–10–3	4-Methoxybenzyl 3-chloromethyl-7-(2-phenylacetamido)-3-cephem-4-carboxylate.
104860–26–6	cis-1-[3-(4-Fluorophenoxy)propyl]-3-methoxy-4-piperidylamine.
104860–73–3	4-Amino-5-chloro-N-{1-[3-(4-fluorophenoxy) propyl]-3-methoxy-4-piperidyl}-2-methozamide.
104872–06–2	(3S,4S)-3-Hexyl-4-[(R)-2-(hydroxytridecyl)] oxetan-2-one.
105641–23–4	N6-Trifluoroacetyl-L-lysyl-L-proline p-toluenesulfonate.
105951–31–3	5,6-Dihydro-4-oxo-4H-thieno[2,3-b]thiine-2-sulfonamide.
105951–35–7	5,6-Dihydro-4-oxo-4H-thieno[2,3-b]thiine-2-sulfonamide 7,7-di.
106447–44–3	7-Amino-3-[(Z)-prop-1-enyl]-3-cephem-4-carboxylic acid.
106461–41–0	2-sec-Butyl-4-{4-[4-(4-hydroxyphenyl) piperazin-1-yl]phenyl}-2H-1,2,4-triazol-3(4e).
110638–68–1	Calcium bis(4-O-(β-D-galactopyranosyl)-D-gluconate) dihydrate.
110877–64–0	2-Chloro-4,5-difluorobenzoic acid.
111006–10–1	Isobutyl 3,4-epoxybutyrate.
113403–10–4	Dexibuprofen lysine (INNM).
114772–53–1	4′-Methylbiphenyl-2-carbonitrile.
114873–37–9	1,4,7,10-Tetraazacyclododecane-1,4,7-triyltriacetic acid.
119154–86–8	(Z)-2-(2-Amino-1,3-thiazol-4-yl)-2-methoxyiminoacetyl chloride hydrochloride.
121873–00–5	Ethyl 3-(2-chloro-4,5-difluorophenyl)-3-hydroxyacrylate.
123599–78–0	[(2-Methyl-1-propionylpropoxy) (4-phenylbutyl)phosphinoyl]acet acid.
123599–79–1	[(2-Methyl-1-propionylpropoxy) (4-phenylbutyl)phosphinoyl]acet acid—cinchonidine (1:1).
123631–92–5	2-(2,4-Difluorophenyl)-1,3-bis (1H-1,2,4-triazol-1-yl)propan-2.
124492–04–2	(S)-1,4-Dithia-7-azaspiro[4.4] nonane-8-carboxylic acid.
124750–53–4	5-(4′-Methylbiphenyl-2-yl)-1-trityl-1H-tetrazole.
125224–62–6	(1S)-2-Methyl-2,5-diazabicyclo[2.2.1]heptane dihydrobromide.
125496–24–4	(S)-3-Formamido-2-formyloxypropionic acid.
127047–77–2	2-(Acetoxymethyl)-4-iodobutyl acetate.
128948–01–6	[R-(R*,S*)]-[2-Methyl-1-(1-oxopropoxy) propoxy](4-phenylbutyl)phosphinoylacetic a.
130804–35–2	1-[5-(4,5-Diphenylimidazol-2-ylthio) pentyl]-1-heptyl-3-(2,4-difluorophenyl)urea.
131266–10–9	2-(Acetoxymethyl)-4-(benzyloxy)butyl acetate.
132659–89–3	3-Dimethylaminomethyl-1,2,3,4-tetrahydro-9-methylcarbazol-4-o.
132961–05–8	Z)-3-{2-[4-(2,4-Difluoro-O-hydroxyiminobenzyl) (piperidino]ethyl}-6,7,8,9-tetrahy-methyl-4H-pyrido[1,2-a]pyrimidin-4-one.
133909–99–6	2-Butyl-4-chloro-1-[2′(2-trityl-2H-tetrazol-5-yl)biphenyl-4-ylmethyl]-1H-imidazolmethanol.
136450–06–1	3′-Acetyl-2′-hydroxy-4-(4-phenylbutoxy) benzanilide.
136465–81–1	(3S,4aS,8aR)-N-tert-Butyldecahydro isoquinoline-3-carboxamide.
136465–99–1	N-(2-Quinolylcarbonyloxy)succinimide.
136668–42–3	Sodium 3-[3-tert-butylthio-1-(4-chlorobenzyl)-5-(2-quinolylmethoxy-1H-indol-2-yl]-2,2-d ylpropionate.
139781–09–2	5,5-Bis(4-pyridylmethyl)-5H-cyclopenta [2,1-b:3,4-b′]dipyridin monohydrate.
139893–43–9	Ammonium (3R,5R)-7-[(1S,2S,6R,8S,8aR)-8-(2,2-dimethylbutyryloxy)-1,2,6,7,8a-hexahydro-2,6 thyl-1-naphthyl]-3,5-dihydroxyheptanoate.
141862–47–7	5-Glyoxyloylsalicylamide monohydrate.
142522–81–4	Sodium (R)-1-{1-{3-[(E)-2-(7-chloro-2-quinolyl)vinyl]phenyl}-3-[2-(1-hydroxy-1-methylethenyl]propylthiomethyl}cyclopropylacetate.
149182–72–9	(S)-N-tert-Butyl-1,2,3,4-tetrahydro isoquinoline-3-carboxamide.
150097–92–0	Methyl 5-pentafluoroethyl-2-propylimidazole-4-carboxylate.
151338–11–3	N-tert-Butyl-diene-17-carboxamide.

[FR Doc. 95–10085 Filed 4–25–95; 8:45 am]

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Federal Register

Wednesday
April 26, 1995

Part III

Federal Communications Commission

47 CFR Part 73

Broadcast Services; Children's Television; Proposed Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93–48; FCC 95–143]

Broadcast Services; Children's Television

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: This Notice proposes a number of changes to the Commission's rules regarding the broadcast of television programming that serves the educational and information needs of children, in order to implement the Children's Television Act of 1990 (CTA) more effectively. First, the Commission proposes to require broadcasters to identify, on the air and in materials provided to publishers of broadcast schedules, programming ''specifically designed'' to educate and inform children. The Commission also seeks comment on ways to improve the quality of, and public access to, the information broadcasters make available regarding their efforts in providing children's educational and informational programming. Second, the Commission proposes to clarify its definition of ''educational and informational programming'' by adopting a definition of ''core'' programming. The Commission also seeks comment on which of three alternative options for further action should be implemented:

Commission monitoring of the amount of educational and informational programming on the air during a specified period following adoption of measures to improve the flow of programming information to the public and a clarified definition; adoption of a safe harbor processing guideline specifying an amount of core programming that would satisfy the CTA; and adoption of a programming standard requiring that every station be responsible for the airing of a minimum amount of core programming in its market. The Commission also invites comment on possible new license renewal procedures and program sponsorship rules allowing licensees the option of meeting their programming obligation under the CTA in part by sponsoring core programming on other stations in their market. This action is taken to ensure that the educational and informational needs of children are satisfied and thus that broadcasters comply with the CTA.

DATES: Comments are due by June 16, 1995, and reply comments are due by July 17, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Diane Conley, Mass Media Bureau, (202) 776–1653.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making (NPRM) in MM Docket No. 93–48, FCC 95–143, adopted April 5, 1995, and released April 7, 1995. The complete text of this NPRM is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, DC 20037.

Synopsis of Notice of Proposed Rule Making

1. Through this NPRM, the Commission seeks comment on several proposals aimed at providing licensees with clear, simple, and fair guidance regarding their children's programming obligation, to facilitate compliance with the Children's Television Act of 1990 (CTA or Act). The CTA was enacted to ''increase the amount of educational and informational broadcast television programming for children.'' [1] In response to this mandate, the Commission earlier adopted a Report and Order in MM Dockets 90–570 and 83–670 (56 FR 19611, April 29, 1991) and a Memorandum Opinion and Order in the same proceeding (56 FR 42707, August 29, 1991), establishing rules which implemented the CTA.

2. The CTA imposes an affirmative obligation on broadcast television stations to serve the educational and informational needs of children through not only their ''overall programming,'' but also programming ''specifically designed'' to serve children's needs. The Act requires the Commission, in evaluating its licensees' license renewal applications, to determine whether stations have met this obligation. The CTA also authorizes the Commission, as part of its license renewal review process, to consider any special nonbroadcast efforts by the licensee that enhance the educational and information value of programming to children, and any special efforts by the licensee to produce or support programming specifically designed to serve the educational and informational needs of children that is broadcast by another station in the licensee's market. Our current rules generally incorporate the language of the statute and also define educational and informational programming as ''programming that furthers the positive development of children 16 years of age and under in any respect, including the child's intellectual/cognitive or social/emotional needs.'' [2] In addition, we require broadcasters to air some amount of standard-length educational and informational programming specifically designed for children 16 years of age and under. The Commission has adopted no other guidelines regarding the types of programming that may contribute to satisfying a station's renewal review requirement, and our rules contain no requirement as to the number of hours of educational and informational programming that stations must broadcast or the time of day during which such programming may be aired.

3. After developing some experience with the CTA, including the review of more than 320 television license renewals, the Commission issued a Notice of Inquiry (NOI) initiating this proceeding (58 FR 14367, March 17, 1993) to examine whether its children's television rules should be revised. After careful consideration of the studies, comments, and other information regarding the availability of educational broadcast programming provided in response to the NOI and in connection with the FCC's *en banc* hearing on children's television held on June 28, 1994 (59 FR 22814, May 3, 1994), the Commission finds that this evidence is insufficient to support a conclusion as to whether or not the educational and informational needs of children are being met, including whether the CTA and our existing regulations have precipitated a significant increase in the amount of children's educational and informational programming carried by commercial broadcasters. In particular, none of the studies submitted enables us to determine accurately what amount of programming specifically designed to educate and inform children is currently being aired by commercial stations.

4. Even if the Commission accepts the conclusion drawn by some parties that the amount of educational programming on the air has increased since implementation of our rules, the degree of that increase appears to be quite

[1] Children's Television Act of 1989, Senate Committee on Commerce, Science, and Transportation, S. Rep. No. 227, 101st Cong., 1st Sess. 1, 9 (1989) (''Senate Report'').

The other provisions of the CTA, those intended to protect children from over commercialization of programming, are not at issue in this proceeding.

[2] 47 C.F.R. 73.671 Note.

modest at best. Thus, the Commission is not convinced that the current rules are prompting an adequate response to the CTA. Accordingly, the Commission feels that it would be desirable to precipitate a more substantial and significant increase in the amount of children's educational and informational programming—in particular, programming specifically designed to educate and inform children—in the future.

5. In developing the rule revisions it proposes, the Commission has followed three principles. The first principle is that judgments of the quality of a licensee's programming, educational or otherwise, are best made by the audience, not by the federal government. It should not be necessary for the Commission to make such judgments if the public has sufficient programming information to play an active role in ensuring that the goals of the CTA are met. The provision of better programing information to the public should give parents and others the opportunity to influence broadcasters to air more educational programming—by, for example, encouraging children to watch educational programming and thereby increasing the ratings for such programming—and should also facilitate enforcement of the CTA.

6. To improve the flow of information to the public, the Commission proposes to require broadcasters to identify programs as educational at the time they are aired and in materials provided to publishers of television schedules. Such identifications need not take up large amounts of air time or print and could be as simple as an icon. Commenters are asked not only to discuss this specific proposal, but also to propose any additional methods for informing the public of upcoming children's programming. Comment is also sought on how to improve the quality of, and public access to, the information provided by stations regarding their efforts to provide programming specifically designed to serve the educational and informational needs of children. The Commission seeks comment on revising our existing rule requiring broadcasters to place in their public inspection files annual or quarterly reports about the children's programming they air. One suggested change is to require broadcasters to include in these reports the name of and method for contacting the person at the station responsible for collecting comments on the station's compliance with the CTA. The Commission further seeks comment on ways of rendering the required information in an easily understandable yet comprehensive form, and whether these reports should be required annually or quarterly or whether stations should continue to be allowed to choose between the two options.

7. The second principle the Commission has followed is that our rules and processes should be as clear, simple, and fair as possible. To this end, the Commission proposes to revise our definition of ''educational and informational'' programming. The current definition—''programming that furthers the positive development of children 16 years of age and under in any respect, including the child's intellectual/cognitive or social/emotional needs''—is ambiguous and fails to give licensees clear guidance. Indeed, some licensees have interpreted this definition to include general audience news and game shows. Moreover, the Commission has never defined what constitutes programming ''specifically designed'' to serve children's educational and informational needs, even though the CTA expressly requires each licensee to provide such programming. The Commission is concerned that this lack of clarity has led to less than optimal compliance with the goals of the CTA and that, unless greater specificity is provided, noneducational programming could drive educational programming off the air. The Commission therefore proposes to adopt a definition of programming specifically designed to serve children's educational and informational needs, *i.e.*, ''core'' programming.

8. The Commission tentatively concludes that we should define ''core'' educational programming as those programs that meet the following requirements: (1) The program is specifically designed to meet the educational and informational needs of children ages 16 and under (*i.e.*, has education as a significant purpose); (2) the educational objective of the program and the target child audience are specified in writing in the children's programming report described above; (3) the program is aired between the hours of 6:00 a.m. and 11:00 p.m.; (4) the program is regularly scheduled; (5) the program is of a substantial length (*e.g.*, 15 or 30 minutes); and (6) the program is identified as educational children's programming at the time it is aired, and instructions for listing it as educational programming are provided by the licensee to program guides. The Commission seeks comment on this definition.

