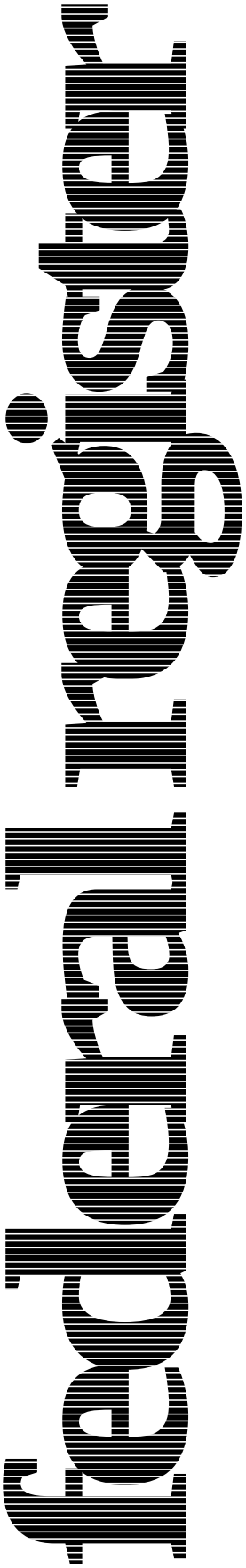
5–1–95
Vol. 60 No. 83
Pages 21033–21424

Monday
May 1, 1995



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Contents

Federal Register

Vol. 60, No. 83

Monday, May 1, 1995

Administrative Conference of the United States
NOTICES
Meetings:
Judicial Review Committee, 21064

Agricultural Marketing Service
RULES
Agricultural and vegetable seeds; quality inspection and certification; testing fees, 21034–21035
Cotton:
Classification services; user fees, 21033–21034

Agriculture Department
See Agricultural Marketing Service
See Commodity Credit Corporation
See Federal Crop Insurance Corporation
See Forest Service
See Rural Telephone Bank

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
Oregon Dental Service, 21218–21222

Army Department
See Engineers Corps
NOTICES
Meetings:
Science Board, 21130–21131

Bonneville Power Administration
NOTICES
Transmission and wholesale power rates:
Proposed modification, 21132–21169

Centers for Disease Control and Prevention
NOTICES
Grants and cooperative agreements; availability, etc.:
Autism and pervasive developmental disorder; secondary conditions prevention, 21212–21214

Children and Families Administration
NOTICES
Organization, functions, and authority delegations:
Regional Administrator et al., 21211–21212

Commerce Department
See International Trade Administration
See Minority Business Development Agency
See Patent and Trademark Office

Committee for the Implementation of Textile Agreements
NOTICES
General Agreement on Tariffs and Trade (GATT):
Textile and apparel products integration; list, 21075–21130

Commodity Credit Corporation
RULES
Export programs:
Export enhancement and dairy export incentive programs; experience requirements deletion and bonus payments, 21037–21039
Loan and purchase programs:
Price support levels—
Tobacco, 21036–21037

Customs Service
RULES
Harmonized Tariff Schedule of United States (HTSUS) general notes; authority citations corrections; correction, 21043
NOTICES
Administrative rulings:
Desktop computers; country of origin; final determination, 21241
Country of origin marking:
Optical spectroscopy instrument systems, 21241–21242

Defense Department
See Army Department
See Engineers Corps
See Navy Department

Education Department
PROPOSED RULES
Elementary and secondary education:
Helping disadvantaged children meet high standards, 21400–21419
NOTICES
Grants and cooperative agreements; availability, etc.:
Dwight D. Eisenhower professional development Federal activities program, 21396–21397

Employment and Training Administration
NOTICES
Adjustment assistance:
Meridian Oil, 21222–21223
Seagull Mid-South, Inc., 21223
Shell Oil Co., 21223–21224
UNOCAL Corp., 21224

Energy Department
See Bonneville Power Administration
See Federal Energy Regulatory Commission

Engineers Corps
PROPOSED RULES
Temporary anchors, cables, and chains for floating and semisubmersible drilling rigs; placement within shipping safety fairways; permits, 21061–21063

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
California, 21045–21047
Solid wastes:
Products containing recovered materials; comprehensive procurement guidelines, 21370–21384

Superfund program:
National oil and hazardous substances contingency plan—
National priorities list update, 21047–21048
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
California, 21063
NOTICES
Committees; establishment, renewal, termination, etc.:
Urban Wet Weather Flows Advisory Committee, 21189–21190
Meetings:
Emergency Planning and Community Right-to-Know Act; reporting requirements; expansion of industries covered and issues paper availability, 21190–21191
Municipal solid waste landfill permit programs; adequacy determinations:
Campo Band of Mission Indians, 21191–21210
Solid wastes:
Recovered materials advisory notice; availability, 21386–21394
Superfund; response and remedial actions, proposed settlements, etc.:
Tennessee Gas and Pipeline Site, TX, LA, and MS, 21210–21211

Executive Office of the President
See Presidential Documents

Federal Aviation Administration
RULES
Airworthiness directives:
McDonnell Douglas, 21041–21042
PROPOSED RULES
Airworthiness directives:
AlliedSignal, 21053–21054
Boeing, 21054–21056
British Aerospace, 21056–21058

Federal Communications Commission
RULES
Frequency allocations and radio treaty matters:
Private land mobile services—
Mobile satellite services in 1610-1626.5 and 2483.5-2500 MHz frequency bands, 21048–21052

Federal Crop Insurance Corporation
RULES
Administrative regulations:
Reinsurance agreements; approval standards, 21035–21036

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
PacifiCorp et al., 21169–21170
Natural gas certificate filings:
National Fuel Gas Supply Corp. et al., 21170–21172
Natural Gas Policy Act:
Self-implementing transactions, 21173–21187
Applications, hearings, determinations, etc.:
Algonquin Gas Transmission Co., 21172
Columbia Gas Transmission Corp., 21172–21173
Columbia Gulf Transmission Co., 21173
Paiute Pipeline Co., 21187
Riverside Pipeline Co., L.P., 21187–21188
South Georgia Natural Gas Co., 21188
Three Rivers Pipeline, 21188
Transcontinental Gas Pipe Line Corp., 21188
Virginia Electric & Power Co., 21189
Williston Basin Interstate Pipeline Co., 21189

Federal Railroad Administration
NOTICES
Exemption petitions, etc.:
American President Lines, Ltd., et al., 21233–21234
Port Authority Trans-Hudson Corp., 21234–21235

Federal Reserve System
NOTICES
Applications, hearings, determinations, etc.:
Royal Bancshares, Inc., 21211

Food and Drug Administration
NOTICES
Food additive petitions:
E.I. du Pont de Nemours & Co., 21214
Memorandums of understanding:
National Institutes of Health; joint experiments related to drug metabolism and drug-drug interactions, 21214–21215

Forest Service
NOTICES
Environmental statements; availability, etc.:
Humboldt Nursery, CA; disease, insect, animal, and unwanted vegetation control, 21064
Pacific Southwest Region, nurseries and tree improvement center; unwanted vegetation, disease, insect, and animal control, 21064–21065
Placerville Nursery, CA; disease, insect, animal, and unwanted vegetation control, 21065

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See Health Care Financing Administration
See Public Health Service
RULES
Grants:
Low-income home energy assistance program; block grant programs, 21322–21364

Health Care Financing Administration
RULES
Medicare:
Intermediaries and carriers; evaluation criteria and standards; CFR Correction, 21048

Housing and Urban Development Department
PROPOSED RULES
Public and Indian housing:
Vacancy Rule Negotiated Rulemaking Advisory Committee
Meetings, 21058
NOTICES
Low income housing:
Qualified census tracts and difficult development areas; statutorily designation under 1986 Internal Revenue Code section 42 for tax credit; republication, 94-26217, 21246–21320

Immigration and Naturalization Service
RULES
Immigration:
Deportation or exclusion final orders; temporary resident status automatic termination procedure, 21039–21041

Interior Department
See Land Management Bureau

International Trade Administration
NOTICES
Antidumping:
Bicycles from—
China, 21065–21067
Solid urea from—
German Democratic Republic, 21067–21068
Countervailing duties:
Apparel from—
Peru, 21068–21070
Cotton sheeting and sateen from—
Peru, 21070–21071
Cotton yarn from—
Peru, 21071–21072
Textile mill products from—
Peru, 21072–21073

Interstate Commerce Commission
NOTICES
Railroad operation, acquisition, construction, etc.:
Chicago & North Western Railway Co. et al., 21216
Union Pacific Corp. et al., 21216–21217

Justice Department
See Antitrust Division
See Immigration and Naturalization Service
See Parole Commission
NOTICES
Pollution control; consent judgments:
Metropolitan Dade County et al., 21217–21218

Labor Department
See Employment and Training Administration
See Labor Statistics Bureau

Labor Statistics Bureau
NOTICES
Meetings:
Business Research Advisory Council, 21222

Land Management Bureau
NOTICES
Environmental statements; availability, etc.:
Phoenix Resource Area, AZ, 21215–21216

Minority Business Development Agency
NOTICES
Business development center program applications:
Massachusetts, 21073–21075

National Aeronautics and Space Administration
RULES
Patents and other intellectual property rights:
NASA inventions licensing; regulations removed, 21042

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards:
Nonconforming vehicles—
Importation eligibility; determinations, 21235–21241

National Science Foundation
NOTICES
Meetings:
Cognitive, Psychological and Language Sciences Advisory Panel, 21224

Navy Department
NOTICES
Inventions, Government-owned; availability for licensing, 21131
Meetings:
Naval Research Advisory Committee, 21131
Patent licenses; non-exclusive, exclusive, or partially exclusive:
Massachusetts Institute of Technology, 21131–21132

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
University of—
Washington, 21224–21225
Watts Bar Nuclear Power Plants (Units 1 and 2), 21225–21226
Reports; availability, etc.:
South Texas Project Allegations Review Team results, 21226
Applications, hearings, determinations, etc.:
Georgia Power Co. et al., 21226

Occupational Safety and Health Review Commission
PROPOSED RULES
Practice and procedure:
E-Z Trial pilot program implementation and simplified proceedings rules revision, 21058–21061

Parole Commission
NOTICES
Meetings; Sunshine Act, 21243

Patent and Trademark Office
RULES
Patent cases:
Affidavits or declarations submission, 21043–21045

Presidential Documents
PROCLAMATIONS
Special observances:
Law Day, U.S.A. (Proc. 6792), 21423–21424

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Minority health—
Cancer prevention, 21366–21368
International Classification of Diseases, Ninth Revision, Clinical Modification, External Cause Code (ICD–9–CM E code); revisions, 21215

Rural Telephone Bank
NOTICES
Meetings; Sunshine Act, 21243

Securities and Exchange Commission
NOTICES
Meetings; Sunshine Act, 21243

Self-regulatory organizations; proposed rule changes:
National Association of Securities Dealers, Inc., 21226–21227
Pacific Stock Exchange, Inc., 21227–21228
Participants Trust Co., 21228–21230
Applications, hearings, determinations, etc.:
New York Life Insurance & Annuity Corp. et al., 21230–21232

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Transportation Department
See Federal Aviation Administration
See Federal Railroad Administration
See National Highway Traffic Safety Administration
NOTICES
Aviation proceedings:
Agreements filed; weekly receipts, 21232–21233

Treasury Department
See Customs Service

Separate Parts In This Issue

Part II
Department of Housing and Urban Development, 21246–21320

Part III
Department of Health and Human Services, 21322–21364

Part IV
Department of Health and Human Services, Public Health Service, 21366–21368

Part V
Environmental Protection Agency, 21370–21384

Part VI
Environmental Protection Agency, 21386–21394

Part VII
Department of Education, 21396–21397

Part VIII
Department of Education, 21400–21419

Part IX
The President, 21423–21424

Reader Aids

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

Electronic Bulletin Board

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR
Proclamations:
6792.....21423

7 CFR
28.....21033
75.....21034
400.....21035
1464.....21036
1494.....21037

8 CFR
245a.....21039

14 CFR
39.....21041
1245.....21042
Proposed Rules:
39 (3 documents) 21053, 21054, 21056

19 CFR
7.....21043
11.....21043
12.....21043
18.....21043
19.....21043
24.....21043
54.....21043
101.....21043
102.....21043
111.....21043
114.....21043
123.....21043
128.....21043
132.....21043
134.....21043
141.....21043
145.....21043
146.....21043
148.....21043
151.....21043
152.....21043
177.....21043
181.....21043
191.....21043

24 CFR
Proposed Rules:
Ch. IX.....21058

29 CFR
Proposed Rules:
2200.....21058

33 CFR
Proposed Rules:
322.....21061

34 CFR
Proposed Rules:
200.....21400
201.....21400
203.....21400
205.....21400
212.....21400

37 CFR
1.....21043

40 CFR
52.....21045
247.....21370
300.....21047
Proposed Rules:
52.....21063

42 CFR
421.....21048

45 CFR
96.....21322

47 CFR
2.....21048

Rules and Regulations

Federal Register
Vol. 60, No. 83
Monday, May 1, 1995

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

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

[CN–95–001]

RIN 0581–AB15

Revision of User Fees for 1995 Crop Cotton Classification Services to Growers

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is reducing user fees for cotton producers for 1995 crop cotton classification services under the Cotton Statistics and Estimates Act in accordance with the formula provided in the Uniform Cotton Classing Fees Act of 1987. The 1994 user fee for this classification service was $1.80 per bale. This final rule will reduce the fee for the 1995 crop to $1.60 per bale. The reduced fee is due to increased efficiency in classing operations, and it is sufficient to recover the costs of providing classification services, including costs for administration, supervision, and development and maintenance of standards.

EFFFECTIVE DATES: July 1, 1995.

FOR FURTHER INFORMATION CONTACT: Lee Cliburn, 202–720–2145.

SUPPLEMENTARY INFORMATION: A proposed rule detailing the revisions was published in the **Federal Register** on February 24, 1995, (60 FR 10335). A 30-day comment period was provided for interested persons to respond to the proposed rule; no comments were received.

This final rule has been determined to be not significant for purposes of Executive Order 12866, and therefore has not been reviewed by the Office of Management and Budget.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule will not preempt any state or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

The Administrator, Agricultural Marketing Service (AMS), has considered the economic impact of this final rule on small entities pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be disproportionately burdened. There are about 40,000 cotton growers who voluntarily submit their cotton for the classification service. The majority of the growers are small businesses under the criteria established by the Small Business Administration. The Administrator of AMS has certified that this action will not have a significant economic impact on a substantial number of small entities as defined in the RFA because:

(1) The fee reduction reflects a decrease in the cost-per-unit currently borne by those entities utilizing the services;

(2) The cost reduction will not affect competition in the marketplace; and

(3) The use of classification services is voluntary.

In compliance with OMB regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) of 1980 (44 U.S.C. 3501 *et seq.*), the information collection requirements contained in the provisions amended by this final rule have been previously approved by OMB and were assigned OMB control number 0581–0009 under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

The changes will be made effective July 1, 1995, as provided by the Cotton Statistics and Estimates Act.

Fees for Classification Under the Cotton Statistics and Estimates Act of 1927

The user fee charged to cotton producers for High Volume Instrument (HVI) classification services under the Cotton Statistics and Estimates Act (7 U.S.C. 473a) was $1.80 per bale during the 1994 harvest season as determined by using the formula provided in the Uniform Cotton Classing Fees Act of 1987, as amended by Public Law 102–237. The fees cover salaries, cost of equipment and supplies, and other overhead costs, including costs for administration, supervision, and development and maintenance of cotton standards.

This final rule establishes the user fee charged to producers for HVI classification at $1.60 per bale during the 1995 harvest season.

Public Law 102–237 amended the formula in the Uniform Cotton Classing Fees Act of 1987 for establishing the producer's classification fee so that the producer's fee is based on the prevailing method of classification requested by producers during the previous year. HVI classing was the prevailing method of cotton classification requested by producers in 1994. Therefore, the 1995 producer's user fee for classification service is based on the 1994 base fee for HVI classification.

The fee was calculated by applying the formula specified in the Uniform Cotton Classing Fees Act of 1987, as amended by Public Law 102–237. The 1994 base fee for HVI classification exclusive of adjustments, as provided by the Act, was $1.96 per bale. A 2.3 percent, or five cents per bale increase due to the implicit price deflator of the gross domestic product added to the $1.96 results in a 1995 base fee of $2.01 per bale. The formula in the Act provides for the use of the percentage change in the implicit price deflator of the gross national product (as indexed for the most recent 12-month period for which statistics are available). However, this has been replaced by the gross domestic product by the Department of Commerce as a more appropriate measure for the short-term monitoring and analysis of the U.S. economy.

The number of bales to be classed by the United States Department of Agriculture from the 1995 crop is estimated at 19,202,000. The 1995 base fee was decreased 15 percent based on the estimated number of bales to be classed (one percent for every 100,000 bales or portion thereof above the base of 12,500,000, limited to a maximum adjustment of 15 percent). This percentage factor amounts to a 30 cents per bale reduction and was subtracted

from the 1995 base fee of $2.01 per bale, resulting in a fee of $1.71 per bale.

Assuming a fee of $1.71 per bale, the projected operating reserve would be 30 percent. The Act specifies that the Secretary shall not establish a fee which, when combined with other sources of revenue, will result in a projected operating reserve of more than 25 percent. Accordingly, the fee of $1.71 must be reduced by 11 cents per bale, to $1.60 per bale, to provide an ending accumulated operating reserve for the fiscal year of 25 percent of the projected cost of operating the program. This establishes the 1995 season fee at $1.60 per bale.

Accordingly, § 28.909, paragraph (b) is revised to reflect the reduction in the HVI classification fees.

As provided for in the Uniform Cotton Classing Fees Act of 1987, as amended, a five cents per bale discount will continue to be applied to voluntary centralized billing and collecting agents as specified in § 28.909 (c).

Growers or their designated agents will continue to incur no additional fees if only one method of receiving classification data is requested. The fee for each additional method of receiving classification data in § 28.910 will remain at five cents per bale, and it will be applicable even if the same method was requested. The other provisions of § 28.910 concerning the fee for an owner receiving classification data from the central database and the fee for new classification memoranda issued for the business convenience of such an owner without reclassification of the cotton will remain the same.

The fee for review classification in § 28.911 will be reduced from $1.80 per bale to $1.60 per bale.

The fee for returning samples after classification in § 28.911 will remain at 40 cents per sample.

List of Subjects in 7 CFR Part 28

Administrative practice and procedures, Cotton, Cotton samples, Grades, Market news, Reporting and recordkeeping requirements, Standards, Staples, Testing, Warehouses.

For the reasons set forth in the preamble, 7 CFR Part 28 is amended as follows:

PART 28—[AMENDED]

1. The authority citation for Subpart D of Part 28 is revised to read as follows:

Authority: 7 U.S.C. 473a; 7 U.S.C. 473c.

2. In § 28.909, paragraph (b) is revised to read as follows:

§ 28.909 Costs.

* * * * *

(b) The cost of High Volume Instrument (HVI) cotton classification service to producers is $1.60 per bale.

* * * * *

3. In § 28.911, the last sentence of paragraph (a) is revised to read as follows:

§ 28.911 Review classification.

(a) * * * The fee for review classification is $1.60 per bale.

* * * * *

Dated: April 25, 1995.

Lon Hatamiya,

Administrator.

[FR Doc. 95–10602 Filed 4–28–95; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 75

[Docket No. LS–94–011]

RIN 0581–AB35

Increase Seed Inspection Fees

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is increasing the applicable fees for testing seed under the voluntary seed inspection and certification program. The fees which will be paid by the users of the service are intended to generate sufficient revenue to offset the cost of operating the program.

EFFECTIVE DATE: May 31, 1995.

FOR FURTHER INFORMATION CONTACT: James P. Triplitt, Chief, Seed Regulatory and Testing Branch, Livestock and Seed Division, Agricultural Marketing Service, USDA, Building 506, BARC–E, Beltsville, Maryland 20705, 301–504–9430.

SUPPLEMENTARY INFORMATION: This rule has been determined to be not significant for the purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have a retroactive effect. The rule would not preempt any state or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to judicial challenge to the provision of this rule.

This action was also reviewed under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The Administrator of AMS has determined that this action will not have a substantial economic impact on a significant number of small entities. Although some seed growers and shippers using this service may be classified as small entities, the effect of the increased fees will be minimal. Under the proposal the cost for a typical test will increase from about $57.00 to approximately $64.50. It is estimated that the total revenue generated by this increase will be approximately $15,000 annually.

Background

This rule is authorized by the Agricultural Marketing Act (AMA) of 1946, as amended, 7 U.S.C. 1621 *et seq.* Section 203(h) of the AMA authorizes the Secretary to inspect and certify the quality of agricultural products and collect such fees as reasonable to cover the cost of service rendered. This revision is to increase the fees to be charged for the inspection and certification of quality of agricultural and vegetable seeds to reflect the Department's cost of operating the program.

The purpose of the voluntary program is to promote efficient, orderly marketing of seeds, and assist in the development of new and expanding markets. Under the program samples of agricultural and vegetable seeds submitted are tested for factors such as purity and germination at the request of the applicant for the service. In addition, grain samples, submitted at the applicant's request, by the Grain Inspection, Packers and Stockyards Administration are examined for the presence of certain weed and crop seed. A Federal Seed Analysis Certificate is issued giving the test results. Of 1,650 samples tested in fiscal year 1994 most represented seed or grain scheduled for export. Many importing countries require a Federal Seed Analysis Certificate on United States seed.

After reviewing the current costs the department has determined that the present fee is insufficient to cover the program's cost of operation. The fee increase is necessary to offset increased salaries and fringe benefits to personnel, as well as increases in rent and other program costs. Based on the Agency's analysis of costs and revenue, AMS is proposing to increase the hourly rate for the voluntary service from $35.40 to $40.40 per hour. In addition, the cost of issuing additional duplicate original certificates will be increased from $8.85 to $10.10. Approximately one-fourth hour is required to issue additional duplicate certificates.

A proposed rule was published in the **Federal Register** on January 4, 1995 (60 FR 379). Comments on the proposed

rule were invited from interested persons until February 3, 1995. No comments were received.

List of Subjects in 7 CFR Part 75

Administrative practice and procedure, Agricultural commodities, Reporting and recordkeeping requirements, Seeds, Vegetables.

For reasons set forth in the preamble, it is proposed that 7 CFR part 75 be amended as follows:

PART 75—REGULATIONS FOR INSPECTION AND CERTIFICATION OF QUALITY OF AGRICULTURAL AND VEGETABLE SEEDS.

1. The authority citation for part 75 is revised to read as follows:

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

§ 75.41 [Amended]

2. Section 75.41 is amended by removing ''$35.40'' and adding in its place ''$40.40.''

§ 75.47 [Amended]

3. Section 75.47 is amended by removing ''$8.85'' and adding in its place ''$10.10.''

Dated: April 25, 1995.

Lon Hatamiya,

Administrator.

[FR Doc. 95–10603 Filed 4–28–95; 8:45 am]

BILLING CODE 3410–02–P

Federal Crop Insurance Corporation

7 CFR Part 400

General Administrative Regulations; Reinsurance Agreement—Standards for Approval

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation (''FCIC'') hereby amends its General Administrative Regulations, 7 CFR part 400, by revising the Disputes clause, located at section 400.169. The intended effect of this rule is to provide reinsured companies with an informal reconsideration process through an administrative officer of FCIC and the right to appeal the administrative officer's administrative determination to the Board of Contract Appeals.

DATES: This rule is effective May 1, 1995. Written comments, data, and opinions on this rule will be accepted until close of business June 30, 1995 and will be considered when the rule is to be made final.

ADDRESSES: Written comments, data, and opinion on this interim rule should be sent to Diana Moslak, Regulatory and Procedural Development Staff, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250. Hand or messenger delivery should be made to Suite 500, 2101 L Street, N.W., Washington, D.C. Written comments will be available for public inspection and copying in the Office of the Manager, 2101 L Street, N.W., 5th Floor, Washington, D.C., during regular business hours, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone (202) 254–8314.

SUPPLEMENTARY INFORMATION: As a result of the Departmental reorganization mandated by the Department of Agriculture Reorganization Act of 1994, FCIC must amend its dispute provisions to provide reinsured companies with a mechanism to request reconsideration or appeal of adverse decisions determined by FCIC.

This action has been reviewed under United States Department of Agriculture (''USDA'') procedures established by Executive Order 12866 and Departmental Regulation 1512–1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is March 31, 1999.

This rule has been determined to be ''not significant'' for the purposes of Executive Order 12866, and therefore, has not been reviewed by the Office of Management and Budget (''OMB'').

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

It has been determined under section 6(a) of Executive Order 12612, Federalism, that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The policies and procedures contained in this rule will not have a substantial direct effect on states or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

Under the Regulatory Flexibility Act (5 U.S.C. 605), this regulation will not have a significant impact on a substantial number of small entities. This action does not increase the paperwork burden on the reinsured company because this action only changes the mechanism in which to submit disputed reinsurance issues. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act and no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which require intergovernmental consultation with state and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

The Office of the General Counsel has determined that these regulations meet the applicable standards provided in subsections (2)(a) and 2(b)(2) of Executive Order 12778. The provisions of this rule will preempt state and local laws to the extent such state and local laws are inconsistent herewith. The administrative appeal provisions located at 7 CFR part 400, subpart J and the appeal provisions promulgated by the Board of Contract Appeals, 7 CFR part 24, subtitle A, must be exhausted before judicial action may be brought.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

This interim rule provides a new avenue of appeal for reinsured companies now that FCIC no longer has hearing officers to conduct these appeals. At present, there is no body authorized to hear these appeals. Therefore, it is impractical and contrary to the public interest to publish this rule for notice and comment prior to making the rule effective. However, comments are solicited for 60 days after the date of publication in the **Federal Register** and will be considered by FCIC before this rule is made final.

Background

Prior to enactment of the Department of Agriculture Reorganization Act of 1994, reinsured companies were afforded the opportunity for an informal hearing to appeal final determinations made by FCIC. The authority to hear these appeals was delegated to FCIC hearing officers. If the reinsured company was dissatisfied with the determination of the hearing officer, its only recourse was to the courts. Since the Standard Reinsurance Agreement is not a program agreement but instead an agreement for delivery of the program, it is an action to be handled by the

Agency Board of Contract Appeals rather than a program matter within the jurisdiction of the National Appeals Division. If the reinsured company is now dissatisfied with a determination under a reinsurance agreement with FCIC it may now request the Director of Insurance Services to render a final administrative determination on the dispute. If the reinsured company is dissatisfied with a determination as a result of a compliance review finding, it may request the Director of Compliance to render a final administrative determination on the dispute. Such final administrative determination by the Director of Insurance Services or Director of Compliance will be appealable to the United States Department of Agriculture Board of Contract Appeals.

List of Subjects in 7 CFR Part 400

Crop insurance.

Final Rule

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends 7 CFR part 400, subpart L to read as follows:

PART 400—[AMENDED]

1. The authority citation for 7 CFR part 400, subpart L, is revised to read as follows:

Authority: 7 U.S.C. 1506(l).

2. Section 400.169 is revised to read as follows:

§ 400.169 Disputes.

(a) If the company believes that the Corporation has taken an action that is not in accordance with the provisions of the Standard Reinsurance Agreement or any reinsurance agreement with FCIC, except compliance issues, it may within 45 days after receipt of such determination, request, in writing, the Director of Insurance Services to make a final administrative determination addressing the disputed issue. The Director of Insurance Services will render the final administrative determination of the Corporation with respect to the applicable issues.

(b) If the company believes that the Corporation's compliance review findings are not in accordance with the applicable laws, regulations, custom or practice of the insurance industry, or FCIC approved policy and procedure, it may within 45 days after receipt of such determination, request, in writing, the Director of Compliance to make a final administrative determination addressing the disputed issue. The Director of Compliance will render the final administrative determination of the Corporation with respect to these issues.

(c) A company may also request reconsideration by the Director of Insurance Services of a decision of the Corporation rendered under any Corporation bulletin or directive which bulletin or directive does not affect, interpret, explain, or restrict the terms of the reinsurance agreement. The company, if it disputes the Corporation's determination, must request a reconsideraiton of that determination in writing, within 45 days of the receipt of the determination. The determinations of the Director will be final and binding on the company. Such determinations will not be appealable to the Board of Contract Appeals.

(d) Appealable final administrative determinations of the Corporation under § 400.169 (a) or (b) may be appealed to the Board of Contract Appeals in accordance with the provisions of part 24 of title 7, subtitle A, of the Code of Federal Regulations, 7 CFR part 24.

Done in Washington, D.C., on April 20, 1995.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 95–10466 Filed 4–28–95; 8:45 am]

BILLING CODE 3410–08–P

Commodity Credit Corporation

7 CFR Part 1464

RIN 0560–AD91

Tobacco; Tobacco Loan Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: The Federal Crop Insurance Reform Act of 1994 (the 1994 Act), was enacted on October 13, 1994, and amended the Federal Crop Insurance Act. The 1994 Act requires the Federal Crop Insurance Corporation (FCIC) to implement a catastrophic risk protection plan of insurance which is the basic level of coverage required to be purchased by a producer in order to be eligible for price support and other U.S. Department of Agriculture farm program benefits. The FCIC issued regulations in the form of an interim rule published in the **Federal Register** on Friday, January 6, 1995. The purpose of the immediate rule is to amend tobacco loan program regulations to reflect this new requirement. This rule amends 7 CFR part 1464. This rule requires that producers purchase crop insurance in order to be eligible for tobacco program benefits. The insurance must be acquired in accordance with FCIC rules in an amount that equals or exceeds the minimum amount set by FCIC.

DATES: *Effective Date:* May 1, 1995.

Comment Date: Comments must be received on or before May 31, 1995 in order to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments to the Director, Tobacco and Peanuts Division, Consolidated Farm Service Agency (CFSA), United States Department of Agriculture (USDA), P.O. Box 2415, Washington, DC 20013–2415, telephone 202–720–7413. All written comments will be available for public inspection in room 5750, South Building, USDA, 14th St. and Independence Avenue, SW., Washington, DC, between 8 a.m. and 5 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Gary Wheeler, CFSA, at the address listed under **ADDRESSES,** telephone 202–720–7562.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This interim rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by Office of Management and Budget (OMB).

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation (CCC) is not required by 5 USC 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are: Commodity Loans and Purchases—10.051.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on quality of the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is needed.

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372

which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V published at 48 FR 2915 (June 24, 1983).

Executive Order 12778

This interim rule has been reviewed in accordance with Executive Order 12778. The provisions of this interim rule are not retroactive and preempt State laws to the extent that such laws are inconsistent with the provisions of this interim rule. Before any legal action is brought regarding determinations made under provisions of 7 CFR part 1464, the administrative appeal provisions set forth at 7 CFR part 780 must be exhausted.

Paperwork Reduction Act

This interim rule does not change the CFSA information collection requirements that have been approved by OMB and assigned control number 0560–0058. The FCIC information collection requirements for 0563–0003 have been modified and approved by OMB to reflect the program requirements imposed by the Federal Crop Insurance Reform Act of 1994.

A. The Federal Crop Insurance Act of 1994

The 1994 Act was enacted on October 13, 1994, and amended the Federal Crop Insurance Act. The 1994 Act requires FCIC to implement a catastrophic risk protection plan of insurance which is the basic level of coverage required to be purchased by a producer to be eligible for price support and other U.S. Department of Agriculture farm program benefits. FCIC issued an interim rule published in the **Federal Register** on Friday, January 6, 1995 (Vol. 60, No. 4, pages 1996 through 2005) implementing this and other 1994 Act provisions.

B. Tobacco Loan Program

This rule amends 7 CFR part 1464 for the tobacco program to reflect the 1994 Act's insurance provisions. Under the rule, as under the act, beginning with the 1995 crops, tobacco producers will be ineligible for price support unless they purchase catastrophic risk protection crop insurance in accordance with FCIC rules in an amount which equals or exceeds the minimal amount set by FCIC. This requirement is statutory. For that reason, because this rule mirrors the previously published FCIC rules, and because of the onset of the growing season, it has been determined that there would be no purpose in delaying the effectiveness of this rule and that such delay would be contrary to the public interest. Therefore, it has been determined that this rule should be published as an interim rule without prior comment.

List of Subjects in 7 CFR Part 1464

Assessments, Loan program, Agriculture, Price support program, Tobacco, Warehouses.

For the reasons set out in the preamble, 7 CFR part 1464 is amended as follows:

PART 1464—TOBACCO

1. The authority citation for part 1464 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1441, 1445, 1445–1, and 1445–2; 15 U.S.C. 714b, 714c.

2. Section 1464.7 is amended by adding a new paragraph (f) to read as follows:

§ 1464.7 Eligible producer.

* * * * *

(f) Must be in compliance with the provisions of parts 400 and 402 of this title by purchasing an amount of catastrophic insurance coverage which equals or exceeds the minimal required under those parts.

Signed at Washington, DC on April 21, 1995.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 95–10601 Filed 4–28–95; 8:45 am]

BILLING CODE 3410–05–M

7 CFR Part 1494

Export Bonus Programs

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Final rule.

SUMMARY: CCC is issuing this final rule to amend its regulations to: (1) Delete the export experience requirement for qualification to participate in the Export Enhancement Program (EEP) and the Dairy Export Incentive Program (DEIP) and (2) establish the time at which new program participants would be eligible to receive bonus payments. These amendments are intended to provide the opportunity for a greater number of U.S. exporters to participate in the EEP and the DEIP. The final rule also amends several provisions of the regulations to make them clearer, easier to read, and more consistent with the regulations that apply to some of the other CCC export programs.

EFFECTIVE DATE: May 31, 1995.

FOR FURTHER INFORMATION CONTACT: L.T. McElvain, Director, CCC Operations Division, Foreign Agricultural Service, U.S. Department of Agriculture, AG Box 1035, Washington D.C., 20250–1035; Fax (202) 720–2949; Telephone (202) 720–6211. The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact the USDA Office of Communications at (202) 720–5881 (voice) or (202) 720–7808 (TDD).

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule is issued in conformance with Executive Order 12866. It has been determined to be neither significant nor economically significant for the purposes of E.O. 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of rulemaking with respect to the subject matter of this rule.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Environmental Evaluation

It has been determined by an environmental evaluation that this action will not have a significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Paperwork Reduction Act

The information collection requirements contained in this rule have previously been submitted to OMB for review under the Paperwork Reduction Act and were assigned OMB control numbers 0551–0028 and 0551–0029.

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This final rule will have preemptive effect with respect to any

state or local laws, regulations, or policies which conflict with such provisions or which otherwise impede their full implementation. The rule will not have retroactive effect. The regulations currently require that certain administrative remedies be exhausted before suit may be filed, and this final rule does not change this requirement.

The Department of Agriculture is committed to carrying out its statutory and regulatory mandates in a manner that best serves the public interest. Therefore, where legal discretion permits, the Department actively seeks to promulgate regulations that promote economic growth, create jobs, are minimally burdensome, and are easy for the public to understand, use or comply with. In short, the Department is committed to issuing regulations that maximize net benefits to society and minimize costs imposed by those regulations.

Background

CCC published a proposed rule in the **Federal Register** of January 18, 1995 (60 FR 3564) that would amend 7 CFR part 1494 to delete the export experience requirement for qualification to participate in the EEP and the DEIP and establish the time at which new program participants would be eligible to receive bonus payments. In addition, CCC proposed that changes be made to the regulations to require a certification from exporters seeking to qualify for program participation; to delete unnecessary or redundant language; and to inform qualified exporters in a more direct fashion that they have a duty to update information they have provided to CCC pursuant to 7 CFR 1494.301(a) to ensure that it is current and accurate. The proposed rule also contained other minor, non-substantive changes intended to make the rule clearer, easier to read, and more consistent with the regulations that apply to some of the other CCC export programs.

Comments

The deadline for submitting comments on the proposed rule was March 20, 1995. CCC received comments from six U.S. exporters, two producer associations, and one U.S. trade association. These nine parties made approximately 12 separate and significant comments regarding the proposed rule.

Five commenters expressed support for CCC's proposal to delete the export experience requirement. One commenter stated that the export experience requirement has seriously limited participation in the DEIP by certain exporters. Another commenter felt that this requirement has had the effect of creating a monopoly which reduced the competitive edge of U.S. exports. Furthermore, this respondent felt that the experience requirement has forced novice exporters to have to deal with export sales agents qualified under the EEP or DEIP. This additional layer, in the view of the commenter, decreases the efficiency of the export sale. One commenter felt that a firm that has the contacts and resources to do business overseas should be allowed the opportunity to do international business, through its participation in the programs, in the same way that it has the opportunity to do business in the domestic market.

Another commenter felt that the experience requirement has restricted the ability of many U.S. dairy product companies to export and that dispensing with this requirement will broaden the potential exporter base for U.S. dairy products. This respondent, however, was opposed to CCC's proposal to defer payment of bonuses to new program participants until they have demonstrated their ability to participate successfully in a program. This commenter expressed the opinion that this provision of the proposed rule is discriminatory because the timing of the receipt of the export bonus and the performance security requirements work to the competitive disadvantage of novice exporters and the advantage of experienced exporters.

Four commenters disagreed with the proposal to delete the export experience requirement. These commenters were concerned that removal of this requirement would, in some way, threaten the integrity of the EEP and DEIP and the image of the United States as a reliable export supplier. One commenter felt that the qualification requirements in the current DEIP regulations are not onerous and can be readily satisfied by parties who are seriously interested in developing export business. One commenter expressed the opinion that the deletion of the experience requirement could encourage export transactions by parties that lack the experience and financial standing to successfully execute such transactions. One commenter felt that removal of the experience requirement would open the programs to potential fraud. This commenter advocated that even more controls be placed on program participation.

Another respondent felt that, if the experience requirement is deleted, the market would be plagued with companies and brokers that are inexperienced and perhaps less than honest. Program particiaption by inexperienced companies would, in the long run, cause small domestic producers to shy away from the international market, because of bad experiences, and foreign buyers to buy solely from large companies. However, this commenter did express support for the change in the proposed rule such that an exporter would simply qualify one time to be eligible for a program and could thereafter export any eligible commodity under that program.

CCC did not receive comments on any of the other proposed changes to 7 CFR part 1494.

Discussion

After considering all of the significant comments, CCC has determined to make the changes to 7 CFR 1494.201 and 1494.301 as proposed. CCC agrees with those commenters that expressed the view that the deletion of the export experience requirement will permit additional companies to participate in the EEP and DEIP and increase competition for export business.

CCC does not agree with those commenters that felt that the additional exporters that will participate in the EEP and DEIP as a result of this change will present an increased threat to the programs as a result of abuse or fraud. CCC will continue to require performance security from exporters and take aggressive action in the face of any apparent program violations. In addition, CCC does not agree with the commenters' views that allowing inexperienced exporters to participate in the programs will adversely affect other small exporters' participation or domestic suppliers' relationships with exporters, because domestic suppliers can take steps to evaluate individual exporters and to protect themselves from nonperformance and other potential exporter problems.

The proposed timing of the bonus payments to new program participants will provide a means of allowing exporters to gain experience within the program, yet protect CCC from paying a bonus until the product arrives in the eligible country. CCC's intention, in adopting this bonus mechanism, is to address the types of concerns about potential program abuse raised by some commenters. Furthermore, while the timing of the bonus payment is different for qualified exporters and those without proven program participation, the amount of performance security required and the timing of the release of the performance security for both categories of exporters will be the same. Therefore, CCC has designed a mechanism which will impose the minimal additional burden on new

program participants necessary to protect CCC's interests.

List of Subjects in 7 CFR Part 1494

Administrative practice and procedure, Agricultural commodities, Exports, Government contracts, Reporting and recordkeeping requirements.

Accordingly, 7 CFR part 1494 is amended to read as follows:

PART 1494—EXPORT BONUS PROGRAMS

Subpart B—Export Enhancement Program Operations

1. The authority citation for 7 CFR part 1494, subpart B, continues to read as follows:

Authority: 7 U.S.C. 5602, 5651, 5661, 5662, 5676; 15 U.S.C. 714c.

2. Paragraph (q) of § 1494.201 is revised to read as follows:

§ 1494.201 Definitions of terms.

* * * * *

(q) *Eligible exporter.* A person that has been notified by CCC that such person is qualified to submit offers in response to Invitations.

* * * * *

3. Section 1494.301 is amended by revising the section introductory text and the paragraph (a) introductory text; by removing paragraph (a)(1) and redesignating paragraphs (a)(2) through (a)(6) as paragraphs (a)(1) through (a)(5), respectively; by adding a new paragraph (a)(6); by removing paragraph (b) and redesignating paragraphs (c) through (g) as paragraphs (b) through (f), respectively; by revising newly designated paragraphs (b), (d), (e) and (f); and by adding a new paragraph (g) to read as follows:

§ 1494.301 Information required for program participation.

Before CCC will consider an offer from an interested person, such person must qualify for participation in the program. Based upon information submitted by the interested person and available from public sources, CCC will determine whether the interested person is eligible for participation in the program.

(a) *Submission of documentation.* An interested person that wishes to qualify as an eligible exporter must furnish the following information or documentation to CCC at the address referenced in the Notice to Exporters--EEP Contacts:

* * * * *

(6) The following certification: ''I certify, to the best of my knowledge and belief, that neither [name of interested person] nor any of its principals has been debarred, suspended, or proposed for debarment from contracting with or participating in programs administered by any U.S. Government agency. [''Principals,'' for the purpose of this certification, means officers; directors; owners of five percent or more of stock; partners; and persons having primary management or supervisory responsibility within a business entity (e.g., general manager, plant manager, head of a subsidiary division or business segment, and similar positions).] I further agree that, should any such debarment, suspension, or notice of proposed debarment occur in the future, [name of interested person] will immediately notify CCC.''

(b) *Necessity to qualify.* An interested person may not submit an offer, and CCC will not consider any such offer, until CCC has notified the interested person that such person has qualified as an eligible exporter.

* * * * *

(d) *Previous performance.* CCC may request additional information with respect to the interested person's performance under any U.S. Government programs or in connection with any contracts or agreements with the U.S. Government during the past three years.

(e) *Ineligibility for program participation.* A person may be ineligible to participate in the EEP if such person:

(1) Is currently debarred, suspended or proposed for debarment from contracting with or participating in any program administered by a U.S. Government agency; or

(2) Is controlled or can be controlled, in whole or in part, by any individuals or entities currently debarred, suspended or proposed for debarment from contracting with or participating in programs administered by a U.S. Government agency.

(f) *Duty to update information provided to CCC.* An eligible exporter is under a continuing obligation to inform CCC of any changes in the information or documentation submitted to CCC pursuant to paragraph (a) of this section and to provide current and accurate information to CCC.

(g) *Payment of bonus to exporters without proven EEP participation.* An eligible exporter that has not yet demonstrated its ability to participate successfully in the EEP will be eligible to receive a bonus payment(s) only after the eligible commodity specified in an EEP Agreement has entered into the eligible country. Such an exporter must furnish performance security under ''Option B'' of the applicable Invitation and follow the procedure specified in § 1494.701(d) to request the payment of the bonus. An eligible exporter may demonstrate its ability to participate successfully in the EEP by entering or causing to be entered into the eligible country at least 95% of the quantity of the eligible commodity specified in any one EEP Agreement. CCC will consider that an exporter has proven its ability to participate successfully in the EEP as of the date on which CCC pays to the exporter a bonus for entry of a quantity that brings the total entered quantity for any one EEP Agreement to at least 95%. For all EEP Agreements that such exporter enters into with CCC subsequent to that date, the exporter may furnish performance security under ''Option A'' of the applicable Invitation and will be eligible to receive bonus payments in accordance with § 1494.701(c).

Signed this 25th day of April, 1995 at Washington, DC.

Christopher E. Goldthwait,

General Sales Manager and Vice President, Commodity Credit Corporation.

[FR Doc. 95–10600 Filed 4–28–95; 8:45am]

BILLING CODE 3410–10–F

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 245a

[INS No. 1321–91; AG Order No. 1964–95]

RIN 1115–AC18

Procedure for Automatic Termination of Temporary Resident Status Upon Final Order of Deportation or Exclusion

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends existing regulations by providing, in specified circumstances, for the automatic termination of temporary resident status under provisions of the Immigration and Nationality Act, as amended (Act), upon the entry of a final order of deportation or exclusion. This amendment is necessary to avoid possible delays in, or termination of, pending deportation and exclusion proceedings that would result if the Immigration and Naturalization Service (INS) were required to follow existing procedures for the termination of temporary resident status. This amendment permits the expeditious deportation and removal of aliens who hold temporary resident status and have been convicted of an aggravated felony

or have been found to be ineligible for admission into the United States for reasons that are not waivable. This rule also prevents the release of dangerous criminal aliens into society during deportation or exclusion proceedings.

EFFECTIVE DATE: This rule is effective May 31, 1995.

FOR FURTHER INFORMATION CONTACT: Gerald S. Hurwitz, Counsel to the Executive Director, Executive Office for Immigration Review, Suite 2400, Skyline Tower, 5107 Leesburg Pike, Falls Church, Virginia 22041, telephone number (703) 305–0470 or David Dixon, Chief Appellate Counsel, Immigration and Naturalization Service, 425 I Street, N.W., Room 6100, Washington, DC 20536, telephone number (703) 756–6257.

SUPPLEMENTARY INFORMATION: The INS published a proposed rule on May 13, 1994 at 59 FR 24979. The proposed rule provided for automatic termination of temporary resident status under provisions of the Act upon the entry of a final order of deportation or exclusion. No comments were received and no changes have been made by the INS in preparing this final rule. This final rule will correct a procedural anomaly that has resulted in the release of aggravated felons who hold temporary resident status and which has impaired the ability of the INS to deport those who, after obtaining temporary resident status, commit deportable acts.

Matter of Medrano, Interim Decision #3138 (BIA September 10, 1990) (Medrano), holds that the status of a temporary resident alien must first be terminated pursuant to section 245A(b)(2) of the Act (8 U.S.C. 1255a(b)(2)) and in accordance with 8 CFR 245a.2(u) before any deportation proceedings can be commenced. That interpretation leaves the INS with conflicting mandates.

Medrano requires termination of temporary resident status before apprehension and commencement of deportation proceedings against a deportable alien, yet section 242(a)(2)(A) of the Act (8 U.S.C. 1252(a)(2)(A)) requires the INS to detain aggravated felons. Medrano and 8 CFR 245a.2(u)(2) also grant more procedural rights to temporary residents than to lawful permanent residents. Under Medrano and 8 CFR 245a.2(u)(2), the INS must terminate, as a condition precedent to the commencement of deportation proceedings, the temporary resident status of an alien who commits a deportable offense after he has acquired temporary resident status. In contrast, permanent residents may be deported upon commission of an aggravated felony without first having their status terminated. This final rule, permitting deportation proceedings prior to terminating temporary status, conforms with other regulations currently in force with respect to automatic revocation of status of Special Agricultural Workers. *See* 8 CFR 210.4(d).

Thus, in order to avoid any delay or termination of deportation or exclusion proceedings that may be caused by invoking the termination procedure prescribed in 8 CFR 245a.2(u)(2) and to permit the expeditious deportation and removal of aggravated felons as required by section 242A(d) (8 U.S.C. 1252a(d)) and 242(i) (8 U.S.C. 1252(i)) of the Act, a new paragraph (ii) has been added to section 245a.2(u)(2). The new paragraph provides for the institution of deportation or exclusion proceedings and the automatic termination of temporary resident status upon the entry of a final order of deportation or exclusion in cases where: (1) The ground for deportation arises under section 241(a)(2)(A)(iii) of the Act (8 U.S.C. 1251(a)(2)(A)(iii)) (convicted aggravated felons); (2) the ground of deportation arises after the acquisition of temporary resident status, and that ground may not be waived pursuant to section 245A(d)(2)(B)(ii) of the Act (8 U.S.C. 1255a(d)(2)(B)(ii)) (relating to certain crimes, drug offenses, national security and likelihood of becoming a public charge); or (3) the alien seeks admission and the ground of inadmissibility may not be waived pursuant to section 245A(d)(2)(B)(ii) of the Act (8 U.S.C. 1255a(d)(2)(B)(ii).

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule will not have a significant adverse economic impact on a substantial number of small entities. It will affect certain individual aliens, not small entities. This is not a significant rule within the meaning of section 3(f) of Executive Order 12866, nor does this rule have Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

List of Subjects in 8 CFR Part 245a

Aliens, Immigration, Reporting and recordkeeping requirements.

Accordingly, part 245a of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 245a—ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR LAWFUL TEMPORARY OR PERMANENT RESIDENT STATUS UNDER SECTION 245A OF THE IMMIGRATION AND NATIONALITY ACT

1. The heading for part 245a is revised to read as set forth above.

2. The authority citation for part 245a continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1255a, and 1255a note.

3. Section 245a.2(u)(2) is amended by:

a. Designating the existing text of paragraph (u)(2) as paragraph (u)(2)(i);

b. Adding a new heading and revising the first sentence of paragraph (u)(2)(i); and

c. Adding a new paragraph (u)(2)(ii), to read as follows:

§ 245a.2 Application for temporary residence.

* * * * *

(u) * * *

(2) * * *

(i) *Termination by the Service.* Except as provided in paragraph (u)(2)(ii) of this section, termination of an alien's temporary resident status under paragraph (u)(1) of this section will be made before instituting deportation proceedings against a temporary resident alien and only on notice sent to the alien by certified mail directed to his or her last known address, and to his or her representative, if any. * * *

(ii) *Termination upon entry of final order of deportation or exclusion.* (A) The Service may institute deportation or exclusion proceedings against a temporary resident alien without regard to the procedures set forth in paragraph (u)(2)(i) of this section:

(*1*) If the ground for deportation arises under section 241(a)(2)(A)(iii) of the Act (8 U.S.C. 1251(a)(2)(A)(iii));

(*2*) If the ground for deportation arises after the acquisition of temporary resident status, and the basis of such ground of deportation is not waivable pursuant to section 245A(d)(2)(B)(ii) of the Act (8 U.S.C. 1255a(d)(2)(B)(ii)); or

(*3*) If the ground for exclusion arises after the acquisition of temporary resident status and is not waivable pursuant to section 245A(d)(2)(B)(ii) of the Act (8 U.S.C. 1255a(d)(2)(B)(ii)).

(B) In such cases, the entry of a final order of deportation or exclusion will automatically terminate an alien's temporary resident status acquired under section 245A(a)(1) of the Act.

* * * * *

Dated: April 21, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95–10548 Filed 4–28–95; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–54–AD; Amendment 39–212; AD 95–09–09]

Airworthiness Directives; McDonnell Douglas Model DC–8–60 Series Airplanes Equipped With Engines Modified by Burbank Aeronautical Corporation II (BAC II) in Accordance With Supplemental Type Certificate (STC) SA4892NM or SA5455NM

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–8–60 series airplanes. This action requires inspection to determine the part number of the cone bolt on the right side of the forward mount of each engine, and replacement of the bolt, if necessary. This amendment is prompted by a report of failure of a cone bolt at that location on an engine of one airplane. The actions specified in this AD are intended to prevent failure of the cone bolt on the right side of the forward mount of the engine, which may lead to separation of the engine during a critical phase of flight.

DATES: Effective May 16, 1995.

Comments for inclusion in the Rules Docket must be received on or before June 30, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–54–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Information concerning this amendment may be obtained from or examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: David Y. J. Hsu, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5323; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION: Recently, the FAA received a report of failure of a cone bolt on the right side of the forward mount of an engine on a McDonnell Douglas Model DC–8–60 series airplane. Investigation revealed that corrosion pitting at the base of the bolt thread caused the cone bolt to fail. Further investigation indicated that this cone bolt, BAC II part number (P/N) DC–8–21005–7, was re-manufactured from a 15-year-old bolt. This bolt had accumulated 3,526 flight hours since it had been installed on the engine, which was modified by Burbank Aeronautical Corporation II (BAC II) in accordance with Supplemental Type Certificate (STC) SA4892NM. This condition, if not corrected in a timely manner, could result in failure of the cone bolt on the right side of the forward mount of the engine, which may lead to separation of the engine during a critical phase of flight.

Since both STC's SA4892NM and SA5455NM specify the same cone bolts, the FAA has determined that the subject unsafe condition is likely to exist or develop on all Model DC–8–60 series airplanes equipped with engines modified by BAC II in accordance with either STC. The FAA finds that the differences in design and materials used to manufacture cone bolts having Barry Controls part number, P/N 96013–1, make them less susceptible to corrosion. Therefore, the FAA has determined that cone bolts having BAC II part number, DC–8–21005–7, must be replaced with cone bolts having the Barry Controls part number.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to prevent failure of the cone bolt on the right side of the forward mount of the engine, which may lead to separation of the engine during a critical phase of flight. This AD requires a one-time inspection to determine the part number of the cone bolt on the right side of the forward mount of the engine, and replacement of certain cone bolts having BAC II part numbers with cone bolts having Barry Controls part numbers. This AD also requires that operators submit a report to the FAA of the findings of discrepant bolts.

This is considered to be interim action until such time that all cone bolts having BAC II part numbers have been removed from the fleet and the FAA has accounted for all cone bolts having BAC II part numbers. The information from the required reports from operators will enable the FAA to account for those cone bolts and to determine if additional rulemaking action is warranted.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–54–AD.'' The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612,

it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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:

95–09–09 McDonnell Douglas: Amendment 39–212. Docket 95–NM–54–AD.

Applicability: Model DC–8–61, –62, –62F, –63, and –63F airplanes equipped with an engine modified by Burbank Aeronautical Corporation II (BAC II) in accordance with Supplemental Type Certificate (STC) SA4892NM or SA5455NM, 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 cone bolt on the right side of the forward mount of the engine, which may lead to separation of the engine during a critical phase of flight, accomplish the following:

(a) Within 90 days after the effective date of this AD, perform an inspection to determine the part number (P/N) of the cone bolt on the right side of the forward mount of each of the four engines.

(1) If the cone bolt has Barry Controls P/N 96013–1, no further action is required by this AD.

(2) If the cone bolt does not have Barry Controls P/N 96013–1, prior to further flight, remove it and install a cone bolt having Barry Controls P/N 96013–1, in accordance with either STC SA4892NM or SA5455NM.

Note 2: Intervals for repetitive inspections and replacements of life-limited cone bolts having Barry Controls P/N 96013– are specified in STC's SA4892NM and SA5455NM.

(b) Within 10 days after replacing a cone bolt in accordance with the requirements of paragraph (a)(2) of this AD, submit a report that includes the information contained in paragraphs (b)(1), (b)(2), (b)(3), and (b)(4) of this AD, to the Manager, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5323; fax (310) 627–5210. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(1) Series and fuselage serial number of Model DC–8 series airplane.

(2) Total time and number of cycles on the engine since installation of the engine modified by BAC II in accordance with STC SA4892NM or SA5455NM.

(3) Number of bolts identified having BAC II P/N DC–8–21005–7.

(4) Number of bolts destroyed having BAC P/N DC–8–21005–7.

(c) As of the effective date of this AD, no person shall install, on any airplane, a cone bolt having BAC II P/N DC–8–21005–7 on right side of the forward mount of the engine.

(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, Los Angeles 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, Los Angeles ACO.

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

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

(f) This amendment becomes effective on May 16, 1995.

Issued in Renton, Washington, on April 25, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–10586 Filed 4–28–95; 8:45 am]

BILLING CODE 4910–13–U

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1245

Patents and Other Intellectual Property Rights

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: NASA is amending 24 CFR part 1245 by removing Subpart 2, ''Licensing of NASA Inventions.'' The Department of Commerce has issued similar regulations which prescribe the terms, conditions, and procedures upon which a federally-owned invention may be licensed. These regulations are codified at 37 CFR Part 404, ''Licensing of Government-Owned Inventions.'' NASA began granting licenses in accordance with the Department of Commerce regulations on March 13, 1995. All licenses agreements executed prior to this date will operate under the previous regulations.

EFFECTIVE DATE: March 13, 1995.

FOR FURTHER INFORMATION CONTACT: John G. Mannix, 202–358–2424.

List of Subjects in 14 CFR Part 1245

Authority delegations (Government agencies), Inventions and patents.

Under the authority, 42 U.S.C. 2473, 14 CFR Part 1245 is amended as follows:

PART 1245—[AMENDED]

Subpart 2—[Removed and Reserved]

In 14 CFR Part 1245, Subpart 2 (consisting of SS 1245.200 through 1245.214) is removed and reserved.

Dated: April 24, 1995.

Edward A. Frankle,

General Counsel.

[FR Doc. 95–10583 Filed 4–28–95; 8:45 am]

BILLING CODE 7510–01–M

DEPARTMENT OF THE TREASURY

Customs Service

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

[T.D. 95–29]

Technical Amendments to the Customs Regulations; Correction

AGENCY: Customs Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: This document makes a correction to the document published in the **Federal Register** which made certain technical corrections to various authority citations to reflect amendments to the Harmonized Tariff Schedule of the United States made by the North American Free Trade Agreement (NAFTA) and the Uruguay Round of the General Agreement on Tariffs and Trade (GATT).

EFFECTIVE DATE: This correction is effective May 1, 1995.

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

SUPPLEMENTARY INFORMATION:

Background

On April 11, 1995, Customs published in the **Federal Register** (60 FR 18347) T.D. 95–29 to make certain technical corrections to various statutory authority citations contained in the Customs Regulations (19 CFR Chapter 1) to reflect amendments to the Harmonized Tariff Schedule of the United States (HTSUS) made by the North American Free Trade Agreement (NAFTA) and the Uruguay Round of the General Agreement on Tariffs and Trade (GATT).

This document corrects an error contained in T.D. 95–29. The error concerns the amendment to § 141.4. Because of a recent revision to § 141.4, the references in T.D. 95–29 to paragraph (a) and General Note 4 in § 141.4 did not accurately reflect the recently revised structure and text of § 141.4.

T.D. 94–51, published in the **Federal Register** (59 FR 30289) on June 13, 1994, regarding express consignments; formal and informal entries of merchandise and administrative exemptions revised § 141.4 on an interim basis. The revision renumbered the paragraphs and updated the authority citation to the Harmonized Tariff Schedule of the United States (HTSUS) from General Note 4 to General Note 13, which was the correct citation at that time. This interim revision was finalized in T.D. 95–31, which was published in the **Federal Register** (60 FR 18983) on April 14, 1995. The technical correction amendment to § 141.4 in T.D. 95–29, inadvertently, did not take into account the revision to § 141.4 in T.D. 94–51. Accordingly, this document corrects that error.

Correction of Publication

Accordingly, the publication on April 11, 1995 of the final rule (T.D. 95–29) (60 FR 18347) is corrected as follows:

1. On page 18347, in the third column under the heading Part 141, the references to ''Section 141.4(a)'' and ''General Note 4'' are corrected to read ''Section 141.4(b)(1)'' and ''General Note 13'', respectively.

2. On page 18348, in the third column under Part 141, the second instruction is corrected to read ''In § 141.4, the reference in paragraph (b)(1) to ''General Note 13'' is revised to read ''General Note 16''.

Dated: April 24, 1995.

Harold M. Singer,

Chief, Regulations Branch.

[FR Doc. 95–10558 Filed 4–28–95; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. 950328079–5079–01]

RIN 0651–AA67

Revision of Affidavits Under 37 CFR 1.131

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The Patent and Trademark Office (Office) is amending the rules of practice relating to submission of affidavits or declaration under 37 CFR 1.131(a) to implement the relevant provisions of the North American Free Trade Agreement Act and the Uruguay Round Agreements Act, respectively. The change will allow an inventor to show a completion of the invention in this country or a NAFTA or WTO member country before the filing of the application on which the U.S. patent issued or before the date of the foreign patent, or before the date of the printed publication.

EFFECTIVE DATE: This final rule is effective May 31, 1995.

FOR FURTHER INFORMATION CONTACT: Hiram Bernstein by telephone at (703) 305–9285 or by mail addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231 marked to the attention of Mr. Bernstein, Office of the Deputy Assistant Commissioner for Patent Policy and Programs, or by FAX to (703) 308–6916.

SUPPLEMENTARY INFORMATION: Section 331 of Public Law 103–182, 107 Stat. 2057 (1993), the North American Free Trade Agreement Act, implementing the North American Free Trade Agreement (NAFTA), amended 35 U.S.C. 104 to provide that for the purpose of obtaining a patent, an applicant may establish a date of invention in the United States, or in a NAFTA member country (Canada and Mexico), which occurred after the date of implementation (i.e., December 8, 1993). Section 531 of Public Law No. 103–465, 108 Stat. 4809 (1994), the Uruguay Round Agreements Act, implementing the General Agreement on Tariffs and Trade (GATT), further amended 35 U.S.C. 104 to provide that for purposes of obtaining a patent, an applicant may establish a date of invention in the United States, or in a World Trade Organization (WTO) member country other than a NAFTA member country, that is no earlier than 12 months after the date of entry into force of the WTO agreement (i.e., January 1, 1996).

A notice of proposed rulemaking relating to Revision of Affidavits Under 37 CFR 1.131 was published in the **Federal Register**, 59 FR 49876 (September 30, 1994), and in the Official Gazette, 1167 Off. Gaz. Pat. Office 96 (October 25, 1994). No written comments were received in response to this notice.

The Office is amending 37 CFR 1.131(a), which is currently limited to facts showing a completion of the invention in the United States, to allow for a submission of facts in an affidavit or in a declaration that shows a completion of the invention in a NAFTA or in a WTO member country. The WTO is established under the GATT agreement to resolve disputes between signatories to the agreement. The facts presented must demonstrate a completion of the invention prior to the effective date of a reference thought to prevent the grant of a patent or overturn the patentability of a claim in a patent under reexamination.

No substantive change has been made in 37 CFR 1.131(a)(1) relating to a NAFTA or a WTO member country.

After further review and consideration of the proposed rule, the following modifications are made.

First, ''person'' recited in 37 CFR 1.131(a)(1) in regard to 37 CFR 1.42, 1.43 and 1.47 is being changed to ''party'' as 37 CFR 1.47(b) provides for corporate assignees to petition thereunder.

Second, reference to 35 U.S.C. 102 (a) or (e) and 35 U.S.C. 103 has been added to more clearly identify the rejections that can be overcome (35 U.S.C. 102 (a), (b), (d) and (e) are the only sections that recite the use of a domestic or foreign patent and a printed publication referred to in 37 CFR 1.131 as capable of being overcome as references—section (b) (35 U.S.C. 102(b)) is precluded by the terms of 37 CFR 1.131(a) and section (d) (35 U.S.C. 102(d) is applicant's own invention, MPEP 715).

Additionally, the Office recognizes that there is a potential conflict between existing 37 CFR 1.131(a) and 37 CFR 1.602(a). Section 1.131(a) prohibits affidavits or declarations thereunder when the same patentable invention, as defined in 37 CFR 1.601(n) (i.e., patentable indistinct inventions), is claimed. An interference under 35 U.S.C. 135(a), rather than antedating under 37 CFR 1.131(a), is generally the available remedy. However, 37 CFR 1.602(a) provides that when the applications or the application and the patent are owned by a single party, interferences are not declared or continued unless ''good cause'' is shown. This can result in a hardship where there is an issued patent that can no longer be amended as by filing a continuation-in-part application. Where there are two or more pending applications, the conflict can be avoided by filing a continuation-in-part application merging the conflicting inventions into a single application.

The Office proposed amending 37 CFR 1.131 to broaden its application to a single party where claimed inventions in a pending application or in a patent undergoing reexamination and a patent owned by the party are patentably indistinct but not identical. Under the proposed addition to 37 CFR 1.131, an affidavit or declaration could be filed by a party to overcome a 35 U.S.C. 103 rejection based on a 35 U.S.C. 102 (a) or (e) patent owned by that party, where the patent claimed an invention that was patentably indistinct, but not identical to an invention claimed in an application or patent undergoing reexamination.

The proposed addition to 37 CFR 1.131 would not affect the use of the issued patent in a rejection of the pending application or the patent undergoing reexamination based on double patenting. A Rule 1.131 affidavit or declaration would continue to be inappropriate where a claim in a pending application or a patent undergoing reexamination is subject to a double patenting rejection under 35 U.S.C. 101 because the pending application or the patent undergoing reexamination claims the identical invention in the issued patent. However, where patentably indistinct but not identical inventions are claimed, an obvious type double patenting rejection can be avoided by filing an appropriate terminal disclaimer. In addition, petitions under 37 CFR 1.183 would be entertained for waiver of 37 CFR 1.131 requirements in appropriate instances where two pending applications claiming patentable indistinct but not identical inventions are held by a single party.

Third, the basis for requiring under proposed 37 CFR 1.131(a)(3) common ownership of the pending application or patent undergoing reexamination and the patent at the time the later invention was made rather than simply ownership by a single party as is used in 37 CFR 1.602(a). Also it is questioned whether the proposed 37 CFR 1.131(a)(3) and existing 37 CFR 1.78 (c) and (d) were consistent or in-part duplicative.

In view of the third consideration regarding the proposed 37 CFR 1.131(a)(3) relating to the date of common ownership between a pending application or a patent undergoing reexamination and an issued patent, further study of the proposal is deemed warranted and the proposed 37 CFR 1.131(a)(3) is not being adopted at this time.

Discussion of Specific Rules

Section 1.131(a) as amended, contains paragraphs (a)(1) and (a)(2). Previous paragraph (a) is now designated as (a)(1) and amended to allow a 37 CFR 1.131 affiant or declarant to rely upon facts occurring in a NAFTA member country or a WTO member country to show completion of the invention. The term ''domestic'' is being changed to ''U.S.'' References to 35 U.S.C. 102 (a) and (e) and 35 U.S.C. 103 as the rejections to be overcome by the section have been added. The paragraph is being amended from a single sentence to three sentences.

Section 1.131(a)(2) is being added, as proposed, to provide that a date of completion of the invention may not be established before December 8, 1993, in a NAFTA country, or before January 1, 1996, in a WTO Member country other than a NAFTA country.

Other Considerations

This rule change is in conformity with the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, Executive Order 12612, and the Paperwork Reduction Act at 1980, 44 U.S.C. 3501 *et seq.* It has been determined that the rule changes are not significant for the purposes of Executive Order 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy, Small Business Administration, that this rule change will not have a significant economic impact on a substantial number of small entities, Regulatory Flexibility Act, 5 U.S.C. 605(b), because the rule would affect only a small number of applications and would provide a streamlined and simplified procedure, eliminating the need for requesting waiver of the rules.

The Patent and Trademark Office has also determined that this notice has no Federalism implications affecting the relationship between the National Government and the States outlined in Executive Order 12612.

This rule change will not impose any additional burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, since no record keeping or reporting requirements within the coverage of the Act are placed upon the public.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Inventions and patents, Lawyers, Reporting and record keeping requirements.

For the reasons set forth in the preamble, and pursuant to the authority granted to the Commissioner of Patents and Trademarks by 35 U.S.C. 6, Part 1 of Title 37 of the Code of Federal Regulations is amended as set forth below:

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR Part 1, continues to read as follows:

Authority: 35 U.S.C. 6, unless otherwise noted.

2. Section 1.131 is amended by revising paragraph (a) to read as follows:

§ 1.131 Affidavit or declaration of prior invention to overcome cited patent or publication.

(a)(1) When any claim of an application or a patent under reexamination is rejected under 35 U.S.C. 102 (a) or (e), or 35 U.S.C. 103 based on a U.S. patent to another which

is prior art under 35 U.S.C. 102 (a) or (e) and which substantially shows or describes but does not claim the same patentable invention, as defined in 37 CFR 1.601(n), or on reference to a foreign patent or to a printed publication, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under 37 CFR 1.42, 1.43 or 1.47, may submit an appropriate oath or declaration to overcome the patent or publication. The oath or declaration must include facts showing a completion of the invention in this country or in a NAFTA or WTO member country before the filing date of the application on which the U.S. patent issued, or before the date of the foreign patent, or before the date of the printed publication. When an appropriate oath or declaration is made, the patent or publication cited shall not bar the grant of a patent to the inventor or the confirmation of the patentability of the claims of the patent, unless the date of such patent or printed publication is more than one year prior to the date on which the inventor's or patent owner's application was filed in this country.

(2) A date of completion of the invention may not be established under this section before December 8, 1993, in a NAFTA country, or before January 1, 1996, in a WTO Member country other than a NAFTA country.

* * * * *

Dated: March 21, 1995.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 95–10501 Filed 4–28–95; 8:45 am]

BILLING CODE 3510–16–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 122–1–6982a; FRL–5198–5]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Santa Barbara County Nonattainment Area, Transportation Control Measure Replacement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve a revision to the California State Implementation Plan (SIP) for ozone for Santa Barbara County, which was submitted to EPA on November 14, 1994. This direct final approval action deletes a transportation control measure (TCM) from the federally-approved 1982 California ozone SIP and replaces it with a TCM from the state-adopted 1994 California ozone SIP. The intended effect of direct final approval of this SIP revision is to control emissions of ozone precursors in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or 1990 Act).

DATES: This direct final action is effective on June 30, 1995 unless adverse or critical comments are received by May 31, 1995. If the effective date is delayed, a timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the State submittal and EPA's technical support document are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted SIP revision are available for inspection at the following locations:

Mobile Sources Section (A–2–1), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), ANR 443, 401 ''M'' Street SW., Washington, DC 20460

California Air Resources Board, 2020 ''L'' Street, Sacramento, CA 92123

Santa Barbara County Air Pollution Control District, 26 Castillian Drive B–23, Goleta, CA 93117

FOR FURTHER INFORMATION CONTACT: Deborah Schechter, Mobile Sources Section, Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1227.

SUPPLEMENTARY INFORMATION:

I. Background

On March 3, 1978, Santa Barbara County was designated an ozone nonattainment area by EPA under the provisions of the Clean Air Act, as amended in 1977. 43 FR 8964, 40 CFR 81.305. On December 31, 1982 the State of California submitted the 1982 ozone SIP for Santa Barbara County.

EPA approved California's 1982 ozone SIP for Santa Barbara County and published the **Federal Register** document on December 20, 1983 (48 FR 56215). The 1982 Santa Barbara County SIP, or Air Quality Attainment Plan (AQAP), submitted in 1982 included nine TCMs. One of these was the Goleta Transit Center, a transit center with limited park-and-ride capability in downtown Goleta. No emission reduction credit was claimed for this TCM in the 1982 AQAP. According to the Santa Barbara County Association of Governments (SBCAG), the Goleta Transit Center and its ancillary park-and-ride lot were constructed in 1980 and operated until 1985. The facilities were closed and sold by the Santa Barbara Metropolitan Transit District (SBMTD) in October 1985 due to insufficient usage.

On November 15, 1990, the Clean Air Act Amendments of 1990 (1990 Act) were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. On November 14, 1994, the California Air Resources Board (CARB) submitted the 1994 ozone SIP to EPA. The portion of this SIP for the Santa Barbara County nonattainment area, the 1994 Clean Air Plan (CAP), stated that the TCMs in the 1994 CAP superseded those in the 1982 AQAP. The 1994 CAP was adopted by the Santa Barbara County Air Pollution Control District (SBAPCD) on November 2, 1994 and later by CARB on November 14, 1994.

On January 18, 1995, the SBAPCD provided a letter to EPA requesting expedited rulemaking action to replace the Goleta Transit Center TCM in the 1982 AQAP with TCM–5, Improve Commuter Public Transit Service, in the 1994 CAP.

In a letter to the State dated March 24, 1995, EPA found the submittal of TCM–5 complete.

II. Summary and Evaluation of SIP Revision

Section 176(c) of the Clean Air Act (CAA) prohibits any metropolitan planning organization (MPO) designated under section 134 of title 23 of the United States Code, from approving any transportation project, program, or plan which does not conform to a SIP approved under section 110 of the CAA. The federal transportation conformity regulation (40 CFR part 51, subpart T) implements the transportation-related requirements of section 176(c). Section 51.418 of the regulation requires the transportation plan and program to provide for the timely implementation of transportation control measures (TCMs) from the applicable federally-approved implementation plan. A TCM is defined in section 51.392 as any measure that is specifically identified and committed to in the applicable implementation plan that is either one of the types listed in section 108 of the CAA, or any other measure for the purpose of reducing emissions or concentration of air pollutants from transportation sources by reducing vehicle use or changing traffic flow or congestion conditions.

Under the federal transportation conformity rule, before an MPO or the Department of Transportation (DOT) can approve a transportation plan or program, a conformity determination must be made which shows timely implementation of all of the TCMs in the approved SIP and demonstrates that all obstacles to TCM implementation have been removed. In the case of Santa Barbara County, the nine TCMs identified in the 1982 SIP must meet the timely implementation criterion in order for the transportation plan and program to be approved and projects to be funded. Because the Goleta Transit Center was implemented but was later discontinued, this TCM cannot be found to meet the criterion of timely implementation.

The preamble to the conformity regulation at 58 FR 62198 states that if the original project sponsor or the cooperative planning process decides not to implement the TCM or decides to replace it with another TCM, a SIP revision which removes the TCM will be necessary before plans and programs may be found in conformity. (In order to be approved by EPA, such a SIP revision must include substitute measures that achieve emissions reductions sufficient to meet all applicable requirements of the CAA, including section 110(l).)

In order to meet the requirement of the conformity regulation for timely implementation of TCMs and to enable FHWA to approve SBCAG's transportation plan and program, Santa Barbara County and the State of California have opted to revise the SIP to delete the Goleta Transit Center TCM from the SIP and replace the measure with an alternative TCM for which timely implementation can be demonstrated. On November 14, 1994, California submitted a SIP revision for Santa Barbara County which replaces the Goleta Transit Center TCM with TCM–5, Improve Commuter Public Transit Service.

The state-adopted 1994 SIP commits to implement the following levels of transit service associated with TCM–5:

1. SBMTD Isla Vista/Santa Barbara City College (SBCC) Express Service: SBMTD will continue to operate an express bus line between Isla Vista and SBCC (about 25 miles). The service was initiated in September 1993.

2. SBMTD Downtown Waterfront Shuttle Service and Expansion: SBMTD will continue to provide electric shuttle service along State Street and on the Waterfront in the City of Santa Barbara. In addition, SBMTD will purchase two additional electric-powered buses to expand this service.

3. APCD Clean Air Express and Expansion: The SBAPCD will continue to operate compressed natural gas (CNG) commuter bus service from the northern county and Ventura County into Santa Barbara. Four new buses, for a total of nine, will be added to this service.

4. Santa Maria Area Transit (SMAT) New Service Lines and Expansion: SMAT will maintain new Route 6 which was added in 1993. Another route, Route 7, will be added to this service. In addition, SMAT will purchase one new CNG bus to serve Route 7.

5. Santa Ynez Transit Expansion: A new electric bus will be purchased for expansion of fixed route service in the Santa Ynez Valley.

6. Santa Barbara Rail Service Expansion (AMTRAK): Two additional trains per day are planned between Santa Barbara and San Diego. Improvements to the existing Santa Barbara rail station have also been programmed to support the service expansion.

The SIP anticipates a reduction of 3,301 daily vehicle trips, or a total of 45,410 daily VMT in 1996 from the implementation of TCM–5. The reduction in vehicle trips and VMT is estimated to lead to emission reductions of 36.2 kg ROG/day and 73.1 kg NO_X/day in 1996. The 1982 ozone SIP took no emission reduction credit for the Goleta Transit Center. SBMTD survey data indicated that an average of seven persons per day were using the transit center and the park-and-ride lot was providing free parking for patrons of nearby businesses. Because TCM–5 is expected to result in significantly greater reductions in vehicle trips, VMT, and emissions than the Goleta Transit Center, the SIP revision does not weaken the federally-approved 1982 SIP.

III. EPA's Action

This action approves TCM–5, contained in the California ozone SIP for Santa Barbara County submitted to EPA by the State of California on November 14, 1994. The action also deletes the Goleta Transit Center from the 1982 ozone SIP. This latter TCM is no longer subject to the timely implementation criterion of the conformity regulation. EPA has evaluated the submitted TCM and has determined that it is consistent with the CAA, EPA regulations, and EPA policy. Therefore, TCM–5 in Santa Barbara's SIP revision is being approved under section 110(k)(3) of the CAA as meeting the requirements of sections 110(a) and (l) and part D. Today's action does not affect the remainder of the submitted 1994 ozone SIP revision for Santa Barbara County. EPA will take separate action on the bulk of Santa Barbara's 1994 ozone SIP revision in future rulemaking.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future 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.

EPA is publishing this notice without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective June 30, 1995, unless, by May 31, 1995, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based a separate proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective June 30, 1995.

IV. Regulatory Process

This action has been classified as a Table 2 Action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by an October memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over population of less than 50,000.

SIP approvals under sections 110 and 301(a) and subchapter I, Part D of the CAA do not create any new requirements, but simply approve

requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410 (a)(2). The OMB has exempted this action from review under Executive Order 12866.

V. Unfunded Mandates

Under sections 202, 203 and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under sections 110 and 182(b) of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action will impose any mandate upon the State, local, or tribal governments either as the owner or operator of a source or as a regulator, or would impose any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this direct final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, 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: April 19, 1995.

Jeff Zelikson,

Acting Regional Administrator.

Subpart F of 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)(211) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(211) Revised Clean Air Plans for ozone for the following APCDs submitted on November 14, 1994, by the Governor's designee.

(i) Incorporation by reference.

(A) Santa Barbara Air Pollution Control District

(1) TCM–5, Improve Commuter Public Transit Service, adopted on November 2, 1994

* * * * *

[FR Doc. 95–10613 Filed 4–28–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 300

[FRL–5200–1]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of the Kenmark Textile Corporation site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region II announces the deletion of the Kenmark Textile Corporation site from the National Priorities List (NPL). The NPL is appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of New York have determined that all appropriate Hazardous Substance Response Trust Fund (Fund)—financed responses under CERCLA have been implemented and that no further cleanup is appropriate. Moreover, EPA and the State of New York have determined that remedial actions conducted at the site to date have been protective of public health, welfare, and the environment.

EFFECTIVE DATE: May 31, 1995.

FOR FURTHER INFORMATION CONTACT: Doug Garbarini, Section Chief, U.S. Environmental Protection Agency, Region II, 290 Broadway, 20th Floor, New York, NY 10007–1866, (212) 637–4263.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is the Kenmark Textile Corporation site, Farmingdale, Suffolk County, New York. A notice of intent to delete for this site was published in the **Federal Register** (59 FR 64644) on December 15, 1994. The closing date for comments on the Notice of Intent to Delete was January 17, 1995. EPA received no verbal or written comments of the proposed deletion.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Fund-financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.66(c)(8) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede EPA efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: April 10, 1995.

William J. Muszynski,

Acting Regional Administrator.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp. p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp. p. 193.

Appendix B—[Amended]

2. In appendix B, table 1 is amended by removing the site for Kenmark Textile Corporation, Farmingdale, New York.

[FR Doc. 95–10623 Filed 4–28–95; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 421

[BPO-083-F]

RIN 0938-AF84

Medicare Program; Revisions to Criteria and Standards for Evaluating Intermediaries and Carriers

CFR Correction

In title 42 of the Code of Federal Regulations, parts 400 to 429, revised as of October 1, 1994, on page 617, § 421.120 was inadvertently omitted. The section should have appeared as set forth below:

§ 421.120 Performance criteria.

(a) *Application of performance criteria.* As part of the intermediary evaluations authorized by section 1816(f) of the Act, HCFA periodically assesses the performance of intermediaries in their Medicare operations using performance criteria. The criteria measure and evaluate intermediary performance of functional responsibilities such as—

(1) Correct coverage and payment determinations;

(2) Responsiveness to beneficiary concerns; and

(3) Proper management of administrative funds.

(b) *Basis for criteria.* HCFA will base the performance criteria on—

(1) Nationwide intermediary experience;

(2) Changes in intermediary operations due to fiscal constraints; and

(3) HFCA's objectives in achieving better performance.

(c) *Publication of criteria.* The development and revision of criteria for evaluating intermediary performance is a continuing process. Therefore, before the beginning of each evaluation period, HCFA will publish the performance criteria as a notice in the **Federal Register**.

[48 FR 7178, Feb. 18, 1983]

BILLING CODE 1505-01-D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[ET Docket No. 92–28; FCC 95–70]

Mobile-Satellite Service at 1610–1626.5 and 2483.5–2500 Mhz

AGENCY: Federal Communications Commission.

ACTION: Final rule; clarification and correction of typographical errors.

SUMMARY: This *Memorandum Opinion and Order* (*MO&O*) affirms the decision in the *Report and Order* (*R&O*) in this proceeding to allocate the 1610–1626.5 MHz (1.6 GHz) and 2483.5–2500 MHz (2.4 GHz) bands for geostationary orbit (GSO) and non-geostationary orbit (low-Earth orbit or LEO) mobile-satellite service (MSS) use, and clarifies that the Commission made no finding in that decision as to whether both types of systems would be authorized. We also clarify the meaning of international footnotes RR753F and RR731E, but defer to the International Telecommunication Union (ITU) 1995 World Radiocommunications Conference (WRC–95) action on modification of these footnotes. Finally, we note that we will explore with the National Telecommunications and Information Administration (NTIA) the possibility of Government or shared Government/non-Government bands being made available to assist in satisfying MSS/radiodetermination satellite service (RDSS) feeder link requirements.

EFFECTIVE DATE: May 31, 1995.

FOR FURTHER INFORMATION CONTACT: Ray LaForge, Office of Engineering and Technology, telephone (202) 739–0598.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order in ET Docket No. 92–28 adopted on February 24, 1995 and released on March 20, 1995. The complete text of this Memorandum Opinion and Order is available for inspection and copying during normal business hours in the FCC Public Reference Center (Room 239), 1919 M Street, NW, Washington, DC 20554. The complete text of this Memorandum Opinion and Order also may be purchased from the Commission's duplication contractor, International Transcription Service, Inc., 2100 M Street, NW, Suite 140, Washington DC 20036, (202) 857–3800.

Summary of Memorandum Opinion and Order

1. In the R&O, (*See* ET Docket No. 92–28, 9 FCC Rcd 536, 59 FR 9413 (1993)) we allocated the 1.6 and 2.4 GHz bands for LEO and GSO MSS on a primary basis. We stated that this allocation supports the growing demand for mobile communications, permits the introduction of new satellite services, and conforms to the 1992 World Administrative Radio Conference (WARC–92) spectrum allocation for these bands.

2. On March 30, 1994, Loral Qualcomm Satellite Services, Inc. (LQSS) filed a Petition for Clarification and Partial Reconsideration of the R&O requesting that the Commission (1) clarify that the R&O was intended only to allocate spectrum for MSS but did not establish eligibility requirements for MSS licensees; (2) increase the power flux density (PFD) values in RR753F and clarify that these values represent thresholds that determine when coordination with terrestrial users is required, rather than absolute limits; (3) modify RR731E to apply a −15 dBW/4 kHz EIRP limit to all MSS uplinks and eliminate the requirement for protection of aeronautical radionavigation systems; and (4) identify spectrum below 15 GHz that can be used for MSS feeder links.

3. We concur with LQSS that the R&O made no finding on the desirability of LEO versus GSO systems. In the Notice of Proposed Rule Making (NPRM) (see ET Docket 92–28, 7 FCC Rcd 6414, 57 FR 43434 (September 21, 1992)) we proposed to require MSS systems licensed in the 1.6 and 2.4 GHz bands to operate in non-geostationary orbits. The R&O did not make any determination of this issue. However, the recent *Report and Order* in the service rules proceeding decided this issue in favor of LEO satellite systems. *See* CC Docket No. 92–166, 9 FCC Rcd 5936, 59 FR 53294 (1994).

4. Further in regard to footnote RR753F, in the R&O, we concluded that the international footnotes adopted for the 1.6 and 2.4 GHz bands by WARC–92 were intended to form the basis for international notification and coordination of various satellite systems, and to ensure that new and existing systems are afforded protection from harmful interference. We therefore adopted footnote RR753F domestically. While the PFD values prescribed by RR753F may be viewed by LQSS as excessively conservative, we believe that the proper forum for modifying these values is WRC–95. However, we concur with LQSS and commenting parties that these values were not intended as absolute limits. We thus clarify that the PFD values prescribed by RR753F are coordination thresholds that may be exceeded with the consent of all affected parties.

5. Further, RR731E was one of the bases for international agreement on the use of the 1.6 GHz band for the implementation of new mobile-satellite services. We believe that the proper forum for modifying this footnote is WRC–95. However, consistent with our interpretation of RR753F, we clarify that the EIRP values may be exceeded with the consent of all affected parties.

6. In the R&O, we noted that there may be difficulties in identifying spectrum below 15 GHz for MSS LEO feeder link operations. We stated that we would be exploring all options to ensure that adequate unencumbered spectrum is available for feeder link requirements. In a recent Report to NTIA, we recommended that the shared Government/non-Government bands at 3600–3700 and 5850–5925 MHz be made available for exclusive non-Government use. We noted that the 3600–3700 MHz band was identified in our negotiated rule making regarding MSS above 1 GHz as one of the more likely candidates for MSS/RDSS feeder link spectrum. We intend to explore with NTIA the possibility of feeder link spectrum being made available from these and other existing Government or shared Government/non-Government bands that may be reallocated for exclusive non-Government use.

7. Accordingly, It is Ordered, that the Petition for Clarification and Partial Reconsideration submitted by Loral Qualcomm Satellite Services, Inc. Is Granted to the extent indicated herein, and Is Denied in all other respects. This action is taken pursuant to Sections 4(i), 303(c), (f), (g), and (r) of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 303(c), (f), (g), and (r). Since there were a few typographical errors in the Table as published in the R&O, we are also placing below in Amendatory Text a corrected copy of the Table of Frequency Allocations, 47 CFR 2.106, that reflects all of the modifications to the Table that were made in the R&O.

List of Subjects 47 CFR Part 2

Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Amendatory Text

Part 2 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS—GENERAL RULES AND REGULATIONS

1. The authority citation in Part 2 continue to read:

Authority: Sec. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 154(i), 302, 303, 303(r), and 307, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations, is amended as follows:

a. The entries for 1610–1626.5 MHz are removed and new entries for 1610–1626.5 MHz are added in numerical order.

b. The entry for 2483.5–2500 MHz is removed and a new entry for 2483.5–2500 MHz is added in numerical order.

c. The entries for the 22.5–22.55, 22.55–23, 24.25–24.45, 24.45–24.65, and 24.65–24.75 GHz are removed and new entries for 22.5–22.55, 22.55–23, 24.25–24.45, 24.45–24.65, and 24.65–24.75 GHz are added in numerical order.

d. INTERNATIONAL FOOTNOTES Nos. 731E, 731F, 753F, 881A, 881B, 882E, 882F, and 882G are added; and Nos. 733A, 733E, 734, 753, and 753C are revised.

e. UNITED STATES (US) FOOTNOTE US319 is revised and NON-GOVERNMENT (NG) FOOTNOTE NG147 is revised.

The additions, deletions, and revisions read as follows:

§ 2.106 Table of Frequency Allocations.

International Table			United States Table		FCC use designators	
Region 1 allocation MHz	Region 2 allocation MHz	Region 3 allocation MHz	Government Allocation MHz	Non-Government Allocation MHz	Rule part(s)	Special-use frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*	*	*
1610–1610.6 AERONAUTICAL RADIO-NAVIGATION MOBILE SATELLITE (Earth-to-space)	1610–1610.6 AERONAUTICAL RADIO-NAVIGATION RADIO-DETERMINATION SATELLITE (Earth-to-space) MOBILE SATELLITE (Earth-to-space)	1610–1610.6 AERONAUTICAL RADIO-NAVIGATION MOBILE-SATELLITE (Earth-to-space) RADIO-DETERMINATION-SATELLITE (Earth-to-space)	1610–1610.6 AERONAUTICAL RADIO-NAVIGATION RADIO-DETERMINATION-SATELLITE (Earth-to-space) MOBILE-SATELLITE (Earth-to-space)	1610–1610.6 AERONAUTICAL RADIO-NAVIGATION RADIO-DETERMINATION-SATELLITE (Earth-to-space) MOBILE-SATELLITE (Earth-to-space)	AVIATION (87) SATELLITE COMMUNICATION (25)	
722 727 730 731 731E 732 733 733A 733B 733E 733F	722 731E 732 733 733A 733C 733D 733E	722 727 730 731E 732 733 733A 733B 733E	722 731E 732 733 733A 733E US208 US260 US319	722 731E 732 733 733A 733E US208 US260 US319		
1610.6–1613.8	1610.6–1613.8	1610.6–1613.8	1610.6–1613.8	1610.6–1613.8		

International Table			United States Table		FCC use designators	
Region 1 allocation MHz	Region 2 allocation MHz	Region 3 allocation MHz	Government Allocation MHz	Non-Government Allocation MHz	Rule part(s)	Special-use frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
AERONAUTICAL RADIO-NAVIGATION MOBILE SATELLITE (Earth-to-space) RADIO-ASTRONOMY	AERONAUTICAL RADIO-NAVIGATION RADIODETERMINATION-SATELLITE (Earth-to-space) MOBILE-SATELLITE (Earth-to-space) RADIO-ASTRONOMY	AERONAUTICAL RADIO-NAVIGATION MOBILE-SATELLITE (Earth-to-space) RADIO-ASTRONOMY Radiodetermination-Satellite (Earth-to-space)	AERONAUTICAL RADIO-NAVIGATION RADIODETERMINATION-SATELLITE (Earth-to-space) MOBILE-SATELLITE (Earth-to-space) RADIO-ASTRONOMY	AERONAUTICAL RADIO-NAVIGATION RADIODETERMINATION SATELLITE (Earth-to-space) MOBILE SATELLITE (Earth-to-space) RADIO-ASTRONOMY	AVIATION (87) SATELLITE COMMUNICATION (25)	
722 727 730 731 731E 732 733 733A 733B 733E 733F 734	722 731E 732 733 733A 733C 733D 733E 734	722 727 730 731E 732 733 733A 733B 733E 734	722 731E 732 733 733A 733E 734 US208 US260 US319	722 731E 732 733 733A 733E 734 US208 US260 US319		
1613.8–1626.5	1613.8–1626.5	1613.8–1626.5	1613.8–1626.5	1613.8–1626.5		
AERONAUTICAL RADIO-NAVIGATION MOBILE SATELLITE (Earth-to-space) Mobile-Satellite (space-to-Earth)	AERONAUTICAL RADIO-NAVIGATION RADIODETERMINATION-SATELLITE (Earth-to-space) MOBILE-SATELLITE (Earth-to-space) Mobile Satellite (space-to-Earth)	AERONAUTICAL RADIO-NAVIGATION MOBILE SATELLITE (Earth-to-space) Radiodetermination-Satellite (Earth-to-space) Mobile Satellite (space-to-Earth)	AERONAUTICAL RADIO-NAVIGATION RADIODETERMINATION-SATELLITE (Earth-to-space) MOBILE-SATELLITE (Earth-to-space) Mobile-Satellite (space-to-Earth)	AERONAUTICAL RADIO-NAVIGATION RADIODETERMINATION SATELLITE (Earth-to-space) MOBILE SATELLITE (Earth-to-space) Mobile Satellite (space-to-Earth)	AVIATION (87) SATELLITE COMMUNICATION (25)	
722 727 730 731 731E 731F 732 733 733A 733B 733E 733F	722 731E 731F 732 733 733A 732C 733D 733E	722 727 730 731E 731F 732 733 733A 733B 733E	722 731E 731F 732 733 733E US208 US260 US319	722 731E 731F 732 733 733E US208 US260 US319		
*	*	*	*	*	*	*
2483.5–2500 FIXED MOBILE MOBILE-SATELLITE (space-to-Earth) Radiolocation	2483.5–2500 FIXED MOBILE RADIODETERMINATION-SATELLITE (space-to-Earth) 753A RADIOLOCATION MOBILE-SATELLITE (space-to-Earth)	2483.5–2500 FIXED MOBILE RADIO-LOCATION MOBILE-SATELLITE (space-to-Earth) Radiodetermination-Satellite (space-to-Earth) 753A	2483.5–2500 RADIODETERMINATION-SATELLITE (space-to-Earth) 753A MOBILE SATELLITE (space-to-Earth)	2483.5–2500 RADIODETERMINATION-SATELLITE (space-to-Earth) 753A MOBILE SATELLITE (space-to-Earth)	SATELLITE COMMUNICATION (25)	
733F 752 753 753A 753B 753C 753F	752 753D 753F	752 753C 753F	752 753F US41 US319	752 753F US41 US319 NG147		
*	*	*	*	*	*	*
22.50–22.55 FIXED MOBILE	22.50–22.55 FIXED MOBILE	22.50–22.55 FIXED MOBILE	22.50–22.55 FIXED MOBILE US211	22.50–22.55 FIXED MOBILE US211	DOMESTIC PUBLIC FIXED (21) PRIVATE OPERATIONAL FIXED MICROWAVE (94)	
22.55–23	22.55–23	22.55–23	22.55–23	22.55–23		

International Table			United States Table		FCC use designators	
Region 1 allocation MHz	Region 2 allocation MHz	Region 3 allocation MHz	Government Allocation MHz	Non-Government Allocation MHz	Rule part(s)	Special-use frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
FIXED INTER-SAT-ELLITE MOBILE	FIXED INTER-SAT-ELLITE MOBILE	FIXED INTER-SAT-ELLITE MOBILE	FIXED INTER-SAT-ELLITE MOBILE	FIXED INTER-SAT-ELLITE MOBILE	DOMESTIC PUBLIC FIXED (21) PRIVATE OPERATIONAL FIXED MICROWAVE (94) SATELLITE COMMUNICATIONS (25).	
879	879	879	879 US278	879 US278		
*	*	*	*	*	*	*
24.25–24.45 FIXED	24.25–24.45 RADIO-NAVIGATION	24.25–24.45 RADIO-NAVIGATION FIXED MOBILE	24.25–24.45 RADIO-NAVIGATION	24.25–24.45 RADIO-NAVIGATION	AVIATION (87)	
24.45–24.65 FIXED INTER-SAT-ELLITE	24.45–24.65 RADIO-NAVIGATION INTER-SAT-ELLITE 882E	24.45–24.65 RADIO-NAVIGATION FIXED INTER-SAT-ELLITE MOBILE 882E	24.45–24.65 INTER-SAT-ELLITE RADIO-NAVIGATION 882E	24.45–24.65 INTER-SAT-ELLITE RADIO-NAVIGATION 882E	SATELLITE COMMUNICATION (25)	
24.65–24.75 FIXED INTER-SAT-ELLITE	24.65–24.75 INTER-SAT-ELLITE RADIO-LOCATION SAT-ELLITE (Earth-to-space)	24.65–24.75 FIXED INTER-SAT-ELLITE MOBILE 882E 882F	24.65–24.75 INTER-SAT-ELLITE RADIO-LOCATION-SAT-ELLITE (Earth-to-space)	24.65–24.75 INTER-SAT-ELLITE RADIO-LOCATION-SAT-ELLITE (Earth-to-space)	SATELLITE COMMUNICATION (25)	
*	*	*	*	*	*	*

International Footnotes

* * * * *

731E—The use of the band 1610–1626.5 MHz by the mobile-satellite service (Earth-to-space) and by the radiodetermination-satellite service (Earth-to-space) is subject to the application of the coordination and notification procedures set forth in Resolution 46 (WARC–92). A mobile earth station operating in either of the services in this band shall not produce an e.i.r.p. density in excess of −15 dB(W/4 kHz) in the part of the band used by systems operating in accordance with the provisions of No. 732, unless otherwise agreed by the affected administrations. In the part of the band where such systems are not operating, a value of −3 dB (W/4 kHz) is applicable. Stations of the mobile-satellite service shall not cause harmful interference to, or claim protection from, stations in the aeronautical radionavigation service, stations operating in accordance with the provisions of No. 732 and stations in the fixed service operating in accordance with the provisions of No. 730.

731F—The use of the band 1613.8–1626.5 MHz by the mobile-satellite service (space-to-Earth) is subject to the application of the coordination and notification procedures set forth in Resolution 46 (WARC–92).

* * * * *

733A—With respect to the radiodetermination-satellite and mobile-satellite services the provisions of No. 953 do not apply in the frequency band 1610–1626.5 MHz.

* * * * *

733E—Harmful interference shall not be caused to stations of the radio astronomy service using the band 1610.6–1613.8 MHz by stations of the radiodetermination-satellite and mobile-satellite services. (No. 2904 applies.)

734—In making assignments to stations of other services, administrations are urged to take all practicable steps to protect the radio astronomy service in the band 1610.6–1613.8 MHz from harmful interference. Emissions from space or air-borne stations can be particularly serious sources of interference to the radio astronomy service (see Nos. 343 and 344 and Article 36).

* * * * *

753—Different category of service: in France, the band 2450–2500 MHz is allocated on a primary basis to the radiolocation service (see No. 425). Such use is subject to agreement with administrations having service operating or planned to operate in accordance with the Table of Frequency Allocations which may be affected.

* * * * *

753C—Different category of service: in Angola, Australia, Bangladesh, Burundi, China, Côte d'Ivoire, Ethiopia, India, the Islamic Republic of Iran, Israel, Italy, Jordan, Kenya, Lebanon, Liberia, Libya, Madagascar, Mali, Pakistan, Papua New Guinea, Senegal, Sudan, Swaziland, Syria, Tanzania, Thailand, Togo, Zaire and Zambia, the allocation of the band 2483.5–2500 MHz to the radiodetermination-satellite service (space-to-Earth) is on a primary basis (see No. 425) subject to agreement obtained under the procedure of Article 14 with other countries not listed in this provision.

* * * * *

753F—The use of the band 2483.5–2500 MHz by the mobile-satellite and the radiodetermination-satellite services is subject to the application of the coordination and notification procedures set forth in Resolution 46 (WARC–92). Coordination of space stations of the mobile-satellite and radiodetermination-satellite services with respect to terrestrial services is required only if the power flux-density produced at the Earth's surface exceeds the limits in No. 2566. In respect of assignments operating in this band, the provisions of Section II, paragraph 2.2 of Resolution 46 (WARC–92) shall also be applied to geostationary

transmitting space stations with respect to terrestrial stations.

* * * * *

881A—Use of the 25.25–27.5 GHz band by the inter-satellite service is limited to space research and Earth exploration-satellite applications, and also transmissions of data originating from industrial and medical activities in space.

881B—Space services using non-geostationary satellites operating in the inter-satellite service in the band 27–27.5 GHz are exempt from the provisions of No. 2613.

* * * * *

882E—The inter-satellite service shall not claim protection from harmful interference from airport surface detection equipment stations of the radionavigation service.

882F—Additional allocation: in Japan, the band 24.65–25.25 GHz is also allocated to the radionavigation service on a primary basis until 2008.

882G—In the band 24.75–25.25 GHz, feeder links to stations of the broadcasting-satellite service shall have priority over other users in the fixed-satellite service (Earth-to-space). Such other users shall protect and shall not claim protection from existing and future operating feeder-link networks to such broadcasting satellite stations.

* * * * *

United States (US) Footnotes

* * * * *

US319—In the 137–138, 148–149.9, 149.9–150.05, 399.9–400.5, 400.15–401, 1610–1626.5, and 2483.5–2500 MHz bands, Government stations in the mobile-satellite service shall be limited to earth stations operating with non-Government space stations.

* * * * *

Non-Government (NG) Footnotes

* * * * *

NG147—Stations in the broadcast auxiliary service and private radio services licensed as of July 25, 1985, or on a subsequent date following as a result of submitting an application for license on or before July 25, 1985, may continue to operate on a primary basis with the mobile-satellite service and the radiodetermination satellite service.

* * * * *

[FR Doc. 95–10418 Filed 4–28–95; 8:45 am]

BILLING CODE 6712–01–M

Proposed Rules

Federal Register
Vol. 60, No. 83
Monday, May 1, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–ANE–21]

Airworthiness Directives; AlliedSignal Engines LTS101 Series Turboshaft Engines Installed on Eurocopter France Model AS–350D and SA–366G1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD), applicable to AlliedSignal Engines (formerly Textron Lycoming) LTS101 series turboshaft engines installed on Eurocopter France (formerly Aerospatiale) Model AS–350D and SA–366G1 helicopters. This proposal would require incorporation of design modifications to the power turbine (PT) rotor. This proposal is prompted by reports of PT disk failures after No. 3 bearing failures. The actions specified by the proposed AD are intended to prevent an uncontained engine failure due to a PT disk failure.

DATES: Comments must be received by June 30, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–ANE–21, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from AlliedSignal Engines, 550 Main Street, Stratford, CT 06497. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Eugene Triozzi, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7148, fax (617) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report 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–ANE–21.'' 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, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–ANE–21, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

The Federal Aviation Administration (FAA) has received reports of three uncontained power turbine (PT) disk failures on AlliedSignal Engines (formerly Textron Lycoming) LTS101 series turboshaft engines. These PT disk failures were caused by No. 3 bearing failures, resulting in loss of rotor axial location, aft movement of the PT rotor, and PT shaft disengagement from the gear train drive, subsequently unloading the PT and causing rotor overspeed. The disengagement further rendered the gear train drive overspeed control inoperative; therefore, the PT overspeed progressed until disk failure. This condition, if not corrected, could result in an uncontained engine failure due to a PT disk failure.

On October 28, 1994, AlliedSignal Inc. purchased the turbine engine product line of Textron Lycoming.

The FAA has reviewed and approved the technical contents of Textron Lycoming Service Bulletin (SB) No. LTS101A–72–50–0134, Revision 1, dated June 17, 1991, and SB No. LTS101B–72–50–0128, Revision 1, dated June 17, 1991, that describe procedures for incorporation of design modifications to the PT to enhance rotor retention in the event of No. 3 bearing failure.

At the present time, this proposed airworthiness directive (AD) would require only the PT rotor retention modifications for AlliedSignal Engines Model LTS101–600A2, –600A3, and –750B2 engines. AlliedSignal Engines and several airframe manufacturers have developed electronic overspeed system (EOS) modifications for other models of the AlliedSignal Engines LTS101 series turboshaft engines. These other modifications address additional disk failures precipitated by No. 4 bearing failure, which in two cases led to power pinion gear failure and PT shaft disengagement from the power train without loss of rotor axial location, overspeed, and loss of PT overspeed protection. In separate rulemaking, the FAA will require these EOS modifications for these other models. Airworthiness directive 88–14–01, applicable to all Textron Lycoming LTS101 engines, requires repetitive inspections and monitoring of the lubrication system to prevent PT rotor disk failures due to failure of either No. 3 or No. 4 bearings. Performing the PT rotor and EOS modifications on these other models would constitute terminating action for the inspections and monitoring required by AD 88–14–

01. The FAA has requested that AlliedSignal Engines and Eurocopter France develop EOS modifications for the AlliedSignal Engines LTS101 models addressed in this proposed AD. When these modifications are available, the FAA will require these modifications in future rulemaking that would constitute terminating action to the inspection and monitoring requirements of AD 88–14–01.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require incorporation of a modified PT rotor retention system at the next shop visit after the effective date of this AD, but not later than April 30, 1996. The FAA has determined that by that date affected engines would have at least one scheduled shop visit to incorporate modifications. The actions would be required to be accomplished in accordance with the service bulletins described previously.

The FAA estimates that 20 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 10 work hours per engine to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $44,400 engine. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $900,000.

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 ''major rule'' under Executive Order 12291; (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:

AlliedSignal Engines: Docket No. 95–ANE–21.

Applicability: AlliedSignal Engines (formerly Textron Lycoming) Models LTS101–600A2 and –600A3 turboshaft engines installed on Eurocopter France (formerly Aerospatiale) Model AS–350D helicopters; and LTS101–750B2 turboshaft engines installed on Eurocopter France Model SA–366G1 helicopters.

Note: This AD applies to each engine 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 engines 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 engine from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent an uncontained engine failure due to power turbine (PT) disk failure, accomplish the following:

(a) Incorporate improved PT rotor retention system modifications in accordance with Textron Lycoming Service Bulletin (SB) No. LTS101A–72–50–0134, Revision 1, dated June 17, 1991, or SB No. LTS101B–72–50–0128, Revision 1, dated June 17, 1991, as applicable, at the next shop visit after the effective date of this airworthiness directive (AD) when the PT rotor is removed, but not later than April 30, 1996.

(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, Engine Certification Office. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(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 aircraft to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on April 17, 1995.

James C. Jones,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 95–10594 Filed 4–28–95; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 39

[Docket No. 95–NM–26–AD]

Airworthiness Directives; Boeing Model 757 and 767 Series Airplanes Equipped With Sundstrand Ram Air Turbine (RAT)/Hydraulic Pumps

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 757 and 767 series airplanes. This proposal would require replacement of the hydraulic pressure transfer tube of the ram air turbine (RAT) system with a new hose assembly. This proposal is prompted by reports that, during flight tests, the hydraulic pressure transfer tube of the RAT cracked when the RAT was extended on a Model 767 series airplane. The actions specified by the proposed AD are intended to prevent such cracking, which could result in the loss of hydraulic fluid of the center system and the inability of the RAT to pressurize the center system; this situation could lead to loss of all hydraulic system power in the event that power is lost in both engines.

DATES: Comments must be received by June 26, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–26–AD, 1601 Lind Avenue, SW.,

Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Kathi Ishimaru, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington, 98055–4056; telephone (206) 227–2674; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–26–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–26–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports that, during two flight tests, the pressure transfer tube of the ram air turbine (RAT) cracked when the RAT was extended on a Model 767 series airplane. Investigation revealed that the cause of such cracking has been attributed to overload due to mishandling or improper installation of the pressure transfer tubes on the strut of the RAT system. Such overloads are likely to have occurred on other tubes because it is extremely difficult to shim the tubes properly. Cracking of the hydraulic pressure transfer tube of the RAT, if not corrected, could result in the loss of hydraulic fluid of the center system and the inability of the RAT to pressurize the center hydraulic system; this situation could lead to loss of all hydraulic system power in the event that power is lost in both engines.

The subject RAT hydraulic pump and pressure transfer tube installations on Model 757 series airplanes are identical to those installed on Model 767 series airplanes. Therefore, both models may be subject to the same unsafe condition revealed on the Model 767.

The FAA has reviewed and approved Boeing Alert Service Bulletin 757–29A0046, dated October 6, 1994 (for Model 757 series airplanes), and Boeing Alert Service Bulletin 767–29A0077, dated October 6, 1994 (for Model 767 series airplanes), which describe procedures for replacement of the hydraulic pressure transfer tube of the RAT system with a new hose assembly. Accomplishment of this replacement will prevent over stressing of the pressure line during installation.

The RAT/hydraulic pumps addressed in these service bulletins are manufactured by Sundstrand. For Model 757 series airplanes, these pumps have part number 730814 series, serial numbers 0001 through 0735 inclusive. For Model 767 series airplanes, these pumps have part number 729548 series, serial numbers 0001 through 0620 inclusive.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require replacement of the hydraulic pressure transfer tube of the RAT system with a new hose assembly. The actions would be required to be accomplished in accordance with the alert service bulletins described previously.

There are approximately 1,215 Model 757 and 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 582 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 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 manufacturer 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 $69,840, or $120 per airplane.

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 95–NM–26–AD.

Applicability: Model 757 series airplanes having line positions 1 through 650 inclusive, and equipped with Sundstrand ram air turbine (RAT)/hydraulic pumps having part number (P/N) 730814 series, serial numbers 0001 through 0735 inclusive; and Model 767 series airplanes having line positions 1 through 565 inclusive, and equipped with Sundstrand RAT/hydraulic pumps having P/N 729548 series, serial numbers 0001 through 0620 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously. To prevent cracking of the hydraulic pressure transfer tube of the ram air turbine (RAT), which could result in the loss of all center systems hydraulic fluid and the inability of the RAT to pressurize the center hydraulic system, accomplish the following:

(a) Within 24 months after the effective date of this AD, replace the hydraulic pressure transfer tube of the RAT system with a new hose assembly, in accordance with Boeing Alert Service Bulletin 757–29A0046, dated October 6, 1994 (for Model 757 series airplanes); or Boeing Alert Service Bulletin 767–29A0077, dated October 6, 1994 (for Model 767 series airplanes), as applicable.

Note 2: Boeing Alert Service Bulletin 757–29A0046 references Sundstrand Service Bulletin 730814–29–11, dated November 3, 1994; and Boeing Alert Service Bulletin 767–29A0077 references Sundstrand Service Bulletin 729548–29–14, dated November 3, 1994; as additional sources of service information for procedures to replace the pressure tube.

Note 3: Modification of the hydraulic pressure transfer tube of the RAT system in accordance with Sundstrand Service Bulletin 730814–29–9, Revision 1, dated November 3, 1994 (for Model 757 series airplanes); or Sundstrand Service Bulletin 729548–29–12, Revision 2, dated November 3, 1994 (for Model 767 series airplanes); is considered acceptable for compliance with the modification requirements of paragraph (a) of this AD.

(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 4: 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.

Issued in Renton, Washington, on April 25, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–10585 Filed 4–28–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 94–NM–111–AD]

Airworthiness Directives; British Aerospace Model Viscount Model 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 Model 744, 745D, and 810 airplanes. This proposal would require inspections to detect cracking of certain fittings of the tailplane spar, and replacement of the fittings with serviceable parts, if necessary. This proposal is prompted by reports of fatigue cracking of certain fittings in the tailplane spar. The actions specified by the proposed AD are intended to prevent such cracking, which could result in structural degradation of the attachment of the horizontal stabilizer to the fuselage.

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

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–111–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–111–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–111–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 Model 744, 745D, and 810 airplanes. The CAA advises that it has received reports of fatigue cracking of certain attach fittings of the tailplane spar on these airplanes. The cracking was found in the top fitting of the tailplane spar at the junction of the chamfer and the innermost hole of the bolt group through the top flange. Such fatigue cracking, if not detected and corrected in a timely manner, could result in structural degradation of the attachment of the horizontal stabilizer to the fuselage.

British Aerospace has issued Alert Preliminary Technical Leaflet (PTL) 264, Issue 3, dated September 1, 1992 (for Model Viscount 744 and 745D airplanes), and Alert PTL 127, Issue 3, dated June 1, 1992 (for Model Viscount 810 airplanes). These Alert PTL's describe procedures for performing repetitive high frequency eddy current (HFEC) inspections to detect cracking of the bolt holes on the top fittings of the tailplane spar, and replacement of cracked fittings with serviceable parts. The CAA classified these Alert PTL's as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

These airplane models are manufactured in the United Kingdom and are 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 HFEC inspections to detect cracking of certain fittings of the tailplane spar, and replacement of the fittings with serviceable parts, if necessary. The actions would be required to be accomplished in accordance with the Alert PTL's described previously.

Operators should note that the proposed compliance time for the initial inspection of the fittings on Model Viscount 810 airplanes is shorter than that proposed for the Model Viscount 744 and 745D airplanes because the fittings on Model Viscount 810 airplanes are of a different configuration. The fittings on Model Viscount 810 airplanes are loaded to higher stress levels, which makes them more susceptible to fatigue cracking than the fittings on the Model Viscount 744 and 745D airplanes.

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 4 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 $6,960, 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 (Formerly British Aerospace Commercial Aircraft Limited, Vickers-Armstrongs Aircraft Limited): Docket 94–M–111–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 (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 structural degradation of the attachment of the horizontal stabilizer to the fuselage, accomplish the following:

(a) For Model Viscount 744 and 745D airplanes: Within 3,000 landings or 3 years after the effective date of this AD, whichever occurs first, perform a high frequency eddy current (HFEC) inspection to detect cracking of the bolt holes on the top fittings of the root joint of the tailplane spar, in accordance with British Aerospace Alert Preliminary Technical Leaflet (PTL) 264, Issue 3, dated September 1, 1992. Repeat the inspection thereafter at intervals not to exceed 3,000 landings or 3 years, whichever occurs first.

(b) For Model Viscount 810 airplanes: Within 1,000 landings or 1 year after the effective date of this AD, whichever occurs first, perform an HFEC inspection to detect cracking of the bolt holes on the top fittings of the root joint of the tailplane spar, in accordance with British Aerospace Alert PTL 127, Issue 3, dated June 1, 1992. Repeat the inspection thereafter at intervals not to exceed 3,000 landings or 3 years, whichever occurs first.

(c) If any cracking is found during the inspections required by paragraph (a) or (b) of this AD, prior to further flight, replace the cracked fitting with a serviceable part, in accordance with British Aerospace Alert PTL 264, Issue 3, dated September 1, 1992 (for Model 744 and 745D airplanes), or Alert PTL 127, Issue 3, dated June 1, 1992 (for Model 810 airplanes); as applicable.

(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 25, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–10587 Filed 4–28–95; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Ch. IX

[Docket No. N–95–3858; FR–3647–N–04]

RIN 2577–AB44

Vacancy Rule: Notice of Cancellation of Third Meeting of Negotiated Rulemaking Advisory Committee

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of cancellation of meeting.

SUMMARY: The Department has established a Negotiated Rulemaking Advisory Committee to discuss and negotiate a proposed rule that would change the current method of determining the payment of operating subsidies to vacant public housing units. The Committee met in March and April 1995, after publishing notices of these meetings. This notice announces that a third meeting that had been scheduled for May 2 and 3, 1995, has been cancelled, pending a determination by the Committee of whether an additional meeting is necessary.

FOR FURTHER INFORMATION CONTACT: John T. Comerford, Director, Financial Management Division, Public and Indian Housing, Room 4212, Department of Housing and Urban Development, 431 Seventh Street, SW, Washington, DC 20410–0500; telephone (202) 708–1872, or (202) 708–0850 (TDD). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

Background

On February 24, 1995 (60 FR 10339), the Department published a notice of establishment of a Negotiated Rulemaking Advisory Committee to discuss and negotiate a proposed rule that would change the current method of determining the payment of operating subsidies to vacant public housing units. The February 24 notice also announced the first meeting of this committee, which was held on March 7–9, 1995, in Washington, DC.

On March 20, 1995 (60 FR 14707), the Department published a notice of the second and third meetings of the committee, to be held in April and May 1995. The second meeting was held on April 4 and 5, 1995, as scheduled; however, at the April meeting the committee determined that it would not meet on the dates announced for May 1995. If an additional meeting is necessary to ensure consensus by the committee, an announcement of the rescheduled meeting will be published in the **Federal Register.**

Authority: 42 U.S.C. 1437g, 3635(d).

Dated: April 26, 1995.

Joseph Shuldiner,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 95–10666 Filed 4–27–95; 9:26 am]

BILLING CODE 4210–33–M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Rules of Procedure

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Occupational Safety and Health Review Commission proposes to revise its rules governing simplified proceedings and to institute a pilot E–Z Trial program. This program would be instituted on a limited basis for a one year trial period. After the trial period, the Commission would evaluate the results and determine whether it should continue the E–Z Trial program and, if so, what modifications should be made. As the name implies, E–Z Trial would simplify and accelerate the adjudicative process for cases that warrant a less formal, less expensive process. The most significant change to the rules would strengthen the role of Commission judges in determining whether a case is tried under simplified proceedings. The Commission has concluded that the current underutilization of simplified proceedings could be remedied through a mechanism by which the Chief Administrative Law Judge or the judge assigned to an individual case could unilaterally direct that a case be tried under simplified proceedings. Thus, under the E–Z Trial program, the Commission's Chief Judge would have the authority to determine whether a case would proceed by either conventional proceedings or the E–Z Trial program. This should result in greater use of simplified proceedings while preserving the use of conventional proceedings where needed. E–Z Trial should reduce the time and expense of litigation in such cases. However, the presiding judge may discontinue E–Z Trial proceedings and reinstate conventional procedures if the

case no longer is appropriate for the simplified rules. In this way, the Commission can provide efficient, user-friendly adjudication, while assuring insofar as possible in all cases that due process is met and a hearing is conducted that meets the requirements of the Administrative Procedure Act, 5 U.S.C. 554, 556 (''APA''). At any time, any party may request that conventional rather than E–Z Trial proceedings be used. Discontinuance of E–Z Trial is at the discretion of the judge after consultation with the Chief Judge. At the conclusion of an E–Z Trial proceeding, a party may file a petition for discretionary review under § 2200.91 if they can establish that they have been materially prejudiced either by the use of E–Z Trial rather than conventional proceedings or by a lack of due process during those proceedings, provided objections to use of the E–Z Trial procedure were raised in a timely fashion to the judge.

DATES: Comments must be received by May 31, 1995.

ADDRESSES: All comments concerning these proposed rules should be addressed to Earl R. Ohman, Jr., General Counsel, One Lafayette Centre, 1120 20th St., NW.—9th Floor, Washington, DC 20036–3419.

FOR FURTHER INFORMATION CONTACT: Earl R. Ohman, Jr., General Counsel, (202) 606–5410.

SUPPLEMENTARY INFORMATION:

Development of the Proposed Rules

Adjudications by the Occupational Safety and Health Review Commission and its Administrative Law Judges are governed by the regulations published at 29 CFR part 2200—Rules of Procedure. Conventional proceedings are governed by subparts A through G of Part 2200. Simplified proceedings are governed by subpart M. Simplified proceedings differ from conventional proceedings primarily in the following ways: (1) Pleadings generally are not required in simplified proceedings; (2) discovery is generally not permitted; (3) the Federal Rules of Evidence do not apply, as they do in conventional proceedings; and (4) interlocutory appeals are not permitted.

The proposed E–Z Trial program is designed to see that certain cases of lesser magnitude before the Commission are handled in a simple way, to reduce formality and bring down the cost and time demanded of parties in pursuing a case, while protecting due process rights with an ''on the record'' hearing conducted in accordance with the APA. Cases would be processed promptly. The proposed project would draw in part from the Commission's current rules for simplified proceedings. As under the current simplified proceedings, required documentation would be minimized and pleadings and discovery would be eliminated completely in most cases. Cases will be reviewed for eligibility for E–Z Trial as soon as possible in order to avoid the filing of pleadings wherever practicable. Under the E–Z Trial program, informal discussions between the parties and the judge would be held to narrow areas of dispute and encourage settlement. If the case is not resolved in a pre-hearing conference, the hearing itself would be comparatively informal in nature, with the format of the hearing being prescribed by the presiding judge. Written briefs would in most cases be replaced by oral argument. Judges would issue bench decisions when appropriate and otherwise would typically issue written decisions within 45 days of the completion of the trial.

Purpose of Subpart M

Under the proposed rule, § 2200.200(b)(1), complaints and answers would not be required for the E–Z Trial process. Section 2200.200(b)(2) would note that, prior to the hearing, discussions among the parties and the judge would be required to narrow and define the issues between the parties. This should encourage case settlement, and accordingly this discussion would be scheduled as soon as possible. Section 2200.200(b)(3) would not allow discovery to be conducted except on the order of the judge. The current rule prohibiting interlocutory appeals, § 2200.211, is incorporated into the proposed rule as § 2200.200(b)(4). Section 2200.200(b)(5) would stress that the hearing is less formal.

Application

Under the proposed rule, § 2200.201 would only note that the rules in Subpart M would apply to proceedings before a judge if an E–Z Trial case is commenced under the rules proposed in § 2200.203.

Eligibility for E–Z Trial

The current eligibility rule, § 2200.202, specifically excludes cases from being tried under simplified proceedings if they involve the merits of an alleged violation of specified standards.[1] Under the proposed rule, § 2200.202 would not specifically exclude cases that involve any particular standards. The proposed rule does not detail the circumstances in which these procedural rules should be utilized. It anticipates that experience gathered through the E–Z Trial program is the best way to refine the circumstances for which the procedures are suited. Nevertheless, in order to provide some guidance in the initial application of these rule changes, the Commission suggests that cases that might be appropriate for E–Z Trial would generally include those with (1) relatively few citation items, (2) an aggregate proposed penalty not more than $7500, (3) no allegation of willfulness, (4) a hearing that is expected to take less than two days, or (5) a *pro se* respondent. These criteria are neither rigid nor exhaustive. E–Z Trial should not be selected for technically complex cases requiring discovery or extensive expert testimony.

Procedures for Commencing E–Z Trial

The current rule for simplified proceedings, § 2200.203, allows any party to request simplified proceedings. Under the proposed rule, § 2200.203(a), the Chief Judge can assign an appropriate case for E–Z Trial at his discretion either on his own motion or at the request of a party. In addition, the proposed rule would eliminate the more complex filing requirements found under the current rule which mandates that the request for simplified proceedings be filed with the Executive Secretary and served on all of the following: (i) The employer, (ii) the Secretary of Labor, (iii) any authorized employee representatives and (iv) posted for the benefit of any unrepresented affected employees. Because E–Z Trial can be commenced by the Chief Judge on his own motion, it is not necessary to require complex filing procedures.

Procedures for Discontinuing E–Z Trial

Section 2200.204 sets forth the procedures for discontinuing simplified proceedings after the judge has ordered them implemented. The Commission purposes several changes to this section, which largely parallel the changes proposed in the rule on commencing E–Z Trial. The proposed rule, § 2200.204(a), would require that the judge assigned to the case consult with the Chief Judge prior to discontinuing E–Z Trial. Unlike the current rule, the proposed rule would not necessarily discontinue E–Z Trial even if all parties consent to discontinuance. The current rule's prohibition of interlocutory review (a limited appeal before conclusion of the trial) of simplified

[1] Those standards are: 29 CFR 1910.94, 1910.95, 1910.96, 1910.97, 1910.1000 through 1910.1101, 1926.52, 1926.53, 1926.54, 1926.55, 1926.57, 1926.800(c), and any occupational health standard that may be added to subpart Z of part 1910.

proceedings is covered in proposed rule § 2200.200(b)(4)'s prohibition of interlocutory appeals for E–Z Trial proceedings.

Filing of Pleadings

E–Z Trial is intended to provide parties with a less formal adjudicative process. Once a case is designated for E–Z Trial, under the proposed rule, § 2200.205(a), the Secretary would not have to file a complaint as required under current rule § 2200.34(a), a response to a petition for modification of the abatement period under current rule § 2200.37(d)(5), or a response to an employee contest to the abatement period under current rule § 2200.38(a). In addition, under proposed rule § 2200.205(b), a motion would not be viewed favorably if the subject of the motion has not been first discussed among the parties. The Commission is not presently amending the time limits for filing pleadings. Instead, the Commission intends to process cases as promptly as practicable in order to avoid the filing of pleadings.

Pre-hearing Conference

Under the proposed rule, § 2200.206(a) requires that as early as practicable, the presiding judge would conduct a pre-hearing conference. The judge has the discretion to determine the format of the pre-hearing conference. The pre-hearing conference would be ''live,'' and can be conducted in person or by such electronic means as telephone or video conferences. It cannot be conducted by such devices as fax machines. In addition, the current rule does not require that affirmative defenses such as ''unpreventable employee misconduct,'' ''infeasibility,'' and ''greater hazard,'' be raised prior to the hearing. Proposed rule § 2200.206(b) requires that affirmative defenses would be raised at the pre-hearing conference, and that affirmative defenses cannot otherwise be raised in later proceedings except under extraordinary circumstances. The judge would issue an order setting forth any agreements reached by the parties during the pre-hearing conference.

Discovery

No substantive change is proposed to the current rule on discovery, § 2200.210. Parties may request discovery, but no discovery would be conducted except on order of the judge.

Hearing

It is expected that the E–Z Trial hearing would be conducted in the format decided by the hearing judge. Witnesses, however, would be sworn and the proceedings would be reported. The requirement for a reporter and transcript, currently found in § 2200.208, would become part of the new rule § 2200.208(d). Typically, oral argument would be presented at the close of the hearing. However, the judge has the discretion to permit the parties to file written briefs instead. If appropriate, the judge has the option of announcing his decision from the bench on the record. If not announced from the bench, a written decision would be issued within 45 days, unless an extension was granted by the Chief Judge.

Review of Judge's Decision

Unlike the current rule, this proposed rule does not require the judge to prepare a written decision, but would instead permit him to issue a decision from the bench. In that event, that portion of the transcript containing the judge's bench decision will be considered the written decision and will be included in the judge's order.

Applicability of the Commission's Conventional Rules

Included in the list of rules that do not apply to E–Z Trials is § 2200.74, which covers the filing of briefs and proposed findings of fact with the judge, as well as oral arguments at the hearing. No other substantive change is proposed to the current rule, § 2200.212.

List of Subjects in 29 CFR Part 2200

Administrative practice and procedure, Hearing and appeal procedures.

For the reasons set forth in the preamble, the Occupational Safety and Health Review Commission proposes to amend title 29, chapter XX, part 2200, subpart M of the Code of Federal Regulations as follows:

PART 2200—RULES OF PROCEDURE

1. The authority citation for part 2200 continues to read as follows:

Authority: 29 U.S.C. 661(g).

2. Subpart M is revised to read as follows:

Subpart M—E–Z Trials

Sec.

2200.200 Purpose.
2200.201 Application.
2200.202 Eligibility for E–Z Trial.
2200.203 Commencing E–Z Trial.
2200.204 Discontinuance of E–Z Trial.
2200.205 Filing of pleadings.
2200.206 Pre-hearing conference.
2200.207 Discovery.
2200.208 Hearing.
2200.209 Review of Judge's decision.
2200.210 Applicability of Subparts A through G.

Subpart M—E–Z Trials

§ 2200.200 Purpose.

(a) The purpose of the E–Z Trials subpart is to provide simplified procedures for resolving contests under the Occupational Safety and Health Act of 1970, so that parties before the Commission may reduce the time and expense of litigation while being assured due process and a hearing that meets the requirements of the Administrative Procedure Act, 5 U.S.C. 554. These procedural rules will be applied to accomplish this purpose.

(b) Procedures under this subpart are simplified in a number of ways. The major differences between these procedures and those provided in subparts A through G of the Commission's rules of procedure are as follows:

(1) Complaints and answers are not required.

(2) Pleadings generally are not required. Early discussions among the parties and the Administrative Law Judge are required to narrow and define the disputes between the parties.

(3) Discovery is generally not permitted.

(4) Interlocutory appeals are not permitted.

(5) Hearings are less formal. The Federal Rules of Evidence do not apply. Instead of briefs, the parties will argue their case orally before the Judge at the conclusion of the hearing. In many instances, the Judge will render his decision from the bench.

§ 2200.201 Application.

The rules in this subpart will govern proceedings before a Judge in a case chosen for E–Z Trial under § 2200.203.

§ 2200.202 Eligiblity for E–Z Trial.

All cases with a low aggregate penalty are eligible for E–Z Trial. Those cases selected for E–Z Trial will be those that also do not involve complex issues of law or fact.

§ 2200.203 Commencing E–Z Trial.

(a) *Selection.* Upon receipt of a Notice of Contest, the Chief Administrative Law Judge may, at his or her discretion, assign an appropriate case for E–Z Trial.

(b) *Party request.* Within twenty days of the notice of docketing, any party may request the Chief Judge or the Judge assigned to the case to assign the case for E–Z Trial. The request must be in writing. For example, ''I request an E–Z Trial'' will suffice. The request must be sent to the Executive Secretary. Copies must be sent to each of the other parties.

(c) *Judge's ruling on request.* The Chief Judge or the Judge assigned to the

case may grant a party's request and assign a case for E–Z Trial at his or her discretion. Such request shall be acted upon within fifteen days of its receipt by the Judge.

(d) *Time for filing complaint or answer under § 2200.34.* If a party has requested E–Z Trial or the Judge has assigned the case for E–Z Trial, the times for filing a complaint or answer will not run. If a request for E–Z Trial is denied, the period for filing a complaint or answer will begin to run upon issuance of the notice denying E–Z Trial.

§ 2200.204 Discontinuance of E–Z Trial.

(a) *Procedure.* If it becomes apparent at any time that a case is not appropriate for E–Z Trial, the Judge assigned to the case may, upon motion by any party or upon the Judge's own motion, discontinue E–Z Trial and order the case to continue under conventional rules. Before discontinuing E–Z Trial, the Judge will consult with the Chief Judge.

(b) *Party Motion.* At any time during the proceedings any party may request that the E–Z Trial be discontinued and that the matter continue under conventional procedures. A motion to discontinue must be in writing and explain why the case is inappropriate for E–Z Trial. All other parties will have seven days from the filing of the motion to state their agreement or disagreement and their reasons.

(c) *Ruling.* If E–Z Trial is discontinued, the Judge may issue such orders as are necessary for an orderly continuation under conventional rules.

§ 2200.205 Filing of pleadings.

(a) *Complaint and answer.* Once a case is designated for E–Z Trial, the complaint and answer requirements are suspended. If the Secretary has filed a complaint under § 2200.34(a), a response to a petition under § 2200.37(d)(5), or a response to an employee contest under § 2200.38(a), and if E–Z Trial has been ordered, no response to these documents will be required.

(b) *Motions.* A primary purpose of E–Z Trials is to eliminate, as much as possible, motions and similar documents. A motion will not be viewed favorably if the subject of the motion has not been first discussed among the parties.

§ 2200.206 Pre-hearing conference.

(a) *When held.* As early as practicable, the presiding Judge will order and conduct a pre-hearing conference. At the discretion of the Judge, the pre-hearing conference may be held in person, or by telephone or electronic means.

(b) *Content.* At the pre-hearing conference, the parties will discuss the following: settlement of the case; the narrowing of issues; an agreed statement of issues and facts; defenses; witnesses and exhibits; motions; and any other pertinent matter. Except under extraordinary circumstances, any affirmative defenses not raised at the pre-hearing conference may not be raised later. At the conclusion of the conference, the Judge will issue an order setting forth any agreements reached by the parties.

§ 2200.207 Discovery.

Discovery, including requests for admissions, will only be allowed under the conditions and time limits set by the Judge.

§ 2200.208 Hearing.

(a) *Procedures.* The Judge will hold a hearing on any issue that remains in dispute at the conclusion of the pre-hearing conference. The hearing will be in accordance with subpart E of these rules, except for §§ 2200.71, 2200.73 and 2200.74 which will not apply.

(b) *Agreements.* At the beginning of the hearing, the Judge will enter into the record all agreements reached by the parties as well as defenses raised during the pre-hearing conference. The parties and the Judge then will attempt to resolve or narrow the remaining issues. The Judge will enter into the record any further agreements reached by the parties.

(c) *Evidence.* The Judge will receive oral, physical, or documentary evidence that is not irrelevant, unduly repetitious or unreliable. Testimony will be given under oath or affirmation. The Federal Rules of Evidence do not apply.

(d) *Reporter.* A reporter will be present at the hearing. An official verbatim transcript of the hearing will be prepared and filed with the Judge. Parties may purchase copies of the transcript from the reporter.

(e) *Oral and written argument.* Each party may present oral argument at the close of the hearing. Post-hearing briefs will not be allowed except by order of the Judge.

(f) *Judge's decision.* Where possible, the Judge will render his decision from the bench. Alternatively, within 45 days of the hearing, the Judge will issue a written decision. The decision will be in accordance with § 2200.90. If additional time is needed, approval of the Chief Judge is required.

§ 2200.209 Review of Judge's decision.

Any party may petition for Commission review of the Judge's decision as provided in § 2200.91. After the issuance of the Judge's written decision or order, the parties may pursue the case following the rules in Subpart F.

§ 2200.210 Applicability of Subparts A through G.

The provisions of subpart D (except for § 2200.57) and §§ 2200.34, 2200.37(d)(5), 2200.38, 2200.71, 2200.73 and 2200.74 will not apply to E–Z Trials. All other rules contained in subparts A through G of the Commission's rules of procedure will apply when consistent with the rules in this subpart governing E–Z Trials.

Dated: April 25, 1995.

Ray H. Darling, Jr.,

Executive Secretary.

[FR Doc. 95–10604 Filed 4–28–95; 8:45 am]

BILLING CODE 7600–01–M

DEPARTMENT OF DEFENSE

Corps of Engineers

33 CFR Part 322

Permits for Structures Located Within Shipping Safety Fairways

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Corps seeks comments on its proposal to change its rules regarding permits for the placement of temporary anchors, cables and chains for floating or semisubmersible drilling rigs within shipping safety fairways. Shipping safety fairways and anchorages are established on the Outer Continental Shelf by the U.S. Coast Guard to provide unobstructed approaches for vessels using U.S. ports. This initiative arises as a result of requests by offshore oil companies for exemptions to the provisions of the existing rule because drilling and production technologies have greatly extended the range of deepwater drilling and the 120 day time limits placed on temporary structures allowed within fairway boundaries may no longer be reasonable.

DATES: Written comments must be received on or before May 31, 1995.

ADDRESSES: Comments should be addressed to: HQUSACE, Attn: CECW–OR, Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard at (202) 761–1783.

SUPPLEMENTARY INFORMATION: Department of the Army permits are required for the construction of any structure in or over any navigable water

of the United States pursuant to Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403). This authority was extended to artificial islands and fixed structures located on the Outer Continental Shelf (OCS) by section 4(f) of the Outer Continental Shelf Lands Act of 1953 (67 Stat. 463; 43 U.S.C. 1333(e)).

Background

Pursuant to the cited authorities, the Corps promulgated regulations in 33 CFR 209.135 establishing shipping safety fairways in the Gulf of Mexico to provide obstruction-free routes for vessels in approaches to United States ports. The Corps provided these obstruction-free routes by denying permits for structures within certain designated lanes. In 1978, the Ports and Waterways Safety Act (PWSA), was amended to delegate authority to the Department of Transportation and the Commandant, U.S. Coast Guard to establish vessel routing measures, including fairways and fairway anchorages. In accordance with the PWSA, the Coast Guard completed the required studies and published final rules establishing shipping safety fairways on May 13, 1982. The Corps subsequently revoked its fairway regulations in § 209.135(d) but retained paragraph (b), which contains the conditions under which the nationwide permit for oil exploration and production structures on the OCS (33 CFR 330.5(a) (8)), was issued. On November 13, 1986, the Corps fairway regulations were repromulgated in 33 CFR 322.5(l) to consolidate all permit regulations for structures in the same part.

When the regulations allowing temporary structures within fairways were promulgated by the Corps in 1981, deepwater drilling occurred in water depths of 300 to 600 feet. At that time the limitation of 120 days that temporary anchors would be allowed within fairways was considered reasonable. If the exploratory well was successful, a conventional fixed production platform would be used and there would be no further need to maintain the anchors within the fairway. Presently, according to offshore hydrocarbon exploration and production companies, technology has extended the range of deepwater drilling to water depths of 1,000 to 4,000 feet. As a result, drilling times have increased and production methods have changed. Accordingly, the limitation on the length of time (120 days), that an anchor is allowed within a fairway may not be appropriate, particularly in water depths in excess of 600 feet. The industry has available many types of production platforms, including floating production systems that are anchored in place during the productive life of the reserves and then moved to a new location. In water depths greater than 600 feet, the floating production platform becomes an important production option and in water depths greater than 1,000 feet these units are essential. In many instances, the only obstacle to using this type of system to drill and produce hydrocarbons is the location of a fairway. Current regulations require that the production system be placed at great distance from the fairway in order to keep the anchors clear of the fairway. The result is that there may be hydrocarbon bearing lease areas that cannot be effectively penetrated and produced. It should be noted that if this proposal is adopted, the requirement that the rig must be situated as necessary to insure that the minimum clearance over an anchor line within a fairway is 125 feet, will not be changed. In addition, these proposed amendments are not intended to allow drilling structures within the fairways.

On July 7, 1994, we published an advance notice of proposed rulemaking in the **Federal Register**, soliciting comments on four separate options concerning this matter. The options presented in the ANPRN were: (1) Take no action; (2) Remove the 120-day time restrictions when water depths exceed 600 feet; (3) Require an individual permit for any structure that will remain within a fairway for 120 days or longer, or (4) Require an individual permit for any structure within a fairway. We received 18 letters in response to the ANPRN and we sincerely appreciate those commenters taking the time and effort to provide their input and recommendations on this important matter. Based on our review of the original request(s) to amend the regulations and the responses to the ANPRN, we have decided to propose the amendments in option 2 that would remove the-120 day time limit when water depths at the drilling location exceed 600 feet. At this time it has not been demonstrated by facts and technical information presented that the other options would provide a greater margin of safety for vessels operating in the fairways, with or without the time limits while accommodating current production platforms. We strongly recommend that any technical data available to support a position of whether or not to make this proposed change, be included with any comments submitted. The following is the text in 33 CFR 322.5(l)(1) (*Existing*);

(l) * * * (1) *Shipping safety fairways and anchorage areas.* DA permits are required for structures located within shipping safety fairways and anchorage areas established by the U.S. Coast Guard. (1) The Department of the Army will grant no permits for the erection of structures in areas designated as fairways, except that district engineers may permit temporary anchors and attendant cables or chains for floating or semisubmersible drilling rigs to be placed within a fairway provided the following conditions are met:

(i) The installation of anchors to stabilize semisubmersible drilling rigs within fairways must be temporary and shall be allowed to remain only 120 days. This period may be extended by the district engineer provided reasonable cause for such extension can be shown and the extension is otherwise justified.

(ii) Drilling rigs must be at least 500 feet from any fairway boundary or whatever distance necessary to insure that minimum clearance over an anchor line within a fairway will be 125 feet.

(iii) No anchor buoys or floats or related rigging will be allowed on the surface of the water or to a depth of 125 feet from the surface, within the fairway.

(iv) Drilling rigs may not be placed closer than 2 nautical miles of any other drilling rig situated along a fairway boundary, and not closer than 3 nautical miles to any drilling rig located on the opposite side of the fairway.

(v) The permittee must notify the district engineer, Bureau of Land Management, Mineral Management Service, U.S. Coast Guard, National Oceanic and Atmospheric Administration and the U.S. Navy Hydrographic Office of the approximate dates (commencement and completion) the anchors will be in place to insure maximum notification to mariners.

(vi) Navigation aids or danger markings must be installed as required by the U.S. Coast Guard.

(2) * * *

Today, we are proposing to amend 33 CFR 322.5(l) by removing t he word ''temporary'', making it clear by restructuring the sentences that drilling rigs, including floating or semisubmersible drilling rigs, are not allowed within fairway boundaries and adding a sentence to paragraph (l)(1)(i) to eliminate time restrictions on temporary and permanent anchors, attendant cable and chains within fairways when water depths exceed 600 feet. Such anchors, attendant cable and chains must be for floating or semisubmersible exploratory or production drilling rigs only. In areas where water depths are less than 600 feet, the time limit of 120 days continues to apply.

Regulatory Analyses and Notices

The Corps has determined in accordance with E.O. 12866 that this proposed rule is not a major rule. It will

not result in an annual effect on the economy of $100 million or more. There will be no major increase in costs or prices for consumers; individual industries, Federal, State or local Governments or geographic regions. It will not have a significant adverse effect on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Pursuant to the Regulatory Flexibility Act, Pub. L. 96–354, I certify that this rule if finalized will not have a significant economic effect on a substantial number of small entities as the rule would remove a restriction allowing access to areas to on the Outer Continental Shelf previously unavailable.

List of Subjects in 33 CFR Part 322

Continental shelf, Electric power, Navigation, Water pollution control, Waterways.

In consideration of the above, the Corps of Engineers is proposing to amend part 322 of title 33, as follows:

PART 322—PERMITS FOR STRUCTURES OR WORK IN OR AFFECTING NAVIGABLE WATERS OF THE UNITED STATES

1. The authority citation for part 322 continues to read as follows:

Authority: 33 U.S.C. 403.

2. Section 322.5 is amended by revising the introductory text of paragraph (l)(1), adding a new paragraph (l)(1)(i); redesignating the existing paragraphs (l)(1)(i) as (l)(1)(ii), (l)(1)(ii) as (l)(1)(iii), (l)(1)(iii) as (l)(1)(iv), (l)(1)(iv) as (l)(1)(v), (l)(1)(v) as (l)(1)(vi) and (l)(1)(vi) as (1)(vii), and revising newly redesignated (l)(1)(ii) to read as follows:

§ 322.5 Special policies.

* * * * *

(1) *Shipping safety fairways and anchorage areas.* * * *

(1) The Department of the Army will grant no permits for the erection of structures in areas designated as fairways, except that district engineers may permit anchors and attendant cables or chains for floating or semisubmersible drilling rigs to be placed within a fairway provided the following conditions are met:

(i) The purpose of such anchors and attendant cables or chains as used in this section is to stabilize floating or semisubmersible drilling rigs which are located outside the boundaries of the fairway.

(ii) In water depths of 600 feet or less, the installation of anchors and attendant cables or chains within fairways must be temporary and shall be allowed to remain only 120 days. This period may be extended by the district engineer provided reasonable cause for such extension can be shown and the extension is otherwise justified. In water depths greater than 600 feet, time restrictions on anchors and attendant cables or chains located within a fairway, whether temporary or permanent, shall not apply.

* * * * *

Dated: April 20, 1995.

Gary W. Wright,

Colonel, U.S. Army, Executive Director of Civil Works.

[FR Doc. 95–10457 Filed 4–28–95; 8:45 am]

BILLING CODE 3710–92–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 122–1–6982b; FRL–5198–6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Santa Barbara County Nonattainment Area, Transportation Control Measure Replacement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern a transportation control measure (TCM) to be implemented in the Santa Barbara County ozone nonattainment area.

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

DATES: Comments on this proposed rule must be received in writing by May 31, 1995.

ADDRESSES: Written comments on this action should be addressed to: Deborah Schechter, Mobile Source Section (A–2–1), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

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

California Air Resources Board, 2020 ''L'' Street, Sacramento, CA 92123.

Santa Barbara County Air Pollution Control District, 26 Castillian Drive B–23, Goleta, CA 93117.

FOR FURTHER INFORMATION CONTACT: Deborah Schechter, Mobile Source Section, A–2–1, Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1227).

SUPPLEMENTARY INFORMATION: This document concerns a revision to the California SIP to implement TCM–5, Improve Commuter Public Transit Service, in the Santa Barbara County ozone nonattainment area and to delete a TCM from the 1982 California ozone SIP for Santa Barbara County. Because Santa Barbara County is already implementing portions of TCM–5 and the funding and schedules for the remainder of the TCM have been programmed into the Federal Transportation Improvement Program for Santa Barbara County, and because the State submitted a fully approvable SIP revision, the EPA has decided to take direct final action approving the submittal in to the California SIP. For further information, please see the information provided in the direct final action which is located in the Rules Section of this **Federal Register**.

Authority: 42 U.S.C. 7401–7671q.

Dated: April 19, 1995.

Jeff Zelikson,

Acting Regional Administrator.

[FR Doc. 95–10614 Filed 4–28–95; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 60, No. 83

Monday, May 1, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Judicial Review

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States.

DATES: Tuesday, May 9, 1995, at 10:30 a.m.

LOCATION: Office of the Chairman, Administrative Conference, 2120 L Street NW., Suite 500, Washington, DC (Library, 5th Floor).

FOR FURTHER INFORMATION CONTACT: Mary Candace Fowler, Office of the Chairman, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, DC 20037. Telephone: (202) 254–7020.

SUPPLEMENTARY INFORMATION: The meeting of the Committee on Judicial Review is to continue discussion of draft recommendations based on a report by Professor William Kovacic, visiting at American University, on choice of forum in government contract bid protest disputes.

Attendance at the meetings is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman at least one day in advance. The chairman of the committee, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

Dated: April 26, 1995.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 95–10656 Filed 4–28–95; 8:45 am]

BILLING CODE 6110–01–W

DEPARTMENT OF AGRICULTURE

Forest Service

Control of Diseases, Insects, Other Animals, and Unwanted Vegetation at the Humboldt Nursery

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Department of Agriculture, Forest Service will prepare an environmental impact statement (EIS) for pest management at the Humboldt Nursery, McKinleyville, California. Initial public scoping is underway; a public meeting will occur during the DEIS comment period. The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and be available for public review by June, 1995. The final EIS is expected to be filed with EPA by August, 1995.

FOR FURTHER INFORMATION CONTACT: Susan Frankel, Pathologist, Pacific Southwest Region, 630 Sansome St. San Francisco, CA 94111. Telephone (415) 705–2651.

SUPPLEMENTARY INFORMATION: In preparing the EIS, the Forest Service has identified and is considering a range of alternatives for this project. One of those is no action. Other alternatives consider a range of methods for the prevention and control of diseases, insects, other animals, and unwanted vegetation at the Homboldt Nursery. The methods under consideration include biological, chemical, manual, and mechanical techniques. The activities that require prevention and controls include cover cropping, seed pre-treatment, nursery seedbed and greenhouse preparation, sowing, seedling growth from germination to lifting, and seedling storage.

Martha Ketelle, Forest Supervisor, Six Rivers National Forest is the responsible official.

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and be available for public review by June, 1995. The final EIS is expected to be filed with the EPA by August, 1995.

The comment period on the draft EIS will be 45 days from the date in the EPA's notice of availability appears in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC, 435 U.S. 519,553 (1978).* Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel, 803 F.2d 1016, 1022 (9th Cir. 1986)* and *Wisconsin Heritages, Inc.* v. *Harris, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980).* Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: April 24, 1995.

Gilbert J. Espinosa,

Acting Regional Forester.

[FR Doc. 95–10655 Filed 4–28–95; 8:45 am]

BILLING CODE 3410–11–M

Control of Unwanted Vegetation, Diseases, Insects, and Animals in the Pacific Southwest Region Nurseries and Tree Improvement Center

AGENCY: Forest Service, USDA.

ACTION: Cancellation to notice of intent to prepare environmental impact statement.

SUMMARY: The Department of Agriculture, Forest Service is cancelling preparation of an environmental impact statement (EIS) for pest management at the Humboldt Nursery, McKinleyville, California; Placerville Nursery, Camino, California; and Chico Tree Improvement Center, Chico, California (**Federal Register** of September 7, 1990, 55 FR 36844, and (**Federal Register** of August 25, 1988, 53 FR 32417).

FOR FURTHER INFORMATION CONTACT: John Fiske, Program Manager, Reforestation, Pacific Southwest Region, 630 Sansome Street, San Francisco, California 94111. Telephone (415) 705–2697.

Date: April 24, 1995.

Gilbert J. Espinosa,

Acting Regional Forester.

[FR Doc. 95–10649 Filed 4–28–95; 8:45 am]

BILLING CODE 3410–11–M

Control of Diseases, Insects, Other Animals, and Unwanted Vegetation at the Placerville Nursery

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Department of Agriculture, Forest Service will prepare an environmental impact statement (EIS) for pest management at the Placerville Nursery, Camino, California. Initial public scoping is underway; a public meeting will occur during the DEIS comment period. The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and be available for public review by June, 1995. The final EIS is expected to be filed with EPA by August, 1995.

FOR FURTHER INFORMATION CONTACT: Susan Frankel, Pathologist, Pacific Southwest Region, 630 Sansome St., San Francisco, CA 94111. Telephone (415) 705–2651.

SUPPLEMENTARY INFORMATION: In preparing the EIS, the Forest Service has identified and is considering a range of alternatives for this project. One of those is no action. Other alternatives consider a range of methods for the prevention and control of diseases, insects, other animals, and unwanted vegetation at the Placerville Nursery. The methods under consideration include biological, chemical, manual, and mechanical techniques. The activities that require prevention and controls include cover cropping, seed pre-treatment, nursery seedbed and greenhouse preparation, sowing, seedling growth from germination to lifting, and seedling storage.

Patricia Trimble, Nursery Manager, Placerville Nursery is the responsible official.

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and be available for public review by June, 1995. The final EIS is expected to be filed with EPA by August, 1995.

The comment period on the draft EIS will be 45 days from the date in the EPA's notice of availability appears in the **Federal Register**.

The Forest Service believes, at this early stage, it it important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC, 435 U.S. 519, 553 (1978).* Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel, 803 F.2d 1016, 1022 (9th Cir. 1986)* and *Wisconsin Heritages, Inc.* v. *Harris, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980).* Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: April 24, 1995.

Gilbert J. Espinosa,

Acting Regional Forester.

[FR Doc. 95–10650 Filed 4–28–95; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–843]

Initiation of Antidumping Duty Investigation: Bicycles From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: May 1, 1995.

FOR FURTHER INFORMATION CONTACT: Shawn Thompson or Cameron Werker at (202) 482–1776 or (202) 482–3874, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Initiation of Investigation

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA).

The Petition

On April 5, 1995, the Department of Commerce (the Department) received a petition filed in proper form by Huffy Bicycle Company, Murray Ohio Manufacturing Co., and Roadmaster Corporation (the petitioners), three U.S. producers of bicycles. Supplements to the petition were filed on April 20 and 24, 1995.

In accordance with section 732(b) of the Act, the petitioners allege that imports of bicycles from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, a U.S. industry.

The petitioners state that they have standing to file the petition because they are interested parties, as defined under section 771(9)(C) of the Act.

Determination of Industry Support for the Petition

Section 732(c) of the Act, as amended by the URAA, requires that the Department determine, prior to the initiation of an investigation, that a minimum percentage of the domestic industry supports an antidumping petition. A petition meets those minimum requirements if (1) domestic producers or workers who support the petition account for at least 25 percent of the total production of the domestic like product; and (2) those domestic producers or workers expressing support account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

A review of production data provided in the petition reveals that the petitioners, three known domestic producers of the domestic like product as defined in the petition, account for more than 25 percent of the total production of the domestic like product and for more than 50 percent of that produced by companies expressing support for, or opposition to, the petition. Accordingly, the Department determines that this petition is supported by the domestic industry.

Scope of the Investigation

The product covered by this investigation is bicycles of all types, whether assembled or unassembled, complete or incomplete, finished or unfinished, including industrial bicycles, tandems, recumbents, and folding bicycles. For purposes of this investigation, the following terms are defined as follows irrespective of any different definition that may be found in Customs rulings, U.S. Customs law, or the *Harmonized Tariff Schedule of the United States* (*HTSUS*): (1) The term ''unassembled'' means fully or partially unassembled or disassembled; (2) the term ''incomplete'' means lacking one or more parts or components with which the complete bicycle is intended to be equipped; and (3) the term ''unfinished'' means wholly or partially unpainted or lacking decals or other essentially aesthetic material. Specifically, this investigation is intended to cover: (1) Any assembled complete bicycle, whether finished or unfinished; (2) any unassembled complete bicycle, if shipped in a single shipment, regardless of how it is packed and whether it is finished or unfinished; and (3) any incomplete bicycle, defined for purposes of this investigation as a frame and fork set, assembled or unassembled, finished or unfinished, and imported in the same shipment with any two of the following components, whether or not assembled together with the frame and fork set: (a) The rear wheel; (b) the front wheel; (c) a rear derailleur; (d) a front derailleur; (e) any one caliper or cantilever brake; (f) an integrated brake lever and shifter, or separate brake lever and click stick lever; (g) crankset; (h) handlebars, with or without a stem; (i) chain; (j) pedals; and (k) seat (saddle), with or without seat post and seat pin.

The scope of this investigation is not intended to cover bicycle parts except to the extent that they are attached to or in the same shipment as an unassembled complete bicycle or an incomplete bicycle, as defined above.

Complete bicycles are classifiable under subheadings 8712.00.15, 8712.00.25, 8712.00.35, 8712.00.44, and 8712.00.48 of the 1995 HTSUS. Incomplete bicycles, as defined above, may be classified for tariff purposes under any of the aforementioned HTSUS subheadings covering complete bicycles or under HTSUS subheadings 8714.91.20–8714.99.80, inclusive (covering various bicycle parts). The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of this investigation is dispositive.

Export Price and Normal Value

Export price was based on retail prices observed in the United States in mid-1994. The petitioners adjusted the starting prices for retail gross margin, the importer's selling expenses (used as a surrogate for importer's mark-up), foreign inland freight, CIF movement charges, and U.S. customs duty.

The petitioners assert that the PRC is a non-market economy (NME) within the meaning of sections 771(18) of the Act and in accordance with section 773(c) of the Act. Accordingly, the normal value of the product should be based on the producer's factors of production, valued in a surrogate market economy country. In previous investigations, the Department has determined that the PRC is an NME, and the presumption of NME status continues for the initiation of this investigation. *See, e.g., Final Determination of Sales at Less Than Fair Value: Pure Magnesium and Alloy Magnesium from the People's Republic of China,* 60 FR 16437 (March 30, 1995).

It is our practice in NME cases to construct normal value from the factors of production of those factories that produced bicycles sold to the United States during the period of investigation.

In the course of this investigation, all parties will have the opportunity to provide relevant information related to the issues of the PRC's NME status and the granting of separate rates to individual exporters. *See, e.g., Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the PRC,* 59 FR 22585 (May 2, 1994).

The petitioners based the PRC producers' factors of production (*i.e.*, raw materials, labor, and energy) for bicycles on research conducted by a private consulting firm in the PRC. The petitioners valued these factors, where possible, on a publicly available published Indonesian government survey of the bicycle manufacturing and/or bicycle component industries in Indonesia, the surrogate country selected. Indonesia was selected as the surrogate country because (1) its level of economic development is comparable to that of the PRC, and (2) it is a significant producer of bicycles.

For each of the bicycle models used in the fair value comparisons, certain components are imported from the market-economy countries where they are produced. In those instances, the petitioners valued the components in question based on the F.O.B. foreign port prices that the petitioners pay, as they state their prices are equal to or less than the prices paid by any other bicycle manufacturer in the world.

The petitioners also based factory overhead, and selling, general, and administrative expenses on data published by the Indonesian government on the bicycle manufacturing industry.

The petitioners based profit on a publicly available published study of the Indonesian bicycle industry.

Based on a comparison of the export prices to the factors of production, the average calculated dumping margin is 74.95 percent.

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of bicycles from the PRC are being, or likely to be, sold at less than fair value. If it becomes necessary at a later date to consider the petition as a source of facts available, we may review the calculations.

Initiation of Investigation

We have examined the petition on bicycles and have found that it meets the requirements of section 732 of the Act, including the requirements concerning the material injury or threat of material injury to the domestic producers of a domestic like product by reason of the complained-of imports,

allegedly sold at less than fair value. Therefore, we are initiating an antidumping duty investigation to determine whether imports of bicycles from the PRC are being, or are likely to be, sold in the United States at less than fair value. Unless extended, we will make our preliminary determination by September 12, 1995.

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, copies of the public version of the petition have been provided to the representatives of the PRC.

ITC Notification

We have notified the International Trade Commission (ITC) of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will determine by May 22, 1995, whether there is a reasonable indication that imports of bicycles from the PRC are causing material injury, or threaten to cause material injury to, a U.S. industry. A negative ITC determination will result in the investigation being terminated; otherwise, this investigation will proceed according to statutory and regulatory time limits.

This notice is published pursuant to section 732(c)(2) of the Act.

Dated: April 25, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–10647 Filed 4–28–95; 8:45 am]

BILLING CODE 3510–DS–P

[A–429–601]

Solid Urea From the German Democratic Republic; Preliminary Results of Changed Circumstances Review and Initiation of Changed Circumstances Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of changed circumstances review and initiation of changed circumstances antidumping duty administrative review.

SUMMARY: On February 12, 1992, the Department of Commerce (the Department) published in the **Federal Register** (57 FR 5130) a notice of initiation of a changed circumstances review to examine the effect, if any, that the reunification of Germany (by combination of the former German Democratic Republic (GDR) and the Federal Republic of Germany (FRG)) had on the antidumping duty order covering solid urea from the former GDR (53 FR 2636). Specifically, we reviewed the order's applicability to post-unification shipments of the subject merchandise from producers located in the pre-unification territory of the FRG. The Department preliminarily determines to maintain the order on solid urea from the five German states (Brandenburg, Mecklenburg-Vorpommern, Saxony, Saxony-Anhalt, and Thuringia (plus any other territory included in the former GDR)) that formerly constituted the GDR (hereinafter ''the Five States'') and to allow entry of shipments from the pre-unification territory of the FRG (the remaining German states) without regard to antidumping duties. We have also determined that there is good cause for conducting a second changed circumstances review to calculate a new cash deposit rate using a market economy analysis for any shipments of solid urea from the Five States occurring after October 2, 1990 and before the effective date of this notice.

EFFECTIVE DATE: May 1, 1995.

FOR FURTHER INFORMATION CONTACT: Wendy Frankel, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION:

Background

On July 14, 1987, the Department published in the **Federal Register** (53 FR 2636) an antidumping duty order on solid urea from the GDR that established a cash deposit rate of 44.80 percent. On October 3, 1990, the GDR and the pre-unification territory of the FRG were unified into the single jurisdiction of the Federal Republic of Germany. On October 1, 1990, the U.S. Customs Service issued instructions that it would be appropriate to treat goods that would have been considered products from the former GDR, and were entered or withdrawn from warehouse for consumption on or after October 3, 1990, as products of the unified FRG for customs purposes. In response, on October 10, 1990, the Department instructed the U.S. Customs Service to suspend liquidation of all entries of solid urea from the unified FRG but not to collect cash deposits on solid urea from any company located in what was the pre-unification territory of the FRG. Thus, entries of solid urea from the pre-unification territory of the FRG were suspended at what was in effect a zero cash deposit rate. We further instructed U.S. Customs officials to continue collecting cash deposits from manufacturers located in what had been the GDR.

On February 12, 1992, the Department published in the **Federal Register** (57 FR 5130) the initiation of a changed circumstances review on solid urea from the former GDR (*Notice of Initiation).* At the time of initiation, companies producing solid urea in the pre-unification territory of the FRG were shipping to the United States. Accordingly, the Department initiated its review to determine whether the order on solid urea from the former GDR is applicable to shipments from producers located in the pre-unification territory of the FRG.

Scope of the Review

Imports covered by this review are those of solid urea. At the time of the publication of the antidumping duty order, such merchandise was classifiable under item 480.30 of the *Tariff Schedules of the United States Annotated* (TSUSA). This merchandise is currently classified under the *Harmonized Tariff Schedule of the United States* (HTS) item number 3102.10.00. These TSUSA and HTS item numbers are provided for convenience and Customs purposes only. The written description remains dispositive.

Analysis

Although the Department normally administers antidumping proceedings on a country-by-country basis, neither the statute, the regulations, nor the GATT expressly require such an approach. Indeed, as the Department stated in connection with the special circumstances surrounding the breakup of the Soviet Union and its potential effect on the then-pending antidumping duty investigation concerning uranium, the focus of the law is on merchandise, not countries. *See Postponement of Preliminary Antidumping Duty Determination; Uranium from the Former Union of Soviet Socialist Republics (USSR),* 57 FR 11064 (1992) (incorporating by reference, memorandum from F. Sailer to A. Dunn dated March 24, 1992); *see also Techsnabexport, Ltd.* v. *United States,* 802 F. Supp. 469, 471–72 (Ct. Int'l Trade 1992).

In the present case, there are special circumstances that justify maintaining the subject order on the Five States, but not on the remaining German states. The geopolitical entity that was known as

the GDR no longer exists. On October 3, 1990, the former GDR and the pre-unification territory of the FRG were unified into the single jurisdiction of the FRG. However, no less-than-fair-value (LTFV) investigation or injury test covering solid urea has been conducted for producers located in the pre-unification territory of the FRG. Thus, expansion of the order to the territory of the unified FRG would raise serious legal questions under the GATT and U.S. law—both regimes contemplate the assessment of antidumping duties only after injury and LTFV determinations that provide affected parties with certain procedural safeguards, including adequate notice and the opportunity to comment.

By maintaining the order on solid urea from the Five States, we believe we are reaching a result that is consistent with U.S. law and our international obligations. First, this result comports with the holding in the *Techsnabexport* case. Specifically, it preserves, notwithstanding the change in political borders, the original geographic scope of the order. 802 F. Supp. at 472–74. Second, as noted above, nothing in the GATT or U.S. law expressly precludes the maintenance of a region- or province-specific order where, as here, the country originally subject to the order has combined with another country. Expansion of the order to cover all shipments from the unified FRG, on the other hand, would subject producers to antidumping duties on merchandise which was never covered by injury and LTFV determinations at the International Trade Commission and the Department. Finally, revocation of the order, while avoiding the concerns raised by a country-wide order, would, as a result of a change in government or political borders, deprive the petitioners of relief they sought and obtained. As in the *Techsnabexport* case, 802 F. Supp. at 472, where the breakup of the Soviet Union did not justify the termination of the then-pending antidumping duty investigation of uranium, the change in government and political borders in this case does not provide a basis for revocation of the order.

Preliminary Results

According, due to the unique circumstances of this case, the Department preliminarily determines that the appropriate action is to maintain the order and the existing 44.80 percent cash deposit rate on solid urea from the five German states that formerly constituted the GDR (Brandenburg, Mecklenburg-Vorpommern, Saxony, Saxony-Anhalt, and Thuringia (plus any other territory included in the former GDR)) and to allow entry of shipments from the pre-unification territory of the FRG without regard to antidumping duties.

Initiation of Changed Circumstances Antidumping Duty Administrative Review

Pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Tariff Act) and 19 CFR 353.22(f), the Department may review a determination whenever changed circumstances are sufficient to warrant such a review. In the instant case, the current cash deposit rate is based upon the non-market economy analysis provided for in section 773(c) of the Act. However, the Department has determined that as of October 3, 1990, producers located in the five German states that formerly constituted the GDR have been operating in a market-oriented economy. *See Final Affirmative Countervailing Duty Determinations; Certain Steel Products from Germany,* 58 FR 37315, 37324 (July 9, 1993).

Therefore, the Department is initiating a second changed circumstances review pursuant to section 751(b) of the Tariff Act and 19 CFR 353.22(f). In the next review, the Department will calculate a new cash deposit rate using a market economy analysis for any shipments of solid urea from the Five States occurring after October 2, 1990 and before the effective date of this notice. *See Antidumping Duty Order and Initiation of a Changed Circumstances Antidumping Duty Administrative Review: Certain Cut-to-Length Carbon Steel Plates from Poland,* 58 FR 44166 (1993) (change from a non-market to market economy justified a changed circumstances review to calculate a new cash deposit rate).

Suspension of Liquidation

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after publication date of the final results of this changed circumstances review, as provided for by section 751(a)(1) of the Tariff Act. A cash deposit of estimated antidumping duties shall be required on shipments of the subject merchandise as follows:

(1) No cash deposit will be required for shipments of solid urea produced by firms located in the pre-unification territory of the FRG.

(2) The existing 44.80 percent cash deposit rate will remain in effect, pending the results of the second changed circumstances review, for shipments of solid urea produced by firms located in the five German states that formerly constituted the GDR (Brandenburg, Mecklenburg-Vorpommern, Saxony, Saxony-Anhalt, and Thuringia (plus any other territory included in the former GDR)).

Public Comment

Case briefs and/or written comments from interested parties on the preliminary results of this changed circumstances review (initiated Feb. 12, 1992) may be submitted no later than 25 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed no later than 32 days after the date of publication. All written comments shall be submitted in accordance with 19 CFR 353.31(e) and shall be served on all interested parties on the Department's service list in accordance with 19 CFR 353.31(g). Interested parties may also request a hearing within ten days of the date of publication of this notice. Any hearing, if requested, will be held no later than 39 days after the date of publication of this notice. The Department will publish the final results of this changed circumstances review, including the results of its analysis of any written comments.

This administrative review and notice are in accordance with section 751(b) of the Tariff Act and 19 CFR 353.22(f).

Dated: April 21, 1995.

Paul L. Joffe,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 95–10638 Filed 4–28–95; 8:45 am]

BILLING CODE 3510–DS–M

[C–333–402]

Certain Apparel from Peru; Notice of Scope Amendment

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of amendment to the existing conversion of the scope of the order from the Tariff Schedules of the United States annotated to the harmonized tariff schedule.

SUMMARY: On January 1, 1989, the United States fully converted to the international harmonized system of tariff classification. On January 11, 1989, the Department of Commerce (the Department) published the *Conversion to Use of the Harmonized Tariff Schedule of Classifications for Antidumping and Countervailing Duty Proceedings* (54 FR 993; January 11, 1989) (1989 Conversion) for all antidumping and countervailing duty

orders in effect or investigations in progress as of January 1, 1989. On October 5, 1994, the Department published a proposed amendment to the conversion (59 FR 50727). Interested parties were invited to comment on this proposed amended conversion. The Department also requested the U.S. Customs Department to comment on the proposed amendment to the conversion. Based on our analysis of the comments received, the Department is now publishing an amended conversion of the scope of the countervailing duty order on certain apparel from Peru.