9. The Commission's third principle is that broadcasters should be guided by market forces, to the greatest extent possible, in determining whether they meet their programming obligation by airing shows themselves, or by sponsoring programming aired on other stations. The program sponsorship concept, most relevant to the options discussed below of adopting processing guidelines or programming standards, would permit a broadcaster to better utilize other stations' children's programming expertise, would allow some stations to develop audience identification and programming schedules that build child audiences, and could stimulate growth in the production of educational and informational programming, all while reducing disincentives to airing such programming.

10. While the Commission believes that the proposals to ensure that the public has greater access to information and to clarify the definition of educational and informational programming are important steps toward promoting the goals of the CTA more effectively, the Commission is concerned that these efforts may not suffice to serve the educational and informational needs of children, and to bring about the kind of measurable increase in such programming contemplated by Congress. Accordingly, the Commission also proposes to take one of the following three types of action.

11. The first option available to the Commission would be to monitor the amount of broadcasted programming specifically designed to serve the educational and informational needs of children for a specified period of time (*e.g.*, three years) to determine whether the Commission's efforts to increase the flow of information to the public and clarify our rules have caused a significant increase in such programming. Stations would be required to submit annual descriptions of their educational and informational programming. At the end of the specified period, the Commission would assess the need for further regulatory action.

12. A second option would be to establish a safe harbor quantitative processing guideline. Such a guideline would specify an amount of core programming that would represent one means of satisfying the CTA's programming obligation and permit staff approval of the children's programming portion of a license renewal application. Under this option, if a licensee aired the prescribed amount of programming, its license renewal application would not be reviewed further for CTA programming compliance. The only challenges to a licensee's children's

programming performance that would be entertained would be those questioning the *bona fides* of a licensee's claim to have met the processing guideline. A licensee that did not meet the processing guideline would have its application referred to the Commission for consideration and would have the opportunity to demonstrate that it had complied with the CTA in other ways. The Commission would then evaluate such a licensee's performance based on its overall efforts and other circumstances. Failure to meet the guideline would thus result in greater review of the application, but would not constitute a *de facto* violation of the Commission's rules.

13. Given the results of the studies submitted in the record thus far, and allowing for the possibility that these studies may be somewhat flawed, the Commission is currently inclined to think that, if a processing guideline is adopted, it should be set at 3 hours per week of core programming, at least initially. The Commission seeks comment on this suggestion and on whether, if a processing guideline is adopted, it should be increased in stages over time. If the Commission adopts a phased-in processing guideline, what should the ultimate level of the guideline be, and over what period of time should it be phased in? One possibility would be to increase the guideline by increments of the half hour each year until reaching a level of 5 hours of core programming per week.

14. A third option would be to establish a standard requiring that every station be responsible for the airing of a minimum amount of core programming in its market. Stations meeting this requirement would qualify for staff approval of the children's programming portion of their license renewal application. Those not meeting the standard would have their applications referred to the Commission for determination of the appropriate remedy. Notwithstanding failure to meet the standard, the Commission could hold that the licensee had in fact complied with the CTA's requirements. However, a licensee failing to meet a standard would have a much heavier burden to show that it complied with the CTA than would be the case if it did not meet a processing guideline. Thus, a licensee failing to meet a standard would have to make a compelling showing that the qualifying programming it did air, along with any of its other programming-related activities in its market, served the educational and informational needs of children in that market as well as or better than an additional amount of programming specifically designed to serve the educational and informational needs of children. Again, the Commission believes that, given the current level of programming documented by the data submitted, the appropriate level of a programming requirement would be 3 hours of core programming per week, at least initially. The Commission seeks comment on this suggestion and, as with the option of a processing guideline, interested parties are invited to comment on whether it would be appropriate to increase the requirement by, for example, one half hour each year until a requirement of 5 hours of core programming per week is established. A programming standard, or rule, may be easier to administer and would give the Commission a broader range of sanctions than a processing guideline. The Commission solicits comment on these and other factors differentiating a processing guideline from a standard.

15. There are a number of questions on which the Commission seeks comment that are raised by both the option of a safe harbor processing guideline and that of a programming standard. First, comment is sought on the Commission's suggestion of a weekly processing guideline or programming standard averaged over a specified period, and the Commission asks for ideas as to the period of time over which a guideline or standard should be averaged. The Commission also seeks comment on the extent to which repeats during a weekly schedule and later reruns of programs should be counted toward fulfillment of any processing guideline or programming requirement that might be adopted. Second, the Commission seeks comment as to whether a processing guideline or programming requirement should be the same for all stations regardless of station type or market size. Third, it has been publicly suggested that to give stations an incentive to air high-quality programming, a programming requirement should be based entirely on a certain amount of rating points. The Commission invites comment on this suggestion and on whether it would be appropriate for either a processing guideline or a programming standard.

16. Finally, interested parties are asked to provide the Commission with further data and related information. The Commission requests in particular detailed information regarding any potential opportunity costs (*i.e.*, the difference in profits from children's educational programming and from other programming that might be aired instead) for broadcasters that would be created by the implementation of a processing guideline or programming requiring set at various levels. More specifically, the Commission requests that commenters provide us with one or more studies that quantify any such costs for stations in different sized markets, as well as for the broadcasting industry as a whole. The Commission urges commenters to ensure that the sample data used to develop estimates of any opportunity costs that stations might face are representative and that the methodology used to develop the estimates is clearly explained. The Commission also reiterates to all interested parties the importance of providing information and studies, in addition to those already on record, documenting changes in the nature and amount of children's educational programming on the air, especially recently. In providing such studies, commenters should bear in mind that the utility of the material already presented to us in this inquiry is limited. For example, the results of certain station surveys accept at face value station claims as to the educational consent of their programming, and our experience with such claims suggests that the figures produced by these studies may be inflated. The Commission notes that if data were submitted that show that the educational and informational needs of children are being met consistent with the goals of the CTA, we would reassess the need for further action.

17. In weighing alternatives for further Commission action, the Commission must consider any limitations imposed by the First Amendment of the Constitution. Even assuming that the Commission's proposals were found to be content-based restrictions on speech, some restrictions on content have been judged permissible when applied to broadcasting because of the scarcity of frequencies and broadcasters' concomitant duty to provide public service. To be consistent with the First Amendment, content-based restrictions on speech in the broadcasting context must be narrowly tailored to further a substantial government interest. The Commission tentatively concludes, and the case law suggests, that the government has a substantial interest in furthering the education and welfare of children through implementation of the CTA. The courts have held that there is a compelling government interest in ''safeguarding the physical and psychological well being of a minor.'' [3]

[3] *Action for Children's Television* v. *FCC*, 852 F.2d 1332, 1343 n. 18 (D.C. Cir. 1988) and Supreme Court Cases cited therein.

The legislative history of the CTA states that ''[i]t is difficult to think of an interest more substantial than the promotion of the welfare of children who watch so much television and rely upon it for so much of the information they receive.'' [4] The Commission seeks comment on whether each of the proposed alternatives for improving implementation of the CTA is narrowly tailored to further the CTA's interest in furthering the education and welfare of children and on its analysis of First Amendment issues as discussed in paragraphs 66 through 73 in the full text of this NPRM.

18. The Commission also seeks comment on possible revisions to our license renewal procedures that might encourage the public to take a more active role in urging stations to comply with the CTA and reduce the government's role in reviewing such compliance. Thus, the Commission seeks comment on whether it should require any party filing a petition to deny to show that he or she had first attempted to resolve the alleged problem with the station in question, and whether, if we implement a safe harbor processing guideline or a programming standard licensees should be permitted to certify whether they have aired the prescribed amount of core programming.

19. Finally, the Commission solicits comment on a number of general and specific issues regarding ''program sponsorship'' rules. If the Commission adopts either a safe harbor processing guideline or a programming standard, such rules would give licensees the option of either themselves airing the entire prescribed amount of children's educational programming, or airing a portion of the prescribed amount themselves and taking responsibility for the remainder by providing financial or other ''in-kind'' support for programming aired on other stations in their market. The station sponsoring educational programs shown elsewhere would take credit for these programs at license renewal time. We conclude that the CTA precludes allowing a licensee to meet either a processing guideline or programming standard entirely by sponsoring programming on other stations in the same market. The Commission thus suggests that under either option each station be required to air at least 1 hour of core educational and informational programming itself and that each be allowed to fulfill the remaining hours by sponsoring core programming on other stations. The Commission also seeks comment on the tentative views expressed in the full text of the NPRM regarding how a program sponsorship system should work. The CTA and the Commission's rules already permit stations to receive credit at license renewal time for supporting educational programming on another station in their market, and the Commission has held that if one station produces or buys children's programs broadcast on another station, so as to qualify under 47 U.S.C. 303b(b)(2), both stations may rely on such programming in their license renewal applications. The Commission now seeks comment on whether that holding was correct, or whether it undermines the CTA by permitting ''double counting.'' It appears that, at least for the purpose of meeting a processing guideline or programming requirement, stations that air sponsored programming (''host'' stations) should not be permitted to claim credit for such programming.

20. It is also the Commission's view that a station should be allowed to sponsor programs for the purpose of meeting a processing guideline or programming requirement only on host stations that serve largely the same potential viewers. On the other hand, the Commission does not believe that we should require sponsor and host stations to serve exactly the same area because such a requirement would unduly limit the program sponsorship options available in many markets. Taking into account these competing considerations, it would seem sensible to require that, when any portion of a station's programming that is claimed to satisfy a processing guideline or programming requirement consists of programming shown on another station, the signal of the host station cover 80 percent of either the community of license or the area encompassed within the grade A or grade B contour of the sponsor station. The Commission seeks comment on these ideas and on other issues relevant to program sponsorship. For example, the Commission asks for comment on what types of information about sponsored programs should be provided to the public, and whether antitrust law would limit the extent to which stations in a market may cooperate through program sponsorship efforts.

21. If the Commission adopts either a processing guideline or a programming standard, we would intend that the resulting regulatory changes would be made on a provisional or experimental basis, rather than as permanent changes. It is the Commission's hope that any such guideline or standard, together with the other changes we propose, will effectuate a significant improvement in television broadcasters' service to children, and also will enable parents to monitor the performance of stations in their communities and ensure through their actions that the CTA's objectives are met. In accordance with these expectations, and to ensure periodic review of the necessity and efficacy of a guideline or standard, the Commission invites comment on whether to sunset any regulatory changes related to the possible implementation of either of these two options, absent additional Commission action, on December 31, 2004, unless affirmatively extended by the Commission. This date is one year after the close of the renewal cycle for the last group of stations to come up for renewal after rules would be adopted in this proceeding, and would allow the Commission, prior to the sunset, the opportunity to evaluate fully the effects of any rules adopted here. Thus, it would be our intention to undertake a review prior to the sunset date.

22. In conclusion, with this proceeding, the Commission intends to enhance the public's ability to monitor station compliance with the CTA, to clarify its rules and policies governing educational programming for children to provide licensees with greater certainty as to the scope of their children's programming obligation, and to ensure that the amount of educational and informational programming provided by television broadcasters comports with the goals of the CTA. The Commission believes that these objectives can be achieved by increasing the flow of information to the public about the children's programming that stations are broadcasting, and by adopting a definition of programming ''specifically designed'' to serve children's educational and informational needs. In addition, we intend to take further action—in the form of instituting monitoring procedures, processing guidelines or a programming standard—in order to ensure that all children have access, as Congress intended, to an adequate supply of educational and informational programming specifically designed for them. The Commission seeks comment on all aspects of our proposals, and welcomes other ideas commenters may have to achieve the objectives outlined herein.

V. Administrative Matters

23. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before June 16, 1995, and reply comments on or before July 17, 1995. To file formally in this

[4] Senate Report at 17; see also House Report at 11.

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

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

Initial Regulatory Flexibility Act Statement

I. Reason for the Action

This proceeding was initiated to explore ways to implement the Children's Television Act of 1990 more effectively.

II. Objective of This Action

The actions proposed in this *NPRM* are intended to give licensees clear, simple, and fair guidance regarding their children's programming obligation; to increase the flow of programming information to the public to facilitate enforcement of the Children's Television Act of 1990; and to allow the marketplace to determine to the fullest extent possible the means that licensees use to meet their programming obligation. Other objectives are to increase the amount of available television broadcast programming that meets the educational and informational needs of children and to promote efficiency in the production and distribution of such programming.

III. Legal Basis

Authority for the actions proposed in this NPRM may be found in Sections 1 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 303; and Section 103 of the Children's Television Act of 1990, 47 U.S.C. 303b.

IV. Number and Type of Small Entities Affected by the Proposed Rules

Approximately 1,200 existing commercial television broadcasters of all sizes may be affected by the proposals contained in this NPRM.