EFFECTIVE DATE: May 1, 1995.

FOR FURTHER INFORMATION CONTACT: Martina Tkadlec or Kelly Parkhill, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

In 1985, the Department issued a countervailing duty order on Certain Apparel from Peru (C–333–402) (50 FR 9871; March 12, 1985). The scope of this order was originally defined solely in terms of the Tariff Schedules of the United States Annotated (TSUSA) item numbers; no narrative product description was provided. On January 1, 1989, the United States fully converted from the TSUSA to the Harmonized Tariff Schedule (HTS). Section 1211 of the Omnibus Trade and Competitiveness Act of 1988 directed the Department to ''take whatever actions are necessary to conform, to the fullest extent practicable, with the tariff classification system of the Harmonized Tariff Schedule (for) all * * * orders * * *'' in effect at the time of the implementation of the HTS.

Accordingly, on January 11, 1989, after reviewing comments received from the public, the Department published the 1989 Conversion for all antidumping and countervailing duty orders in effect or investigations in progress as of January 1, 1989 (54 FR 993). That notice also included the conversion of the scope of the countervailing duty order on certain apparel from Peru from TSUSA to HTS item numbers. The 1989 Conversion was based on a one-to-one correspondence of the TSUSA and HTS item numbers. In the notice, the Department stated that it would review the HTS classifications at any time during a proceeding upon receipt of new information or additional comments.

Subsequently, as a result of comments submitted to the Department by the importing public and advice received from the U.S. Customs Service, the Department determined (1) that the 1989 Conversion did not accurately reflect the scope of the countervailing duty order on certain apparel from Peru and, therefore, (2) that the 1989 Conversion should be amended. On October 5, 1994, the Department published a proposed amendment to the 1989 Conversion and invited interested parties to comment (59 FR 50727). The Department also requested comments on the proposed conversion from the U.S. Customs Service.

Based on our analysis of the comments received, the Department has amended the 1989 Conversion governing the countervailing duty order on certain apparel from Peru. The HTS numbers included in this order are listed in the attached Appendix.

Analysis of Comments Received

The Department received no timely comments from interested parties. We are making the following changes to the HTS-defined scope, as published on October 5, 1994 (59 FR 50727), based on comments from the U.S. Customs Service and advice from the U.S. International Trade Commission:

1. Since the original TSUSA-defined scope of this countervailing duty order did not include hand-knit alpaca apparel, we are inserting the following footnote applicable to the whole HTS-defined scope in the attached Appendix: ''The order covers all products identified, other than hand-knit alpaca garments.''

2. To better reflect the original TSUSA-defined scope of this countervailing duty order, cotton bags should be excluded from the HTS subheading 4202.2280. Consequently, we are inserting the expression ''Coverage excludes handbags with outer surface of cotton'' for this subheading.

3. To better reflect the original TSUSA-defined scope of this countervailing duty order, we are adding the footnote ''Coverage excludes garments having embroidery or permanently affixed applique work on the outer surface'' to the following HTS subheadings: 6104.5100, 6104.5310, 6104.5910, 6104.6100, 6104.6315, 6104.6920, 6204.3120, 6204.3340, 6204.3920, 6204.4120, 6204.4330, 6204.4430, 6204.5100, 6204.5320, 6204.5920, 6204.6240, 6204.6325, 6204.6920.

4. An HTS subheading change, made effective on January 1, 1995, necessitates that we replace subheading 6204.6100 with 6204.6190. We are also adding the footnote ''Coverage excludes garments having embroidery or permanently affixed applique work on the outer surface'' to this HTS subheading.

5. We are inserting HTS subheadings 6104.6210, 6201.1330, and 6202.1330 so that the HTS-defined scope reflects more accurately the original TSUSA-defined scope of this countervailing duty order.

6. We are also inserting HTS subheadings 6106.2010 and 6106.9010 with the footnote ''Coverage excludes garments having embroidery or permanently affixed applique work on the outer surface'' so that the HTS-defined scope reflects more accurately the original TSUSA-defined scope of this countervailing duty order.

Instructions to Customs

The Department will instruct the U.S. Customs Service to liquidate without regard to countervailing duties all unliquidated entries of certain apparel from Peru not covered by the attached Appendix that were exported from Peru on or after May 18, 1992. The Department will also instruct the U.S. Customs Service to liquidate at the appropriate countervailing duty rate all unliquidated entries of the subject merchandise covered in the attached Appendix that were exported on or after May 18, 1992, and on or before December 31, 1994.

In addition, we are instructing the Customs Service to terminate the suspension of liquidation for all entries of certain apparel from Peru not covered in the attached Appendix, that are entered or withdrawn from the warehouse on or after the date of publication of this notice. The Department will also instruct the U.S. Customs Service to continue to suspend liquidation and collect the appropriate cash deposit of estimated countervailing duties for the subject merchandise listed in the attached Appendix, entered or withdrawn from the warehouse, on or after the date of publication of this notice.

Dated: April 18, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

Appendix: Amended HTS List for Certain Apparel From Peru (C–333–402)▼

4202.1240	6109.1000♦
4202.2270	6110.1010
4202.2280●	6110.1020
4202.9215	6110.2020♦
4202.9260	6110.3015
6102.1000	6116.9100

Appendix: Amended HTS List for Certain Apparel From Peru (C–333–402)▼—Continued

6102.3010	6116.9364
6103.1100	6116.9374
6103.1210	6117.1010
6103.1910	6117.1020
6103.2100*	6201.1100
6103.2200*	6201.1330
6103.2300*	6201.9120
6103.2910*	6201.9325
6103.4110	6202.1100
6103.4210†	6202.1330
6103.4310	6202.9120
6103.4910‡	6202.9220
6104.1100	6202.9340
6104.1310	6204.2100*
6104.1910	6204.2230*
6104.2100*	6204.2300*
6104.2300*	6204.2920*
6104.2910*	6204.3120♦
6104.3100	6204.3340♦
6104.3310	6204.3920♦
6104.3910‡	6204.4120♦
6104.4100	6204.4230◊
6104.4310	6204.4330♦
6104.4410	6204.4430♦
6104.5100♦	6204.5100♦
6104.5310♦	6204.5320♦
6104.5910‡♦	6204.5920♦
6104.6100♦	6204.6190♦
6104.6210	6204.6240■ ♦
6104.6315♦	6204.6325♦
6104.6920‡ ♦	6204.6920♦
6105.1000♦	6205.2020□
6106.1000♦	6214.2000
6106.2010♦	6505.9030
6106.9010♦	6505.9040

▼ The order covers all products identified, other than hand-knit alpaca garments.

● Coverage excludes handbags with outer surface of cotton.

* Coverage limited to garments that would be subject to this order if separately entered.

† Coverage limited to garments having embroidery or permanently affixed applique work on the outer surface.

‡ Coverage limited to garments of artificial fibers, containing 23 percent or more by weight of wool or fine animal hair.

♦ Coverage excludes garments having embroidery or permanently affixed applique work on the outer surface.

◊ Coverage excludes dresses of pile fabric and other dresses of fabric having yarns of different colors.

■ Coverage excludes girls' garments, women's shorts, women's trousers and breeches of pile fabric and other women's trousers and breeches of blue denim.

□ Coverage excludes shirts of pile fabric and other shirts of fabric having yarns of different colors.

[FR Doc. 95–10651 Filed 4–28–95; 8:45 am]

BILLING CODE 3510–DS–P

[C–333–001]

Cotton Sheeting and Sateen From Peru; Notice of Scope Amendment

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of amendment to the existing conversion of the scope of the order from the tariff schedules of the United States annotated to the harmonized tariff schedule.

SUMMARY: On January 1, 1989, the United States fully converted to the international harmonized system of tariff classification. On January 11, 1989, the Department of Commerce (the Department) published the *Conversion to Use of the Harmonized Tariff Schedule of Classifications for Antidumping and Countervailing Duty Proceedings* (54 FR 993; January 11, 1989) (1989 Conversion) for all antidumping and countervailing duty orders in effect or investigations in progress as of January 1, 1989. On October 5, 1994, the Department published a proposed amendment to the conversion (59 FR 50728). Interested parties were invited to comment on this proposed amended conversion. The Department also requested the U.S. Customs Department to comment on the proposed amendment to the conversion. Based on our analysis of the comments received, the Department is now publishing an amended conversion of the scope of the countervailing duty order on cotton sheeting and sateen from Peru.

EFFECTIVE DATE: May 1, 1995.

FOR FURTHER INFORMATION CONTACT: Martina Tkadlec or Kelly Parkhill, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

In 1983, the Department issued a countervailing duty order on Cotton Sheeting and Sateen from Peru (C–333–001) (48 FR 4501; February 1, 1983). The scope of this order was originally defined solely in terms of the Tariff Schedules of the United States Annotated (TSUSA) item numbers; no narrative product description was provided. On January 1, 1989, the United States fully converted from the TSUSA to the Harmonized Tariff Schedule (HTS). Section 1211 of the Omnibus Trade and Competitiveness Act of 1988 directed the Department to ''take whatever actions are necessary to conform, to the fullest extent practicable, with the tariff classification system of the Harmonized Tariff Schedule (for) all * * * orders * * *'' in effect at the time of the implementation of the HTS.

Accordingly, on January 11, 1989, after reviewing comments received from the public, the Department published the 1989 Conversion for all antidumping and countervailing duty orders in effect or investigations in progress as of January 1, 1989 (54 FR 993). That notice also included the conversion of the scope of the countervailing duty order on cotton sheeting and sateen from Peru from TSUSA to HTS item numbers. The 1989 Conversion was based on a one-to-one correspondence of the TSUSA and HTS item numbers. In the notice, the Department stated that it would review the HTS classifications at any time during a proceeding upon receipt of new information or additional comments.

Subsequently, as a result of comments submitted to the Department by the importing public and advice received from the U.S. Customs Service, the Department determined (1) that the 1989 Conversion did not accurately reflect the scope of the countervailing duty order on cotton sheeting and sateen from Peru and, therefore, (2) that the 1989 Conversion should be amended. On October 5, 1994, the Department published a proposed amendment to the 1989 Conversion and invited interested parties to comment (59 FR 50728). The Department also requested comments on the proposed conversion from the U.S. Customs Service.

We received no comments from interested parties. Based on our analysis of comments from the U.S. Customs Service and advice from the U.S. International Trade Commission, the Department has amended the 1989 Conversion governing the countervailing duty order on cotton sheeting and sateen from Peru. The HTS numbers included in this order are listed in the attached Appendix.

Instructions to Customs

The Department will instruct the U.S. Customs Service to liquidate without regard to countervailing duties all unliquidated entries of cotton sheeting and sateen from Peru not covered by the attached Appendix that were exported from Peru on or after January 1, 1994. The Department will also instruct the U.S. Customs Service to liquidate at the appropriate countervailing duty rate all unliquidated entries of the subject merchandise covered in the attached Appendix that were exported on or after January 1, 1994, and on or before December 31, 1994.

In addition, we are instructing the Customs Service to terminate the suspension of liquidation for all entries of cotton sheeting and sateen from Peru not covered in the attached Appendix, that are entered or withdrawn from the warehouse on or after the date of

publication of this notice. The Department will also instruct the U.S. Customs Service to continue to suspend liquidation and collect the appropriate cash deposit of estimated countervailing duties for the subject merchandise listed in the attached Appendix, entered or withdrawn from the warehouse, on or after the date of publication of this notice.

Dated: April 18, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

Appendix: Amended HTS List for Cotton Sheeting and Sateen From Peru (C–333–001)

5208.1120
5208.1240
5208.1920*
5208.2920*
5209.1900
5209.2900

* Coverage limited to fabric, wholly of satin weave.

[FR Doc. 95–10654 Filed 4–28–95; 8:45 am]
BILLING CODE 3510–DS–P

[C–333–002]

Cotton Yarn From Peru; Notice of Scope Amendment

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of amendment to the existing conversion of the scope of the order from the Tariff Schedules of the United States Annotated to the Harmonized Tariff Schedule.

SUMMARY: On January 1, 1989, the United States fully converted to the international harmonized system of tariff classification. On January 11, 1989, the Department of Commerce (the Department) published the *Conversion to Use of the Harmonized Tariff Schedule of Classifications for Antidumping and Countervailing Duty Proceedings* (54 FR 993; January 11, 1989) (1989 Conversion) for all antidumping and countervailing duty orders in effect or investigations in progress as of January 1, 1989. On October 5, 1994, the Department published a proposed amendment to the conversion (59 FR 50725). Interested parties were invited to comment on this proposed amended conversion. The Department also requested the U.S. Customs Department to comment on the proposed amendment to the conversion. Based on our analysis of the comments received, the Department is now publishing an amended conversion of the scope of the countervailing duty order on cotton yarn from Peru.

EFFECTIVE DATE: May 1, 1995.

FOR FURTHER INFORMATION CONTACT: Martina Tkadlec or Kelly Parkhill, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

In 1983, the Department issued a countervailing duty order on Cotton Yarn from Peru (C–333–002) (48 FR 4508; February 1, 1983). The scope of this order was originally defined solely in terms of the Tariff Schedules of the United States Annotated (TSUSA) item numbers; no narrative product description was provided. On January 1, 1989, the United States fully converted from the TSUSA to the Harmonized Tariff Schedule (HTS). Section 1211 of the Omnibus Trade and Competitiveness Act of 1988 directed the Department to ''take whatever actions are necessary to conform, to the fullest extent practicable, with the tariff classification system of the Harmonized Tariff Schedule (for) all * * * orders * * *'' in effect at the time of the implementation of the HTS.

Accordingly, on January 11, 1989, after reviewing comments received from the public, the Department published the 1989 Conversion for all antidumping and countervailing duty orders in effect or investigations in progress as of January 1, 1989 (54 FR 993). That notice also included the conversion of the scope of the countervailing duty order on cotton yarn from Peru from TSUSA to HTS item numbers. The 1989 Conversion was based on a one-to-one correspondence of the TSUSA and HTS item numbers. In the notice, the Department stated that it would review the HTS classifications at any time during a proceeding upon receipt of new information or additional comments.

Subsequently, as a result of comments submitted to the Department by the importing public and advice received from the U.S. Customs Service, the Department determined (1) that the 1989 Conversion did not accurately reflect the scope of the countervailing duty order on cotton yarn from Peru and, therefore, (2) that the 1989 Conversion should be amended. On October 5, 1994, the Department published a proposed amendment to the 1989 Conversion and invited interested parties to comment (59 FR 50725). The Department also requested comments on the proposed conversion from the U.S. Customs Service. Based on our analysis of the comments received, the Department has amended the 1989 Conversion governing the countervailing duty order on cotton yarn from Peru. The HTS numbers included in this order are listed in the attached Appendix.

Analysis of Comments Received

Comment 1: The Government of Peru (GOP) contends that the original TSUSA-defined scope of the countervailing duty order on cotton yarn from Peru covered only those yarns currently classified under the HTS subcategory: ''unbleached and not mercerized yarns.'' The GOP argues that all ''other'' yarns should be excluded from the HTS scope of the countervailing duty order on cotton yarn from Peru.

Department's Position: We disagree. The original TSUSA-defined scope included all yarns provided for in TSUSA item numbers 300.60 through 302.98, which cover the whole range of unbleached, mercerized, bleached, and colored yarns. Consequently, all yarns covered under HTS headings 5205 and 5206 are covered by the countervailing duty order on cotton yarn from Peru.

We received no other comments from interested parties. As a result, the scope of the countervailing duty order on cotton yarn from Peru will remain as proposed on October 5, 1994 (59 FR 50725).

Instructions to Customs

The Department will instruct the U.S. Customs Service to liquidate without regard to countervailing duties all unliquidated entries of cotton yarn from Peru not covered by the attached Appendix that were exported from Peru on or after January 1, 1994.

In addition, we are instructing the Customs Service to terminate the suspension of liquidation for all entries of cotton yarn from Peru not covered in the attached Appendix, that are entered or withdrawn from the warehouse on or after the date of publication of this notice. The Department will also instruct the U.S. Customs Service to continue to suspend liquidation and collect the appropriate cash deposit of estimated countervailing duties for the subject merchandise listed in the attached Appendix, entered or withdrawn from the warehouse, on or after the date of publication of this notice.

Dated: April 18, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

Appendix: Amended HTS List for Cotton Yarn From Peru (C–333–002)

Subheadings 5205.1110 through 5206.4500, inclusive.

[FR Doc. 95–10653 Filed 4–28–95; 8:45 am]

BILLING CODE 3510–DS–P

[C–333–402]

Certain Textile Mill Products From Peru; Notice of Scope Amendment

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of amendment to the existing conversion of the scope of the order from the Tariff Schedules of the United States Annotated to the Harmonized Tariff Schedule.

SUMMARY: On January 1, 1989, the United States fully converted to the international harmonized system of tariff classification. On January 11, 1989, the Department of Commerce (the Department) published the *Conversion to Use of the Harmonized Tariff Schedule of Classifications for Antidumping and Countervailing Duty Proceedings* (54 FR 993; January 11, 1989) (1989 Conversion) for all antidumping and countervailing duty orders in effect or investigations in progress as of January 1, 1989. On October 5, 1994, the Department published a proposed amendment to the conversion (59 FR 50726). Interested parties were invited to comment on this proposed amended conversion. The Department also requested the U.S. Customs Department to comment on the proposed amendment to the conversion. Based on our analysis of the comments received, the Department is now publishing an amended conversion of the scope of the countervailing duty order on certain textile mill products from Peru.

EFFECTIVE DATE: May 1, 1995.

FOR FURTHER INFORMATION CONTACT: Martina Tkadlec or Kelly Parkhill, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

In 1985, the Department issued a countervailing duty order on Certain Textile Mill Products from Peru (C–333–402) (50 FR 9871; March 12, 1985). The scope of this order was originally defined solely in terms of the Tariff Schedules of the United States Annotated (TSUSA) item numbers; no narrative product description was provided. On January 1, 1989, the United States fully converted from the TSUSA to the Harmonized Tariff Schedule (HTS). Section 1211 of the Omnibus Trade and Competitiveness Act of 1988 directed the Department to ''take whatever actions are necessary to conform, to the fullest extent practicable, with the tariff classification system of the Harmonized Tariff Schedule (for) all * * * orders * * *'' in effect at the time of the implementation of the HTS.

Accordingly, on January 11, 1989, after reviewing comments received from the public, the Department published the 1989 Conversion for all antidumping and countervailing duty orders in effect or investigations in progress as of January 1, 1989 (54 FR 993). That notice also included the conversion of the scope of the countervailing duty order on certain textile mill products from Peru from TSUSA to HTS item numbers. The 1989 Conversion was based on a one-to-one correspondence of the TSUSA and HTS item numbers. In the notice, the Department stated that it would review the HTS classifications at any time during a proceeding upon receipt of new information or additional comments.

Subsequently, as a result of comments submitted to the Department by the importing public and advice received from the U.S. Customs Service, the Department determined (1) that the 1989 Conversion did not accurately reflect the scope of the countervailing duty order on certain textile mill products from Peru and, therefore, (2) that the 1989 Conversion should be amended. On October 5, 1994, the Department published a proposed amendment to the 1989 Conversion and invited interested parties to comment (59 FR 50726). The Department also requested comments on the proposed conversion from the U.S. Customs Service.

Based on our analysis of the comments received, the Department has amended the 1989 Conversion governing the countervailing duty order on certain textile mill products from Peru. The HTS numbers included in this order are listed in the attached Appendix.

Analysis of Comments Received

Comments from the Government of Peru: The Government of Peru (GOP) contends that the HTS subheadings 5208.1260, 5208.1920, and 5208.2240 cover products that should properly be classified under the countervailing duty order on cotton sheeting and sateen (C–333–001). The GOP therefore suggests that these products should be excluded by including these HTS subheadings in the scope, but at the 10-digit level.

Department's Position: We disagree.

(1) Based on average yarn number, the sheeting under the HTS subheading 5208.1260 is not within the scope of the countervailing duty order on cotton sheeting and sateen from Peru. Therefore, the products under this subheading should be covered by the countervailing duty order on certain textile mill products from Peru.

(2) The HTS subheading 5208.1920 is listed in the scope of both the countervailing duty order on certain textile mill products from Peru and the countervailing order on cotton sheeting and sateen from Peru, but the coverage is clearly defined under both orders through footnotes. Under the countervailing duty order on certain textile mill products from Peru, the HTS subheading 5208.1920 applies to ''fabric, not wholly of satin weave,'' while under the countervailing order on cotton sheeting and sateen from Peru, the HTS subheading 5208.1920 applies to ''fabric, wholly of satin weave.'' Consequently, there is no overlap between the two countervailing duty orders.

(3) The HTS subheading 5208.2240 is for bleached goods only, including bleached sheeting. However, the countervailing order on cotton sheeting and sateen from Peru does not cover bleached sheeting. Therefore, goods under this HTS subheading should be covered under the countervailing duty order on certain textile mill products from Peru.

Other Comments: Based on comments from the U.S. Customs Service and advice from the U.S. International Trade Commission, we are making the following changes to the HTS-defined scope, as published on October 5, 1994 (59 FR 50726), so that it better reflects the original TSUSA-defined scope of this countervailing duty order:

1. We are inserting the following HTS subheadings: 5111.1120, 5111.1130, 5111.1910, 5111.2005, 5111.2010, 5111.2090, 5111.3005, 5111.3010, 5111.3090, 5111.9040, 5111.9050, 5111.9090, 5112.1110, 5112.1920, 5112.2010, 5112.2020, 5112.2030, 5112.3010, 5112.3020, 5112.3030, 5112.9040, 5112.9050, 5112.9090, 5210.1140, 5210.1160, 5210.1200, 5210.1920, 5210.1940, 5210.1960, 5210.2160, 5210.2940, 5210.2960, 5211.1100, 5211.1900, 5211.2100,

5211.2900, 5513.4100, 5810.9910, 6302.5130.

2. We are deleting the footnote ''Coverage limited to fabric, wholly or in part of fine animal hair'' from HTS subheadings 5112.1120 and 5112.1990.

3. We are deleting HTS subheadings 5701.1016 and 5805.0025 because products covered under these HTS subheadings were excluded from the original TSUSA-defined scope of this countervailing duty order.

4. As a result of HTS subheading changes made effective on January 1, 1995, the HTS subheading 5701.1020 was replaced by 5701.1040 and 5701.1090. However, since 5701.1040 covers hand-made carpets, which were excluded from the original TSUSA-defined scope, we are replacing 5701.1020 only with 5701.1090, which covers other carpets.

5. We are inserting HTS subheadings 5407.7100, 5407.7200, 5407.7300, and 5407.7400 with the following footnote: ''Coverage limited to fabric, not containing 85 percent or more by weight of polyester filaments.''

6. We are inserting HTS subheadings 6302.2150 and 6302.3150 with the following footnote: ''Coverage limited to pillowcases, other than bolster cases.''

Instructions to Customs

The Department will instruct the U.S. Customs Service to liquidate without regard to countervailing duties all unliquidated entries of certain textile mill products from Peru not covered by the attached Appendix that were exported from Peru on or after May 18, 1992. The Department will also instruct the U.S. Customs Service to liquidate at the appropriate countervailing duty rate all unliquidated entries of the subject merchandise covered in the attached Appendix that were exported on or after May 18, 1992, and on or before December 31, 1994.

In addition, we are instructing the Customs Service to terminate the suspension of liquidation for all entries of certain textile mill products from Peru not covered in the attached Appendix, that are entered or withdrawn from the warehouse on or after the date of publication of this notice. The Department will also instruct the U.S. Customs Service to continue to suspend liquidation and collect the appropriate cash deposit of estimated countervailing duties for the subject merchandise listed in the attached Appendix, entered or withdrawn from the warehouse, on or after the date of publication of this notice.

Dated: April 18, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

Appendix: Amended HTS List for Certain Textile Mill Products From Peru (C–333–402)

5106.1000*	5208.1180	5511.3000
5106.2000*	5208.1260	5513.4100
5107.1000*	5208.1280	5702.3110
5107.2000*	5208.1300	5702.3120
5108.1060*	5208.1920‡	5702.4110
5108.2060*	5208.1940	5702.4120
5109.1060	5208.1960	5702.5120
5109.9060	5208.1980	5702.5140
5111.1120	5208.2120	5702.9130
5111.1130	5208.2140	5702.9140
5111.1170	5208.2160	5703.1000
5111.1910	5208.2240	5801.1000
5111.1960	5208.2260	5801.3300
5111.2005	5208.2280	5801.3400
5111.2010	5208.2940	5801.3500
5111.2090	5208.2960	5810.9910
5111.3005	5208.2980	6002.4200
5111.3010	5209.1100	6301.2000
5111.3090	5209.1200	6302.2150▼
5111.9040	5209.2100	6302.3150▼
5111.9050	5210.1140	6302.5130
5111.9090	5210.1160	6304.9915
5112.1110	5210.1200	6306.1100
5112.1120	5210.1920	6306.2100
5112.1920	5210.1940	6306.9100
5112.1990	5210.1960	
5112.2010	5210.2160	
5112.2020	5210.2940	
5112.2030	5210.2960	
5112.3010	5211.1100	
5112.3020	5211.1900	
5112.3030	5211.2100	
5112.9040	5211.2900	
5112.9050	5406.1000	
5112.9090	5406.2000	
5204.1100	5407.7100♦	
5204.1900	5407.7200♦	
5204.2000	5407.7320♦	
5207.1000	5407.7400♦	
5207.9000	5511.1000	
5208.1140	5511.2000	

*Coverage limited to single or multiple (folded) or cabled yarn, not exceeding 22 nm per single yarn.

— Coverage limited to fabric, not wholly of satin weave.

▼ Coverage limited to fabric, not containing 85 percent or more by weight of polyester filaments.

♦ Coverage limited to pillowcases, other than bolster cases.

[FR Doc. 95–10652 Filed 4–28–95; 8:45 am]

BILLING CODE 3510–DS–P

Minority Business Development Agency

Business Development Center Applications: Boston, Massachusetts

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625 and 15 U.S.C. 1512, the Minority Business Development Agency (MBDA) is soliciting competitive applications to operate its Boston Minority Business Development Center (MBDC).

The purpose of the MBDC Program is to provide business development services to the minority business community to help establish and maintain viable minority businesses. To this end, MBDA funds organizations to identify and coordinate public and private sector resources on behalf of minority individuals and firms; to offer a full range of client services to minority entrepreneurs; and to serve as a conduit of information and assistance regarding minority business. The MBDC will provide service in the Boston Metropolitan Area. The award number of the MBDC will be 01–10–95001–01.

DATES: The closing date for applications is June 12, 1995. Applications must be received in MBDA Headquarters' Executive Secretariat on or before June 12, 1995. A preapplication conference will be held on May 25, 1995, from 10:00 a.m. to 4:00 p.m., at the Thomas P. O'Neill Federal Office Building, 10 Causeway Street, Room 1088, Boston Massachusetts.

ADDRESSES: Completed application packages should be submitted to the U.S. DEPARTMENT OF COMMERCE, MINORITY BUSINESS DEVELOPMENT AGENCY, EXECUTIVE SECRETARIAT, 14th and CONSTITUTION AVENUE, N.W., ROOM 5073, WASHINGTON, D.C. 20230.

FOR FURTHER INFORMATION AND AN APPLICATION PACKAGE CONTACT: Heyward Davenport, Regional Director at (212) 264–3262.

SUPPLEMENTARY INFORMATION: Contingent upon the availability of Federal funds, the cost of performance for the first budget period (13 months) from October 1, 1995 to October 31, 1996, is estimated at $222,196. The total Federal amount of $188,867 and is composed of $184,260 plus the Audit Fee amount of $4,607. The application must include a minimum cost share 15% ($33,329) in non-federal (cost sharing) contributions for a total project cost of $222,196. Cost-sharing contributions may be in the form of cash, client fees, third party in-kind contributions, non-cash applicant contributions or combinations thereof.

The funding instrument for this project will be a cooperative agreement. For those applicants who are not incumbent organizations or who are incumbents that have experienced closure due to a break in service, a 30-day start-up period will be added to their first budget period, making it a 13-month award. Competition is open to

individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

Applications will be evaluated on the following criteria: the knowledge, background and/or capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (45 points), the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (25 points). An application must receive at least 70% of the points assigned to each evaluation criteria category to be considered programmatically acceptable and responsive. Those applications determined to be acceptable and responsive will then be evaluated by the Director of MBDA. Final award selections shall be based on the number of points received, the demonstrated responsibility of the applicant, and the determination of those most likely to further the purpose of the MBDA program. Negative audit findings and recommendations and unsatisfactory performance under prior Federal awards may result in an application not being considered for award. The applicant with the highest point score will not necessarily receive the award.

The MBDC shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist in this effort, the MBDC may charge client fees for services rendered. Fees may range from $10 to $60 per hour based on the gross receipts of the client's business.

Periodic reviews culminating in year-to-date evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the total discretion of MBDA based on such factors as the MBDC's performance, the availability of funds and Agency priorities.

Anticipated processing time of this award is 120 days. Executive order 12372, ''Intergovernmental Review of Federal Programs'', is not applicable to this program. Federal funds for this project include audit funds for non-CPA recipients, in the event that a CPA firm wins the competition, the funds allocated for audits are not applicable. Questions concerning the preceding information can be answered by the contact person indicated above, and copies of application kits and applicable regulations can be obtained at the above address. The collection of information and requirements for this project have been approved by the Office of Management and Budget (OMB) and assigned OMB control number 0640–0006.

Pre-Award Costs

Applicants are hereby notified that if they incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that an applicant may have received, there is no obligation on the part of the Department of Commerce to cover pre-award costs.

Awards under this program shall be subject to all Federal laws, and Federal and Departmental regulations, policies, and procedures applicable to Federal financial assistance awards.

Outstanding Account Receivable

No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either the delinquent account is paid in full, repayment schedule is established and at least one payment is received, or other arrangements satisfactory to the Department of Commerce are made.

Name Check Policy

All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury or other matters which significantly reflect on the applicant's management honesty or financial integrity.

Award Termination

The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the award recipient has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of the MBDC work requirements; and reporting inaccurate or inflated claims of client assistance. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

False Statements

A false statement on an application for Federal financial assistance is grounds for denial or termination of funds, and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Primary Applicant Certifications

All primary applicants must submit a completed Form CD–511, ''Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying.''

Nonprocurement Debarment and Suspension

Prospective participants (as defined at 15 CFR Part 26, § 26.105) are subject to 15 CFR Part 26, ''Nonprocurement Debarment and Suspension'' and the related section of the certification form prescribed above applies.

Drug Free Workplace

Grantees (as defined at 15 CFR Part 26, § 26.605) are subject to 15 CFR Part 26, Subpart F, ''Governmentwide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies.

Anti-Lobbying

Persons (as defined at 15 CFR Part 28, § 28.105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000.

Anti-Lobbying Disclosures

Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR Part 28, Appendix B.

Lower Tier Certifications

Recipients shall require applications/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion–Lower Tier Covered Transactions and Lobbying'' and disclosure form, SF–LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to DOC. SF–LLL submitted by any tier

recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

Buy American Made Equipment or Products

Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made equipment and products with funding provided under this program in accordance with Congressional intent as set forth in the resolution contained in Public Law 103–121, Sections 606 (a) and (b).

11.800 Minority Business Development Center
(Catalog of Federal Domestic Assistance)

Dated: April 25, 1995.

Donald L. Powers,

Federal Register Liaison Officer, Minority Business Development Agency.

[FR Doc. 95–10578 Filed 4–28–95; 8:45 am]

BILLING CODE 3510–21–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Final List of Products for Second, Third and Final Phase Integration of Textile and Apparel Products into GATT 1994

April 26, 1995.

AGENCY: Committee for the Implementation of Textile Agreements.

NOTICE: Announcement of the Textile and Apparel Products to be Integrated into the GATT 1994 in the Second, Third and Final Phases.

FOR FURTHER INFORMATION CONTACT: Julie Carducci, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3588.

SUPPLEMENTARY INFORMATION: The Uruguay Round Agreement on Textiles and Clothing (ATC), approved by Congress as part of the Uruguay Round Agreements Act, provides for the integration of the textiles and clothing sectors into the World Trade Organization.

The second and third phases of the integration will commence on January 1, 1998, and January 1, 2002, respectively. According to the provisions in the ATC, products in the second integration phase will account for not less than 17% of the total volume of imports in 1990 of the products in the annex to the ATC. Products in the third integration phase will account for not less than 18% of this total volume. (The first integration phase took effect on January 1, 1995 and the list of products in the first integration phase was published in the **Federal Register** on October 13, 1994 (59 FR 51942). The final phase of the integration will commence on January 1, 2005, and will include textile and apparel products in the annex to the ATC which were not integrated during the first, second or third integration phases.) Products were selected from the ATC's four required groups: clothing, fabric, made-up textile products and tops and yarn.

In determining the products to be integrated in phases two and three, CITA has proceeded in accordance with the ATC, implementing legislation and Statement of Administrative Action. CITA has followed the Administration's commitment, made in the Statement of Administrative Action, that ''integration of the most sensitive products will be deferred until the end of the ten-year period''. Accordingly, CITA requested comments from interested parties and received over 80 submissions from individuals, companies, trade associations, unions and foreign governments. Also, the Committee consulted and met with individuals, advisory groups, and association representatives, and held a public hearing at which testimony from 32 parties was presented. The comments received on integration reflect a broad cross-section of views on its implementation.

On January 30, 1995, CITA published in the **Federal Register** (60 FR 5625) a draft list of the second and third phases of integration and announced that a public hearing would be held in mid-March. The deadline to submit public comment on the draft integration list was February 23, 1995. The deadline for submissions of testimony for the public hearing was March 2, 1995. Due to the demand for additional time and late submissions, the Committee extended the date until March 15, 1995. The public hearing was held on March 20, 1995. CITA heard from importers, retailers, textile and apparel manufacturers, trade associations, unions and individuals who make up the soft goods chain. During the process, all public comments and testimony received from interested parties were available for viewing at the U.S. Department of Commerce, Office of Textiles and Apparel. In accordance with the U.S. Uruguay Round commitment, CITA has weighed all comments, testimonies, and other submissions to conclude the following list.

Parties interested in obtaining the final list for the second, third and final phases electronically, can access the lists through the U.S. Department of Commerce's Economic Bulletin Board, at (202) 482–1986.

FINAL INTEGRATION BY STAGE

JAN. 1, 1995	2,760,330,164 SME	16.21%
JAN. 1, 1998	2,898,573,582 SME	17.03%
JAN. 1, 2002	3,083,215,683 SME	18.11%
JAN. 1, 2005	8,283,074,387 SME	48.65%
Total Annex	17,025,193,817 SME	100.00%

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
BABIES' BLOUSES & SHIRTS EX SET PTS OF COTTON, KNIT .	APPAREL	6111201000	239	2	804,510	0.00
BABIES' T-SHIRT & SMLR GRMNT EX SET PT OF COT, KNIT ...	APPAREL	6111202000	239	2	685,950	0.00
BABIES' SWEATER & SMLR GRMNT EX SET PT OF COT, KNIT	APPAREL	6111203000	239	2	1,005,953	0.01
BABIES' DRESSES OF COTTON, KNIT	APPAREL	6111204000	239	2	243,130	0.00
BABIES' TROUSERS, SHORTS EX SET PARTS OF COT, KNIT ..	APPAREL	6111205000	239	2	629,055	0.00
BABIES' SUNSUITS & SIMILAR APPAREL OF COTTON, KNIT	APPAREL	6111206010	239	2	3,883,125	0.02
BABIES' GRMNTS & CLTHNG ACCESS SETS OF COTTON, KNIT.	APPAREL	6111206020	239	2	28,748,129	0.17
BABIES' GRMNT & CLTHNG ACCESS SET PT OF COT, KNIT	APPAREL	6111206030	239	2	5,115,417	0.03

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
BABIES' OT GRMNTS & CLOTHING ACCESS OF COTTON, KNIT.	APPAREL	6111206040	239	2	7,565,027	0.04
BABIES' TROUSERS, SHORTS EX SET PT OF SYN FIB, KNIT ...	APPAREL	6111301000	239	2	469,085	0.00
BABIES' BLOUSES, SHIRTS EX SET PTS OF SYN FIB, KNIT	APPAREL	6111302000	239	2	352,454	0.00
BABIES' T-SHIRTS, ETC EX SET PARTS OF SYN FIB, KNIT	APPAREL	6111303000	239	2	108,757	0.00
BABIES' SWEATERS ETC EX SET PARTS OF SYN FIB, KNIT	APPAREL	6111304000	239	2	1,965,632	0.01
BABIES' SUNSUITS & SIMILAR APPAREL OF SYN FIB, KNIT	APPAREL	6111305010	239	2	2,164,208	0.01
BABIES' BLANKET SLEEPERS OF SYNTHETIC FIBERS, KNIT ...	APPAREL	6111305015	239	2	2,375,352	0.01
BABIES' GRMNT & CLTHNG ACCESS SETS OF SYN FIB, KNIT	APPAREL	6111305020	239	2	29,428,680	0.17
BABIES' GRMNT & CLTHNG ACCESS SET PT SYN FIB, KNIT ...	APPAREL	6111305030	239	2	2,102,600	0.01
BABIES' OT GRMNT & CLOTHING ACCESS OF SYN FIB, KNIT .	APPAREL	6111305040	239	2	14,652,389	0.09
BABIES' TROUSERS, SHORTS EX SET PT OF ART FIB, KNIT ...	APPAREL	6111901000	239	2	252	0.00
BABIES' BLOUSES, SHIRTS EX SET PTS OF ART FIB, KNIT	APPAREL	6111902000	239	2	13	0.00
BABIES' T-SHIRTS, ETC EX SET PARTS OF ART FIB, KNIT	APPAREL	6111903000	239	2	1,537	0.00
BABIES' SWEATERS ETC EX SET PARTS OF ART FIB, KNIT	APPAREL	6111904000	239	2	8,713	0.00
BABIES' SUNSUITS & SIMILAR APPAREL OF ART FIB, KNIT	APPAREL	6111905010	239	2	2,816	0.00
BABIES' GRMNT & CLTHNG ACCESS SETS OF ART FIB, KNIT .	APPAREL	6111905020	239	2	68,160	0.00
BABIES' GRMNT & CLTHNG ACCESS SET PT ART FIB, KNIT ...	APPAREL	6111905030	239	2	17,105	0.00
BABIES' OT GRMNT & CLOTHING ACCESS OF ART FIB, KNIT .	APPAREL	6111905040	239	2	73,269	0.00
BABIES' DRESSES OF COTTON, NOT KNIT	APPAREL	6209201000	239	2	553,802	0.00
BABIES' BLOUSES & SHIRTS EX SET PTS OF COTTON, N KT .	APPAREL	6209202000	239	2	240,496	0.00
BABIES' TROUSERS, SHORTS EX SET PARTS OF COT, N KT ..	APPAREL	6209203000	239	2	1,968,996	0.01
BABIES' SUNSUITS & SIMILAR APPAREL OF COTTON, N KT ...	APPAREL	6209205030	239	2	1,465,682	0.01
BABIES' GRMNTS & CLTHNG ACCESS SETS OF COTTON, ...	APPAREL	6209205035	239	2	5,632,817	0.03
BABIES' GRMNT & CLTHNG ACCESS SET PT OF COT, N KT ...	APPAREL	6209205045	239	2	9,439,158	0.06
BABIES' OT GRMNTS & CLOTHING ACCESS OF COTTON, N KT.	APPAREL	6209205050	239	2	10,766,631	0.06
BABIES' BLOUSES, SHIRTS EX SET PTS OF SYN FIB, N KT	APPAREL	6209301000	239	2	106,659	0.00
BABIES' TROUSERS, SHORTS EX SET PT OF SYN FIB, N KT ..	APPAREL	6209302000	239	2	186,260	0.00
BABIES' SUNSUITS & SIMILAR APPAREL OF SYN FIB, N KT	APPAREL	6209303010	239	2	1,927,756	0.01
BABIES' GRMNT & CLTHNG ACCESS SETS OF SYN FIB, N KT	APPAREL	6209303020	239	2	11,182,355	0.07
BABIES' GRMNT & CLTHNG ACCESS SET PT SYN FIB, N KT ...	APPAREL	6209303030	239	2	1,682,837	0.01
BABIES' OT GRMNT & CLOTHING ACCESS OF SYN FIB, N KT .	APPAREL	6209303040	239	2	6,277,622	0.04
BABIES' BLOUSES, SHIRTS EX SET PTS OF ART FIB, N KT	APPAREL	6209901000	239	2	473	0.00
BABIES' TROUSERS, SHORTS EX SET PT OF ART FIB, N KT ...	APPAREL	6209902000	239	2	5,506	0.00
BABIES' SUNSUITS & SIMILAR APPAREL OF ART FIB, N KT	APPAREL	6209903010	239	2	42,645	0.00
BABIES' BLANKET SLEEPERS OF ART FIB, NT KT/CROCHET ..	APPAREL	6209903015	239	2	0	0.00
BABIES' GRMNT & CLTHNG ACCESS SETS OF ART FIB, N KT	APPAREL	6209903020	239	2	28,104	0.00
BABIES' GRMNT & CLTHNG ACCESS SET PT ART FIB, N KT ...	APPAREL	6209903030	239	2	32,760	0.00
BABIES' GARMENTS & CLOTHING ACCESS OF ART FIB, N KT	APPAREL	6209903040	1*239	2	553,247	0.00
HATS & OTHER HEADGEAR, KNITTED OF COTTON FOR BABIES.	APPAREL	6505901515	239	2	75,090	0.00
BABY HATS&OTH HDGEAR, NOT KNIT, COTTON&HAND-LM&FLKLR.	APPAREL	6505902030	239	2	184,905	0.00
BABY HATS&OTH HDGR MMF, KNT/CROCHET, WHOLE/PRT BRAID.	APPAREL	6505905030	239	2	596,957	0.00
BABY HATS&OTH HDGR MMF, KNT/CRCHET, NOT IN PRT BRAID.	APPAREL	6505906030	239	2	240,156	0.00
BABY HATS&OTHR HEADGR, MMF, NOT KNIT, WHOLE/PT BRAID.	APPAREL	6505907030	239	2	72,488	0.00
BABY HATS&OTH HDGR, MMF, NOT KNIT, NOT IN PART BRAID.	APPAREL	6505908045	239	2	196,963	0.00
HANDKERCHIEF HMMD, NT CONT LACE/EMBRDRY COT NT KT.	APPAREL	6213201000	330	2	2,808,389	0.02
HANDKERCHIEFS EXCEPT HEMMED, OF COTTON, NOT KNITTED.	APPAREL	6213202000	330	2	2,114,168	0.01
BRASSIERES CONT LACE, NET OR EMBROIDERY OF COTTON.	APPAREL	6212101010	349	2	95,384	0.00
BRAS NOT CONTAINING LACE NET OR EMBROIDERY COTTON.	APPAREL	6212102010	349	2	4,046,280	0.02
GIRDLES AND PANTY-GIRDLES OF COTTON	APPAREL	6212200010	349	2	6,332	0.00
CORSETS OF COTTON	APPAREL	6212300010	349	2	3,932	0.00
M/B OVERCOATS, CARCOATS ETC OF COTTON & DOWN, NT K.	APPAREL	6201121000	353	2	604,509	0.00
M/B ANORAKS SKI-JACKETS ETC OF COTTON & DOWN, NT KT.	APPAREL	6201921000	353	2	2,193,683	0.01
M/B ANORAK & SMLR ART F SKI-ST COT CONT DOWN, N KT .	APPAREL	6211201010	353	2	8,936	0.00
W/G OVERCOATS, CARCOATS ETC OF COTTON & DOWN, NT KT.	APPAREL	6202121000	354	2	487,899	0.00
W/G OVERCOATS, CARCOATS ETC OF COTTON & DOWN, NT KT.	APPAREL	6202921000	354	2	1,840,713	0.01

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W/G ANORAK SMLR ART FOR SKI-ST COT CONT DWN, N KNIT.	APPAREL	6211201030	354	2	2,829	0.00
PRTS OF FTWR TEX MAT OTH LEG WARMERS OF COTTON ...	APPAREL	6406991550	359	2	186,031	0.00
SOCKS & OT HOSRY & FTWR W/OUT APPLD SLS WOOL, KNIT	APPAREL	6115910000	432	2	407,185	0.00
BABIES' SWEATERS AND SIMILAR ARTICLES OF WOOL, KNIT	APPAREL	6111100010	439	2	37,995	0.00
BABIES' GARMENTS AND CLTHNG ACC NESOI OF WOOL, KNIT.	APPAREL	6111100030	439	2	63,302	0.00
BABIES' GRMNT & CLTHNG ACCESSORIES WOOL, NOT KNIT	APPAREL	6209100000	439	2	40,730	0.00
BABY HATS & OTHER HDGEAR OF WOOL, KNITTED OR CROCHET.	APPAREL	6505903030	439	2	11,876	0.00
BABY HATS & OTHER HDGEAR OF WOOL, NOT KNIT OR CROCHET.	APPAREL	6505904030	439	2	762	0.00
OTH FTWEAR W UPRS TEX MAT W SLS&UPRS WOOL FELT MEN.	APPAREL	6405206030	459	2	63,000	0.00
OT FTWEAR W UPRS TEX MAT W SLS&UPRS WOOL FELT WMEN.	APPAREL	6405206060	459	2	52,599	0.00
OT FTWR W UPR TEX MAT W SL/UPRS WL FELT F OTH TNMW.	APPAREL	6405206090	459	2	56,162	0.00
LEG WARMERS OF MAN-MADE FIBERS CONT =>23% WOOL ..	APPAREL	6406991505	459	2	41	0.00
PRT OF FTW TX MT OTH LEG-WARMERS-OTH WOOL/FN AN HR.	APPAREL	6406991560	459	2	2,453	0.00
HANDKERCHIEFS OF MAN-MADE FIBERS, NOT KNIT/CROCHTD.	APPAREL	6213901000	630	2	2,019,108	0.01
PNTY HSE OF SYN FIB MEAS <67 DECTEX/SNGL YRN, KNIT ..	APPAREL	6115110020	632	2	23,714,668	0.14
WOMEN'S HOSERY MEAS <67 DCTX/YARN OF MMF, KNIT	APPAREL	6115200010	632	2	1,979,097	0.01
SOCKS, OT HOSRY, FTWR W/OUT SL SYNFIB CONT LACE, KNIT.	APPAREL	6115931000	632	2	2,439,117	0.01
SOCKS OT HOSRY, FTWR W/OUT SOLES OT SYN FIB, KNIT ...	APPAREL	6115932000	632	2	18,102,204	0.11
SOCKS, OT HOSRY, FTWR W/OUT SL ARTFIB CONT LACE, KNIT.	APPAREL	6115991400	632	2	53,014	0.00
SOCKS OT HOSRY, FTWR W/OUT SOLES OT ART FIB, KNIT ...	APPAREL	6115991800	632	2	773,137	0.00
M/B OVERCOATS & CARCOATS ETC OF MMF AND DOWN, NT KT.	APPAREL	6201131000	653	2	2,076,210	0.01
M/B ANORAKS & SKI-JACKETS OF MMF & DOWN, NOT KNIT ...	APPAREL	6201931000	653	2	6,435,596	0.04
M/B ANORAK SMLR ART F SKI-ST TEXMTRL CONT DWN, N KT	APPAREL	6211201020	653	2	9,212	0.00
W/G OVERCOATS, CARCOATS ETC OF MMF & DOWN, NT KNIT.	APPAREL	6202131000	654	2	1,780,338	0.01
W/G OVERCOATS, CARCOATS ETC OF MMF & DOWN, NT KT .	APPAREL	6202931000	654	2	3,609,287	0.02
W/G ANORAK SMLR ART F SKI-ST TEXMTRL CONT DWN, N KT.	APPAREL	6211201040	654	2	1,518	0.00
LEG WARMERS OF MAN-MADE TEXTILE MATERIALS NESOI ...	APPAREL	6406991510	659	2	12,701	0.00
LEG WARMERS OF MAN-MADE TEXTILE MATERIALS NESOI ...	APPAREL	6406991520	659	2	413,827	0.00
PARTS OF FOOTWEAR OF TEXTILE MATERIALS-MMF OTHER	APPAREL	6406991540	659	2	1,591,229	0.01
M/B ENS ST-TYPE JCKT OT TEX MATL >=70% SILK, KNIT	APPAREL	6103292034	733	2	0	0.00
M/B SUIT-TYPE JACKET OF SILK CONT 70% SILK, KNIT	APPAREL	6103392040	733	2	5,484	0.00
M/B ENS HEADING 6203 TEX MAT CONT >=70% SILK, N KT	APPAREL	6203293026	733	2	30	0.00
M/B SUIT-TYPE JACKET CONT >70% SLK/SLK WST, NT KT	APPAREL	6203394040	733	2	1,652,774	0.01
M/B OVERCOAT ETC OF SILK 70% OR MORE SILK, KNIT	APPAREL	6101900040	734	2	104	0.00
M/B ENS OVERCOAT ETC OT TEXT MATL >=70% SILK, KNIT ...	APPAREL	6103292028	734	2	0	0.00
JACKET FOR TRACK STS OT TEX MAT CON 70% SILK, KNIT ..	APPAREL	6112192010	734	2	0	0.00
M/B OVERCOAT ETC OT TEX MAT >70% SILK, NOT KNIT	APPAREL	6201190040	734	2	93,392	0.00
M/B ANORAKS ETC SILK >=70% BY WGHT SILK, NOT KNIT	APPAREL	6201990040	734	2	291,353	0.00
M/B ENS OVERCOAT OT TEX MAT CONT >=70% SILK, N KT	APPAREL	6203293010	734	2	0	0.00
W/G OVERCOAT ETC OF SILK 70% OR MORE SILK, KNIT	APPAREL	6102900020	735	2	4,313	0.00
W/G ENS OF OVRCT ETC OF SILK CONT >=70% SILK, KNIT	APPAREL	6104292016	735	2	138	0.00
W/G SUIT-TYPE JACKET OF SILK 70% MORE SILK, KNIT	APPAREL	6104392040	735	2	22,667	0.00
PARTS COATS & JACKETS TEX MTRL >70% SILK WGHT, KNIT	APPAREL	6117900038	735	2	35	0.00
W&G OVRCTS & SMLR CTS CONT >=70% BY WT OF SLK, N KN.	APPAREL	6202190040	735	2	531,749	0.00
W/G ANORAKS & SMLR ART >=70% SILK, NT KNT/CROCHTED	APPAREL	6202990040	735	2	1,479,705	0.01
W/G ENS OF HDNG 6202 & 6204 SLK CONT >=70% SLK WOV .	APPAREL	6204294016	735	2	349,140	0.00
W/G SUIT-TYPE JACKET OF SILK 70% MORE SILK, NT KT	APPAREL	6204394040	735	2	7,033,239	0.04
W/G N KT GARMENTS NESOI 70% SILK OR MORE, ANORAKS	APPAREL	*6210502020	735	2	1,214	0.00
PARTS COATS & JACKETS OT TEX MTRL ≤ 70% SILK, N KT	APPAREL	6217900040	735	2	1,415	0.00
W/G DRESSES OF SILK CONT 70% MORE SILK, KNIT	APPAREL	6104490040	736	2	119,726	0.00
WG DRESSES OF SILK CONT >=70% SLK/SLK WST, NT KNIT ..	APPAREL	6204490040	736	2	11,001,574	0.06
M/B ENS SHIRTS OT TEX MAT CONT 70% MORE SILK, KNIT ...	APPAREL	6103292052	738	2	0	0.00
M/B SHIRTS OF SILK CONT 70% MORE SILK, KNIT	APPAREL	6105903040	738	2	27,210	0.00
M/B T-SHIRTS ETC CONT 70% MORE SILK BY WEIGHT, KNIT .	APPAREL	6109902010	738	2	121,485	0.00
M/B PULLOV & SMLR ART SILK CONT 70% MORE SILK, KNIT ..	APPAREL	6110900080	738	2	32,325	0.00
SHIRT FOR TRACK STS OT TEX MAT CONT 70% SILK, KNIT ...	APPAREL	6112192040	738	2	0	0.00
TOPS CONT >=70% SILK OR SILK WASTE, KNIT	APPAREL	6114900005	738	2	1,963	0.00

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W/G ENS BLOUSE OF SILK CONT 70% MORE SILK, KNIT	APPAREL	6104292052	739	2	50	0.00
W/G BLOUSES OF SILK CONT 70% MORE SILK, KNIT	APPAREL	6106902040	739	2	85,538	0.00
W/G T-SHIRTS ETC CONT 70% MORE SILK BY WEIGHT, KNIT .	APPAREL	6109902020	739	2	218,038	0.00
W/G PULLOV & SMLR ART SILK CONT 70% MORE SILK, KNIT .	APPAREL	6110900082	739	2	169,088	0.00
PARTS BLOUSES & SHIRTS TEX MTRL >70% SILK WGHT, KT .	APPAREL	6117900028	739	2	0	0.00
M/B ENS SHIRTS OT TEX MAT CONT 70% MORE SILK, N KT ...	APPAREL	6203293050	740	2	0	0.00
M/B SHIRTS SILK CONT, >70% SILK, NOT KNIT	APPAREL	6205902040	740	2	4,653,994	0.03
W/G ENS BLOUSE OF SILK CONT 70% MORE SILK, NT KNIT ...	APPAREL	6204294052	741	2	223,197	0.00
W/G BLOUSES OF SILK CONT 70% MORE SILK, NOT KNIT	APPAREL	6206100040	741	2	23,377,043	0.14
PARTS BLOUSES/SHIRTS TEX MTRL >70% SILK, NOT KNIT	APPAREL	6217900015	741	2	206	0.00
W/G ENS OF SKIRTS OF SILK CONT 70% MORE SILK, KNIT	APPAREL	6104292028	742	2	89	0.00
W/G SKIRTS OF SILK CONT 70% MORE SILK, KNIT	APPAREL	6104592040	742	2	64,398	0.00
W/G ENS OF SKIRTS OF SILK CONT 70% MORE SILK, NT KT ..	APPAREL	6204294028	742	2	405,027	0.00
W/G SKIRTS OF SILK CONT 70% MORE SILK, NOT KNIT	APPAREL	6204594040	742	2	4,530,837	0.03
M/B SUITS OF SILK CONTAINING 70% SILK/WASTE, KNIT	APPAREL	6103194060	743	2	305	0.00
M/B SUITS CONT >=70% SILK/SILK WASTE, NT KT/CROCHD ...	APPAREL	6203194060	743	2	75,264	0.00
W/G SUITS OF SILK CONTAINING 70% MORE SILK, KNIT	APPAREL	6104192070	744	2	2,846	0.00
W/G SUITS OF SILK CONT >=70% SLK/SLK WST, NT KT/CR	APPAREL	6204193070	744	2	711,008	0.00
M/B ENS OF SWEATER OF SILK CONT 70% MORE SILK, KNIT	APPAREL	6103292064	745	2	0	0.00
M/B SWEATERS OF SILK CONTAINING 70% SILK, KNIT	APPAREL	6110900016	745	2	379,364	0.00
W/G ENS SWEATERS OF SILK 70% MORE SILK, KNIT	APPAREL	6104292062	746	2	0	0.00
W/G SWEATERS OF SILK CONTAINING 70% SILK, KNIT	APPAREL	6110900032	746	2	1,717,747	0.01
PARTS OF SWEATERS OF SILK, >70 % SILK BY WEIGHT, KT ..	APPAREL	6117900016	746	2	1,663	0.00
M/B ENS TROUSERS OT TEX MATL >=70% SILK, KNIT	APPAREL	6103292040	747	2	0	0.00
MEN'S TROUSERS ETC OF SILK CONT 70% MORE SLK, KNIT .	APPAREL	6103493016	747	2	2,771	0.00
TRSRS FOR TRACK STS OT TEX MAT CONT 70% SILK, KNIT ..	APPAREL	6112192070	747	2	0	0.00
M/B ENS TRSRS CONT >=70% SILK/SLK WST, NOT KN/CRC	APPAREL	6203293030	747	2	0	0.00
MB TROUSER ETC CONT >=70% SLK/SLK WST, NT KNT/CRCH	APPAREL	6203493035	747	2	460,544	0.00
MB SHORTS CONT >=70% SLK/SLK WST, NOT KT/CROCHETED.	APPAREL	6203493050	747	2	240,680	0.00
W/G ENS TROUSER OF SILK CONT 70% MORE SILK, KNIT	APPAREL	6104292040	748	2	15	0.00
W/G TROUSERS OF SILK CONT 70% MORE SILK, KNIT	APPAREL	6104693028	748	2	14,840	0.00
PARTS TROUSERS SHORTS TEX MTRL >70% SILK WGHT, KNIT.	APPAREL	6117900048	748	2	0	0.00
W/G ENS TROUSER OF SLK CONT >=70% BY WT SLK, NT KT	APPAREL	6204294040	748	2	18,804	0.00
W/G TROUSER ETC SILK >70 PERCENT SILK, NOT KNIT	APPAREL	6204693040	748	2	5,478,343	0.03
W/G N KT GARMENTS NESOI 70% SILK OR MORE, TROUSERS.	APPAREL	*6210502030	748	2	15,100	0.00
PARTS TROUSERS/BREECHES TEX MTRL >70% SILK, NT KT .	APPAREL	6217900065	748	2	60	0.00
M/B BATHROBES ETC OF TEX MATL CONT 70% SILK, KNIT	APPAREL	6107994010	750	2	509,070	0.00
W/G NEGLIGEES, ETC TEX MAT CONT 70% MORE SILK, KNIT	APPAREL	6108994010	750	2	2,124,206	0.01
M/B BATHROBES ETC OT TEX MAT CONT >=70% SILK, N KT ..	APPAREL	6207996010	750	2	211,850	0.00
W/G NEGLIGEES, ETC CONT >=70% SLK/SLK WST, N KT	APPAREL	6208996010	750	2	773,233	0.00
M/B NIGHTSHIRTS OF TEXTILE MATL CONT 70% SILK, KNIT ...	APPAREL	6107294010	751	2	16,617	0.00
W/G NIGHTDRESS ETC OF TEX MAT CONT 70% SILK, KNIT	APPAREL	6108392010	751	2	67,991	0.00
M/B NIGHTSHIRTS OT TEX/MAT CONT >=70% SILK N KT	APPAREL	6207290020	751	2	200,492	0.00
W/G NIGHTDRESS ETC OT TEX MAT CONT 70% SILK, N KT	APPAREL	6208290020	751	2	1,260,282	0.01
M/B UNDERPANTS OT TEX MAT CONT 70% MORE SILK, KNIT	APPAREL	6107190010	752	2	496,912	0.00
W/G SLIP & PETTICOAT OT TEX MAT CONT 70% SILK, KNIT ...	APPAREL	6108190020	752	2	12,355	0.00
W/G BRIEFS & PANTIES OF TEX MATL CONT 70% SILK, KT	APPAREL	6108290010	752	2	95,716	0.00
M/B UNDERPANTS & BRIEFS OT >=70% BY WGT SLK/SLK WS	APPAREL	6207190020	752	2	1,433,063	0.01
M/B SINGLETS UNDERSHIRTS OT TEXT MAT >=70% SLK, N K	APPAREL	6207996030	752	2	83,375	0.00
W/G SLIPS & PETTICOATS TEX MATL >=70% SILK, NT KT	APPAREL	6208194010	752	2	120,694	0.00
W/G BRFS PNTS SNGLTS & OT UNDSHRTS >=70% SILK, N KN	APPAREL	6208996030	752	2	1,265,402	0.01
TIES BOW TIES & CRAVATS SILK >70% WGHT SILK, KNIT	APPAREL	6117200040	758	2	73,676	0.00
TIES & CRAVATS SILK CONT >=70 PERCENT SILK, NT KT	APPAREL	6215100040	758	2	3,640,771	0.02
M/B ENS NESOI OF TEX MAT CONT 70% SILK, KNIT	APPAREL	6103292080	759	2	0	0.00
M/B OVERALLS OF SILK CONT/70% MORE SILK, KNIT	APPAREL	6103493039	759	2	0	0.00
W/G ENS NESOI OF SILK CONT 70% MORE-SILK, KNIT	APPAREL	6104292080	759	2	86	0.00
W/G OVERALLS OF SILK CONT 70% MORE SILK, KNIT	APPAREL	6104693016	759	2	49,363	0.00
M/B VESTS (EXC SWTR VEST) OF SILK >=70% SILK, KNIT	APPAREL	6110900056	759	2	2,074	0.00
W/G VESTS (EXC SWTR VEST) OF SILK >=70% SILK, KNIT	APPAREL	6110900058	759	2	212,069	0.00
JUMPERS CONT >=70% SILK OE SLK WASTE, KNIT	APPAREL	6114900015	759	2	1,541	0.00
SUNSUIT & SMLR APPL OT TEX MATL 70% SILK MORE, KNIT .	APPAREL	6114900025	759	2	0	0.00
COVERALL & SMLR APPL >=70% BY WGT SLK/SLK WST, KNIT	APPAREL	6114900035	759	2	14,414	0.00
OTHER GARMENTS CONTAINING >=70% SILK/SLK WST; KNIT	APPAREL	6114900060	759	2	16,661	0.00
CLOTHING ACCESSORIES NESOI CONT >70% SILK, KNIT	APPAREL	6117800040	759	2	5,587	0.00
PARTS GARMENTS EXC SWEATER TEX MTRL >70% SLK, KNIT.	APPAREL	6117900058	759	2	1,771	0.00
M/B ENS NESOI CONT >70% BY WGT OF SLK/SLK WST N K ...	APPAREL	6203293070	759	2	14	0.00
MB OVERALLS CONT >=70% BY WGT OF SLK/SLK WST NT KN.	APPAREL	6203493010	759	2	101	0.00

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W/G ENS NESOI OF SILK CONT 70% MORE SILK, NT KNIT	APPAREL	6204294064	759	2	8,741	0.00
W/G OVERALLS CONT <70% SLK/SLK WST, NT KNIT/CROCHD	APPAREL	6204693060	759	2	62,582	0.00
W/G N KNIT GARMENTS NESOI 70% SILK OR MORE, OTHER ..	APPAREL	*6210502050	759	2	1,041	0.00
M/B SWIMWEAR CONT >70% SILK, NOT KNIT	APPAREL	6211112030	759	2	418	0.00
W/G SWIMWEAR TEX MATL CONT >70% SILK, NOT KNIT	APPAREL	6211123010	759	2	1,771	0.00
M/B GARMENT NESOI TEX MTRL CONT >=70% SILK, NOT KT .	APPAREL	6211390010	759	2	555,422	0.00
W/G GARMENTS NESOI TEX MTRL CONT >70% SILK, NT KT ...	APPAREL	6211490010	759	2	2,874,499	0.02
ACCESSORIES OT TEX FIBERS CONT >70% SILK, NT KNIT	APPAREL	6217100040	759	2	314,150	0.00
PARTS GARMENTS NESOI OT TEX MTRL >70% SILK, NT KT ...	APPAREL	6217900090	759	2	87,192	0.00
HATS&OTH HDGR, KNITD/CRCHETD, >70% BY WEIGHT OF SILK.	APPAREL	6505909030	759	2	99,029	0.00
WOMEN'S HOSRY MEAS <67 DCTX/YRN CONT <70% SLK KNIT.	APPAREL	6115200030	832	2	27,003	0.00
SOCKS OT HOSRY, FTWR W/OUT SOLES CON <70% SILK KNT.	APPAREL	6115992020	832	2	15,983	0.00
BABIES' GRMNT ETC OF TEX MATL CONT <70% SILK, KNIT	APPAREL	6111906020	839	2	4,832	0.00
BABIES' GRMNT & CLTHNG ACCESS <70% SLK/SLK WS N KT	APPAREL	6209904020	839	2	70,554	0.00
M/B ENS NESOI OF OTH TEX MATERIALS, <70% SILK KNIT	APPAREL	6103292082	859	2	0	0.00
M/B OVERALLS CONT <70% BY WGT SLK/SLK WASTE KNIT ...	APPAREL	6103493040	859	2	0	0.00
M/B OVERALLS OF OTH TEXTILE MATERIALS NESOI, KNIT	APPAREL	6103493060	859	2	38	0.00
W/G ENS NESOI CONT <70% BY WGT SILK/SILK WST, KNIT	APPAREL	6104292082	859	2	0	0.00
W/G ENS OF TEXTILE MATERIALS NESOI, KNIT	APPAREL	6104292090	859	2	0	0.00
W/G OVERALLS OF SILK CONT <70% SILK, KNIT	APPAREL	6104693018	859	2	238	0.00
W/G OVERALLS OF TEXTILE MATERIALS NES0I, KNIT	APPAREL	6104693020	859	2	49,913	0.00
M/B VESTS (EXC SWEATER VEST) CONT <70% SILK, KNIT	APPAREL	6110900060	859	2	2,600	0.00
W/G VESTS (EXC SWEATER VEST) CONT <70% SILK, KNIT	APPAREL	6110900062	859	2	10,038	0.00
M/B VESTS (EXC SWEATER VEST) OF OTH TEX MATL, KNIT ..	APPAREL	6110900064	859	2	3,250	0.00
W/G VEST (EXC SWEATER VEST) OF OTH TEX MATL, KNIT	APPAREL	6110900066	859	2	20,613	0.00
SKI-SUITS OF OTHER TEXTILE MATERIALS, KNIT	APPAREL	6112202030	859	2	663	0.00
M/B SWIMWEAR OF OTHER TEXTILE MATERIALS, KNIT	APPAREL	6112390020	859	2	338	0.00
W/G SWIMWEAR OTHER THAN COTTON OR SYN FIBER, KNIT	APPAREL	6112490020	859	2	10,238	0.00
JUMPERS OF OTHER TEXTILE MATERIALS, KNIT	APPAREL	6114900020	859	2	325	0.00
SUNSUITS & SIMILAR APPRL <70% SILK/SILK WASTE, KNIT	APPAREL	6114900030	859	2	38	0.00
COVERALLS & SIML APPRL <70% WGT SLK/SLK WST, KNIT ...	APPAREL	6114900040	859	2	38	0.00
OTHER GARMENTS CONT <70% SILK OR SILK WASTE, KNIT ..	APPAREL	6114900065	859	2	325	0.00
OTH GARMENTS OF TEXTILE MATERIALS, NESOI, KNIT	APPAREL	6114900070	859	2	48,025	0.00
OTHER ACC EX SCARVES & TIES <70% BY WGT SILK, KNIT ...	APPAREL	6117800050	859	2	688	0.00
CLOTHING ACCESSORIES OF TEXTILE MATERIALS, NESOI, KT.	APPAREL	6117800060	859	2	15,400	0.00
PARTS OF GARMENTS OF TEXTILE MATERIALS NESOI, KNIT .	APPAREL	6117900060	859	2	8,200	0.00
M/B ENS NESOI OF CONT <70% WGT SLK/SLK WST NOT KNT	APPAREL	6203293080	859	2	0	0.00
MB OVERALLS CONT <70% SLK/SLK WST, NT KT/CRO-CHETED.	APPAREL	6203493015	859	2	502,113	0.00
W/G ENS NESOI OF SILK CONT <70% WGT SLK/SLK WST, NK	APPAREL	6204294066	859	2	38	0.00
W/G ENS OF TEXTILE MATERIALS NESOI, NOT KNIT	APPAREL	6204294068	859	2	513	0.00
W/G OVERALLS <70% BY WGT SILK/SILK WASTE, NOT KNIT ..	APPAREL	6204693070	859	2	379,088	0.00
W/G OVERALLS TEXTILE MATERIALS NESOI, NOT KNIT	APPAREL	6204699050	859	2	1,912,313	0.01
M/B SWIMWEAR CONT <70% BY WGT SLK/SLK WST, NOT KNT.	APPAREL	6211112040	859	2	301,050	0.00
W/G SWIMWEAR TEX MTRL <70% SLK/SLK WST NESOI, N KN	APPAREL	6211123025	859	2	6,750	0.00
M/B SKI-SUIT, NESOI, OF OTH TEXT MATER, N KT/CROCH	APPAREL	6211204060	859	2	788	0.00
W/G SKI-SUIT OF OTHER TEXTILE MATERIALS NESOI, N KT ...	APPAREL	6211207060	859	2	2,138	0.00
M/B COVERALL & SMLR APPAREL TEX MTRL NESOI, NT KT ...	APPAREL	6211390020	859	2	4,263	0.00
M/B WASHSUITS & SMLR APPAREL TEX MTRL NESOI, NT KT .	APPAREL	6211390030	859	2	1,850	0.00
M/B VESTS TEXT MATER NESOI <70% SLK/SLK WST NT KNT .	APPAREL	6211390070	859	2	39,188	0.00
M/B GRMNTS OT TEXT MAT NESOI <70% SLK/SLK WST N KT .	APPAREL	*6211390080	859	2	3,939	0.00
W/G COVERALLS AND SMLR APPAREL TEX MTRL, NOT KNIT .	APPAREL	6211490020	859	2	3,241,638	0.02
W/G WASHSUITS & SIMILAR APPAREL OT TEX MTRL, NT KT ..	APPAREL	6211490030	859	2	273,263	0.00
W/G JUMPERS OF OT TEX MAT <70% SLK/SLK WST NT KNIT .	APPAREL	6211490070	859	2	1,144,250	0.01
W/G VESTS OF OT TEX MAT <70% SLK/SLK WST NOT KNIT	APPAREL	6211490080	859	2	500,188	0.00
W/G GARMENT NESOI OT TEX MAT <70% SLK/SLK WST, N K .	APPAREL	*6211490090	859	2	372,540	0.00
HANDKERCHIEF SILK CONT <70% SILK, NOT KNIT	APPAREL	6213102000	859	2	8,225	0.00
HANDKERCHIEFS OF TEXTILE MATERIALS NESOI, NOT KNIT .	APPAREL	6213902000	859	2	71,000	0.00
ACCESSORIES OTH TEX FIB NESOI, NOT KNIT OR CROCHTD	APPAREL	6217100050	859	2	257,838	0.00
PARTS OF GARMENTS OF TEX MATERIALS NESOI, NOT KNIT	APPAREL	6217900095	859	2	117,075	0.00
PRTS OF FTWR TEX MAT OTH LEG-WARMERS OTHER NESOI	APPAREL	6406991570	859	2	25	0.00
HATS & OTHER HEADGEAR, KNITTED OF FLAX OR FLAX & COTTON.	APPAREL	6505901560	859	2	28,288	0.00
NOT KNITTED COTTON HEADGEAR: NESOI	APPAREL	*6505902500	859	2	2,299,281	0.01
HATS & OTH HDGR >70% SILK &/OR NESOI, KNITTED/ CRCHETD.	APPAREL	*6505909060	859	2	374,573	0.00
BABIES' GRMNT ETC OF TEX MAT CONT 70% SILK, KNIT	APPAREL	6111906010	913	2	878	0.00

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PANTY HOSE & TIGHT CONT >=70% SLK/SLK WASTE, KNIT	APPAREL	6115190030	913	2	1,627	0.00
WOMEN'S HOSERY MEAS <67 DCTX/YRN CONT 70% SLK, KNIT.	APPAREL	6115200020	913	2	2,231	0.00
SCK, OT HSRY, FTWR W/OUT SL CONT 70% MORE SILK, KNIT	APPAREL	6115992010	913	2	24,339	0.00
GLOVES OF SILK CONTAIN >70% SILK/SILK WASTE, KNIT	APPAREL	6116998040	913	2	2,346	0.00
SHAWLS SCARVE MUFFLER MANTILLA VEILS >=70% SILK KT	APPAREL	6117104000	913	2	80,179	0.00
BABIES' GRMNT ETC OF TEX MAT CONT 70% SILK, NT KT	APPAREL	6209904010	913	2	12,082	0.00
DISPOSABLE BRIEFS DESIGNED FOR ONE TIME USE	APPAREL	*6210104025	913	2	9,818	0.00
M & B CVRAL & SIMILAR APPAREL COT =>15% DOWN, NT KT	APPAREL	6211320003	913	2	640,339	0.00
M/B CVRALS & SIMILAR APPAREL MMF =>15% DOWN, NOT KNIT.	APPAREL	6211330003	913	2	125,467	0.00
W & G CVRALS & SIMILAR APPRL COT =>15% DOWN, NT KT .	APPAREL	6211420003	913	2	867	0.00
W & G CVRALS & SIM APPAREL MMF =>15% DOWN, NT KT	APPAREL	6211430003	913	2	26,885	0.00
BRAS CONT LACE NET ETC TEX MTRL >=70% SILK, NT KT	APPAREL	6212101030	913	2	7,920	0.00
BRAS NT CONT LACE NET ETC OT TEX MTRL >=70% SILK	APPAREL	6212102030	913	2	18,156	0.00
BRACES SMLR ART & PTS OT TEX MAT CONT =>70% SILK	APPAREL	6212900050	913	2	86,270	0.00
HANDKERCHIEFS SLK/SLK WST CONT >=70% SLK, NOT KNIT	APPAREL	6213101000	913	2	367,566	0.00
SHAWLS SCARVES & THE LIKE CON >=70% SLK/SLK WST NK	APPAREL	6214101000	913	2	4,936,536	0.03
PLATES, ETC, CELL, PLM VY CHLO, M–M FB PRED, NESOI	FABRIC	3921121500	229	2	845,458	0.00
PLATES, ETC, CELL, POLYURETHAN, M–M FB PRED, NESOI ...	FABRIC	3921131500	229	2	677,987	0.00
PLATES, ETC PLS, EX CEL, TEXT <>=1.492KG/M2, M–M, NESOI.	FABRIC	3921901500	229	2	75,162,154	0.44
PLATES, ETC, PLAS, EX CEL, TEX >1.492KG/M2, M–M, NESOI .	FABRIC	3921902550	229	2	171,510	0.00
MADE UP FISH NET NESOI OF MAN-MADE TEXTILE MATERIAL.	FABRIC	5608110000	229	2	4,699,711	0.03
MADE UP FISH NET NESOI OF MAN-MADE TEXTILE MATERIAL.	FABRIC	5608110090	229	2	3,357,432	0.02
SALMON GILL NETTING OF NYLON OR OTHER POLYAMIDES .	FABRIC	5608191010	229	2	4,214,776	0.02
FISH NETTING NESOI OF MAN-MADE TEXTILE MATERIALS	FABRIC	5608191020	229	2	22,812,055	0.13
KNOTTED NETTING OF TWINE NESOI OF MAN-MADE TEXT MAT.	FABRIC	5608192000	229	2	4,294,839	0.03
KNOTTED NET OF TWINE CORDAGE EX HAMMOCKS; OF COT	FABRIC	5608902000	229	2	2,336,154	0.01
KNOTTED NET OF TWINE CORDAGE EX HAMMOCKS; OF COT	FABRIC	5608902090	229	2	193,011	0.00
TULLES & OTH NET FAB OF COTTON OR MAN-MADE FIBERS	FABRIC	5804100020	229	2	896,934	0.01
LACE IN PCE, STRIP, MOTIF MECHANICAL MADE MMF	FABRIC	5804210000	229	2	5,763,204	0.03
MECH MDE LACE COT LACE IN PIECE, STRIP, MOTIFS	FABRIC	5804290020	229	2	1,296,937	0.01
HAND-MADE LACE OF COTTON OR OF MAN-MADE FIBERS	FABRIC	5804300020	229	2	97,022	0.00
WOVEN PILE NARROW AND CHENILLE FABRICS: OF COTTON	FABRIC	5806101000	229	2	101,211	0.00
WOV NARROW PILE & CHENILLE FABRICS: OF MAN-MADE FIB.	FABRIC	5806102000	229	2	9,997,850	0.06
OTH NAR WOV FAB >5% ELASTOMERIC YRN/RUBBER THRD .	FABRIC	5806200000	229	2	5,425,475	0.03
NARROW WOVEN FABRICS, NESOI, OF COTTON	FABRIC	5806310000	229	2	10,369,782	0.06
RIBBONS OF NARROW WOVEN FABRICS: MAN-MADE FIBERS	FABRIC	5806321090	229	2	11,673,519	0.07
NARROW WOVEN FABRICS OF MAN-MADE FIBER, NESOI	FABRIC	5806322000	229	2	11,509,843	0.07
NARROW WOVEN FABRICS EX LABELS ETC OF METALIZED YN.	FABRIC	5806393020	229	2	271,891	0.00
BRAIDS IN PCE SUIT MKG/ORN HDWR OF COTTON OR MMF .	FABRIC	5808102010	229	2	755,684	0.00
BRAIDS IN THE PIECE, NESOI, OF COTTON; OF MMF	FABRIC	5808103010	229	2	2,768,606	0.02
ORN TRIM IN PCE, W/O EMBROID, OTH KNT OF COT/MMF	FABRIC	5808900010	229	2	4,596,882	0.03
WOVEN FABRICS OF METAL THREAD & METALIZED YARN NEC.	FABRIC	5809000000	229	2	3,452,904	0.02
EMBROID IN PCE, STRIPS, MOTIFS W/O VISABLE GROUND	FABRIC	5810100000	229	2	726,974	0.00
EMB IN PCE, STRIPS, MOTIFS COT >200G/M2 W VSB GRND ...	FABRIC	5810910010	229	2	138,924	0.00
EMB IN PCE STRIPS MOTIFS COT W VSB GRND <=200 G/M2 ..	FABRIC	5810910020	229	2	1,236,498	0.01
EMBROIDERY MMF ON A GROUND <100 G/M2 WIDTH>225 C/M.	FABRIC	5810920050	229	2	71,155	0.00
EMBRDRY OF MMF OT THAN GRD <100G/M2 & WIDTH >225CM.	FABRIC	5810920080	229	2	4,831,903	0.03
QUILT TEX PROD IN PCE 1> LAYERS TEX MAT W/PAD: CUT ...	FABRIC	5811002000	229	2	1,086,069	0.01
QUILT TEX PROD IN PCE 1> LAYERS TEX MAT W/PAD: MMF ..	FABRIC	5811003000	229	2	945,894	0.01
TEXTILE FABRICS COATED FOR BOOK COVERS, MMF	FABRIC	5901101000	229	2	891,058	0.01
TEXTILE FABRICS COATED FOR BOOK COVERS, EXCEPT MMF.	FABRIC	5901102000	229	2	202,490	0.00
TRACING CLOTH; PAINTING CANVAS ETC, MAN-MADE FIBERS.	FABRIC	5901902000	229	2	59,214	0.00
TRACING CLOTH; PAINTING CANVAS ETC, EXCEPT MMF	FABRIC	5901904000	229	2	252,389	0.00
TIRE CORD FABRIC OF HIGH TENACITY YARN, NYLON ETC ...	FABRIC	5902100000	229	2	58,876,943	0.35
TIRE CORD FABRIC OF HIGH TENACITY YARN, POLYESTERS	FABRIC	5902200000	229	2	16,747,924	0.10
TIRE CORD FABRIC OF HIGH TENACITY YARN, VISC RAYON .	FABRIC	5902900000	229	2	4,024,430	0.02
TEXTILE FABRIC NESOI PVC BOND MMF FAB, OTHER	FABRIC	5903101800	229	2	65,280	0.00
TEXTILE FABRIC NESOI PVC ETC MMF NESOI NO 70% R PL ..	FABRIC	5903102500	229	2	20,677,467	0.12
TEX FABRIC NESOI PU BOND MMF FAB OTH OV 60% PLASTC	FABRIC	5903201800	229	2	337,130	0.00