V. Reporting, Record-keeping, and Other Compliance Requirements Inherent in the Proposed Rule

The NPRM seeks comment on modifying current record-keeping and reporting requirements to include a requirement that licensees demonstrate compliance with proposed rule changes in their children's programming report, and seeks comment on requiring licensees to make programming information more accessible to the public. The NPRM seeks comment on whether stations should be required to separate their children's programming reports from other material in the public inspection file and broadcast announcements to alert the public of the existence of such reports. It also seeks comment on a certification requirement that would replace the current requirement for submission of detailed documentation to the Commission for those stations able to certify that they have met a safe harbor processing guideline or programming standard.

VI. Federal Rules Which Overlap, Duplicate, or Conflict With the Proposed Rule

None.

VII. Any Significant Alternatives Minimizing the Impact on Small Entities and Consistent With the Stated Objectives of the Action

The proposals contained in this NPRM are designed to encourage television broadcast programming that satisfies the requirements of the Children's Television Act of 1990, while minimizing the impact on small entities.

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–10176 Filed 4–25–95; 8:45 am]

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Federal Register

Wednesday
April 26, 1995

Part IV

Department of Transportation

Maritime Administration

46 CFR Part 298

Obligation Guarantees: Program Administration; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 298

[Docket No. R–154]

RIN 2133–AB14

Obligation Guarantees: Program Administration

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Maritime Administration (''MARAD'') is issuing this notice of proposed rulemaking which proposes modifications to certain provisions of the existing regulations implementing Title XI of the Merchant Marine Act, 1936, as amended (''Act''), in order to improve administration of the Title XI program. MARAD administers financial assistance under Title XI of the Act in the form of obligation guarantees for all types of vessel construction and shipyard modernization and improvement, except for fishing vessels. On March 31, 1994, MARAD published in the **Federal Register** an interim final rule which amended its regulations implementing Title XI in order to carry out the provisions of Subtitle D of Public Law 103–160, expanding the authorization for obligation guarantees to finance the construction, reconstruction, and reconditioning of eligible export vessels and shipyard modernization and improvement. A final rule was published on September 16, 1994. The final rule stated that MARAD would publish at a later date a separate notice of proposed rulemaking to improve administration of the entire Title XI program. That is the subject of this rulemaking.

MARAD initiated a review of the administration of its Title XI obligation guarantees program regulations with the objective of implementing President Clinton's ongoing regulatory reform initiative and to reaffirm and implement the principles of Executive Order 12866—Regulatory Planning and Review (September 30, 1993). This rulemaking would significantly shorten the time for processing applications for guarantees and reduce the economic burden on applicants in complying with MARAD requirements for the submission of information. Accordingly, it is expected to encourage the construction of vessels in United States shipyards.

DATES: Written comments are requested and must be received on or before May 26, 1995. A 30 day comment period has been chosen in order to improve the efficiency of the administration of the Title XI program.

ADDRESSES: Comments may be mailed or otherwise delivered to the Secretary, Maritime Administration, Room 7210, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590. All comments will be made available for inspection during normal business hours at the above address. Commenters wishing MARAD to acknowledge receipt of comments should enclose a stamped self-addressed envelope or postcard.

FOR FURTHER INFORMATION CONTACT: David A. Lippold, Examiner, Division of Capital Assets Management, Office of Ship Financing, Maritime Administration, Room 8122, 400 Seventh Street SW., Washington, D.C. 20590. Telephone 202–366–1907.

SUPPLEMENTARY INFORMATION: Title XI of the Act, 46 App. U.S.C. 1271 *et seq.*, authorizes the Secretary of Transportation (Secretary) to provide guarantees of debt (''obligation guarantees'') issued for the purpose of financing or refinancing the construction, reconstruction or reconditioning of vessels built in United States shipyards. On November 30, 1993, Public Law 103–160, cited as the ''National Defense Authorization Act for Fiscal Year 1994'' (''Authorization Act''), was enacted. Subtitle D of Title XIII of the Authorization Act, cited as the ''National Shipbuilding and Shipyard Conversion Act of 1993'' (''Shipbuilding Act''), expanded the Title XI program by authorizing the Secretary to guarantee obligations issued to finance the construction, reconstruction, or reconditioning of eligible export vessels and for shipyard modernization and improvement. The Shipbuilding Act establishes ''a National Shipbuilding Initiative (NSI) program to be carried out to support the industrial base for national security objectives by assisting in the reestablishment of the United States shipbuilding industry as a self-sufficient internationally competitive industry.''

Applications for obligation guarantees are made to MARAD acting under authority delegated by the Secretary to the Maritime Administrator (''Administrator''). Prior to execution of a guarantee, MARAD must, among other things, make determinations of economic soundness of the project, and the financial and operating capability of the applicant. Prior to amendment by Public Law 103–160, guarantees could be issued only for debt issued by United States citizens.

The Title XI program enables applicants to obtain long-term financing on terms and conditions and at interest rates comparable to those available to large corporations. Funds secured by the obligation guarantees are borrowed in the private sector.

As noted, the provisions of the Shipbuilding Act that required changes in MARAD's regulations became effective on November 30, 1993. MARAD concluded that it was imperative to publish amendments to its Title XI regulations, as an interim final rule. The interim final rule became effective on publication in the **Federal Register** on March 31, 1994 (59 FR 15123), in order to permit implementation of the NSI program without delay.

That interim final rule stated that MARAD would publish, at a later date, a separate notice of proposed rulemaking which would propose modifications to the Title XI regulations to improve administration of the overall Title XI program. Such modifications were not addressed in the interim rule because they were not required to implement the Shipbuilding Act. This notice of proposed rulemaking solicits public comments on a number of proposals to improve the current Title XI program.

In addition to soliciting comments on the amendments to the Title XI regulations set forth in this notice of proposed rulemaking, MARAD is hereby soliciting industry and other public comments on three additional areas. The first issue on which MARAD is soliciting public comments deals with the retention in section 298.13 of the waiver requirement specifically granted for foreign components and services to be included in Actual Cost. MARAD is concerned about the potential adverse effect on the U.S. supplier base, which we recognize as critical to the national defense and economy. We are attempting to create an environment where both the shipbuilding and ship supply industries have the opportunity to be competitive based on fair pricing, quality, and timeliness.

The second issue on which MARAD is soliciting public comments deals with construction period financing. The Title XI regulations currently provide authority for MARAD to do construction period financing. As the Secretary may approve Guarantees with respect to obligations to be issued to finance the construction, reconstruction, or reconditioning of vessels or construction of advanced or modern shipbuilding technology during the applicable period of construction, reconstruction, or reconditioning, we

are inviting comments on available forms of security, in addition to surety bonds, that could protect MARAD's interests as a lender, how progress should be monitored, what new procedures/methodologies should be developed to improve the previously utilized progress payment system, and if payment of interest on the obligations should be made on a more frequent basis (i.e., weekly, monthly or quarterly) than that outlined in § 298.22, *Amortization of Obligations*, of this Part 298. In addition, in § 298.21 MARAD has proposed the use of an approved agent as an alternative for appropriate certification of the Actual Cost of a project. However, comments are solicited on how the Title XI applicant will verify/certify to MARAD that certain costs have been paid prior to disbursement of Title XI funds from the escrow account, for example, the use of an agent on MARAD's behalf to verify that certain costs have been paid.

Comments are also requested concerning the standard application Form MA 163 referenced in § 298.3, *Applications*, of this title and the required documentation outlined in Subpart D of this part 298. Please comment also on the current standard application Form MA 163 and any proposed amendments to the form and standard documentation, particularly with regard to export vessels and shipyard modernization. Specific changes to the existing standard application form could, for example, include a requirement to list any requests which have been made of other U.S. and/or foreign institutions regarding the project for which the Title XI financing is requested and if so, a statement of the nature of this assistance, including any rating of foreign financial institutions by other U.S. government agencies. Other changes could involve modifications to the standard form of the Title XI Reserve Fund and Financial Agreement. In addition, comments are invited for any proposed modifications to the existing regulatory requirements covering the Title XI program.

Whenever reference is made in these regulations to forms prescribed by MARAD for applications or other filing requirements, the format of such forms in effect prior to the effective date of these regulations may be used pending revision and issuance of new forms, which must be approved by The Office of Management and Budget. To the extent necessary to reflect statutory requirements, any form submitted may be modified or supplemented to facilitate processing, but until new forms have been approved, these regulations do not require more extensive paperwork or reporting requirements than exist under the present Title XI regulations.

Discussion of Rulemaking Text

MARAD is proposing to amend its Obligation Guarantees regulations at 46 CFR Part 298, the proposed amendments summarized as follows:

References to the Terms ''Affiliate'' and ''Affiliated''

All references to the existing defined terms ''Affiliate'' and ''Affiliated'' would be replaced by the defined term ''Related Party''. This change reflects a terminology change in generally accepted accounting principles (GAAP), as promulgated by the Financial Accounting Standards Board of the American Institute of Certified Public Accountants, and conforms to changes made in Part 232, Uniform Financial Reporting Requirements, on November 24, 1993, effective December 27, 1993. Accordingly, the definition of Affiliate or Affiliated in section 298.2 (c) is proposed to be removed, a new definition of Related Party added, and the paragraph designations for the definitions are redesignated herein accordingly. In addition, it is proposed that paragraphs 298.13(a)(2)(iv), 298.13 (b)(2)(i)(B) and (b)(3), 298.35(b)(1)(ii), 298.35(b)(2)(ii), 298.35(c)(1)(ii), 298.35(c)(2)(ii), and 298.37 be amended to reflect the ''Related Party'' preferred terminology which conforms to changes made in Part 232 on November 24, 1993.

Subpart A—Introduction

Section 298.2 Definitions

Section 298.2 is intended to provide convenient reference to the meaning of significant terminology used in Part 298, based principally on statutory derivation, reflecting with the letter designation of the paragraphs respectively, contained in the final rule published on September 16, 1994 (based on the interim final rule designations and redesignations), or as proposed to be redesignated in this rulemaking. As proposed:

Paragraph (a), ''Act'' remains unchanged.

Paragraph (b), ''Actual Cost'' remains unchanged.

Paragraph (c), ''Advanced Shipbuilding Technology'' remains unchanged.

Paragraph (d), ''Affiliate or Affiliated'' is removed.

Redesignated paragraph (d), ''Closing'' remains unchanged.

Redesignated paragraph (e), ''Depository'' remains unchanged.

Redesignated paragraph (f), ''Depreciated Actual Cost'' remains unchanged.

Redesignated paragraph (g), ''Documentation'' remains unchanged.

Redesignated paragraph (h), ''Eligible Export Vessel'' remains unchanged.

Redesignated paragraph (i), ''Eligible Shipyard'' remains unchanged.

Redesignated paragraph (j), ''General Shipyard Facility'' remains unchanged.

Redesignated paragraph (k), ''Guarantee'' remains unchanged.

Redesignated paragraph (l), ''Guarantee Fee'' remains unchanged.

Redesignated paragraph (m), ''Indenture Trustee'' is changed to require that a qualified bank or trust company must, among other things, be located in and organized and doing business under the laws of the United States, a State or territory thereof, the District of Columbia or the Commonwealth of Puerto Rico.

Redesignated paragraph (n), ''Letter Commitment'' remains unchanged.

New paragraph (o), ''Letter of Interest'' is added as an attempt to enhance a company's or shipyard's marketing effort and, in the long run, expedite the decision-making process on Title XI applications. It may be issued by the Secretary upon receipt of a request for Guarantees and is not a financial offer but rather an indication of what terms may be considered by the Secretary if a Letter Commitment is issued at a later date. This definition parallels very closely the Export-Import Bank of the United States' definition for a letter of interest.

Paragraph (p), ''Maritime Administration'' remains unchanged.

Paragraph (q), ''Modern Shipbuilding Technology'' remains unchanged.

Paragraph (r), ''Mortgage'' remains unchanged.

Paragraph (s), ''Obligation'' remains unchanged.

Paragraph (t), ''Obligee'' remains unchanged.

Paragraph (u), ''Obligor'' remains unchanged.

Paragraph (v), ''Paying Agent'' remains unchanged.

Paragraph (w), ''Person'' remains unchanged.

Paragraph (x), ''Preferred Mortgage'' remains unchanged.

New paragraph (y), ''Related Party'' is added, defined as is ''Affiliate'' or ''Affiliated'' in existing paragraph (d).

Redesignated paragraph (z), ''Secretary'' remains unchanged.

Redesignated paragraph (aa), ''Secretary's Note'' remains unchanged.

Redesignated paragraph (bb), ''Security Agreement'' remains unchanged.

Redesignated paragraph (cc), ''Vessel'' remains unchanged. Although the definition of Vessel has not been modified, one continued area of interest has been the expansion of Title XI financing to promote a U.S.-flag cruise industry and to expand opportunities for U.S. shipyards in the passenger vessel market, including ferries, ''cruises to nowhere'' and gaming vessels. Some organizations have requested that passenger vessels engaged in commercial common carriage on a scheduled service be determined to be eligible for Title XI even if they do not have overnight accommodations or specific point-to-point service. In the past, MARAD policy has excluded such vessels from Title XI coverage. Although no regulatory change is necessary, MARAD is taking the opportunity at this time to announce a change in policy expressly to include passenger vessels engaged in commercial common carriage as eligible for the Title XI program. Commercial common carriage vessels must operate on a scheduled service and offer passage to the public at large.

Section 298.3 Applications

Section 298.3 is self-explanatory. Paragraphs (a), (c), and (d) remain unchanged. Paragraph (b)(1) is amended to shorten the period between the filing of the application and the anticipated date by which a Letter Commitment is required from six months to four months. In addition, it shortens the period of time for the Secretary to perform a preliminary review of the application for adequacy of completeness from 30 days to 15 days and reduces the amount of time the applicant has to correct deficiencies from nine months to 15 days for each request for additional information. If the requested information is not received within this 15 day period, then the Secretary may terminate the processing of the application without prejudice. Once the Title XI application is considered complete by the Secretary, the Secretary will act on the application within a period of 60 calendar days. Finally, the revised paragraph states that, unless otherwise extended by the Secretary, if an application is not completed by the applicant and acted upon by the Secretary within four months from the submission date, the processing of the application is terminated without prejudice and the applicant may reapply. This shortened period of time is much less than the one year period currently provided for in the existing Title XI regulations.

In order to insure that a Title XI applicant is serious in applying for federal assistance and in view of the increasing complexity of export and shipyard modernization projects and the increased interest in the Title XI program, the filing fee referenced in paragraph (c) and submitted with a formal Title XI application shall be adjusted from a fixed fee of $1,000 to a fee based on the requested amount of the Title XI financing. Each Title XI application must be accompanied by a filing fee in the amount of one quarter of the investigation fee amount calculated pursuant to the investigation fee formula outlined in § 298.15. Although the total investigation fee formula for each project shall not change, requiring that one quarter of the investigation fee be submitted with the receipt of a formal Title XI application will result in the Government recovering the administrative cost of processing the application in a more expeditious manner. Notwithstanding the above, in no event will the filing fee be less than $1,000. The filing fee will continue to be non-refundable and will be used as a credit against the investigation fee.

Finally, a new paragraph (f) is added in order to expedite the review of Title XI proposals and lessen the burden on the applicant, which provides for the preliminary review of a request by an applicant, rather than a complete application, and the issuance by the Secretary within ten days of a Letter of Interest. There shall be no filing fee payable in respect of a request for the issuance of such a letter. Letters of interest address the general eligibility of a project and are not binding commitments of the Government.

Section 298.10 Citizenship

In section 298.10, paragraphs (b) through (e) remain unchanged. Paragraph (a) of this section is deleted in its entirety and replaced with a new paragraph which incorporates changes conforming it to the citizenship standards in Part 221.

Section 298.11 Vessel Requirements

In § 298.11, paragraphs (b) and (d) remain unchanged. Paragraph (a) of this section is revised to be divided into three categories. This change will provide greater flexibility to ship owners and shipyards and will be squarely in line with the standards enunciated by the U.S. Coast Guard.

The first category defines a vessel financed by Obligation Guarantees to be considered to be of U.S. construction and qualified for coastwise trade provided that all components of the hull and superstructure are fabricated in the United States, and that the Vessel is assembled entirely in the United States; however, the Vessel may have foreign source machinery, equipment, or hull and superstructure material which has been manufactured in a foreign facility to the extent allowed by the U.S. Coast Guard. The second category defines a Vessel financed by Obligation Guarantees to be considered to be of U.S. construction if the Vessel is assembled entirely in the United States, but not qualified for the coastwise trade because it has material which has been manufactured in a foreign facility. The third category states that with respect to Eligible Export Vessels financed by Obligation Guarantees, the Vessel must be assembled in a U.S. shipyard.

Paragraph (c) is amended to permit Quality Systems Certificate Scheme issued by qualified International Association of Classification Societies (IACS) members who have been recognized by the Secretary as meeting acceptable standards for such a society to participate in the Eligible Export Vessel program. That recognition shall include, at a minimum, recognition that the society meets the requirements of IMO Resolution A.139(18) and delegation by the United States Coast Guard of inspection/certification authority.

Finally, paragraph (e) would be added to this section to indicate that the preferred system of measurement and weights for Vessels and advanced and modern shipbuilding technology is the metric system.

Section 298.12 Applicant and Operator's Qualifications

Section 298.12 is modified to eliminate the submission of certain information in paragraph (b) about the identity and ownership of the applicant which is not required. In addition, the paragraph is modified by requesting that the applicant furnish its international identification number, if any. Paragraph (c)(3) of this section is modified to cover insolvency or reorganization proceedings of the applicant under either domestic or foreign statutes in the case of Eligible Export Vessels. Finally, paragraph (f) of this section is modified to limit the information required to be submitted regarding the management and shore management personnel concerned with the physical operation of the vessel(s) owned by the applicant or proposed for construction or individuals concerned with the physical operation of the shipyard.

Section 298.13 Financial Requirements

Paragraph (a)(2) is revised to clarify that foreign components of the hull and

superstructure may not be included in Actual Cost. The fourth sentence is amended to clarify that, although excluded from Actual Cost, foreign components of the hull and superstructure can be regarded as owner-furnished equipment that may be used in satisfying the applicant's equity requirements imposed by paragraph (a)(3) of this section. An illustration is provided to demonstrate how the cost of foreign components of the hull and superstructure may satisfy an applicant's equity requirements. New paragraph (a)(3) provides that the ability of co-financiers to exercise their rights against collateral shared with MARAD, if an applicant utilizes co-financing (i.e., consisting of a blend of Title XI and private financing for the debt portion of the project), shall be subject to the approval of the Secretary. Finally, paragraphs (a)(4), (b)(2), (b)(3) and (b)(4) are amended to be consistent with 46 CFR Part 232 with respect to the use of the defined term Related Party.

Section 298.14 Economic Soundness

In section 298.14 the existing paragraph (a)(2)(i)(F) is amended to recognize the potential for purchasing existing equipment of a reasonable condition and age from sources other than existing Title XI holders.

Section 298.16 Substitution of Participants

Section 298.16 is amended by removing existing paragraph (a) which requires a mortgagee applying for permission to assign an insured mortgage to another entity to pay a fee of $1,500. It is very unlikely that any of the few remaining insured Mortgages will be assigned prior to their maturity within the next several years and, if so, MARAD's approval of such a request is routine.

Section 298.17 Evaluation of Applications

Section 298.17 is amended by removing in Subpart B, Appendix A-Selected Cash Flow Impacts. Appendix A should have been removed when the responsibility for the computation of the internal rate of return was shifted from the Title XI applicant to MARAD in 1992.

Section 298.21 Limits

Section 298.21 modifies paragraph (b) to include in the Actual Cost determination Guarantee Fees determined in accordance with the provisions of section 1104(e) of the Act. Finally, paragraph (d) is amended to include applicability to Advanced Shipbuilding Technology and Modern Shipbuilding Technology and to provide the alternative for appropriate certification of the Actual Cost of a project by an agent approved by the Secretary.

Section 298.23 Refinancing

The penultimate sentence in Section 298.23 is modified to provide that an applicant shall satisfy all of the eligibility requirements set forth in Subpart B of Part 298, including economic soundness, as may be necessary.

Section 298.25 Financing Repayment of Construction-Differential Subsidy

Section 298.25 is removed due to the fact that the construction-differential subsidy program has not been funded since 1981.

Section 298.28 Advances

Section 298.28 is amended by shortening and simplifying the description of the criteria that will be applied in exercising the Secretary's discretion to make an advance or payment of funds.

Section 298.32 Required Provisions in Documentation

Section 298.32 is amended to conform to the three categories of Vessels identified in § 298.11 (a) regarding Vessel requirements, addressed earlier. In addition, paragraph (b)(6) is amended by adding the applicability of the appropriate insurance on Eligible Export Vessels.

Section 298.36 Annual Guarantee Fee

Section 298.36 is amended by deleting paragraphs (f), (g), and (i) in their entirety and amending paragraph (e) to reflect the requirement that the obligor make a lump sum payment of the Guarantee Fee at the closing of the loan Guarantee, without any right of reimbursement in the event of prepayment of the Obligation. The proposed amendment ensures that the government will retain the full benefit of the Guarantee Fee and will create an incentive for applicants to enhance the financial structure of their transactions in order to merit eligibility for the lowest possible Guarantee Fee rate. It is proposed that the project's entire Guarantee Fee payment shall be made by the Obligor to the Secretary in an amount equal to the sum of the present value of the separate products obtained by applying the Guarantee Fee rate to the projected amount of the guaranteed Obligations outstanding for each year of the stated maturity of the guaranteed Obligation. In calculating the present value used in determining the amount of the Guarantee Fee to be paid, MARAD will use a discount rate based on information contained in the Department of Commerce's Economic Bulletin Board quarterly rates. Under no circumstances could the Secretary refund the Guarantee Fee to the Obligor. As provided in § 298.21(b), a Guarantee Fee paid pursuant to this section would be included in Actual Cost and would be eligible to be financed.

Section 298.42 Report Requirements—Financial Statements

Section 298.42 is amended by making certain technical corrections relating to requirements for independent audits by clarifying that the financial statements of a company are audited.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review)

This rulemaking has been reviewed under Executive Order 12866, and it has been determined that this is not an economically significant regulatory action as the rule is not likely to result in 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. However, since this rule would further the implementation of the National Shipbuilding Initiative program established under Subtitle D of Title XIII, Public Law 103–160, to support the industrial base and national security objectives by assisting in the reestablishment of a United States shipbuilding industry as a self-sufficient internationally competitive industry, and is of great interest to the U.S. maritime industry, it has been determined to be a significant rule under the Department's Regulatory Policies and Procedures. Accordingly, it is considered to be a significant regulatory action under E.O. 12866. Because the economic impact should be minimal, further regulatory evaluation is not necessary. These amendments are intended only to simplify and clarify the procedural requirements for obtaining Guarantees, principally to expedite the process for MARAD's review of applications. Its purpose is to encourage the construction of ships in U.S. shipyards both for the domestic and the Eligible Export Vessel programs.

MARAD is publishing these amendments as a notice of proposed rulemaking, as necessary to carry out the Secretary's responsibilities under

Title XI and to improve program administration.

This rulemaking document has been reviewed by the Office of Management and Budget under Executive Order 12866, ''Regulatory Planning and Review.''

Federalism

MARAD has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612 and has determined that these regulations do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

MARAD certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

Environmental Assessment

MARAD has considered the environmental impact of this rulemaking and has concluded that an environmental impact statement is not required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act

This rulemaking contains reporting requirements that have previously been approved by the Office of Management and Budget (Approval No. 2133–0018). Use of the present Maritime Administration Title XI Obligation Guarantees form will be continued pending revision and issuance of new forms, which must be approved by The Office of Management and Budget.

List of Subjects in 46 CFR Part 298

Loan programs—transportation, Maritime carriers, and Mortgages.

Accordingly, 46 CFR Part 298 is proposed to be amended as follows:

1. The authority citation for part 298 continues to read as follows:

Authority: 46 App. U.S.C. 1114 (b), 1271 et seq, 49 CFR 1.66.

§ 298.13, 298.35, 298.37 [Amended]

2. Remove all references in §§ 298.13 (a)(2)(iv), (b)(2)(i)(B) and (b)(3); 298.35 (b)(1)(ii), (b)(2)(ii), (c)(1)(ii), and (c)(2)(ii); and 298.37 to the terms ''Affiliate(s)'' and ''affiliates'', and substitute the term ''Related Party''.

3. Section 298.2 is amended as follows:

a. By removing paragraph (d), *Affiliate or Affiliated*.

b. By amending paragraph (n), *Indenture Trustee*, to add the following words, ''which is located in and organized and doing business under the laws of the United States, any State or territory thereof, the District of Columbia or the Commonwealth of Puerto Rico,'' after the amount ''$3,000,000.''

c. By redesignating paragraphs (e) through (o) as paragraphs (d) through (n); redesignating paragraphs (y) through (bb) as paragraphs (z) through (cc); and by adding new paragraphs (o) and (y) to read as follows:

§ 298.2 Definitions.

* * * * *

(o) *Letter of Interest* means a letter issued by the Secretary upon receipt of a request for Guarantees. A Letter of Interest is not a financial offer but rather an indication of what terms may be considered by the Secretary if a Letter Commitment is issued at a later date. Proposed terms set forth in Letters of Interest shall remain valid for six months.

* * * * *

(y) *Related Party* means any Person directly or indirectly controlling, controlled by or under common control with another Person.

* * * * *

4. Section 298.3 is amended as follows:

By revising paragraphs (b)(1) and (c), and adding a new paragraph (f), to read as follows:

§ 298.3 Applications.

* * * * *

(b)(1) *Time requirements for application.* Each application shall be submitted to the Secretary at least four months prior to the anticipated date by which the applicant requires a Letter Commitment. The Secretary may consider applications with less notice prior to the anticipated date by which the applicant requires a Letter Commitment, upon written documentation that extenuating circumstances exist. During the first 15 calendar day period after submission, the Secretary will perform a preliminary review of the application for adequacy and completeness. If the application is found to be incomplete, or if additional data is required, the Secretary will notify the applicant promptly in writing and the applicant will have 15 calendar days to correct deficiencies from the date of each request for additional information. If the applicant has not corrected the deficiencies, or made substantial progress toward correcting them, within this 15 calendar day period, then the Secretary may terminate the processing of the application without prejudice. Once the Title XI application is considered complete by the Secretary, the Secretary will act on the application within a period of 60 calendar days. If an application is not completed by the applicant and acted upon by the Secretary within four months from the submission date, unless such time period is extended by the Secretary, the Secretary will notify the applicant in writing that processing of the application is terminated and that the applicant may reapply at a later date.