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TEXTILE FABRIC NESOI PU ETC MMF NESOI NOV 70% R PL ..	FABRIC	5903202500	229	2	23,882,212	0.14
TEX FABRIC NESOI, NO PVC PU, MM BD, OTH OV 60% PLAST	FABRIC	5903901800	229	2	579,945	0.00
TEXT FABRIC NESOI NO PVC PU, NN C OTH NOV 70% RU PLA.	FABRIC	5903902500	229	2	56,012,443	0.33
TEXTILE WALL COVERINGS NESOI	FABRIC	5905009000	229	2	550,079	0.00
RUB TEXTILE FABRIC NESOI KNIT ETC MMF NO 70% RU PL ..	FABRIC	5906912500	229	2	3,558,970	0.02
RUB TEXTILE FABRIC NESOI, NO KNIT MM NO 70% RU PLA ...	FABRIC	5906992500	229	2	12,811,581	0.08
MMF FABRICS LAMINATED OR SPEC BONDED NESOI	FABRIC	5907001000	229	2	260,100	0.00
TEX FABRICS IMPREGNATED ETC OF MAN MADE FIBERS	FABRIC	5907009090	229	2	18,079,065	0.11
TEXTILE BOLTING CLOTH NESOI, EXCEPT SILK	FABRIC	5911203000	229	2	1,677,941	0.01
OTH FAB WIDTH <30 CM OPEN-WK FAB WRP KNT <=30 CM ...	FABRIC	6002201000	229	2	761,532	0.00
OT WARP KNIT FAB (INCL GALLOON) MMF OPEN-WORK FABRC.	FABRIC	6002430010	229	2	9,617,906	0.06
SANITARY TOWELS/TAMPONS DIAPERS SMLR ART OF COTTON.	MADE-UP	5601101000	369	2	1,538,254	0.01
ARTICLES OF WADDING NESOI OF COTTON	MADE-UP	5601210090	369	2	5,813,074	0.03
TEXTILE CARPETING, MACHINE-KNOTTED PILE, COTTON	MADE-UP	5701901020	369	2	91,962	0.00
CARPETS & TEXT FLOOR COVERING KNOTTED COTTON NESOI.	MADE-UP	5701902020	369	2	10,115	0.00
TEXTILE CARPETS, WOVEN KELAM ETC COTTON N CERT	MADE-UP	5702109020	369	2	4,205,324	0.02
TEXTILE CARPETS, WOVEN COTTON PILE, NOT MADE UP	MADE-UP	5702392010	369	2	11,951	0.00
WOV TEX CRPTS, PILE, OF COT, NT MADE ON POWER LOOM	MADE-UP	5702491010	369	2	5,806,197	0.03
CARPETS & FLOOR COVERING, COT PILE NT M POWER LOOM.	MADE-UP	5702491090	369	2	2,254,362	0.01
TEXTILE CARPETS, WOV NO PILE, COTTON, NOT MADE UP ...	MADE-UP	5702591000	369	2	89,318	0.00
TEXTILE CARPETS WOV NO PILE COT H-LM MADE UP	MADE-UP	5702991010	369	2	76,883,478	0.45
TEXTILE CARPETS WOV NO PILE COT MADE UP	MADE-UP	5702991090	369	2	665,958	0.00
TEXTILE CARPETS NESOI, OF COTTON	MADE-UP	5705002020	369	2	1,240,431	0.01
UPR & PARTS FTWEARCOT >=50% OUTR SRFCE OF TEXT MAT.	MADE-UP	6406107560	369	2	13,734,385	0.08
UPR & PARTS FTWEARCOT >=50% OUTR SRFCE OF TEXT MAT.	MADE-UP	6406107700	369	2	13,921,598	0.08
TEXTILE CARPET, H-KNOT ALPACA ETC N-CERT	MADE-UP	5701101600	465	2	35,165	0.00
TEXT FLOOR COVERING, HAND-HOOKED/KNOTTED, WOOL/FAH.	MADE-UP	5701102010	465	2	1,840,793	0.01
TEXTILE CARPETING, KNOTTED, WOOL/FAH NESOI	MADE-UP	5701102090	465	2	1,532,742	0.01
TEXTILE CARPETS, WOVEN KELAM ETC WOOL N CERT	MADE-UP	5702109010	465	2	513,612	0.00
TEXTILE CARPETS, WOV WILTON ETC, WL PILE N MADE UP .	MADE-UP	5702311000	465	2	213,631	0.00
TEXTILE CARPETS, WOV WOOL PILE, NOT MADE UP NESOI ..	MADE-UP	5702312000	465	2	928,627	0.01
TEXTILE CARPETS, WOV WILTON ETC, WL PILE, MADE UP	MADE-UP	5702411000	465	2	1,966,093	0.01
TEXTILE CARPETS, WOVEN WOOL PILE NESOI, MADE UP	MADE-UP	5702412000	465	2	1,249,060	0.01
TEXTILE CARPETS, WOV NO PILE, WOOL HD LM, NOT MADE	MADE-UP	5702512000	465	2	107,949	0.00
TEXTILE CARPETS, WOV NO PILE, WOOL NESOI, NOT MADE .	MADE-UP	5702514000	465	2	40,791	0.00
TEXTILE CARPETS, WOV NO PILE, WL OTH H-LM MADE UP ...	MADE-UP	5702913000	465	2	980,731	0.01
TEXTILE CARPETS, WOV NO PILE, WOOL N H-LM, MADE UP ..	MADE-UP	5702914000	465	2	198,656	0.00
TEXTILE CARPETS, TUFTED, OF WOOL OR FAH	MADE-UP	5703100000	465	2	1,571,047	0.01
TEXTILE CARPETS NESOI, OF WOOL OR FINE ANIMAL HAIR ..	MADE-UP	5705002010	465	2	143,225	0.00
WADDING & ARTICLES OF WADDING NESOI OF WOOL	MADE-UP	5601290020	469	2	6,275	0.00
NONWOVEN FLOOR COV UNLAY WOOL OR FINE ANIMAL HAIR.	MADE-UP	5603001010	469	2	851	0.00
PRT FTWR OT UPR & PRT OT STF OT TX M O CT OF W/FAH ..	MADE-UP	6406108020	469	2	805,571	0.00
PRT FTWR OT UPR & PRT OT STF OT TX M O CT OF W/FAH ..	MADE-UP	6406109020	469	2	526,314	0.00
TEXTILE CARPETING, MACHINE-KNOTTED PILE, MMF FIBER ..	MADE-UP	5701901030	665	2	128,029	0.00
CARPETNG & TEXT FLOOR COVERINGS KNOTTED, MMF NESOI.	MADE-UP	5701902030	665	2	32,354	0.00
TEXTILE CARPETS, WOVEN KELAM ETC MMF N CERT	MADE-UP	5702109030	665	2	76,259	0.00
TEXTILE CARPETS, WOV WILTON ETC, MMF PILE, N M/UP	MADE-UP	5702321000	665	2	108,053	0.00
TEXTILE CARPETS, WOV MAN-MADE PILE, N MADE UP NESOI	MADE-UP	5702322000	665	2	67,686	0.00
TEXTILE CARPETS, WOV WILTON ETC, MMF PILE, MADE UP .	MADE-UP	5702421000	665	2	3,778,057	0.02
WOV TEX CARPET OF MMF, NOT MADE ON POW DRIVEN LOOM.	MADE-UP	5702422010	665	2	0	0.00
CARPETS & FLR CVRNG MMF PILE, MADE-UP NESOI WOVEN	MADE-UP	5702422090	665	2	900,370	0.01
TEXTILE CARPETS, WOV NO PILE, MMF, NOT MADE UP	MADE-UP	5702520000	665	2	21,319	0.00
TEXTILE CARPET WOV NO PILE MMF H-LM MADE-UP	MADE-UP	5702920010	665	2	75,899	0.00
TEXTILE CARPETS, WOV NO PILE, MMF, MADE UP	MADE-UP	5702920090	665	2	259,634	0.00
TEXTILE CARPETS, TUFTED, OF NYLON ETC, HAND-HOOKED	MADE-UP	5703201000	665	2	52,037	0.00
TX CRPT TFTD NYL ETC, <=5.25M2 IN AREA N HAND-HKD	MADE-UP	5703202010	665	2	691,352	0.00
TEXTILE CARPETS TUFTED NYLON ETC OTHER	MADE-UP	5703202090	665	2	4,891,250	0.03
TEX CRPT TUFTED, MMF MEAS <=5.25 M2 IN AREA	MADE-UP	5703300010	665	2	281,846	0.00
TEXTILE CARPETING TUFTED, MMF OTHER	MADE-UP	5703300090	665	2	4,630,186	0.03
TEX CARPET TILES FELT, NOT TUFT, SA <.3M2, NT W OR FAH.	MADE-UP	5704100000	665	2	246,016	0.00

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
TEXTILE CARPET TILES FELT, NOT TUFTED ETC, NESOI	MADE-UP	5704900000	665	2	2,292,169	0.01
TEXTILE CARPETS NESOI, OF MAN-MADE FIBER	MADE-UP	5705002030	665	2	1,919,887	0.01
SANTI TOWELS/TAMPONS DIAPERS SMLR ART TEX EX COTN	MADE-UP	5601102000	669	2	3,974,558	0.02
ARTICLES OF WADDING NESOI OF MAN-MADE FIBERS	MADE-UP	5601220090	669	2	63,882,878	0.38
CORDAGE ETC OF POYLETHYLENE/POLYPROPLENE NESOI ..	MADE-UP	5607493000	669	2	14,525,179	0.09
TWINE, CORDAGE, ETC OF OTH SYNTHETIC FIBERS, NESOI .	MADE-UP	5607504000	669	2	17,981,467	0.11
PRT FTWR OT UPR & PRT OT STF OT TX M O CT OF MMF	MADE-UP	6406108040	669	2	4,272,422	0.03
PRT FTWR OT UPR & PRT OT STF OT TX M O CT OF MMF	MADE-UP	6406109040	669	2	4,827,888	0.03
WADDING & ARTICLES OF WADDING OF TEXT FIBERS NESOI	MADE-UP	5601290090	899	2	9,351,239	0.05
TULLES & OTH NET FAB NT WOV, KNIT, CROCHETED NESOI .	MADE-UP	5804100090	899	2	115,473	0.00
MECH MDE LACE OTH TEX MAT LCE PIECE, STRIP, MOTIFS ..	MADE-UP	5804290090	899	2	37,685	0.00
HAND-MADE LACE, OF OTH TEX MAT N WOV KNT OR CROC .	MADE-UP	5804300090	899	2	4,496	0.00
WOVEN PILE NARROW & CHENILLE FABRIC; OF OTH TEX MT	MADE-UP	5806103090	899	2	5,572	0.00
NAR WOV FAB OTH TEX MAT VEGETABLE FIBER EXC COTTON.	MADE-UP	5806392000	899	2	3,655,041	0.02
NARROW WOVEN FABRICS EX LABEL ETC OF TEX MAT NESOI.	MADE-UP	5806393080	899	2	147,575	0.00
BRAIDS IN PCE SUIT MAKING/ORN HDWEAR ABACA/RAMIE ...	MADE-UP	5808101000	899	2	95,915	0.00
OTHER KNITTED OR CROCHETED FABRICS; WIDTH <30 CM ..	MADE-UP	6002209000	899	2	58,353	0.00
OTHER WARP KNIT FABRICS (INCLUDING GALLOON); OTHER	MADE-UP	6002490000	899	2	58,830	0.00
KNITTED OR CROCHETED FABRICS NESOI	MADE-UP	6002990090	899	2	124,831	0.00
BLANKET AND TRAVEL RUG OF FB NESOI <85% SILK OR SW	MADE-UP	6301900030	899	2	30,037	0.00
BED LINEN OF OTHER PRINT TEXTILE MATERIALS, NESOI	MADE-UP	6302290020	899	2	11,244	0.00
BED LINEN OF TEXTILE MATERIAL, NESOI	MADE-UP	6302390030	899	2	122,944	0.00
TABLE LINEN KNIT OR CROCHETED OF VEG FIB (EXC COT) ..	MADE-UP	6302401000	899	2	161,094	0.00
TABLECLOTHS AND NAPKINS, DAMASK, FLAX	MADE-UP	6302521010	899	2	75,991	0.00
TABLECLOTHS & NAPKINS, FLAX NOT DAMASK	MADE-UP	6302521020	899	2	1,046,741	0.01
TABLE LINEN OF FLAX; OTHER THAN TABLECLOTH/NAPKINS	MADE-UP	6302522000	899	2	538,461	0.00
TABLE LINEN OF OTHER TEXTILE MATERIALS, NESOI	MADE-UP	6302590000	899	2	3,103,671	0.02
BED, TABLE, TOILET & KITCHEN LINEN EX TOWEL, FLAX	MADE-UP	6302920020	899	2	24,276	0.00
BED, TABEL, TOILET, KIT LINEN TEXTILE MATL NESOI	MADE-UP	6302992000	899	2	28,805	0.00
CURTAIN & INTER BLINDS/BED VAL, KT TEX MAT, NESOI	MADE-UP	6303190020	899	2	77,212	0.00
CURTAIN & INT BLNDS/BED VAL NESOI, NESOI MAT NESOI	MADE-UP	6303990020	899	2	155,533	0.00
OTHER FURNISH ART EXC 9404 BEDSPD KT/CROCHET NESOI.	MADE-UP	6304113000	899	2	3,885	0.00
BEDSPREADS OF NESOI MATERIAL NOT KNITTED OR CROCHE.	MADE-UP	6304193060	899	2	94,716	0.00
OTHER FURNISHING ART NESOI KT/CROCHET NESOI, NESOI	MADE-UP	6304910070	899	2	23,077	0.00
OTHER FURN ART NESOI NT KT NESOI MAT NESOI VEG FIB .	MADE-UP	6304992000	899	2	1,631,889	0.01
OTHER FURN ART NESOI NT KT NESOI MAT NESOI VEG FIB .	MADE-UP	6304993500	899	2	1,063,158	0.01
OTH FURN ART N/KT NESOI MAT NESOI NESOI <85%WT SLK	MADE-UP	6304996040	899	2	204,773	0.00
SACK & BAG USED FOR PACKING GOODS NESOI TEX MAT ...	MADE-UP	6305900000	899	2	762,059	0.00
TARPAULIN, AWNING & SUNBLIND OTH TEX MAT, NESOI	MADE-UP	6306190020	899	2	779,975	0.00
PRT FTWR OT UPR & PRT OT STF OT TX M O CT OTHER	MADE-UP	6406108060	899	2	36,297	0.00
PRT FTWR OT UPR & PRT OT STF OT TX M O CT OTHER	MADE-UP	6406109060	899	2	72,272	0.00
QUILTS, EIDERDOWNS & COMFORTRS OF OTH TEXT MAT, NESO.	MADE-UP	9404909030	899	2	29,404	0.00
QUILTS, EIDERDOWNS & COMFORTRS OF OTH TEXT MAT, NESO.	MADE-UP	9404909035	899	2	75,968	0.00
ARTICLES OF BEDDING, NESOI	MADE-UP	*9404909040	899	2	16,768	0.00
JEWELRY BOX & SIMIL CONT, RETAIL W CONTENTS, COTTON.	MADE-UP	*4202926000	914	2	2,874,425	0.02
OTHER, JEWELRY BOXES,& SIMIL CONT, RETAIL, W CONTEN	MADE-UP	*4202929020	914	2	6,901,812	0.04
OTHER, JEWELRY BOXES,& SIMIL CONT, RETAIL, W CONTEN	MADE-UP	*4202929030	914	2	4,099	0.00
HAND-CAST STRING-DRAWN MADE UP FISH NET, MMDE MAT	MADE-UP	5608110010	914	2	1,016,274	0.01
HAMMOCKS OF KNOT NETTING OF TWINE, CORDAGE; COTTON.	MADE-UP	5608902010	914	2	1,327,455	0.01
WALL HANGINGS OF JUTE NOT KNIT, EXCL HEADING 9494	MADE-UP	6304992500	914	2	359,496	0.00
SCREEN HOUSES OF SYNTHETIC FIBERS	MADE-UP	6306229010	914	2	4,533,509	0.03
CLEANING CLOTHS NESOI	MADE-UP	6307102030	914	2	10,663,080	0.06
LIFEJACKETS AND LIFEBELTS	MADE-UP	6307200000	914	2	1,802,088	0.01
PERINEAL TOWELS OF FABRIC FORMED ON BASE OF PAPER.	MADE-UP	6307906000	914	2	20,514,240	0.12
PERINEAL TOWELS OF FABRIC FORMED ON BASE OF PAPER.	MADE-UP	6307906010	914	2	14,803	0.00
OTH SURGL DRAPES OF FABRIC FORMED ON BASE OF PAPER.	MADE-UP	6307906090	914	2	74,536,114	0.44
SURGICAL DRAPES DISPOSAL & NONWOVEN MAN-MADE FIBERS.	MADE-UP	6307907010	914	2	88,280,294	0.52
SURGICAL DRAPES NESOI	MADE-UP	6307907020	914	2	631,168	0.00
NESOI TOYS FOR PETS OF TEXTILE MATERIALS	MADE-UP	6307907500	914	2	5,495,471	0.03
WALL BANNERS, OF MAN-MADE FIBERS	MADE-UP	6307908500	914	2	760,421	0.00

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
NATIONAL FLAGS OF NATIONS OTHER THAN THE U.S.A.	MADE-UP	6307909035	914	2	313,851	0.00
COTTON SLEEPING BAG SHELLS	MADE-UP	*6307909050	914	2	68,220,173	0.40
NATIONAL FLAGS OF NATIONS OTHER THAN THE U.S.A.	MADE-UP	6307909535	914	2	538,424	0.00
COTTON SLEEPING BAG SHELLS	MADE-UP	*6307909550	914	2	45,488,226	0.27
COTTON SLEEPING BAG SHELLS	MADE-UP	*6307909590	914	2	146,250,278	0.86
QUILTS, EIDERDOWNS ETC, 85% OF SILK/SILK WASTE	MADE-UP	9404909025	914	2	36,308	0.00
ARTICLES OF BEDDING, NESOI	MADE-UP	*9404909040	914	2	0	0.00
SYN STP FIB NT CRD, CMB OR PRSD SPNG: NYL/ OT PLYM ...	YARN	5503100000	911	2	124,047,162	0.73
SYN STP FIB NT CRD, CMB OR PRSD SPNG: ACRY/MODACRY	YARN	5503300000	911	2	57,712,705	0.34
SYN STP FIB NT CRD, CMB OR PRSD SPNG: POLYPROPLENE	YARN	5503400000	911	2	5,545,196	0.03
SYN STP FIB NOT CARD, CMB OR PRSD SPNG: NESOI	YARN	5503900000	911	2	11,028,147	0.06
ARTIF STP FIB NT CRD, CMB OR PRSD SPNG: VIS RAYON	YARN	5504100000	911	2	284,591,727	1.67
ART STP FIB NOT CRD, CMB OR PRSD SPNG: OTH VIS RYN ..	YARN	5504900000	911	2	18,725,251	0.11
WSTE NOILS YRN WS&GARN STK MMF SYN FIB OF NYLN &OT.	YARN	5505100020	911	2	73,618,320	0.43
WASTE NOILS YRN WST & GARN STCK MMF SYN FIB PLYSTR.	YARN	5505100040	911	2	84,376,705	0.50
WASTE NOILS YARN WST & GARN STCK MMF SYN FIB NESOI	YARN	5505100060	911	2	29,687,508	0.17
WASTE NOILS, YARN WST & GARN STCK MMF ARTIF FIBER ..	YARN	5505200000	911	2	1,347,734	0.01
SYN STP FIB CRD CMB OR PRS SPNG NYL OR OTH PLYAMD	YARN	5506100000	911	2	1,410,370	0.01
SYN STPL FIB CRD CMB OR PRCD SPNG OF POLYESTER	YARN	5506200000	911	2	1,108,772	0.01
SYN STP FIB CRD CMB OR PRCD SPNG ACRYLIC/MDACRYLC	YARN	5506300000	911	2	3,935,098	0.02
SYNT STP FIB CARD COMB OR OTRWS PRSD SPNG NESOI ...	YARN	5506900000	911	2	956,886	0.01
ARTIFIC STPL FIBER CRD CMB OR OTHWS PRCD FOR SPNG	YARN	5507000000	911	2	20,633	0.00
WADDING & ARTICLES OF WADDING NESOI CONT >=85% SLK.	YARN	5601290010	911	2	3,269	0.00
TEXTILE FLOCK AND DUST AND MILL NEPS	YARN	5601300000	911	2	4,439,729	0.03
TEXTILE YARN AND STRIP, NESOI	YARN	5604900000	911	2	1,013,955	0.01
MTL CTD/LMNTD FIL/STRP UNGIMP/UNTWST OR TWST <5 MT	YARN	5605000010	911	2	483,958	0.00
TWINE CORD ROPE & CABLE OF JUTE OR OTHER TEX BAST	YARN	5607100000	911	2	21,645,897	0.13
BINDER OR BALER TWINE OF SISAL FIBERS	YARN	5607210000	911	2	519,009,758	3.05
TWINE CORD ETC EX BINDER OR BALER OF SISAL FIBERS ...	YARN	5607290000	911	2	47,552,642	0.28
TWINE CORD ETC OF ABACA FIB STRND CONS >=1.88CM DI .	YARN	5607301000	911	2	19,707,194	0.12
TWINE, CORD, ROPE AND CABLE OF ABACA FIBERS, NESOI .	YARN	5607302000	911	2	29,375,665	0.17
BINDER/BALER TWN WD NFIBRL STRP OF POLYETH/ POLYPRP.	YARN	5607411000	911	2	1,470,463	0.01
TWINE ETC POLYETHYLENE NESOI WIDE NONFIBRILLATED ..	YARN	5607491000	911	2	18,956,061	0.11
TWINE, CORDAGE, ROPE, CABLE, OF COIR	YARN	5607901000	911	2	540	0.00
GLVS VEG FIB KT IMPREG PLAS W/OUT 4CHETT COT RES	APPAREL	6116101520	331	3	169,380	0.00
GLVS VEG FIB KT IMPREG PLAS W/OUT 4CHETT COT RES	APPAREL	6116101820	331	3	20,155	0.00
GLVS EX VEG FIB KT IMPREG PLAS W/OUT 4CHETT COT RS .	APPAREL	6116102520	331	3	7,250	0.00
GLVS IMPREG PLAS/RBR W/OUT 4CHTTS SUBJ COT RES, KT	APPAREL	6116103510	331	3	175,160	0.00
GLVS >=50% COT MMF TEX MT KT IMPREG W4CHETT COTRS.	APPAREL	6116104510	331	3	1,595	0.00
GLVS >=50% COT MMF TEX MT KT IMPREG W4CHETT COTRS.	APPAREL	6116106010	331	3	6,815	0.00
GLVS IMPREG PLAS/RBR W/OUT 4CHTT,S SUBJ COT RES, KT	APPAREL	6116107010	331	3	14,019	0.00
GLVS PRE-EXIST MACH COT LP PILE FAB W/OUT 4CHTT KT ..	APPAREL	6116922010	331	3	211,535	0.00
GLVS PRE-EXIST MACH COT NAP FAB W/OUT 4CHTT, KNIT ...	APPAREL	6116922020	331	3	13,681,771	0.08
GLVS PRE-EXIST MACH COT LSLE FAB W/OUT 4CHTT,, KNIT .	APPAREL	6116922030	331	3	9,527,106	0.06
GLVS PRE-EXIST MACH COTT KNIT FAB W/OUT 4CHTT,, KNIT	APPAREL	6116922040	331	3	4,168,071	0.02
GLOVES PRE-EXIST MACH COT NAPPD FAB WITH 4CHTT,, KT	APPAREL	6116922050	331	3	133,931	0.00
GLOVES PRE-EXIST MACH COT NAPPD FAB WITH 4CHTT, KT	APPAREL	6116922060	331	3	329,921	0.00
GLVS PRE-EXIST MACH COTTON KNIT FAB W 4CHTTS, KNIT .	APPAREL	6116922070	331	3	534,519	0.00
GLVS OF COTTON EX SKI OR PRE-EXIST MACH KNIT, KNIT ...	APPAREL	6116923000	331	3	2,520,199	0.01
GLVS PRE-EXIST MACH COT LP PILE FAB W/OUT 4CHTT KT ..	APPAREL	6116926010	331	3	27,202	0.00
GLVS PRE-EXIST MACH COT NAP FAB W/OUT 4CHTT, KNIT ...	APPAREL	6116926020	331	3	1,748,758	0.01
GLVS PRE-EXIST MACH COT LSLE FAB W/OUT 4CHTT, KNIT ..	APPAREL	6116926030	331	3	1,251,501	0.01
GLVS PRE-EXIST MACH COTT KNIT FAB W/OUT 4CHTT, KNIT	APPAREL	6116926040	331	3	500,502	0.00
GLOVES PRE-EXIST MACH COT NAPPD FAB WITH 4CHTT, KT	APPAREL	6116926050	331	3	96,222	0.00
GLOVES PRE-EXIST MACH COT NAPPD FAB WITH 4CHTT, KT	APPAREL	6116926060	331	3	110	0.00
GLVS PRE-EXIST MACH COTTON KNIT FAB W 4CHTTS, KNIT .	APPAREL	6116926070	331	3	20,042	0.00
GLVS OF COTTON EX SKI OR PRE-EXIST MACH KNIT, KNIT ...	APPAREL	6116929000	331	3	142,422	0.00
GLOVES OT TEXTILE MATERIALS SUBJ COTTON RES, KNIT ...	APPAREL	6116999010	331	3	2,320	0.00
MEN'S ROBES & DRESSING GOWN, COTTON, KNIT	APPAREL	*6107910010	350	3	182,294	0.00
BOYS' ROBES & DRESSING GOWN COTTON, KNIT	APPAREL	*6107910020	350	3	36,617	0.00
WOMEN'S NEGLIGEES, BATHROBES ETC OF COTTON, KNIT ..	APPAREL	6108910030	350	3	5,383,149	0.03
GIRLS' NEGLIGEES, BATHROBES ETC OF COTTON, KNIT	APPAREL	6108910040	350	3	80,855	0.00
M/B BATHROBES, DRESSING GOWN ETC COTTON, NOT KNIT	APPAREL	6207911000	350	3	12,971,317	0.08
WOMEN'S NEGLIGEES, BATHROBES ETC OF COTTON, NT KT	APPAREL	6208911010	350	3	26,195,890	0.15
GIRLS' NEGLIGEES, BATHROBES ETC OF COTTON, NT KT	APPAREL	6208911020	350	3	208,399	0.00
PANTY HOSE AND TIGHTS OF COTTON, KNIT	APPAREL	6115190010	359	3	16,902,522	0.10

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SHAWLS SCARVES MUFFLERS MANTILLAS VEILS COTTON KNT.	APPAREL	6117106010	359	3	160,778	0.00
TIES, BOW TIES AND CRAVATS OF COTTON, KNIT	APPAREL	6117200010	359	3	5,508	0.00
M/B JUDO KARATE ORIENTL MARTIAL ART UNFRM COT N KT	APPAREL	6203221000	359	3	4,017,355	0.02
W/G JUDO KARATE MARTIAL ARTS UNIFORM COTTON, NT KT.	APPAREL	6204221000	359	3	1,676,753	0.01
BRACES GARTERS SMLR ART & PTS COTTN/COT & RBR/ PLAS.	APPAREL	6212900010	359	3	1,111,741	0.01
SHAWLS SCARVES & THE LIKE OF COTTON NESOI, NT KNIT .	APPAREL	6214900010	359	3	1,105,306	0.01
COT KT VISORS & OTH HDGR W/O COV FOR CROWN OF HEAD.	APPAREL	6505901530	359	3	1,947,401	0.01
HATS & OTH HDGEAR (EX BABIES) NOT KNT, COT & HND-LM & FLKLR.	APPAREL	6505902060	359	3	50,804,245	0.30
NKT COT VISOR & OTH HDGR W/O COV FOR CROWN OF HEAD.	APPAREL	*6505902500	359	3	1,132,482	0.01
MITTENS AND MITTS OF WOOL OR FINE ANIMAL HAIR, KNIT .	APPAREL	6116910000	431	3	528,233	0.00
GLVS SYN FIBER >=23% WOOL W/OUT FOURCHETTES, KNIT	APPAREL	6116931510	431	3	37,285	0.00
GLOVES SYN FIBER >=23% WOOL WITH FOURCHETTES, KNIT.	APPAREL	6116931520	431	3	10,582	0.00
GLVS SYN FIBER >=23% WOOL W/OUT FOURCHETTES, KNIT	APPAREL	6116936010	431	3	5,290	0.00
GLOVES OT TEXTILE MATERIALS SUBJ WOOL RES, KNIT	APPAREL	6116999020	431	3	3,024	0.00
GLVS EX SKI MMF >=36% WOOL/FAH WITHOUT 4CHTTS, NK .	APPAREL	6216004810	431	3	0	0.00
GLVS, MTTNS, MTS:MMF:4CHETTE, SDWLLS >=36% WL OR FAH.	APPAREL	6216004820	431	3	0	0.00
GLVS EX SKI MMF >=36% WOOL/FAH WITHOUT 4CHTTS, NK .	APPAREL	6216004910	431	3	108	0.00
GLVS, MTTNS, MTS:MMF:4CHETTE, SDWLLS >=36% WL OR FAH.	APPAREL	6216004920	431	3	0	0.00
GLOVES OF WOOL OR FN ANML HAIR, NOT KNIT OR CROCHT.	APPAREL	6216005000	431	3	9,434	0.00
GLVS EX SKI MMF >=36% WOOL/FAH WITHOUT 4CHTTS, NK .	APPAREL	6216005210	431	3	326	0.00
GLVS, MTTNS, MTS:MMF:4CHETTE, SDWLLS >=36% WL OR FAH.	APPAREL	6216005220	431	3	0	0.00
GLOVES OF WOOL OR FN ANML HAIR, NOT KNIT OR CROCHT.	APPAREL	6216008000	431	3	6,644	0.00
PANTY HOSE AND TIGHTS OF WOOL OR FAH, KNIT	APPAREL	6115190020	459	3	96,211	0.00
SHAWLS SCARVES MUFFLERS MANTILLAS VEILS WOOL, KNIT.	APPAREL	6117101000	459	3	322,807	0.00
SHAWLS SCARVES MUFFLERS ETC MMF =≤23% WOOL, KNIT	APPAREL	6117102010	459	3	73,852	0.00
TIES, BOW TIES AND CRAVATS OF WOOL, KNIT	APPAREL	6117200020	459	3	2,150	0.00
BRACES GARTERS SMLR ART & PTS WOOL/WOOL & RBR/ PLAS.	APPAREL	6212900020	459	3	1,458	0.00
SHAWLS SCARVES AND THE LIKE OF WOOL, NOT KNIT	APPAREL	6214200000	459	3	1,149,882	0.01
GLVS VEG FIB KT IMPREG PLAS W/OUT 4CHETT MMF RES	APPAREL	6116101530	631	3	61	0.00
GLVS EX VEG FIB KT IMPREG PLAS W/OUT 4CHETT MMF RS	APPAREL	6116102530	631	3	56,785	0.00
GLVS IMPREG PLAS/RBR W/OUT 4CHTTS SUBJ MMF RES, KT	APPAREL	6116103520	631	3	1,595,360	0.01
GLVS >=50% COT MMF TEX MT KT IMPREG W 4CHETT MMFRS.	APPAREL	6116104525	631	3	35,830	0.00
GLVS EX VEG FIB KT IMPREG PLAS W/OUT 4CHETT MMF RS	APPAREL	6116104575	631	3	4,495	0.00
GLVS >=50% COT MMF TEX MT KT IMPREG W 4CHETT MMFRS.	APPAREL	6116106025	631	3	364,359	0.00
GLVS IMPREG PLAS/RBR W/OUT 4CHTTS SUBJ MMF RES, KT	APPAREL	6116107020	631	3	145,487	0.00
GLVS >=50% COT MMF TEX MT KT IMPREG W 4CHETT MMFRS.	APPAREL	6116109025	631	3	34,951	0.00
GLVS SYNTHETIC FIB NOT <23% WOOL W/OUT 4CHTT, KNIT .	APPAREL	6116932010	631	3	13,163,718	0.08
GLVS SYNTHETIC FIB NOT <23% WOOL W/OUT 4CHTT, KNIT .	APPAREL	6116932011	631	3	2,824,142	0.02
GLVS SYNTHETIC FIB <23% WOOL WITH 4CHTT, KNIT	APPAREL	6116932020	631	3	3,483,352	0.02
GLVS SYNTHETIC FIB < 23% WOOL WITH 4CHTT, KNIT	APPAREL	6116932021	631	3	658,358	0.00
GLVS SYNTHETIC FIB NOT <23% WOOL W/OUT 4CHTT, KNIT .	APPAREL	6116939010	631	3	817,638	0.00
GLVS SYNTHETIC FIB < 23% WOOL WITH 4CHTT, KNIT	APPAREL	6116939020	631	3	455,549	0.00
GLOVES ARTIFICIAL FIBERS W/OUT FOURCHETTES, KNIT	APPAREL	6116995020	631	3	3,640	0.00
GLOVES ARTIFICIAL FIBERS WITH FOURCHETTES, KNIT	APPAREL	6116995040	631	3	6,247	0.00
GLOVES ARTIFICIAL FIBERS W/OUT FOURCHETTES, KNIT	APPAREL	6116996020	631	3	212,750	0.00
GLOVES ARTIFICIAL FIBERS W/OUT FOURCHETTES, KNIT	APPAREL	6116996021	631	3	13,346	0.00
GLOVES ARTIFICIAL FIBERS WITH FOURCHETTES, KNIT	APPAREL	6116996040	631	3	35,334	0.00
GLOVES ARTIFICIAL FIBERS WITH FOURCHETTES, KNIT	APPAREL	6116996041	631	3	6,061	0.00
GLOVES OT TEXTILE MATERIALS SUBJECT MMF RES, KNIT ..	APPAREL	6116998030	631	3	104	0.00
GLOVES OT TEXTILE MATERIALS SUBJECT MMF RES, KNIT ..	APPAREL	6116999030	631	3	48,065	0.00
BRASSIERES CONT LACE NET/EMBROIDERY MAN-MADE FIBERS.	APPAREL	6212101020	649	3	5,884,716	0.03
BRAS NOT CONTAINING LACE NET OR EMBROIDERY MMF	APPAREL	6212102020	649	3	57,257,320	0.34
GIRDLES AND PANTY-GIRDLES OF MAN-MADE FIBERS	APPAREL	6212200020	649	3	3,629,748	0.02
CORSETS OF MAN-MADE FIBERS	APPAREL	6212300020	649	3	187,276	0.00

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
MEN'S ROBES & DRESSING GOWN, MMF, KNIT	APPAREL	*6107920010	650	3	128,631	0.00
BOYS' ROBES & DRESSING GOWN MMF, KNIT	APPAREL	*6107920020	650	3	84,812	0.00
WOMEN'S NEGLIGEE, BATHROBE, ETC OF MAN-MADE FIB, KNIT.	APPAREL	6108920030	650	3	9,137,061	0.05
GIRLS' NEGLIGEES, BATHROBE, ETC OF MAN-MADE FIB, KNIT.	APPAREL	6108920040	650	3	482,786	0.00
M/B BTHROBE DRESSNG GOWN ETC MMF <36% WL/FAH, N KT.	APPAREL	6207922020	650	3	1,334,360	0.01
WOMEN'S NEGLIGEE, BATHROBE, ETC OF MAN-MADE FIB, N KT.	APPAREL	6208920010	650	3	24,186,959	0.14
GIRLS' NEGLIGEES, BATHROBE, ETC OF MAN-MADE FIB, N KT.	APPAREL	6208920020	650	3	365,380	0.00
TIGHT OF SYN FIB MEASURE <67 DECTEX/SNGL YARN, KNIT	APPAREL	6115110010	659	3	7,481,866	0.04
PANTY HOSE & TGHT SYN FIB >=67 DCTX/SNGL YRN, KNIT ...	APPAREL	6115120000	659	3	3,026,995	0.02
SHAWLS SCARVES MUFFLERS ETC MAN-MADE FIB NESOI, KT.	APPAREL	6117102000	659	3	4,513,579	0.03
SHAWLS SCARVES MUFFLERS ETC MAN-MADE FIB NESOI, KT.	APPAREL	6117102030	659	3	8,012,405	0.05
TIES, BOW TIES & CRAVATS OF MAN-MADE FIBERS, KNIT	APPAREL	6117200030	659	3	46,555	0.00
BRACES GRTERS SMLR ART & PTS MMF OR MMF & RBR/ PLAS.	APPAREL	6212900030	659	3	9,893,995	0.06
SHAWLS SCARVES AND THE LIKE OF SYNTHETIC FIB, N KT ..	APPAREL	6214300000	659	3	21,588,883	0.13
SHAWLS SCARVES AND THE LIKE ARTIFICIAL FIBER, N KT	APPAREL	6214400000	659	3	6,684,019	0.04
GLVS VEG FIB KT IMPRG PLAS W/OUT 4CHETT NESOI	APPAREL	6116101540	831	3	435	0.00
GLVS EX VEG FIB KT IMPREG PLAS W/OUT 4CHETT NESOI ...	APPAREL	6116102540	831	3	725	0.00
GLVS IMPREG PLAS W/OUT 4CHTT N SUBJ COT/MMF RES KT	APPAREL	6116103530	831	3	0	0.00
GLVS >=50% COT MMF TEX MT KT IMPREG W 4CHETS OTHER.	APPAREL	6116104530	831	3	0	0.00
GLVS EX VEG FIB KT IMPREG PLAS W/OUT 4CHETT NESOI ...	APPAREL	6116104595	831	3	23	0.00
GLVS >=50% COT MMF TEX MT KT IMPREG W 4CHETS OTHER.	APPAREL	6116106030	831	3	0	0.00
GLOVES OF SILK CONT < 70% SILK/SLK WASTE, KNIT	APPAREL	6116999050	831	3	290	0.00
GLOVES OF TEXTILE MATERIALS, NESOI, KNIT	APPAREL	6116999060	831	3	3,344	0.00
GLV VG FB IMPG PLS/RBR W/OUT 4CHTTS OT TEX MAT WOV	APPAREL	6216001540	831	3	5,823	0.00
GLV OF OTH FIB IPG PLS/RB W/OUT 4CHT NESOI NT KT	APPAREL	6216001840	831	3	99	0.00
GLV OF OTH FIB IPG PLS/RB W/OT 4CHT NESOI NT KT	APPAREL	6216002040	831	3	0	0.00
GLV IMPRG PLAS W/OUT 4CHTT N SUBJ COT/MMF RES N KT	APPAREL	6216002530	831	3	7,520	0.00
GLV IMPRG PLAS W/OUT 4CHTT N SUBJ COT/MMF RES N KT	APPAREL	6216002730	831	3	113,057	0.00
GLV IMPRG PLAS W/OUT 4CHTT N SUBJ COT/MMF RES N KT	APPAREL	6216002830	831	3	853	0.00
GLV IMPREG PLAS/RBR 4CHTTS CON >=50% COT, MMF NT KT.	APPAREL	6216003030	831	3	0	0.00
GLV IMPREG PLAS/RBR 4CHTTS CON >=50% COT, MMF NT KT.	APPAREL	6216003130	831	3	0	0.00
GLOVES OF OTH TEX MATERIALS NESOI, N NT OR CROCHTD.	APPAREL	6216006000	831	3	544,829	0.00
GLOVES OF OTH TEX MATERIALS NESOI, N NT OR CROCHTD.	APPAREL	6216009000	831	3	63,991	0.00
M/B ENS ST-TYPE JCKT OT TEX MATL <70% SILK, KNIT	APPAREL	6103292036	833	3	0	0.00
M/B SUIT-TYPE JCKT & BLZR <70% SLK/SLK WST, KNIT	APPAREL	6103392050	833	3	121	0.00
M/B SUIT-TYPE JACKET & BLAZER TEX MAT NESOI, KNIT	APPAREL	6103392060	833	3	33,088	0.00
M/B ENS OF HDNG 6203 CONT <70% WGT SLK/SLK WST, WV	APPAREL	6203293028	833	3	0	0.00
M/B ST-TYPE JAC/BLAZ <70% SLK/SLK WST, NT KT/CROCH ...	APPAREL	6203394050	833	3	138,744	0.00
M/B SUIT-TYPE JACKET & BLAZER TEX MAT NESOI, NT KT	APPAREL	6203394060	833	3	799,617	0.00
M/B OVERCOAT ETC OF SILK LESS THAN 70% SILK, KNIT	APPAREL	6101900050	834	3	621	0.00
M/B OVERCOAT ETC OF TEXTILE MATERIALS NESOI, KNIT	APPAREL	6101900060	834	3	1,760	0.00
M/B ENS OF OVRCT ETC OT TEX MATL <70% SILK, KNIT	APPAREL	6103292030	834	3	0	0.00
M/B JACKETS FOR TRACK SUITS CONT <70% SILK, KNIT	APPAREL	6112192020	834	3	0	0.00
M/B OVERCOAT ETC <70% SILK/SILK WASTE, NOT KNIT	APPAREL	6201190050	834	3	2,415	0.00
M/B OVERCOAT ETC TEXTILE MATERIAL NESOI, NOT KNIT	APPAREL	6201190060	834	3	116,403	0.00
M/B ANORAKS ETC SILK <70% BY WGHT SILK, NOT KNIT	APPAREL	6201990050	834	3	11,696	0.00
M/B ANORAKS ETC OT TEXTILE MATERIALS, NOT KNIT	APPAREL	6201990060	834	3	306,878	0.00
M/B ENS OF OVRCTS CONT <70% WGT SLK/SLK WST, NT KN	APPAREL	6203293020	834	3	0	0.00
M/B ANORAK/SMLR ART FOR SKI-ST TEX MTRL NESOI, N KT .	APPAREL	6211202040	834	3	2,864	0.00
M/B TRACK SUIT EX TROUSERS TEX MATERIAL NESOI, N KT	APPAREL	6211390050	834	3	1,277	0.00
M/B JACKTS, OT TEXT MAT NESOI, <70% SLK/SLK WST N KT .	APPAREL	*6211390080	834	3	198	0.00
W/G OVERCOAT ETC OF SILK LESS THAN 70% SILK, KNIT	APPAREL	6102900025	835	3	587	0.00
W/G OVERCOAT ETC OF TEXTILE MATERIALS NESOI, KNIT ...	APPAREL	6102900030	835	3	15,146	0.00
W/G ENS OF OVRCT ETC OF SILK CONT <70% SILK, KNIT	APPAREL	6104292018	835	3	0	0.00
W/G ENS OF OVRCT ETC OF OT TEXTILE MATERIALS, KNIT ..	APPAREL	6104292020	835	3	0	0.00
W/G SUIT-TYPE JACKET CONT <70% BY WEIGHT SILK, KNIT ..	APPAREL	6104392050	835	3	587	0.00
W/G SUIT-TYPE JACKET TEXTILE MATERIALS NESOI, KNIT	APPAREL	6104392090	835	3	42,815	0.00
W/G JACKETS FOR TRACK SUITS CONT <70% SILK, KNIT	APPAREL	6112192030	835	3	1,829	0.00

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PARTS COATS AND JACKETS <70% BY WGT SILK, KNIT	APPAREL	6117900040	835	3	0	0.00
W&G OVRCTS & SMLR CTS CONT <70% BY WT SILK, NT KNT	APPAREL	6202190050	835	3	17,354	0.00
W OR G OVRCTS & SMLR CTS OTH MAT NOT KNIT OR CRCH	APPAREL	6202190060	835	3	294,596	0.00
W/G ANORAK & SMLR ART <70% SILK, N KNIT/CROCHETED ...	APPAREL	6202990050	835	3	9,281	0.00
W/G ANORAKS & SMLR ART TEXTILE MTRLS NESOI, NT KT ...	APPAREL	6202990060	835	3	1,163,685	0.01
WG ENS HDNG 6202/6204 SLK CNT <70% SLK/SLK WST WOV	APPAREL	6204294018	835	3	104	0.00
W/G ENS HDNG 6202 & 6204 OF TEXT MATER NESOI WOVEN	APPAREL	6204294020	835	3	49,542	0.00
W/G SUIT-TYPE JACKET OTHER SILK, NOT KNIT	APPAREL	6204394050	835	3	267,341	0.00
W/G SUIT-TYPE JACKET TEXTILE MATERIALS NESOI, N KT	APPAREL	*6204394060	835	3	5,790,618	0.03
W/G SKI-SUIT ANORAK & SMLR ART TEX MTRL NESOI, N KT .	APPAREL	6211205040	835	3	11,592	0.00
W/G TRACK SUITS EXCEPT TROUSERS TEX MTRLS, NT KNIT	APPAREL	6211490050	835	3	242	0.00
W/G JACKETS, NESOI OT TEX MAT <70% SLK/SLK WST, N K ..	APPAREL	*6211490090	835	3	15,523	0.00
PARTS COATS & JACKETS OT TEX MTRL NESOI, NOT KNIT ...	APPAREL	6217900045	835	3	14,387	0.00
W/G DRESSES CONT <70% BY WGT SLK/SLK WST KNIT	APPAREL	6104490050	836	3	135,151	0.00
W/G DRESSES OF OTHER TEXTILE MATERIALS NES0I, KNIT ..	APPAREL	6104490060	836	3	167,291	0.00
WG DRESSES OF SLK, <70% BY WGT SLK/SLK WST NT KNIT .	APPAREL	6204490050	836	3	301,495	0.00
W/G DRESSES OF TEXTILE MATERIALS NESOI, NOT KNIT	APPAREL	6204490060	836	3	7,521,634	0.04
M/B ENS OF SHIRTS OTHER TEX MATL <70% SILK, KNIT	APPAREL	6103292054	838	3	0	0.00
W/G ENS BLOUSE CONT <70% BY WEIGHT SILK, KNIT	APPAREL	6104292053	838	3	0	0.00
W/G ENS BLOUSE OF OT TEXTILE MATERIALS NESOI, KNIT ...	APPAREL	6104292054	838	3	47	0.00
M/B SHIRTS OF SILK CONT <70% SILK, KNIT	APPAREL	6105903050	838	3	725	0.00
M/B SHIRTS OF TEXTILE MATERIALS NESOI, KNIT	APPAREL	6105903060	838	3	7,500	0.00
W/G BLOUSES OF SILK CONT <70% SILK, KNIT	APPAREL	6106902050	838	3	5,686	0.00
W/G BLOUSES OF TEXTILE MATERIALS NESOI, KNIT	APPAREL	6106903040	838	3	177,208	0.00
M/B T-SHIRTS ETC OF OT TEX MAT,<70% BY WT SILK KNT	APPAREL	6109902015	838	3	10,811	0.00
W/G T-SHIRTS ETC OF OTH TEX MAT, CON <70% WT SIK KT .	APPAREL	*6109902030	838	3	173,398	0.00
M/B PULLOVERS AND SIMILAR ART CONT <70% SILK KIT	APPAREL	6110900084	838	3	749	0.00
W/G PULLOVERS AND SIMILAR ART CONT < 70% SILK KNIT ..	APPAREL	6110900086	838	3	5,955	0.00
M/B PULLOVERS AND SIMILAR ART OF OT TEX MAT, KNIT	APPAREL	6110900088	838	3	12,297	0.00
W/G PULLOVERS AND SIMILAR ART OF OT TEX MAT, KNIT	APPAREL	6110900090	838	3	435,345	0.00
M/B SHIRTS FOR TRACK SUITS CONT <70% SILK, KNIT	APPAREL	6112192050	838	3	12	0.00
W/G SHIRTS FOR TRACK SUITS CONT <70% SILK, KNIT	APPAREL	6112192060	838	3	0	0.00
TOPS CONT <70% BY WEIGHT SILK OR SILK WASTE, KNIT	APPAREL	6114900010	838	3	1,580	0.00
PARTS BLOUSES & SHIRTS TEX MTRL NOT >70% SILK KNIT ..	APPAREL	6117900030	838	3	1,229	0.00
M/B ENS OF SHIRTS CONT <70% BY WGT SLK/SLK WST N K .	APPAREL	6203293060	840	3	17	0.00
WG ENS BLOUSE OF SLK <70% BY WGT SLK/SLK WST, N KT	APPAREL	6204294054	840	3	3,741	0.00
W/G ENS BLOUSE OF OT TEXTILE MATERIALS NESOI, N KT ..	APPAREL	6204294056	840	3	214,077	0.00
M/B SHIRTS OF SILK CONT <70% SLK/SLK WST, NOT KNIT	APPAREL	6205902050	840	3	81,062	0.00
M/B SHIRTS OF OTHER TEXTILE MATRLS NESOI, NOT KNIT ...	APPAREL	6205904040	840	3	1,684,980	0.01
W/G BLOUSES OF SLK CONT <70% SLK/SLK WST, NOT KNIT .	APPAREL	6206100050	840	3	358,916	0.00
W/G BLOUSES OF OTHR TEXTILE MATRLS NESOI, NOT KNIT .	APPAREL	6206900040	840	3	8,980,208	0.05
M/B SHIRTS TEXT MATER NESOI <70% SLK/SLK WST NT KN ..	APPAREL	6211390060	840	3	19,806	0.00
W/G BLSES SHRT SHRT-BLSES; <70% BY WGT SLK NT KNT ..	APPAREL	6211490060	840	3	349,247	0.00
PARTS BLOUSES/SHIRTS TEXTILE MATERIALS NESOI, N KT ..	APPAREL	6217900020	840	3	0	0.00
W/G ENS OF SKIRTS CONT <70% BY WEIGHT SILK, KNIT	APPAREL	6104292030	842	3	0	0.00
W/G ENS OF SKIRTS OF TEXTILE MATERIALS NESOI, KNIT	APPAREL	6104292032	842	3	4,813	0.00
W/G SKIRTS OF SILK CONT <70% SILK, KNIT	APPAREL	6104592050	842	3	116,324	0.00
W/G SKIRTS OF TEXTILE MATERIALS NES0I, KNIT	APPAREL	6104592090	842	3	275,367	0.00
W/G ENS OF SKIRTS NESOI COT <70% BY WGT SILK NT KT ...	APPAREL	6204294030	842	3	2,518	0.00
W/G ENS OF SKIRTS OF TEXTILE MATERIALS NESOI, NT KT ..	APPAREL	6204294032	842	3	136,126	0.00
W/G SKIRTS OF SLK; <70% BY WGT SLK/SLK WST, NOT KN ...	APPAREL	6204594050	842	3	94,794	0.00
W/G SKIRTS OF TEXTILE MATERIALS NESOI, NOT KNIT	APPAREL	6204594060	842	3	5,090,421	0.03
M/B SUITS OF SILK CONT <70% SILK/SILK WASTE, KNIT	APPAREL	6103194070	843	3	11	0.00
M/B SUITS OF TEXTILE MATERIALS NESOI, KNIT	APPAREL	6103194080	843	3	4,019	0.00
MEN'S OR BOYS' SUITS <70% SLK/SLK WST, N K/CROCHTD ..	APPAREL	6203194070	843	3	17,578	0.00
M/B SUITS OF OTHER TEXTL MATERIALS NESOI, NOT KNIT ...	APPAREL	6203194080	843	3	217,832	0.00
W/G SUITS CONT <70% BY WGT SILK/SILK WST KNIT	APPAREL	6104192080	844	3	105	0.00
W/G SUITS OF OTHER TEXTILE MATERIALS NESOI, KNIT	APPAREL	6104192090	844	3	24,839	0.00
WG SUITS OF SLK CONT <70% BY WGT SLK/SLK WST, N KT ..	APPAREL	6204193080	844	3	85,078	0.00
W/G SUITS OF OTH TEXTILE MATERIALS NESOI, NOT KNIT	APPAREL	6204193090	844	3	5,778,548	0.03
M/B ENS TROUSERS, BREECHES OT TEX MATL <70% SLK, KT.	APPAREL	6103292042	847	3	0	0.00
M/B TROUSERS, BREECHES OF OTHER SLK, KNIT	APPAREL	6103493018	847	3	30	0.00
M/B TROUSERS, BREECHES OF OT TEX MAT, KNIT	APPAREL	6103493020	847	3	15,958	0.00
W/G ENS TROUSERS, BREECHES CONT<70% BY WGT SLK, KNT.	APPAREL	6104292042	847	3	0	0.00
W/G ENS TROUSERS, BREECHES OF TEXT MAT NESOI, KNIT	APPAREL	6104292044	847	3	0	0.00
W/G TROUSERS, BREECHES OF SILK CONT<70% SILK, KNIT .	APPAREL	6104693030	847	3	5,945	0.00
W/G TROUSERS, BREECHES OF TEXT MAT NES0I, KNIT	APPAREL	6104693032	847	3	123,834	0.00
M/B TROUSERS FOR TRACK SUIT CONT <70% SILK, KNIT	APPAREL	6112192080	847	3	75	0.00
W/G TROUSERS FOR TRACK SUIT CONT <70% SILK, KNIT	APPAREL	6112192090	847	3	1,654	0.00
PARTS TROUSERS SHORTS <70% SILK/SILK WASTE, KNIT	APPAREL	6117900050	847	3	1,669	0.00

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M/B ENS OF TROUSERS, ETC CONT <70% SLK/SLK WST N K .	APPAREL	6203293040	847	3	3,278	0.00
MB TROUSER ETC CONT <70% SLK/SLK WST, NT KT/CROCH	APPAREL	6203493040	847	3	91,218	0.00
M/B TROUSERS ETC OTHER TEXTILE MATERIALS, NOT KNIT	APPAREL	6203493045	847	3	4,208,490	0.02
MB SHORTS CONT <70% SLK/SLK WST, NOT KNT/CROCHETED.	APPAREL	6203493060	847	3	7,153,252	0.04
WG ENS TROUS, BREECHES OT SLK <70% BY WGT SLK, NT KNT.	APPAREL	6204294042	847	3	30	0.00
W/G ENS TROUSER, BREECHES OF TEXT MAT NESOI, NT KT	APPAREL	6204294044	847	3	74,366	0.00
W/G TROUSERS, BREECHES <70% WHT SLK/SLK WST, NT KNT.	APPAREL	6204693050	847	3	388,726	0.00
W/G TROUSERS, BREECHES OF OTH TEXT MAT NESOI, NT KNT.	APPAREL	6204699040	847	3	30,005,605	0.18
M/B SKI-SUIT TROUSERS/BREECHES TEX MTRL NESOI, N KT	APPAREL	6211203040	847	3	15	0.00
W/G SKI-SUIT TROUSERS/BREECHES TEX MTRL NESOI, N KT	APPAREL	6211206040	847	3	7,599	0.00
M/B TRACKSUIT TROUSERS TEX MATERIAL NESOI, NT KT	APPAREL	6211390040	847	3	328	0.00
W/G TRACK SUIT TROUSERS TEXTILE MATERIALS, NT KNIT ..	APPAREL	6211490040	847	3	1,877	0.00
PARTS TROUSERS & BREECHES TEX MTRL NESOI, NOT KNIT.	APPAREL	6217900070	847	3	28,027	0.00
M/B BATHROBES ETC OF TEX MATL CONT <70% SILK, KNIT ..	APPAREL	6107994020	850	3	5,623	0.00
W/G NEGLIGEES ETC OF OTHER TEXTILE MATERIALS, KNIT .	APPAREL	6108994020	850	3	23,813	0.00
M/B BATHROBES ETC OT TEX MAT CONT <70% SLK, N KT	APPAREL	6207996020	850	3	1,491	0.00
W/G BATHROBES ETC SILK CONT <70% BY WGT SLK N KNT .	APPAREL	6208996020	850	3	21,769	0.00
W/G NEGLIGEES ETC OF OTHER TEXTILE MATERIALS, N KT .	APPAREL	6208998010	850	3	4,175	0.00
M/B NIGHTSHIRTS OF TEX MATL CONT <70% SILK, KNIT	APPAREL	6107294020	851	3	0	0.00
W/G NIGHTDRESSES & PAJAMAS OF OT TEXTILE MAT, KNIT .	APPAREL	6108392020	851	3	4,002	0.00
M/B NGHTSHRTS & PJMS <70% SLK/SLK WST NT KNIT	APPAREL	6207290030	851	3	4,307	0.00
W/G NGHTDRSS & PJMS <70% BY WGT SLK/SLK WST, N KT ..	APPAREL	6208290030	851	3	43,718	0.00
TIES BOW TIES & CRAVATS <70% WGHT OF SLK, KNIT	APPAREL	6117200050	858	3	11,669	0.00
TIES BOW TIES AND CRAVATS OT TEXTILE MATERIAL, KNIT .	APPAREL	6117200060	858	3	3,419	0.00
TIES BOW TIES AND CRAVATS SILK NESOI, NOT KNIT	APPAREL	6215100090	858	3	126,232	0.00
TIES & CRAVATS TEXTILE MATERIALS NESOI, NOT KNIT	APPAREL	6215900020	858	3	4,052	0.00
PANTY HOSE & TIGHTS CONT <70% SLK/SLK WASTE, KNIT ...	APPAREL	6115190040	859	3	61,938	0.00
SHAWLS SCARVES MUFFLERS ETC TEX MATL NESOI, KNIT ..	APPAREL	6117106020	859	3	10,975	0.00
BRAS CONT LACE NET ETC TEX MTRL <70% SILK, NT KT	APPAREL	6212101040	859	3	3,913	0.00
BRAS NT CONT LACE NET ETC OT TEX MTRL <70% SLK N K .	APPAREL	6212102040	859	3	2,463	0.00
GIRDLES & PANTY-GIRDLES TEX MTRL EX COTTON/MMF	APPAREL	6212200030	859	3	6,750	0.00
CORSETS TEXTILE MATERIALS EX COTTON & MAN-MADE FIB	APPAREL	6212300030	859	3	1,438	0.00
BRACES SMLR ARTICLES & PTS OF TEXTILE MAT NESOI	APPAREL	6212900040	859	3	35,200	0.00
BRACES SMLR ARTICLES & PTS OF TEXTILE MAT NESOI	APPAREL	6212900090	859	3	11,675	0.00
SHAWLS SCARVES & THE LIKE CON 70% SLK/SLK WST NK ...	APPAREL	6214102000	859	3	332,325	0.00
SHAWLS SCARVES AND THE LIKE TEXTILE MTRL NESOI, NKT	APPAREL	6214900090	859	3	32,900	0.00
OTH KNT COT FAB <30 CM WD >5% ELSTMRC YRN/RUB THRD.	FABRIC	6002104000	222	3	552,860	0.00
OTH KNIT FAB <30 CM WD >5% ELSTOMERIC YRN/RUB THRD	FABRIC	6002108000	222	3	743,978	0.00
OTHER KNITTED OR CROCHET COTTON FABRIC WIDTH <30 CM.	FABRIC	6002203000	222	3	1,238,672	0.01
OTHER KNITTED OR CROCHETED MMF FABRICS WIDTH <30 CM.	FABRIC	6002206000	222	3	2,143,669	0.01
OTHER KNIT/CROCHET FABRIC; 5% OR >ELASTOMERIC YRN	FABRIC	6002302000	222	3	31,732,376	0.19
OTHER KNIT OR CROCHET FABRIC 5% OR >RUBBER THREAD.	FABRIC	6002309000	222	3	1,744,066	0.01
OTHER WARP KNIT FABRICS (INCLUDNG GALLOON) OF COTTON.	FABRIC	6002420000	222	3	4,086,638	0.02
FABRICS OF MAN-MADE FIBERS NESOI, WARP KNIT	FABRIC	6002430080	222	3	14,134,926	0.08
OTHER COT KT OR CROCHD FAB, CIR KNIT, >100 MET NUM ..	FABRIC	6002920000	222	3	56,303,594	0.33
OTH KNT/CROCHET FAB DBL KNIT/INTERLOCK NYLON, NESOI.	FABRIC	6002930020	222	3	2,141,627	0.01
OTH KNT/CRCHET FAB DBL KNT/INTRLCK POLYESTER, NESOI.	FABRIC	6002930040	222	3	20,240,228	0.12
OTH KNT/CROCHET FAB DBL KNT/INTRLOCK OTH MMF, NESOI.	FABRIC	6002930060	222	3	3,244,642	0.02
OTHER KNIT/CROCHET FABRIC OF MAN-MADE FIBERS, NESOI.	FABRIC	6002930080	222	3	12,508,928	0.07
WADDING IN THE PIECE OF COTTON	FABRIC	5601210010	223	3	2,683,744	0.02
WADDING IN THE PIECE OF MAN-MADE FIBERS	FABRIC	5601220010	223	3	664,594	0.00
LAM NEEDLELOOM FELTS & STICH-BONDED FIBER FABRICS	FABRIC	5602101000	223	3	177,464	0.00
NEEDLELOOM FELTS AND STITCH-BONDED FIBER FAB NESOI.	FABRIC	5602109090	223	3	30,130,156	0.18
FELT NOT IMPREG COAT COVER OR LAMIN TEX MAT NESOI	FABRIC	5602290000	223	3	1,250,704	0.01
FELT NESOI OF LAMINATED FABRICS	FABRIC	5602903000	223	3	23,688	0.00
FELT NOT LAMINATED NESOI OF MAN-MADE FIBER	FABRIC	5602906000	223	3	2,170,084	0.01

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
NONWOVEN LAM FAB OTH THAN FLOOR COVERING UNDERL AY.	FABRIC	5603003000	223	3	1,300,180	0.01
NONWOVENS IMPREG, COATED, COVERED; IMITATION SUEDE.	FABRIC	5603009010	223	3	45,871,798	0.27
NONWOVENS, THERMAL BONDED, OF STAPLE FIBERS	FABRIC	5603009030	223	3	98,652,022	0.58
NONWOVENS, OBTAIN BY MECH ENTANGLEMNT, STAPLE FIBER.	FABRIC	5603009050	223	3	12,934,334	0.08
NONWOVENS, OF FILAMENTS	FABRIC	5603009070	223	3	181,510,084	1.07
NONWOVENS, OF STAPLE FIBERS	FABRIC	5603009090	223	3	72,829,428	0.43
STITCH-BONDED GOODS OF MAN-MADE FIBERS, WARP KNIT	FABRIC	6002430020	223	3	222,488	0.00
NYL/POLYMDS UNBL/BL TYPWRTR RIB BOTH SELVAGES WOVN.	FABRIC	5407410010	621	3	0	0.00
NYLON/POLYAMDS UNBLCH/BLCH TYPEWRITER RIBON OTHER.	FABRIC	5407410020	621	3	222,955	0.00
TYPEWRITER OR SIM RIB NAR WOV FAB: OF MAN-MADE FIB	FABRIC	5806321010	621	3	2,135,290	0.01
TYPEWRITER RIBBONS WOVEN, OF MAN-MADE FIBERS	FABRIC	9612109010	621	3	5,377,838	0.03
NARROW FABRICS, WOVEN, OF GLASS FIBERS	FABRIC	7019201000	622	3	1,407,684	0.01
WOVEN FABRICS (EXC NARROW FAB), GLS FIBR NT COLORD.	FABRIC	7019202000	622	3	24,056,735	0.14
WOVEN FABRICS (EXC NARROW FAB), GLS FIBER, COLORED	FABRIC	7019205000	622	3	5,998,063	0.04
WOVEN FABRIC OF NOIL SILK: <85% SLK/SLK WST, NESOI	FABRIC	5007106090	810	3	80,454	0.00
WV FAB CONT <85% N SUB W/C/MMF REST, NESOI	FABRIC	5007906090	810	3	675,473	0.00
WOV FAB OF FLAX CON >=85 FLAX BLCH UBL WID >127CM ...	FABRIC	5309110010	810	3	4,578,199	0.03
WOV FAB OF FLAX CON >=85% FLAX UNBL BL WID <=127CM	FABRIC	5309110090	810	3	1,064,800	0.01
WOV FAB OF FLX CON >=85% FLAX NT BL OR UBL W>127CM	FABRIC	5309190010	810	3	1,842,051	0.01
WOV FAB FLAX >=85% FLAX N-BL/UNBL WIDTH <=127CM	FABRIC	5309190090	810	3	904,512	0.01
WOV FAB FX LESS 85 PER FX NOT SUB COT MM RES OTHR .	FABRIC	5309213090	810	3	128,707	0.00
WOV FAB FX <85% FX <=17% W/FAH N-COT/MMF WD >127CM	FABRIC	5309214010	810	3	1,032,211	0.01
WOV FAB FLX <85% FX UBL OR BL,<=17% W/FAH, <=127CM ..	FABRIC	5309214090	810	3	1,533,884	0.01
WOV FAB FX <85% FX, CONT COT & MMF, UBL & BL, NO R	FABRIC	5309293090	810	3	1,014,040	0.01
WOV FAB FLX <85% FLX NOT BL OR UBL, WIDTH >127CM	FABRIC	5309294010	810	3	2,562,632	0.02
WOV FAB FLX<85% FLX, NOT BLCH OR BLCH WIDTH<=127CM	FABRIC	5309294090	810	3	1,543,284	0.01
WV FB VEG FB CN CT/MMF NOT SUB COT/MMF RES NESOI ...	FABRIC	5311003090	810	3	253,741	0.00
WOV FAB VEG FIB <=17% W/FAH N-CNT COT/MMF, NESOI	FABRIC	5311004000	810	3	6,999,826	0.04
WOV PILE & CHENILLE FIB OF VEG FIBERS, EXC COTTON	FABRIC	5801901000	810	3	46,083	0.00
WOV PILE & CHENILLE FABRIC TEX MAT, NESOI, NESOI	FABRIC	5801902090	810	3	28,679	0.00
TERRY TOWELING, NOT NARROW OTH TEX MATERIAL, OTHER.	FABRIC	5802200090	810	3	8	0.00
TUFTED TEX FAB, OT CARPET AND OT TEX FLR COVRNG OT	FABRIC	5802300090	810	3	63,563	0.00
GAUZE, NT NAR FAB OTH TEX MAT, VEG FIB, EXC COTTON ..	FABRIC	5803902000	810	3	43,225	0.00
GAUZE, NOT NARROW OTH TEXTILE MAT, NESOI, NESOI	FABRIC	5803904090	810	3	500	0.00
TEX FABRICS IMPREG ETC NESOI, VEG FIBER NOT COTTON	FABRIC	5907009010	810	3	9,187	0.00
TRUNKS, SUITCASES, ETC, VEG FIBER, NOT PILE, OF COTTON.	MADE-UP	4202124000	369	3	4,345,957	0.03
ATTACHE CASES, BRIEF CASES, ETC, OF COTTON	MADE-UP	4202128020	369	3	403,716	0.00
TRUNKS, SUITCASES, VANITY CASES, ETC, OF COTTON	MADE-UP	4202128060	369	3	544,663	0.00
HANDBAGS, OUTR SURF TEXT, WHOLLY/PART BRAID, COTTON.	MADE-UP	4202224020	369	3	899,394	0.01
HANDBAGS, OTR SURF TEX, NOT BRAID, NOT TUFT/PL, COTTON.	MADE-UP	4202224500	369	3	46,030,960	0.27
HANDBAG, OTR SUR TEX, EX BRAID, EX TUF/PL, VEG FBR, NES.	MADE-UP	4202228030	369	3	1,115,829	0.01
ART FOR POCKET/HANDBAG, NOT PILE OR TUFTD, OF COTTON.	MADE-UP	4202324000	369	3	4,295,331	0.03
ART FOR POCKET OR HANDBAG, OF COTTON	MADE-UP	4202329530	369	3	478,261	0.00
TRAVEL, SPORTS & SIMILAR BAGS, OUTER SURF COTTON ...	MADE-UP	4202921500	369	3	44,160,832	0.26
TRAVEL, SPORTS BAGS, ETC. OF COTTON	MADE-UP	4202923015	369	3	1,818,677	0.01
OTHER BAGS, OF COTTON	MADE-UP	*4202926000	369	3	3,969,444	0.02
HAND-WOVEN TAPESTRIES, NESOI: OF COTTON	MADE-UP	5805003000	369	3	355,836	0.00
WOV LABELS, SIMI ART TEX MAT, NOT EMBROID OF COTTN .	MADE-UP	5807101010	369	3	34,442	0.00
KNITTED LABEL, OF TEX MAT NOT EMBROID OF COTTON	MADE-UP	5807901010	369	3	2,967	0.00
BLANKET N/ELEC & TRAVEL RUGS OF COTTON, WOVEN	MADE-UP	6301300010	369	3	15,592,961	0.09
BLANKET N/ELEC & TRAVEL RUGS OF COTTON, NESOI	MADE-UP	6301300020	369	3	1,378,760	0.01
TABLECLOTHS & NAPKINS, DAMASK, COTTON	MADE-UP	6302511000	369	3	3,395,878	0.02
TABLECLOTHS AND NAPKINS, PLAIN WOVEN, COTTON	MADE-UP	6302512000	369	3	11,855,052	0.07
TABLCLOTH & NAPKINS, COTTON, NESOI	MADE-UP	6302513000	369	3	41,035,255	0.24
TABLE LINEN OF COTTON, NESOI	MADE-UP	6302514000	369	3	24,472,656	0.14
DISH TOWELS OF TERRY TOWELING FABRIC, COTTON	MADE-UP	6302600010	369	3	10,641,609	0.06
TOILET & KIT LINEN EXCEPT TOWELS, TERRY FAB COTTET ..	MADE-UP	6302600030	369	3	50,016,210	0.29
COTTON DISH TOWELS OF PILED OR TUFTED CONSTRUCTION.	MADE-UP	6302910005	369	3	14,976,660	0.09
TLT & KIT LINEN OT THAN TOWELS OF COT, PLD/TFT CON	MADE-UP	6302910025	369	3	1,517,862	0.01

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COT DISH TOWELS, N-JACQ FIG, N-PILED/TUFTED CONSTR ..	MADE-UP	6302910045	369	3	40,799,873	0.24
COT TOWELS N-DISH TOWELS: N-JAQ FIG OR PLD/TFT CON .	MADE-UP	6302910050	369	3	21,047,904	0.12
TOWELS OT THAN TOLIET & KITCHN LINEN OF COT, NESOI ..	MADE-UP	6302910060	369	3	2,971,770	0.02
CURTAIN (DRAPES) & INT BLNDS/BD VAL KT/CROCHET COT .	MADE-UP	6303110000	369	3	987,896	0.01
CURTAIN & INTERIOR BLINDS/BED VALANCES, NESOI, COT ...	MADE-UP	6303910000	369	3	6,944,067	0.04
OTHER FURNISHING ART NT 9404 NESOI KT/CROCHET COT .	MADE-UP	6304910020	369	3	7,117,509	0.04
OTHER FURNISH ART NT 9404 NESOI NT KT/CROCHET COT ..	MADE-UP	6304920000	369	3	26,716,393	0.16
SACKS & BAGS KIND USED FOR PACKING OF GOODS COT-TON.	MADE-UP	6305200000	369	3	1,761,948	0.01
TARPAULINS, AWNINGS AND SUNBLINDS OF COTTON	MADE-UP	6306110000	369	3	4,726	0.00
DUSTCLOTHS, MOP CLOTHS & POLISHING CLOTHS OF COT .	MADE-UP	6307101000	369	3	7,624,101	0.04
BAR MOPS OF COTTON TERRY FABRIC	MADE-UP	6307102020	369	3	74,930,696	0.44
LABELS OF COTTON	MADE-UP	6307903010	369	3	2,287	0.00
CORDS AND TASSELS OF COTTON	MADE-UP	6307904010	369	3	138,746	0.00
CORSET, FOOTWEAR OR SIMILAR LACING OF COTTON	MADE-UP	6307905010	369	3	32,734	0.00
SURGICAL TOWELS	MADE-UP	6307908710	369	3	40,516,075	0.24
SURGICAL TOWELS	MADE-UP	6307909010	369	3	12,799,861	0.08
PILLOW SHELLS, OF COTTON	MADE-UP	*6307909050	369	3	18,337,581	0.11
OTHER TOWELS OF COTTON	MADE-UP	*6307909050	369	3	1,746,436	0.01
PILLOW SHELLS, OF COTTON	MADE-UP	6307909545	369	3	375,947	0.00
OTHER TOWELS OF COTTON	MADE-UP	*6307909550	369	3	1,152,368	0.01
OTHER TOWELS OF COTTON	MADE-UP	*6307909590	369	3	3,705,007	0.02
PILLOWS, CUSHIONS AND SIMILAR FURNISHING OF COTTON	MADE-UP	9404901000	369	3	2,263,746	0.01
BEDDING ARTICLES OF COTTON NOT DECORATED NESOI	MADE-UP	*9404908000	369	3	1,292,018	0.01
MATTRESS SUPPORTS OF COTTON, NESOI	MADE-UP	*9404909040	369	3	480,671	0.00
BLANKET N/ELEC & TRAVEL RUG WOOL F/HAIR NT>3M LGTH	MADE-UP	6301200010	464	3	747,139	0.00
BEDSPREADS CONT >=85% BY WGT OF WOOL/FAH NOT KNIT.	MADE-UP	6304193040	469	3	18,478	0.00
OTHER FURNISH ART NESOI KT/CROCHET NESOI WOOL HAIR.	MADE-UP	6304910050	469	3	70,696	0.00
OTHER NT KT NESOI MAT WALL HANG WOOL HAIR NESOI	MADE-UP	6304991500	469	3	45,739	0.00
OTHER NT KT NESOI TEX MAT NESOI NESOI WOOL HAIR	MADE-UP	6304996010	469	3	251,448	0.00
NEDLECRFT SET WOV TAB & YRN/RETAIL SALE WOOL YARN	MADE-UP	6308000010	469	3	47,730	0.00
HAND-WOVEN TAPESTRIES, NESOI: NESOI, MAN-MADE FIBER.	MADE-UP	5805004010	666	3	98,309	0.00
ELECTRIC BLANKETS	MADE-UP	6301100000	666	3	229,493	0.00
BLANKET N/ELEC & TRAVEL RUGS OF SYN FIBERS, WOVEN .	MADE-UP	6301400010	666	3	62,665,200	0.37
BLANKETS N/ELEC & TRAVEL RUGS OF SYN FIBERS, NESOI .	MADE-UP	6301400020	666	3	9,580,594	0.06
BLANKETS AND TRAVELING RUGS OF ARTIFICIAL FIBER	MADE-UP	6301900010	666	3	541,498	0.00
TABLECLOTHS AND NAPKINS, DAMASK, MAN-MADE FIBERS ..	MADE-UP	6302530010	666	3	3,486,211	0.02
TABLECLOTH & NAPKIN, MAN-MADE FIBERS EXCEPT DAM-ASK.	MADE-UP	6302530020	666	3	13,844,131	0.08
TABLE LINEN EX TABLECLOTH/NAPKIN OF MAN-MADE FIBER	MADE-UP	6302530030	666	3	13,154,875	0.08
BED, TABLE, TOILET, KT LNEN NESOI MMF PILE/TUFT CONST	MADE-UP	6302931000	666	3	106,805	0.00
BED, TABLE, TOILET, & KITCHEN LINEN NESOI, MMF	MADE-UP	6302932000	666	3	740,477	0.00
CURTAIN (DRAPE) & INTER BLND/BD VAL KT/CRO SYN FIB	MADE-UP	6303120000	666	3	15,054,926	0.09
CURTAIN & INT BLINDS; VALANCES, KNIT ARTIFICIAL FB	MADE-UP	6303190010	666	3	49,334	0.00
CURT & INTER BLINDS/BED VALCS, SUBHEAD 5407 ETC.	MADE-UP	6303920000	666	3	47,747,534	0.28
CURTN & INT BLNDS/BED VAL NESOI, NESOI MAT ART FIB	MADE-UP	6303990010	666	3	113,328	0.00
OTHER FURNISH ART EXC 9404 BEDSPRED KT/CROCHET MMF.	MADE-UP	6304112000	666	3	4,421,333	0.03
OTHER FURNISH ART NT 9404 BEDSPRD NESOI MMF W/TRIM	MADE-UP	6304191500	666	3	3,474,878	0.02
OTHER FURNISH ART NT 9404 BEDSPRD NESOI MMF NESOI .	MADE-UP	6304192000	666	3	6,039,691	0.04
OTHER FURNISHING ART NT 9404 NESOI KT/CROCHET MMF .	MADE-UP	6304910040	666	3	9,748,814	0.06
OTHER FURN ART NT 9404 NESOI NT KT/CROCHET SYN FIB .	MADE-UP	6304930000	666	3	42,879,730	0.25
OTHER NT KT NESOI TEX MAT NESOI NESOI ARTI FIBERS	MADE-UP	6304996020	666	3	952,906	0.01
OTHER TOWELS OF MAN-MADE FIBERS	MADE-UP	*6307909050	666	3	1,964,740	0.01
OTHER TOWELS OF MAN-MADE FIBERS	MADE-UP	*6307909550	666	3	1,394,972	0.01
OTHER TOWELS OF MAN-MADE FIBERS	MADE-UP	*6307909590	666	3	4,485,008	0.03
QUILTS, EIDERDOWNS, COMFORTR, OTR SHELL MAN-MADE FIBR.	MADE-UP	9404909020	666	3	3,501,778	0.02
MATTRESS SUPPORTS OF MAN-MADE FIBERS, NESOI	MADE-UP	*9404909040	666	3	61,481	0.00
WOVEN LABELS, SIMI ART TEX MAT, N0T EMBROID MMF	MADE-UP	5807101020	669	3	4,577,746	0.03
WOV LABEL OF TEX MAT NOT EMBROID OF MMF	MADE-UP	5807901020	669	3	423,691	0.00
EMBROIDERY WITH VISIBLE GROUND OF MMF; LABELS	MADE-UP	5810920030	669	3	50,170	0.00
SACK & BAG FOR PKG GOOD M-M MAT POLYETHYLENE >=1KG.	MADE-UP	6305310010	669	3	14,344,157	0.08
SACK & BAG FOR PKG GOOD M-M MAT POLYETHYLENE < 1KG.	MADE-UP	6305310020	669	3	145,775,707	0.86
SACK & BAG FOR PKG GOOD MAN-MADE TEXTILE MAT NESOI.	MADE-UP	6305390000	669	3	18,416,736	0.11
TARPAULIN, AWNINGS & SUNBLINDS OF SYNTHETIC FIBERS	MADE-UP	6306120000	669	3	2,071,368	0.01

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TARPAULIN, AWNING & SUNBLIND ARTIFICAL FIBERS	MADE-UP	6306190010	669	3	130,824	0.00
TENTS, EXCEPT SCREEN HOUSES, OF SYNTHETIC FIBERS ...	MADE-UP	6306229000	669	3	89,570,664	0.53
TENTS, EXCEPT SCREEN HOUSES, OF SYNTHETIC FIBERS ...	MADE-UP	6306229030	669	3	30,375,677	0.18
LABELS OF TEXTILE MATERIALS OTHER THAN COTTON	MADE-UP	6307903020	669	3	244,555	0.00
CORDS AND TASSELS OF TEXTILE MATERIALS EX COTTON ..	MADE-UP	6307904020	669	3	1,083,125	0.01
CORSET, FOOTWEAR OR SIMILAR LACING, TEX MAT EX COT	MADE-UP	6307905020	669	3	2,995,661	0.02
NEDLECRFT SET WOV FAB & YRN FOR RETAIL SALE NESOI .	MADE-UP	6308000020	669	3	294,034	0.00
ATTACHE CASES, BRIEF CASES, ETC, OF MAN-MADE FIBERS	MADE-UP	4202128030	670	3	10,802,054	0.06
TRUNKS, SUITCASES, VANITY CASE, ETC, OF MAN-MADE FIBER.	MADE-UP	4202128070	670	3	71,386,413	0.42
HANDBAGS, OUTR SURF TEX, WHO/PT BRAID, MAN-MADE FIBR.	MADE-UP	4202224030	670	3	355,293	0.00
HANDBAGS, OTR SURF TEX, EX BRAID, PIL/TUFT, M-M FIBER	MADE-UP	4202228050	670	3	10,610,268	0.06
ART FOR POCKET OR HANDBAG, OF MAN-MADE FIBERS	MADE-UP	4202329550	670	3	5,735,259	0.03
BACKPACKS, OF MAN-MADE FIBER	MADE-UP	4202923020	670	3	18,745,554	0.11
TRAVEL, SPORTSBAGS, ETC, NOT BACKPACKS, MAN-MADE-FIBER.	MADE-UP	4202923030	670	3	136,578,130	0.80
OTHER BAGS, OUTER SURFACE OF MAN-MADE FIBERS	MADE-UP	*4202929020	670	3	9,531,075	0.06
TRUNKS, SUITCASES, ETC, VEG FIBER, NOT PILE, NESOI	MADE-UP	4202126000	870	3	33,479,831	0.20
ATTACHE CASES, BRIEF CASES, SCHOOL SATCHEL, ETC, NESOI.	MADE-UP	4202128040	870	3	154,490	0.00
TRUNKS, SUITCASE, VANITY CASE, ETC, SURF TEXTILE, NESOI.	MADE-UP	4202128080	870	3	403,171	0.00
TRAVEL, SPORTS & SIMILAR BAGS, OUTER SURF EXC COTTON.	MADE-UP	4202922000	870	3	12,748,605	0.07
TRAVEL, SPORTS BAGS, ETC, OF TEXTILE MATERIALS, NESOI.	MADE-UP	4202923040	870	3	608,010	0.00
OTHER BAGS, OUTER SURF TEXTILE MATERIALS, NESOI	MADE-UP	*4202929030	870	3	132,527	0.00
HANDBAGS, OUTR SURF TEX, WHOLLY/PART BRAID, NESOI .	MADE-UP	4202224040	871	3	197,454	0.00
HANDBAG, OTR SUR TEX, EX BRAID, EX TUF/PL, VEG FBR, NES.	MADE-UP	4202226000	871	3	2,774,086	0.02
HANDBAGS, OTR SURF TEX, EX BRAID, PIL/TUFT, NESOI	MADE-UP	4202228060	871	3	208,044	0.00
ART FOR POCKET/HANDBG, VEG FIBR, NOT PILE/TUFT, NESOI.	MADE-UP	4202328000	871	3	50,368	0.00
ART FOR POCKET OR HANDBAG, OUTER SURFACE TEXT, NESOI.	MADE-UP	4202329560	871	3	13,982	0.00
NYLON TEXTURED SINGLE YRN <= 500 DECITEX NT RETAIL .	YARN	5402313000	600	3	4,375,228	0.03
NYLON TEXTURED MULTIPLE YN <= 500 DECTEX NT RETAIL .	YARN	5402316000	600	3	6,167,668	0.04
NYLON TEXTURED SINGLE YARN >500 DECITEX NOT RETAIL	YARN	5402323000	600	3	80,338,928	0.47
NYLON TEXTURED MULTIPLE YARN >500 DECTEX NT RETAIL	YARN	5402326000	600	3	3,311,133	0.02
POLYESTER TEXTURED SINGLE NOT FOR RETAIL SALE	YARN	5402333000	600	3	28,676,161	0.17
POLYESTER TEXTURED MULTIPLE/CABLED NOT RETAIL	YARN	5402336000	600	3	2,494,180	0.01
SYN FIL TEX YN OF POLYETHYLENE/PROPYLENE NT RETAIL	YARN	5402393010	600	3	43,747,321	0.26
SYN FIL TEX YN EXC NYL/POLYESTER/ETHYLENE/PROPYLEN	YARN	5402393090	600	3	6,508,470	0.04
SYN FIL YN POLYETHYLENE/PROPYLENE <67 DEC MULT CAB	YARN	5402396010	600	3	9,244,294	0.05
S FL YR N SW T N RT SL I S MNF <67 DCX TX Y O M/CB	YARN	5402396090	600	3	1,086,703	0.01
ARTIFICIAL FILAMENT TEXTURED SINGLE NT RETAIL	YARN	5403203000	600	3	1,021,404	0.01
ARTIFICIAL FILAMENT TEXTURED MULTIPLE YN NT RETAIL ...	YARN	5403206000	600	3	52,780	0.00
NYL HIGH TENACITY MULTIFLMNT YRN NT RTL TWST >=5 M .	YARN	5402103040	606	3	19,218,213	0.11
NYLON HIGH TENACITY MULTIPLE/CABLED YARN NT RETAIL	YARN	5402106000	606	3	2,211,543	0.01
POLY HGH TNCTY MULTIFLMNT YN N RTL TWST >=5 PR MTR	YARN	5402203040	606	3	12,218,750	0.07
POLYESTERS HIGH TENACITY MULTIPLE/CABLED NT RETAIL	YARN	5402206000	606	3	467,687	0.00
NYLON MULTIFLMNT YRN W TWIST >=5<=50 TRN PER MTR ...	YARN	5402410040	606	3	38,951,971	0.23
POLY, 75 >DECITEX >80, TWIST >=5 TRUNS PER MET	YARN	5402430040	606	3	51,263,563	0.30
SYN FIL YRN POLYETHYLENE/PROPYLENE MULT >=5<=50TM2.	YARN	5402490070	606	3	3,162,695	0.02
SYN FIL YRN OTH TEX MAT MONO<67 DC MULT >=5<=50TM2	YARN	5402490080	606	3	15,052,307	0.09
NYLON FILAMENT YN TWIST >50 TURNS/M NT RETAIL SALE ..	YARN	5402510000	606	3	3,261,386	0.02
POLY TWIST >50 TURNS/MET, 75<DECITEX<80	YARN	5402520000	606	3	609,151	0.00
SYN FILA YARN EXC NYLON/POLYESTER TWST >50 TURNS/M	YARN	5402590000	606	3	2,525,485	0.01
NYLON FILAMENT YARN MULTIPLE/CABLED NT RETAIL SALE	YARN	5402610000	606	3	694,194	0.00
POLYESTERS FILMT YN MULTIPLE/CABLED NT RETAIL SALE .	YARN	5402620000	606	3	5,757,947	0.03
SYN FILA YN EXC NYLON/POLYESTERS MULTIPLE/CABLED ...	YARN	5402690000	606	3	5,782,268	0.03
VISC RYN HGH TNCTY MONO/MULTIFLMNT UNT/TW <5 TRN/M.	YARN	5403103040	606	3	20,198,329	0.12
VISCOSE RAYON HI TENCITY MULTIPLE/CABLED NT RETAIL .	YARN	5403106000	606	3	331,349	0.00
VISC RYN TWST 'N'>=5<=120 TRNS PER MTR MULTIFILMNT ...	YARN	5403310040	606	3	63,273,956	0.37
VISCOSE RAYON TWIST >120 TURNS/M YN NT RETAIL SALE .	YARN	5403320000	606	3	6,294,074	0.04
CELL ACE MULTIFLMNT YARN TWST >=5 TR/M <67 DECITEX .	YARN	5403330040	606	3	46,472,607	0.27
ART FILA MULTIFILAMENT <67 DECITEX W TWST >=5 TR/M	YARN	5403390040	606	3	278,063	0.00
VISCOSE RAYON MULTIPLE/CABLED NOT FOR RETAIL SALE .	YARN	5403410000	606	3	6,589,564	0.04
CELLULOSE ACETATE MULTIPLE/CABLED NOT RETAIL SALE .	YARN	5403420000	606	3	557,855	0.00