* * * * *

(c) *Filing Fee.* Each application must be accompanied by a filing fee in the amount of one quarter of the investigation fee amount calculated pursuant to the investigation fee formula outlined in § 298.15. in no event will the filing fee be less than $1,000.

The filing fee will be non-refundable, irrespective of whether the Secretary subsequently issues a Letter Commitment or whether the applicant subsequently reduces the amount of the requested guarantee and will be used as a credit against the investigation fee.

* * * * *

(f) *Preliminary review.* (1) Upon receipt of a request for a Letter of Interest, the Secretary may perform a preliminary review of the application. After preliminarily evaluating the technical, financial, and economic viability of the proposed Title XI project (e.g., the existence of a long term Vessel charter commitment or the technical ability of the yard to construct a Vessel), the Secretary may issue, within 10 days of receipt of that request, the Letter of Interest. A request for a Letter of Interest shall contain the following information:

(i) Type of vessel or Advanced or Modern Shipbuilding Technology to be financed;

(ii) Approximate total cost of the vessel or Advanced or Modern Shipbuilding Technology and amount to be guaranteed;

(iii) Recent financial information on the prospective shipowner, bareboat charterer, and shipyard, if available;

(iv) Information bearing on the economic soundness of the proposed project; and

(v) Proposed term of financing.

(2) There shall be no filing fee payable in respect of a request for the issuance of such a Letter of Interest. Letters of Interest address the general eligibility of a project and are not binding commitments of the Government.

5. Section 298.10 is amended by revising paragraph (a) to read as follows:

§ 298.10 Citizenship.

(a) *Applicability.* Prior to acquiring a legal or beneficial interest in a Vessel financed under Title XI of the Act,

except as provided in paragraph (e) of this section, the applicant and any other Person (including, but not limited to shipowners and, if applicable, owner trustees, equity participants and bareboat charterers) shall establish their United States citizenship within the meaning of Section 2 of the Shipping Act, 1916, as amended (''1916 Act'') (46 App. U.S.C. 802) and MARAD's regulation at 46 CFR 221.3(c). All persons holding a Preferred Mortgage on the Vessel who do not qualify as citizens of the United States shall submit on the date of the closing evidence that they qualify for the MARAD approval granted pursuant to 46 CFR 221.23, or that they have received approval pursuant to 46 CFR 221.25. The Secretary will not approve an application providing for ownership of such Vessel by, or bareboat chartering of such Vessel to, a non-U.S. citizen. Citizenship may also be required of any Person who is deemed by the Secretary to be an operator of the Vessel or who has authority to direct the operation of the Vessel on behalf of the shipowner. Certain chartering arrangements, including time chartering and contracts of affreightment, have been given general approval by the Secretary pursuant to Sections 9, 37, and 41 of the 1916 Act. See Part 221 of Title 46 for more details on these approvals and other approvals granted concerning chartering and mortgaging of U.S. documented vessels.

* * * * *

6. Section 298.11 is amended as follows:

a. By amending paragraph (c) by adding in the first sentence after the word ''registered'', before the parenthesis, the words ''or otherwise recognized by the Secretary as meeting acceptable classification standards for such a society, which shall include recognition that the society meets the requirements of IMO Resolution A.739(18) and delegation by the United States Coast Guard of inspection/certification authority''.

b. By revising paragraph (a) and adding a new paragraph (e) to read as follows:

§ 298.11 Vessel requirements.

* * * * *

(a) *United States Construction.*

(1) *Coastwise Trade, U.S.-Flag Vessels.* A vessel financed by Obligation Guarantees is considered to be of United States construction and qualified for use in coastwise trade operation (46 App. U.S.C. 883) if:

(i) All components of the hull and superstructure are fabricated in the United States; and

(ii) The Vessel is assembled entirely in the United States and has U.S. or foreign source machinery, equipment or hull and superstructure material which has been manufactured in a foreign facility, to the extent permitted by the U.S. Coast Guard.

(2) *Non-Coastwise Trade, U.S.-Flag Vessels.* A Vessel financed by Obligation Guarantees is considered to be of United States construction if the vessel is assembled entirely in the United States but not qualified for use in the coastwise trade because it has foreign material which has been manufactured in a foreign facility.

(3) *Eligible Export Vessels.* With respect to Eligible Export Vessels, the Vessel is considered to be of U.S. construction if assembled in a United States shipyard.

* * * * *

(e) *Metric Usage.* The preferred system of measurement and weights for Vessels and Advanced and Modern Shipbuilding Technology shall be the metric system.

7. Section 298.12 is amended by revising paragraphs (b)(1)(i) and (b)(2)(i) to read as follows:

§ 298.12 Applicant and operator's qualifications.

* * * * *

(b) *Identity and ownership of applicant.* * * *

(1) *Incorporated companies.* * * *

(i) Exact name of applicant and tax identification number of a U.S. corporation, or if appropriate, international identification number of the applicant.

* * * * *

(2) *Partnerships, joint-ventures, associations, unincorporated companies.* * * *

(i) Name of partnership, association, or unincorporated company, and tax identification number, or if appropriate, international identification number of applicant.

* * * * *

§ 298.12 [Amended]

7a. Section 298.12 is further amended by:

a. By removing paragraphs (b)(1)(iv) through (b)(1)(vii), (b)(2)(v) through (b)(2)(vii), (b)(2)(ix), and (b)(3), and redesignating paragraph (b)(2)(viii) as (b)(2)(v) and paragraph (b)(4) as paragraph (b)(3).

b. By amending paragraph (c)(3) by adding after the word ''proceedings'', the first time it occurs, before the comma, the words ''under either domestic or foreign statutes''.

c. By amending paragraph (f)(1) by removing the words ''by all'', each time they appear, and inserting in their place the words ''by all senior supervisory personnel''.

8. Section 298.13 is amended as follows:

a. By adding the following sentence to the end of paragraph (a)(3), *Financing:* ''If the applicant uses co-financing (involving a blend of Title XI and private financing for the debt portion of the project), the ability of the co-financiers to exercise their rights against collateral shared with the Secretary for any transaction shall be subject to the approval of the Secretary.''

b. By removing paragraph (b)(7), *Deferred Lease Hire.*

c. By revising paragraphs (a)(2)(i), (a)(4), (b)(2), (b)(3), (b)(4) and (e)(2)(i) to read as follows:

§ 298.13 Financial requirements.

(a) * * *

(2) *Cost of the project.* * * *

(i) In the case of an applicant for Vessel Financing Guarantees, a detailed statement of the estimated Actual Cost of construction, reconstruction or reconditioning of the Vessel(s) including those items which would normally be capitalized as Vessel construction costs. Net interest during construction is the total estimated construction period interest on non-equity funds less estimated earnings from the escrow fund, if such fund is to be established prior to Vessel(s) delivery. Each item of foreign components and services shall be excluded from Actual Cost, unless a waiver is specifically granted for the item, which waiver shall not be granted for foreign components of the hull and superstructure. Although excluded from Actual Cost, foreign components of the hull and superstructure can be regarded as owner-furnished equipment that may be used in satisfying the applicant's equity requirements imposed by paragraph (a)(3) of this section. An illustration of how the cost of foreign components of the hull and superstructure may be used to satisfy an applicant's equity requirements is outlined in this paragraph. If any of the costs have been incurred by written contracts such as the shipyard contract, management or operating agreement, signed copies should be forwarded with the application. The applicant may be required to have the contracting shipyard submit back-up cost details and technical data. This information shall be submitted in the format as prescribed by the Title XI application procedures.

Illustration—Cost of Foreign Components Satisfying Equity Requirements

Assuming that the total project cost is $100 million, of which the cost of foreign components in the hull and superstructure total $20 million, and that the Title XI applicant has requested financing for 87½ percent of the cost of the project, the following is a demonstration of how the value of the foreign components in the hull and superstructure may be used in meeting the equity requirements of § 298.13(a)(3):

Cost of Foreign Components Excluded from Actual Cost

Cost of Project .....$100.0 million
Cost of Foreign Components in Hull and Superstructure .....$20.0 million
Total Actual Cost of Project.....$80.0 million
Required Equity (12½ percent) .....$10.0 million
Total Project Cost Financed w/ Title XI (87½ percent) .....$70.0 million

The $10 million in required equity may be satisfied by the owner's contribution of the foreign components of hull and superstructure to the project.

* * * * *

(4) *Financial Information.* The applicant shall submit the following additional financial statements with respect to both the proposed Title XI project and the overall operations of the applicant, prepared in accordance with 46 CFR part 232 and including notes to explain the basis used for arriving at the figures:

(i) The three most recent audited financial statements of the applicant, its parent, if any, and other significant participants. If the applicant is a new entity or is to be funded from or guaranteed by external source(s), it shall provide the audited financial statements of the funding source(s);

(ii) A pro forma balance sheet of the applicant as of the estimated date of execution of the Guarantees reflecting the assumption of the Title XI Obligations;

(iii) A schedule of amortization of all existing debt (Title XI or otherwise) of the applicant for the period in which the Guarantees are to be outstanding; and

(iv) A Sources and Uses Statement for the first full year of operations and the following five years, including a clear source of funding for the payment of all debt when due.

(b) *Financial Definitions.* * * *

(2) *Working Capital* means the difference between current assets and current liabilities, adjusted as follows:

(i) Current assets shall exclude:

(A) Amounts in or required to be set aside in any Title XI Reserve Fund, pursuant to § 298.35(e) or Capital Construction Fund Security Amount prescribed by § 298.35(f), (excluding that portion of such fund which is available for the payment of current liabilities) that is being maintained pursuant to an agreement covering a Vessel owned or leased by the company, or in another similar fund required under any other mortgage, indenture or other agreement to which the company is a party; and

(B) Any receivables from a Related Party or from any stockholder, director, officer or employee (or their family) of the company or of a Related Party other than current receivables arising out of the ordinary course of business and not outstanding for more than 60 days.

(ii) Current liabilities shall include the current portion of charter hire and other lease obligations not already included as a current liability.

(3) *Equity (net worth)* shall be exclusive of:

(i) Any receivables from a Related Party or from any stockholder, director, officer or employee (or their family) of the company or of a Related Party other than current receivables arising out of the ordinary course of business and not outstanding for more than 60 days, and

(ii) Any increment resulting from the reappraisal of assets.

(4) *Long Term Debt* shall exclude the balance of Escrow Fund deposits attributable to the principal of Obligations sold, where deposits are required in accordance with § 298.33. However, there shall be included any guarantee or other liability for the debt of any other Person.

* * * * *

(e) *Special financial requirements at closing.* * * *

(2) *Lessee or charterer as operator.* * * *

(i) *Working Capital.* The Company shall have Working Capital in an amount determined in accordance with the provisions of paragraph (e)(1)(i) of this section, applicable as if the owner were the operator.

* * * * *

9. Section 298.14, is amended by revising paragraph (a)(2)(i)(F) introductory text to read as follows:

§ 298.14 Economic soundness.

(a) *Economic Evaluation.* * * *

(2) *Project Feasibility.* * * *

(i) *Relevant market.* * * *

(F) The potential for purchasing existing equipment of a reasonable condition and age from another source, including information regarding—

* * * * *

§ 298.16 [Amended]

10. Section 298.16, Substitution of participants, is amended by removing paragraph (a) and redesignating the introductory text as paragraph (a); by revising in the last sentence of newly designated paragraph (a) the phrase ''is applicable, as follows:'' to read ''is applicable.''; and by removing the paragraph (b) heading *Mortage assumption* and revising the phrase ''Payment of $3,000 fee'' to read ''A $3,000 fee''.

Appendix A to Subpart B [Removed]

11. Appendix A to Subpart B—Selected Cash Flow Impacts—is removed.

§ 298.21 [Amended]

12. Section 298.21, *Limits,* is amended as follows:

a. By inserting in paragraph (b), before the third sentence, an additional sentence, reading as follows: ''In addition, Guarantee Fees determined in accordance with the provisions of section 1104(e) of the Act shall be included in the items of Actual Cost.''

b. By inserting in paragraph (d), *Substantiation of Actual Cost,* after the word ''Vessel'' each time it appears, the words ''or Advanced Shipbuilding Technology or Modern Shipbuilding Technology'', and by inserting at the end of the first sentence the words ''or, alternatively, appropriate certification of such costs by an agent approved by the Secretary''.

c. By removing paragraph (c)(9) and redesignating paragraphs (c)(10) through (c)(16) as paragraphs (c)(9) through (c)(15).

§ 298.23 [Amended]

13. Section 298.23, *Refinancing,* is amended in the penultimate sentence by adding after the word ''part'' and before the period, a comma followed by the words ''including economic soundness, as may be necessary.''.

§ 298.25 [Removed and reserved]

14. Section 298.25, Financing repayment of construction-differential subsidy, is removed and reserved.

§ 298.28 [Amended]

15. Section 298.28, *Advances,* is amended by removing paragraphs (a)(1) through (a)(3) and (b), redesignating paragraph (c) as paragraph (b) and by removing the third sentence in paragraph (a), *In general,* and inserting, in its place, two new sentences reading as follows: ''The applicant making the request for an advance shall demonstrate (with market and cash flow analysis and other projections) that its problems are of a short term duration (less than two years); with the help of an advance(s), the applicant would be assisted over its temporary difficulties; and there is adequate collateral for the advance. The advance will be repaid in

a manner satisfactory to the Secretary and the advance will be subject to such other terms and conditions as required by the Secretary.''