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ART FILA EXP VISCOSE RAYON/ACETATE MULTIPLE/CABLED	YARN	5403490000	606	3	844,602	0.00
YRN N SWG TD SYN ST F N RT SL O PY ST F M AS F S Y	YARN	5509513000	607	3	27,703	0.00
YRN N SWG TD SYN ST F N RT SL O PY ST F M AS F MCY	YARN	5509516000	607	3	2,646	0.00
YRN N SWG THD SYN ST FB MX MNLY/SLY WL OR FN AN HR	YARN	5509520000	607	3	46,404	0.00
YRN N SWG THD SYN STP FIB MX MNLY/SLY W CT <=52NM	YARN	5509530030	607	3	2,302,645	0.01
YRN N SW TD SY ST FB N RT SL YR PL S F M C ≤52NM	YARN	5509530060	607	3	5,903,703	0.03
YRN N SW TD SY ST F N RTL SL OT YR POLY ST F NESOI	YARN	5509590000	607	3	430,372	0.00
YR N SWG TH SYN ST FB N RT SL O Y AC/MAC M W/FAH	YARN	5509610000	607	3	769,652	0.00
YR N SWG TH SYN ST FB N RT SL O Y AC/MAC MX COTTON	YARN	5509620000	607	3	26,117	0.00
YR N SW TH SY ST FB N RT SL O Y AC/MAC S F M AT SY	YARN	5509692000	607	3	15,191	0.00
YR N SW TH SY ST FB N RT SL O Y AC/MAC SF M AT MCY	YARN	5509694000	607	3	108,602	0.00
YRN NT SEWING THD OF SYN STPL FIB NT FOR RETL SALE	YARN	5509696000	607	3	650,884	0.00
YRN N SWG TH SYN STP FB N RTL SL OTH YRN MX WL/FAH	YARN	5509910000	607	3	129,474	0.00
YRN N SWG TH SYN STP FB N RTL SL OTH YRN MX COTTON	YARN	5509920000	607	3	71,006	0.00
YRN N SWG TH SY ST FB N RT SL OT Y OT M ART F S YN	YARN	5509992000	607	3	0	0.00
YRN OF SYN STP FIB NT FOR SALE MIXED W/ART FIB M/C	YARN	5509994000	607	3	36,290	0.00
YRN N SWG THD SYT ST FB N RTL SALE OTHER YRN NESOI	YARN	5509996000	607	3	909,597	0.01
YRN N SWG TH ART ST F N RT SL OT YR M/S WOOL OR FA	YARN	5510200000	607	3	10,862	0.00
YRN N SWG THD ART STP FB N RT SL OT YRN M/S COTTON	YARN	5510300000	607	3	65,332	0.00
YRN N SWG TH ART ST FB N RT SL OT YR M SYN FB SN Y	YARN	5510902000	607	3	16,595	0.00
YRN N SWG TH ART ST FB N RT SL OT YR M SYN F M/C F	YARN	5510904000	607	3	1,319,611	0.01
YRN NT SWG THD ART STP FIB NT RT SL OTH YRN NESOI	YARN	5510906000	607	3	17,342	0.00
YRN SPUN FR SLK WSTE NT UP FOR RETAIL SALE NESOI	YARN	5005000090	800	3	188,819	0.00
SLK YRN & YRN SPN SLK WST RTL SL; SLKWRM GUT, OTHR	YARN	5006000090	800	3	8,118	0.00
SLK YRN & YRN SPN SLK WST RTL SL; SLKWRM GUT, OTHR	YARN	5006009000	800	3	15,351	0.00
FLAX YARN, SINGLE	YARN	5306100000	800	3	4,779,661	0.03
FLAX YARN, MULTIPLE (FOLDED) OR CABLED	YARN	5306200000	800	3	230,937	0.00
YARN OF OTH VEGETABLE TEXT FIBERS; TRUE HEMP YARN	YARN	5308200000	800	3	3,358	0.00
YARN OF OTHER VEGETABLE TEXTILE FIBERS; NESOI	YARN	5308900000	800	3	989,893	0.01
VISC RYN HGH TNCTY MONO/MULTIFLMNT UNT/TW <5 TRN/M.	YARN	5403103020	911	3	1,397,654	0.01
VISC RAYON UNTWST/TWST <5 TURNS/M MONO/MULTIFILMNT.	YARN	5403310020	911	3	1,824,055	0.01
SYNTHETIC FILAMENT TOW OF NYLON OR OTHER POLYAMIDE.	YARN	5501100000	911	3	18,216,562	0.11
SYNTHETIC FILAMENT TOW OF POLYESTERS	YARN	5501200000	911	3	3,244,341	0.02
SYNTHETIC FILAMENT TOW OTHER	YARN	5501900000	911	3	1,967,845	0.01
ARTIFICIAL FILAMENT TOW	YARN	5502000000	911	3	15,559,463	0.09
BOY'S TRSRS & BRCHS IMPRT PRTS PLYSTS OF COT KNIT	APPAREL	6103421035	237	4	723,610	0.00
BOYS' SHORTS IMP PRTS OF PLYSTS OF COTTON, KNIT	APPAREL	6103421065	237	4	122,362	0.00
BOYS' OVERALLS SIZES 2-7 OF COTTON NINSULATE KNIT	APPAREL	6103422015	237	4	2,726	0.00
BOYS' TRSRS/BRCHS IMP PRTS PLYST OF SYN FIB, KNIT	APPAREL	6103431535	237	4	121,747	0.00
BOY'S SHORTS IMP PRTS OF PLYSUITS OF SYN FIB, KNIT	APPAREL	6103431565	237	4	1,882	0.00
GIRLS OVERALLS OF COTTON, NT INSULATED KNIT	APPAREL	6104621030	237	4	399,110	0.00
G TROUSERS COT IMPORTED AS PART OF PLAYSTS, KNIT	APPAREL	6104622015	237	4	1,056,192	0.01
G SHORTS COT IMPORTED AS PART OF PLAYSTS, KNIT	APPAREL	6104622050	237	4	196,685	0.00
G TROUSERS OF SYN FIB IMPAS PTS PLAYSUITS, KNIT	APPAREL	6104632015	237	4	295,622	0.00
G SHORTS OF SYN FIBERS IMP AS PTS PLAYSUITS, KNIT	APPAREL	6104632050	237	4	28,589	0.00
BOYS' SHIRTS OF COTTON IMP AS PLAYSUIT PARTS, KNIT	APPAREL	6105100020	237	4	1,912,109	0.01
BOYS' SHIRTS OF OT MMF IMP AS PLAYSUIT PARTS, KNIT	APPAREL	6105202020	237	4	475,373	0.00
GIRLS' BLOUSES OF COTTON IMP PLAYSUIT PARTS, KNIT	APPAREL	6106100020	237	4	2,309,472	0.01
GIRLS' BLOUSES OF OT MMF IMP PLAYSUIT PARTS, KNIT	APPAREL	6106202020	237	4	189,254	0.00
B/G GARMENTS IMP AS PLAYSUIT PARTS OF OT COT, KNIT	APPAREL	6110202005	237	4	5,030,611	0.03
B/G SWEATER & SMLR ART AS PLYST PT OF OT MMF, KNIT	APPAREL	6110303005	237	4	921,619	0.01
BOYS' SUNSUITS AND SIMILAR APPAREL OF COTTON, KNIT	APPAREL	6114200035	237	4	32,237	0.00
W/G SUNSUITS AND SIMILAR APPAREL OF COTTON, KNIT	APPAREL	6114200040	237	4	7,978,502	0.05
BOYS' OVERALLS & SMLR APRL OF COTTON NINSLTD, KNIT	APPAREL	6114200044	237	4	121,248	0.00
GIRLS' OVRALLS & SMLR APRL OF COTTON NINSLTD, KNIT	APPAREL	6114200046	237	4	420,922	0.00
BOYS' SUNSUITS AND SIMILAR APPAREL OF MMF, KNIT	APPAREL	6114303020	237	4	809,357	0.00
W/G SUNSUITS AND SIMILAR APPAREL OF MMF, KNIT	APPAREL	6114303030	237	4	7,236,250	0.04
B BIB & BRCE OVRL SZ 2-7 COT IMP PRT PLY N-INSL NK	APPAREL	6203422025	237	4	1,492,762	0.01
B BIB & BRCE OVRLS N-IMP PRTS OF PLYST COT NOT KNT	APPAREL	6203422050	237	4	3,962,957	0.02
BOYS' TROUSERS ETC COT CORDUROY PLAYSUIT PTS, NT KT.	APPAREL	6203424020	237	4	724,819	0.00
BOYS' TROUSER ETC COT BLUE DENIM PLAYSUIT PT, NT KT	APPAREL	6203424030	237	4	551,578	0.00
BOYS' TROUSER ETC OTHER COTTON PLAYSUIT PT, NT KT	APPAREL	6203424040	237	4	1,257,965	0.01
BOYS' SHORTS COTTON PLAYSUIT PARTS, NOT KNIT	APPAREL	6203424055	237	4	2,791,987	0.02
B OVRLS SYN FIB N-INSLTD CL W IMP PRT PLYST NT KNT	APPAREL	6203432025	237	4	175,507	0.00
B SZ 2-7 OVRLS SYN FIB N-INSLTD N-IMP PRT PLYST NK	APPAREL	6203432050	237	4	183,494	0.00
BOYS' TROUSER ETC IMPRT PLAYSUIT PT SYN FIB, NT KT	APPAREL	6203434015	237	4	202,426	0.00
BOYS' SHORTS IMPORT PLAYSUIT PTS SYN FIB, NOT KNIT	APPAREL	6203434035	237	4	386,534	0.00
BOYS' OVRALS ARTIF FIB N-INSULTD IMPRT PLYST NT KN	APPAREL	6203491025	237	4	0	0.00

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BOYS'B&B OVRALS ARTIF FB N-INSLTD N-IMPRT PLYST NK ...	APPAREL	6203491050	237	4	11,366	0.00
BOYS' TROUSERS ETC IMP PLAYSUIT PT ART FIB, NOT KT	APPAREL	6203492020	237	4	19	0.00
BOYS' SHORTS IMP PLAYSUIT PART ART FIB, NOT KNIT	APPAREL	6203492050	237	4	0	0.00
GIRLS' OVRALS OF COTTON N-INSULTD IMP PRT PLYST NK ..	APPAREL	6204622025	237	4	1,104,787	0.01
GIRLS' B&B OVRALS COT N-INSLTD N-IMP PLYST NT KNIT	APPAREL	6204622050	237	4	6,431,021	0.04
GIRLS' TROUSERS ETC COT CRDRY IMP PLYSUIT PT, N KT ...	APPAREL	6204624025	237	4	599,885	0.00
GIRLS' TROUSERS COT BLUE DENIM IMP PLYSUIT PT, N KT ..	APPAREL	6204624035	237	4	1,411,258	0.01
GIRLS' TROUSERS OTHER COTTON IMP PLAYSUIT PT, N KT .	APPAREL	6204624045	237	4	2,142,086	0.01
GIRLS' SHORTS COTTON IMP PLAYSUIT PARTS, NOT KNIT	APPAREL	6204624060	237	4	4,702,637	0.03
G B&B OVRALS SYN FIB N-INSLTD IMPORT PRTS PLYST NK ..	APPAREL	6204631525	237	4	80,218	0.00
G B&B OVRALS SYN FIB N-INSLTD N-IMP PRT PLYST NK	APPAREL	6204631550	237	4	177,485	0.00
G TROUS ETC SYN FIB <36% W/FAH IMP PLYST PTS, N KT	APPAREL	6204633525	237	4	62,189	0.00
G SHORTS SYN FIB <36% W/FAH IMP PLYST PTS, N KT/CR	APPAREL	6204633535	237	4	291,283	0.00
G B&B OVRL ART FIB N-INSL CLD PRT IMP PRT PLYST NK	APPAREL	6204691025	237	4	38	0.00
G OVRL ART FB N-INSLTD CLD WTHR N-IMP PRT PLYST NK ..	APPAREL	6204691050	237	4	96,077	0.00
GIRLS' TRSR ART FIB <36% W/FAH IMP PLYST PT, N KT	APPAREL	6204692520	237	4	38	0.00
GIRLS' SHORT ART FIB <36% W/FAH IMP PLYST PT, N KT	APPAREL	6204692550	237	4	6,182	0.00
BOYS' SHIRTS COTTON CRDRY IMP PLYSUIT PART, NT KT	APPAREL	6205202040	237	4	3,686	0.00
BOYS' SHRT COT W≤2 CLR WRP NT NP IMP PLYST PT, N KT .	APPAREL	6205202055	237	4	88,704	0.00
BOYS' SHIRTS COTTON NESOI IMP PLAYSUIT PTS, NT KT	APPAREL	6205202070	237	4	2,777,779	0.02
BOYS' SHIRT EX DRESS MMF ≤ 2 COLR WRP PLYST PT, N K .	APPAREL	6205302055	237	4	55,162	0.00
BOYS' SHIRTS EX DRESS MMF NESOI IMP PLYST PT, N KT	APPAREL	6205302075	237	4	805,037	0.00
G BLSES COT IMP PLYST PARTS; CONT <36% FLX F, N KT	APPAREL	6206303020	237	4	337,306	0.00
G BLSES COT <36% FLX FIB IMP PLYST PRTS, N KNIT/CR	APPAREL	6206303050	237	4	4,966,867	0.03
GIRLS' BLOUSES MMF WITH ≤ 2 CLR IMP PLYST PT, N KT	APPAREL	6206403020	237	4	3,322	0.00
G BLSES OF MMF <36% BY WGT FLAX FIB IMP PLY ST N K	APPAREL	6206403040	237	4	355,661	0.00
B CVRALS & SIM APPRL COT N-INSLTD SIZE 2-7 NT KNT	APPAREL	6211320015	237	4	2,392,339	0.01
BOYS' WASHSUITS & SIMILAR APPAREL COTTON, NOT KNIT .	APPAREL	6211320030	237	4	1,630,598	0.01
B CVRLS & SMLR APPAREL MMF N-INSLTD SIZE 2-7 NT KT	APPAREL	6211330015	237	4	63,859	0.00
BOYS' WASHSUITS & SIMILAR APPAREL MMF, NOT KNIT	APPAREL	6211330025	237	4	470,707	0.00
GIRLS' CVRALS & SIM APPAREL COT NT INSULATED NT KT ...	APPAREL	6211420020	237	4	4,653,197	0.03
W/G WASHSUITS & SIMILAR APPAREL OF COTTON, NT KNIT .	APPAREL	6211420025	237	4	10,088,275	0.06
GIRLS' CVRALS & SIM APPAREL M-M FIB N INSULTD N KT	APPAREL	6211430020	237	4	2,318,093	0.01
W/G WASHSUITS AND SIMILAR APPAREL MAN-MADE FIB, N KT.	APPAREL	6211430030	237	4	3,920,563	0.02
BABIES' DIAPERS OF COTTON, NOT KNIT	APPAREL	6209205040	239	4	8,145,283	0.05
GLV VEG FB IMPG PLS/RBR W/OUT CHTTS COT RES NT KT ..	APPAREL	6216001220	331	4	51,608	0.00
GLV VEG FB IMPG PLS/RBR W/OUT 4CHTTS COT RES NT KT	APPAREL	6216001520	331	4	64,859	0.00
GLV NESOI FAB IMPG PLS/RBR W/OT 4CHTTS CT RS NT KT ..	APPAREL	6216002020	331	4	39,005	0.00
GLV IMPREG PLAS/RBR W/OUT 4CHTTS SUB COT RES, N KT	APPAREL	6216002510	331	4	58,070	0.00
GLV IMPREG PLAS/RBR W/OUT 4CHTTS SUB COT RES, N KT	APPAREL	6216002710	331	4	34,800	0.00
GLV IMPREG PLAS/RBR W/OUT 4CHTTS SUB COT RES, N KT	APPAREL	6216002810	331	4	2,944	0.00
GLV IMPREG PLAS/RBR 4CHTTS CON >=50% COT, MMF NT KT.	APPAREL	6216003010	331	4	13,131	0.00
GLV IMPREG PLAS/RBR 4CHTTS CON >=50% COT, MMF NT KT.	APPAREL	6216003110	331	4	29,000	0.00
GLOVES EX SKI COTTON WOUT 4CHTTS, NOT KNIT	APPAREL	6216003810	331	4	16,465,159	0.10
GLOVES EX SKI COTTON WOUT 4CHTTS, NOT KNIT	APPAREL	6216003811	331	4	3,222,451	0.02
GLOVES EX SKI COTTON WITH FOURCHETTS, NOT KNIT	APPAREL	6216003820	331	4	1,481,978	0.01
GLOVES EX SKI COTTON WITH FOURCHETTS, NOT KNIT	APPAREL	6216003821	331	4	398,970	0.00
GLOVES EX SKI COTTON WOUT 4CHTTS, NOT KNIT	APPAREL	6216003910	331	4	1,940,657	0.01
GLOVES EX SKI COTTON WITH FOURCHETTS, NOT KNIT	APPAREL	6216003920	331	4	160,988	0.00
SOCKS, OT HOSRY, FTWR W/OUT SLS COT CONT LACE, KNIT.	APPAREL	6115921000	332	4	124,579	0.00
SOCKS & OT HOSRY & FTWR W/OUT SOLES OF OT COT, KNIT.	APPAREL	6115922000	332	4	7,466,943	0.04
M/B JACKET IMP AS PART OF SUIT OF COTTON, KNIT	APPAREL	6103192010	333	4	8,423	0.00
M/B JCKTS AS SUIT PTS OF OT TEX SUBJ COT RES, KNIT	APPAREL	6103194010	333	4	0	0.00
M/B ENSEMBLES OF SUIT-TYPE JACKETS OF COTTON, KNIT .	APPAREL	6103220020	333	4	0	0.00
M/B SUIT-TYPE JACKETS AND BLAZERS OF COTTON, KNIT	APPAREL	6103320000	333	4	34,057	0.00
M/B SUIT-TYPE JACKETS OT TEX MAT SUBJ COT RES, KNIT ..	APPAREL	6103392010	333	4	697	0.00
M/B JACKET IMP AS PART OF SUIT OF COTTON, NOT KNIT	APPAREL	6203191010	333	4	195,829	0.00
M/M JCKTS AS SUIT PTS OF OT TEX SUBJ COT RES, NT KT ..	APPAREL	6203194010	333	4	61	0.00
M/B JACKETS/BLAZERS OF HEADING 6203 OF COT NOT KNT	APPAREL	6203223015	333	4	879	0.00
M/B SUIT-TYPE JACKETS/BLAZER COTTON ≤36% FLAX, N KT	APPAREL	6203321000	333	4	22,331	0.00
M SUIT-TYPE JAC/BLAZ COT CORD <36% FLX FBR, NT KT	APPAREL	6203322010	333	4	688,416	0.00
BOYS' ST-TYP JAC/BLAZ COT CORD <36% FLX FIB, NT KT	APPAREL	6203322020	333	4	7,454	0.00
M/B ST-TYP JAC/BLAZ COT BLUE DENIM <36% FLX F, N K	APPAREL	6203322030	333	4	86,385	0.00
MEN'S ST-TYP JAC/BLAZ <36% FLX FIB NESOI, NOT KNIT	APPAREL	6203322040	333	4	1,418,798	0.01
B ST-TYP JAC/BLAZ NESOI <36% FLX FIB, NOT KNIT/CRC	APPAREL	6203322050	333	4	124,079	0.00
M/B SUIT-TYPE JACKETS OT TEX MAT SUBJ COT RES, N KT .	APPAREL	6203394010	333	4	970	0.00
MEN'S OVERCOATS, CARCOATS, ETC OF COTTON, KNIT	APPAREL	6101200010	334	4	4,892,652	0.03

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
BOYS' OVERCOATS, CARCOATS, ETC OF COTTON, KNIT	APPAREL	6101200020	334	4	493,212	0.00
M/B OVERCOAT ETC OF OTH TEX MAT SUBJ COT RES, KNIT	APPAREL	6101900010	334	4	69	0.00
M/B ENSEMBLES OF OVERCOATS ETC OF COTTON, KNIT	APPAREL	6103220010	334	4	0	0.00
M/B JACKETS FOR TRACK SUITS OF COTTON, KNIT	APPAREL	6112110010	334	4	301,634	0.00
M/B COATS ETC KNIT COTTON IMPREG RESIN EX RBR/PLAS	APPAREL	6113000015	334	4	3,278	0.00
MEN'S RAINCOATS OF COTTON, NOT KNIT	APPAREL	6201122010	334	4	2,663,504	0.02
BOYS' RAINCOATS OF COTTON, NOT KNIT	APPAREL	6201122020	334	4	28,463	0.00
MEN'S OVERCOATS CARCOATS ETC OF CORDUROY, NOT KNIT.	APPAREL	6201122025	334	4	46,886	0.00
BOYS' OVERCOATS CARCOATS ETC OF CORDUROY, NOT KNIT.	APPAREL	6201122035	334	4	10,454	0.00
MEN'S OVERCOAT EX RAINCOAT COT EX CRDRY/DOWN, NT KT.	APPAREL	6201122050	334	4	3,257,663	0.02
BOYS' OVERCOAT EX RAINCOAT COT EX CRDRY/DOWN, NT KT.	APPAREL	6201122060	334	4	631,902	0.00
M/B OVERCOAT ETC OTH TEX MAT SUBJ COT RES, NOT KNIT.	APPAREL	6201190010	334	4	69	0.00
M/B GARMENTS DESIGNED FOR RAINWEAR OF COTTON, NT KT.	APPAREL	6201921500	334	4	887,720	0.01
M/B PADDED SLVLS JACKET WTH SLEEVE ATTCH COT, NT KT.	APPAREL	6201922005	334	4	13,697	0.00
M/B ANRKS, WND-BKRS, SMLR ART, N-KNIT, COTTON, CORDUROY.	APPAREL	6201922020	334	4	157,251	0.00
MEN'S ANORAKS SKI-JACKET ETC COT BLUE DENIM, NT KT .	APPAREL	6201922030	334	4	5,910,989	0.03
BOYS' ANORAKS, SKI-JACKET ETC COT BLUE DENIM, NT KT .	APPAREL	6201922040	334	4	2,901,140	0.02
MEN'S ANORAKS & SMLR ARTICLES COTTON NESOI, NT KT ..	APPAREL	6201922050	334	4	25,572,021	0.15
BOYS' ANORAKS & SMLR ARTICLES COTTON NESOI, NT KT ..	APPAREL	6201922060	334	4	6,182,297	0.04
M/B ANORAKS ETC OT TEX MTRL SUBJ COTT RES, NT KT	APPAREL	6201990010	334	4	4,830	0.00
M/B ENSEMBLES OF OVERCOATS ETC OF COTTON, NOT KNIT.	APPAREL	6203223010	334	4	6,003	0.00
M/B OVERCOATS ETC TEX FELT/NONWOVENS, N KT OR CROC.	APPAREL	6210202020	334	4	38,709	0.00
M/B ANORAKS & SMLR ART RUBBERIZED TEX MTRL, NT KT ..	APPAREL	6210402020	334	4	70,380	0.00
M/B WTR RES ANORAKS & SIM ART FOR SKISUIT COT NTKT .	APPAREL	6211201510	334	4	173	0.00
M/B ANORAKS & SMLR ARTICLE FOR SKI-ST COTTON, N KT ..	APPAREL	6211202010	334	4	14,042	0.00
M/B TRACK SUIT PARTS EXCEPT TROUSERS COTTON, NT KT	APPAREL	6211320050	334	4	146,073	0.00
WOMEN'S OVERCOATS, CARCOATS, ETC OF COTTON, KNIT .	APPAREL	6102200010	335	4	4,618,101	0.03
GIRLS' OVERCOATS, CARCOATS, ETC OF COTTON, KNIT	APPAREL	6102200020	335	4	574,287	0.00
W/G OVERCOAT ETC OF OTH TEX MAT SUBJ COT RES, KNIT	APPAREL	6102900005	335	4	1,760	0.00
W/G JACKETS IMP AS PARTS OF SUIT OF COTTON, KNIT	APPAREL	6104120010	335	4	20,079	0.00
W/G JCKT IMP PART SUIT OT TEX MAT SUB COT RES, KNIT ..	APPAREL	6104192010	335	4	0	0.00
W/G ENS OF OVERCOATS JACKETS BLAZERS OF COT, KNIT .	APPAREL	6104220010	335	4	13,214	0.00
W/G ENS OF OVRCT ETC OT TEX MATL SUBJ COT RES, KT ...	APPAREL	6104292010	335	4	0	0.00
W/G SUIT-TYPE JACKETS AND BLAZERS OF COTTON, KNIT ...	APPAREL	6104320000	335	4	2,770,005	0.02
W/G SUIT-TYPE JACKET OT TEX MAT SUBJ COT RES, KNIT ...	APPAREL	6104392010	335	4	3,278	0.00
W/G JACKETS FOR TRACK SUITS OF COTTON, KNIT	APPAREL	6112110020	335	4	37,226	0.00
W/G COATS ETC KNIT COTTON IMPREG RESIN EX RBR/PLAS	APPAREL	6113000020	335	4	8,591	0.00
PARTS OF COATS AND JACKETS OF COTTON, KNIT	APPAREL	6117900032	335	4	8,142	0.00
WOMEN'S RAINCOATS OF COTTON, NOT KNITTED OR CROCHE.	APPAREL	6202122010	335	4	3,382,070	0.02
GIRLS' RAINCOATS OF COTTON, NOT KNITTED OR CROCHET	APPAREL	6202122020	335	4	117,507	0.00
WOMEN'S OVERCOAT CARCOAT & SMLR COAT CORDUROY N KT.	APPAREL	6202122025	335	4	283,970	0.00
GIRLS' OVERCOAT CARCOAT & SMLR COAT CORDUROY NT KT.	APPAREL	6202122035	335	4	13,662	0.00
WOMEN'S OVERCOATS & SMLR COATS COTTON NESOI, NT KT.	APPAREL	6202122050	335	4	8,756,273	0.05
GIRLS' OVERCOATS & SMLR COATS COTTON NESOI, NT KT .	APPAREL	6202122060	335	4	1,599,731	0.01
W&G OVRCTS & SMLR CTS OT MAT SUB COT REST NOT KNIT.	APPAREL	6202190010	335	4	2,829	0.00
W/G GARMENTS DESIGND FOR RAINWEAR COTTON, NOT KNIT.	APPAREL	6202921500	335	4	807,542	0.00
W/G PADDED SLEEVELESS JCKT W SLEEVE ATT COT, NT KT	APPAREL	6202922010	335	4	7,176	0.00
WOMEN'S ANORAK & SMLR ARTICLE COTTON CRDUROY, NT KT.	APPAREL	6202922025	335	4	519,777	0.00
GIRLS' ANORAK & SMLR ARTICLE COTTON CORDUROY, NT KT.	APPAREL	6202922030	335	4	25,875	0.00
WOMEN'S ANORAK & SMLR ARTICLE COTTON NESOI, NT KT	APPAREL	6202922060	335	4	28,707,071	0.17
GIRLS' ANORAKS & SMLR ARTICLE COTTON NESOI, NT KT	APPAREL	6202922070	335	4	8,933,913	0.05
W/G ANORAKS & SMLR ART TEX MAT SUBJ COT REST, NT KT.	APPAREL	6202990010	335	4	4,071	0.00
W/G JACKETS IMP AS PARTS OF SUIT OF COTTON, NT KT	APPAREL	6204120010	335	4	131,756	0.00

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
W/G JCKT IMP PART SUIT OT TEX MAT SUB COT RES, N KT ..	APPAREL	6204193010	335	4	863	0.00
W/G ENSEMBLES OF HDNG 6202 & 6204 OF COT, NOT KNIT ..	APPAREL	6204223010	335	4	120,578	0.00
W/G ENS HDNG 6202 & 6204 OT TEX MAT SBJ COT RES WV ..	APPAREL	6204294010	335	4	932	0.00
W/G SUIT-TYPE JACKETS COTTON >36% FLAX FIBER, N KT ...	APPAREL	6204321000	335	4	124,442	0.00
WOMEN'S SUIT-TYPE JACKETS COTTON CORDUROY, NT KNIT.	APPAREL	6204322010	335	4	187,197	0.00
G SUIT-TYPE JACKETS COT CORD <36% BY WGT FLX NT KN	APPAREL	6204322020	335	4	14,697	0.00
W SUIT-TYPE JACKETS OF COT <36% BY WGT FLAX NOT KN	APPAREL	6204322030	335	4	7,806,557	0.05
G SUIT-TYPE JAC COT CONT <36% BY WGT FLAX NOT KNIT .	APPAREL	6204322040	335	4	365,942	0.00
W/G SUIT-TYPE JACKET OT TEX MAT SUBJ COT RES, NT KT .	APPAREL	6204394010	335	4	8,694	0.00
W/G OVERCT ETC TEX FLT/N/WVN N IMPREG RBR/PLAS, NKT	APPAREL	6210302020	335	4	112,539	0.00
W/G ANORAKS, ETC OF RUBBERIZED TEX MTRL EX MMF, NKT.	APPAREL	*6210502020	335	4	126,215	0.00
W/G WATER RES SKI-SUIT ANORAK & SIM ART COT, NT KT ...	APPAREL	6211201540	335	4	52,958	0.00
W/G SKI-SUIT ANORAK & SIMILAR ARTICLES COTTON, N KT ..	APPAREL	6211205010	335	4	145,418	0.00
W/G TRACK SUITS EXCEPT TROUSERS OF COTTON, NT KNIT	APPAREL	6211420040	335	4	20,700	0.00
PARTS OF COATS & JACKETS OF COT, N KNIT OR CROCHTD	APPAREL	6217900025	335	4	808,646	0.00
WOMEN'S DRESSES OF COTTON, KNIT	APPAREL	6104420010	336	4	35,460,415	0.21
GIRLS' DRESSES OF COTTON, KNIT	APPAREL	6104420020	336	4	9,685,800	0.06
W/G DRESSES OF OT TEXTILE MAT SUBJ COT RES, KNIT	APPAREL	6104490010	336	4	455	0.00
W/G DRESSES COT CRTFD HNDLMD/FOLKLORE PROD, N KT	APPAREL	6204421000	336	4	190	0.00
W/G DRESSES COTTON >36 PERCENT FLAX FIBERS, NT KT ..	APPAREL	6204422000	336	4	11,787	0.00
W DRESSES OF COT CORD CONT >36% BY WGT FLX FB, N K	APPAREL	6204423010	336	4	780,247	0.00
G DRESSES OF COT CORD CONT >36% BY WGT FLX, NOT KN.	APPAREL	6204423020	336	4	245,516	0.00
W DRESS COT >2 COLORS WARP/FLLNG <36% FLX F, N KT ..	APPAREL	6204423030	336	4	4,565,396	0.03
G DRESS COT >2 COLORS WARP/FLLNG <36% FLX F, N KT ...	APPAREL	6204423040	336	4	1,104,444	0.01
WOM DRESS OF COT CONT <36% WGT FLAX FIB, NT K/CROC	APPAREL	6204423050	336	4	41,906,371	0.25
G DRES NESOI OF COTTON CONT <36% FLX FIB, NOT KNIT ..	APPAREL	6204423060	336	4	9,332,875	0.05
W/G DRESSES OF OT TEXTILE MAT SUBJ COT RES, NT KT	APPAREL	6204490010	336	4	7,504	0.00
M/B ENSEMBLES OF SHIRTS OF COTTON, KNIT	APPAREL	6103220050	338	4	2,406	0.00
MEN'S SHIRTS OF COTTON, KNIT	APPAREL	6105100010	338	4	30,226,854	0.18
BOYS' SHIRTS NES0I OF COTTON, KNIT	APPAREL	6105100030	338	4	4,166,922	0.02
M/B SHIRTS OF OT TEXTILE MAT SUBJ COT RES, KNIT	APPAREL	6105903010	338	4	234	0.00
MEN'S T-SHIRTS EXC UNDERWEAR OF COTTON, KNIT	APPAREL	6109100012	338	4	23,003,082	0.14
BOYS' T-SHIRTS EXC UNDERWEAR OF COTTON, KNIT	APPAREL	6109100014	338	4	2,970,228	0.02
MEN'S TANK TOPS & SINGLET EX UNDRWEAR OF COT, KNIT	APPAREL	6109100018	338	4	2,941,638	0.02
BOYS' TANK TOPS & SINGLET EX UNDRWEAR OF COT, KNIT	APPAREL	6109100023	338	4	1,831,332	0.01
M/B ART SIM T-SHIRTS EXC UNDERWEAR OF COTTON, KNIT	APPAREL	6109100027	338	4	1,703,904	0.01
M/B SWTSHT & SMLR ART OF COT CONT 36% FLX FIB, KNIT .	APPAREL	6110201025	338	4	26,202	0.00
M/B SWEATSHIRTS OF OTHER COTTON, KNITTED	APPAREL	6110202040	338	4	4,336,926	0.03
M/B OTHER APPAREL OF COTTON, KNIT	APPAREL	6110202065	338	4	30,825,174	0.18
M/B PULLOV & SMLR ART OT TEX MAT SUBJ COT RES, KNIT	APPAREL	6110900068	338	4	198	0.00
M/B SHIRTS FOR TRACK SUITS OF COTTON, KNIT	APPAREL	6112110030	338	4	66,090	0.00
MEN'S OR BOYS' TOPS OF COTTON, KNIT	APPAREL	6114200005	338	4	350,076	0.00
W/G ENSEMBLES OF BLOUSES SHIRTS TOPS OF COT, KNIT .	APPAREL	6104220060	339	4	324,102	0.00
W/G ENS BLOUSE OT TEXTILE MAT SUBJ COT RES, KNIT	APPAREL	6104292046	339	4	3,000	0.00
WOMEN'S BLOUSES AND SHIRTS OF COTTON, KNIT	APPAREL	6106100010	339	4	24,535,578	0.14
GIRLS' BLOUSES NES0I OF COTTON, KNIT	APPAREL	6106100030	339	4	1,842,528	0.01
W/G BLOUSES OF SILK SUBJECT COTTON RESTRAINTS, KNIT.	APPAREL	6106902010	339	4	372	0.00
W/G BLOUSES OF OT TEXTILE MAT SUBJ COT RES, KNIT	APPAREL	6106903010	339	4	2,418	0.00
WOMEN'S T-SHIRTS EXCEPT UNDERWEAR OF COTTON, KNIT.	APPAREL	6109100040	339	4	21,568,494	0.13
GIRLS' T-SHIRTS EXCEPT UNDERWEAR OF COTTON, KNIT	APPAREL	6109100045	339	4	2,463,006	0.01
WOMEN'S TANK TOPS EXCEPT UNDERWEAR OF COTTON, KNIT.	APPAREL	6109100060	339	4	14,407,410	0.08
GIRLS' TANK TOPS EXCEPT UNDERWEAR OF COTTON, KNIT	APPAREL	6109100065	339	4	1,072,452	0.01
W/G ART SIM T-SHIRTS & TANK TOPS OF COTTON, KNIT	APPAREL	6109100070	339	4	4,466,490	0.03
W/G SWTSHT & SMLR ART OF COT CONT 36% FLX FIB, KNIT	APPAREL	6110201030	339	4	111,462	0.00
W/G SWEATSHIRTS OF OTHER COTTON, KNIT	APPAREL	6110202045	339	4	1,988,532	0.01
W/G OTHER APPAREL OF COTTON, KNIT	APPAREL	6110202075	339	4	55,895,916	0.33
W/G PULLOV & SMLR ART OT TEX MAT SUBJ COT RES, KNIT	APPAREL	6110900070	339	4	1,332	0.00
W/G SHIRTS FOR TRACK SUITS OF COTTON, KNIT	APPAREL	6112110040	339	4	39,696	0.00
WOMEN'S OR GIRLS' TOPS OF COTTON, KNITTED OR CROCH.	APPAREL	6114200010	339	4	5,455,134	0.03
PARTS OF BLOUSES AND SHIRTS OF COTTON, KNIT	APPAREL	6117900022	339	4	9,078	0.00
M/B ENSEMBLES OF SHIRTS OF COTTON, NOT KNIT	APPAREL	6203223050	340	4	131,213	0.00
M/B SHIRT COTTON CRTFD HND-LMD/FLKLRE PROD, NT KT ..	APPAREL	6205201000	340	4	40	0.00
MEN'S DRESS SHIRTS OF COTTON W >2 COLORS WARP, N KT.	APPAREL	6205202015	340	4	25,603,259	0.15
BOYS' DRESS SHIRTS OF COTTON W >2 COLORS WARP, N KT.	APPAREL	6205202020	340	4	885,988	0.01

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
MEN'S DRESS SHIRTS OF COTTON; NESOI, NOT KNIT	APPAREL	6205202025	340	4	34,915,710	0.21
BOYS' DRESS SHIRTS OF COTTON; NESOI, NOT KNIT	APPAREL	6205202030	340	4	3,974,212	0.02
MEN'S SHIRTS OF COTTON CORDUROY, NOT KNIT	APPAREL	6205202035	340	4	2,001,839	0.01
BOYS' SHIRTS COTTON CODRY N IMP PLYSUIT PT, NT KT	APPAREL	6205202045	340	4	119,997	0.00
MEN'S SHIRTS COT WITH >2 COLOR WARP NAPPED NT KNIT	APPAREL	6205202046	340	4	12,323,692	0.07
MEN'S SHIRTS COT WTH >2 CLR WARP, NT NAPPD NT KNIT .	APPAREL	6205202050	340	4	63,175,808	0.37
BOYS' SHRT COT W >2 CLR WRP N/NP N/IMP PLYST PT, N K .	APPAREL	6205202060	340	4	5,671,939	0.03
MEN'S COTTON SHIRTS NESOI, NOT KNIT	APPAREL	6205202065	340	4	127,164,841	0.75
BOYS' SHIRTS COTTON NESOI NT IMP PLYSUIT PTS, N KT	APPAREL	6205202075	340	4	21,365,878	0.13
M/B SHIRTS SILK SUBJECT COTTON RESTRAINTS, NT KNIT ...	APPAREL	6205902010	340	4	543	0.00
M/B SHIRTS OF OT TEXTILE MAT SUBJ COT RES, NT KNIT	APPAREL	6205904010	340	4	14,753	0.00
M/B SHIRTS EXCL FROM HDNG 6205 OF COTTON, NOT KNIT .	APPAREL	6211320060	340	4	2,009,598	0.01
W/G ENSMBLS BLOUSES & SHIRTS COTTON >2 COLORS, N KT.	APPAREL	6204223060	341	4	495,773	0.00
W/G ENSMBLS BLOUSE & SHIRT COTTON NOT 2 COLOR, N KT.	APPAREL	6204223065	341	4	1,852,740	0.01
W/G ENS BLOUSE OT TEXTILE MAT SUBJ COT RES, NT KT	APPAREL	6204294046	341	4	0	0.00
W/G BLOUSES OF SILK SUBJECT COTTON RESTRAINTS, N KT.	APPAREL	6206100010	341	4	4,283	0.00
W/G BLOUSES COTTON CRTFD FOLKLORE PRODUCTS, NT KT.	APPAREL	6206301000	341	4	61	0.00
W/G BLOUSES COTTON CONT >=36% FLAX FIBERS, NOT KT .	APPAREL	6206302000	341	4	65,025	0.00
WOMEN'S BLOUSES COTTON WITH >=2 COLOR WARP, NT KN.	APPAREL	6206303010	341	4	22,312,146	0.13
G BLSS COT <36% W FLX FIB NT IMP PLYST PARTS, N KT	APPAREL	6206303030	341	4	715,171	0.00
WOM BLSES COT NESOI <36% BY WGT OF FLX FIB N K/CRC .	APPAREL	6206303040	341	4	93,045,249	0.55
GIRLS' BLSES NESOI COT <36% FLX FIB, N KT/CRC	APPAREL	6206303060	341	4	6,255,978	0.04
W/G BLOUSES OF OT TEXTILE MAT SUBJ COT RES, N KT	APPAREL	6206900010	341	4	17,727	0.00
W/G COT BLSES, SHRTS & SHRT-BLSES, 2>=CLRS WP, NK	APPAREL	6211420050	341	4	3,005,713	0.02
PARTS OF BLOUSES & SHIRTS OF COT, N KNIT OR CROCHT	APPAREL	6217900003	341	4	24,345	0.00
W/G SKIRTS ETC IMP AS PARTS OF SUIT OF COTTON, KNIT ..	APPAREL	6104120020	342	4	6,005	0.00
W/G SKRT IMP PART SUIT OT TEX MAT SUB COT RES, KNIT .	APPAREL	6104192020	342	4	0	0.00
W/G ENSEMBLES OF SKIRTS OF COTTON, KNIT	APPAREL	6104220030	342	4	103,212	0.00
W/G ENS OF SKIRTS OF OT TEX MAT SUBJ COT RES, KNIT ...	APPAREL	6104292022	342	4	0	0.00
WOMEN'S SKIRTS AND DIVIDED SKIRTS OF COTTON, KNIT ...	APPAREL	6104520010	342	4	11,578,283	0.07
GIRLS' SKIRTS AND DIVIDED SKIRTS OF COTTON, KNIT	APPAREL	6104520020	342	4	802,037	0.00
W/G SKIRTS OT TEXTILE MATERIAL SUBJ COT RES, KNIT	APPAREL	6104592010	342	4	4,917	0.00
W/G SKIRTS ETC IMP AS PARTS OF SUIT OF COTTON, N KT .	APPAREL	6204120020	342	4	47,322	0.00
W/G SKRT IMP PART SUIT OT TEX MAT SUB COT RES, N KT .	APPAREL	6204193020	342	4	224	0.00
W/G ENSEMBLES OF SKIRTS OF COTTON, NOT KNIT	APPAREL	6204223030	342	4	774,636	0.00
W/G ENS OF SKIRTS OF OT TEX MAT SUBJ COT RES, NT KT .	APPAREL	6204294022	342	4	149	0.00
W/G SKIRTS & DIVIDED SKIRTS COT FRKLR PROD, NT KT	APPAREL	6204521000	342	4	60	0.00
WOMEN'S SKIRTS & DIVIDED SKIRTS COT CORDUROY, N KT	APPAREL	6204522010	342	4	1,119,094	0.01
GIRLS' SKIRTS & DIVIDED SKIRTS COT CORDUROY, NT KT	APPAREL	6204522020	342	4	178,040	0.00
WOMEN'S SKIRT & DIVIDED SKIRT COT BLUE DENIM, N KT	APPAREL	6204522030	342	4	5,264,602	0.03
GIRLS' SKIRT & DIVIDED SKIRT COT BLUE DENIM, N KT	APPAREL	6204522040	342	4	2,232,780	0.01
WOMEN'S SKIRT & DIVIDED SKIRT COTTON; NESOI, NT KT	APPAREL	6204522070	342	4	26,941,733	0.16
GIRLS' SKIRTS & DIVD SKIRTS OT COTTON; NESOI, N KN	APPAREL	6204522080	342	4	2,899,689	0.02
W/G SKIRTS OT TEXTILE MATERIAL SUBJ COT RES, NT KT	APPAREL	6204594010	342	4	4,068	0.00
M/B ENSEMBLES OF SWEATERS OF COTTON, KNIT	APPAREL	6103220070	345	4	0	0.00
M/B ENS SWEATERS OF OT TEX MAT SUBJ COT RES, KNIT ...	APPAREL	6103292058	345	4	0	0.00
W/G ENSEMBLES OF SWEATERS OF COTTON, KNIT	APPAREL	6104220080	345	4	1,632	0.00
W/G ENS SWEATER OT TEXTILE MAT SUBJ COT RES, KNIT ...	APPAREL	6104292056	345	4	0	0.00
M/B SWEATERS OF COT CONT 36% MORE FLAX FIBERS, KNIT.	APPAREL	6110201010	345	4	232,294	0.00
W/G SWEATERS OF COT CONT 36% MORE FLAX FIBERS, KNIT.	APPAREL	6110201020	345	4	212,705	0.00
MEN'S SWEATERS OF OTHER COTTON, KNIT	APPAREL	6110202010	345	4	24,121,451	0.14
BOYS' SWEATERS OF OTHER COTTON, KNIT	APPAREL	6110202015	345	4	1,664,309	0.01
WOMEN'S SWEATERS OF OTHER COTTON, KNIT	APPAREL	6110202020	345	4	32,787,924	0.19
GIRLS' SWEATERS OF OTHER COTTON, KNIT	APPAREL	6110202025	345	4	1,240,747	0.01
M/B SWEATERS OF OTH TEXTILE MAT SUBJ COT RES, KNIT .	APPAREL	6110900010	345	4	3,480	0.00
W/G SWEATERS OF OTH TEXTILE MAT SUBJ COT RES, KNIT	APPAREL	6110900026	345	4	50,142	0.00
PARTS OF SWEATERS OF COTTON, KNIT	APPAREL	6117900010	345	4	862	0.00
M/B TROUSERS ETC IMP AS PT OF SUIT OF COTTON, KNIT ...	APPAREL	6103192015	347	4	879	0.00
M/B TRSRS AS SUIT PTS OF OT TEX SUBJ COT RES, KNIT	APPAREL	6103194020	347	4	0	0.00
M/B ENSEMBLES OF TROUSERS AND BREECHES OF COT, KNIT.	APPAREL	6103220030	347	4	60	0.00
M/B ENSEMBLES OF SHORTS OF COTTON, KNIT	APPAREL	6103220040	347	4	6,020	0.00
MEN'S TROUSERS AND BREECHES OF COTTON, KNIT	APPAREL	6103421020	347	4	2,538,290	0.01
BOY'S TROUSERS & BREECHES, NESOI, OF COTTON, KNIT ...	APPAREL	6103421040	347	4	1,109,201	0.01
MEN'S SHORTS OF COTTON, KNIT	APPAREL	6103421050	347	4	4,177,781	0.02

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
BOYS' SHORTS, OTH THN IMPT PRTS PLYSTS, COT, KNIT	APPAREL	6103421070	347	4	1,044,803	0.01
M/B TROUSERS ETC OF OT TEX MAT SUBJ COT RES, KNIT ...	APPAREL	6103493010	347	4	1,550	0.00
M/B TROUSERS FOR TRACK SUITS OF COTTON, KNIT	APPAREL	6112110050	347	4	278,660	0.00
M/B TROUSERS KNIT COT IMPREG RESIN EX RBR/PLASTIC ...	APPAREL	6113000035	347	4	75	0.00
M/B SUITS OF OT COT TROUS BREECH & SHRTS IMP PT ST .	APPAREL	6203191020	347	4	99,621	0.00
M/B TRSRS AS SUIT PTS OF OT TEX SUBJ COT RES, NT KT ..	APPAREL	6203194020	347	4	30	0.00
M/B ENSEMBLES OF TROUSERS AND BREECHES OF COT, N KT.	APPAREL	6203223020	347	4	8,851	0.00
M/B ENSEMBLES OF SHORTS OF COTTON, NOT KNIT	APPAREL	6203223030	347	4	100,873	0.00
MEN'S TROUSERS & BREECHES COTTON CORDUROY, NT KNIT.	APPAREL	6203424005	347	4	3,068,759	0.02
MEN'S TROUSER & BREECHES COTTON BLUE DENIM, NT KT	APPAREL	6203424010	347	4	30,421,345	0.18
MEN'S TROUSERS & BREECHES OTHER COTTON, NOT KNIT	APPAREL	6203424015	347	4	88,659,962	0.52
BOYS' TROUSER ETC COT CORDRY NT PLAYSUIT PTS, NT KT.	APPAREL	6203424025	347	4	2,286,122	0.01
BOYS' TROUSER ETC COT BLUE DNIM N PLAYSUIT PT, N KT	APPAREL	6203424035	347	4	17,607,062	0.10
BOYS' TROUSER ETC OT COTTON NT PLAYSUIT PT, NT KT ...	APPAREL	6203424045	347	4	23,000,534	0.14
MEN'S SHORTS OF COTTON, NOT KNIT	APPAREL	6203424050	347	4	70,219,766	0.41
BOYS' SHORTS COTTON NOT PLAYSUIT PARTS, NOT KNIT	APPAREL	6203424060	347	4	22,693,162	0.13
M/B TROUSER ETC OT TEX MTRL SUBJ COT RSTRTS, NT KT	APPAREL	6203493020	347	4	7,882	0.00
M/B TROUSERS RUBBERIZED TEX MTRL EX MMF, NOT KNIT .	APPAREL	6210402030	347	4	2,608	0.00
M/B WTR RES TRSER, BREECHES IMP PRT OF SKI-S NT KNT	APPAREL	6211201520	347	4	0	0.00
M/B SKI-SUIT TROUSER & BREECHES COTTON NOT KNIT	APPAREL	6211203010	347	4	30	0.00
M/B TRACK SUIT TROUSERS OF COTTON, NOT KNIT	APPAREL	6211320040	347	4	40,141	0.00
W/G TROUSERS ETC IMP AS PART OF SUIT OF COT, KNIT	APPAREL	6104120030	348	4	8,731	0.00
W/G TRSR IMP PART SUIT OT TEX MAT SUB COT RES, KNIT .	APPAREL	6104192030	348	4	0	0.00
W/G ENSEMBLES OF TROUSER & BREECHES OF COTTON, KNIT.	APPAREL	6104220040	348	4	466,430	0.00
W/G ENSEMBLES OF SHORTS OF COTTON, KNIT	APPAREL	6104220050	348	4	211,327	0.00
W/G ENS TROUSER OT TEXTILE MAT SUBJ COT RES, KNIT ...	APPAREL	6104292034	348	4	7,450	0.00
WOMEN'S TROUSERS OF COTTON, KNITTED	APPAREL	6104622010	348	4	31,569,852	0.19
G TROUSERS COT N-IMPORTED AS PART OF PLAYSTS, KNIT	APPAREL	6104622025	348	4	3,511,692	0.02
WOMEN'S SHORTS OF COTTON, KNIT	APPAREL	6104622030	348	4	11,468,873	0.07
G SHORTS COT N-IMPORTED AS PART OF PLAYSUITS, KNIT .	APPAREL	6104622060	348	4	2,285,243	0.01
W/G TROUSERS OF OT TEXTILE MAT SUBJ COT RES, KNIT ...	APPAREL	6104693022	348	4	596	0.00
W/G TROUSERS FOR TRACK SUITS OF COTTON, KNIT	APPAREL	6112110060	348	4	151,578	0.00
W/G TROUSERS KNIT COT IMPREG RESIN EX RBR/PLASTIC ..	APPAREL	6113000040	348	4	30	0.00
PARTS OF TROUSERS BREECHES & SHORTS OF COTTON, KNIT.	APPAREL	6117900042	348	4	142,906	0.00
W/G TROUSERS ETC IMP AS PART OF SUIT OF COT, NT KT ..	APPAREL	6204120030	348	4	237,774	0.00
W/G TRSR IMP PART SUIT OT TEX MAT SUB COT RES, N KT .	APPAREL	6204193030	348	4	0	0.00
W/G ENSEMBLES OF TROUSER & BREECHES OF COTTON, N KT.	APPAREL	6204223040	348	4	1,112,523	0.01
W/G ENSEMBLES OF SHORTS OF COTTON, NT KNTTD OR CHOC.	APPAREL	6204223050	348	4	1,084,452	0.01
W/G ENS TROUSER OT TEXTILE MAT SUBJ COT RES, NT KT .	APPAREL	6204294034	348	4	268	0.00
W/G TROUSERS ETC COTTON CRTFD FOLKLORE PROD, NT KT.	APPAREL	6204623000	348	4	0	0.00
WOMEN'S TROUSERS AND BREECHES COT CORDUROY, NT KT.	APPAREL	6204624005	348	4	4,691,921	0.03
WOMEN'S TROUSERS & BREECHES COT BLUE DENIM, NT KT	APPAREL	6204624010	348	4	52,891,052	0.31
WOMEN'S TROUSERS & BREECHES OTHER COTTON, NOT KNIT.	APPAREL	6204624020	348	4	75,938,774	0.45
GIRLS' TROUSERS COT CORD NT IMP PLAYSUIT PTS, N KT ..	APPAREL	6204624030	348	4	2,629,910	0.02
GIRLS' TROUSER COT BLUE DNM NT IMP PLYSUIT PT, N KT .	APPAREL	6204624040	348	4	10,918,646	0.06
GIRLS' TROUSER OT COTTON NOT IMP PLAYSUIT PT, N KT ..	APPAREL	6204624050	348	4	7,330,219	0.04
WOMEN'S SHORTS OF COTTON, NOT KNIT	APPAREL	6204624055	348	4	78,005,717	0.46
GIRLS' SHORTS COTTON IMP PLAYSUIT PARTS, NOT KNIT	APPAREL	6204624065	348	4	11,863,469	0.07
W/G TROUSER ETC SILK SUBJ COTTON RESTRAINTS, NT KT	APPAREL	6204693010	348	4	12,337	0.00
W/G TROUSERS OF OT TEXTILE NAT SUBJ COT RES, N KT ...	APPAREL	6204699010	348	4	25,822	0.00
W/G TROUSERS OF RUBBERIZED TEX MTRL EX MMF, NT KT	APPAREL	*6210502030	348	4	16,107	0.00
W/G WTR RES SKI-SUIT TROUSERS, BREECHES COT, NT KNT.	APPAREL	6211201550	348	4	2,205	0.00
W/G SKI-SUIT TROUSERS & BREECHES COTTON, NOT KNIT ..	APPAREL	6211206010	348	4	75	0.00
W/G TRACK SUIT TROUSERS OF COTTON, NOT KNIT	APPAREL	6211420030	348	4	9,864	0.00
PARTS OF TROUSERS AND BREECHES OF COTTON, NOT KNIT.	APPAREL	6217900050	348	4	83,515	0.00
MEN'S NIGHTSHIRTS AND PAJAMAS OF COTTON, KNIT	APPAREL	6107210010	351	4	1,878,852	0.01
BOYS' NIGHTSHIRTS AND PAJAMAS OF COTTON, KNIT	APPAREL	6107210020	351	4	13,485	0.00
MENS OR BOYS SLEEPWEAR, OF COTTON, KNIT	APPAREL	*6107910010	351	4	1,032,999	0.01
MENS OR BOYS SLEEPWEAR, OF COTTON, KNIT	APPAREL	*6107910020	351	4	10,328	0.00
WOMEN'S NIGHTDRESSES AND PAJAMAS OF COTTON, KNIT	APPAREL	6108310010	351	4	78,679,190	0.46

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
GIRLS' NIGHTDRESSES AND PAJAMAS OF COTTON, KNIT	APPAREL	6108310020	351	4	360,224	0.00
MEN'S NIGHTSHIRTS & PJS COT WITH > 2 CLR WRP, N KT	APPAREL	6207210010	351	4	6,439,566	0.04
BOYS' NIGHTSHIRTS & PJS COT WITH > 2 CLR WRP, N KT	APPAREL	6207210020	351	4	10,266	0.00
MENS' NIGHTSHIRTS COT NT CONT > 2 CLR WRP, NT KNIT ...	APPAREL	6207210030	351	4	28,322,067	0.17
BOYS' NIGHTSHIRTS COT NT CONT > 2 CLR WRP, NT KNIT ...	APPAREL	6207210040	351	4	77,517	0.00
W/G NIGHTDRESSES ETC COTTON > 2 COLOR WARP, NOT KT.	APPAREL	6208210010	351	4	3,758,183	0.02
WOMEN'S NIGHTDRESS ETC COT NT > 2 COLOR WRP, N KT .	APPAREL	6208210020	351	4	67,337,957	0.40
GIRLS' NIGHTDRESS ETC COT NT > 2 COLOR WARP, N KT	APPAREL	6208210030	351	4	64,946	0.00
MEN'S UNDERPANTS AND BRIEFS OF MAN-MADE FIBERS, KNIT.	APPAREL	6107110010	352	4	35,416,964	0.21
BOYS' UNDERPANTS AND BRIEFS OF MAN-MADE FIB, KNIT ...	APPAREL	6107110020	352	4	5,204,560	0.03
W/G SLIPS AND PETTICOATS OF COTTON, KNIT	APPAREL	6108190010	352	4	72,781	0.00
WOMEN'S BRIEFS AND PANTIES OF COTTON, KNIT	APPAREL	6108210010	352	4	116,018,228	0.68
GIRLS' BRIEFS AND PANTIES OF COTTON, KNIT	APPAREL	6108210020	352	4	19,642,699	0.12
WOMEN'S & GIRLS' UNDERPANTS OF COTTON, KNIT	APPAREL	6108910005	352	4	284,556	0.00
WOMEN'S UNDERWEAR EXCEPT UNDERPNTS OF COTTON, KNIT.	APPAREL	6108910015	352	4	1,333,117	0.01
GIRLS' COTTON UNDERWEAR EXCEPT UNDERPANTS, KNIT ..	APPAREL	6108910025	352	4	747,923	0.00
M/B T-SHIRTS, ALL WHITE UNDERWEAR OF COTTON, KNIT ...	APPAREL	6109100005	352	4	42,508,683	0.25
M/B SINGLETS, ALL WHITE UNDERWEAR OF COTTON, KNIT ..	APPAREL	6109100007	352	4	754,483	0.00
M/B ART SMLR T-SHIRTS UNDERWEAR OF COTTON, KNIT	APPAREL	6109100009	352	4	2,923,116	0.02
W/G UNDERWEAR OF COTTON, KNIT	APPAREL	6109100037	352	4	3,142,481	0.02
M/B UNDERPANTS AND BRIEFS OF COTTON, NOT KNIT	APPAREL	6207110000	352	4	10,191,815	0.06
M/B SINGLETS, OTHER UNDERSHIRTS COTTON, NOT KNT	APPAREL	6207913000	352	4	456,734	0.00
W/G SLIPS AND PETTICOATS OF COTTON, NOT KNIT	APPAREL	6208192000	352	4	79,543	0.00
WOMEN'S BRFS PNTS SGLTS & O UDRSHRTS OF COTTON N K.	APPAREL	6208913010	352	4	2,282,327	0.01
GIRLS' BRFS PNTS SNGLTS & O UDRSHRT OF COTTON, N K .	APPAREL	6208913020	352	4	144,606	0.00
M/B WAISTCOATS IMP AS PART OF SUIT OF COTTON, KNIT ..	APPAREL	6103192030	359	4	15,207	0.00
M/B WSCTS AS SUIT PTS OF OT TEX SUBJ COT RES, KNIT	APPAREL	6103194030	359	4	0	0.00
MEN'S OR BOYS' ENSEMBLES NESOI OF COTTON, KNIT	APPAREL	6103220080	359	4	782	0.00
MEN'S OR BOYS' OVERALLS OF COTTON, INSULATED, KNIT .	APPAREL	6103422010	359	4	0	0.00
MB (B OT THN SZ 2-7) OVERALLS OF COT N-INSUL KNIT	APPAREL	6103422025	359	4	14,943	0.00
M/B OVERALLS OF OT TEXTILE MAT SUBJ COT RES, KNIT	APPAREL	6103493034	359	4	0	0.00
W/G WAISTCOATS IMP AS PARTS OF SUIT OF COTTON, KNIT	APPAREL	6104120040	359	4	9	0.00
W/G WASTCT IMP PT SUIT OT TEX MAT SUB COT RES, KNIT .	APPAREL	6104192040	359	4	0	0.00
W/G ENSEMBLES NESOI OF COTTON, KNIT	APPAREL	6104220090	359	4	9,248	0.00
W/G ENS NESOI OF OT TEXTILE MAT SUBJ COT RES, KNIT ...	APPAREL	6104292074	359	4	0	0.00
W/G OVERALLS OF COTTON, INSULATED KNIT OR CROCETED.	APPAREL	6104621010	359	4	17,978	0.00
WOMEN'S OVERALLS OF COTTON, NT INSULATED KNIT	APPAREL	6104621020	359	4	413,185	0.00
W/G OVERALLS OF OT TEXTILE MAT SUBJ COT RES, KNIT	APPAREL	6104693010	359	4	128	0.00
M/B VESTS EX SWEATER OF COT CONT 36% FLAX FIB, KNIT	APPAREL	6110201022	359	4	5,134	0.00
W/G VESTS EX SWEATER OF COT CONT 36% FLAX FIB, KNIT	APPAREL	6110201024	359	4	139,919	0.00
M/B VESTS (EXC SWEATER VEST) OF OTH COTTON, KNIT	APPAREL	6110202030	359	4	400,070	0.00
W/G VESTS (EXC SWEATER VEST) OF OTHER COTTON, KNIT	APPAREL	6110202035	359	4	843,982	0.00
M/B VESTS (EXC SWTR VEST) TEX MATL SUBJ COT RES, KT	APPAREL	6110900044	359	4	1,139	0.00
W/G VESTS (EXC SWTR VEST) TEX MATL SUBJ COT RES, KT	APPAREL	6110900046	359	4	23,018	0.00
SKI-SUITS OF COTTON, KNIT	APPAREL	6112202010	359	4	1,590	0.00
M/B SWIMWEAR OF COTTON, KNIT	APPAREL	6112390010	359	4	649,681	0.00
W/G SWIMWEAR OF COTTON, KNIT	APPAREL	6112490010	359	4	1,841,687	0.01
M/B OVERALLS KNIT COT IMPREG RESIN EX RBR/PLASTIC	APPAREL	6113000055	359	4	10,991	0.00
W/G OVERALLS KNIT COT IMPREG RESIN EX RBR/PLASTIC ...	APPAREL	6113000060	359	4	1,904	0.00
M/B OT GRMNT KNIT COT IMPREG RESIN EX RBR/PLASTIC ...	APPAREL	6113000075	359	4	0	0.00
W/G OT GRMNT KNIT COT IMPREG RESIN EX RBR/PLASTIC ..	APPAREL	6113000080	359	4	34	0.00
JUMPERS OF COTTON, KNIT	APPAREL	6114200015	359	4	1,214,310	0.01
BODYSUITS AND BODYSHIRTS OF COTTON, KNIT	APPAREL	6114200020	359	4	6,221,737	0.04
CVRALLS, JMPSTS & SIM APREL OF COT INSULATED KNIT	APPAREL	6114200042	359	4	9,486	0.00
M/B(OV SZ 7) OVRALLS/SMLR APRL OF COT NINSLT, KNIT	APPAREL	6114200048	359	4	57,163	0.00
WOMEN'S OVRALLS & SMLR APRL OF COT NINSLTD, KNIT	APPAREL	6114200052	359	4	4,935,262	0.03
MEN'S OR BOYS' OTHER GARMENTS OF COTTON, KNIT	APPAREL	6114200055	359	4	27,821	0.00
WOMEN'S OR GIRLS OTHER GARMENTS OF COTTON, KNIT ..	APPAREL	6114200060	359	4	1,646,314	0.01
OTHER GARMENTS SUBJECT TO COTTON RESTRAINTS, KNIT.	APPAREL	6114900045	359	4	680	0.00
CLOTHING ACCESSORIES NESOI OF COTTON, KNIT	APPAREL	6117800010	359	4	1,160,395	0.01
PARTS OF GARMENT EXC SWEATERS NESOI OF COTTON, KNIT.	APPAREL	6117900052	359	4	218,680	0.00
M/B PAD SLVLS JACKET W-OUT SLEEVE ATTCH COT, NT KT .	APPAREL	6201922010	359	4	2,657,763	0.02
W/G PADDED SLEEVELESS JCKT W-OUT SLV ATT COT, NT KT.	APPAREL	6202922020	359	4	34,876	0.00
M/B WAISTCOATS IMP AS PART OF SUIT OF COTTON, NT KT	APPAREL	6203191030	359	4	2,091	0.00

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
M/B WSCTS AS SUIT PTS OF OT TEX SUBJ COT RES, NT KT .	APPAREL	6203194030	359	4	0	0.00
MEN'S OR BOYS' ENSEMBLES NESOI OF COTTON, NOT KNIT	APPAREL	6203223060	359	4	42,917	0.00
M OR B BIB AND BRACE OVRALS OF COT INSULATED NT KT	APPAREL	6203422005	359	4	135,142	0.00
MEN'S BIB AND BRACE OVERALLS OF COTTON, NOT KNITTE	APPAREL	6203422010	359	4	11,707,297	0.07
BOYS' BIB AND BRACE OVERALLS OF COTTON, NOT KNI	APPAREL	6203422090	359	4	1,577,167	0.01
W/G WAISTCOATS IMP AS PARTS OF SUIT OF COTTON, N KT	APPAREL	6204120040	359	4	4,412	0.00
W/G WASTCT IMP PT SUIT OT TEX MAT SUB COT RES, N KT .	APPAREL	6204193040	359	4	672	0.00
W/G ENSEMBLES NESOI OF COTTON, NOT KNIT	APPAREL	6204223070	359	4	26,376	0.00
W/G ENS, OTH TEX MAT, N-KTD, OTH APPAREL, ST COT RES	APPAREL	6204294058	359	4	18,369	0.00
OTH BIB & BRACE OVRALS COT INSLTD CLD WTH PRT N-KN	APPAREL	6204622005	359	4	215,526	0.00
WOMEN'S BIB AND BRACE OVERALLS OF COTTON, NOT KNIT.	APPAREL	6204622010	359	4	11,069,610	0.07
M/B OVERALLS RUBBERIZED TEX MTRL EX MMF, NT KNIT	APPAREL	6210402040	359	4	37,519	0.00
M/B N-KNIT, OTH THAN MMF, OTH APPAREL, IMPREG FABRIC	APPAREL	*6210402050	359	4	2,678	0.00
W/G N-KT, OTH THN MMF OVRLLS AND CVRLLS, IMPREG FAB.	APPAREL	6210502040	359	4	5,122	0.00
W/G N-KNIT, OTH THAN MMF, OTH APPAREL, IMPREG FABRIC.	APPAREL	*6210502050	359	4	34,689	0.00
MEN'S SWIMWEAR OF COTTON, NOT KNIT	APPAREL	6211112010	359	4	29,860,619	0.18
BOYS' SWIMWEAR OF COTTON, NOT KNIT	APPAREL	6211112020	359	4	14,707,933	0.09
WOMEN'S COTTON SWIMWEAR; NOT KNITTED OR CROCHETED.	APPAREL	6211123003	359	4	193,596	0.00
GIRLS' COTTON SWIMWEAR; NOT KNITTED OR CROCHETED	APPAREL	6211123005	359	4	3,910	0.00
M & B WATER RES NESOI, COTTON, NOT KNIT/CROCHETED .	APPAREL	6211201530	359	4	27,727	0.00
W/G WTR RES NESOI, OF COTTON, NOT KNIT/CROCHETED ...	APPAREL	6211201560	359	4	2,414	0.00
M/B SKI-SUIT, NESOI, COTTON, NOT KNIT OR CROCHETD	APPAREL	6211204015	359	4	3,723	0.00
W/G SKI-SUIT, NESOI, COTTON, NOT KNIT OR CROCHETD	APPAREL	6211207015	359	4	6,894	0.00
M/B CVRALS & SMLR APPAREL COT INSULATE NESOI NT KT	APPAREL	6211320005	359	4	5,056,735	0.03
M/B CVRALS & SMLR APPAREL COT INSULATE NESOI NT KT	APPAREL	6211320007	359	4	3,048,066	0.02
MEN'S CVRALS & SIM APPAREL COT, NT INSULATED NT KT ..	APPAREL	6211320010	359	4	1,184,093	0.01
B CVRALS & SIM APPAREL COT < SIZE 7 N-INSULATED NK	APPAREL	6211320025	359	4	84,626	0.00
MEN'S OR BOYS' VEST OF COTTON, NOT KNIT	APPAREL	6211320070	359	4	4,118,429	0.02
MEN'S OR BOYS' GARMENTS NESOI OF COTTON, NOT KNIT .	APPAREL	6211320080	359	4	3,482,255	0.02
W/G CVRAL & SIMILAR APPRL COT INSULATE NESOI NT KT ..	APPAREL	6211420005	359	4	46,937	0.00
W/G CVRAL & SIMILAR APPRL COT INSULATE NESOI NT KT ..	APPAREL	6211420007	359	4	34,400	0.00
WOMEN'S CVRALS & SIM APPAREL COT NT INSLTED NOT KT	APPAREL	6211420010	359	4	18,815,201	0.11
WOMEN'S OR GIRLS' JUMPERS OF COTTON, NOT KNIT	APPAREL	6211420060	359	4	27,137,542	0.16
WOMEN'S OR GIRLS' VESTS OF COTTON, NOT KNIT	APPAREL	6211420070	359	4	4,031,117	0.02
W/G GARMENTS NESOI OF COTTON, NOT KNIT	APPAREL	6211420080	359	4	19,215,134	0.11
TIES, BOW TIES AND CRAVATS OF COTTON, NOT KNITTED ...	APPAREL	6215900015	359	4	35,870	0.00
ACCESSORIES OF COTTON, NOT KNITTED OR CROCHETED .	APPAREL	6217100010	359	4	4,477,146	0.03
PARTS OF GARMENTS NESOI OF COT, NOT KNIT OR CROCHT.	APPAREL	6217900075	359	4	461,108	0.00
M/B ENSEMBLES OF SUIT-TYPE JACKETS OF WOOL, KNIT	APPAREL	6103210020	433	4	331	0.00
M/B ENS OF ST-TYPE TCKTS OF SYN FIB >=23% WL, KNIT	APPAREL	6103230007	433	4	331	0.00
M/B SUIT-TYPE JACKETS AND BLAZERS OF WOOL, KNIT	APPAREL	6103310000	433	4	19,475	0.00
M/B SUIT-TYPE JACKET OF SYN FIB CONT 23% WOOL, KNIT .	APPAREL	6103331000	433	4	60	0.00
M/B SUIT-TYPE JACKET OT TEX MAT SUBJ WOOL RES, KNIT .	APPAREL	6103392020	433	4	0	0.00
M/B ENSEMBLES OF HEADING 6203 OF WOOL, NOT KNIT	APPAREL	6203210015	433	4	151	0.00
M/B ENS OF HDNG 6203 OF SYN FIB 36% MORE WOOL, N KT	APPAREL	6203230015	433	4	60	0.00
M/B SUIT-TYPE JACKETS AND BLAZERS OF WOOL, NT KNIT ..	APPAREL	6203310000	433	4	3,215,282	0.02
MEN'S SUIT-TYPE JCKT/BLAZER SYN FIB <36% WOOL, N KT ..	APPAREL	6203331010	433	4	415,169	0.00
BOYS' SUIT-TYPE JCKT/BLAZER SYN FIB <36% WOOL, N KT ..	APPAREL	6203331020	433	4	6,502	0.00
M/B SUIT-TYPE JCKT/BLZR ART FIB <36% WOOL, NT KNIT	APPAREL	6203391000	433	4	18,331	0.00
M/B SUIT-TYPE JACKET OT TEX MAT SUBJ WOOL RES, N KT	APPAREL	6203394020	433	4	82,444	0.00
M/B OVERCOATS, CARCOATS, ETC OF WOOL/FAH, KNIT	APPAREL	6101100000	434	4	408,696	0.00
M/B OVERCOAT ETC, OF MMF CONT >=23% WOOL/FAH, KNIT	APPAREL	6101301500	434	4	1,443	0.00
M/B OVERCOAT ETC OF OTH TEX MAT SUBJ WOOL RES, KNIT.	APPAREL	6101900020	434	4	45	0.00
M/B ENSEMBLES OF OVERCOATS ETC OF WOOL/FAH, KNIT ..	APPAREL	6103210010	434	4	0	0.00
M/B ENS OF OVRCT ETC OF SYN FIB 23% MORE WOOL, KNIT	APPAREL	6103230005	434	4	0	0.00
MEN'S OVERCOATS CARCOATS ETC OF WOOL, N KT OR CROC.	APPAREL	6201110010	434	4	3,096,070	0.02
BOYS' OVERCOATS, CARCOATS, ETC OF WOOL, NOT KNIT ...	APPAREL	6201110020	434	4	76,309	0.00
MEN'S OVERCOATS ETC MMF >=36% BY WGT WOOL, NT KNT.	APPAREL	6201133010	434	4	37,478	0.00
BOYS' OVERCOATS ETC MMF >=36% BY WGT WOOL, NT KNIT.	APPAREL	6201133020	434	4	90	0.00
M/B OVERCOAT ETC OTH TEX MAT SUBJ WOOL RES, NT KNIT.	APPAREL	6201190020	434	4	36,982	0.00
MEN'S ANORAKS SKI-JACKETS ETC OF WOOL, N KT OR CRC	APPAREL	6201912010	434	4	1,393,770	0.01
BOYS' ANORAKS SKI-JACKETS ETC OF WOOL, N KT OR CRC	APPAREL	6201912020	434	4	59,532	0.00

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
MEN'S ANORAKS & SMLR ART MMF >=36% WGT WOOL, NT KT.	APPAREL	6201932510	434	4	37,613	0.00
BOYS' ANORAKS & SMLR ART MMF <36% WGHT WOOL, NT KT.	APPAREL	6201932520	434	4	0	0.00
M/B ANORAKS ETC OT TEX MTRL SUBJ WOOL RES, NT KT	APPAREL	6201990020	434	4	857	0.00
M/B ENSEMBLES OF OVERCOATS ETC OF WOOL, NOT KNIT .	APPAREL	6203210010	434	4	496	0.00
M/B ENS OF OVRCT ETC OF SYN FIB 36% MORE WOOL, N KT	APPAREL	6203230010	434	4	0	0.00
M/B ANORAKS & SMLR ARTICLE FOR SKI-ST WOOL, NT KT	APPAREL	6211202020	434	4	7,847	0.00
M/B TRACK SUIT EX TROUSERS OF WOOL, N KT OT CROCHT	APPAREL	6211310020	434	4	451	0.00
W/G OVERCOATS, CARCOATS, ETC OF WOOL/FAH, KNIT	APPAREL	6102100000	435	4	856,314	0.01
W/G OVERCOATS, ETC OF MMF CONT >=23% WT W/FAH KNIT.	APPAREL	6102301000	435	4	280,838	0.00
W/G OVERCOAT ETC OF OTH TEX MAT SUBJ WOOL RES, KNIT.	APPAREL	6102900010	435	4	0	0.00
W/G ENSEM OF GRMNTS OF HDNG 6102 & 6104 OF WL KNIT	APPAREL	6104210010	435	4	677	0.00
W/G ENS OF OVRCTS JCKTS ETC SYN FIB >=23% WL, KNIT ...	APPAREL	6104230010	435	4	496	0.00
W/G ENS OF OVRCT ETC OT TEX MATL SUBJ WL RES, KNIT .	APPAREL	6104292012	435	4	0	0.00
W/G SUIT-TYPE JACKETS AND BLAZERS OF WOOL, KNIT	APPAREL	6104310000	435	4	1,090,157	0.01
W/G SUIT-TYPE JCKT SYN FIB CONT 23% MORE WOOL, KNIT	APPAREL	6104331000	435	4	122,086	0.00
W/G SUIT-TYPE JACKET OT TEX MAT SUBJ WOOL RES, KNIT	APPAREL	6104392020	435	4	0	0.00
PARTS OF COATS AND JACKETS OF WOOL, KNIT	APPAREL	6117900034	435	4	0	0.00
WOMEN'S OVERCOATS CARCOAT & SMLR COAT WOOL, NT KNIT.	APPAREL	6202110010	435	4	4,924,289	0.03
GIRLS' OVERCOATS CARCOAT & SMLR COAT WOOL, NT KNIT.	APPAREL	6202110020	435	4	202,634	0.00
WOMEN'S OVERCOAT & SMLR COATS MMF >=36% WOOL NT KT.	APPAREL	6202133010	435	4	55,518	0.00
GIRLS' OVERCOAT & SMLR COATS MMF >=36% WOOL, NT KT	APPAREL	6202133020	435	4	1,759	0.00
W&G OVRCTS & SMLR CTS OT MAT SUB WOOL REST NOT KNT.	APPAREL	6202190020	435	4	1,579	0.00
WOMEN'S ANORAK SKI-JACKETS & SMLR ART WOOL, NT KT	APPAREL	6202912010	435	4	1,126,327	0.01
GIRLS' ANORAK SKI-JACKETS & SMLR ART WOOL, NT KNIT ...	APPAREL	6202912020	435	4	56,871	0.00
WOMEN'S ANORAK & SMLR ARTICLS MMF >=36% WOOL, NT KT.	APPAREL	6202934010	435	4	25,346	0.00
GIRLS' ANORAK & SMLR ARTICLS MMF >=36% WOOL, NT KT .	APPAREL	6202934020	435	4	5,322	0.00
W/G ANORAKS & SMLR ART TEX MAT SUBJ WOOL RES, NT KT.	APPAREL	6202990020	435	4	45	0.00
W/G ENSEMBLES OF HDNG 6202 & 6204 OF WOOL NOT KNIT	APPAREL	6204210010	435	4	186,083	0.00
W/G ENS HDNG 6202/6204 SYN FIB >=36% WL/FAH, WOVEN ..	APPAREL	6204230005	435	4	1,353	0.00
W/G ENS HDNG 6202 & 6204 OT TEX MAT SUBJ WL RES WV .	APPAREL	6204294012	435	4	1,939	0.00
WOMEN'S SUIT-TYPE JACKETS WOOL >=30% SILK, NT KNIT ..	APPAREL	6204311010	435	4	36,757	0.00
GIRLS' SUIT-TYPE JACKETS WOOL >30% SILK, NT KNIT	APPAREL	6204311020	435	4	135	0.00
WOMEN'S SUIT-TYPE JACKETS WOOL NOT >30% SILK, NT KT	APPAREL	6204312010	435	4	10,933,864	0.06
GIRLS' SUIT-TYPE JACKETS OF WOOL <30% SILK, NT KT	APPAREL	6204312020	435	4	28,909	0.00
WOMEN'S SUIT-TYPE JACKETS SYN FIB >36% WOOL, NT KT .	APPAREL	6204334010	435	4	623,192	0.00
GIRLS' SUIT-TYPE JACKETS SYN FIB >36% WOOL, NT KT	APPAREL	6204334020	435	4	902	0.00
WOMEN'S SUIT-TYPE JACKETS ART FIB >36% WOOL, NT KT .	APPAREL	6204392010	435	4	123,168	0.00
GIRLS' SUIT-TYPE JACKETS ART FIB >36% WOOL, NT KT	APPAREL	6204392020	435	4	90	0.00
W/G SUIT-TYPE JACKET OT TEX MAT SUBJ WOOL RES, N KT	APPAREL	6204394020	435	4	47,175	0.00
W/G SKI-SUIT ANORAK & SIMILAR ARTICLES WOOL, NT KT	APPAREL	6211205020	435	4	451	0.00
W/G TRACK SUIT EX TROUSERS OF WOOL, N KNIT OR CROC	APPAREL	6211410020	435	4	631	0.00
PARTS OF COATS & JACKETS OF WOOL, N KNIT OR CROCHT.	APPAREL	6217900030	435	4	339,513	0.00
WOMEN'S DRESSES OF WOOL, OR FINE ANIMAL HAIR, KNIT .	APPAREL	6104410010	436	4	2,048,054	0.01
GIRLS' DRESSES OF WOOL OR FINE ANIMAL HAIR, KNIT	APPAREL	6104410020	436	4	2,425	0.00
WOMEN'S DRESS OF SYN FIB CONT 23% MORE WOOL, KNIT	APPAREL	6104431010	436	4	1,758,464	0.01
GIRLS' DRESSES OF SYN FIB CONT 23% MORE WOOL, KNIT .	APPAREL	6104431020	436	4	32,469	0.00
W/G DRESSES ART FIB CONT 23% MORE WOOL, KNIT	APPAREL	6104441000	436	4	37,894	0.00
W/G DRESSES OF OT TEXTILE MAT SUBJ WOOL RES, KNIT ...	APPAREL	6104490020	436	4	370	0.00
W/G DRESSES WOOL >30 PERCENT SILK, N KNIT OR CROC ..	APPAREL	6204411000	436	4	8,261	0.00
WOMEN'S DRESSES WOOL NOT >30 PERCENT SILK, NT KT ...	APPAREL	6204412010	436	4	1,507,795	0.01
GIRLS' DRESSES WOOL NOT >30 PERCENT SILK, NT KNIT	APPAREL	6204412020	436	4	16,974	0.00
WOMEN'S DRESS OF SYN FIB CONT 36% MORE WOOL, N KT	APPAREL	6204433010	436	4	60,581	0.00
GIRLS' DRESSES OF SYN FIB CONT 36% MORE WOOL, N KT .	APPAREL	6204433020	436	4	2,055	0.00
WOMEN'S DRESSES ART FIBER >36% WOOL, NOT KNIT	APPAREL	6204443010	436	4	13,810	0.00
GIRLS' DRESSES ART FIBER >36% WOOL, NOT KNIT	APPAREL	6204443020	436	4	41	0.00
W/G DRESSES OF OT TEXTILE MAT SUBJ WOOL RES, NT KT	APPAREL	6204490020	436	4	575	0.00
M/B ENSEMBLES OF SHIRTS OF WOOL, KNIT	APPAREL	6103210050	438	4	0	0.00
M/B ENS OF SHIRTS OF SYN FIB 23% MORE WOOL, KNIT	APPAREL	6103230025	438	4	0	0.00
W/G ENSEMBLES OF BLOUSES AND SHIRTS OF WOOL, KNIT	APPAREL	6104210060	438	4	1,275	0.00
W/G ENS BLOUSES & TOPS OF SYN FIB >=23% WOOL, KNIT .	APPAREL	6104230020	438	4	9,438	0.00
W/G ENS BLOUSE OT TEXTILE MAT SUBJ WOOL RES, KNIT ...	APPAREL	6104292048	438	4	0	0.00