16. Section 298.32 is amended as follows:

a. By inserting in paragraph (b)(6), after the word ''Vessel'', each time it appears, the words ''or Eligible Export Vessel''.

b. By revising paragraph (a)(6) to read as follows:

§ 298.32 Required provisions in documentation.

(a) *Performance under shipyard and related contracts.* * * *

(6) Requiring that for:

(i) Coastwise Trade, U.S.-Flag 48 Vessels, that all components of the hull and superstructure are fabricated in the United States and the Vessel is assembled entirely in the United States with either U.S. or foreign source machinery, equipment or hull and superstructure material which has been fabricated in a foreign facility, to the extent allowed by U.S. Coast Guard regulations;

(ii) Non-Coastwise Trade, U.S.-Flag Vessels, that the Vessel is assembled entirely in the United States and may have material which has been fabricated in a foreign facility, to the extent allowed by U.S. Coast Guard regulations; and

(iii) Eligible Export Vessels, that the Vessel is assembled in a United States shipyard. If Obligations will not be issued during the period of construction of a Vessel, shipyard related contracts shall generally include the provisions specified in paragraphs (a)(2) and (a)(3) and applicable provision(s) of this paragraph (a)(6).

17. Section 298.36, Annual Guarantee Fee, is amended as follows:

a. By removing the third sentence in paragraph (b), *Rate calculation.*

b. By removing paragraphs (f), *Adjustment of Guarantee Fee,* (g), *Increase in Guarantee Fee due to Security Default,* and (i), *Interest on late payment of Guarantee Fees,* and redesignating paragraph (h) as paragraph (f).

c. By revising paragraph (e) to read as follows:

§ 298.36 Annual Guarantee Fee.

* * * * *

(e) *Payment of Guarantee Fee.* The Guarantee Fee covering the full period of the stated maturity of the Obligations commencing with the date of the Security Agreement shall be paid to the Secretary concurrently with the execution and delivery of said Agreement. The project's entire Guarantee Fee payment shall be made by the Obligor to the Secretary in an amount equal to the sum of the present value of the separate products obtained by applying the Guarantee Fee rate to the projected amount of the Obligations Outstanding for each year of the stated maturity of the Obligations. In calculating the present value used in determining the amount of the Guarantee Fee to be paid, MARAD will use a discount rate based on information contained in the Department of Commerce's Economic Bulletin Board quarterly rates. Under no circumstances will the Secretary refund the Guarantee Fee to the Obligor. A Guarantee Fee paid pursuant to this section may be included in Actual Cost and is eligible to be financed.

§ 298.42 [Amended]

18. Section 298.42, Reporting requirements—financial statements, is amended as follows:

a. In the introductory paragraph, by removing the word ''accounts'' in the first sentence and inserting in its place the term ''financial statements''.

b. By revising the seventh and eighth sentences of paragraph (a), *Reports of Company and other Persons,* to read as follows: ''The annual report shall be accompanied by the public accountant's report based on an audit of the company's financial statements. An audit by the public accountants of the financial statements contained in the company's semiannual report may be required by the Secretary.''

Dated: April 19, 1995.

By Order of the Maritime Administrator.

Joel C. Richard

Secretary, Maritime Administration.

[FR Doc. 95–10195 Filed 4–25–95; 8:45 am]

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Federal Register

Wednesday
April 26, 1995

Part V

National Institute for Literacy

Grants and Cooperative Agreements: State Literacy Resource Centers National Electronic Information and Communication Network Applications; Notice

NATIONAL INSTITUTE FOR LITERACY

[CFDA NO. 84–257F]

Application for Technology Grant Awards to Governor's State Literacy Resource Centers To Build a National Electronic Information and Communication Network for Literacy by Establishing Regional Hubs on the Internet in Each of the Four Regions Designated by the Department of Education's Office of Vocational and Adult Education

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and applicable regulations governing the program, including the Education Department General Administrative Regulations (EDGAR), this notice contains all the information, application forms, regulations, and instructions needed to apply for a grant under this competition.

AGENCY: The National Institute for Literacy.

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Jaleh Behroozi, NIFL, 800 Connecticut Avenue, NW., Suite 200, Washington, DC 20006. Telephone: 202–632–1506. FAX: 202–632–1515. e-mail: jaleh literacy.nifl.gov.

Information about the Institute's funding opportunities, including the application notices can be viewed on the LINCS WWW server (under Current Events, under grants). LINCS URL: http://novel.nifl.gov.

SUPPLEMENTARY INFORMATION:

Definitions: For purposes of this announcement the following definitions apply:

''Literacy'' An individual's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve one's goals and develop one's knowledge and potential (as stated in the National Literacy Act of 1991).

''State Literacy Resources Centers (SLRCs)'' State or regional organizations supported through any combination of federal, state, or private funds that has the purpose of coordinating the delivery and improvement of literacy services acress agencies and organizations in the state or region, enhancing the capability of state and local organizations to provide literacy services, building a database of literacy related information, and working closely with the National Institute for Literacy and other national literacy organizations to enhance the national literacy infrastruture.

''Literacy Community'' individuals and groups at all levels nationwide that are actively involved with adult literacy and basic skills instruction, including individuals such as researchers, practitioners, policymakers, adult learners, and administrators, and groups such as state and local departments of education, human services, and labor; libraries; community-based organizations; businesses and labor unions; and volunteer and civic groups.

''OVAE regions'' the four regions of the United States designated by the U.S. Department of Education's Office of Vocational and Adult Education (OVAE):

Area I: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands

Area II: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia

Area III: Ilinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin

Area IV: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Federal States of Micronesia, Guam, Marshall Island, No. Mariana Islands

''Regional Hub'' an Internet-based electronic information retrieval and communication site, operating through an SLRC, that acts as the focal point for LINCS activity, including training and technical assistance, for a particular OVAE region.

Background: The National Institute for Literacy (NIFL), as authorized by the National Literacy Act of 1991, has the legislative mandate to develop a national literacy data base. The intent of this mandate was to consolidate scattered and inaccessible information resources for literacy.

As a first step toward carrying out this charge, and in keeping with the Administration's ''information superhighway'' initiative, NIFL conducted a study in 1992 of the literacy community's information needs by type of users, quality and format of existing literacy sources and data bases. Following up on the results of this survey in 1993, NIFL formed eight work groups of representatives from the literacy community to develop a vision and work plan for establishing its information and communications system, which is now called LINCS (the Literacy Information aNd Communication System). The work groups used a consensus-building process to produce a framework, standards, and guidelines for LINCS, which are presented in NIFL's ''Starting Point'' manual.

In order to implement the work groups' vision and plans, NIFL developed the LINCS on-line prototype to examine and demonstrate the potential and capabilities of an Internet-based national literacy information and communication network.

The LINCS prototype has been developed as a World Wide Web system on the Internet, accessible by Mosaic and Lynx. It is designed to access literacy data available in multiple locations, and features searchable literacy holdings (including SLRC holdings) and other literacy resources. It also provides access to the databases of ERIC , OTAN (Outreach and Technical Assistance Network), TTRC (Training Technology Resource Center) NCAL (National Center on Adult Literacy), the National Adult Literacy and Learning Disability Center, and the Library of Congress. In addition, the prototype includes E-mail, an event calendar, funding announcements, and information on legislation.

NIFL's plan for the next two years is to establish the LINCS prototype as the foundation for a national electronic literacy network by upgrading the technological capabilities of the field. Major components of the plan are:

(1) To broaden the literacy community's access to literacy resources,

(2) To develop politics and procedures for information sharing throughout the literacy community.

(3) To enhance awareness throughout the literacy community about the potential of a state-of-the-art information and communications technology for the field of adult education,

(4) To ensure that LINCS keeps pace with the state-of-the-art technology and becomes increasingly more capable of enriching literacy services through the provision of comprehensive information resources to the literacy community.

Overview of the technology project: In order to build an infrastructure that can support electronic communications and information exchange for literacy, NIFL proposes to support SLRCs in establishing regional information and communication hubs for literacy. These hubs will create a base for expansion of LINCS into a national network. Using state-of-the art technology, the regional hubs will facilitate access to information and resource sharing within and among the regional literacy communities and

will encourage the collection of information that will increase the literacy knowledge base.

The NIFL will award up to four grants to SLRCs for the creation of these regional hubs. The grants will be used as seed money to attract ongoing support from other sources. Only one grant will be made within each of the four OVAE regions.

Purpose: The purpose of the technology grant program is to create regional electronic information and communication hubs for literacy that will—

1. build the technological capacity for electronic information exchange among SLRCs within each OVAE region through consortia of states that cooperate in sharing resources and expertise.

2. enable individual SLRCs to share data with the literacy community and with major national adult literacy holdings by linking them with each other and the LINCS prototype.

3. demonstrate the use of the LINCS prototype by other state agencies and local adult literacy service providers in efforts to improve program and professional development.

4. increase the literacy field's knowledge base by using the ''Starting Point'' manual standards to develop a systematic procedure for collecting new literacy information, resources, especially unpublished materials.

NIFL intends the value of this technology project to extend beyond the SLRCs to the literacy community as a whole. The larger goals of LINCS are to bring the community together—literacy researchers, practitioners, administrators, students, and policymakers—and to close the gap between information ''haves'' and ''have nots.'' These goals can only be met by expanding the network to increasingly greater numbers of individuals and groups in the literacy field.

Eligible Applicants: All State Literacy Resource Centers (SLRC's) are eligible to apply for an award under this program.

Deadline for Transmittal of Applications: June 26, 1995.

Available Funds: In Fiscal Year 1995, $600,000 is available for two year technology cooperative agreement awards. Year 2 funding is subject to program authorization and availability of appropriations, and contingent upon satisfactory completion of the first year plan of action.

Estimated Number of Awards: Up to 4, with no more than 1 award made within each of the four OVAE regions.

Estimated Amount of Each Award: $150,000.

Project Period: Up to 24 months.

Selection criteria: (a)(1) In evaluating applications for a grant under this competition, the Director uses the following selection criteria.

(2) The maximum score for all of the criteria in this section is 100 points.

(3) The maximum score for each criterion is indicated in parentheses with the criterion.

(b) The Criteria—(1) Mission and Strategy. (10 points) The Director reviews each application to determine how well the applicant has related the mission and strategy of the project to NIFL's overall goals and priorities, including:

(i) The degree to which the plan for creating a regional hub reflects an understanding of the major tasks necessary to achieve NIFL's goals for building regional capacity;

(ii) The quality of the plans for developing an appropriate, coherent, and effective program to achieve the project's goals;

(iii) The effectiveness of proposed strategies for providing regional leadership to consortium members and other partners; and

(iv) The quality of plans to establish effective working relationships with other organizations in the region as required for effective development of the project.

(2) Institutional Capability (15 points) The Director reviews each application to determine the capabilities of the organization to sustain a long-term, high-quality, and coherent program, including:

(i) The applicant's experience in establishing and carrying out collaborative working relationships with other states, other state agencies, and other public and private groups;

(ii) The applicant's experience in developing materials and methods for training and technical assistance to adult literacy providers.

(iii) The ability of the applicant to carry on the project when NIFL funding has ended.

(3) Plan of Operation. (30 points) The Director reviews each application to determine the quality of the plan of operation for the project, including:

(i) The quality of the design of the project;

(ii) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(iii) How well the objectives of the project relate to the purpose of the LINCS;

(iv) The extent to which the applicant provides for effective collaboration between SLRCs and other agencies;

(v) The quality of the applicant's plan to use its resources and personnel to achieve each objective; and

(vi) The extent to which the applicant's plan for year 1 provides for achieving the minimum project outcomes listed under *Program Narrative.*

(4) Technical Soundness. (20 points) The Director reviews each application to determine the technical soundness of the proposed project, including:

(i) The extent to which the applicant demonstrates a thorough knowledge of literacy data collections, dissemination and applying the required Institute's guidelines and standards.

(ii) The extent to which the applicant demonstrates knowledge of current databases, telecommunications practices, equipment configurations and maintenance.

(iii) Evidence of the commitment of the applicant to provide technical support and equipment to the members of consortium;

(iv) Evidence that the applicant will consider the perspectives of a variety of service providers in carrying out the work of the consortium;

(v) The extent to which the training content is comprehensive and at an appropriate level; and

(vi) The extent to which training methods are likely to be effective.

(5) Budget and cost effectiveness. (10 points) The Director reviews each application to determine the extent to which:

(i) The budget is adequate to support consortium activities;

(ii) Costs are reasonable in relation to the objectives of the consortium;

(iii) The budgets for any subcontracts are detailed and appropriate; and

(iv) The budget details resources, cash and in-kind, that the applicant and others, particularly other consortium members, will provide to the project in addition to grant funds.

(6) Evaluation Plan. (10 points) The Director reviews each application to determine the quality of the evaluation plan for the consortium, including the adequacy of:

(i) The methods and mechanism which will be used to document the consortium's progress in relation to its mission and goals; and

(ii) The methods which will be used to document the impact of the consortium's program on its target audiences.

Applications should describe and justify the methods used to ensure that the consortium's work is of high quality as evaluated by the above procedures.