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M/B SHIRTS OF MAN-MADE FIBER CONT >=23% WOOL, KNIT .	APPAREL	6105201000	438	4	11,475	0.00
M/B SHIRTS OF WOOL OR FINE ANIMAL HAIR, KNIT	APPAREL	6105901000	438	4	27,188	0.00
M/B SHIRTS OF OT TEXTILE MAT SUBJ WOOL RES, KNIT	APPAREL	6105903020	438	4	13	0.00
WOMEN'S BLOUSES OF MMF CONT 23% MORE WOOL, KNIT .	APPAREL	6106201010	438	4	337,475	0.00
GIRLS' BLOUSES OF MMF CONT 23% MORE WOOL, KNIT	APPAREL	6106201020	438	4	11,963	0.00
WOMEN'S BLOUSES OF WOOL OR FINE ANIMAL HAIR, KNIT ..	APPAREL	6106901010	438	4	588,450	0.00
GIRLS' BLOUSES OF WOOL OR FINE ANIMAL HAIR, KNIT	APPAREL	6106901020	438	4	363	0.00
W/G BLOUSES OF SILK SUBJECT WOOL RESTRAINTS, KNIT ..	APPAREL	6106902020	438	4	0	0.00
W/G BLOUSES OF OT TEXTILE MAT SUBJ WOOL RES, KNIT ...	APPAREL	6106903020	438	4	0	0.00
M/B T-SHIRTS ETC EX UNWEAR OF WOOL W LG SLVES, KNIT	APPAREL	6109901520	438	4	4,350	0.00
W/G T-SHIRTS ETC EX UNWEAR OF WOOL W LG SLVES, KNIT.	APPAREL	6109901540	438	4	6,500	0.00
W/G T-SHIRTS, OTH TEX MAT, CON <70% WT SIK KT, W/ WOOL.	APPAREL	*6109902030	438	4	1,751	0.00
M/B SWEATSHIRTS & SIM ART OF OT WOOL, KT OR CROCH .	APPAREL	6110102070	438	4	357,075	0.00
W/G SWEATSHIRTS & SIM ART OF OTH WOOL OR FAH, KNIT	APPAREL	6110102080	438	4	3,755,900	0.02
M/B SWTSHRT & SMLR ART OF MMF CONT 23% WOOL, KNIT	APPAREL	6110301550	438	4	192,213	0.00
W/G SWTSHRT & SMLR ART OF MMF CONT 23% WOOL, KNIT	APPAREL	6110301560	438	4	1,298,488	0.01
M/B PULLOV & SMLR ART TEX MAT SUBJ WOOL RES, KNIT ...	APPAREL	6110900072	438	4	0	0.00
W/G PULLOV & SMLR ART TEX MAT SUBJ WOOL RES, KNIT ..	APPAREL	6110900074	438	4	688	0.00
MEN'S OR BOYS' TOPS OF WOOL OR FAH, KNIT	APPAREL	6114100020	438	4	538	0.00
WOMEN'S OR GIRLS' TOPS OF WOOL OR FAH, KNIT	APPAREL	6114100040	438	4	7,150	0.00
PARTS OF BLOUSES & SHIRTS OF WOOL, KNIT	APPAREL	6117900024	438	4	38	0.00
MEN'S OR BOYS' ENSEMBLES OF SHIRTS OF WOOL, NOT KN	APPAREL	6203210030	440	4	0	0.00
M/B ENS OF SHIRTS OF SYN FIB 36% MORE WOOL, NT KT	APPAREL	6203230030	440	4	0	0.00
W/G ENSEMBLES OF BLOUSES AND SHIRTS OF WOOL, NT KT.	APPAREL	6204210060	440	4	7,035	0.00
W/G ENS BLOUSES OF SYN FIB 36% MORE WOOL, NOT KNIT	APPAREL	6204230020	440	4	40	0.00
W/G ENS BLOUSE OT TEXTILE MAT SUBJ WOOL RES, NT KT	APPAREL	6204294048	440	4	0	0.00
M/B SHIRTS WOOL CRTFD HND-LMD/FLKLRE PROD, NT KNIT	APPAREL	6205101000	440	4	0	0.00
MEN'S SHIRTS OF WOOL OR FINE ANIMAL HAIR, NOT KNIT ...	APPAREL	6205102010	440	4	914,811	0.01
BOYS' SHIRTS OF WOOL OR FINE ANIMAL HAIR, NOT KNIT	APPAREL	6205102020	440	4	2,492	0.00
MEN'S SHIRTS MMF CONT >=36% W/FAH, NT KT/CROCHTED .	APPAREL	6205301510	440	4	926,751	0.01
BOYS' SHIRTS MMF CONT >=36% WOOL/FAH, NT KT/CROCHT	APPAREL	6205301520	440	4	965	0.00
M/B SHIRTS SILK SUBJECT WOOL RESTRAINTS, NOT KNIT	APPAREL	6205902020	440	4	60	0.00
M/B SHIRTS OF OT TEXTILE MAT SUBJ WOOL RES, N KT	APPAREL	6205904020	440	4	0	0.00
W/G BLOUSES OF SILK SUBJECT WOOL RESTRAINTS, N KT ..	APPAREL	6206100020	440	4	603	0.00
W/G BLOUSES WOOL CRTFD FOLKLORE PRODUCTS, NOT KNIT.	APPAREL	6206201000	440	4	181	0.00
WOMEN'S BLOUSES WOOL CONT >=30% SILK, N KT OR CROC.	APPAREL	6206202010	440	4	5,367	0.00
GIRLS' BLOUSES WOOL CONT >30% SILK, N KT OR CROCH ..	APPAREL	6206202020	440	4	0	0.00
W WOOL BLOUSES <30% WGT OF W/FAH NESOI N KNIT/ CROC.	APPAREL	6206203010	440	4	91,435	0.00
GIRLS' BLOUSES OF WOOL NESOI, NOT KNIT OR CROCHETD	APPAREL	6206203020	440	4	3,899	0.00
WOMEN'S BLOUSES OF MMF CONT >=36% WL/FAH, NT KNIT	APPAREL	6206402510	440	4	16,361	0.00
GIRLS' BLOUSES OF MMF CONT >=36% WOOL/FAH, NT KNIT .	APPAREL	6206402520	440	4	1,849	0.00
W/G BLOUSES OF OT TEXTILE MAT SUBJ WOOL RES, N KT ...	APPAREL	6206900020	440	4	0	0.00
MEN'S OR BOYS' SHIRTS OF WOOL, NOT KNIT/CROCHETED .	APPAREL	6211310030	440	4	4,181	0.00
W/G BLSES, SHRTS & SHRT-BLSES OF W/FAH NT KNT	APPAREL	6211410030	440	4	3,357	0.00
PARTS OF BLOUSES & SHIRTS OF WOOL, N KT OR CROCHTD.	APPAREL	6217900005	440	4	0	0.00
W/G ENSEMBLES OF SKIRTS OF WOOL, KNIT	APPAREL	6104210030	442	4	4,965	0.00
W/G ENS SKIRTS OF SYN FIB 23% MORE WOOL, KNIT	APPAREL	6104230014	442	4	14,385	0.00
W/G ENS OF SKIRTS OF OT TEX MAT SUBJ WOOL RES, KNIT	APPAREL	6104292024	442	4	0	0.00
W/G SKIRTS AND DIVIDED SKIRTS OF WOOL, KNIT	APPAREL	6104510000	442	4	955,950	0.01
W/G SKIRTS OF SYN FIBERS CONT 23% MORE WOOL, KNIT ..	APPAREL	6104531000	442	4	366,405	0.00
W/G SKIRTS OF ARTIFICIAL FIBERS >=23% WOOL, KNIT	APPAREL	6104591005	442	4	20,655	0.00
W/G SKIRTS OT TEXTILE MATERIAL SUBJ WOOL RES, KNIT ...	APPAREL	6104592020	442	4	2,190	0.00
W/G ENSEMBLES OF SKIRTS OF WOOL, NOT KNIT	APPAREL	6204210030	442	4	45,975	0.00
W/G ENS SKIRTS OF SYN FIB 36% MORE WOOL, NOT KNIT ...	APPAREL	6204230010	442	4	540	0.00
W/G ENS OF SKIRTS OF OT TEX MAT SUBJ WOOL RES, N KT	APPAREL	6204294024	442	4	3,045	0.00
WOMEN'S SKIRTS AND DIVIDED SKIRTS OF WOOL, NT KNIT ..	APPAREL	6204510010	442	4	4,330,200	0.03
GRLS SKIRTS & DIVD SKIRTS OF W/FAH, NOT KNIT/CROCH ...	APPAREL	6204510020	442	4	8,655	0.00
WOMEN'S SKIRTS SYNTHETIC FIBER >36% WOOL, NT KNIT ...	APPAREL	6204532010	442	4	210,045	0.00
GIRLS' SKIRTS SYNTHETIC FIBER >36% WOOL, NOT KNIT	APPAREL	6204532020	442	4	4,935	0.00
WOMEN'S SKIRTS ARTIFICIAL FIBER >36% WOOL, NT KT	APPAREL	6204592010	442	4	47,430	0.00
GIRLS' SKIRTS ARTIFICIAL FIBER >36% WOOL, NT KNIT	APPAREL	6204592020	442	4	405	0.00
W/G SKIRTS OT TEXTILE MATERIAL SUBJ WOOL RES, N KT ..	APPAREL	6204594020	442	4	9,120	0.00
M/B SUITS OF WOOL/FINE ANIMAL HAIR, KNIT	APPAREL	6103110000	443	4	31,212	0.00
M/B SUITS OF SYN FIB CONT >=23% BY WGT W/FAH, KNIT	APPAREL	6103121000	443	4	13,145	0.00
M/B SUITS OF ART FIB CONT 23% OR MORE WOOL, KNIT	APPAREL	6103191000	443	4	15	0.00

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M/B SUITS OF OTHER TEX MATERIAL SUBJ WOOL RES, KNIT	APPAREL	6103194040	443	4	0	0.00
M/B SUITS OF WOOL >=30% SILK, NOT KNIT/CROCHETED	APPAREL	6203111000	443	4	64,973	0.00
M/B SUITS OF WOOL <30% SILK, NOT KNIT/CROCHETED	APPAREL	6203112000	443	4	8,110,937	0.05
M/B SUITS SYNTHETIC FIB >=36 PERCENT WOOL, NOT KNIT .	APPAREL	6203121000	443	4	551,114	0.00
M/B SUITS ART FIB CONT >=36% WOOL, NOT KNIT/CROCH	APPAREL	6203192000	443	4	21,590	0.00
M/B SUITS OF OTHER TEX MATERIAL SUBJ WOOL RES N KT	APPAREL	6203194040	443	4	5,730	0.00
W/G SUITS OF WOOL/ FINE ANIMAL HAIR, KNIT	APPAREL	6104110000	444	4	16,431	0.00
W/G SUITS OF SYN FIBERS CONT 23% MORE WOOL, KNIT	APPAREL	6104131000	444	4	27,358	0.00
W/G SUITS OF ART FIBERS CONT 23% MORE WOOL, KNIT	APPAREL	6104191000	444	4	1,169	0.00
W/G SUITS OF OT TEX MATERIALS SUBJ WOOL RES, KNIT	APPAREL	6104192050	444	4	0	0.00
WOMEN'S OR GIRLS' SUITS OF WOOL, NOT KNIT OR CROCH	APPAREL	6204110000	444	4	2,348,143	0.01
W/G SUITS OF SYN FIBERS CONT 36% MORE WOOL, NT KT ..	APPAREL	6204131000	444	4	146,095	0.00
W/G SUITS OF ART FIBERS CONT >=36% WOOL/FAH, NT KT ..	APPAREL	6204191000	444	4	12,780	0.00
W/G SUITS OF OT TEX MATERIALS SUBJ WOOL RES, NT KT ..	APPAREL	6204193050	444	4	6,798	0.00
M/B ENSEMBLES OF SWEATERS OF WOOL, KNIT	APPAREL	6103210060	445	4	0	0.00
M/B ENS OF SWEATERS OF SYN FIB 23% MORE WOOL, KNIT	APPAREL	6103230030	445	4	0	0.00
M/B ENS SWEATERS OF OT TEX MAT SUBJ WOOL RES, KNIT	APPAREL	6103292060	445	4	0	0.00
M/B SWEATERS WHOLLY OF CASHMERE, KNIT	APPAREL	6110101010	445	4	162,229	0.00
M/B VESTS (EXC SWTR VEST) WHOLLY OF CASHMERE, KNIT	APPAREL	6110101030	445	4	14,062	0.00
M/B SWEATSHIRTS ETC WHOLLY OF CASHMERE, KNIT	APPAREL	6110101050	445	4	23,907	0.00
MEN'S SWEATERS OF OTHER WOOL OR FAH, KNIT	APPAREL	6110102010	445	4	5,046,998	0.03
BOYS' SWEATERS OF OTHER WOOL OR FAH, KNIT	APPAREL	6110102020	445	4	52,254	0.00
M/B SWEATERS OF MAN-MADE FIB CONT 23% WOOL, KNIT ...	APPAREL	6110301510	445	4	2,571,735	0.02
M/B SWEATERS OF OTH TEXTILE MAT SUBJ WOOL RES, KNIT.	APPAREL	6110900012	445	4	12,152	0.00
W/G ENSEMBLES OF SWEATERS OF WOOL, KNIT	APPAREL	6104210070	446	4	3,472	0.00
W/G ENS SWEATERS OF SYN FIB 23% MORE WOOL, KNIT	APPAREL	6104230022	446	4	459	0.00
W/G ENS SWEATER OT TEXTILE MAT SUBJ WOOL RES, KNIT	APPAREL	6104292058	446	4	0	0.00
W/G SWEATERS WHOLLY OF CASHMERE, KNIT	APPAREL	6110101020	446	4	370,252	0.00
W/G VESTS (EXC SWTR VEST) WHOLLY OF CASHMERE, KNIT	APPAREL	6110101040	446	4	707	0.00
W/G SWEATSHIRTS ETC WHOLLY OF CASHMERE, KNIT	APPAREL	6110101060	446	4	156,922	0.00
WOMEN'S SWEATERS OF OTHER WOOL OR FAH, KNIT	APPAREL	6110102030	446	4	16,008,611	0.09
GIRLS' SWEATERS OF OTHER WOOL OR FAH, KNIT	APPAREL	6110102040	446	4	95,877	0.00
W/G SWEATERS OF MAN-MADE FIBERS CONT 23% WOOL, KNIT.	APPAREL	6110301520	446	4	3,029,580	0.02
W/G SWEATERS OF OTH TEXTILE MAT SUBJ WOOL RES, KNIT.	APPAREL	6110900028	446	4	30,095	0.00
PARTS OF SWEATERS OF WOOL, KNIT	APPAREL	6117900012	446	4	87	0.00
M/B ENSEMBLES OF TROUSERS ETC OF WOOL, KNIT	APPAREL	6103210030	447	4	165	0.00
M/B ENS OF TRSRS ETC OF SYN FIB 23% MORE WOOL, KNIT	APPAREL	6103230010	447	4	165	0.00
M/B TROUSERS AND BREECHES OF WOOL, KNIT	APPAREL	6103411010	447	4	28,815	0.00
M/B SHORTS OF WOOL, KNIT	APPAREL	6103411020	447	4	45	0.00
M/B TROUSER & BREECHES SYN FIB 23% MORE WOOL, KNIT	APPAREL	6103431010	447	4	2,460	0.00
M/B SHORTS OF SYN FIBERS CONT 23% MORE WOOL, KNIT .	APPAREL	6103431020	447	4	1,110	0.00
M/B TROUSER ETC OF ART FIB CONT 23% MORE WOOL, KNIT.	APPAREL	6103491010	447	4	960	0.00
M/B TROUSERS ETC OF OT TEX MAT SUBJ WOOL RES, KNIT	APPAREL	6103493012	447	4	75	0.00
M/B ENSEMBLES OF TROUSERS ETC OF WOOL, NOT KNIT	APPAREL	6203210020	447	4	240	0.00
M/B ENS OF TRSRS ETC OF SYN FIB 36% MORE WOOL, N KT	APPAREL	6203230020	447	4	15	0.00
MEN'S TROUSERS & BREECHES OF WOOL, NOT KNIT	APPAREL	6203411010	447	4	3,169,305	0.02
BOYS' TROUSERS & BREECHES OF WOOL, N KNIT OR CROCH.	APPAREL	6203411020	447	4	1,620	0.00
MEN'S OR BOYS' SHORTS OF WOOL, NOT KNIT OR CROCHET.	APPAREL	6203411030	447	4	8,580	0.00
MEN'S TROUSER & BREECHES SYN FIB >36% WOOL, NT KT .	APPAREL	6203433010	447	4	504,270	0.00
BOYS' TROUSER & BREECHES SYN FIB >36% WOOL, NT KT ..	APPAREL	6203433020	447	4	9,855	0.00
M/B SHORTS OF SYN FIBERS CONT 36% MORE WOOL, NT KT	APPAREL	6203433030	447	4	5,355	0.00
M/B TROUSER ETC OT TEX MTRL SUBJ WOOL RSTRT, NT KT	APPAREL	6203493025	447	4	7,395	0.00
M/B SKI-SUIT TROUSERS & BREECHES WOOL, NOT KNIT	APPAREL	6211203020	447	4	0	0.00
M/B TRACK SUIT TROUSERS OF WOOL, NOT KNIT OR CROCH.	APPAREL	6211310010	447	4	45	0.00
W/G ENSEMBLES OF TROUSERS OF WOOL, KNIT	APPAREL	6104210040	448	4	435	0.00
W/G ENS TROUSERS OF SYN FIB 23% MORE WOOL, KNIT	APPAREL	6104230016	448	4	765	0.00
W/G ENS TROUSER OT TEXTILE MAT SUBJ WOOL RES, KNIT	APPAREL	6104292036	448	4	0	0.00
W/G TROUSERS AND BREECHES OF WOOL OR FAH, KNIT	APPAREL	6104610010	448	4	562,470	0.00
W/G SHORTS OF WOOL OR FINE ANIMAL HAIR, KNIT	APPAREL	6104610020	448	4	6,720	0.00
W/G TROUSERS OF SYN FIBERS CONT 23% MORE WOOL, KNIT.	APPAREL	6104631510	448	4	202,050	0.00
W/G SHORTS OF SYN FIBERS CONT 23% MORE WOOL, KNIT	APPAREL	6104631520	448	4	780	0.00
W/G TROUSERS BREECHES OF ART FIB =>23% WOOL KNIT ..	APPAREL	6104692005	448	4	4,560	0.00
W/G TROUSERS OF OT TEXTILE MAT SUBJ WOOL RES, KNIT	APPAREL	6104693024	448	4	540	0.00
PARTS OF TROUSERS BREECHES & SHORTS OF WOOL, KNIT.	APPAREL	6117900044	448	4	0	0.00

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
W/G ENSEMBLES OF TROUSERS OF WOOL, NOT KNIT	APPAREL	6204210040	448	4	2,265	0.00
W/G ENS TROUSER ETC SYN FIB >=36% WL/FAH, NT KNIT	APPAREL	6204230015	448	4	0	0.00
W/G ENS TROUSER OT TEXTILE MAT SUBJ WOOL RES, NT KT.	APPAREL	6204294036	448	4	1,215	0.00
WOMEN'S TROUSERS AND BREECHES OF WOOL, NOT KNIT .	APPAREL	6204610010	448	4	3,733,215	0.02
GIRLS' TROUSERS & BREECHES OF WOOL, N KNIT OR CROC	APPAREL	6204610020	448	4	8,415	0.00
WOMEN'S OR GIRLS' SHORTS OF WOOL, NOT KNIT OR CROC.	APPAREL	6204610030	448	4	139,590	0.00
WOMEN'S TROUSERS ETC SYNTHETIC FIB >=36% WOOL, N KT.	APPAREL	6204632510	448	4	118,545	0.00
GIRLS' TROUSERS ETC SYNTHETIC FIB >=36% WOOL, N KT ..	APPAREL	6204632520	448	4	7,965	0.00
WOMEN'S TROUSERS ART FIBERS CONT >36% WOOL, N KT .	APPAREL	6204692010	448	4	103,230	0.00
GIRLS' TROUSERS ART FIBERS CONT >36% WOOL, NT KT	APPAREL	6204692020	448	4	990	0.00
W/G SHORTS ARTIFICIAL FIB CONT >36% WOOL, NT KNIT	APPAREL	6204692030	448	4	20,940	0.00
W/G TROUSERS ETC SILK SUBJ WOOL RESTRAINTS, NT KT ..	APPAREL	6204693020	448	4	1,500	0.00
W/G TROUSERS OF OT TEXTILE MAT SUBJ WOOL RES, N KT	APPAREL	6204699020	448	4	75	0.00
W/G SKI-SUIT TROUSER & BREECHES WOOL, NOT KNIT	APPAREL	6211206020	448	4	1,320	0.00
W/G TRACK SUIT TROUSERS WOOL, NOT KNIT OR CROCHETD.	APPAREL	6211410010	448	4	675	0.00
PARTS OF TROUSERS & BREECHES OF WL, N KT OR CROCHT.	APPAREL	6217900055	448	4	0	0.00
M/B ENSEMBLES NESOI OF WOOL, KNIT	APPAREL	6103210070	459	4	0	0.00
M/B ENS NESOI OF SYN FIB 23% MORE WOOL, KNIT	APPAREL	6103230035	459	4	0	0.00
M/B BIB AND BRACE OVERALLS OF WOOL, KNIT	APPAREL	6103412000	459	4	30	0.00
M/B OVERALLS OF SYN FIB CONT 23% MORE WOOL, KNIT	APPAREL	6103432010	459	4	840	0.00
M/B OVERALLS OF OT TEXTILE MAT SUBJ WOOL RES, KNIT ..	APPAREL	6103493036	459	4	0	0.00
W/G ENSEMBLES NESOI OF WOOL, KNIT	APPAREL	6104210080	459	4	44	0.00
W/G ENS NESOI OF SYNTHETIC FIB 23% MORE WOOL, KNIT .	APPAREL	6104230024	459	4	0	0.00
W/G ENS NESOI OF OT TEXTILE MAT SUBJ WOOL RES, KNIT	APPAREL	6104292076	459	4	0	0.00
WOMEN'S OR GIRLS' OVERALLS OF WOOL OR FAH, KNIT	APPAREL	6104610030	459	4	1,735	0.00
W/G OVERALLS OF OT TEXTILE MAT SUBJ WOOL RES, KNIT .	APPAREL	6104693012	459	4	0	0.00
M/B NIGHTSHIRTS AND PAJAMAS OF WOOL OR FAH, KNIT	APPAREL	6107292000	459	4	585	0.00
M/B BATHROBES, DRESSING GOWNS ETC OF WOOL, KNIT	APPAREL	6107992000	459	4	8,640	0.00
W/G NIGHTDRESSES AND PAJAMAS OF WOOL OR FAH, KNIT	APPAREL	6108391000	459	4	825	0.00
W/G NEGLIGEES, BATHROBES ETC OF WOOL OR FAH, KNIT .	APPAREL	6108992000	459	4	25,341	0.00
M/B UNDERWEAR OF WOOL, WITH LONG SLEEVES, KNIT	APPAREL	6109901510	459	4	9,276	0.00
W/G UNDERWEAR OF WOOL, WITH LONG SLEEVES, KNIT	APPAREL	6109901530	459	4	15,229	0.00
M/B VEST (EXC SWEATER VEST) OF OTH WOOL OR FAH, KT	APPAREL	6110102050	459	4	25,334	0.00
W/G VEST (EXC SWEATER VEST) OF OTH WOOL OR FAH, KT	APPAREL	6110102060	459	4	38,480	0.00
M/B VEST (EXC SWEATER VEST) OF MMF >=23% WOOL, KNIT	APPAREL	6110301530	459	4	88,593	0.00
W/G VEST (EXC SWEATER VEST) OF MMF >=23% WOOL, KNIT.	APPAREL	6110301540	459	4	2,449	0.00
M/B VEST (EXC SWTR VEST) TEX MATL SUBJ WOOL RES, KT	APPAREL	6110900048	459	4	11	0.00
W/G VEST (EXC SWTR VEST) TEX MATL SUBJ WOOL RES, KT	APPAREL	6110900050	459	4	0	0.00
SKI-SUITS OF WOOL OR FINE ANIMAL HAIR, KNIT	APPAREL	6112202020	459	4	233	0.00
JUMPERS OF WOOL OR FINE ANIMAL HAIR, KNIT	APPAREL	6114100050	459	4	34,795	0.00
MEN'S OR BOYS' OTH GARMENTS OF WOOL OR FAH, KNIT ...	APPAREL	6114100060	459	4	559	0.00
WOMEN'S OR GIRLS' OTH GARMENTS OF WOOL OR FAH, KNIT.	APPAREL	6114100070	459	4	117,286	0.00
BODYSUITS & BODYSHIRTS OF MMF, CON =>23% WOOL, KNIT.	APPAREL	6114302030	459	4	5,036	0.00
OTHER GARMENTS SUBJECT TO WOOL RESTRAINTS, KNIT ..	APPAREL	6114900050	459	4	1,406	0.00
CLOTHING ACCESSORIES NESOI OF WOOL, KNIT	APPAREL	6117800020	459	4	65,705	0.00
CLOTHING ACCESSORIES NESOI MMF >=23% WL/FAH, KNIT .	APPAREL	6117800025	459	4	31,110	0.00
PARTS OF GARMENTS NESOI OF WOOL, KNIT	APPAREL	6117900054	459	4	4,311	0.00
M/B PADDED SLEEVELESS JACKETS OF WOOL, NOT KNIT	APPAREL	6201911000	459	4	2,967	0.00
W/G PADDED SLEEVELESS JACKETS OF WOOL, NOT KNIT	APPAREL	6202911000	459	4	3,045	0.00
M/B ENSEMBLES NESOI OF WOOL, NOT KNIT	APPAREL	6203210060	459	4	0	0.00
M/B ENS NESOI OF SYN FIB 36% MORE WOOL, NOT KNIT	APPAREL	6203230040	459	4	0	0.00
M/B BIB AND BRACE OVERALLS OF WOOL, NOT KNIT	APPAREL	6203412000	459	4	2,313	0.00
W/G ENSEMBLES NESOI OF WOOL, NOT KNIT	APPAREL	6204210070	459	4	300	0.00
W/G ENS NESOI OF SYNTHETIC FIB 36% MORE WOOL, N KT .	APPAREL	6204230025	459	4	2,982	0.00
W/G ENS NESOI OF OT TEXTILE MAT SUBJ WOOL RES, N KT	APPAREL	6204294060	459	4	0	0.00
WOMEN'S OR GIRLS' OVERALLS OF WOOL, N KNIT OR CROC	APPAREL	6204610040	459	4	3,371	0.00
M/B NIGHTSHIRTS AND PAJAMAS OF WOOL, NOT KNIT	APPAREL	6207290010	459	4	11	0.00
M/B BATHROBES DRESSING GOWN ETC MMF >=36% WOOL, N K.	APPAREL	6207922010	459	4	59	0.00
M/B BATHROBE DRESSING GOWN ETC WOOL, NOT KNIT	APPAREL	6207992000	459	4	1,765	0.00
M/B SINGLETS & UNDERSHIRTS WOOL, NOT KNIT	APPAREL	6207994000	459	4	474	0.00
W/G NIGHTDRESSES AND PAJAMAS OF WOOL, NOT KNIT	APPAREL	6208290010	459	4	159	0.00
W/G NEGLIGEES, BATHROBES ETC OF WOOL, N KT OR CROC.	APPAREL	6208992010	459	4	5,221	0.00

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W/G BRFS PNTS SNGLTS OTH UNDSHRTS OF WOOL, NOT KNT.	APPAREL	6208992020	459	4	1,861	0.00
M/B SKI-SUIT, NESOI, OF WOOL, NOT KNIT/CROCHETED	APPAREL	6211204030	459	4	215	0.00
W/G SKI-SUIT, NESOI, OF WOOL, NOT KNIT/CROCHETED	APPAREL	6211207030	459	4	74	0.00
MEN'S OR BOYS' VESTS OF WOOL, NOT KNIT OR CROCHETD.	APPAREL	6211310040	459	4	16,102	0.00
MEN'S OR BOYS' OT GARMENTS NESOI OF WL, N KT OR CR	APPAREL	6211310050	459	4	12,758	0.00
WOMEN'S OR GIRLS' JUMPERS OF WOOL, NOT KNIT OR CRC	APPAREL	6211410040	459	4	20,542	0.00
WOMEN'S OR GIRLS' VESTS OF WOOL, NOT KNIT OR CROCH	APPAREL	6211410050	459	4	41,958	0.00
W/G GARMENTS NESOI OF W/FAH, NOT KNIT OR CROCHETED.	APPAREL	6211410060	459	4	26,477	0.00
TIES BOW TIES AND CRAVATS OF WOOL, NOT KNIT	APPAREL	6215900010	459	4	40,830	0.00
ACCESSORIES OF WOOL OR FN ANML HR, N KT OR CROCHTD.	APPAREL	6217100020	459	4	43,497	0.00
PARTS OF GARMENTS NESOI OF WOOL, NT KNIT OR CROCHT.	APPAREL	6217900080	459	4	252,743	0.00
HAT FORMS/BODIES&HOODS OF FELT; PLATEAUX & MANCHON.	APPAREL	6501009000	459	4	180,564	0.00
FELT HATS & OTHER FELT HEADGEAR (EXCLUDE FUR FELT)	APPAREL	6503009000	459	4	248,033	0.00
KT WL VISORS & OTH HDGR W/O COV FOR CROWN OF HEAD.	APPAREL	6505903060	459	4	703,755	0.00
NKT WL VISOR & OTH HDGR W/O COV FOR CROWN OF HEAD.	APPAREL	6505904060	459	4	1,419,653	0.01
HATS ETC EX BABY MMF KNT/CRCH IN PIECE NT IN BRAID ...	APPAREL	6505906040	459	4	48,226	0.00
HATS & OT HDGR>70% SLK&/OR NESOI, KN/CROCH; OF FAH	APPAREL	*6505909060	459	4	1,127	0.00
GLV VEG FB IMPG PLS/RBR W/OUT 4CHTTS MMF RES NT KT	APPAREL	6216001530	631	4	3,718	0.00
GLV NESOI FIB IPG PLS/RB W/OUT 4CHTS MMF RES NT KT ...	APPAREL	6216001830	631	4	93	0.00
GLV NESOI FIB IPG PLS/RB W/OUT 4CHTS MMF RES NT KT ...	APPAREL	6216002030	631	4	4,483	0.00
GLV IMPRG PLAS/RBR W/OUT 4CHTTS SUBJ MMF RES, N KT	APPAREL	6216002525	631	4	115,698	0.00
GLV IMPRG PLAS/RBR W/OUT 4CHTTS SUBJ MMF RES, N KT	APPAREL	6216002725	631	4	74,118	0.00
GLV IMPRG PLAS/RBR W/OUT 4CHTTS SUBJ MMF RES, N KT	APPAREL	6216002825	631	4	13,601	0.00
GLV IMPREG PLAS/RBR 4CHTTS CON >=50% COT, MMF NT KT.	APPAREL	6216003025	631	4	10,962	0.00
GLV IMPREG PLAS/RBR 4CHTTS CON >=50% COT, MMF NT KT.	APPAREL	6216003125	631	4	7,349	0.00
GLV IMPREG PLAS/RBR 4CHTTS CON >=50% COT, MMF NT KT.	APPAREL	6216003225	631	4	145	0.00
GLOVES EX SKI MMF NESOI WITHOUT FOURCHETTES, NT KT.	APPAREL	6216004835	631	4	2,586,261	0.02
GLVS EX SKI OF MMF NESOI W 4RCHETS <36% W/FAH NK	APPAREL	6216004845	631	4	508,416	0.00
GLOVES EX SKI MMF NESOI WITHOUT FOURCHETTES, NT KT.	APPAREL	6216004935	631	4	1,395,431	0.01
GLVS EX SKI OF MMF NESOI W 4RCHETS <36% W/FAH NK	APPAREL	6216004945	631	4	169,876	0.00
GLOVES EX SKI MMF NESOI WITHOUT FOURCHETTES, NT KT.	APPAREL	6216005235	631	4	324,594	0.00
GLVS EX SKI OF MMF NESOI W 4RCHETS <36% W/FAH NK	APPAREL	6216005245	631	4	98,185	0.00
M/B ENS OF JACKETS ETC OF OTHER SYN FIB, KNIT	APPAREL	6103230037	633	4	0	0.00
M/B ENS OF SUIT-TYPE JACKETS OF ARTF FIBERS, KNIT	APPAREL	6103291015	633	4	0	0.00
M/B SUIT-TYPE JACKETS & BLAZERS OF OT SYN FIB, KNIT	APPAREL	6103332000	633	4	91,021	0.00
M/B SUIT-TYPE JACKETS & BLAZERS OF ART FIB, KNIT	APPAREL	6103391000	633	4	17,332	0.00
M/B SUIT-TYPE JACKETS OT TEX MAT SUBJ MMF RES, KNIT .	APPAREL	6103392030	633	4	91	0.00
M/B ENS OF HDNG 6203 OT SYN FIB <36% W/FAH, NT KN	APPAREL	6203230055	633	4	7,605	0.00
M/B ENS OF HDNG 6203 OF ARTIFICIAL FIBERS, NOT KNT	APPAREL	6203292020	633	4	182	0.00
MEN'S SUIT-TYPE JCKT/BLZR SYN FIB < 36% WOOL, N KT	APPAREL	6203332010	633	4	5,358,101	0.03
BOYS' SUIT-TYPE JCKT/BLZR SYN FIB < 36% WOOL, N KT	APPAREL	6203332020	633	4	668,327	0.00
MEN'S SUIT-TYPE JCKT/BLZR ART FIB N >36% WOOL, N KT ...	APPAREL	6203392010	633	4	2,606,891	0.02
BOYS' SUIT-TYPE JCKT/BLZR ART FIB N >36% WOOL, N KT ...	APPAREL	6203392020	633	4	132,320	0.00
M/B SUIT-TYPE JACKETS OT TEX MAT SUBJ MMF RES, N KT .	APPAREL	6203394030	633	4	23,452	0.00
M/B OVERCOAT, ETC OF MMF CONT 25% MORE LTHR, KNIT .	APPAREL	6101301000	634	4	35,121	0.00
MEN'S OVERCOATS ETC OF OTHER MAN-MADE FIBERS, KNIT.	APPAREL	6101302010	634	4	7,361,679	0.04
BOYS' OVERCOATS ETC OF OTHER MAN-MADE FIBERS, KNIT	APPAREL	6101302020	634	4	3,936,864	0.02
M/B OVERCOAT ETC OF OTH TEX MAT SUBJ MMF RES, KNIT	APPAREL	6101900030	634	4	138	0.00
M/B ENS OF OVERCOATS ETC OF OTHER SYN FIB, KNIT	APPAREL	6103230036	634	4	3,381	0.00
M/B ENS OF OVERCOATS ETC OF ARTIFICIAL FIBERS, KNIT ..	APPAREL	6103291010	634	4	0	0.00
M/B JACKETS FOR TRACK SUITS OF SYN FIB, KNIT	APPAREL	6112120010	634	4	9,181,278	0.05
M/B JACKETS FOR TRACK SUITS OF ART FIB, KNIT	APPAREL	6112191010	634	4	71,415	0.00
M/B ANORAKS ETC FOR SKI-SUITS OF MAN-MADE FIB, KNIT .	APPAREL	6112201010	634	4	24,185	0.00
M/B PAD SLVLSS JCKT W SLV ATT FOR SKI-ST MMF, KNIT	APPAREL	6112201030	634	4	104	0.00
M/B COAT ETC OTH KT FAB IMPREG RESIN EXC RBR/PLAS ...	APPAREL	6113000025	634	4	53,648	0.00
MEN'S RAINCOATS OF MMF CON <70% WOOL/FAH, NOT KNIT	APPAREL	6201134015	634	4	791,706	0.00
BOYS' RAINCOATS OF MMF CONT <70% WOOL/FAH, NT KNIT	APPAREL	6201134020	634	4	26,738	0.00

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MEN'S OVERCOAT EX RAINCOAT OT MMF EX DOWN, NOT KNIT.	APPAREL	6201134030	634	4	2,204,516	0.01
BOYS' OVERCOAT EX RAINCOAT OT MMF EX DOWN, NOT KNIT.	APPAREL	6201134040	634	4	636,870	0.00
M/B OVERCOAT ETC OTH TEX MAT SUBJ MMF RES, NOT KNIT.	APPAREL	6201190030	634	4	15,974	0.00
M/B PADDED SLVLS JACKET WTH SLEEVE ATTCH MMF, NT KT.	APPAREL	6201932010	634	4	85,077	0.00
M/B GARMENTS WATER RESISTANT; MMF, NOT KNIT	APPAREL	6201933000	634	4	67,872,506	0.40
MEN'S ANORAKS & SMLR ART MAN-MADE FIBER NESOI, NT KT.	APPAREL	6201933510	634	4	33,432,432	0.20
BOYS' ANORAKS & SMLR ART MAN-MADE FIBER NESOI, NT KT.	APPAREL	6201933520	634	4	6,950,232	0.04
M/B ANORAKS ETC OT TEX MTRL SUBJ MMF RES, NOT KNIT	APPAREL	6201990030	634	4	13,869	0.00
M/B ENS OF OVRCTS ETC OT SYN FIB <36% W/FAH, NT KN ...	APPAREL	6203230050	634	4	552,104	0.00
M/B ENS OF OVERCOATS ETC OF ARTIFICIAL FIBERS, N KT ..	APPAREL	6203292010	634	4	20,735	0.00
M/B OVERCOATS ETC MMF FELT/NONWOVEN N IMPREG, N KT.	APPAREL	6210201020	634	4	2,081,282	0.01
M/B ANORAKS ETC RUBBERIZED MAN-MADE FIBERS, NOT KT.	APPAREL	6210401020	634	4	8,106,948	0.05
M/B WTR RES ANORAKS/SIM ART FOR SKI-ST NESOI NT KT ..	APPAREL	6211201515	634	4	421,383	0.00
M/B ANORAKS & SMLR ARTICLE FOR SKI-ST MMF, NT KT	APPAREL	6211202030	634	4	218,351	0.00
M/B TRACK SUITS EXCEPT TROUSERS MAN-MADE FIB, NT KT.	APPAREL	6211330035	634	4	2,424,005	0.01
W/G OVERCOATS, ETC OF MMF CONT >=25% LEATHER, KNIT	APPAREL	6102300500	635	4	6,521	0.00
WOMEN'S OVERCOAT ETC OF OTHER MAN-MADE FIBERS, KNIT.	APPAREL	6102302010	635	4	25,058,385	0.15
GIRLS' OVERCOATS ETC OF OTHER MAN-MADE FIBERS, KNIT.	APPAREL	6102302020	635	4	3,225,612	0.02
W/G OVERCOAT ETC OF OTH TEX MAT SUBJ MMF RES, KNIT	APPAREL	6102900015	635	4	35	0.00
W/G ENS OF OVERCOATS JACKETS ETC OT SYN FIB, KNIT ...	APPAREL	6104230026	635	4	15,836	0.00
W/G ENS OF OVERCOATS JACKETS ETC OF ART FIB, KNIT ...	APPAREL	6104291010	635	4	4,934	0.00
W/G ENS OF OVRCT ETC OT TEX MATL SUBJ MMF RES, KT ..	APPAREL	6104292014	635	4	0	0.00
W/G SUIT-TYPE JACKETS OF SYN FIB <23% WOOL, KNIT	APPAREL	6104332000	635	4	2,019,320	0.01
W/G SUIT-TYPE JACKETS & BLAZERS OF ART FIBERS, KNIT ..	APPAREL	6104391000	635	4	137,172	0.00
W/G SUIT-TYPE JACKET OT TEX MAT SUBJ MMF RES, KNIT ...	APPAREL	6104392030	635	4	449	0.00
W/G JACKETS FOR TRACK SUITS OF SYN FIB, KNIT	APPAREL	6112120020	635	4	1,033,482	0.01
W/G JACKETS FOR TRACK SUITS OF ART FIB, KNIT	APPAREL	6112191020	635	4	128,375	0.00
W/G ANORAKS ETC FOR SKI-SUITS OF MAN-MADE FIB, KNIT .	APPAREL	6112201020	635	4	24,840	0.00
W/G PAD SLVLSS JCKT W SLV ATT FOR SKI-ST MMF, KNIT	APPAREL	6112201040	635	4	0	0.00
W/G COAT ETC OTH KT FAB IMPREG RESIN EXC RBR/PLAS ..	APPAREL	6113000030	635	4	97,463	0.00
PARTS OF COATS AND JACKETS OF MMF, KNIT	APPAREL	6117900036	635	4	17,468,661	0.10
WOMEN'S RAINCOATS OF MMF CONT <36% W/FAH, NOT KNIT.	APPAREL	6202134005	635	4	4,607,717	0.03
GIRLS' RAINCOATS OF MMF CONT <36% W/FAH, NOT KNIT	APPAREL	6202134010	635	4	109,676	0.00
WOMEN'S OVERCOATS & SMLR COATS MMF NESOI, NOT KNIT.	APPAREL	6202134020	635	4	6,707,939	0.04
GIRLS' OVERCOATS & SMLR COATS MMF NESOI, NOT KNIT ..	APPAREL	6202134030	635	4	2,149,937	0.01
W&G OVRCTS & SMLR CTS OT MAT SUB MMF REST NOT KNIT.	APPAREL	6202190030	635	4	2,381	0.00
W/G PADDED SLEEVELESS JCKT W SLEEVE ATT MMF, NT KT	APPAREL	6202932010	635	4	35	0.00
W/G GARM DESGN RNWR MMF <36% WGT W/FAH N KT OR CRC.	APPAREL	6202934500	635	4	47,837,459	0.28
W ANORAK & SMLR ART MMF <36% WL/FAH N K OR CROCHTD.	APPAREL	6202935010	635	4	32,640,588	0.19
G ANORAK & SMLR ART MMF <36% WL/FAH N K OR CROCHTD.	APPAREL	6202935020	635	4	7,000,913	0.04
W/G ANORAKS & SMLR ART TEX MAT SUBJ MMF RES, NT KT	APPAREL	6202990030	635	4	2,726	0.00
WG ENS HD 6202/6204 OF OT SYN FIB <36% W/FAH WOVEN ..	APPAREL	6204230030	635	4	653,913	0.00
W/G ENS HDNG 6202/6204 ETC OF ARTIF FIBERS, NOT KN	APPAREL	6204292010	635	4	505,494	0.00
W/G ENS HDNG 6202 & 6204 OT TEX MAT SUBJ MMF RS WV .	APPAREL	6204294014	635	4	2,243	0.00
W/G SUIT-TYPE JACKETS SYN FIB >36% SILK, NT KNIT	APPAREL	6204331000	635	4	8,004	0.00
W/G SUIT-TYPE JACKETS SYN FIB >36% SILK, NOT KNIT	APPAREL	6204332000	635	4	11,213	0.00
W ST-TYP JAC SYN FIB <36% BY WGT W/FAH, NT KT/CRCH ...	APPAREL	6204335010	635	4	9,453,863	0.06
G ST-TYP JAC OT SYN FIB CONT <36% BY WGT W/FAH, NK ...	APPAREL	6204335020	635	4	333,408	0.00
WOMEN'S SUIT-TYPE JACKET ART FIB N <36% WOOL, NT KT	APPAREL	6204393010	635	4	16,045,536	0.09
GIRLS' SUIT-TYPE JACKET ART FIB N <36% W/FAH, N KT	APPAREL	6204393020	635	4	95,876	0.00
W/G SUIT-TYPE JACKET OT TEX MAT SUBJ MMF RES, NT KT	APPAREL	6204394030	635	4	21,942	0.00
W/G OVERCOATS OF FLT OR NWOVNS OF MMF, NT KNT/CRCH.	APPAREL	6210301020	635	4	4,134,722	0.02
W/G ANORAKS OF RUBBERIZED/IMPREG MAN-MADE FIB, N KT.	APPAREL	6210501020	635	4	5,463,627	0.03

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
W/G WTR RES SKI-SUIT ANORAK & SMLR ART NESOI NT KT .	APPAREL	6211201545	635	4	345,000	0.00
W/G SKI-SUIT ANORAK & SIMILAR ARTICLES MMF, NT KT	APPAREL	6211205030	635	4	70,967	0.00
W/G TRACK SUITS EX TROUSERS MAN-MADE FIBERS, NT KT	APPAREL	6211430050	635	4	1,766,711	0.01
PARTS OF COATS & JACKETS MMF, NOT KNIT OR CROCHETD.	APPAREL	6217900035	635	4	228,494	0.00
WOMEN'S DRESSES OF OTHER SYNTHETIC FIBERS, KNIT	APPAREL	6104432010	636	4	33,965,412	0.20
GIRLS' DRESSES OF OTHER SYNTHETIC FIBERS, KNIT	APPAREL	6104432020	636	4	14,817,346	0.09
WOMEN'S DRESSES OF ARTIFICIAL FIB <23% WOOL, KNIT	APPAREL	6104442010	636	4	1,031,032	0.01
GIRLS' DRESSES OF ARTIFICIAL FIBER <23% WOOL, KNIT	APPAREL	6104442020	636	4	148,492	0.00
W/G DRESSES OF OT TEXTILE MAT SUBJ MMF RES, KNIT	APPAREL	6104490030	636	4	417	0.00
W/G DRESSES SYN FIB CRTFD HND-LMD/FRKLRE PROD, N KT.	APPAREL	6204431000	636	4	0	0.00
W/G DRESSES SYN FIBER ≤30 PERCENT SILK, NOT KNIT	APPAREL	6204432000	636	4	16,600	0.00
WOMEN'S DRESSES SYN FIB ≤2 COLOR WARP/FILLNG, N KT	APPAREL	6204434010	636	4	1,380,545	0.01
G DRESS SYN FIB ≤2 CLR WARP/FILLNG, <36%W/FAH, N K	APPAREL	6204434020	636	4	632,892	0.00
WOMEN'S DRESSES SYN FIB <36% BY WGT OF W/FAH N KNT	APPAREL	6204434030	636	4	22,889,970	0.13
GIRLS' DRESSES SYN FIB <36% BY WGT W/FAH NOT KNIT	APPAREL	6204434040	636	4	26,137,432	0.15
W/G DRESSES ART FIB CRTFD HND-LMD/FLKLRE PROD, N KT.	APPAREL	6204442000	636	4	0	0.00
W DRESSES OF OT ART FIB <36% BY WGT OF W/FAH NT KT .	APPAREL	6204444010	636	4	30,631,879	0.18
G DRESSES NESOI ART FIB <36% BY WGT W/FAH NOT KNIT .	APPAREL	6204444020	636	4	617,656	0.00
W/G DRESSES OF OT TEXTILE MAT SUBJ MMF RES, NT KT ...	APPAREL	6204490030	636	4	6,708	0.00
M/B ENS OF SHIRTS OF OTHER SYNTHETIC FIBERS, KNIT	APPAREL	6103230075	638	4	9,990	0.00
M/B ENS OF SHIRTS OF ARTIFICIAL FIBERS, KNIT	APPAREL	6103291050	638	4	0	0.00
MEN'S SHIRTS OF OTHER MAN-MADE FIBERS, KNIT	APPAREL	6105202010	638	4	33,717,585	0.20
BOYS' SHIRTS OF MAN-MADE FIBERS, NESOI, KNIT	APPAREL	6105202030	638	4	16,898,025	0.10
M/B SHIRTS OF OT TEXTILE MAT SUBJ MMF RES, KNIT	APPAREL	6105903030	638	4	30	0.00
MEN'S T-SHIRTS OF MAN-MADE FIBERS, KNIT	APPAREL	6109901007	638	4	5,340,030	0.03
BOYS' T-SHIRTS OF MAN-MADE FIBERS, KNIT	APPAREL	6109901009	638	4	6,171,375	0.04
MEN'S TANK TOPS & SINGLETS OF MAN-MADE FIBERS, KNIT	APPAREL	6109901013	638	4	1,288,500	0.01
BOYS' TANK TOPS & SINGLETS OF MAN-MADE FIBERS, KNIT	APPAREL	6109901025	638	4	3,353,715	0.02
M/B ARTICLES SIMILAR TO T-SHIRTS OF MMF, KNIT	APPAREL	6109901049	638	4	1,385,025	0.01
M/B SWTSHRT & SMLR ART OF MMF CONT 25% LEATHR, KNIT.	APPAREL	6110301050	638	4	22,215	0.00
M/B SWTSHRT & SMLR ART OF MMF CONT 30% SILK, KNIT ...	APPAREL	6110302050	638	4	15,855	0.00
M/B SWEATSHIRTS OF OTHER MAN-MADE FIBERS, KNIT	APPAREL	6110303040	638	4	29,402,085	0.17
M/B OTHER SWEATERS OF OTHER MAN-MADE FIBERS, KNIT	APPAREL	6110303050	638	4	60,472,800	0.36
M/B PULLOV & SMLR ART OT TEX MAT SUBJ MMF RES, KNIT	APPAREL	6110900076	638	4	300	0.00
M/B SHIRTS FOR TRACK SUITS OF SYN FIBERS, KNIT	APPAREL	6112120030	638	4	1,598,265	0.01
M/B SHIRTS FOR TRACK SUITS OF ARTF FIBERS, KNIT	APPAREL	6112191030	638	4	107,955	0.00
MEN'S OR BOY'S TOPS OF MAN-MADE FIBERS, KNIT	APPAREL	6114301010	638	4	2,031,585	0.01
W/G ENS OF BLOUSES & TOPS OF OTHER SYN FIBER, KNIT .	APPAREL	6104230036	639	4	145,300	0.00
W/G ENS OF BLOUSES & TOPS OF ARTIFICIAL FIBS, KNIT	APPAREL	6104291050	639	4	249,963	0.00
W/G ENS BLOUSE OT TEXTILE MAT SUBJ MMF RES, KNIT	APPAREL	6104292050	639	4	3,750	0.00
WOMEN'S BLOUSES OF OTHER MAN-MADE FIBERS, KNIT	APPAREL	6106202010	639	4	65,398,875	0.38
GIRLS' BLOUSES & SHIRTS NESOI OF OTHER MM FIB KNIT ...	APPAREL	6106202030	639	4	13,270,413	0.08
W/G BLOUSES OF SILK SUBJECT MMF RESTRAINTS, KNIT	APPAREL	6106902030	639	4	138	0.00
W/G BLOUSES OF OT TEXTILE MAT SUBJ MMF RES, KNIT	APPAREL	6106903030	639	4	63	0.00
WOMEN'S T-SHIRTS OF MAN-MADE FIBERS, KNIT	APPAREL	6109901050	639	4	16,198,013	0.10
GIRLS' T-SHIRTS OF MAN-MADE FIBERS, KNIT	APPAREL	6109901060	639	4	3,483,588	0.02
WOMEN'S TANK TOPS & SINGLETS OF MAN-MADE FIBER, KNIT.	APPAREL	6109901065	639	4	4,624,613	0.03
GIRLS' TANK TOPS & SINGLETS OF MAN-MADE FIBERS, KNIT	APPAREL	6109901070	639	4	2,297,550	0.01
W/G ARTICLES SIMILAR TO T-SHIRTS, ETC OF MMF, KNIT	APPAREL	6109901090	639	4	6,363,150	0.04
W/G SWTSHRT & SMLR ART OF MMF CONT 25% LEATHR, KNIT.	APPAREL	6110301060	639	4	33,850	0.00
W/G SWTSHRT & SMLR ART OF MMF CONT 30% SILK, KNIT ...	APPAREL	6110302060	639	4	37,613	0.00
W/G SWEATSHIRTS OF OTHER MAN-MADE FIBERS, KNIT	APPAREL	6110303045	639	4	21,445,488	0.13
W/G OTHER SWEATERS OF OTHER MAN-MADE FIBERS, KNIT	APPAREL	6110303055	639	4	150,816,138	0.89
W/G PULLOV & SMLR ART OT TEX MAT SUBJ MMF RES, KNIT	APPAREL	6110900078	639	4	13	0.00
W/G SHIRTS FOR TRACK SUITS OF SYN FIBERS, KNIT	APPAREL	6112120040	639	4	4,009,763	0.02
W/G SHIRTS FOR TRACK SUITS OF ARTF FIBERS, KNIT	APPAREL	6112191040	639	4	2,163	0.00
WOMEN'S OR GIRLS' TOPS OF MAN-MADE FIBERS, KNIT	APPAREL	6114301020	639	4	4,234,938	0.02
PARTS OF BLOUSES & SHIRTS OF MAN-MADE FIBERS, KNIT .	APPAREL	6117900026	639	4	5,313	0.00
M/B ENS OF SHIRTS OF OTHER SYNTHETIC FIBERS, NT KT ...	APPAREL	6203230080	640	4	99,977	0.00
M/B ENS OF SHIRTS OF ARTIFICIAL FIBERS, NOT KNIT	APPAREL	6203292050	640	4	27,979	0.00
M/B SHIRTS MMF CERTIFIED FOLKLORE PRODUCTS, NT KT ..	APPAREL	6205301000	640	4	0	0.00
MEN'S DRESS SHIRT MMF WTH ≤2 COLOR WARP, NT KNIT	APPAREL	6205302010	640	4	24,155,979	0.14
BOYS' DRESS SHIRTS MMF WITH ≤2 COLOR WARP, NT KT	APPAREL	6205302020	640	4	1,706,189	0.01
MEN'S DRESS SHIRTS MMF NESOI, <36% W/FAH, NOT KNIT ..	APPAREL	6205302030	640	4	46,111,631	0.27
BOYS' DRESS SHIRTS MMF NESOI, <36% W/FAH, NT KNIT	APPAREL	6205302040	640	4	6,056,854	0.04
MEN'S SHIRT EX DRSS MMF WITH ≤2 COLOR WARP, NT KT ...	APPAREL	6205302050	640	4	42,101,319	0.25

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
BOYS' SHIRT EX DRSS MMF ≤2 CLR WRP N PLYST PT, N KT .	APPAREL	6205302060	640	4	1,278,139	0.01
MEN'S SHIRTS EX DRESS MMF NESOI; <36% W/FAH, NT KT ...	APPAREL	6205302070	640	4	73,020,506	0.43
BOYS' SHIRT EX DRSS MMF NESOI NT IMP PLYST PT, N KT ..	APPAREL	6205302080	640	4	5,195,750	0.03
M/B SHIRTS SILK SUBJECT MAN-MADE FIBER RESTRNT, N KT.	APPAREL	6205902030	640	4	3,317	0.00
M/B SHIRTS OF OT TEXTILE MAT SUBJ MMF RES, NT KNIT	APPAREL	6205904030	640	4	46,391	0.00
M/B MMF SHIRTS EXCLUDED FROM HDNG 6205; NOT KNIT	APPAREL	6211330040	640	4	3,235,497	0.02
W/G ENS BLOUSE & SHIRT SYN FIB ≤2 COLOR WARP, N KT ..	APPAREL	6204230050	641	4	9,015	0.00
W/G ENS BLOUSE & SHIRT SYN FIB <2 COLOR WARP, N KT ..	APPAREL	6204230055	641	4	490,244	0.00
W/G ENS BLOUSE & SHIRT ART FIB ≤2 COLOR WARP, N KT ...	APPAREL	6204292030	641	4	158,413	0.00
W/G ENS BLOUSE & SHIRT ART FIB <2 COLOR WARP, N KT ...	APPAREL	6204292040	641	4	2,915,906	0.02
W/G ENS BLOUSE OT TEXTILE MAT SUBJ MMF RES, NT KT ...	APPAREL	6204294050	641	4	448	0.00
W/G BLOUSES OF SILK SUBJECT MMF RESTRAINTS, N KT	APPAREL	6206100030	641	4	254	0.00
W/G BLOUSES MAN-MADE FIB CRTFD FOLKLORE PROD, N KT.	APPAREL	6206401000	641	4	0	0.00
W/G BLOUSES MAN-MADE FIB CONT >=30% SILK, NT KNIT	APPAREL	6206402000	641	4	15,319	0.00
W BLSS MMF CONT <36% WGT FL FB W≤ 2 CLR WRP, N KNT	APPAREL	6206403010	641	4	5,056,578	0.03
G BLOUSE MMF WTH >=2 CLR WRP NT IMP PLYST PT, N KT .	APPAREL	6206403025	641	4	276,074	0.00
WOMEN'S BLOUSES OF MMF <36% FLAX FIB NT KNIT	APPAREL	6206403030	641	4	115,456,639	0.68
G BLOUSES OF MMF CONT <36% BY WGT FLX FIB NOT KNIT	APPAREL	6206403050	641	4	2,853,821	0.02
W/G BLOUSES OF OT TEXTILE MAT SUBJ MMF RES, N KT	APPAREL	6206900030	641	4	18,319	0.00
W & G TOPS OT CAM BUSTIERS BANDOS ETC OF MMF NOT K.	APPAREL	6211430060	641	4	3,730,575	0.02
PARTS OF BLOUSES & SHIRTS MMF, NOT KNIT OR CROCHTD.	APPAREL	6217900010	641	4	67,990	0.00
W/G ENS OF SKIRTS OF OTHER SYNTHETIC FIBERS, KNIT	APPAREL	6104230030	642	4	16,524	0.00
W/G ENS OF SKIRTS OF ARTIFICIAL FIBERS, KNIT	APPAREL	6104291020	642	4	199,720	0.00
W/G ENS OF SKIRTS OF OT TEX MAT SUBJ MMF RES, KNIT ..	APPAREL	6104292026	642	4	0	0.00
WOMEN'S SKIRTS OF SYNTHETIC FIBER <23% WOOL, KNIT ...	APPAREL	6104532010	642	4	6,378,556	0.04
GIRLS' SKIRTS OF SYNTHETIC FIBERS <23% WOOL, KNIT	APPAREL	6104532020	642	4	2,520,708	0.01
WOMEN'S SKIRTS OF ARTIFICIAL FIBERS NESOI, KNIT	APPAREL	6104591010	642	4	266,501	0.00
GIRLS' SKIRTS OF ARTIFICIAL FIBERS NESOI, KNIT	APPAREL	6104591020	642	4	9,178	0.00
WOMEN'S SKIRTS OF ARTIFICIAL FIBERS NESOI, KNIT	APPAREL	6104591030	642	4	253,375	0.00
GIRLS' SKIRTS OF ARTIFICIAL FIBERS NESOI, KNIT	APPAREL	6104591060	642	4	14,721	0.00
W/G SKIRTS OT TEXTILE MATERIAL SUBJ MMF RES, KNIT	APPAREL	6104592030	642	4	10,534	0.00
W/G ENS OF SKRTS OF OT SYN FIB <36% W/FAH NT KT/C	APPAREL	6204230035	642	4	537,279	0.00
W/G ENS OF SKIRTS OF ARTIFICIAL FIBERS, NOT KNIT	APPAREL	6204292015	642	4	1,961,630	0.01
W/G ENS OF SKIRTS OF OT TEX MAT SUBJ MMF RES, NT KT	APPAREL	6204294026	642	4	1,743	0.00
W/G SKIRTS SYN FIBER CRTFD FOLKLORE PRODUCTS, N KT	APPAREL	6204531000	642	4	0	0.00
W SKIRTS OF SYN FIB <36% BY WGT OF W/FAH NOT KNIT	APPAREL	6204533010	642	4	11,422,236	0.07
G SKIRTS OF SYN FIB; <36% BY WGT W/FAH, NOT KNIT	APPAREL	6204533020	642	4	513,126	0.00
W/G SKIRTS ART FIBER CRTFD FOLKLORE PRODUCTS, N KT	APPAREL	6204591000	642	4	0	0.00
WOMEN SKIRTS ART FIB <36% BY WGT OF W/FAH NOT KNIT	APPAREL	6204593010	642	4	20,769,453	0.12
GIRLS' SKIRTS ART FIB <36% BY WGT W/FAH NOT KNIT	APPAREL	6204593020	642	4	673,569	0.00
W/G SKIRTS OT TEXTILE MATERIAL SUBJ MMF RES, N KT	APPAREL	6204594030	642	4	27,595	0.00
M/B SUITS OF OTHER SYNTHETIC FIBERS, KNIT	APPAREL	6103122000	643	4	155,927	0.00
M/B SUITS OF OTHER ARTIFICIAL FIBERS, KNIT	APPAREL	6103191500	643	4	906	0.00
M/B SUITS OF OTHER TEX MATERIAL SUBJ MMF RES, KNIT ..	APPAREL	6103194050	643	4	4,305	0.00
MEN'S SUITS SYNTHETIC FIB NOT 36% WOOL, NOT KNIT	APPAREL	6203122010	643	4	5,262,432	0.03
BOYS' SUITS SYNTHETIC FIB NOT 36% WOOL, NOT KNIT	APPAREL	6203122020	643	4	1,434,955	0.01
M/B SUITS ARTIFICIAL FIB NOT ≤36% WOOL, NOT KNIT	APPAREL	6203193000	643	4	218,621	0.00
M/B SUITS OF OTHER TEX MATERIAL SUBJ MMF RES, NT KT	APPAREL	6203194050	643	4	3,531	0.00
W/G SUITS OF OTHER SYNTHETIC FIBERS, KNIT	APPAREL	6104132000	644	4	77,400	0.00
W/G SUITS OF OTHER ARTIFICIAL FIBERS, KNIT	APPAREL	6104191500	644	4	46,440	0.00
W/G SUITS OF OT TEX MATERIALS SUBJ MMF RES, KNIT	APPAREL	6104192060	644	4	0	0.00
WOMEN'S SUITS SYN FIB CONT <36% WOOL/FAH, N KT/CR ...	APPAREL	6204132010	644	4	5,142,518	0.03
GIRLS' SUITS SYN FIB CONT <36% WOOL/FAH, N KT/CRCH	APPAREL	6204132020	644	4	11,622	0.00
WG SUITS OF ART FIB CONT <36% BY WGT WL/FAH, NT KN ..	APPAREL	6204192000	644	4	6,595,784	0.04
W/G SUITS OF OT TEX MATERIALS SUBJ MMF RES, NT KT	APPAREL	6204193060	644	4	1,590	0.00
M/B ENS OF SWEATERS OF OTHER SYN FIBERS, KNIT	APPAREL	6103230070	645	4	6,530	0.00
M/B ENS OF SWEATERS OF ARTIFICIAL FIBERS, KNIT	APPAREL	6103291040	645	4	0	0.00
M/B ENS SWEATERS OF OT TEX MAT SUBJ MMF RES, KNIT ..	APPAREL	6103292062	645	4	0	0.00
M/B SWEATERS OF MMF CONT 25% MORE LEATHER, KNIT ...	APPAREL	6110301010	645	4	137,953	0.00
M/B SWEATERS OF MAN-MADE FIBERS CONT 30% SILK, KNIT	APPAREL	6110302010	645	4	30,430	0.00
MEN'S SWEATERS OF OTHER MAN-MADE FIBERS, KNIT	APPAREL	6110303010	645	4	66,709,166	0.39
BOY'S SWEATERS OF OTHER MAN-MADE FIBERS, KNIT	APPAREL	6110303015	645	4	27,293,790	0.16
M/B SWEATERS OF OTH TEXTILE MAT SUBJ MMF RES, KNIT .	APPAREL	6110900014	645	4	178,979	0.00
W/G ENS OF SWEATERS OF OT SYNTHETIC FIBERS, KNIT	APPAREL	6104230040	646	4	13,429	0.00
W/G ENS OF SWEATERS OF ARTIFICIAL FIBERS, KNIT	APPAREL	6104291060	646	4	339	0.00
W/G ENS SWEATER OT TEXTILE MAT SUBJ MMF RES, KNIT ..	APPAREL	6104292060	646	4	0	0.00
W/G SWEATERS OF MMF CONT 25% MORE LEATHER, KNIT ...	APPAREL	6110301020	646	4	186,309	0.00
W/G SWEATERS OF MAN-MADE FIBERS CONT 30% SILK, KNIT.	APPAREL	6110302020	646	4	124,401	0.00

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
WOMEN'S SWEATERS OF OTHER MAN-MADE FIBERS, KNIT ...	APPAREL	6110303020	646	4	90,896,775	0.53
GIRLS' SWEATERS OF OTHER MAN-MADE FIBERS, KNIT	APPAREL	6110303025	646	4	17,394,454	0.10
W/G SWEATERS OF OTH TEXTILE MAT SUBJ MMF RES, KNIT	APPAREL	6110900030	646	4	47,062	0.00
PARTS OF SWEATERS OF MAN-MADE FIBERS, KNIT	APPAREL	6117900014	646	4	21,098	0.00
M/B ENS OF TROUSERS & BREECHES OF OT SYN FIB, KNIT ..	APPAREL	6103230040	647	4	14,617	0.00
M/B ENS OF SHORTS OF OTHER SYNTHETIC FIBERS, KNIT ...	APPAREL	6103230045	647	4	0	0.00
M/B ENS OF TROUSERS AND BREECHES OF ART FIB, KNIT ...	APPAREL	6103291020	647	4	0	0.00
M/B ENSEMBLES OF SHORTS OF ARTIFICIAL FIBERS, KNIT ...	APPAREL	6103291030	647	4	0	0.00
MEN'S TROUSERS & BREECHES OF OTH SYN FIBERS, KNIT ..	APPAREL	6103431520	647	4	6,729,421	0.04
BOYS' TROUSERS & BREECHES NESOI OF SYN FIB, KNIT	APPAREL	6103431540	647	4	14,266,035	0.08
MEN'S SHORTS OF OTHER SYNTHETIC FIBERS, KNIT	APPAREL	6103431550	647	4	4,734,386	0.03
BOY'S SHORTS NESOI OF SYNTHETIC FIBERS, KNIT	APPAREL	6103431570	647	4	2,303,227	0.01
M/B TROUSERS & BREECHES OF OT ART FIBERS, KNIT	APPAREL	6103491020	647	4	251,750	0.00
M/B SHORTS OF OTHER ARTIFICIAL FIBERS, KNIT	APPAREL	6103491060	647	4	34,225	0.00
M/B TROUSERS ETC OF OT TEX MAT SUBJ MMF RES, KNIT ...	APPAREL	6103493014	647	4	2,831	0.00
M/B TROUSERS FOR TRACK SUITS OF SYN FIBER, KNIT	APPAREL	6112120050	647	4	5,605,052	0.03
M/B TROUSERS FOR TRACK SUITS OF ARTF FIBER, KNIT	APPAREL	6112191050	647	4	77,987	0.00
M/B SKI-SUIT TROUSERS AND BREECHES OF MMF, KNIT	APPAREL	6112201060	647	4	10,415	0.00
M/B TROUSER OTH KNIT FAB IMPREG RESIN EXC RBR/PLAS	APPAREL	6113000045	647	4	13,619	0.00
M/B ENS OF TRSRS & BRCHS OT SYN FIB <36% W/FAH, NK ...	APPAREL	6203230060	647	4	279,762	0.00
M/B ENS OF SHORTS OF OTHER SYNTHETIC FIBERS, NT KT .	APPAREL	6203230070	647	4	20,860	0.00
M/B ENS OF TROUSERS AND BREECHES OF ART FIB, NT KT	APPAREL	6203292030	647	4	21,262	0.00
M/B ENSEMBLES OF SHORTS OF ARTIFICIAL FIBERS, NT KT .	APPAREL	6203292035	647	4	4,545	0.00
M/B TROUSER ETC CRTFD H-LOOM PROD SYN FIB, NT KNIT .	APPAREL	6203432500	647	4	0	0.00
OTH WTR RES TROUS ETC SYN FIB <36% W/FAH NT KN/CRC	APPAREL	6203433500	647	4	2,839,344	0.02
MEN'S TROUSERS & BREECHES OF OTH SYN FIBERS, NT KT	APPAREL	6203434010	647	4	46,886,173	0.28
BOYS' TROUSER ETC OTHER SYNTHETIC FIB, NOT KNIT	APPAREL	6203434020	647	4	27,667,467	0.16
MEN'S SHORTS OF OTHER SYNTHETIC FIBERS, NOT KNIT	APPAREL	6203434030	647	4	19,325,211	0.11
BOYS' SHORTS NOT IMPORT PLAYSUIT PT SYN FIB, NT KT ...	APPAREL	6203434040	647	4	9,283,222	0.05
M/B TROUSER ETC H-LOOMD FOLKLORE PROD ART FIB, N KT.	APPAREL	6203491500	647	4	3,591	0.00
MEN'S TROUSERS & BREECHES ARTIFICIAL FIBERS, NT KT ..	APPAREL	6203492010	647	4	6,659,048	0.04
BOYS' TROUSERS ETC N IMP PLAYSUIT PT ART FIB, N KT	APPAREL	6203492030	647	4	3,635,377	0.02
MEN'S SHORTS OF ARTIFICIAL FIBERS, NOT KNIT	APPAREL	6203492040	647	4	1,108,113	0.01
BOYS' SHORTS N IMP PLAYSUIT PART ART FIB, NT KT	APPAREL	6203492060	647	4	804,347	0.00
M/B TROUSER ETC OT TEX MTRL SUBJ MMF RSTRT, NT KT ..	APPAREL	6203493030	647	4	29,353	0.00
M/B TROUSERS RUBBERIZED MAN-MADE FIBERS, NOT KNIT .	APPAREL	6210401030	647	4	618,276	0.00
M/B WTR RES TRSRS/BRCHS IMP PTS SK-STS NESOI NT KT .	APPAREL	6211201525	647	4	61,477	0.00
M/B SKI-SUIT TROUSERS & BREECHES MMF, NOT KNIT	APPAREL	6211203030	647	4	62,982	0.00
M/B TRACK SUIT TROUSERS MAN-MADE FIBERS, NOT KNIT ..	APPAREL	6211330030	647	4	967,308	0.01
W/G ENS OF TROUSERS OF OT SYNTHETIC FIBERS, KNIT	APPAREL	6104230032	648	4	96,448	0.00
W/G ENS OF SHORTS OF OTHER SYNTHETIC FIBERS, KNIT ..	APPAREL	6104230034	648	4	60,718	0.00
W/G ENS OF TROUSERS OF ARTIFICIAL FIBERS, KNIT	APPAREL	6104291030	648	4	72,638	0.00
W/G ENS OF SHORTS OF ARTIFICIAL FIBERS, KNIT	APPAREL	6104291040	648	4	19,981	0.00
W/G ENS TROUSER OT TEXTILE MAT SUBJ MMF RES, KNIT ...	APPAREL	6104292038	648	4	4,470	0.00
W TROUSERS OF SYNTHETIC FIB CONT <23% WOOL, KNIT ...	APPAREL	6104632010	648	4	58,190,922	0.34
G TROUSERS OF SYN FIBERS <23% WOOL/FAH, KNIT	APPAREL	6104632025	648	4	16,678,375	0.10
W SHIRTS OF SYN FIBERS CONT <23% WOOL/FAH, KNIT	APPAREL	6104632030	648	4	9,632,865	0.06
G SHORTS OF SYN FIBERS CONT <23% WOOL/FAH, KNIT	APPAREL	6104632060	648	4	5,634,003	0.03
W/G TROUSERS & BREECHES OF ART FIBERS NESOI, KNIT ..	APPAREL	6104692010	648	4	257,144	0.00
W/G SHORTS OF ARTIFICIAL FIBERS NESOI, KNIT	APPAREL	6104692020	648	4	184,075	0.00
W/G TROUSERS & BREECHES OF ART FIBERS NESOI, KNIT ..	APPAREL	6104692030	648	4	314,330	0.00
W/G SHORTS OF ARTIFICIAL FIBERS NESOI, KNIT	APPAREL	6104692060	648	4	32,452	0.00
W/G TROUSERS OF OT TEXTILE MAT SUBJ MMF RES, KNIT ...	APPAREL	6104693026	648	4	45	0.00
W/G TROUSERS FOR TRACK SUITS OF SYN FIBER, KNIT	APPAREL	6112120060	648	4	5,377,336	0.03
W/G TROUSERS FOR TRACK SUITS OF ARTF FIBER, KNIT	APPAREL	6112191060	648	4	58,155	0.00
W/G SKI-SUIT TROUSERS AND BREECHES OF MMF, KNIT	APPAREL	6112201070	648	4	14,438	0.00
W/G TROUSER OTH KNIT FAB IMPREG RESIN EXC RBR/PLAS	APPAREL	6113000050	648	4	21,933	0.00
PARTS OF TROUSERS BREECHES & SHORTS OF MMF, KNIT .	APPAREL	6117900046	648	4	17,567	0.00
W/G ENS OF TRSRS OF OT SYN FIB <36% W/FAH, NT KT/C	APPAREL	6204230040	648	4	230,458	0.00
WG ENS OF SHORTS OF SYN FIB <36% BY WGT W/FAH N KN	APPAREL	6204230045	648	4	74,619	0.00
W/G ENS OF TROUSERS OF ARTIFICIAL FIBERS, NT KNIT	APPAREL	6204292020	648	4	1,126,872	0.01
W/G ENS OF SHORTS OF ARTIFICIAL FIBERS, NOT KNIT	APPAREL	6204292025	648	4	817,191	0.00
W/G ENS TROUSER OT TEXTILE MAT SUBJ MMF RES, NT KT	APPAREL	6204294038	648	4	298	0.00
W/G TROUSER OVERALL ETC SYN FIB CRTFD FLKLR, N KT ...	APPAREL	6204632000	648	4	0	0.00
W/G W/R TROUS ETC SYN FIB <36% W/FAH, N KNT/CROCHD .	APPAREL	6204633000	648	4	2,331,686	0.01
W TROUSERS ETC SYN FIB <36% WGT W/FAH, N KNT/CROCH.	APPAREL	6204633510	648	4	34,151,292	0.20
G TROUS ETC SYN FIB <36% W/FAH N IMP PLYST PT, N K	APPAREL	6204633530	648	4	6,719,796	0.04
W SHORTS OF SYN FIB <36% W/FAH, NOT KNIT/CROCHETED	APPAREL	6204633532	648	4	27,844,479	0.16
G SHORTS SYN FIB <36% W/FAH NT IMP PLYST PT, N KT	APPAREL	6204633540	648	4	7,975,717	0.05
WOMEN'S TROUSERS ART FIB CONT <36% WOOL, N KT/CRC	APPAREL	6204692510	648	4	21,171,887	0.12

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
GRLS' TRSR ART FIB <36% W/FAH N IMP PLYST PT, N KT	APPAREL	6204692530	648	4	895,594	0.01
WOMEN'S SHORTS ART FIBER CONT <36% WOOL, NT KT/CR	APPAREL	6204692540	648	4	10,182,764	0.06
GIRLS SHORT ART FIB <36% W/FAH IMP PLYST PT, N KN	APPAREL	6204692560	648	4	259,975	0.00
W/G TROUSERS ETC SILK SUBJECT MMF RESTRAINTS, N KT	APPAREL	6204693030	648	4	3,129	0.00
W/G TROUSERS OF OT TEXTILE MAT SUBJ MMF RES, N KT ..	APPAREL	6204699030	648	4	44,640	0.00
W/G TROUSERS OF RUBBERIZED/IMPREG MAN-MADE FIB, N K.	APPAREL	6210501030	648	4	404,088	0.00
W/G WTR RES TRSRS/BRCHS IMP PRT-SK STS NESOI NT KT	APPAREL	6211201555	648	4	115,252	0.00
W/G SKI-SUIT TROUSERS & BREECHES MAN-MADE FIB, N KT	APPAREL	6211206030	648	4	27,774	0.00
W/G TRACK SUIT TROUSERS MAN-MADE FIBERS, NOT KNIT .	APPAREL	6211430040	648	4	801,158	0.00
PARTS TROUSERS & BREECHES MMF, NOT KNIT OR CROCHTD.	APPAREL	6217900060	648	4	189,245	0.00
MEN'S NIGHTSHIRTS AND PAJAMAS OF MAN-MADE FIB, KNIT	APPAREL	6107220010	651	4	294,582	0.00
BOYS' BLANKET SLEEPERS OF MAN-MADE FIBERS, KNIT	APPAREL	6107220015	651	4	2,559,497	0.02
BOYS' NIGHTSHIRTS & PAJAMAS OF MAN-MADE FIB, KNIT	APPAREL	6107220025	651	4	24,825,363	0.15
MEN'S SLEEPWEAR OF MMF, KNIT	APPAREL	*6107920010	651	4	1,299	0.00
MEN'S SLEEPWEAR OF MMF, KNIT	APPAREL	*6107920020	651	4	857	0.00
WOMEN'S NIGHTDRESSES & PAJAMAS OF MAN-MADE FIB, KNIT.	APPAREL	6108320010	651	4	24,821,840	0.15
GIRLS' BLANKET SLEEPERS OF MMF, KNITTED/CROCHETED	APPAREL	6108320015	651	4	13,118,165	0.08
GIRLS' NIGHTDRESSES & PAJAMAS OF MAN-MADE FIB, KNIT	APPAREL	6108320025	651	4	12,010,829	0.07
M/B NIGHTSHIRTS & PAJAMAS MAN-MADE FIBERS, NT KNIT ..	APPAREL	6207220000	651	4	13,439,717	0.08
W/G NIGHTDRESSES & PAJAMAS MAN-MADE FIBERS, NOT KT.	APPAREL	6208220000	651	4	58,066,280	0.34
MEN'S UNDERPANTS AND BRIEFS OF MAN-MADE FIBERS, KNI.	APPAREL	6107120010	652	4	9,768,613	0.06
BOYS' UNDERPANTS AND BRIEFS OF MAN-MADE FIBERS, KNI.	APPAREL	6107120020	652	4	2,038,395	0.01
WOMEN'S SLIPS AND PETTICOATS OF MAN-MADE FIB, KNIT .	APPAREL	6108110010	652	4	2,342,293	0.01
GIRLS' SLIPS AND PETTICOATS OF MAN-MADE FIBERS, KNIT	APPAREL	6108110020	652	4	70,122	0.00
WOMEN'S BRIEFS AND PANTIES OF MAN-MADE FIBERS, KNIT.	APPAREL	6108220020	652	4	140,774,142	0.83
GIRLS' BRIEFS AND PANTIES OF MAN-MADE FIBERS, KNIT	APPAREL	6108220030	652	4	7,787,946	0.05
WOMEN'S & GIRLS' UNDERPANTS OF MAN-MADE FIBER, KNIT.	APPAREL	6108920005	652	4	805,916	0.00
WOMEN'S UNDERWEAR EXC UNDERPANTS OF MMF, KNIT	APPAREL	6108920015	652	4	1,993,478	0.01
GIRLS' UNDERWEAR EXCEPT UNDERPANTS OF MMF, KNIT ...	APPAREL	6108920025	652	4	184,143	0.00
MEN'S OR BOYS' THERMAL UNDERSHIRTS OF MMF, KNIT	APPAREL	6109901047	652	4	439,962	0.00
WOMEN'S OR GIRLS' THERMAL UNDERSHIRTS OF MMF, KNIT	APPAREL	6109901075	652	4	356,159	0.00
M/B UNDERPANTS AND BRIEFS MAN-MADE FIBERS, NT KNIT	APPAREL	6207190010	652	4	3,705,355	0.02
M/B SINGLET & UNDERSHIRT MAN-MADE FIBER, NOT KNIT	APPAREL	6207924000	652	4	21,025	0.00
W/G SLIPS AND PETTICOATS MAN-MADE FIBERS, NOT KNIT .	APPAREL	6208110000	652	4	1,143,261	0.01
WOMEN'S BRFS PNTS SNGLT OTHER UNDSHRTS MMF N KT .	APPAREL	6208920030	652	4	43,906,601	0.26
GIRLS' BRFS PNTS SNGLTS OTH UNDSHRTS OF MMF N KT ...	APPAREL	6208920040	652	4	1,039,492	0.01
M/B ENS OF OVERALLS OF OTHER SYN FIBERS, KNIT	APPAREL	6103230055	659	4	0	0.00
M/B ENSEMBLES OF SYNTHETIC FIBERS NESOI, KNIT	APPAREL	6103230080	659	4	0	0.00
M/B ENSEMBLES NESOI OF ARTIFICIAL FIBERS, KNIT	APPAREL	6103291060	659	4	0	0.00
M/B OVERALLS OF SYN FIB <23% WOOL INSULATED, KNIT	APPAREL	6103432015	659	4	0	0.00
MEN'S OVERALLS OF SYN FIB NINSLTD <23% WOOL, KNIT	APPAREL	6103432020	659	4	11,016	0.00
BOYS' OVERALLS OF SYN FIB NINSLTD <23% WOOL, KNIT	APPAREL	6103432025	659	4	15,926	0.00
M/B OVERALLS OF ARTIFICIAL FIBERS, KNIT	APPAREL	6103492000	659	4	432	0.00
M/B OVERALLS OF OT TEXTILE MAT SUBJ MMF RES, KNIT	APPAREL	6103493038	659	4	0	0.00
W/G ENS NESOI OF OTHER SYNTHETIC FIBERS, KNIT	APPAREL	6104230042	659	4	13,982	0.00
W/G ENSEMBLES NESOI OF ARTIFICIAL FIBERS, KNIT	APPAREL	6104291070	659	4	14	0.00
W/G ENS NESOI OF OT TEXTILE MAT SUBJ MMF RES, KNIT ...	APPAREL	6104292078	659	4	0	0.00
W/G OVERALLS OF SYNTHETIC FIBERS, INSULATED, KNIT	APPAREL	6104631010	659	4	418	0.00
W OVRALLS OF SYNTHETIC FIBERS, NT INSULATED, KNIT	APPAREL	6104631020	659	4	272,520	0.00
G OVRALLS OF SYNTHETIC FIBERS, NT INSULATED, KNIT	APPAREL	6104631030	659	4	170,683	0.00
W/G OVERALLS OF ARTIFICIAL FIBERS, KNIT	APPAREL	6104691000	659	4	103,536	0.00
W/G OVERALLS OF OT TEXTILE MAT SUBJ MMF RES, KNIT	APPAREL	6104693014	659	4	576	0.00
M/B VEST (EXC SWTR VEST) OF MMF >=25% LEATHER, KNIT	APPAREL	6110301030	659	4	778	0.00
W/G VEST (EXC SWTR VEST) OF MMF >=25% LEATHER, KNIT	APPAREL	6110301040	659	4	16,776	0.00
M/B VEST (EXC SWEATER VEST) OF MMF >=30% SILK, KNIT ..	APPAREL	6110302030	659	4	1,368	0.00
W/G VESTS EX SWEATERS OF MMF CONT 30% SILK, KNIT	APPAREL	6110302040	659	4	2,419	0.00
M/B VESTS (EXC SWEATER VEST) OF OTHER MMF, KNIT	APPAREL	6110303030	659	4	799,085	0.00
W/G VESTS (EXC SWEATER VESTS) OF OTHER MMF, KNIT	APPAREL	6110303035	659	4	1,102,162	0.01
M/B VESTS (EXC SWTR VEST)TEX MATL SUBJ MMF RES, KT .	APPAREL	6110900052	659	4	14,918	0.00
W/G VESTS (EXC SWTR VEST) TEX MATL SUBJ MMF RES, KT	APPAREL	6110900054	659	4	3,312	0.00
PADDED SKI-SUIT SLVLSS JACKET NESOI OF MMF, KNIT	APPAREL	6112201050	659	4	0	0.00
M/B OTHER SKI-SUITS OF MAN-MADE FIBERS, KNIT	APPAREL	6112201080	659	4	105,970	0.00
W/G OTHER SKI-SUITS OF MAN-MADE FIBERS, KNIT	APPAREL	6112201090	659	4	26,798	0.00
MEN'S SWIMWEAR OF SYNTHETIC FIBERS, KNIT	APPAREL	6112310010	659	4	832,910	0.00