(7) Quality of Key Personnel. (5 points) The Director reviews each

application to determine the quality of key personnel for the project, including:

(i) The qualifications of the project director for each project activity;

(ii) The qualifications of key personnel in each consortium member state for each project activity;

(iii) The extent to which key personnel have experience and training in fields related to the objectives of the project; and

(iv) The applicant's policy, as part of its nondiscriminatory employment practices, to ensure that its personnel are selected for employment without regard to race, color, national origin, religion, gender, age, or disability.

Application Requirements

Project Narrative

The project narrative is critical and must thoroughly reflect the capabilities of the applicant, as well as the degree and level of cooperation with other SLRCs in the region, related to implementing this technology project.

The narrative should not exceed twenty (20) single-spaced pages, or forty (40) double-spaced pages. The narrative may be amplified by material in attachments and appendices, but the body should stand alone to give a complete picture of the project. Proposals which exceed 20 single-spaced pages or 40 double-spaced pages will not be reviewed.

The narrative must encompass the full two years of project activities and must cover the following areas:

1. Mission and Strategy

a. State the goals and objectives of the two-year project. Explain how they relate to overall NIFL goals and contribute to the development of LINCS.

b. Describe how the project will build regional technological capacity.

c. Describe the services that will be provided to other SLRCs in the region.

d. Explain how the project will serve the broader literacy community.

e. State the overall expected project achievements for the end of the two-year grant period.

2. Institutional Capabilities

a. State the applicant's qualifications to act as lead site of a regional consortium of all other SLRCs in the region. Describe the applicant's ability to carry out the proposed project and to deliver the proposed services.

b. Describe the applicant's staff and organizational capacity to play a leadership role in mobilizing a consortium of the region's SLRCs to carry out the work of this grant, including the applicant's willingness and ability to—

(1) Serve as the lead resource for sharing literacy data collections among states and for developing its own and other states' collections on a local, statewide and regional basis. The applicant should have its own sizeable literacy collection (or a clear plan for acquiring such a collection), especially unpublished material, and the capacity to make it electronically available to other SLRCs and state agencies.

(2) Organize its information holdings and those of other SLRCs by applying NIFL standards and guidelines as presented in the ''Starting Point'' manual, as well as the literacy thesaurus being developed by the NIFL work group.

(3) Provide the necessary technical support and expertise, especially in telecommunications, to less technologically advanced SLRCs. This includes: ensuring continuing on-line access among members, coordinating the installation of equipment and software, and providing technical assistance and training as appropriate.

(4) Provide the necessary support and expertise, as described in b(3) above, to other state agencies and selected local literacy service providers.

(5) Develop a plan for continuing the project after the end of the two-year project period, including prospective sources of support.

(6) Collaborate with NIFL throughout the process of creating the regional hub in order to assure the uniform presentation of information across the LINCS.

(7) Share project experience with other regions' SLRCs and the NIFL through quarterly performance reports.

c. Describe the applicant's ability to secure support from other agencies and groups in sustaining the project at the end of the two-year grant.

3. Plan of Operation

The applicant must develop a two-year plan that is both ambitious and realistic. While aiming high, the applicant must demonstrate an awareness of the constraints inherent in each particular situation. The plan must address both the immediate needs and the future vision and direction of the regional technology project.

The Director is particularly interested in applicants whose plans include provisions for—

- Forming a consortium with all other SLRCs in the region and securing the explicit commitment of each to participate in the project through the development of formal agreements delineating the roles and responsibilities of all members and a regional plan of action with timelines of tasks achieved, including input from interested public and private organizations;
- Increasing adult literacy holdings and access of the literacy community to these holdings as LINCS expands;
- Developing partnerships with other state agencies and public and private entities, including business and industry, that can further project objectives and provide ongoing support to the project after the grant has ended;
- Collaborating with other related electronic information exchange efforts, such as those run through libraries and universities, to widen usage of LINCS in the field; and
- Expanding LINCS more broadly at the state agency and local service provider level.

Accordingly, the applicant's plan must address the following:

a. Regional Hub: Describe how the applicant will establish a regional hub on the Internet that will provide a seamless interface between SLRCs in the region and LINCS, including:

(1) How the applicant will establish and maintain a regional hub that mirrors the LINCS's information structure and the system architecture, as described in Technical Soundness, sections a and b.

(2) What hardware, software, and networking system will be used to develop the hub and why they were chosen.

(3) How the equipment meets NIFL requirements.

(4) How the applicant will develop a collection of unpublished literacy materials.

(5) How the applicant will collect and organize program data.

(6) How the applicant will ensure adoption of ''Starting Point'' standards and work with other SLRCs in the areas of collection of data, organization and information dissemination.

(7) How and to what extent the applicant will involve other agencies and organizations, especially state departments of education, human services, and labor, in the design and implementation of the regional hub.

(8) How the applicant will achieve, at a minimum, the following outcomes in year 1:

(a) The establishment of a regional hub for LINCS on the Internet

(b) An on-line database of unpublished materials using ''Starting Point'' standards

(c) An on-line directory of the regional consortium's literacy programs using ''Starting Point'' standards

(d) A bulletin board function

(e) Link-up with at least to major educational/workforce or legislative databases in the region

b. Connectivity: Describe the level at which consortium members will be connected to the regional hub and to each other, including how the applicant will achieve, at a minimum, the following outcome in year 1: All consortium members will be linked up with the regional hub and able to:

(1) Retrieve information provided by the hub,

(2) Transfer files,

(3) Engage in on-line discussion groups, and

(4) Access the LINCS prototype.

c. Organization and Management: Describe the ways in which the applicant will ensure appropriate organization and management of project activities, including:

(1) How the applicant will involve an advisory group including representatives from all regional consortium member states in overseeing project implementation and evaluating progress.

(2) How the applicant will provide for developing a formal agreement with all consortium member SLRCs that clearly identifies the rights, roles, and responsibilities of each state with regard to spending plan, technical assistance, training, timeline, evaluation and design of the hub.

(3) How the applicant will provide for the management of any other partnership, consultant or subcontract arrangement with the rights and responsibilities of each party set forth clearly.

(4) The identification of key staff members, their specific roles, and the number of hours required to carry out their tasks.

(5) A description of any cost-sharing, cooperative funding, or other special financial arrangements.

d. Access: Describe how the applicant will extend access to LINCS to other state agencies and local literacy service providers, including;

(1) How the applicant will promote widespread access to and use of the regional hub.

(2) How the applicant will work with regional consortium members to select local sites to participate in the project.

(3) How the applicant will support LINCS use by other agencies and at the local level, including—

(a) The kind of hardware and software to be used

(b) The training and technical assistance to be provided

(c) The focus to be taken by an agency or local site in using LINCS (i.e., a site could focus on using the system in information retrieval, or exploring on-line communication between practitioners and adult learners, or exchanging teaching tools and curricula)

(4) How the applicant will solicit and use feedback from other agencies and local providers in assessing the network's potential and refining the work of the regional hub.

(5) How the applicant will achieve, at a minimum, the following outcome in year 1: At least two local literacy service providers in one or more of the member states will have the capability to use the services of the regional hub.

e. Collaboration: Describe how the applicant will assure collaboration with other related agencies, organizations, and projects in the region, including how the applicant will work with other regional consortium member states to—

(1) Secure the active cooperation and partnership of appropriate state agencies, including education, labor, and human services.

(2) Identify and connect with other projects in the region that use technology in the areas of telecommunications, on-line services, networking and multi-media.

4. Technical Soundness

a. Describe how the applicant will install an electronic system for the regional hub that mirrors the LINCS structure, which consists of the following: a UNIX-based work station, connected to the Internet via the NIFL LAN, with information maintained in both HTML documents and WAIS databases. This work station is the World Wide Web (WWW) server, and also provides access to the Lynx WWW client for those users unable to use graphical clients, such as Mosaic. The software developed for the NIFL home page by the Logistics Management Institute is freely available for re-use.

b. Describe how the applicant will create a home page design that is similar to the LINCS home page, so that the same ''look and feel'' can be achieved throughout the network. (For example, a proposal for a World Wide Web server providing Mosaic- and Lynx-based access to a region's literacy resources and linkage to the NIFL home page would receive greater consideration than a proposal for information maintained on one or multiple WAIS database servers.)

Describe how the applicant will, at a minimum—

(1) Acquire a 56kbps or faster direct Internet connection.

(2) Develop a WAIS database server or servers on the Internet.

(3) Populate the WAIS database(s) with literacy collections and program data, using ''Starting Point'' record structures and standards.

(4) Provide technical assistance, funding and resources to assure that all consortium members are connected to the Internet and are contributing and sharing adult literacy data.

c. Describe the applicant's provisions for equipment, including—

(1) What equipment will be used to establish the regional literacy hub or hubs.

(2) How the applicant will assess the equipment needs of each consortium member.

(3) What equipment will be used to link each consortium member to the regional hub and to LINCS.

(4) The reason for purchasing or upgrading equipment, as well as software and networking systems, for each member.

(5) How the equipment funded by this grant will be maintained.

(6) How issues of changing technology and obsolescence will be addressed.

(7) How the applicant will achieve, at a *minimum*, the following outcome for year 1: The lead site and consortium members will all have the equipment necessary to perform functions described in the plan of operation.

d. Describe the applicant's provisions for training and technical assistance, including—

(1) How the applicant will assess the relevant skills and knowledge of each consortium member SLRC and pool this expertise for the benefit of all consortium members.

(2) How the applicant will assist all consortium member SLRCs in selection and installation of hardware and software within the proposed timeline.

(3) A commitment to regional training and staff development for consortium members.

(4) How provisions will be made for well-organized and ongoing training that addresses a full range of needs.

(5) How administrators in each consortium member SLRC and local site will learn about the potential of LINCS and the regional hub, the pros and cons of various applications, how to connect to the system and benefit from it, and how to help their own clients tap into the national bank of resources available through LINCS.

(6) How the applicant will teach specific skills as well as an understanding of the power of the new technology and a desire for acquiring it and making it accessible to local literacy practitioners throughout the region, and ways of exploring the impact that it will have on teaching and learning methods.

(7) How the applicant will determine the type and the level of the training, and designate adequate funding.

(8) How the applicant will select training models (such as training trainers or workshops supplemented by peer coaching or modeling) that meet the needs of geographically dispersed staff at various levels of knowledge and skills, especially given rapid changes in technology.

(9) How the applicant will achieve, at a minimum, the following outcomes in year 1:

(a) Consortium member SLRCs' hardware and software are installed and functional.

(b) A measurable training plan, which includes training staff of consortium member states, local sites, and other involved agencies in the use of the Regional hub, will be developed and implemented.

5. Efficiency and Economy

a. Cost Effectiveness: The applicant must demonstrate how it will ensure—

(1) The most efficient and cost-effective use of the funding,

(2) Continuation of the project at end of the grant through securing additional funds to continue and expand the project.

b. Time Line: The applicant's plan must contain a table or diagram with major tasks or milestones, including estimates of funds, time, training schedules, personnel, facilities and equipment allocated to each program area. The timing of progress and other reports, meetings, and similar events should be included.

6. Monitoring and Evaluation

The applicant must provide a monitoring and evaluation plan that will demonstrate the effectiveness of the project in achieving the objectives of the grant, including—.

a. A process for ongoing evaluation and acquiring on-line and off-line input from users.

b. How the applicant will measure and evaluate the impact of the project on—

(1) The members of the consortium (their connectivity, access, data collection and organization),

(2) The broader literacy community, especially other state agencies and local literacy service providers;

c. How results of the evaluation will be confirmed and reported.

Other Application Requirements

The application shall include the following:

Project Summary: The proposal must contain a 200-word summary of the proposed project suitable for publication. It should not be an abstract of the proposal, but rather a self-contained description of the activities that would explain the proposal. The summary should be free of jargon and technical terminology, and should be understandable by an intelligent but non-specialist reader.

Budget Proposal: ED Form 524 must be completed and submitted with each application. The form consists of Sections A, B, and C. On the back of the form are general instructions for completion of the budget. All applicants must complete Sections A and C. If Section B is completed, include the nature and source of non-federal funds. Attach as Section C a detailed explanation and amplification of each budget category. Included in the explanation should be a complete justification of costs in each category. Additional instructions include:

- Prepare a separate itemization and narrative for each of the SLRCs in the region in addition to submitting an itemized budget narrative for the project as a whole.
- Personnel items should include names (titles or position) of key staff, number of hours proposed and applicable hourly rates.
- Include the cost, purpose, and justification for travel, equipment, supplies, contractual and other. Training stipends are not authorized under this program.
- Clearly identify in all instances contributed costs and support from other sources, if any.
- Show budget detail for financial aspects of any cost-sharing, joint or cooperative funding.

Disclosure of Prior Institute Support: If any consortium member state has received Institute funding in the past 2 years, the following information on the prior awards is required:

- Institute award number, amount and period of support;
- A summary of the results of the completed work; and
- A brief description of available materials and other related research products not described elsewhere.

If the applicant has received a prior award, the reviewers will be asked to comment on the quality of the prior work described in this section of the proposal.

Current and Pending Support: All current project support from whatever source (such as Federal, State, or local government agencies, private foundations, commercial organizations) must be listed. The list must include the proposed project and all other projects requiring a portion of time of the Project Director and other project personnel, even if they receive no salary support from the project(s). The number of person-months or percentage of effort to be devoted to the projects must be stated, regardless of source of support. Similar information must be provided for all proposals that are being considered by or will be submitted soon to other sponsors.

If the project now being submitted has been funded previously by another source, the information requested in the paragraph above should be furnished for the immediately preceding funding period. If the proposal is being submitted to other possible sponsors, all of them must be listed. Concurrent submission of a proposal to other organizations will not prejudice its review by the Institute.

Any fee proposed to be paid to a collaborating or ''partner'' for-profit entity should be indicated. (Fees will be negotiated by the Grants Officer.) Any copy-right, patent or royalty agreements (proposed or in effect) must be described in detail, so that the rights and responsibilities of each party are made clear. If any part of the project is to be subcontracted, a budget and work plan prepared and duly signed by the subcontractor must be submitted as part of the overall proposal and addressed in the narrative.

Instructions for Transmittal of Applications

(a) To apply for a cooperative agreement—

(1) Mail the original and ten (10) copies of the application on or before the deadline date of [60 days from publication], to: National Institute for Literacy, 800 Connecticut Avenue, NW., Suite 200, Washington, DC 20006, Attention: (CFDA #84.257F).

(2) Hand deliver the application by 4:30 p.m. (Washington, DC time) on the deadline date to the address above.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(c) If an application is mailed through the U.S. Postal Service, the Director does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

(2) The NIFL will mail a Grant Applicant Receipt Acknowledgment to each applicant.

If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the NIFL at (202) 632–1500.

(3) The applicant must indicate on the envelope and in Item 10 of the application for Federal Assistance (Standard Form 424) the CFDA number of the competition under which the application is being submitted.

Application Forms: The appendix to this announcement is divided into three parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4–88)) and instructions.

Part II: Budget Information—Non-Construction Programs (ED Form 524) and instructions.

Part III: Application Narrative.

Additional Materials:

Estiamted Public Reporting Burden.

Assurances—Non-Construction Programs (Standard Form 424B).

Certification Regarding Lobbying; Debarment, Suspension, and other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013).

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9/90) and instructions.

Note: ED 80–0014 is intended for the use of recipients and should not be transmitted to the NIFL.

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions; and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL–A).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances and the certifications. However, the application form, the assurances, and certifications must each have an original signature. No award can be made unless a complete application has been received.

Applicable Regulations: The National Institute for Literacy is subject to the rulemaking requirements of the Administrative Procedures Act (APA). Under the APA, as now codified in Title 5 of the United States Code, section 553, matters relating to public property, loans, grants, benefits, or contracts are not subject to the rulemaking requirement of that section. The National Institute for Literacy is now in the initial stages of establishing a new program recently authorized by Congress and must obligate funds under this authority by September 30, 1995. The NIFL considered waiving this exemption to rulemaking requirements but determined that there was too little time to propose rules and offer applicants a reasonable amount of time to prepare applications for the award announced in this notice. Therefore, the National Institute for Literacy has adopted the following rules for the conduct of this competition and the resulting award.

The following regulations of the Department of Education apply:

34 CFR part 74, Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations. The following provisions of 34 CFR part 75: §§ 75.50, 75.51, 75.102–75.104, 75.109, 75.117, 75.109–75.192, 75.200, 75.201, 75.215.

34 CFR part 77, Definitions.

34 CFR part 80, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

34 CFR part 82, New Restrictions on Lobbying.

34 CFR 85, Government wide Debarment and Suspension (Non-procurement) and Government wide Requirements for Drug-Free Workplace (Grants).

The selection criteria used for this competition are set out in this Notice. While the criteria are patterned on those used generally by the Department of Education, they have been adapted by the NIFL to meet the needs of this program.

While the National Institute for Literacy is associated with the Departments of Education, Labor, and Health and Human Services, the policies and procedures regarding rulemaking and administration of grants are not adopted by the NIFL except as expressly stated in this Notice.

Selection of Applications: The Director uses 34 CFR 75.217 in selecting an application for award.

Grant Administration: The administration of the grant to the consortium is governed by the conditions of the award letter. The Education Department General Administration Regulations, (EDGAR) 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 85 and 86 (July 1, 1993), set forth administrative and other requirements. This document is available through your public library and the NIFL. It is recommended that appropriate administrative officials become familiar with the policies and procedures in the EDGAR which are applicable to this award. If a proposal is recommended for an award, the Grants official will request certain organizational, management, and financial information.

The following information on grant administration dealing with questions such as General Requirement, Prior Approval Requirements, Transfer of Project Director, and Suspension or Termination of Award, are available in EDGAR.

Reporting: In addition to working closely with the Institute, the applicant will be required to submit an annual report of activities. This annual report will be presented to the Institute staff, the National Institute Advisory Board and Interagency Group. Detailed specifications for the annual report will be provided to the consortium within 3 months after the award. For planning purposes, the applicant may assume that the following information will be provided:

- Project(s) Title
- Project Abstract

A concise narrative describing in layman's language the subject purposes, methods, expected outcomes (including products), and significance of the project.

- Significant Products

A list of significant holdings available for access associated with the consortium.

- Significant Accomplishments

A past-tense abstract that describes the consortium's accomplishments, known uses of the holdings and evidence of positive impact.

The grantee must also submit the following reports:

- Quarterly Performance

A brief 2–3 page report of progress—Due: Within 20 days of the end of each quarter.

- For the fourth quarter, no quarterly report is necessary.

An annual report will suffice.

- Final Report

Due: 90 days after the expiration of or termination of support.

Acknowledgment of Support and Disclaimer: An acknowledgment of Institute support and a disclaimer must appear in publications of any material, whether copyrighted or not, based on or developed under Institute-supported projects:

This material is based upon work supported by the National Institute for Literacy under Grant No. (grantee should enter Institute grant number).

Except for articles or papers published in professional journals, the following disclaimer should be included:

Any opinion, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the NIFL.

Instructions for Estimated Public Reporting Burden: Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing the Act, the National Institute for Literacy invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average 30 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and disseminating the data needed, and completing and reviewing the collection of information. You may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the National Institute for Literacy, and the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503.

(Information collection approved under OMB control number 3200 0029, Expiration date: October 1995).

Program Authority: 20 U.S.C. 1213C.

Andrew J. Hartman,

Director, NIFL.

BILLING CODE 6055–01–M

Application Forms and Instructions

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

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):

☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

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)*:

_____

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:		
a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE_____

b NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ 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 6055–01–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 letter in the space 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. Federal 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. I 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 question 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 6055–01–M

U.S. DEPARTMENT OF EDUCATION BUDGET INFORMATION NON-CONSTRUCTION PROGRAMS	OMB Control No. 1875-0102 Expiration Date: 9/30/95
Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	**Total (f)**
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED FORM NO. 524

BILLING CODE 6055-01-C

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED FORM NO. 524

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202–4651; and the Office of Management and Budget, Paperwork Reduction Project 1875–0102, Washington, D.C. 20503.

Instructions for ED Form No. 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-funding request. Pay attention to applicable program specific instructions, if attached.

Section A—Budget Summary—U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1–11.

Lines 1–11, columns (a)–(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1–11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)–(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this spare blank.

Section B—Budget Summary—Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1–11 of Section B.

Lines 1–11, columns (a)–(e): For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1–11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)–(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C—Other Budget Information—Pay Attention to Applicable Program Specific Instructions, If Attached

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem 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. 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 nondiscrimination 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

Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, ''New Restrictions on Lobbying,'' and 34 CFR Part 85, ''Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants).'' The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. Lobbying

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) 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 making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) 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 grant or cooperative agreement, the undersigned shall complete and submit Standard Form—LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. Debarment, Suspension, and Other Responsibility Matters

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110—

A. The applicant certifies 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 three-year period preceding this application 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 for or otherwise criminally or civilly charged by a government 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 three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. Drug-Free Workplace (Grantees Other Than Individuals)

As required by the Drug-Free Workplace Act 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610—

A. The applicant 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 on-going 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 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers or convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202–4571. 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).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code).

_____

_____

_____

Check ☐ if there are workplaces on file that are not identified here.

Drug-Free Workplace (Grantees Who Are Individuals)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202–4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

_____

Name of Applicant

_____

PR/Award Number and/or Project Name

_____

Printed Name and Title of Authorized Representative

_____

Signature

_____

Date

BILLING CODE 6055–01–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:** _____

Federal Use Only: | **Authorized for Local Reproduction Standard Form - LLL**

BILLING CODE 6055–01–C

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms ''covered transaction,'' ''debarred,'' ''suspended,'' ''ineligible,'' ''lower tier covered transaction,'' ''participant,'' ''person,'' ''primary covered transaction,'' ''principal,'' ''proposal,'' and ''voluntarily excluded,'' as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled ''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.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

_____

Name of Applicant

_____

PR/Award Number and /or Project Name

_____

Printed Name and Title of Authorized Representative

_____

Signature

_____

Date

[FR Doc. 95–9829 Filed 4–25–95; 8:45 am]

BILLING CODE 6055–01–M

Federal Register

Wednesday
April 26, 1995

Part VI

The President

Memorandum of April 21, 1995—Regulatory Reform—Waiver of Penalties and Reduction of Reports

Federal Register
Vol. 60, No. 80
Wednesday, April 26, 1995

Presidential Documents

Title 3—

The President

Memorandum of April 21, 1995

Regulatory Reform—Waiver of Penalties and Reduction of Reports

Memorandum for
The Secretary of State
The Secretary of the Treasury
The Secretary of Defense
The Attorney General
The Secretary of the Interior
The Secretary of Agriculture
The Secretary of Commerce
The Secretary of Labor
The Secretary of Health and Human Services
The Secretary of Housing and Urban Development
The Secretary of Transportation
The Secretary of Energy
The Secretary of Education
The Secretary of Veterans Affairs
The Administrator, Environmental Protection Agency
The Administrator, Small Business Administration
The Secretary of the Army
The Secretary of the Navy
The Secretary of the Air Force
The Director, Federal Emergency Management Agency
The Administrator, National Aeronautics and Space Administration
The Director, National Science Foundation
The Acting Archivist of the United States
The Administrator of General Services
The Chair, Railroad Retirement Board
The Chairperson, Architectural and Transportation Barriers Compliance Board
The Executive Director, Pension Benefit Guaranty Corporation

On March 16, I announced that the Administration would implement new policies to give compliance officials more flexibility in dealing with small business and to cut back on paperwork. These Governmentwide policies, as well as the specific agency actions I announced, are part of this Administration's continuing commitment to sensible regulatory reform. With your help and cooperation, we hope to move the Government toward a more flexible, effective, and user friendly approach to regulation.

A. *Actions*: This memorandum directs the designated department and agency heads to implement the policies set forth below.

1. *Authority to Waive Penalties.* (a) To the extent permitted by law, each agency shall use its discretion to modify the penalties for small businesses in the following situations. Agencies shall exercise their enforcement discretion to waive the imposition of all or a portion of a penalty when the violation is corrected within a time period appropriate to the violation in question. For those violations that may take longer to correct than the period set by the agency, the agency shall use its enforcement discretion to waive up to 100 percent of the financial penalties if the amounts waived

are used to bring the entity into compliance. The provisions in paragraph 1(a) of this memorandum shall apply only where there has been a good faith effort to comply with applicable regulations and the violation does not involve criminal wrongdoing or significant threat to health, safety, or the environment.

(b) Each agency shall, by June 15, 1995, submit a plan to the Director of the Office of Management and Budget (''Director'') describing the actions it will take to implement the policies in paragraph 1(a) of this memorandum. The plan shall provide that the agency will implement the policies described in paragraph 1(a) of this memorandum on or before July 14, 1995. Plans should include information on how notification will be given to frontline workers and small businesses.

2. *Cutting Frequency of Reports*. (a) Each agency shall reduce by one-half the frequency of the regularly scheduled reports that the public is required, by rule or by policy, to provide to the Government (from quarterly to semiannually, from semiannually to annually, etc.), unless the department or agency head determines that such action is not legally permissible; would not adequately protect health, safety, or the environment; would be inconsistent with achieving regulatory flexibility or reducing regulatory burdens; or would impede the effective administration of the agency's program. The duty to make such determinations shall be nondelegable.

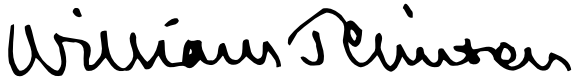
(b) Each agency shall, by June 15, 1995, submit a plan to the Director describing the actions it will take to implement the policies in paragraph 2(a), including a copy of any determination that certain reports are excluded.

B. *Application and Scope*: 1. The Director may issue further guidance as necessary to carry out the purposes of this memorandum.

2. This memorandum does not apply to matters related to law enforcement, national security, or foreign affairs, the importation or exportation of prohibited or restricted items, Government taxes, duties, fees, revenues, or receipts; nor does it apply to agencies (or components thereof) whose principal purpose is the collection, analysis, and dissemination of statistical information.

3. This memorandum is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees.

4. The Director of the Office of Management and Budget is authorized and directed to publish this memorandum in the **Federal Register**.



THE WHITE HOUSE,
Washington, April 21, 1995

[FR Doc. 95–10433
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Vol. 60, No. 80

Wednesday, April 26, 1995

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