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
BOYS' SWIMWEAR OF SYNTHETIC FIBERS, KNIT	APPAREL	6112310020	659	4	477,648	0.00
WOMEN'S SWIMWEAR OF SYN FIBER >=5% ELAS YARN, KNIT	APPAREL	6112410010	659	4	7,764,221	0.05
GIRLS' SWIMWEAR OF SYN FIBERS >=5% ELAS YARN, KNIT ..	APPAREL	6112410020	659	4	1,856,722	0.01
WOMEN'S SWIMWEAR OF SYN FIBER <5% ELAS YARN, KNIT .	APPAREL	6112410030	659	4	2,711,275	0.02
GIRLS' SWIMWEAR OF SYN FIBER <5% ELAS YARN, KNIT	APPAREL	6112410040	659	4	4,333,968	0.03
M/B OVERALL OTH KNIT FAB IMPREG RESIN EXC RBR/PLAS .	APPAREL	6113000065	659	4	1,792,224	0.01
W/G OVERALL OTH KNIT FAB IMPREG RESIN EXC RBR/PLAS	APPAREL	6113000070	659	4	1,350,936	0.01
M/B GRMNT KNIT FAB NESOI IMPREG RESIN EXC RBR/PLAS .	APPAREL	6113000085	659	4	3,559,795	0.02
W/G GRMNT KNIT FAB NESOI IMPREG RESIN EXC RBR/PLAS	APPAREL	6113000090	659	4	1,974,658	0.01
BODYSUITS & BODYSHIRTS OF MMF >=5% ELAS YARN, KNIT	APPAREL	6114302010	659	4	684,994	0.00
BODYSUITS & BODYSHIRTS OF MAN-MADE FIB NESOI, KNIT .	APPAREL	6114302020	659	4	1,431,706	0.01
BODYSUITS & BODYSHIRTS OF MAN-MADE FIB NESOI, KNIT .	APPAREL	6114302060	659	4	1,485,605	0.01
JUMPERS OF MMF, KNIT CONT <23% WOOL OR FAH	APPAREL	6114303010	659	4	593,251	0.00
M/B COVERALLS AND SIMILAR APPAREL OF MMF, KNIT	APPAREL	6114303040	659	4	839,923	0.00
W/G COVERALLS AND SIMILAR APPAREL OF MMF, KNIT	APPAREL	6114303050	659	4	10,463,170	0.06
M/B OTHER GARMENTS OF MAN-MADE FIBERS, KNIT	APPAREL	6114303060	659	4	520,085	0.00
W/G OTHER GARMENTS OF MAN-MADE FIBERS, KNIT	APPAREL	6114303070	659	4	2,680,373	0.02
OTHER GARMENTS SUBJECT TO MMF RESTRAINTS, KNIT	APPAREL	6114900055	659	4	7,834	0.00
CLOTHING ACCESSORIES OF MAN-MADE FIBERS, NESOI, KNIT.	APPAREL	6117800035	659	4	15,653,707	0.09
PARTS OF GARMENTS EXC SWEATERS ETC MMF, KNIT	APPAREL	6117900056	659	4	1,474,445	0.01
M/B PAD SLVLS JACKET W-OUT SLEEVE ATTCH MMF, NT KT	APPAREL	6201932020	659	4	4,237,459	0.02
W/G PADDED SLEEVELESS JCKT W-OUT SLV ATT MMF, NT KT.	APPAREL	6202932020	659	4	245,333	0.00
M/B ENSEMBLES OF SYNTHETIC FIBERS NESOI, NOT KNIT	APPAREL	6203230090	659	4	126,043	0.00
M/B ENSEMBLES NESOI OF ARTIFICIAL FIBERS, NOT KNIT	APPAREL	6203292060	659	4	14,314	0.00
WATER RESIS OVERALLS SYN FIBERS, NOT KNIT OR CROCH	APPAREL	6203431500	659	4	11,993,746	0.07
M OR B OVERALLS OF SYNTH FIBERS, INSULATED NOT KNT	APPAREL	6203432005	659	4	860,688	0.01
MEN'S OVERALLS OF SYNTHETIC FIBERS, NOT KNIT	APPAREL	6203432010	659	4	271,958	0.00
B OVRLS >SZ 7 OF SYN FB N-INSLD N-IMP PRT PLYST NK	APPAREL	6203432090	659	4	228,830	0.00
MENS B&B OVERALLS INSL CLD WTHR PRTCT ARTIF FIB NK	APPAREL	6203491005	659	4	2,318	0.00
MEN'S OVERALLS ARTIFICIAL FIBERS, NOT KNIT	APPAREL	6203491010	659	4	27,202	0.00
BOYS' B&B OVRALS OF ARTIF FIB OTH THAN SIZE 2-7 NK	APPAREL	6203491090	659	4	1,253	0.00
WG ENS NESOI OF OT SYN FIB <36% BY WGT W/FAH NOT K .	APPAREL	6204230060	659	4	58,795	0.00
W/G ENSEMBLES NESOI OF ARTIFICIAL FIBERS, NOT KNIT	APPAREL	6204292050	659	4	60,754	0.00
W/G ENS NESOI OF OT TEXTILE MAT SUBJ MMF RES, NT KT	APPAREL	6204294062	659	4	43	0.00
WATER RESIS BIB & BRACE OVERALLS SYN FIBER, N KT	APPAREL	6204631200	659	4	8,131,838	0.05
WG B&B OVERALLS SYN FIB INSLTD COLD WEATHR PRCN NK.	APPAREL	6204631505	659	4	533,808	0.00
WOMEN'S BIB & BRACE OVERALLS SYNTHETIC FIBER, N KT .	APPAREL	6204631510	659	4	336,600	0.00
WG B&B OVERLS ARTIF FIB INSLTD CLD WTHR PRTC NT KT .	APPAREL	6204691005	659	4	792	0.00
WOMEN'S OVERALLS ARTIFICIAL FIBERS, NOT KNIT	APPAREL	6204691010	659	4	419,602	0.00
COVERALLS & OVERALLS GARMENTS OF FELTS OR NONWOVEN.	APPAREL	6210104015	659	4	9,643,478	0.06
GARMENTS OF FELTS OR NONWOVENS NESOI, NOT KNIT	APPAREL	*6210104025	659	4	971,974	0.01
M/B OVERALLS OF RUBBERIZED MAN-MADE FIBERS, NT KNT	APPAREL	6210401040	659	4	1,523,131	0.01
M/B GARMENTS NESOI RUBBERIZED MAN-MADE FIBERS N KT.	APPAREL	6210401050	659	4	2,506,435	0.01
W/G OVERALLS RUBBERIZED MAN-MADE FIBERS, NOT KNIT .	APPAREL	6210501040	659	4	818,165	0.00
W/G GARMENTS NESOI RUBBERIZED MAN-MADE FIBER, NT K.	APPAREL	6210501050	659	4	739,181	0.00
MEN'S SWIMWEAR OF MAN-MADE FIBERS, NOT KNIT	APPAREL	6211111010	659	4	37,289,606	0.22
BOYS' SWIMWEAR OF MAN-MADE FIBERS, NOT KNIT	APPAREL	6211111020	659	4	11,473,589	0.07
WOMEN'S SWIMWEAR OF MAN-MADE FIBERS, NOT KNIT	APPAREL	6211121010	659	4	553,478	0.00
GIRLS' SWIMWEAR OF MAN-MADE FIBERS, NOT KNIT	APPAREL	6211121020	659	4	84,571	0.00
M/B WTR RES OF OTH TEX MAT NESOI NT KNT	APPAREL	6211201535	659	4	5,295,672	0.03
W/G WTR RES NESOI, OF TEX MATS NESOI NT KT/CRCHTD ..	APPAREL	6211201565	659	4	3,068,928	0.02
M/B SKI-SUIT, NESOI, MMF, NOT KNIT OR CROCHETED	APPAREL	6211204035	659	4	194,544	0.00
W/G SKI-SUIT, NESOI, OF MMF, NOT KNIT OR CROCHETD	APPAREL	6211207035	659	4	509,774	0.00
M & B CVRALS & SMI APPAREL MMF INSLTD NESOI, NT KT ...	APPAREL	6211330005	659	4	3,470,717	0.02
M & B CVRALS & SMI APPAREL MMF INSLTD NESOI, NT KT ...	APPAREL	6211330007	659	4	2,294,654	0.01
MEN'S CVRALS & SMI APPAREL M-M FIB NT INSLTD NT KT	APPAREL	6211330010	659	4	8,219,448	0.05
B CVRLS & SMLR APPAREL MMF N-INSLTD SIZE >7 NT KT	APPAREL	6211330017	659	4	74,405	0.00
M/B VESTS OF MMF, NOT KNIT: CONT <36% WOOL OR FAH ...	APPAREL	6211330050	659	4	3,792,154	0.02
M/B GARMENTS NESOI OF MAN-MADE FIBERS, NOT KNIT	APPAREL	6211330060	659	4	3,020,875	0.02
W/G CVRALS & SIM APPAREL MMF, INSLTD NESOI, NT KT	APPAREL	6211430005	659	4	525,758	0.00
W/G CVRALS & SIM APPAREL MMF, INSLTD NESOI, NT KT	APPAREL	6211430007	659	4	376,762	0.00
WMENS CVRALS & SIM APPAREL M-M FIB, NT INSLTD NT KT	APPAREL	6211430010	659	4	8,832,614	0.05
W/G MMF JUMPERS N KT CONT <36% WGT WL OR FAH	APPAREL	6211430070	659	4	4,094,006	0.02
W/G MMF VESTS N KT CONT <36% WGT WOOL OR FAH	APPAREL	6211430080	659	4	2,303,683	0.01
W/G GARMENTS NESOI OF MAN-MADE FIBERS, NOT KNIT	APPAREL	6211430090	659	4	9,757,094	0.06
TIES & CRAVATS SLK CONT>=50% WGT OTH TEX MAT NT KN	APPAREL	6215100025	659	4	1,815,365	0.01

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
TIES BOW TIES AND CRAVATS MAN-MADE FIBERS, NT KNIT .	APPAREL	6215200000	659	4	2,865,499	0.02
ACCESSORIES OF MAN-MADE FIBERS, NOT KNIT OR CROCHTD.	APPAREL	6217100030	659	4	18,501,739	0.11
PARTS OF GARMENTS NESOI MMF, NOT KNIT OR CROCHETED.	APPAREL	6217900085	659	4	1,354,147	0.01
HAT SHAPES OF MAN-MADE FIBERS, PLAIT/ASSMBLD STRIP	APPAREL	6502009030	659	4	338,746	0.00
SEWED HATS & OTHER HEADGEAR OF MAN-MADE FIBERS ...	APPAREL	6504009015	659	4	2,159,784	0.01
HATS&OTH HDGEAR, NOT SEWD;PLAIT/ASSMB MAN-MADE FIBR.	APPAREL	6504009060	659	4	516,658	0.00
KT/CROCH MMF VISR&OTH HDGR W/O COV CROWN, WH/PT BRD.	APPAREL	6505905060	659	4	59,518,714	0.35
KT/CROCH MMF VISOR&OTH HDGR W/O COV CROWN, N PT BRD.	APPAREL	6505906080	659	4	14,599,800	0.09
NKT MMF VISOR&OTH HDGR W/O COV FOR CROWN, WH/PT BRD.	APPAREL	6505907060	659	4	31,734,562	0.19
NKT MMF VISOR&OTH HDGR W/O COV FOR CROWN NT PT BRD.	APPAREL	6505908060	659	4	44,973,216	0.26
M/B ENS OF SWEATER OF OT TEX MATL ASSM H.K., KNIT	APPAREL	6103292070	845	4	0	0.00
M/B ENS OF SWEATERS OF OT TEXTILE MATERIALS, KNIT	APPAREL	6103292074	845	4	0	0.00
W/G ENS SWEATERS OF OT TEXT MATL ASSM H.K., KNIT	APPAREL	6104292070	845	4	0	0.00
W/G ENS SWEATER OT TEXTILE MATERIALS NESOI, KNIT	APPAREL	6104292072	845	4	9,856	0.00
M/B SWEATER OT TEX MAT ASSEMBLED HONG KONG, KNIT .	APPAREL	6110900022	845	4	6,380,590	0.04
M/B SWEATERS OF OTHER TEXTILE MATERIALS, KNIT	APPAREL	6110900024	845	4	14,528,606	0.09
W/G SWEATER OT TEX MAT ASSEMBLED HONG KONG, KNIT	APPAREL	6110900040	845	4	69,506,822	0.41
W/G SWEATERS OF OTHER TEXTILE MATERIALS, KNIT	APPAREL	6110900042	845	4	140,198,243	0.82
PARTS OF SWEATERS OF TEXTILE FIBERS, NESOI, KNIT	APPAREL	6117900020	845	4	924	0.00
M/B ENS OF SWEATER OF OT SILK ASSM HONG KONG, KNIT	APPAREL	6103292066	846	4	0	0.00
M/B ENS OF SWEATERS <70% SLK/SLK WST, KNIT	APPAREL	6103292068	846	4	0	0.00
W/G ENS SWEATERS OF OTHER SILK ASSM H.K., KNIT	APPAREL	6104292064	846	4	0	0.00
W/G ENS SWEATERS CONT <70% BY WEIGHT SILK, KNIT	APPAREL	6104292068	846	4	0	0.00
M/B SWEATER OF SILK <70% SILK ASSM HONG KONG, KNIT .	APPAREL	6110900018	846	4	351,397	0.00
M/B SWEATERS OF SILK <70% SILK, KNIT	APPAREL	6110900020	846	4	193,578	0.00
W/G SWEATER OF SILK <70% ASSM IN HONG KONG, KNIT	APPAREL	6110900036	846	4	4,138,442	0.02
W/G SWEATERS OF SILK <70% SILK, KNIT	APPAREL	6110900038	846	4	6,903,574	0.04
PARTS OF SWEATERS < 70% BY WGT OF SLK/SLK WASTE, KT.	APPAREL	6117900018	846	4	0	0.00
M/B UNDERPANTS OF OTHER TEXTILE MATERIAL, KNIT	APPAREL	6107190020	852	4	23,696	0.00
W/G SLIPS & PETTICOATS OTH TEX MATL <70% SILK, KNIT ...	APPAREL	6108190030	852	4	1,254	0.00
W/G BRIEFS & PANTIES OF TEX MATL CONT <70% SILK, KT ..	APPAREL	6108290020	852	4	22,770	0.00
M/B UNDERPANTS <70% SLK/SLK WST NESOI NT KT	APPAREL	6207190030	852	4	79	0.00
M/B SINGLETS ETC OT TEXT MATL <70% SLK, N KT	APPAREL	6207996040	852	4	215	0.00
W/G SLIP & PETTICT TEX MATL <70% SILK, NT KT	APPAREL	6208194020	852	4	1,514	0.00
W/G NESOI BRF PNT SNGLT OT UNDWR <70% SLK NT KNITD	APPAREL	6208996040	852	4	9,345	0.00
W/G OTH SG & OT UDSHT SL PTC BR BR DG OTHER	APPAREL	6208998020	852	4	1,051	0.00
WOV FAB NOIL SLK <85% S/S WST SUB COT/MMF RES YDC ..	FABRIC	5007106010	218	4	3,114	0.00
WV FB SLK SUB <85% COT & MMF RES OF YRN O DIF COL ...	FABRIC	5007906010	218	4	25,402	0.00
WOV FAB COT PL WV WGT <=100G/M2 YR DF CL <= #43	FABRIC	5208414000	218	4	447,681	0.00
WOV FAB COT PL WV WGT <=100G/M2 YRN DIF CLR #44-68 ..	FABRIC	5208416000	218	4	1,399,379	0.01
WOV FAB COT PL WV WGT <=100G/M2 YRN DIF CLR >= #69 ..	FABRIC	5208418000	218	4	2,240,278	0.01
WOV FAB COT PL WV WGT 100-200G/M2 YN DF CLR #<=43	FABRIC	5208423000	218	4	5,106,009	0.03
WOV FAB COT PL WV WGT 100-200G/M2 YR DF CL #43-68	FABRIC	5208424000	218	4	4,842,445	0.03
WOV FAB COT PL WV WGT 100-200G/M2 YR DF CL >= #69	FABRIC	5208425000	218	4	5,637,513	0.03
WOV FAB COT WGT <=200G/M2 3-4 THRD TWL YR DF CL	FABRIC	5208430000	218	4	9,872,477	0.06
WOV FAB COT WGT <=200G/M2 OT FAB STN/TWL WV YR D C	FABRIC	5208492000	218	4	3,730,910	0.02
WOV FAB COT WGT <=200 G/M2 < = #42 OX WV YR D CL	FABRIC	5208494010	218	4	297,147	0.00
WOV FAB COT WGT <=200G/M2 <= #43 OT JC WV YR DF CL ..	FABRIC	5208494090	218	4	648,952	0.00
WOV FAB COT WGT <=200G/M2 #44-68 JC WV WD≤127CM D ..	FABRIC	5208496010	218	4	518,664	0.00
WOV FAB COT WGT <=200G/M2 #44-68 N JAC WV YR DF CL ..	FABRIC	5208496090	218	4	990,482	0.01
WOV FAB COT <=200G/M2 #>=69 N-JAC YRN DIF COLORS	FABRIC	5208498090	218	4	3,584,764	0.02
WOV FAB COT >85% COT >200G/M2 YR OF CL P W NT NP O .	FABRIC	5209416020	218	4	808,532	0.00
WOV FAB COT >85% COT >200G/M2 YR OF CL PL WV NP OT .	FABRIC	5209416040	218	4	162,713	0.00
WOV FAB COT >85% CT >200G/M2 YR OF C 3-4TWL NT NAP ..	FABRIC	5209430020	218	4	5,475,731	0.03
WOV FAB COT >85% COT >200G/M2 YR OF CL 3-4 TWL NAP ..	FABRIC	5209430040	218	4	1,366,594	0.01
WOV FAB COT >85% COT >200G/M2 YRN DIF CLR NESOI	FABRIC	5209490090	218	4	1,657,042	0.01
WOV FAB COT <85% COT MX MMF <=200G/M2 VR D CL <=42 .	FABRIC	5210414000	218	4	1,103,807	0.01
WOV FAB COT <85% COT MX MMF <=200G/M2 YR D C 43-68 ..	FABRIC	5210416000	218	4	2,331,409	0.01
WOV FAB COT <85% COT MX MMF <=200G/M2 YR D CL >=69 .	FABRIC	5210418000	218	4	6,387,199	0.04
WOV FAB COT <85% COT MX MMF <=200G/M2 YDC 3-4TH TW	FABRIC	5210420000	218	4	138,496	0.00
WOV FAB COT <85% COT MX MMF <=200G/M2 YDC ST/TW WV.	FABRIC	5210492000	218	4	260,866	0.00
WOV FAB COT <85% COT MX MMF <=200G/M2 YDC <=42 0XF	FABRIC	5210494010	218	4	165,724	0.00
WOV FAB COT <85% COT MX MMF <=200G/M2 YDC <=42 NOX	FABRIC	5210494090	218	4	218,669	0.00

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
WOV FB CT <85% CT MX MMF <200G/M2 YDC 43-68 OXF CL ..	FABRIC	5210496010	218	4	331,191	0.00
WV FB CT <85% CT MX MMF <=200G/M2 YDC 43-68 NT JAC ...	FABRIC	5210496090	218	4	217,009	0.00
WOV FB CT <85% CT MX MMF <200G/M2 YDC >=69 NOT JAC .	FABRIC	5210498090	218	4	907,683	0.01
WOV FB CT <85% CT MX MMF >200G/M2 YDF PL WV NT NAP	FABRIC	5211410020	218	4	175,345	0.00
WOV FAB COT <85% CT MX MMF >200G/M2 YDF PL WV NAP .	FABRIC	5211410040	218	4	55,648	0.00
WOV FB CT <85% CT MX MMF >200G/M2 3-4TWL NOT NAPPD	FABRIC	5211430020	218	4	77,165	0.00
WOV FAB CT <85% CT MX MMF >200G/M2 3-4 TWL NAPPED ..	FABRIC	5211430040	218	4	986	0.00
WOV FAB COT <85% COT MX MMF >200G/M2 OT FB NESOI ...	FABRIC	5211490090	218	4	767,665	0.00
OTH WOVEN FAB COT <= 200G/M2 YR DF CL OTH: NESOI	FABRIC	5212146090	218	4	395,509	0.00
OTH WOVEN FAB COT >200G/M2 YR DF CL OTH: NESOI	FABRIC	5212246090	218	4	184,012	0.00
WV FB SYN ST F >=85% SYN >=85% PL YR D C EX BD/J W	FABRIC	5512190005	218	4	539,222	0.00
WV FB SYN ST F >=85% SYN >=85% A/M Y D C EX BD/J W	FABRIC	5512290005	218	4	522,648	0.00
WV FB SYN S F >=85% SYN S F OTH YDC EX BL DN/JAC W ...	FABRIC	5512990005	218	4	319,649	0.00
WV FB SYN S F <85% MX CT <=170G/M2 YDF PY ST FB PW ...	FABRIC	5513310000	218	4	8,092,806	0.05
WV FB SYN S F <85% MX CT <=170G/M2 3-4TWL PLY ST F	FABRIC	5513320000	218	4	104,552	0.00
WV FB SYN S F <85% MX CT <=170G/M2 YDF OWFPSF OX C .	FABRIC	5513330010	218	4	104,393	0.00
WV FB SYN S F <85% MX CT <=170G/M2 YDF OWFPSF OTHR	FABRIC	5513330090	218	4	806,338	0.00
WOV FAB SYN S F <85% MX CT <=170G/M2 YDF OWF NESOI .	FABRIC	5513390090	218	4	1,052,916	0.01
WV FB SYN SF <85% MX CT >170G/M2 YDC PY SF PLN WV	FABRIC	5514310000	218	4	207,698	0.00
WV FB SY SF <85% M C >170G/M2 YDC 3-4T PY ST F OTH	FABRIC	5514320090	218	4	58,761	0.00
WV FB SY SF <85% M C >170G/M2 YDC OWFPSF N JAC W	FABRIC	5514330090	218	4	5,452	0.00
WV FB SY SF <85% M C >170G/M2 YDC OT WV FB NESOI	FABRIC	5514390090	218	4	40,335	0.00
OTH WOV FB SYN PLY SF M VIS RAY SF YDC EX JC/BL DN ...	FABRIC	5515110005	218	4	4,614,776	0.03
OTH WOV FB SYN PLY S FB OTHER SF YDC EX JC/BL DN	FABRIC	5515190005	218	4	1,626,793	0.01
OT WOV FAB SY AC/MA SF O YRN DIF CLR EX BL DN/JC W ...	FABRIC	5515290005	218	4	897,200	0.01
OTH WOV FAB OF SYN STP FIB OTH YR DF CL EX BD/JC W ..	FABRIC	5515990005	218	4	324,291	0.00
WOV FAB <85% ART ST FB MX M/S COT YDF OTH W >127CM	FABRIC	5516430030	218	4	165,309	0.00
WOV FAB <85% ART ST FB MX M/S COTN YDF OTHER NESOI	FABRIC	5516430090	218	4	235,822	0.00
WOVEN FABRICS OF ART STAPLE FIBERS OT YDF NESOI	FABRIC	5516930090	218	4	2,242,951	0.01
WOV FAB COT 85%> COT >200G/M2 UBLCH PLN WEAVE OTHR.	FABRIC	5209110090	219	4	19,055,152	0.11
WOV FAB COT 85%> COT >200G/M2 UBL OTH FAB: EX WEVS	FABRIC	5209190060	219	4	45,792,300	0.27
WOV FAB COT 85%> COT >200G/M2 BLCHD PLN WEAVE DUCK.	FABRIC	5209210090	219	4	150,337	0.00
WOV FAB COT 85%> COT >200G/M2 BLC OTH FAB: EXCEPTD	FABRIC	5209290060	219	4	60,736	0.00
W F CT >=85% CT >=200G/M2 DYD OTH PLAIN WEAVE DUCK	FABRIC	5209316090	219	4	3,865,258	0.02
WOV FAB COT 85%> COT >200G/M2 DYE FAB:DUCK EX P WV	FABRIC	5209390060	219	4	740,399	0.00
W F CT >=85% CT >200G/M2 PRNTED OTH PLN WV DUCK	FABRIC	5209516090	219	4	49,869	0.00
WOV FAB COT 85%> COT >200G/M2 PRT OTH FABRIC: DUCK	FABRIC	5209590060	219	4	867	0.00
WOV FAB COT <85% COT >200G/M2 UBLCH PLN WEAVE OTHR.	FABRIC	5211110090	219	4	73,742	0.00
WOV FAB COT <85% COT >200G/M2 UBL OTH FAB: DUCK	FABRIC	5211190060	219	4	3,938,346	0.02
WOV FAB COT <85% COT >200G/M2 BLECH PLN WEAVE OTHR.	FABRIC	5211210090	219	4	9,514	0.00
WOV FAB COT <85% COT >200G/M2 BLC OTH FAR: DUCK	FABRIC	5211290060	219	4	244,704	0.00
WOV FAB COT <85% COT >200G/M2 DYE PLN WEAVE OTHR .	FABRIC	5211310090	219	4	31,112	0.00
WOV FAB COT <85% COT >200G/M2 DYE OTH FAB: DUCK	FABRIC	5211390060	219	4	731,698	0.00
WOV FAB COT <85% COT >200G/M2 PRTED PLN WEAVE OTHR.	FABRIC	5211510090	219	4	0	0.00
WOV FAB COT <85% COT >200G/M2 PRT OTH FAB: DUCK	FABRIC	5211590060	219	4	0	0.00
OTH WOV FAB COT >200G/M2 UBLCH CON <36% W/FAH DUCK.	FABRIC	5212216040	219	4	7,653	0.00
OTH WOV FAB COT > 200G/M2 BLCH CON <36% W/FAH DUCK	FABRIC	5212226040	219	4	562	0.00
OTH WOV FAB COT >200G/M2 DYED CON < 36% W/FAH DUCK.	FABRIC	5212236040	219	4	6,007	0.00
OTH WOV FAB COT > 200G/M2 CON < 36% W/FAH DUCK	FABRIC	5212256040	219	4	0	0.00
WOV FAB SYN ST FB >=85% SYN >=85% PLY UBL/BL DUCK ...	FABRIC	5512110050	219	4	5,967	0.00
WOV FAB SYN ST FB >=85% SYN >=85% POLY S F OT DUCK .	FABRIC	5512190040	219	4	185,869	0.00
WOV FAB SYN ST FB >=85% SYN >=85% A/M UBL/BL DUCK ...	FABRIC	5512210050	219	4	65,776	0.00
WOV FAB SYN ST FB >=85% SYN >=85% OTHER AC/MA DCK .	FABRIC	5512290035	219	4	26,878	0.00
WOV FAB SYN ST FB >=85% SYN ST FB OTH UNB/BL DUCK ...	FABRIC	5512910050	219	4	1,561	0.00
WOV FAB SYN ST FB >=85% SYN ST F BER OTHER DUCK	FABRIC	5512990035	219	4	37,018	0.00
WV FB SY SF <85% MX CT >170G/M2 UB/BL OTH 1 PW DCK ...	FABRIC	5514110090	219	4	2,548	0.00
WV F SY SF <85% M CT >170G/M2 UB/BL OWFPSF DK E PW ..	FABRIC	5514130040	219	4	0	0.00
WV FB SYN SF <85% MX CT >170G/M2 UB/BL OT W F DUCK ..	FABRIC	5514190030	219	4	0	0.00
WV FB SY SF <85% MX CT >170G/M2 DYED PLN WEAV DUCK	FABRIC	5514210090	219	4	196,656	0.00
WV F SY SF <85% M CT >170G/M2 DYED OWFPSF OK E PW ..	FABRIC	5514230040	219	4	0	0.00
WV FB SYN SF <85% MX CT >170G/M2 DYED OTH W F DUCK	FABRIC	5514290030	219	4	0	0.00
WV FB SY SF <85% MX CT >170G/M2 PRNTD OTH 1 PW DCK .	FABRIC	5514410090	219	4	719	0.00
WV F SY SF <85% M CT >170G/M2 PRNTD OWFPSF DK E PW	FABRIC	5514430040	219	4	0	0.00
WV FB SYN SF <85% MX CT >170G/M2 PRNTD OT W F DUCK	FABRIC	5514490030	219	4	0	0.00
OTH WOV FAB SYN PLY ST FB M VIS RAY ST FB DUCK	FABRIC	5515110035	219	4	24,788	0.00

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
OTH WOV FAB SYN PLY STP FIBER OTHER ST FB DUCK	FABRIC	5515190035	219	4	2,684	0.00
OTHER WOVEN FABRICS SYNTHETIC ACR/MAC ST FB O DUCK.	FABRIC	5515290035	219	4	0	0.00
OTH WOVEN FABRIC OF SYNTHETIC STAPLE FIBER O DUCK	FABRIC	5515990035	219	4	5,069	0.00
WOV FAB <85% ART STP FIB MX COT UB/BL DUCK	FABRIC	5516410050	219	4	1,362	0.00
WOV FAB <85% ART STP FIB MX COTN DYED DUCK	FABRIC	5516420050	219	4	5,202	0.00
WOV FAB <85% ART STP FIB COT PRNTD DUCK	FABRIC	5516440050	219	4	0	0.00
WOVEN FABRICS ARTIF STPL FIB OTH DUCK UNBLCHD/BLCH	FABRIC	5516910050	219	4	870	0.00
WOVEN FABRICS ARTIF STPL FIB OTH DUCK DYED	FABRIC	5516920050	219	4	3,993	0.00
WOVEN FABRICS ARTIF STPL FIB OTH DUCK PRINTED	FABRIC	5516940050	219	4	0	0.00
WOV FAB NOIL SLK <85%S/S W SUB COT/MMF RES OTH-YDC	FABRIC	5007106020	220	4	201	0.00
WV FAB SLK <85% S/S W SUB COT & MMF RES, YR SM CLR ..	FABRIC	5007906020	220	4	46,171	0.00
WOV FAB COT UBL <=100G/M2 >=#68 PL WV TYPWTR RIBON	FABRIC	5208116000	220	4	0	0.00
WOV COT FAB CON >85% WGT <200G/M2 UBL #<44 OT OXF ..	FABRIC	5208194090	220	4	4,289,291	0.03
WOV FAB COT CON >85% WGT <200G/M2 44-68 OT OXF CLT .	FABRIC	5208196090	220	4	2,213,715	0.01
WOV FAB COT CON >85% WGT <200G/M2 69&> UNBL OTH OX.	FABRIC	5208198090	220	4	203,023	0.00
WOV COT FAB CON >85% WGT <200G/M2 BLC #<44 OT OXF ..	FABRIC	5208294090	220	4	7,859,497	0.05
WOV FAB COT CON >85% WGT <200G/M2 44-68 OT OXF CLT .	FABRIC	5208296090	220	4	915,729	0.01
WOV FAB COT CON >85% WGT <200G/M2 69&> BLEACH OTHR.	FABRIC	5208298090	220	4	242,667	0.00
WOV COT FAB CON >85% WGT >100G/M2 DYE #<44 OT OXF .	FABRIC	5208394090	220	4	611,483	0.00
WOV FAB COT CON >85% WGT >100G/M2 44-68 OT OXF CLT .	FABRIC	5208396090	220	4	523,784	0.00
WOV FAB COT CON >85% WGT >100G/M2 69&> DYED OTHER	FABRIC	5208398090	220	4	328,350	0.00
WOV FAB COT WGT <=200 G/M2 < = #43 JAC WV YR D CL	FABRIC	5208494020	220	4	280,199	0.00
WOV FAB COT WGT <=200G/M2 #44-68JC WV WD<=127CM DC	FABRIC	5208496020	220	4	66,396	0.00
WOV FAB COT WGT <=200G/M2 #44-68 JAC WV O DIF COLR ..	FABRIC	5208496030	220	4	59,265	0.00
WOV FAB COT <=200G/M2 #>=69 JAC YRN OF DIF COLORS ...	FABRIC	5208498020	220	4	42,412	0.00
WOV COT FAB CON >85% WGT <200G/M2 PRT #<=42 OX CLO	FABRIC	5208594090	220	4	770,849	0.00
WOV FAB COT CON >85% WGT <200G/M2 43-68 OT OXF CLT .	FABRIC	5208596090	220	4	439,782	0.00
WOV FAB COT CON >85% WGT <200G/M2 >=69 PRINTD OTHR	FABRIC	5208598090	220	4	100,432	0.00
WOVN FAB COT 85%> COT >200G/M2 UBL OTHR FAB NESOI .	FABRIC	5209190090	220	4	35,725,631	0.21
WOVN FAB COT 85%> COT >200G/M2 BLC OTHR FAB NESOI .	FABRIC	5209290090	220	4	416,578	0.00
WOV FAB COT 85%> COT >200G/M2 DYE OT FB WD>127 CM .	FABRIC	5209390080	220	4	589,543	0.00
WOVN FAB COT 85%> COT >200G/M2 DYE OTHR FAB NESOI .	FABRIC	5209390090	220	4	305,601	0.00
WOV FAB COT >85% CT >200G/M2 Y D C JAC WV WD>127CM	FABRIC	5209490020	220	4	1,437,517	0.01
WV FB CT >85% CT >200G/M2 YR DF CL JC WV <=127CM O ...	FABRIC	5209490040	220	4	66,976	0.00
WOVN FAB COT 85%> COT >200G/M2 PRT OTHR FAB NESOI .	FABRIC	5209590090	220	4	280,142	0.00
WOV COT FAB CON <85% WGT<200G/M2 UBL #44OR < OT OX	FABRIC	5210194090	220	4	30,715	0.00
WOV FAB COT CON 85% WGT <200G/M2 43-68 OT OXF CLT ...	FABRIC	5210196090	220	4	12,843	0.00
WOV FAB COT CON <85% WGT <200G/M2 69&> UBLECH OTHR.	FABRIC	5210198090	220	4	3,079	0.00
WOV COT FAB CON <85% WGT <200G/M2 BLC <=42 OT OXFD	FABRIC	5210294090	220	4	86,106	0.00
WOV FAB COT CON <85% WGT <200G/M2 43-68 OT OXF CLT .	FABRIC	5210296090	220	4	36,547	0.00
WOV FAB COT CON <85% WGT <200G/M2 >=69 BLEACH	FABRIC	5210298090	220	4	46,939	0.00
WOV COT FAB CON <85% WGT <200G/M2 DYE <=42 OT OXF .	FABRIC	5210394090	220	4	381,266	0.00
WOV FAB COT CON <85% WGT <200G/M2 43-68 OT OXF CLT .	FABRIC	5210396090	220	4	244,218	0.00
WOV FAB COT CON <85% WGT <200G/M2 >=69 DYED OTH	FABRIC	5210398090	220	4	332,750	0.00
WOV FAB COT <85% COT MX MMF <=200G/M2 YDC <=42 JAC	FABRIC	5210494020	220	4	186,257	0.00
WOV FB CT <85% CT MX MMF <200G/M2 YDC 43-68 JACQRD .	FABRIC	5210496020	220	4	54,311	0.00
WOV FB CT <85% CT MX MMF <200G/M2 YDC >=69 JAC WOV	FABRIC	5210498020	220	4	21,136	0.00
WOV COT FAB CON <85% WGT <200G/M2 PRT <=42 OT OXFD	FABRIC	5210594090	220	4	87,898	0.00
WOV FAB COT CON <85% WGT <200G/M2 43-68 OT OXF CLT .	FABRIC	5210596090	220	4	15,836	0.00
WOV FAB COT CON <85% WGT <200G/M2 69&> PRINT NESOI	FABRIC	5210598090	220	4	8,045	0.00
WOVN FAB COT <85% COT >200G/M2 UBL OTHR FAB NESOI .	FABRIC	5211190090	220	4	223,478	0.00
WOVN FAB COT <85% COT >200G/M2 BLC OTHR FAB NESOI .	FABRIC	5211290090	220	4	1,339,091	0.01
WOVN FAB COT < 85% COT >200G/M2 DYE OTHR FAB NESOI	FABRIC	5211390090	220	4	205,717	0.00
WOV FAB COT <85% COT MX MMF >200G/M2 OTH FAB: JAC ..	FABRIC	5211490020	220	4	3,281,659	0.02
WOVN FAB COT <85% COT >200G/M2 PRT OTHR FAB NESOI .	FABRIC	5211590090	220	4	102,222	0.00
OTH WOV FB COT <=200G/M2 UBL MXED WITH WOOL OR FAH.	FABRIC	5212116010	220	4	6,840	0.00
OTH WOV FAB COT <= 200G/M2 UBLCH <36% W/FAH, NESOI .	FABRIC	5212116090	220	4	9,799	0.00
OTH WOV FAB COT <=200G/M2 BLC CON <36% WOOL OR FAH.	FABRIC	5212126010	220	4	0	0.00
OTH WOV FAB COT <= 200G/M2 BLCH <36%W/FAH OT NESOI	FABRIC	5212126090	220	4	54,923	0.00
OTH WOV FAB COT <=200G/M2 DYE CON <36% OF WOOL/ FAH.	FABRIC	5212136010	220	4	1,355	0.00
OTH WOV FAB COT <= 200G/M2 DYED OTH: OTH - NESOI	FABRIC	5212136090	220	4	73,404	0.00
OTH WOV FAB COT <=200G/M2 YDC CON <36% OF WOOL/ FAH.	FABRIC	5212146010	220	4	72,605	0.00
OTH WOV FAB COT <=200G/M2 YDC OTH: JAC WDTH >127CM	FABRIC	5212146020	220	4	23,759	0.00
OTH WOV FB COT<=200G/M2 YDC OTH:JAC WOVEN WID<=127.	FABRIC	5212146030	220	4	13,755	0.00

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
OTH WOV FAB COT <=200G/M2 PRT CON <36% WOOL OR FAH.	FABRIC	5212156010	220	4	10,182	0.00
OTH WOV FAB COT <=200G/M2 PRTED OTH: OTH - NESOI	FABRIC	5212156090	220	4	142,660	0.00
OTH WOV FAB COT > 200G/M2 UBL CON <36% WOOL OR FAH.	FABRIC	5212216010	220	4	3,332	0.00
OTH WOV FAB COT > 200G/M2 UBLCH OTH: OTH - NESOI	FABRIC	5212216090	220	4	263,898	0.00
OTH WOV FAB COT >200G/M2 BLC CON <36% BY WGT W/ FAH.	FABRIC	5212226010	220	4	116	0.00
OTH WOV FAB COT 200G/M2 BLCH OTH: OTH - NESOI	FABRIC	5212226090	220	4	206,882	0.00
OTH WOV FAB COT > 200G/M2 DYE CON<36% BY WGT W/ FAH.	FABRIC	5212236010	220	4	50,351	0.00
OTH WOV FAB COT > 200G/M2 DYED CON < 36% WOOL/FAH .	FABRIC	5212236090	220	4	80,383	0.00
OTH WOV FAB COT >200G/M2 YDC CON <36% BY WGT W/ FAH.	FABRIC	5212246010	220	4	83,991	0.00
OTH WOV FAB OF COT WGT >200G/M2 YDC JAC WOV OTH ...	FABRIC	5212246030	220	4	71,955	0.00
OTH WOV FAB OF COT WGT>200G/M2 YDC JAC WOV WID=127.	FABRIC	5212246040	220	4	12,345	0.00
OTH WOV FAB COT >200G/M2 PRT CONT< 36% WOOL OR FAH.	FABRIC	5212256010	220	4	945	0.00
OTH WOV FAB COT > 200G/M2 PRINT OTH: OTH - NESOI	FABRIC	5212256090	220	4	71,465	0.00
WOV FAB FLX <85% FLX, <=17% W/FAH, COT & MMF, NESOI .	FABRIC	5309213020	220	4	22,817	0.00
WOV FAB FLX <85% FLX UNBL OR BL CON COT&MMF NESOI	FABRIC	5309213070	220	4	8,060	0.00
WOV FAB FLX <85% FLX, COT & MMF, COT RES NESOI	FABRIC	5309293020	220	4	42,080	0.00
WOV FAB FX <85% FX CONT COT & MMF, MMF RS NESOI	FABRIC	5309293070	220	4	28,406	0.00
WOV FAB VEG FIB SUB COT RES <=17% WGT WOOL/FAH	FABRIC	5311003020	220	4	16,278	0.00
WV FB VEG FB <=17% W/FAH CN CT/MMF MMF RES NESOI ...	FABRIC	5311003070	220	4	1,977	0.00
WOV FB SYN ST FIB >=85% SYN >=85% POLY UB/BL NESOI ...	FABRIC	5512110090	220	4	279,475	0.00
WOV FB SYN S F >=85% SYN >=85% PL ST FB OTH NESOI	FABRIC	5512190090	220	4	746,810	0.00
WOV FB SYN S F >=85% SYN >=85% AM UB/BL OTH NESOI	FABRIC	5512210090	220	4	65,681	0.00
WOV FB SYN S F >=85% SYN >=85% ACR/MACR OTH NESOI .	FABRIC	5512290090	220	4	661,998	0.00
WOV FAB SYN ST FB >=85% SYN ST FB UNB/BL OT-NESOI	FABRIC	5512910090	220	4	92,673	0.00
WOV FAB SYN ST FB >=85% SYN STP FIB OTHER NESOI	FABRIC	5512990090	220	4	306,137	0.00
WV FB SYN S F <85% MX CT <=170G/M2 UB/BL P O NESOI	FABRIC	5513130090	220	4	85,418	0.00
WV FB SYN S F <85% MX CT <=170G/M2 UB/BL OWF NESOI ...	FABRIC	5513190090	220	4	31,432	0.00
WV FB SYN S F <85% MX CT <=170G/M2 DYED PY O NESOI ...	FABRIC	5513230090	220	4	610,992	0.00
WV FB SYN S F <85% MX CT <=170G/M2 DYED OWF NESOI ...	FABRIC	5513290090	220	4	324,960	0.00
WV FB SYN S F <85% MX CT <=170G/M2 YDC OWFPSF JC W .	FABRIC	5513330020	220	4	4,643	0.00
WV FB SYN S F <85% MX CT <=170G/M2 YDF OWF JAC WOV .	FABRIC	5513390010	220	4	4,614	0.00
WV FB SYN S F <85% MX CT <=170G/M2 PRNTD P O NESOI ...	FABRIC	5513430090	220	4	866	0.00
WV FB SYN S F <85% MX CT <=170G/M2 PRNTD OWF NESOI .	FABRIC	5513490090	220	4	127,181	0.00
WV FB SYN SF <85% MX CT >170G/M2 UB/BL OWFPSF OTHR	FABRIC	5514130090	220	4	26,737	0.00
WV FB SYN SF <85% MX CT >170G/M2 UB/BL OWF NESOI	FABRIC	5514190090	220	4	4,033	0.00
WV FB SYN SF <85% MX CT >170G/M2 DYED OWFPSF OTHR	FABRIC	5514230090	220	4	1,091	0.00
WV FB SYN SF <85% MX CT >170G/M2 DYED OWF NESOI	FABRIC	5514290090	220	4	11,744	0.00
WV FB SY SF <85% M C >170G/M2 YDC OWFPSF JACQ WV	FABRIC	5514330010	220	4	15,625	0.00
WV FB SY SF <85% M C >170G/M2 YDC OT WV FB JAC WV	FABRIC	5514390020	220	4	90,366	0.00
WV FB SYN SF <85% MX CT >170G/M2 PRNTD OWFPSF OTHR.	FABRIC	5514430090	220	4	1,194	0.00
WV FB SYN SF <85% MX CT >170G/M2 PRNTD OWF NESOI	FABRIC	5514490090	220	4	56,327	0.00
OTH WOV FAB SYN PLY ST FB M VIS RAY ST FB OT-NESOI ...	FABRIC	5515110090	220	4	1,371,321	0.01
OTH WOV FAB SYN PLY STP FIBER OTHER ST FB OT-NESOI .	FABRIC	5515190090	220	4	506,634	0.00
OTHER WOVEN FABRICS OF SYN ACR/MAC ST FB OTH-NESOI.	FABRIC	5515290090	220	4	294,072	0.00
OTH WOVEN FAB OF SYNTHETIC STAPLE FIB OTH NESOI	FABRIC	5515990090	220	4	349,329	0.00
WOV FAB <85% ART STP FIB MX COT UB/BL OTHER NESOI ...	FABRIC	5516410090	220	4	172,726	0.00
WOV FAB <85% ART STP FIB MX COTN DYED OTHER NESOI .	FABRIC	5516420090	220	4	74,184	0.00
WOV FAB <85% ART ST FB MX M/S COT YDF JACQURD WV ...	FABRIC	5516430020	220	4	252,716	0.00
WOV FAB <85% ART STP FIB MX COT PRNTD OTHER NESOI .	FABRIC	5516440090	220	4	45,577	0.00
WOVEN FABRICS ARTIF STAPLE FIBER OTHR NESOI UB/BL ...	FABRIC	5516910090	220	4	73,316	0.00
WOVEN FABRICS ARTIF STAPLE FIBER OTHR NESOI	FABRIC	5516920090	220	4	684,585	0.00
WOV FAB ARTIF STP FIB OTH YR DIF CLRS JACQUARD WV ...	FABRIC	5516930020	220	4	78,333	0.00
WOVEN FABRICS ARTIF STAPLE FIBER OTHR NESOI PRNTED.	FABRIC	5516940090	220	4	325,168	0.00
GAUZE; NOT NARROW FABRICS ASSMB WITH ADHSVE, COTON.	FABRIC	5803100000	220	4	69,395	0.00
GAUZE, NT NAR FAB OTH TEX MAT, OF MAN-MADE FIBER	FABRIC	5803903000	220	4	35,010	0.00
WOV PILE & CHENILLE FABRIC OF COT UNCUT WEFT PILE ...	FABRIC	5801210000	224	4	107,195	0.00
WOVEN PILE & CHENILLE FABRIC OF CUT CORDUROY	FABRIC	5801220000	224	4	4,390,039	0.03
WOV PILE & CHENILLE FABRIC OF CUT OTHER WELT PILE	FABRIC	5801230000	224	4	877,340	0.01
WOV PILE & CHENILLE FAB OF CUT WARP EPINGLE UNCUT .	FABRIC	5801240000	224	4	44,521	0.00
WOV PILE & CHENILLE FAB WARP CUT>127 GRAM/SQ METER.	FABRIC	5801250010	224	4	999,735	0.01

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WOV PILE & CHENL FAB WARP PILE FAB CUT, <=271G/M2	FABRIC	5801250020	224	4	322,651	0.00
WOV PILE CHENILLE COTTON FABRICS YRN ONE SIDE ONLY	FABRIC	5801260010	224	4	43,134	0.00
WOVEN PILE AND CHENILLE FABRICS, NESOI	FABRIC	5801260020	224	4	106,688	0.00
WOV PILE & CHENILLE FAB OF M-MADE FIBER UNCUT PILE ..	FABRIC	5801310000	224	4	489,645	0.00
WOV PILE & CHENILLE FAB OF M-MADE FIB CUT CORDUROY	FABRIC	5801320000	224	4	12,259	0.00
WOVEN PILE & CHENILLE FABRICS OTHER WELT PILE FAB ...	FABRIC	5801330000	224	4	471,306	0.00
WOV PILE & CHENILLE WARP PILE FAB EPINGLE (UNCUT)	FABRIC	5801340000	224	4	35,035	0.00
WOV PILE & CHEN WARP PILE FAB CUT >271 GRAM METER .	FABRIC	5801350010	224	4	361,427	0.00
WOV PILE & CHENLE WARP PILE FAB CUT, <=271 G/M2	FABRIC	5801350020	224	4	3,852,601	0.02
WOV PILE CHENILLE M-MADE FABRICS YRN ONE SIDE ONLY	FABRIC	5801360010	224	4	4,105	0.00
W P F & C F OT F HD 5802 & 5806 MMF C F W C Y 1 SD	FABRIC	5801360020	224	4	60,297	0.00
TERRY TOWEL & SIMILAR WOV FAB NT NARROW COT UNBLCH.	FABRIC	5802110000	224	4	143,774	0.00
TERRY TOWEL & SIMILAR WOV FAB NT NARROW COT, OTHER.	FABRIC	5802190000	224	4	745,619	0.00
TERRY TOWEL NOT NARROW OTH TEX MAT MAN-MADE FIBERS.	FABRIC	5802200020	224	4	1,021	0.00
TUFTED TEXTILE FABRICS OF COTTON OR MAN-MADE FIB ...	FABRIC	5802300030	224	4	333,279	0.00
LONG PILE FABRICS OF MAN-MADE FIBR, KNIT OR CROCHET	FABRIC	6001102000	224	4	320,826	0.00
OTHER LONG PILE FABRICS, KNITTED OR CROCHETED	FABRIC	6001106000	224	4	123,581	0.00
LOOPED PILE FABRICS OF COTTON, KNITTED OR CROCHETED.	FABRIC	6001210000	224	4	1,584,748	0.01
LOOPED PILE FABRICS MAN-MADE FIBER, KNIT OR CROCHET.	FABRIC	6001220000	224	4	3,540,853	0.02
OTH PILE FABRIC COTTON >271 G/SQ M KNIT OR CROCHET .	FABRIC	6001910010	224	4	123,575	0.00
OTH PILE FABRIC COTTON <271 G/SQ M KNIT OR CROCHET .	FABRIC	6001910020	224	4	322,424	0.00
OTH PILE FABRIC MMF VELOUR >271 G/M2 KNIT/CROCHETD	FABRIC	6001920010	224	4	291,701	0.00
OTHER PILE FABRIC MMF OTHER >271 G/M2 KNIT/CROCHET	FABRIC	6001920020	224	4	908,402	0.01
OTH PILE FABRIC MMF VELOUR <271 G/M2 KNIT/CROCHETD	FABRIC	6001920030	224	4	1,258,082	0.01
OTHER PILE FABRIC MMF OTHER <271 G/M2 KNIT/CROCHET	FABRIC	6001920040	224	4	4,037,805	0.02
WOV FAB COT >=85% COT >200 & <=360 G/M2 YR D C B	FABRIC	5209420020	225	4	13,333,541	0.08
WOV FAB COT >=85% COT >360 G/M2 YR DF CL BLUE DENM	FABRIC	5209420040	225	4	25,879,129	0.15
WV FB CT<85% CT MX MMF >200&<=360 G/M2 YDF BLU DEN .	FABRIC	5211420020	225	4	6,289	0.00
WOV FAB COT >360M/G2 <85% CT MX MMF YDF BLUE DNM ..	FABRIC	5211420040	225	4	8,335	0.00
OTH WOV FAB COT >200G/M2 YDC CON < 36% W/FAH DENIM	FABRIC	5212246020	225	4	139,067	0.00
WV FB SYN ST F >=85% SYN >=85% PLY OTH BLUE DENIM ...	FABRIC	5512190010	225	4	1,097	0.00
WV FB SYN ST F >=85% SYN >=85% A/M OTH–BLUE DENIM ...	FABRIC	5512290010	225	4	2,508	0.00
WOV FAB SYN STAPLE FIB >=85% SYN STAPLE FIB NESOI	FABRIC	5512990010	225	4	2,970	0.00
WV FB SY SF <85% M C >170G/M2 YDC 3–4T PSF BLUE DN ...	FABRIC	5514320010	225	4	0	0.00
WV FB SY SF <85% M C >170G/M2 YDC OT WV FB BL DNM	FABRIC	5514390010	225	4	0	0.00
OTH WOV FAB SYN PLY S F M VIS RAY S F BLUE DENIM	FABRIC	5515110010	225	4	1,975	0.00
OTH WOV FAB SYN PLY ST FIB OTHER S F BLUE DENIM	FABRIC	5515190010	225	4	1,144	0.00
OTH WOV FAB SYN AC/MA ST FB OTHER BLUE DENIM	FABRIC	5515290010	225	4	0	0.00
OTH WOVEN FAB OF SYNTHETIC STAPLE FIBERS O BLUE DN.	FABRIC	5515990010	225	4	476	0.00
WOV FAB <85% ART ST FB MX M/S COT YDF BLUE DENIM	FABRIC	5516430010	225	4	287	0.00
WOV FAB ARTIF STP FIB OTH YR DIF CLRS BLUE DENIM	FABRIC	5516930010	225	4	207	0.00
WOV FAB COT >85% WT COT <=100G/M2 UNBLCH P/WV CHCL.	FABRIC	5208112090	226	4	8,816,699	0.05
WOV FAB>=85% COT BY WT UBL PL WVE <=100G/M2 #43–68 .	FABRIC	5208114090	226	4	840,567	0.00
WOV FAB COT UBL <=100G/M2 >=69 OTH TYPWR RIB NESOI .	FABRIC	5208118090	226	4	1,191,124	0.01
WV FB COT UNBL PLN WV >100<=200G/M2 OF #43–68 CHSC .	FABRIC	5208124090	226	4	23,026,437	0.14
WV FB COT UBL N >100<200G/M2 #43–68 PLN WV, CHSCLT ...	FABRIC	5208126090	226	4	354,702	0.00
WV FB COT >85% WGT COT >100 & <=200G/M2 #>=69 CHES ..	FABRIC	5208128090	226	4	1,289,436	0.01
WOV FAB COT CON >85% WGT COT <100G/M2 #43 OR < OTH	FABRIC	5208212090	226	4	1,157,353	0.01
WOV FAB COT CON >85% WGT COT <100G/M2 #44–68 OTHER.	FABRIC	5208214090	226	4	139,033	0.00
WOV FAB COT CON >85% WGT COT <100G/M2 #>68 BLC OTH	FABRIC	5208216090	226	4	41,301	0.00
WV FB CT >85% WGT COT >100 &<=200G/M2 #43 OR < OTH ...	FABRIC	5208224090	226	4	2,894,506	0.02
WV FB CT >85% WGT COT >100 & <=200G/M2 #44–68 OTHR ...	FABRIC	5208226090	226	4	7,854	0.00
WV FB CT >85% WGT COT >100 & <=200G/M2 #>68 BLC OT	FABRIC	5208228090	226	4	41,849	0.00
WV FB COT CON >=85% WGT COT <=100G/M2 #43 OR < OTH	FABRIC	5208314090	226	4	257,047	0.00
WOV FAB COT CON ı>85% WGT COT <100G/M2 #44–68 OTHER.	FABRIC	5208316090	226	4	1,609	0.00
WOV FAB COT CON ı>85% WGT COT <100G/M2 #>68 BLC OTH.	FABRIC	5208318090	226	4	190,419	0.00
WV FB CT >=85% WGT COT >100 & <=200G/M2 #<=42 CHES ...	FABRIC	5208323090	226	4	1,329,931	0.01
WV FB CT >=85% WGT COT >100 & <=200G/M2 #43–68 OTH ...	FABRIC	5208324090	226	4	8,818	0.00
WV FB CT >=85% WGT CT >100&<=200G/M2 #>=69 BLC OTH ..	FABRIC	5208325090	226	4	116,099	0.00
WOV FAB COT CON >85% WGT COT <100G/M2 #42 OR < OTH	FABRIC	5208514090	226	4	47,879	0.00
WOV FAB COT CON >85% WGT COT <100G/M2 #43–68 OTHER.	FABRIC	5208516090	226	4	15,939	0.00

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
WOV FAB COT CN >85% WGT COT <100G/M2 #>=69 PRI OTH .	FABRIC	5208518090	226	4	590,594	0.00
WOV FIB COT >=85% WGT COT >100 & <=200 G/M2 #<=42	FABRIC	5208523090	226	4	2,522,399	0.01
WV FB CT >=85% WGT CT >100 & <=200G/M2 #43–68 CHSC ...	FABRIC	5208524090	226	4	5,947	0.00
WV FB CT >=85% WGT CT >100&<=200G/M2 #>=69 CHEESCL .	FABRIC	5208525090	226	4	44,434	0.00
WOV FAB COT CON <85% WGT COT <200G/M2 #<=42 CHESCL.	FABRIC	5210114090	226	4	666,930	0.00
WOV FAB COT CON <85% WGT COT <200G/M2 #43–68 OTHER.	FABRIC	5210116090	226	4	2,584	0.00
WOV FAB COT CON <85% WGT COT <200G/M2 >68 UNBL OTH.	FABRIC	5210118090	226	4	33	0.00
WOV FAB COT CON<85% WGT COT<200G/M2 #42 OR< CHEECL.	FABRIC	5210214090	226	4	13,462	0.00
WOV FAB COT CON <85% WGT COT <200G/M2 #43–68 CHECL	FABRIC	5210216090	226	4	0	0.00
WOV FB CT CON<85% WT COT<200G/M2 >=#69 OTH THAN PB	FABRIC	5210218090	226	4	425	0.00
WOV FAB COT CON <85% WGT COT 200G/M2 #<=42 CHEECL	FABRIC	5210314090	226	4	1,935	0.00
WOV FAB COT CON<85% WGT COT<200G/M2 #43–68 CHEESCL.	FABRIC	5210316090	226	4	2,647	0.00
WOV FAB COT CON <85% WGT COT <200G/M2 >=69 DYE OTH.	FABRIC	5210318090	226	4	37,890	0.00
WOV FAB COT CON <85% WGT COT <200G/M2 <=#43 CHEES	FABRIC	5210514090	226	4	0	0.00
WOV FAB COT CON <85% WGT COT >200G/M2=#43–68 CHEES.	FABRIC	5210516090	226	4	2,009	0.00
WOV FAB COT CON <85% WGT COT <200G/M2 >=69 PRT OTH	FABRIC	5210518090	226	4	3,267	0.00
OTH WOV FAB COT <=200G/M2 UBLCH OTHER CHEESE, LAWN.	FABRIC	5212116050	226	4	0	0.00
OTH WOV FAB COT <=200G/M2 BLCH CON <36%W/FAH CHEE	FABRIC	5212126050	226	4	0	0.00
OTH WOV FAB COT <=200G/M2 DYED CON <36% W/FAH CHEE.	FABRIC	5212136050	226	4	3,352	0.00
OTH WOV FAB COT <=200G/M2 PRTED <36% W/FAH CHEESE	FABRIC	5212156050	226	4	22,119	0.00
WV FB SYN ST FB >=85% SYN >=85% PLY UBL/BL CHESCLH .	FABRIC	5512110040	226	4	2,382,135	0.01
WOV FAB SYN ST FB >=85% SYN >=85% POLY CHEES, LWN, V.	FABRIC	5512190035	226	4	578,655	0.00
WOV FAB SYN ST FB >=85% SYN >=85% A/M UBL/BL CHESE .	FABRIC	5512210040	226	4	0	0.00
WOV FAB SYN ST FB >=85% ACR/MA OT BL/UBL CHSCL, ETC	FABRIC	5512290030	226	4	40,823	0.00
WOV FAB SYN ST FB >=85% SYN ST FB OTH UNB/BL CHSCL .	FABRIC	5512910040	226	4	1,550	0.00
WOV FAB SYN ST FB >=85% SYN ST FB OT BL/UBL CHSCLT ..	FABRIC	5512990030	226	4	3,902	0.00
WOV FB SYN S F <85% MX CT <=170G/M2 UB/BL P CHESCL ..	FABRIC	5513110090	226	4	4,188,446	0.02
WV FB SYN S F <85% MX CT <=170G/M2 UB/BL OWF CHSCL ..	FABRIC	5513190040	226	4	41,645	0.00
WOV FB SYN S F <85% MY CT <=170G/M2 DYED PY CHSCLH	FABRIC	5513210090	226	4	405,133	0.00
WV FB SYN S F <85% MX CT <=170G/M2 DYED OWF CHSCLH	FABRIC	5513290040	226	4	0	0.00
WOV FB SYN S F <85% MX CT <=170G/M2 PRNTD P PW OTH .	FABRIC	5513410090	226	4	35,941	0.00
WV FB SYN S F <85% MX CT <=170G/M2 PRNTD OWF OX CL .	FABRIC	5513490040	226	4	0	0.00
OTH WOV FAB SYN PLY ST FB M VIS RAY ST FB CHEESECL .	FABRIC	5515110030	226	4	2,088	0.00
OTH WOV FAB SYN PLY STP FIBER OTHER ST FB CHESCLTH	FABRIC	5515190030	226	4	209,051	0.00
OTHER WOVEN FABRICS SYN ACR/MAC ST FB OTH OXF CLTH.	FABRIC	5515290030	226	4	35,173	0.00
OTH WOVEN FAB OF SYNTHETIC STAPLE FIB OT OXF CLOTH	FABRIC	5515990030	226	4	87	0.00
WOV FAB <85% ART STP FIB MX COT UB/BL OXFORD CLOTH	FABRIC	5516410040	226	4	54,581	0.00
WOV FAB <85% ART STP FIB MX COTN DYED OXFORD CLOTH.	FABRIC	5516420040	226	4	0	0.00
WOV FAB <85% ART STP FIB MX COT PRNTD OXFORD CLOTH.	FABRIC	5516440040	226	4	0	0.00
WOV FAB ART STPL FIB OTH UM/B CHESCL, LWNS, VLS ETC	FABRIC	5516910040	226	4	0	0.00
WOV FAB ART STPL FIB OTH DYED CHEESCLTH, LWNS, ETC	FABRIC	5516920040	226	4	0	0.00
WOVEN FABRICS ARTIF STPL FIB OTH PRNTD CHEESE-CLOTH.	FABRIC	5516940040	226	4	283	0.00
WOV FAB COT CON >85% WGT <200G/M2 UBL #<44 OXF CTH	FABRIC	5208194020	227	4	708,231	0.00
WOV COT FAB CON >85% WGT <200G/M2 UBL 44–68 OXF CL	FABRIC	5208196020	227	4	168,963	0.00
WOV FAB COT CON >85% WGT <200G/M2 69&> UNBL OX CLT	FABRIC	5208198020	227	4	12,797	0.00
WOV FAB COT CON >85% WGT <200G/M2 BLC #<44 OXF CTH	FABRIC	5208294020	227	4	20,522	0.00
WOV COT FAB CON >85% WGT <200G/M2 BLC 44–68 OXF CL	FABRIC	5208296020	227	4	111,940	0.00
WOV FAB COT CON >85% WGT <200G/M2 69&> BLC OXF CLT	FABRIC	5208298020	227	4	2,554,173	0.02
WOV FAB COT CON >85% WGT >100G/M2 DYE #<44 OXF CTH	FABRIC	5208394020	227	4	11,404	0.00
WOV COT FAB CON >85% WGT >100G/M2 DYE 44–68 OXF CL	FABRIC	5208396020	227	4	50,418	0.00
WOV FAB COT CON >85% WGT >100G/M2 69&> DYD OXF CLT	FABRIC	5208398020	227	4	862,402	0.01
WV FAB COT CON >85% WGT <=200G/M2 PRT #<=42 OX CLO	FABRIC	5208594020	227	4	13,918	0.00
WOV COT FAB >=85% WGT <=200 G/M2 PRT 43–68 OX CL	FABRIC	5208596020	227	4	20,018	0.00
WOV FAB COT CON >85% WGT <200G/M2 >=69 PRT OXF CLT	FABRIC	5208598020	227	4	1,017	0.00
WOV FAB COT CON <85% WGT <200G/M2 UBL #42 OR< OXFD	FABRIC	5210194020	227	4	0	0.00
WV COT FAB CON <85% WGT <=200G/M2 UBL 43–68 OXF CL .	FABRIC	5210196020	227	4	0	0.00
WOV FAB COT CON <85% WGT <200G/M2 69&> UBL OXF CLT	FABRIC	5210198020	227	4	0	0.00
WOV FAB COT CON <85% WGT <200G/M2 BLC <=42 OXF CTH	FABRIC	5210294020	227	4	71	0.00

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WV COT FAB CON <85% WGT <=200G/M2 BLC 43–68 OXF CL .	FABRIC	5210296020	227	4	36,691	0.00
WOV FAB COT CON <85% WGT <200G/M2 >=69 BLC OXF CLT	FABRIC	5210298020	227	4	109,981	0.00
WV FAB COT CON <85% WGT <=200G/M2 DYE <=42 OXF CTH	FABRIC	5210394020	227	4	4,448	0.00
WV COT FAB CON <85% WGT <=200G/M2 DYE 43–68 OXF CL	FABRIC	5210396020	227	4	207,604	0.00
WOV FAB COT CON <85% WGT <200G/M2 >=69 DYE OXF CLT	FABRIC	5210398020	227	4	5,266	0.00
WOV FAB COT CON <85% WGT <200G/M2 PRT <=42 OXF CTH	FABRIC	5210594020	227	4	219	0.00
WV COT FAB CON <85% WGT <=200G/M2 PRT 43–68 OXF CL .	FABRIC	5210596020	227	4	0	0.00
WOV FAB COT CON <85% WGT <200G/M2 69&> PRT OXF CLT	FABRIC	5210598020	227	4	40	0.00
OTH WOV FAB COT <=200G/M2 UNBLCH OTH OXFORD CLOTH.	FABRIC	5212116080	227	4	0	0.00
OTH WOV FAB COT <=200G/M2 BLCH OTHER OXFORD CLOTH.	FABRIC	5212126080	227	4	0	0.00
OTH WOV FAB COT <=200G/M2 DYED: OTH OXFORD CLOTH .	FABRIC	5212136080	227	4	0	0.00
OTH WOV FAB COT <=200G/M2 PRTED: OTH OXFORD CLOTH	FABRIC	5212156080	227	4	0	0.00
WOV FB SYN ST FIB >=85% SYN >=85% P0LY UB/BL OX CL	FABRIC	5512110070	227	4	230	0.00
WOV FB SYN S F >=85% SYN >=85% PLY ST FB OXF CLTH	FABRIC	5512190050	227	4	4,171	0.00
WOV FB SYN S F >=85% SYN >=85% AM UB/BL OXFD CLOTH	FABRIC	5512210070	227	4	0	0.00
WOV FB SYN S F >=85% SYN >=85% ACR/MACR OTH OXF CL	FABRIC	5512290045	227	4	0	0.00
WOV FAB SYN ST FB >=85% SYN ST FB OT UNB/BL O PL W ..	FABRIC	5512910070	227	4	0	0.00
WOV FAB SYN ST FB >=85% SYN ST FB OT BL/UBL OXF CL ...	FABRIC	5512990045	227	4	338	0.00
WV FB SYN S F <85% MX CT <=170G/M2 UB/BL P O OX CL	FABRIC	5513130040	227	4	0	0.00
WV FB SYN S F <85% MX CT <=170G/M2 UB/BL OWF OX CL ...	FABRIC	5513190060	227	4	0	0.00
WV FB SYN S F <85% MX CT <=170G/M2 DYED PY O OX CL ...	FABRIC	5513230040	227	4	6,694	0.00
WV FB SYN S F <85% MX CT <=170G/M2 DYED WF O OX CL ..	FABRIC	5513290060	227	4	17,819	0.00
WV FB SYN S F <85% MX CT <=170G/M2 PRNTD P O OX CL ...	FABRIC	5513430040	227	4	0	0.00
WV FB SYN S F <85% MX CT <=170G/M2 PRNTD OWF O P W .	FABRIC	5513490060	227	4	0	0.00
OTH WOV FAB SYN PLY ST FB M VIS RAY ST FB OXF CLTH ..	FABRIC	5515110045	227	4	0	0.00
OTH WOV FAB SYN PLY STP FIBER OTHER ST FB OT OX CL .	FABRIC	5515190045	227	4	0	0.00
OTHER WOVEN FABRIC OF SYNTHETIC ACR/MAC ST F O P/W.	FABRIC	5515290045	227	4	6,338	0.00
OTH WOV FAB OF SYNTHETIC STAPLE FIB OT PLAIN WEAVE	FABRIC	5515990045	227	4	17,334	0.00
WOV FAB <85% ART STP FIB MX COT UB/BL OTH PLAIN WV ..	FABRIC	5516410070	227	4	74	0.00
WOV FAB <85% ART STP FIB MX COTN DYED OTH PLAIN WV	FABRIC	5516420070	227	4	140	0.00
WOV FAB <85% ART STP FIB MX COT PRNTD OTH PLAIN WV	FABRIC	5516440070	227	4	0	0.00
WOVEN FABRICS ARTIF STPL FIB OTHER UB/BLC OXFD CLH	FABRIC	5516910070	227	4	0	0.00
WOVEN FABRICS ARTIF STPL FIB OTHER DYED OXFD CLTH .	FABRIC	5516920070	227	4	0	0.00
WOVEN FABRICS ARTIF STPL FIB OTHER PRT OXFRD CLOTH	FABRIC	5516940070	227	4	10	0.00
WV FB COT>=85% WT COT <=100G/M2 UNBLC PLAIN WEAVE	FABRIC	5208112040	313	4	2,762,165	0.02
WOV FAB >=85%COT UBL <=100G/M2 #43–68 PLN WV SHEET	FABRIC	5208114040	313	4	422,658	0.00
WV FB COT UNBL PLN WV >100<=200G/M2 #<=42 SHEETING .	FABRIC	5208124040	313	4	246,614,845	1.45
WV FB CT UBL PLN WV >100<=200G/M2 OF #43–68 SHEETG ..	FABRIC	5208126040	313	4	4,333,492	0.03
WOV FAB COT CON >85% WGT COT <100G/M2 #<44 SHEETNG.	FABRIC	5208212040	313	4	57,310	0.00
WOV FAB COT CON >85% WGT COT <100G/M2 #44–68 SHEET	FABRIC	5208214040	313	4	36,254	0.00
WV FB CT >85% WGT COT >100 & <=200G/M2 #<44 SHEETG ..	FABRIC	5208224040	313	4	11,050,481	0.06
WV FB CT >85% WGT CT >100 & <=200G/M2 #44–68 SHETG ...	FABRIC	5208226040	313	4	170,130	0.00
WV FB COT CON >=85% WGT COT <=100G/M2 #<44 SHEETNG	FABRIC	5208314040	313	4	66,330	0.00
WV FB COT CON >=85% WGT COT <=100G/M2 #44–68 SHEET	FABRIC	5208316040	313	4	48,948	0.00
WV FB CT >=85% WGT COT >100 & <=200G/M2 #<44 SHEET ...	FABRIC	5208323040	313	4	5,709,164	0.03
WV FB CT >=85% WGT COT >100 & <=200G/M2 #43–68 SHT	FABRIC	5208324040	313	4	1,278,918	0.01
WOV FAB COT CON >85% WGT COT <100G/M2 #<=42 SHETNG.	FABRIC	5208514040	313	4	263,888	0.00
WOV FAB COT CON >85% WGT COT <100G/M2 #43–68 SHEET	FABRIC	5208516040	313	4	66,262	0.00
WV FB CT >=85% WGT CT >100 & <=200G/M2 #<=42 SHETG ...	FABRIC	5208523040	313	4	32,780,896	0.19
WV FB CT >=85% WGT CT >100 & <=200G/M2 #43–68 SHTG	FABRIC	5208524040	313	4	1,241,047	0.01
WOV FAB COT 85%> COT >200G/M2 UBL PL WV SHT–NT NPD	FABRIC	5209110030	313	4	17,411,626	0.10
WOV FAB COT 85%> COT >200G/M2 UBL PL WV SHT–NAPPED.	FABRIC	5209110050	313	4	1,230,285	0.01
WOV FAB COT 85%> COT >200G/M2 BLC PL WV SHT–NT NPD	FABRIC	5209210030	313	4	57,409	0.00
WOV FAB COT 85%> COT >200G/M2 BLC PL WV SHT–NAPPED.	FABRIC	5209210050	313	4	18,665	0.00
W F CT >=85% CT >200 G/M2 DYD PL WV OTH SHT N NAP	FABRIC	5209316030	313	4	1,370,333	0.01
W F CT >85% CT >=200G/M2 DYD PL WV OTH SHEETNG NAP	FABRIC	5209316050	313	4	315,085	0.00
W F CT >=85% CT >200 G/M2 PRNTED PL WV O SHET N NP ...	FABRIC	5209516030	313	4	723,937	0.00
W F CT >=85% CT >200 G/M2 PRNTED PL WV O SHET NAPD ..	FABRIC	5209516050	313	4	127,625	0.00
WOV FAB COT CON <85% WGT COT <200G/M2 #<=42 SHETNG.	FABRIC	5210114040	313	4	10,869,829	0.06
WOV FAB COT CON <85% WGT COT <=200G/M2 #43–68 SHTG	FABRIC	5210116040	313	4	2,676,992	0.02
WOV FAB COT CON <85% WGT COT <200G/M2 #42 SHEETNG	FABRIC	5210214040	313	4	865,334	0.01
WOV FAB COT CON <85% WGT COT <200G/M2 #43–68 SHEET	FABRIC	5210216040	313	4	279,473	0.00
WOV FAB COT CON <85% WGT COT <200G/M2 #<=42 SHEETI	FABRIC	5210314040	313	4	638,118	0.00
WOV FAB COT CON <85% WGT COT <200G/M2 #43–68 SHEET	FABRIC	5210316040	313	4	146,988	0.00

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WOV FAB COT CON <85% WGT COT <200G/M2 <=42 SHEETIN	FABRIC	5210514040	313	4	903,681	0.01
WOV FAB COT CON <85% WGT COT <200G/M2 #43–68 SHEET	FABRIC	5210516040	313	4	3,261,974	0.02
WOV FAB COT <85% COT >200G/M2 UBL PL WV SHT–NT NPD	FABRIC	5211110030	313	4	176,458	0.00
WOV FAB COT <85% COT >200G/M2 UBL PL WV SHT–NAPPED.	FABRIC	5211110050	313	4	1,064	0.00
WOV FAB COT <85% COT >200G/M2 BLC PL WV SHT–NT NPD	FABRIC	5211210030	313	4	705,893	0.00
WOV FAB COT <85% COT >200G/M2 BLC PL WV SHT–NAPPED.	FABRIC	5211210050	313	4	515	0.00
WOV FAB COT <85% COT >200G/M2 DYE PL WV SHT–NT NPD	FABRIC	5211310030	313	4	59,543	0.00
WOV FAB COT <85% COT >200G/M2 DYE PL WV SHT–NAPPED.	FABRIC	5211310050	313	4	81,869	0.00
WOV FAB COT <85% COT >200G/M2 PRT PL WV SHT-NT NPD	FABRIC	5211510030	313	4	59,309	0.00
WOV FAB COT <85% COT >200G/M2 PRT PL WV SHT-NAPPED	FABRIC	5211510050	313	4	754	0.00
OTH WOV FAB COT <=200G/M2 UBLCH OTHER PRINTCLOTH .	FABRIC	5212116030	313	4	83,010	0.00
OTH WOV FAB COT <=200G/M2 BLCH CON >36%W/FAH SHEET.	FABRIC	5212126030	313	4	25,356	0.00
OTH WOV FAB COT <=200G/M2 DYED CON <36% W/FAH SHE	FABRIC	5212136030	313	4	258,206	0.00
OTH WOV FAB COT <=200G/M2 PRTED <36% W/FAH SHEETI .	FABRIC	5212156030	313	4	121,184	0.00
OTH WOV FAB COT <200G/M2 UBLCH OTHER DUCK	FABRIC	5212216030	313	4	4,580	0.00
OTH WOV FAB COT >200G/M2 BLCH CON <36%W/FAH SHE	FABRIC	5212226030	313	4	0	0.00
OTH WOV FAB COT >200G/M2 DYED CON <36% W/FAH SHEET.	FABRIC	5212236030	313	4	19,335	0.00
OTH WOV FAB COT >200G/M2 PRTED CON <36% W/FAH SH ..	FABRIC	5212256030	313	4	1,353	0.00
WOV FAB FLX <85% FLX <=17% W/FAH COT MMF COT RE SH	FABRIC	5309213010	313	4	2,391	0.00
WOV FAB FLX <85% FLX, CONT COT & MMF, COT RES, SH	FABRIC	5309293010	313	4	78,365	0.00
WV FB VEG FB <=17% WGT W/FAH CON COT/MMF SUB MMF R.	FABRIC	5311003010	313	4	917	0.00
WOV FB COT CON >=85%WGT COT UNBLCH PL WEV <=#42POP/B.	FABRIC	5208112020	314	4	1,034,655	0.01
WOV FAB COT UBL <=100 G/M2 #43–68 P WV POP OR BRDC .	FABRIC	5208114020	314	4	851,427	0.01
WOV FAB COT UBL <=100G/M2 >=68 OT TYP RIB POP/BRDC ..	FABRIC	5208118020	314	4	94,891	0.00
WV FB >=85% CT UNBL PLN WV >100≤=200G/M2 #=42 P&B	FABRIC	5208124020	314	4	12,605,436	0.07
WV FB COT UBL PLN WV >100<=200G/M2 OF #43-68 POP/B	FABRIC	5208126020	314	4	16,206,511	0.10
WV FB CT >85% WGT COT >100 & <=200G/M2 #>69 POP/BR ...	FABRIC	5208128020	314	4	919,719	0.01
WOV FAB COT CON >85% WGT COT <100G/M2 #>44 POP/BRD	FABRIC	5208212020	314	4	5,006	0.00
WOV FAB COT CON >85% WGT COT <100G/M2 #>44-68 PL/BC	FABRIC	5208214020	314	4	4,011	0.00
WOV FAB COT CON >85% WGT COT <100G/M2 #>68 POP/BCL	FABRIC	5208216020	314	4	194,822	0.00
WV FB CT >85% WGT COT >100 & <=200G/M2 #>44 POP/BR ...	FABRIC	5208224020	314	4	110,721	0.00
WV FB CT >85% WGT COT >100 & <=200G/M2 #44-68 PL/B	FABRIC	5208226020	314	4	1,261,228	0.01
WV FB CT >85% WGT COT >100 & <=200G/M2 #68 POP/BC	FABRIC	5208228020	314	4	1,904,986	0.01
WV FB COT CON >=85% WGT COT <=100G/M2 #<44 POP/BRD	FABRIC	5208314020	314	4	111,314	0.00
WV FB COT CON >=85% WGT COT <=100G/M2 #44-68 PL/BC ..	FABRIC	5208316020	314	4	79,421	0.00
WOV FAB COT CON >85% WGT COT <100G/M2 #>68 POP/BCL	FABRIC	5208318020	314	4	270,313	0.00
WV FB COT >=85% WGT CT >100 & <=200G/M2 <44 POP/B	FABRIC	5208323020	314	4	705,702	0.00
WV FB CT >=85% WGT COT >=100 & <=200G/M2 #43-68 PL	FABRIC	5208324020	314	4	2,519,358	0.01
WV FB CT >=85% WGT COT >=100 & <=200G/M2 #>=69 P/B	FABRIC	5208325020	314	4	1,417,892	0.01
WOV FAB COT CON >85% WGT COT <100G/M2 #<42 POP/BRD	FABRIC	5208514020	314	4	96,748	0.00
WV FAB COT CON >85% WGT COT <=100G/M2 #43-68 PL/BC ..	FABRIC	5208516020	314	4	84,428	0.00
WV FAB COT CON >85% WGT COT <100G/M2 #>=69 POP/BCL	FABRIC	5208518020	314	4	99,108	0.00
WV FB CT >=85% WGT COT 101-200G/M2 #>=42 POP/BRD	FABRIC	5208523020	314	4	2,478,368	0.01
WV FB CT >=85% WGT CT >100 & <=200G/M2 #43-68 PL/B	FABRIC	5208524020	314	4	2,785,123	0.02
WV FB CT >=85% WGT CT >100 & =200G/M2 #>=69 POP/BC	FABRIC	5208525020	314	4	399,301	0.00
WOV FAB COT 85%> COT >200G/M2 UBLC PLN WU POP/BRDC.	FABRIC	5209110020	314	4	16,426	0.00
WOV FAB COT 85%> COT >200G/M2 BLCH PLN WV POP/BRDC.	FABRIC	5209210020	314	4	46,176	0.00
W F CT >=85% CT >200 G/M2 DYD PL WV OTH POP/BRDCL	FABRIC	5209316020	314	4	142,257	0.00
W F CT >=85% CT >200 G/M2 PRINTED PLN WV OT POP/BC ...	FABRIC	5209516020	314	4	158,694	0.00
WOV FAB COT CON <85% WGT COT <200G/M2 #<42 POP/BRD	FABRIC	5210114020	314	4	3,604,882	0.02
WOV FAB COT CON <85% WGT COT <200G/M2 #43-68 PL/BC .	FABRIC	5210116020	314	4	137,901,396	0.81
WOV FAB COT CON <85% WGT COT <200G/M2 >=68 POP/BCL	FABRIC	5210118020	314	4	640,208	0.00
WV FAB COT CON <85% WGT COT <=200G/M2 #<42 POP/BRD	FABRIC	5210214020	314	4	72,277	0.00
WOV FAB COT CON <85% WGT COT <200G/M2 #43-68 PL/BC .	FABRIC	5210216020	314	4	1,163,114	0.01
WOV FAB COT CON <85% WGT COT <200G/M2 >=69 POP/BCL	FABRIC	5210218020	314	4	373,102	0.00
WOV FAB COT CON <85% WGT COT <200G/M2 #<=42 POP/BR	FABRIC	5210314020	314	4	1,806,485	0.01
WOV FAB COT CON <85% WGT COT <200G/M2 #43-68 PL/BC .	FABRIC	5210316020	314	4	3,971,430	0.02
WV FAB COT CON <85% WGT COT <=200G/M2 >=69 POP/BCL	FABRIC	5210318020	314	4	2,676,720	0.02
WOV FAB COT CON <85% WGT COT <200G/M2 <=42 POP/BRD.	FABRIC	5210514020	314	4	177,616	0.00
WOV FAB COT CON <85% WGT COT <200G/M2 #43-68 PL/BC .	FABRIC	5210516020	314	4	2,651,384	0.02
WOV FAB COT CON <85% WGT COT <200G/M2 >=69 POP/BCL	FABRIC	5210518020	314	4	647,422	0.00
WOV FAB COT <85% COT >200G/M2 UBLC PLN WV POP/BRDC.	FABRIC	5211110020	314	4	672	0.00

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WOV FAB COT <85% COT >200G/M2 BLC PLN WV POP/BRDC	FABRIC	5211210020	314	4	6,351	0.00
WOV FAB COT <85% COT >200G/M2 DYE PLN WV POP/BRDC	FABRIC	5211310020	314	4	106,735	0.00
WOV FAB COT <85% COT >200G/M2 PRTD PLN WV POP/ BRDC.	FABRIC	5211510020	314	4	51,026	0.00
OTH WOV FAB COT <=200G/M2 UBLCH OTHER POPLIN/ BROAD.	FABRIC	5212116020	314	4	295,642	0.00
OTH WOV FAB COT <=200G/M2 BLCH <36%W/FAH POP/BDC ..	FABRIC	5212126020	314	4	1,030	0.00
OTH WOV FAB COT <=200G/M2 DYED CON <36% W/FAH POP	FABRIC	5212136020	314	4	12,326	0.00
OTH WOV FAB COT <=200G/M2 PRT CON <36% W/FAH POPL .	FABRIC	5212156020	314	4	4,159	0.00
OTH WOV FAB COT >200G/M2 UBLCH CON <36% W/FAH PO ..	FABRIC	5212216020	314	4	0	0.00
OTH WOV FAB COT >200G/M2 BLCH OTHER SHEETING	FABRIC	5212226020	314	4	0	0.00
OTH WOV FAB COT >200G/M2 DYED CON <36% W/FAH POP ..	FABRIC	5212236020	314	4	897	0.00
OTH WOV FAB COT >200G/M2 PRTED CIN <36% W/FAH POPL	FABRIC	5212256020	314	4	8,552	0.00
WOVEN FAB FLX <85% FLX COT MMF COT RES POP & BROAD.	FABRIC	5309213005	314	4	2,864	0.00
WOV FAB FX <85% FX, COT & MMF, COT REST, POP&BROA ..	FABRIC	5309293005	314	4	3,248	0.00
WOV FAB OTH VEG FIB SUB COT RES POPLIN BROADCLOTH	FABRIC	5311003005	314	4	934	0.00
WOV FAB >=85%COT UBL PLN WV <=100G/M2 #43-68 PRINTC	FABRIC	5208114060	315	4	31,024,353	0.18
WV FB COT UBL PLAIN WV >100<=200G/M2 #43-68 PRNTCL ...	FABRIC	5208126060	315	4	205,612,120	1.21
WOV FAB COT CON >85% WGT COT <100G/M2 #44-68 PRTCL	FABRIC	5208214060	315	4	181,748	0.00
WV FB CT >85% WGT COT >100 & <=200G/M2 #44-68 PRTC	FABRIC	5208226060	315	4	614,000	0.00
WV FB COT CON >=85% WGT COT <=100G/M2 #44-68 PRTCL .	FABRIC	5208316060	315	4	23,653	0.00
WV FB CT >=85% WGT COT <100 & <=200G/M2 #43-68 PRT	FABRIC	5208324060	315	4	281,391	0.00
WOV FAB COT CON >85% WGT COT <100G/M2 #43-68 PRTCL	FABRIC	5208516060	315	4	733,360	0.00
WV FB CT >=85% WGT CT <100 & <=200G/M2 #43-68 PRTC	FABRIC	5208524060	315	4	8,451,645	0.05
WOV FAB COT CON <85% WGT COT <200G/M2 #43-68 PRTCL	FABRIC	5210116060	315	4	67,364,617	0.40
WOV FAB COT CON <85% WGT COT >200G/M2 #43-68 PRTCL	FABRIC	5210216060	315	4	5,905,755	0.03
WV FAB COT CON <85% WGT COT >=200G/M2 #43-68 PRTCL .	FABRIC	5210316060	315	4	621,615	0.00
W F C <85% C M M/S MMF >=200G/M2 PT P W #43-68 PCL	FABRIC	5210516060	315	4	4,240,702	0.02
OTH WOV FAB COT <=200G/M2 UBLCH OTHER OXFORD	FABRIC	5212116040	315	4	1,138,568	0.01%
OTH WOV FAB COT <=200G/M2 BLCH CON >36%W/FAH PRNC	FABRIC	5212126040	315	4	179	0.00
OTH WOV FAB COT <=200G/M2 DYED CON <36% W/FAH PRNC.	FABRIC	5212136040	315	4	31,384	0.00
OTH WOV FAB COT >=200G/M2 PRTED >36% W/FAH PRNCLO	FABRIC	5212156040	315	4	13,667	0.00
WOV FAB FLX <85% FLX <=17% W/FAH COT MMF COT RE PR	FABRIC	5309213015	315	4	88,018	0.00
WOV FAB FLX <85% FLX, COT & MMF, COT REST, PRINTCL ...	FABRIC	5309293015	315	4	4,971	0.00
WV FB VEG FB <=17% W/FAH CON COT/MMF SUB CT R PRTC	FABRIC	5311003015	315	4	81	0.00
WOV FAB COT CON >85% WGT <200G/M2 3-4TWL UNBLEACHD.	FABRIC	5208130000	317	4	23,761,883	0.14
WOV <FAB COT CONT >85% WGT <200G/M2 UBL OT THAN STN.	FABRIC	5208192090	317	4	2,178,080	0.01
WOV FAB COT CON >85% WGT <200G/M2 3-4TWL BLEACHED	FABRIC	5208230000	317	4	1,729,962	0.01
WOV FAB COT CONT >85% WGT >200G/M2 BLC OT THAN STN.	FABRIC	5208292090	317	4	381,836	0.00
WOV FAB COT CON >85% WGT >100G/M2 3-4TWL DYED	FABRIC	5208330000	317	4	1,109,762	0.01
WOV FAB COT CONT >85% WGT >100G/M2 DYED O THAN STN.	FABRIC	5208392090	317	4	1,093,053	0.01
WOV FAB COT CON >85% WGT <200G/M2 3-4TWL PRINTED ...	FABRIC	5208530000	317	4	703,225	0.00
WOV FAB COT CONT >85% WGT <200G/M2 PRT OT THAN STN.	FABRIC	5208592090	317	4	2,806,379	0.02
WOV FAB COT 85%> COT ≤200G/M2 UBL 3-4 TH TW N NPD	FABRIC	5209120020	317	4	49,305,643	0.29
WOV FAB COT 85%> COT ≤200G/M2 UBL 3-4 THD TWL NAPD .	FABRIC	5209120040	317	4	745,467	0.00
WOV FAB COT 85%> COT ≤200G/M2 UBL OT FAB TWILL WV ...	FABRIC	5209190040	317	4	1,697,597	0.01
WOV FAB COT 85%> COT ≤200G/M2 BLC 3-4 TH TW N NPD	FABRIC	5209220020	317	4	4,231,523	0.02
WOV FAB COT 85%> COT ≤200G/M2 BLC D3-4 THD TWL NAPD.	FABRIC	5209220040	317	4	77,112	0.00
WOV FAB COT 85%> COT ≤200G/M2 BLC OT FAB TWILL WV ...	FABRIC	5209290040	317	4	643,963	0.00
WOV FAB COT 85%> COT ≤200G/M2 DYE 3-4 TH TW N NPD	FABRIC	5209320020	317	4	14,692,413	0.09
WOV FAB COT 85%> COT ≤200G/M2 DYE 3-4 THD TWL NAPD	FABRIC	5209320040	317	4	1,007,522	0.01
WOV FAB COT 85%> BY WT COT >200G/M2 DYE FB TWILL WV.	FABRIC	5209390040	317	4	2,416,893	0.01
WOV FAB COT 85%> COT ≤200G/M2 PRT 3-4 TH TW N NPD	FABRIC	5209520020	317	4	230,011	0.00
WOV FAB COT 85%> COT ≤200G/M2 PRT 3-4 THD TWL NAPD .	FABRIC	5209520040	317	4	13,820	0.00
WOV FAB COT 85%> COT ≤200G/M2 PRT OT FAB TWILL WV ..	FABRIC	5209590040	317	4	426,101	0.00
WV FAB COT CON<85% WGT >=200G/M2 3-4TWL UBLCH 3-4T	FABRIC	5210120000	317	4	17,602,819	0.10
WOV FAB COT CONT <85% WGT <200G/M2 UBL OT THAN STN.	FABRIC	5210192090	317	4	2,625,258	0.02
WOV FAB COT CON <85% WGT >200G/M2 3-4 TWL BLEACHED.	FABRIC	5210220000	317	4	7,857	0.00
WOV FAB COT CONT <85% WGT >200 G/M2 BLC OT THAN ST	FABRIC	5210292090	317	4	7,553	0.00
WOV FAB COT CON <85% WGT >200G/M2 3-4TWL DYED	FABRIC	5210320000	317	4	122,313	0.00
WOV FAB COT CONT <85% WGT >200G/M2 DYE OT THAN STN.	FABRIC	5210392090	317	4	175,989	0.00

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WOV FAB COT CON <85% WGT >200G/M2 3-4TWL PRTD	FABRIC	5210520000	317	4	212,668	0.00
WOV FAB COT CONT <85% WGT >200G/M2 PRT OT THAN STN.	FABRIC	5210592090	317	4	264,014	0.00
WOV FAB COT >85% COT >200G/M2 UBL 3-4 TH TW N NPD	FABRIC	5211120020	317	4	1,418,330	0.01
WOV FAB COT >85% COT >200G/M2 UBL 3-4 THD TWL NAPD .	FABRIC	5211120040	317	4	1,837	0.00
WOV FAB COT >85% COT >200G/M2 UBL OT TWILL WV FABC	FABRIC	5211190040	317	4	10,873	0.00
WOV FAB COT >85% COT >200G/M2 BLC 3-4 TH TW N NPD	FABRIC	5211220020	317	4	97,937	0.00
WOV FAB COT >85% COT >200G/M2 BLC 3-4 THD TWL NAPD .	FABRIC	5211220040	317	4	1,866	0.00
WOV FAB COT >85% COT >200G/M2 BLC OT FAB TWILL WV ..	FABRIC	5211290040	317	4	2	0.00
WOV FAB COT >85% COT >200G/M2 DYE 3-4 TH TW N NPD ...	FABRIC	5211320020	317	4	491,574	0.00
WOV FAB COT >85% COT >200G/M2 DYE 3-4 THD TWL NAPD	FABRIC	5211320040	317	4	25,185	0.00
WOV FAB COT >85% COT >200G/M2 DYE OT FAB TWILL WV ..	FABRIC	5211390040	317	4	528,151	0.00
WOV FAB COT >85% COT >200G/M2 PRT 3-4 TH TW N NPD	FABRIC	5211520020	317	4	716	0.00
WOV FAB COT >85% COT >200G/M2 PRT 3-4 THD TWL NAPD	FABRIC	5211520040	317	4	439	0.00
WOV FAB COT >85% COT ≤200G/M2 PRT OT FAB TWILL WV ..	FABRIC	5211590040	317	4	22,402	0.00
OTH WOV FAB COT >=200G/M2 UBLCH OTH: OTH TWILL WV .	FABRIC	5212116070	317	4	852	0.00
OTH WOV FAB COT >=200G/M2 BLH CON >36%W/FAH TW WV	FABRIC	5212126070	317	4	0	0.00
OTH WOV FAB COT >=200G/M2 DYED CON >36%W/FAH PLWV	FABRIC	5212136070	317	4	1,722	0.00
OTH WOV FAB COT >=200G/M2 PRTED >36% W/FAH TWL WV	FABRIC	5212156070	317	4	10,829	0.00
OTH WOV FAB COT >200G/M2 UBLCH CON >36%W/FAH TW WV.	FABRIC	5212216060	317	4	48,910	0.00
OTH WOV FAB COT >200G/M2 BLCH CON<36% W/FAH TW WV	FABRIC	5212226060	317	4	0	0.00
OTH WOV FB COT >200G/M2 DYED; CON <36% W/FAH TW WV.	FABRIC	5212236060	317	4	271,945	0.00
OTH WOV FAB COT >200G/M2 PRTED CON <36% W/FAH TW WV.	FABRIC	5212256060	317	4	1,485	0.00
WOV FAB COT CONT >85% WGT <200G/M2 UBLCHD SATEENS.	FABRIC	5208192020	326	4	5,084,967	0.03
WOV FAB COT CONT >85% WGT <200G/M2 BLCHED SATEENS.	FABRIC	5208292020	326	4	719,520	0.00
WOV <FAB COT CONT >85% WGT >100G/M2 DYED SATEENS	FABRIC	5208392020	326	4	1,413,342	0.01
WOV FAB COT CONT >85% WGT <200G/M2 PRNTED SATEENS.	FABRIC	5208592020	326	4	4,051,002	0.02
WOV FAB COT 85%> BY WGT COT >200G/M2 UNBLCH SATEENS.	FABRIC	5209190020	326	4	23,571,133	0.14
WOV FAB COT 85%> COT >200G/M2 BLC OT FAB SAT WEAVE	FABRIC	5209290020	326	4	94,488	0.00
WOV FAB COT 85%> COT >200G/M2 DYED FAB, SATN WEAVE	FABRIC	5209390020	326	4	931,293	0.01
WOV FAB COT 85%> COT >200G/M2 PRT OT FAB SAT WEAVE	FABRIC	5209590020	326	4	4,607,900	0.03
WOV FAB COT CONT <85% WGT <200G/M2 UBLHED SATEENS.	FABRIC	5210192020	326	4	1,776	0.00
WOV FAB COT CONT <85% WHT <200 G/M2 BLCHED SATEENS.	FABRIC	5210292020	326	4	0	0.00
WOV FAB COT CONT <85% WGT <200G/M2 BLCHED SATEENS.	FABRIC	5210392020	326	4	9,592	0.00
WOV FAB COT CONT <85% WGT <200G/M2 PRINTD SATEENS	FABRIC	5210592020	326	4	10,357	0.00
WOV FAB COT <85% COT >200G/M2 UBL OT FAB SAT WEAVE	FABRIC	5211190020	326	4	2,865,014	0.02
WOV FAB COT <85% COT >200G/M2 BLC OT FAB SAT WEAVE	FABRIC	5211290020	326	4	18	0.00
WO FAB COT <85% COT >200G/M2 DYE OT FAB SAT WEAVE .	FABRIC	5211390020	326	4	235,137	0.00
WOV FAB COT <85% COT >200G/M2 PRT OT FAB SAT WEAVE	FABRIC	5211590020	326	4	1,512,740	0.01
OTH WOV FAB COT <=200G/M2 UBLCH OTH: SATEENS	FABRIC	5212116060	326	4	0	0.00
OTH WOV FAB COT <=200G/M2 BLCH CON <36%W/FAH SAT ..	FABRIC	5212126060	326	4	0	0.00
OTH WOV FAB COT <=200G/M2 DYED CON<36%W/FAH SATEEN.	FABRIC	5212136060	326	4	978	0.00
OTH WOV FAB COT <=200G/M2 PRTED <36%W/FAH SATEENS	FABRIC	5212156060	326	4	15,563	0.00
OTH WOV FAB COT >200G/M2 UBLCH OTH: SATEENS	FABRIC	5212216050	326	4	0	0.00
OTH WOV FAB COT >200G/M2 BLCH CON <36% W/FAH SATE	FABRIC	5212226050	326	4	40,267	0.00
OTHER WOVEN FABRIC COTTON >200 G/M2 DYED; SATEENS	FABRIC	5212236050	326	4	1,053	0.00
OTH WOVEN FABRC COTTON >200 G/M2 PRINTED: SATEENS	FABRIC	5212256050	326	4	73	0.00
WOV FAB O NOIL SLK <85% S/S WST SUB WOOL RESTRAINT	FABRIC	5007106030	410	4	68,428	0.00
NESOI FABRIC NESOI SUBJECT TO WOOL RESTRAINTS	FABRIC	5007906030	410	4	606,229	0.00
WOV FAB HAND NT<85% WOOL/HAIR NT>300G/M2 WD <76 CM.	FABRIC	5111111000	410	4	19,281	0.00
WOV FAB HAND NT<85% WOOL/HAIR NT>300G/M2 WD <76 CM.	FABRIC	5111113000	410	4	135	0.00
WOVEN FAB NOT <85% BY WT ANIMAL HAIR NOT >300G/M2 ..	FABRIC	5111116030	410	4	282,344	0.00
WOVEN FAB CARD NOT <85% BY WT WOOL NOT >300 G/M2 .	FABRIC	5111116060	410	4	1,231,975	0.01
WOVEN FAB NOT <85% BY WT ANIMAL HAIR NOT >300G/M2 ..	FABRIC	5111117030	410	4	27,285	0.00
WOVEN FAB CARD NOT <85% BY WT WOOL NOT >300 G/M2 .	FABRIC	5111117060	410	4	134,508	0.00
WOVEN FAB HAND WOOL/ANIMAL HAIR LOOM WIDTH >76 CM	FABRIC	5111192000	410	4	71,454	0.00
WOVEN FAB NOT <85% BY WT ANIMAL HAIR NOT >400G/M2 ..	FABRIC	5111196020	410	4	49,842	0.00
WOVEN FAB CARD NOT <85% BY WT OF FINE ANIMAL HAIR ..	FABRIC	5111196040	410	4	56,941	0.00

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
NON HAND WOV FAB CRD >=85% WL/FAH >300G/M<=400G/M2.	FABRIC	5111196060	410	4	106,011	0.00
N-HND WV FB CRD WL/FAH CON >=85% W/FAH WT >400G/M2	FABRIC	5111196080	410	4	160,997	0.00
WOVEN FAB CARD MIXED MM FILAMENTS WOOL/ANIMAL HAIR.	FABRIC	5111206000	410	4	40,684	0.00
WOVEN FAB CARD MIXED MM FILAMENTS WOOL/ANIMAL HAIR.	FABRIC	5111206001	410	4	10,410	0.00
WOVEN FAB CARD MIXED MM FILAMENTS WOOL/ANIMAL HAIR.	FABRIC	5111209000	410	4	4,570	0.00
WOVEN FAB CARD MIXED MM STPLE FIB WOOL/ANIMAL HAIR.	FABRIC	5111306000	410	4	1,005,747	0.01
WOVEN FAB CARD MIXED MM STPLE FIB WOOL/ANIMAL HAIR.	FABRIC	5111306001	410	4	128,187	0.00
WOVEN FAB CARD MIXED MM STPLE FIB WOOL/ANIMAL HAIR.	FABRIC	5111309000	410	4	97,950	0.00
WOV FAB WOOL/ANIMAL HAIR NOT <30% SILK VAL >$33/KG ..	FABRIC	5111903000	410	4	262,080	0.00
WOVEN FABRICS CARDED WOOL/FINE ANIMAL HAIR: OTHER	FABRIC	5111906000	410	4	36,826	0.00
WOVEN FABRICS CARDED WOOL/FINE ANIMAL HAIR: OTHER	FABRIC	5111907000	410	4	802	0.00
WOVEN FABRICS CARDED WOOL/FINE ANIMAL HAIR: OTHER	FABRIC	5111909000	410	4	992	0.00
WOV FAB CB NT <85% BY WT ANIMAL HAIR NOT >200G/M2 ...	FABRIC	5112110030	410	4	608,364	0.00
WV FB CM WL/CM FAH CN >=85% W/FAH WGT <=200G/2S OT	FABRIC	5112110060	410	4	5,478,707	0.03
WOV FAB CB NT <85% BY WT ANIMAL HAIR NOT >200G/M2 ...	FABRIC	5112112030	410	4	144,415	0.00
WV FB CM WL/CM FAH CN >=85% W/FAH WGT <=200G/2S OT	FABRIC	5112112060	410	4	2,456,256	0.01
WOVEN FAB NOT <85% BY WT ANIMAL HAIR <=270 G/M2	FABRIC	5112196010	410	4	553,368	0.00
WOVEN FAB NOT <85% BY WT ANIMAL HAIR <=270 G/M2	FABRIC	5112196011	410	4	49,300	0.00
WOV FAB >85% ANIMAL HAIR NT<270G/M2 BUT NT>340G/M2 .	FABRIC	5112196020	410	4	77,441	0.00
WOV FAB >85% ANIMAL HAIR NT<270G/M2 BUT NT >340G/M2	FABRIC	5112196021	410	4	4,972	0.00
WOV FABRICS COMB NT <85% BY WT OF FINE ANIMAL HAIR	FABRIC	5112196030	410	4	167,641	0.00
WOVEN FABRICS COMB NT <85% BY WT WOOL NOT >270G/M2.	FABRIC	5112196040	410	4	4,475,875	0.03
WOVEN FABRICS COMB NT <85% BY WT WOOL NOT >270G/M2.	FABRIC	5112196041	410	4	423,640	0.00
WOV FAB COMB NT <85% WOOL >270 G/M2 BUT NT >340G/M	FABRIC	5112196050	410	4	377,976	0.00
WOV FAB COMB NT <85% WOOL >270 G/M2 BUT NT >340G/M	FABRIC	5112196051	410	4	20,718	0.00
WOVEN FABRICS COMBED >=85% BY WEIGHT OTHER WOOL	FABRIC	5112196060	410	4	191,939	0.00
WOVEN FAB NOT <85% BY WT ANIMAL HAIR <=270 G/M2	FABRIC	5112199010	410	4	63,696	0.00
WOV FAB >85% ANIMAL HAIR NT<2270G/M2 BUT NT>340G/M2	FABRIC	5112199020	410	4	8,805	0.00
WOV FABRICS COMB NT <85% BY WT OF FINE ANIMAL HAIR	FABRIC	5112199030	410	4	4,301	0.00
WOVEN FABRICS COMB NT <85% BY WT WOOL NOT >270G/M2.	FABRIC	5112199040	410	4	507,346	0.00
WOV FAB COMB NT <85% WOOL >270 G/M2 BUT NT >340G/M	FABRIC	5112199050	410	4	29,731	0.00
WOVEN FABRICS COMBED >=85% BY WEIGHT OTHER WOOL	FABRIC	5112199060	410	4	7,304	0.00
WOVEN FAB COMB W/FAH MIXED M/S WITH MM FILAMENTS .	FABRIC	5112200000	410	4	341,137	0.00
WOVEN FAB COMB W/FAH MIXED M/S WITH MM FILAMENTS .	FABRIC	5112203000	410	4	15,154	0.00
WOV FAB OF COMB W/FAH MIXED M/S MM STAPLE FIBER	FABRIC	5112300000	410	4	377,594	0.00
WOV FAB OF COMB W/FAH MIXED M/S MM STAPLE FIBER	FABRIC	5112303000	410	4	234,224	0.00
WOV FAB WOOL/ANIMAL HAIR NOT <30% SILK VAL >$33/KG ..	FABRIC	5112903000	410	4	637,657	0.00
WOVEN FABRICS COMBED WOOL/FINE ANIMAL HAIR: OTHER	FABRIC	5112906010	410	4	58,157	0.00
WOVEN FABRICS COMBED WOOL/FINE ANIMAL HAIR: OTHER	FABRIC	5112906011	410	4	2,888	0.00
SALPHA WOVEN FABRICS COMBED WOOL/FINE AN HAR; OTHER.	FABRIC	5112906090	410	4	114,762	0.00
SALPHA WOVEN FABRICS COMBED WOOL/FINE AN HAR; OTHER.	FABRIC	5112906091	410	4	12,758	0.00
WOVEN FABRICS COMBED WOOL/FINE ANIMAL HAIR: OTHER	FABRIC	5112909010	410	4	1,348	0.00
SALPHA WOVEN FABRICS COMBED WOOL/FINE AN HAR; OTHER.	FABRIC	5112909090	410	4	21,541	0.00
OTH WOV FAB F COT <=200G/M2 UBL >=36% W/FAH N COMB	FABRIC	5212111010	410	4	0	0.00
OTH WOV FAB F COT <=200G/M2 UBL >=36% W/FAH COMBED.	FABRIC	5212111020	410	4	0	0.00
OTH WOV FAB OF CT <=200G/M2 BLC >=36% W/FAH N COMB	FABRIC	5212121010	410	4	0	0.00
OTH WOV FAB OF CT <=200G/M2 BLC >=36% W/FAH COMBED.	FABRIC	5212121020	410	4	0	0.00
OTH WOV FAB OF COT <=200G/M2 DYE >=36% W/FAH N COM	FABRIC	5212131010	410	4	37	0.00
OTH WOV FAB OF COT <=200G/M2 DYE >=36% W/FAH COMBD.	FABRIC	5212131020	410	4	809	0.00
OTH WOV FAB COT <=200G/M2 YR OF CL >=36% W/FAH N C .	FABRIC	5212141010	410	4	0	0.00
OTH WOV FAB COT <=200G/M2 YR OF CL >=36% W/FAH CMB	FABRIC	5212141020	410	4	224	0.00
OTH WOV FAB OF COT <=200G/M2 PRT >=36% W/FAH N CMB	FABRIC	5212151010	410	4	0	0.00
OTH WOV FAB OF COT <=200G/M2 PRT >=36% W/FAH COMBD.	FABRIC	5212151020	410	4	0	0.00
OTH WOV FAB OF COT >200G/M2 UBL >=36% W/FAH N CMB ..	FABRIC	5212211010	410	4	277	0.00
OTH WOV FAB OF COT >200G/M2 UBL >=36% W/FAH COMBD	FABRIC	5212211020	410	4	351	0.00

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OTH WOV FAB OF CT >200G/M2 BLC >=36% W/FAH N COMB ..	FABRIC	5212221010	410	4	0	0.00
OTH WOV FAB OF CT >200G/M2 BLC >=36% W/FAH COMBED	FABRIC	5212221020	410	4	64	0.00
OTH WOV FAB OF CT >200G/M2 DYE >=36% W/FAH N COMB .	FABRIC	5212231010	410	4	1,476	0.00
OTH WOV FAB OF CT >200G/M2 DYE >=36% W/FAH COMBED	FABRIC	5212231020	410	4	6,359	0.00
OTH WOV FAB COT >200G/M2 YR OF CL >=36% W/FAH N CB .	FABRIC	5212241010	410	4	14,071	0.00
OTH WOV FAB COT >200G/M2 YR OF CL >=36% W/FAH COMB	FABRIC	5212241020	410	4	15,930	0.00
OTH WOV FAB OF COT >200G/M2 PRT >=36% W/FAH N CMB .	FABRIC	5212251010	410	4	61	0.00
OTH WOV FAB OF COT >200G/M2 PRT >=36% W/FAH COMBD	FABRIC	5212251020	410	4	64	0.00
WOV FAB FLAX <85 FLAX >17 WOOL/FAH UNBLCH OR BLCH .	FABRIC	5309212000	410	4	1,474	0.00
WOV FAB FLAX <85% FLAX CONT >17% WOOL OR FAH	FABRIC	5309292000	410	4	13,954	0.00
WOV FAB VEG TEXT FIB CONT >=17% WGT WOOL OR FAH ...	FABRIC	5311002000	410	4	2,065	0.00
16V FAB SYN FIL YN UBL/BL CON >=36% W/FAH NT COMBD ..	FABRIC	5407910510	410	4	0	0.00
WOV FAB OF SYN FIL YN CON >=36% BY WGT W/FAH COMBD.	FABRIC	5407910520	410	4	565	0.00
WOV FAB OF SYN FIL YN CON >=36% BY WGT W/FAH NT CB	FABRIC	5407920510	410	4	513	0.00
WOV FAB OF SYN FIL YN CON >=36% BY WT W/FAH COMBED.	FABRIC	5407920520	410	4	34,001	0.00
WV FB OF SYN FIL YN OF DIF COL CON >=36% W/FAH NTCB	FABRIC	5407930510	410	4	388	0.00
WV FAB OF SYN FIL YN OF DIF COL CON >=36% W/FAH CMB	FABRIC	5407930520	410	4	62,302	0.00
WOV FAB OF SYN FIL YN CON >=36% WT W/FAH PRN NT CB	FABRIC	5407940510	410	4	2,958	0.00
WOV FAB OF SYN FIL YN CON >=36% BY WT W/FAH PRN CMB.	FABRIC	5407940520	410	4	536	0.00
WOV FAB OF ART FIL YRN CON >=36% BY WT OF WOOL/FAH	FABRIC	5408310510	410	4	158	0.00
WOV FAB OF ART FIL YN CON >=36% BY WT OF W/FAH CMB	FABRIC	5408310520	410	4	34,079	0.00
WOV FAB OF ART FIL YN CON >=36% WT W/FAH DYED NT CB.	FABRIC	5408320510	410	4	22,887	0.00
WOV FAB OF ART FIL YRN CON >=36% W/FAH DYED COMBED.	FABRIC	5408320520	410	4	8,572	0.00
WV FB OF ART FIL YN: YN DIF COL: >=36% W/FAH N CMB	FABRIC	5408330510	410	4	95	0.00
WV FB OF ART FIL YRN: YRN OF DIF COL >=36% W/FAH CB ..	FABRIC	5408330520	410	4	3,567	0.00
WOV FAB OF ART FIL YRN PRNT CON >=36% W/FAH NT CMB	FABRIC	5408340510	410	4	0	0.00
WOV FAN OF ART FIL YRN PRNT CON >=36% W/FAH COMBED.	FABRIC	5408340520	410	4	1,367	0.00
OT WOV FB SYN PLY ST FB M WFAH >=36% WL/FAH N COMB	FABRIC	5515130510	410	4	58,939	0.00
OT WOV FB SYN PLY ST FB M WFAH >=36% WL/FAH COMBED.	FABRIC	5515130520	410	4	965,067	0.01
O W F SYN ACR/MAC SF MX M/S W/FAH >=36%WFAH N COMB.	FABRIC	5515220510	410	4	6,536	0.00
O W F SYN ACR/MAC SF MX M/S W/FAH >=36%WFAH COMBED.	FABRIC	5515220520	410	4	35,694	0.00
O WV FB SYN SF O WV FB M W/FAH >=36% WGT W/FAH N C	FABRIC	5515920510	410	4	17,438	0.00
O WV FB SYN SF O WV FB M W/FAH >=36% WGT W/FAH CMB	FABRIC	5515920520	410	4	1,647	0.00
WV F <85% A SF M W/FAH UB/BL >=36% WGT W/FAH N CMB .	FABRIC	5516310510	410	4	0	0.00
WV F <85% A SF M W/FAH UB/BL >=36% WGT W/FAH COMBD	FABRIC	5516310520	410	4	785	0.00
WV FB < 85% ART SF M >=36% WGT W/FAH DYED, NOT COMB.	FABRIC	5516320510	410	4	3,694	0.00
WV FB < 85% ART SF M >=36% WGT W/FAH DYED, COMB	FABRIC	5516320520	410	4	37,375	0.00
WOV FB < 85% ART S F MIX >=36% WGT W/FAH NOT COMBED.	FABRIC	5516330510	410	4	7,640	0.00
WOV FB < 85% ART S F MIX >=36% WGT W/FAH COMBED	FABRIC	5516330520	410	4	20,085	0.00
WOV FAB < 85% ART SF M >=36% WGT W/FAH PRNTD N COMB.	FABRIC	5516340510	410	4	3,983	0.00
WOV FAB < 85% ART SF M >=36% WGT W/FAH PRNTD COMB	FABRIC	5516340520	410	4	5,321	0.00
BLANKET N/ELEC & TRAVEL RUG WOOL F/HAIR >3M LENGTH	FABRIC	6301200020	410	4	58,589	0.00
WOVEN FAB CARD NOT < 85% BY WT WOOL NOT >300 G/M2	FABRIC	5111112000	414	4	11	0.00
WOVEN TAPSTY/UPHOLSTY NT <85% WT WOOL/ANIMAL HAIR.	FABRIC	5111191000	414	4	732,847	0.00
WOV TPSTY/UPHOLTY WOOL/ANIMAL HAIR MM FIL >300G/M2	FABRIC	5111200500	414	4	161,017	0.00
WOVEN FAB CARD MIXED MM FILAMENTS WOOL/ANIMAL HAIR.	FABRIC	5111201000	414	4	624	0.00
WOV TPSTY/UPHOLTY WOOL/ANIMAL HAIR MM STP >300G/M2.	FABRIC	5111300500	414	4	319,592	0.00
WOVEN FAB CARD MIXED MM STPLE FIB WOOL/ANIMAL HAIR.	FABRIC	5111301000	414	4	0	0.00
WOVEN FABRICS CARDED WOOL/FINE ANIMAL HAIR: OTHER	FABRIC	5111904000	414	4	85,019	0.00
WOVEN FABRICS CARDED WOOL/FINE ANIMAL HAIR: OTHER	FABRIC	5111905000	414	4	101	0.00
WV FB CM WL/CM FAH CN >=85% W/FAH WGT <=200G/2S OT	FABRIC	5112111000	414	4	2,820	0.00
WOV TAPESTY/UPHOLSTY NOT < 85% WT WOOL/ANIMAL HAIR.	FABRIC	5112191000	414	4	1,365,437	0.01
WOV TAPESTY/UPHOLSTY NOT < 85% WT WOOL/ANIMAL HAIR.	FABRIC	5112191001	414	4	221,220	0.00

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
WOV TAPESTY/UPHOLSTY NOT < 85% WT WOOL/ANIMAL HAIR.	FABRIC	5112192000	414	4	140,378	0.00
WOVEN FAB COMB W/FAH MIXED M/S WITH MM FILAMENTS .	FABRIC	5112201000	414	4	3,321	0.00
WOVEN FAB COMB W/FAH MIXED M/S WITH MM FILAMENTS .	FABRIC	5112202000	414	4	736	0.00
WOV FAB OF COMB W/FAH MIXED M/S MM STAPLE FIBER	FABRIC	5112301000	414	4	2,274	0.00
WOV FAB OF COMB W/FAH MIXED M/S MM STAPLE FIBER	FABRIC	5112302000	414	4	689	0.00
WOVEN FABRICS COMBED WOOL/FINE ANIMAL HAIR: OTHER	FABRIC	5112904000	414	4	7,081	0.00
WOVEN FABRICS COMBED WOOL/FINE ANIMAL HAIR: OTHER	FABRIC	5112905000	414	4	193	0.00
NEEDLELOOM FELTS & STITCH-BONDED FIB FAB OF WOOL ..	FABRIC	5602109010	414	4	251,667	0.00
FELTNOT IMPREG COAT COVER OR LAMIN OF WOOL OR FAH.	FABRIC	5602210000	414	4	788,656	0.00
FELT NOT LAMINATED NESOI	FABRIC	5602909000	414	4	110,989	0.00
WOV PILE & CHENILLE FABRICS OF WOOL/FINE ANIM HAIR ..	FABRIC	5801100000	414	4	933,800	0.01
TUFTED TEXTILE FABRICS OF WOOL OR FINE ANIMAL HAIR .	FABRIC	5802300020	414	4	5,057	0.00
GAUZE, NT NAR FAB OTH TEX MAT, OF WOOL/FNE ANML HR	FABRIC	5803901000	414	4	6,924	0.00
GAUZE, NT NAR FAB OTH TEX MAT, OF WOOL/FNE ANML HR	FABRIC	5803901100	414	4	0	0.00
GAUZE, NT NAR FAB OTH TEX MAT, OF WOOL/FNE ANML HR	FABRIC	5803901200	414	4	6,199	0.00
HAND-WOV TAPESTRIES, NESOI, WOOL/FINE HAIR, NESOI	FABRIC	5805002500	414	4	65,584	0.00
WOVEN NARROW PILE & CHENILLE FAB, WOOL/FINE HAIR	FABRIC	5806103020	414	4	283	0.00
NARROW WOVEN FABRICS OF WOOL OR FINE ANIMAL HAIR	FABRIC	5806391000	414	4	23,708	0.00
EMBROID IN PCE, STRIPS NESOI OF WOOL/FNE ANML HAIR .	FABRIC	5810990010	414	4	10,842	0.00
QUILT TEX PROD IN PCE 1>LAYER MAT WOOL ANIM HAIR	FABRIC	5811001000	414	4	168	0.00
WOOL/FINE AN HR FABRC IMPREGNATD ETC W POLYURATHNE.	FABRIC	5903203010	414	4	2,346	0.00
WOOL/FINE AN HAIR FABRIC IMPREG W PLAS EX PU/PVC	FABRIC	5903903010	414	4	8,963	0.00
LOOPED PILE FABRICS OTHER TEX MAT, KNIT OR CROCHET	FABRIC	6001290000	414	4	246	0.00
OTHER PILE FABRIC OTHER TEXTILE MATRL KNIT/CROCHET	FABRIC	6001990090	414	4	3,044	0.00
OTHER WARP KNIT FABRIC OF WOOL OR FINE ANIMAL HAIR	FABRIC	6002410000	414	4	171,864	0.00
OTH KNIT/CROCHET FABRC, WOOL/FINE ANIMAL HAIR, NESOI.	FABRIC	6002910000	414	4	129,242	0.00
WOV FAB >=85% BY WGT ART ST FB UNB/BL POPLIN/BRDCL	FABRIC	5516110010	611	4	42,406,443	0.25
WOVEN FAB >=85% BY WEIGHT ART ST F UNB/BL SHEETING	FABRIC	5516110020	611	4	775,126	0.00
WOV FAB >=85% BY WGT ARTIF STP FIB UB/BL OTH-NESOI ..	FABRIC	5516110090	611	4	2,097,236	0.01
WOV FAB >=85% BY WGT ART ST FB DYED POPLIN/BRDCL ...	FABRIC	5516120010	611	4	6,114,985	0.04
WOVEN FAB >=85% BY WEIGHT ART ST FIB DYED SHEETING	FABRIC	5516120020	611	4	1,671,593	0.01
WOV FAB >=85% BY WGT ARTIF STP FIBR DYED OTH-NESOI	FABRIC	5516120090	611	4	1,283,460	0.01
WOVEN FAB >=85% WGT ARTIF STAP FIBER YRNS DIFF CLR	FABRIC	5516130000	611	4	5,134,170	0.03
WOV FAB >=85% BY WGT ART ST FB PRNTED POPLIN/ BRDCL.	FABRIC	5516140010	611	4	37,806,098	0.22
WOVEN FAB >=85% BY WEIGHT ART ST F PRNTED SHEET-ING.	FABRIC	5516140020	611	4	2,033,823	0.01
WOV FAB >=85% BY WGT ARTIF STP FIB PRNTD OTH-NESOI	FABRIC	5516140090	611	4	2,568,529	0.02
WOV FAB FLAX < 85 WGT FLAX SHEETG UBL OR BL SUB MMF.	FABRIC	5309213060	613	4	0	0.00
WV FB FLAX <85% WGT FLAX CON COT & MMF SUB MMF RES.	FABRIC	5309293060	613	4	0	0.00
WOV FAB OF VEG FIB SUB MAN-MADE FIB RES SHEETING	FABRIC	5311003060	613	4	1,003	0.00
WOV FAB SYN S F >=85% SYN >=85% PL S UB/BL W >254CM	FABRIC	5512110022	613	4	15,615	0.00
WOV FB SYN S F >=85% SYN >=85% PL S UB/BL W <=254CM.	FABRIC	5512110027	613	4	146,963	0.00
WOV FAB SYN S F >=85% SYN >=85% PL S F OTH W >254CM	FABRIC	5512190022	613	4	572,809	0.00
WOV FB SYN S F >=85% SYN >=85% PL S F OTH W <=254CM.	FABRIC	5512190027	613	4	414,739	0.00
WOV FAB SYN ST FIB >=85% SYN >=85% AC/MAC SHEETING	FABRIC	5512210020	613	4	363	0.00
WOV FAB SYN S F >=85% SYN >=85% ACR/MACRL SHEETING	FABRIC	5512290020	613	4	1,369,617	0.01
WOV FAB SYN STP FIB >=85% SYN ST FB OTH UNB/BL SHT ..	FABRIC	5512910020	613	4	38,120	0.00
WOV FAB SYN STP FIB >=85% SYN ST FB OTHER SHEETING	FABRIC	5512990020	613	4	29,735	0.00
WOV FB SYN S F <85% MX CT <=170G/M2 UB/BL P PW SHT ...	FABRIC	5513110040	613	4	8,436,883	0.05
WV FB SYN S F <85% MX CT <=170G/M2 UB/BL OWF SHEET ..	FABRIC	5513190020	613	4	7,213	0.00
WOV FB SYN S F <85% MY CT <=170G/M2 DYED PY PW SHT .	FABRIC	5513210040	613	4	586,204	0.00
WV FB SYN S F <85% MX CT <=170G/M2 DYED OWF SHEET ..	FABRIC	5513290020	613	4	0	0.00
WOV FB SYN S F <85% MX CT <=170G/M2 PRNTD P PW SHT .	FABRIC	5513410040	613	4	572,584	0.00
WV FB SYN S F <85% MX CT <=170G/M2 PRNTD OWF SHEET	FABRIC	5513490020	613	4	490	0.00
WV FB SYN SF <85% MX C >170G/M2 UB/BL PY PW SH N N ...	FABRIC	5514110030	613	4	450	0.00
WV FB SYN SF <85% MX C >170G/M2 UB/BL PY PW SH NAP ..	FABRIC	5514110050	613	4	1,034	0.00
WV FB SYN SF <85% MX CT >170G/M2 UB/BL OT W F SHTG ...	FABRIC	5514190020	613	4	29,930	0.00
W FB SYN SF <85% MX CT >170G/M2 DYED PLY PW SH N N ..	FABRIC	5514210030	613	4	264,003	0.00
W FB SYN SF <85% MX CT >170G/M2 DYED PLY PW SH NAP .	FABRIC	5514210050	613	4	825	0.00
WV FB SYN SF <85% MX CT >170G/M2 DYED OTH W F DUCK	FABRIC	5514290020	613	4	95	0.00
WV FB SYN SF <85% MX CT >170G/M2 PRT PY PW SH N NP ..	FABRIC	5514410030	613	4	3,110	0.00
WV FB SYN SF <85% MX CT >170G/M2 PRT PY PW SH NAPP .	FABRIC	5514410050	613	4	0	0.00
WV FB SYN SF <85% MX CT >170G/M2 PRNTD OT W F SHTG .	FABRIC	5514490020	613	4	38	0.00

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
OTH WOV FAB SYN PLY ST FB M VIS RAY ST FB SHEETING ..	FABRIC	5515110020	613	4	2,252,352	0.01
OTH WOV FAB SYN PLY STP FIBER OTHER ST FB SHEETING	FABRIC	5515190020	613	4	384,026	0.00
OTHER WOVEN FABRICS SYN ACR/MAC ST FB OTH SHEETING.	FABRIC	5515290020	613	4	3,490	0.00
OTH WOVEN FABRICS OF SYNTHETIC STAPLE FIB O SHEETG.	FABRIC	5515990020	613	4	9,434	0.00
WOV FAB <85% ART ST FB M COT UBL/BL SHTG WD >127CM	FABRIC	5516410022	613	4	360,324	0.00
WOV FAB <85% ART ST FB M COT UBL/BL SHEETING OTHER	FABRIC	5516410027	613	4	189	0.00
WOV FAB <85% ART ST FB M COTTON DYE SHTG WD >127CM.	FABRIC	5516420022	613	4	15,861	0.00
WOV FAB <85% ART ST FB M COTTN DYED SHEETING OTHER.	FABRIC	5516420027	613	4	28,405	0.00
WOV FAB <85% ART ST FB M COT PRNTED SHTG WD >127CM.	FABRIC	5516440022	613	4	432,997	0.00
WOV FAB <85% ART ST FB M COT PRNTED SHEETING OTHER.	FABRIC	5516440027	613	4	57,784	0.00
WOVEN FABRICS ARTIF STPL FIB OTH SHEETING UBL/BLC ...	FABRIC	5516910020	613	4	27,071	0.00
WOVEN FABRICS ARTIF STPL FIB OTH SHEETING DYED	FABRIC	5516920020	613	4	462,494	0.00
WOVEN FABRICS ARTIF STPL FIB OTH SHEETING PRNTED ...	FABRIC	5516940020	613	4	180,650	0.00
WOV FAB FLAX <85 WGT FLAX POP OR BDCL UBLC OR BLCH	FABRIC	5309213055	614	4	0	0.00
WOV FAB FLAX <85% WGT FLAX CON COT & MMF POPLIN &B.	FABRIC	5309293055	614	4	13,616	0.00
WOV FAB OTH VEG FIB SUB MMF RES POPLIN BROADCLOTH	FABRIC	5311003055	614	4	0	0.00
WOV FAB SYN ST FB >=85% SYN >=85% PLY UBL/BLC P/BC ..	FABRIC	5512110010	614	4	401,657	0.00
WOV FAB SYN ST FB >=85% SYN >=85% PLY OTH POP/BRCL	FABRIC	5512190015	614	4	51,012	0.00
WOV FAB SYN ST FB >=85% SYN >=85% A/M UBL/BLC P/BC ...	FABRIC	5512210010	614	4	2,057	0.00
WOV FAB SYN ST FB >=85% SYN >=85% ACR/MAC OT PL/BC	FABRIC	5512290015	614	4	6,700	0.00
WOV FAB SYN STP FIB >=85% SYN ST FB OTH UNB/BL O/C ...	FABRIC	5512910010	614	4	6,883	0.00
WOV FAB SYN STP FIB >=85% SYN ST FB OTH POPL/BRDCL .	FABRIC	5512990015	614	4	103,690	0.00
WOV FB SYN S F <85% MX CT <=170G/M2 UB/BL P PW P/B	FABRIC	5513110020	614	4	29,433,114	0.17
WV FB SYN S F <85% MX CT <=170G/M2 UB/BL OWF PL/BC ...	FABRIC	5513190010	614	4	105,630	0.00
WOV FB SYN S F <85% MX CT <=170G/M2 DYED PY PW P/B ..	FABRIC	5513210020	614	4	5,201,633	0.03
WV FB SYN S F <85% MX CT <=170G/M2 DYED OWF PL/BC	FABRIC	5513290010	614	4	960,160	0.01
WOV FB SYN S F <85% MX CT <=170G/M2 PRNTD P PW P/B ..	FABRIC	5513410020	614	4	3,109,486	0.02
WV FB SYN S F <85% MX CT <=170G/M2 PRNTD OWF PL/BC ..	FABRIC	5513490010	614	4	163	0.00
WV FB SYN SF <85% MX CT >170G/M2 UB/BL PY PW PL/BC ...	FABRIC	5514110020	614	4	257,444	0.00
WV FB SYN SF <85% MX CT >170G/M2 UB/BL OT W F P/BC	FABRIC	5514190010	614	4	775	0.00
WV FB SYN SF <85% MX CT >170G/M2 DYED PLY PW PL/BC ..	FABRIC	5514210020	614	4	1,415,909	0.01
WV FB SYN SF <85% MX CT >170G/M2 DYED OTH W F P/BC ..	FABRIC	5514290010	614	4	4,504	0.00
WV FB SYN SF <85% MX CT >170G/M2 PRNTD PY PW PL/BC .	FABRIC	5514410020	614	4	729	0.00
WV FB SYN SF <85% MX CT >170G/M2 PRNTD OT W F P/BC ..	FABRIC	5514490010	614	4	304	0.00
OTH WOV FAB SYN PLY S F M VIS RAY S F POPL/BRDCLTH ..	FABRIC	5515110015	614	4	2,971,974	0.02
OTH WOV FAB SYN PLY ST FB OTHER ST FB POPL/BRDCLTH	FABRIC	5515190015	614	4	227,837	0.00
OTH WOVEN FABRIC SYN ACR/MAC ST FB OTH POPLIN/BRCL.	FABRIC	5515290015	614	4	83,058	0.00
OTH WOV FAB OF SYN STPL FIB OTH POPLIN/BROADCLOTH	FABRIC	5515990015	614	4	33,370	0.00
WOV FAB <85% ART ST FB M COT UNBL/BLC POPLIN/BRDCL	FABRIC	5516410010	614	4	11,217	0.00
WOV FAB <85% ART ST FB M COTTON DYED POPLIN/BRDCL	FABRIC	5516420010	614	4	106,663	0.00
WOV FAB <85% ART ST FB M COTN PRINTED POPLIN/BRDCL	FABRIC	5516440010	614	4	149,976	0.00
WOVEN FABRICS ARTIF STPL FIB OTH POPL/BRDCL UB/BL ...	FABRIC	5516910010	614	4	3,198,530	0.02
WOVEN FABRICS ARTIF STPL FIB OTH POPL/BRDCL DYED	FABRIC	5516920010	614	4	834,030	0.00
WOVEN FABRICS ARTIF STPL FIB OTH POPL/BRDCL PRNTED	FABRIC	5516940010	614	4	88,911	0.00
WOV FAB FLAX <85 WGT FLAX PRINTCLOTH UBLC OR BLCH	FABRIC	5309213065	615	4	0	0.00
WOV FAB FLAX <85% WGT FLAX CON COT & MMF MMF REPC.	FABRIC	5309293065	615	4	12,876	0.00
WV FB VEG FB <=17% W/FAH CN CT/MMF SUB MMF RES PRT	FABRIC	5311003065	615	4	0	0.00
WOV FAB SYN ST FB >=85% SYN >=85% PLY UBL/BL PRTCL .	FABRIC	5512110030	615	4	1,821,231	0.01
WOV FAB SYN ST FB >=85% SYN >=85% PLY S F OT PRTCL ..	FABRIC	5512190030	615	4	44,869	0.00
WOV FAB SYN ST FB >=85% SYN >=85% A/M UBL/BL PRTCL ..	FABRIC	5512210030	615	4	384	0.00
WOV FAB SYN ST FB >=85% SYN >=85% ACR/MAC OT PRTCL	FABRIC	5512290025	615	4	353,044	0.00
WOV FAB SYN STP FIB >=85% SYN ST FB OTH UNB/BL PRT ..	FABRIC	5512910030	615	4	144,539	0.00
WOV FAB SYN STP FIB >=85% SYN ST FB OTH PRINTCLOTH .	FABRIC	5512990025	615	4	611	0.00
WOV FB SYN S F <85% MX CT <=170G/M2 UB/BL P PW PRT ...	FABRIC	5513110060	615	4	29,023,225	0.17
WV FB SYN S F <85% MX CT <=170G/M2 UB/BL OWF PRTCL ..	FABRIC	5513190030	615	4	14,276	0.00
WOV FB SYN S F <85% MX CT <=170G/M2 DYED PY PW PRT .	FABRIC	5513210060	615	4	396,209	0.00
WV FB SYN S F <85% MX CT <=170G/M2 DYED OWF PRTCL ...	FABRIC	5513290030	615	4	432	0.00
WOV FB SYN S F <85% MX CT <=170G/M2 PRNTD P PW PRT .	FABRIC	5513410060	615	4	233,694	0.00
WV FB SYN S F <85% MX CT <=170G/M2 PRNTD OWF PRTCL	FABRIC	5513490030	615	4	56,230	0.00
OTH WOV FAB SYN PLY ST FB M VIS RAY ST FB PRNTCLTH .	FABRIC	5515110025	615	4	8,841,707	0.05
OTH WOV FAB SYN PLY STP FIBER OTHER ST FB PRNTCLTH	FABRIC	5515190025	615	4	46,823	0.00
OTHER WOVEN FABRICS SYN ACR/MAC ST FB OTH PRNTCLTH.	FABRIC	5515290025	615	4	24,934	0.00

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OTH WOV FAB SYNTHETIC STAPLE FIB OTH PRINTCLOTH	FABRIC	5515990025	615	4	3,224	0.00
WOV FAB <85% ART STP FIB MIX COT UBL/BL PRINTCLOTH ..	FABRIC	5516410030	615	4	15,419	0.00
WOV FAB <85% ART STP FIB MIX COTTN DYED PRINTCLOTH	FABRIC	5516420030	615	4	76,655	0.00
WOV FAB <85% ART STP FIB MIX COT PRNTED PRINTCLOTH	FABRIC	5516440030	615	4	564,179	0.00
WOVEN FABRICS ARTIF STPL FIB OTH PRINTCLOTH UBL/BL .	FABRIC	5516910030	615	4	64	0.00
WOVEN FABRICS ARTIF STPL FIB OTH PRINTCLOTH DYED	FABRIC	5516920030	615	4	68,132	0.00
WOVEN FABRICS ARTIF STPL FIB OTH PRINTCLOTH PRINTD	FABRIC	5516940030	615	4	79,150	0.00
WOV FB SYN S F >=85% SYN >=85% PL UB/BL ST/TWL WV	FABRIC	5512110060	617	4	293,435	0.00
WOV FB SYN S F >=85% SYN >=85% PLY ST FB ST/TWL WV ..	FABRIC	5512190045	617	4	75,550	0.00
WOV FB SYN S F >=85% SYN >=85% AM UB/BL ST/TWL WV ...	FABRIC	5512210060	617	4	911	0.00
WOV FB SYN STAP FIB >=85% ACRY/MACRY SATIN/TWIL WV	FABRIC	5512290040	617	4	4,569	0.00
WOV FAB SYN ST FB >=85% SYN ST FB OT UNB/BL S/T WV ...	FABRIC	5512910060	617	4	543	0.00
WOV FAB SYN ST FB >=85% SYN ST FB OT SATIN/TWIL WV ..	FABRIC	5512990040	617	4	106,018	0.00
WOV FB SYN S F <85% MX CT <=170G/M2 UB/BL 3-4 T TW	FABRIC	5513120000	617	4	12,280,282	0.07
WV FB SYN S F <85% MX CT <=170G/M2 UB/BL P ST/TW W	FABRIC	5513130020	617	4	1,524,332	0.01
WV FB SYN S F <85% MX CT <=170G/M2 UB/BL OWF S/T W	FABRIC	5513190050	617	4	147,484	0.00
WOV FB SYN F <85% MX CT <=170G/M2 DYED 3-4 T TW PL	FABRIC	5513220000	617	4	315,119	0.00
WV FB SYN S F <85% MX CT <=170G/M2 DYED PY ST/TW W ..	FABRIC	5513230020	617	4	166,124	0.00
WV FB SYN S F <85% MX CT <=170G/M2 DYED OWF S/T W	FABRIC	5513290050	617	4	94	0.00
WOV FB SYN S F <85% MX CT <=170G/M2 PRNTD 3-4 T TW ...	FABRIC	5513420000	617	4	111,595	0.00
WV FB SYN S F <85% MX CT <=170G/M2 PRNTD P ST/TW W ..	FABRIC	5513430020	617	4	0	0.00
WV FB SYN S F <85% MX CT <=170G/M2 PRNTD OWF S/T W ..	FABRIC	5513490050	617	4	2,997	0.00
W F S SF <85% M CT >170G/M2 UB/BL 3-4TD TL PSF N N	FABRIC	5514120020	617	4	2,824,028	0.02
W F S SF <85% M CT >170G/M2 UB/BL 3-4TD TL PSF NAP	FABRIC	5514120040	617	4	169,299	0.00
WV FB SY SF <85% M CT >170G/M2 UB/BL OWFPSF ST/T W ...	FABRIC	5514130020	617	4	5,027	0.00
WV FB SYN SF <85% MX CT >170G/M2 UB/BL O W F S/T W	FABRIC	5514190040	617	4	1,318	0.00
W F SY SF <85% M CT >170G/M2 DYED 3-4TD TL PSF N N	FABRIC	5514220020	617	4	249,033	0.00
W F SY SF <85% M CT >170G/M2 DYED 3-4TD TL PSF NAP	FABRIC	5514220040	617	4	106,791	0.00
WV FB SY SF <85% M CT >170G/M2 DYED OWFPSF ST/T W ...	FABRIC	5514230020	617	4	727,509	0.00
WV FB SYN SF <85% MX CT >170G/M2 DYED OT W F S/T W ...	FABRIC	5514290040	617	4	3,410	0.00
WV FB SY SF <85% M C >170G/M2 PRT 3-4TD TL PSF N N	FABRIC	5514420020	617	4	3,032	0.00
WV FB SY SF <85% M C >170G/M2 PRT 3-4TD TL PSF NAP	FABRIC	5514420040	617	4	0	0.00
WV FB SY SF <85% M CT >170G/M2 PRNTD OWFPSF ST/T W .	FABRIC	5514430020	617	4	3,066	0.00
WV FB SYN SF <85% MX CT >170G/M2 PRNTD O W F S/T W ...	FABRIC	5514490040	617	4	38	0.00
OTH WOV FAB SYN PLY ST FB M VIS RAY ST F S/T WV	FABRIC	5515110040	617	4	6,856,382	0.04
OTH WOV FAB SYN PLY STP FIBER OTHER ST F S/T WV	FABRIC	5515190040	617	4	159,761	0.00
OTH WOV FAB OF SYNTHETIC ACR/MAC ST FB OT ST/TW WV	FABRIC	5515290040	617	4	248,234	0.00
OTH WOV FABRIC OF SYNTHETIC STP FIB OT SAT/TWIL WV .	FABRIC	5515990040	617	4	142,785	0.00
WOV FAB <85% ART STP FIB MX COT UB/BL STN/TWL WV	FABRIC	5516410060	617	4	94,863	0.00
WOV FAB <85% ART STP FIB MX COTN DYED STN/TWL WV ...	FABRIC	5516420060	617	4	201,667	0.00
WOV FAB <85% ART STP FIB MX COT PRNTD STN/TWL WV ...	FABRIC	5516440060	617	4	88,316	0.00
WOVEN FABRICS ARTIF STPL FIB OTH STN/TWLL WV UB/BL .	FABRIC	5516910060	617	4	1,227,757	0.01
WOVEN FABRICS ARTIF STPL FIB OTH STN/TWLL WV DYED ..	FABRIC	5516920060	617	4	362,722	0.00
WOVEN FABRICS ARTIF STPL FIB OTH STN/TWLL WV PRNTD	FABRIC	5516940060	617	4	9,405	0.00
WOVEN FAB OF AFT FILA YN OBTAIN FROM HI VISCSE RYN .	FABRIC	5408100000	618	4	539,760	0.00
WV FB ART FIL YN >=85% FIL OR STRP UBL/BL<=170G/M2	FABRIC	5408210030	618	4	8,137,881	0.05
WV FB ART FIL YN CON>=85% ART FIL OR STRP >170G/M2 ...	FABRIC	5408210060	618	4	177,353	0.00
OTH WOV FAB ART, DYED, OF CUPRAMMONIUM RAYON	FABRIC	5408220030	618	4	2,509,376	0.01
OTH WOV FAB ART, DYED, OF CUPRAMMONIUM RAYON	FABRIC	5408220060	618	4	492,068	0.00
YRN OF DIFF COLR THD CT>69/NT>142,OF CUPRMONIM RAY	FABRIC	5408231000	618	4	80,012	0.00
WOV FAB >=85% ART FIL/STP YRN OF DIF COL, CUP RAYN ...	FABRIC	5408232030	618	4	364,248	0.00
WOV FAB >=85% ART FIL/STP YRN OF DIF COL, CUP RAYN ...	FABRIC	5408232060	618	4	221,905	0.00
WOV FAB CON >=85% ART FIL/STRIP PRINT, CUPRA RAYON .	FABRIC	5408240030	618	4	1,518,908	0.01
WOV FAB CON >=85% ART FIL/STRIP PRINT, CUPRA RAYON .	FABRIC	5408240060	618	4	60,156	0.00
WOV FABS OF ART FIL YN UBL/BL MXED M/S WTH SYN FIB ...	FABRIC	5408312010	618	4	67,206	0.00
WOV FAB OF ART FIL YRN DYED CON >=30% SILK >$33/KG ...	FABRIC	5408323000	618	4	25,665	0.00
WOV FAB OF ART FIL CON <30% SILK MIXED WTH SYN FIL ...	FABRIC	5408329010	618	4	934,017	0.01
WOV FAB OF ART FIL YN: YN DIF COL CON >=85% MM FIL	FABRIC	5408331500	618	4	46,050	0.00
WV FB ART FIL YN: YN OF DIF COL: >=30% SLK >$33/KG	FABRIC	5408333000	618	4	106,366	0.00
WV FB ART FIL YN, YN DF CL; MXD SYN FIL/METALZD YN	FABRIC	5408339010	618	4	1,129,750	0.01
WOV FAB OF ART FIL YN PRN CON>30% SLK VALU >$33/KG .	FABRIC	5408343000	618	4	4,798	0.00
WOV FAB OF ARTIF FIL YRN MIXED M/S WITH SYNTH FILA	FABRIC	5408349010	618	4	330,274	0.00
WOV FAB SYN FIL YRN HI TEN OF NYL, POLY WT<=170G/M2 .	FABRIC	5407100010	619	4	5,865,061	0.03
WOV FAB SYN FIL YN>=85% POLY UBLCH/BLC WT <=170G/M2.	FABRIC	5407510020	619	4	4,218,579	0.02
WV FB SYN FIL YN>=85% POLY UBLCH/BLCH WGT<=170G/M2	FABRIC	5407510040	619	4	3,229,679	0.02
WV FB >=85% PLY DYD THD CT >69&<=142 WRP >31<=71CM .	FABRIC	5407520500	619	4	30,543	0.00
WOV FABS CONT >=85% POLY DYED WGT <=170G/M2 FLAT F	FABRIC	5407522020	619	4	9,966,028	0.06
WOV FB SYN FIL YN CON >=85% POLY DYED WGT <=170G/M2.	FABRIC	5407522040	619	4	17,772,455	0.10
WV FB SYN FIL YN >=85% TEX PLY YR DF CL >69<=142 W	FABRIC	5407531000	619	4	483,376	0.00
WV FB SYN FL YN CON>=85% POLY YN OF DIF CL<=170G/M2	FABRIC	5407532020	619	4	237,953	0.00

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WOV FAB SYN >=85% POLY YNS OF DIF COL WT<=170 G/M2 .	FABRIC	5407532040	619	4	247,301	0.00
WOV FAB CONT >=85% POLY PRINTED WEIGHING <=170G/M2.	FABRIC	5407540020	619	4	2,866,646	0.02
WOV FAB CON>=85% POLY PRNTD <=170 G/M2 EXC FLAT FB	FABRIC	5407540040	619	4	11,076,668	0.07
WV FB >=85% PLY DYD, 75<DECITEX<80,TWST>=900 /METR ..	FABRIC	5407600500	619	4	19,233	0.00
WOV FAB CON >=85% WT NON-TEX POLY YNS OF DIF COLOR.	FABRIC	5407601000	619	4	1,842,675	0.01
POLYESTER NON-TEX UNBLCH/BLCH WT NT>170G/M2 FL FAB.	FABRIC	5407602005	619	4	3,337,274	0.02
POLYESTER NON-TEX UNBL/BLCH WT <=170 G/M2 EXC FF	FABRIC	5407602010	619	4	5,196,808	0.03
POLYESTER NON-TEX DYED WT NT >170G/M2 FLAT FABRICS	FABRIC	5407602025	619	4	16,757,426	0.10
WOV FAB CON >=85% NON-TEX POLY DYED WT <=170G/M2OT.	FABRIC	5407602030	619	4	66,106,285	0.39
POLY N-TX YNS OF DIF COL WT <=170 G/M2 FLAT FAB	FABRIC	5407602045	619	4	317,167	0.00
WOV FAB CON>=85% N-TX POLY YNS OF DIF COL<=170G/M2	FABRIC	5407602050	619	4	1,349,370	0.01
WOV FLT FAB CON>=85% NO-TEX POLY PRINT WT<=170G/M2	FABRIC	5407602065	619	4	4,404,968	0.03
WOV FAB CON>=85% NON-TEX POLY PRINT<=170G/M2 EX FL	FABRIC	5407602070	619	4	42,939,331	0.25
WOV FAB CON >=85% POLY FIL UBLCH/BLCH WT <=170G/M2	FABRIC	5407710010	619	4	577,946	0.00
WOV FAB OF YARN CONT >=85% POLY FIL DYED <=170G/M2	FABRIC	5407720010	619	4	4,610,178	0.03
WOV FAB CON >=85% POLY FIL YNS OF DIF COL<=170G/M2 ..	FABRIC	5407732010	619	4	35,628	0.00
WOV FAB CON >=85% POLY YARN PRNTED WGTNG <=170G/M2.	FABRIC	5407740010	619	4	1,086,929	0.01
WV FB HG TNCY YRN YRN OF NYL OR OT PLYAD, ≤170G/M2 .	FABRIC	5407100090	620	4	3,278,286	0.02
WOV FAB OF SYN FIL YRN OBTAINED FROM STRP/THE LIKE .	FABRIC	5407200000	620	4	29,137,525	0.17
WV FAB OF SYN FIL YR LAY PARL TX YR <=60% WGT PLAS ..	FABRIC	5407309000	620	4	383,669	0.00
WOV FABS NYLON/POLYAMIDES UNBLCH/BLCH WGT<=170G/M2.	FABRIC	5407410030	620	4	5,757,864	0.03
WOV FAB OF NYLON/POLYAMIDE UNBLCH/BLCH WGT>170G/M2.	FABRIC	5407410060	620	4	194,868	0.00
NYL/PLYADM FB >=85% FIL NYL/O P DYD WGT ≤=170 G/M2	FABRIC	5407420030	620	4	22,608,162	0.13
WOV FABS OF NYLN/POLYMDS DYED WEIGHING >170 G/M2 ..	FABRIC	5407420060	620	4	882,449	0.01
NYLON/FABRICS: YRN OF DIF CLR THD CT >69&<=142	FABRIC	5407431000	620	4	15,517	0.00
WV FB NYLON/POLYAMDS YN OF DIF COLOR WT <=170 G/M2	FABRIC	5407432030	620	4	541,632	0.00
WOV FB NYLON/POLYAMDS YN OF DIF COLOR WT >170 G/M2	FABRIC	5407432060	620	4	22,452	0.00
WOV FAB >=85% NYL/POLYAMDS PRINT WEIGHT <=170 G/M2	FABRIC	5407440030	620	4	1,272,201	0.01
WOV FAB >=85% NYL/POLYAMIDS PRINTED WGT >170 G/M2 .	FABRIC	5407440060	620	4	1,786	0.00
W F SY F Y INC HDG 5404 >=85% TX PY F UB/B >170G/2	FABRIC	5407510060	620	4	247,267	0.00
WOV FAB SYNTH FIL YN CONT >=85% POLY DYED >170G/M2	FABRIC	5407522060	620	4	2,446,206	0.01
WV FB CONT >=85% POLY YNS OF DIF COL WGT >170 G/M2 .	FABRIC	5407532060	620	4	332,610	0.00
WOV FAB CON >=85% WTPOLY PRNTD WEIGHING >170 G/M2	FABRIC	5407540060	620	4	174,191	0.00
WOV FB CON>=85% NON-TEX POLY UBLCH/BLCH WT>170G/M2.	FABRIC	5407602015	620	4	569,207	0.00
WOV FAB CON>=85% NON-TEX POLY DYED WGHING >170G/M2.	FABRIC	5407602035	620	4	1,176,317	0.01
POLYESTER NON-TEX FAB YNS OF DIF COL WT >170 G/M2 ...	FABRIC	5407602055	620	4	191,025	0.00
WOV FAB CON>=85% NON-TEX POLY PRINT WGTING>170G/M2.	FABRIC	5407602075	620	4	56,468	0.00
WOV FAB CON <85% POL FIL UNBLCH/BLCH WT <=170G/M2 ..	FABRIC	5407710020	620	4	1,745,209	0.01
WOV FAB CON >=85% SYNTH FIL UNBLCH/BLCH WT>170G/M2.	FABRIC	5407710060	620	4	61,303	0.00
WOV FAB OF YARN CON >=85% SYNTH FIL DYED <=170G/M2	FABRIC	5407720020	620	4	325,836	0.00
OTH WOV SYNTH FAB CON >=85% DYED WEIGHING >170G/M2.	FABRIC	5407720060	620	4	88,741	0.00
WOV FAB CON >=85% SYNTH FAB YNS OF DIF COL THD CNT	FABRIC	5407731000	620	4	53,554	0.00
WOV FAB CONT <85% POLY FIL YNS DIF COLR <=170G/M2	FABRIC	5407732020	620	4	155,180	0.00
WOV FAB CON >=85% SYNTH FIL YN OF DIF COL >170G/M2 ..	FABRIC	5407732060	620	4	218,838	0.00
WOV FAB CON <85% POLY FIL FAB PRNTD WGT <=170G/M2 ..	FABRIC	5407740020	620	4	310,736	0.00
WOV FAB CON >=85% SYNTH FIL PRNTED WGTING >170G/M2	FABRIC	5407740060	620	4	30,746	0.00
WOV FABS OF SYN FILA UNBL/BL MIX M/S WITH ART FILA	FABRIC	5407912010	620	4	56,827	0.00
WOV FAB OF SYN FIL MIXED WITH ART FIL OR METLZD YN ...	FABRIC	5407922010	620	4	902,638	0.01
WOV FAB SYN FIL YN OF DIF COL CON >=85% WGT MM FIL ..	FABRIC	5407931500	620	4	56,146	0.00
WOV FAB SYN FIL YN DIF COL MIX W ART FIL/METLZD YN	FABRIC	5407932010	620	4	578,055	0.00
WOV FAB SYN FIL YN PRNT MIX W ART FILA/METALIZD YN ...	FABRIC	5407942010	620	4	92,190	0.00
WOV FAB OF SYN FIL YN CON<36% BY WGT W/FAH UNBL/BL	FABRIC	5407911000	624	4	240,544	0.00
WOV FAB OF SYN FIL YN CON <36% WOOL/FAH NOT COMBED.	FABRIC	5407921010	624	4	155,982	0.00
WOV FAB OF SYN FIL YN CON <36% WOOL/F AN HR COMBED.	FABRIC	5407921020	624	4	210,532	0.00
WOV FAB OF SYN FIL YN OF DIF COL CON <36% WT W/FAH ..	FABRIC	5407931000	624	4	233,992	0.00
WOV FAB OF SYN FIL YARN CONT <36% BY WGT OF W/FAH .	FABRIC	5407941000	624	4	36,871	0.00
WOV FAB OF ART FIL YN UNBL OR BL CON<36% WT W/FAH ..	FABRIC	5408311000	624	4	5,578	0.00
WOV FAB OF ART FIL YARN CONT <36% BY WGT WOOL/FAH	FABRIC	5408321000	624	4	94,201	0.00

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WOV FAB OF ART FIL YRN: YRN OF DIF COL <36% W/FAH	FABRIC	5408331000	624	4	83,193	0.00
WOV FAB OF ART FILA YARN CON<36% BY WGT OF WO/FAH	FABRIC	5408341000	624	4	99,877	0.00
OTH WOV FAB POLY ST FB MX WL/FINE ANML HR NT COMBD.	FABRIC	5515131010	624	4	5,852,167	0.03
OTH WOV FAB POLY ST FB MX WOOL/FINE ANML HR, COMBD.	FABRIC	5515131020	624	4	10,681,629	0.06
OT WV FB SYN ACR/MAC SF MX M/S <36% WL/FN ANML HR ..	FABRIC	5515221000	624	4	3,247,897	0.02
OTH WOV FAB SYN ST FB MIXED WOOL/FN AN HAIR, NT CMB	FABRIC	5515921010	624	4	986,090	0.01
OTH WOV FAB SYN ST FB MIXED WOOL/FN AN HAIR, COMBD	FABRIC	5515921020	624	4	322,043	0.00
WV FB <85% AT ST FB MX W/FAH UB/BL OTHER	FABRIC	5516311000	624	4	22,450	0.00
WOV FAB <85% ART ST FB MX W/FAH DYED OTHER	FABRIC	5516321000	624	4	611,127	0.00
WOV FAB <85% ART ST FB MX W/FAH YR DF CLRS OTHER ...	FABRIC	5516331000	624	4	1,234,888	0.01
WOV FAB <85% ART ST FB MX W/FAH PRNTD OTHER	FABRIC	5516341000	624	4	529,119	0.00
WOV FAB CON <85% SYN FIL MIX M/S W COT UBL/BL POP	FABRIC	5407810010	625	4	2,770,388	0.02
WOV FAB CON <85% SYN FIL MIX WITH COT DYED POP/BR ...	FABRIC	5407820010	625	4	67,816	0.00
WV FB CON<85% SYN FIL MIX COT YN OF DIF COL PO/BR	FABRIC	5407830010	625	4	22,799	0.00
WOV FAB CON<85% SYN FIL MIX W/COT PRINT POP/BR CL ...	FABRIC	5407840010	625	4	6,127	0.00
WOV FABS OF SYN FIL YRN UNBLCH/BLCH POPLIN/ BROADCL.	FABRIC	5407912020	625	4	5,847,502	0.03
WOV FABS OF SYNTH FILA YARN DYED: NESOI POP/BRDCTH	FABRIC	5407922020	625	4	306,210	0.00
WOV FAB OF SYN FIL YN:YARN OF DIF COL NESOI POP/BR ...	FABRIC	5407932020	625	4	16,336	0.00
WOV FAB OF SYN FIL YARN PRINTED NESOI POPLIN/BROAD	FABRIC	5407942020	625	4	44,644	0.00
OTH WOV FAB OF ART FIL YN UBL/BL NESOI POPLIN/BROD ..	FABRIC	5408312020	625	4	4,451,731	0.03
OTH WOV FAB ART FILA YARN DYED NESOI POP OR BROADC.	FABRIC	5408329020	625	4	5,330,190	0.03
WOV FAB OF ART FIL YRN: YRN OF DIF COL NESOI POP/B	FABRIC	5408339020	625	4	57,731	0.00
WOV FAB ART FIL YARN PRINTED NESOI POPLIN/BROADCLO	FABRIC	5408349020	625	4	10,653,162	0.06
OTH WOV FAB SYN PLY ST FB M MMF FIL POPL/BRDCLTH	FABRIC	5515120010	625	4	94,441	0.00
OTH WOV FAB SYN ACR/MAC SF MX M/S MNM FIL POP/BRDC	FABRIC	5515210010	625	4	13,957	0.00
OTH WOV FAB SYN ST FB OT WOV FAB M M/S MNM FL PP/B	FABRIC	5515910010	625	4	1,966	0.00
WOV FAB <85% WGT ART S F M MNM FIL UB/BL POPL/BRDC .	FABRIC	5516210010	625	4	3,519,614	0.02
WOV FAB <85% WGT ART S F M MNM FILT DYED POPL/BRDC	FABRIC	5516220010	625	4	12,417,365	0.07
WOV FAB <85% WGT ART S F M MNM FILMT YDC POPL/ BRDC.	FABRIC	5516230010	625	4	105,109	0.00
WOV FAB <85% WGT ART S F M MNM FIL PRNTD POPL/BRDC	FABRIC	5516240010	625	4	1,232,545	0.01
WOV FAB CON <85% SYN FIL MIX WTH COT UNBL/BL PRNCL	FABRIC	5407810030	626	4	3,552,301	0.02
WOV FAB CON <85% SYNT FIL MIX W COT DYED PRINTCLH ..	FABRIC	5407820030	626	4	0	0.00
WOV FAB CON<85% SYN FIL MIX W COT YNS DIF COL PRCL .	FABRIC	5407830030	626	4	42,106	0.00
WOV FAB CON <85% SYN FIL MIX W/COT PRINTD PRINTCLH .	FABRIC	5407840030	626	4	148,336	0.00
WOV FAB OF SYNTH FILA YNS UNBLCH/BLCH OT PRINTCLTH	FABRIC	5407912040	626	4	1,480,016	0.01
WOV FABRICS OF SYNTH FIL YARN DYED NESOI PRNINTCLH	FABRIC	5407922040	626	4	17,357	0.00
WOV FAB SYN FIL YN, YNS OF DIF COLOR NESOI PRINTCL ...	FABRIC	5407932040	626	4	126	0.00
WOV FAB OF SYNTH FILA YARN PRINTED NESOI PRINTCLTH	FABRIC	5407942040	626	4	0	0.00
OTH WOV FAB OF ART FIL YRNS UNBL/BL NESOI PRINTCLH .	FABRIC	5408312040	626	4	50,355	0.00
OTH WOV FAB ARTIF FILAMENT YARN DYED NESOI PRINTCL	FABRIC	5408329040	626	4	46,658	0.00
WOV FAB ART FIL YN: YNS OF DIF COL NESOI PRINTCLTH	FABRIC	5408339040	626	4	340	0.00
WOV FAB OF ARTIF FILA YARN PRINTED NESOI PRNTCLOTH	FABRIC	5408349040	626	4	206,548	0.00
OTH WOV FAB SYN PLY ST FB M MMF FIL PRINTCLOTH	FABRIC	5515120030	626	4	135,111	0.00
OTH WOV FAB SYN ACR/MAC SF MX M/S MNM FIL PRINTCTH	FABRIC	5515210030	626	4	1,023	0.00
OTH WOV FB SYN ST FB OT WOV FAB M M/S MNM FL PRTCL	FABRIC	5515910030	626	4	0	0.00
WOV FAB <85% WGT ART S F M MNM FIL UB/BL PRNTCLTH ..	FABRIC	5516210030	626	4	5,285	0.00
WOV FAB <85% WGT ART S F M MNM FILT DYED PRNTCLTH	FABRIC	5516220030	626	4	77,336	0.00
WOV FAB <85% WGT ART S F M MNM FILMT YDF PRNTCLTH	FABRIC	5516230030	626	4	9,859	0.00
WOV FAB <85% WGT ART S F M MNM FIL PRNTD PRNTCLTH	FABRIC	5516240030	626	4	685,915	0.00
WOV FAB CON<85% SYN FIL MIX M/S W COT UNBL/BL SHEE .	FABRIC	5407810020	627	4	101,530	0.00
WOV FAB CON<85% SYNTH FIL MIX WITH COT DYED SHEET .	FABRIC	5407820020	627	4	100,088	0.00
WOV FAB CON <85% SYN FIL MIX W COT YNS DF CL SHEE ...	FABRIC	5407830020	627	4	383	0.00
WOV FAB CON <85% SYN FIL MIX W/COT PRINTD SHEETING	FABRIC	5407840020	627	4	952	0.00
WOV FAB SYNTH FIL YRN UNBLCHD/BLCHD OTHER, SHEET-ING.	FABRIC	5407912030	627	4	7,431	0.00
WOV FABRICS OF SYNTH FILA YARN DYED NESOI SHEETING	FABRIC	5407922030	627	4	245,043	0.00
WOV FAB SYN FIL YARN YNS OF DIF COLOR NESOI SHEETG	FABRIC	5407932030	627	4	25,319	0.00
WOV FAB OF SYNTH FILAMENT YN PRINTED NESOI SHEETIN	FABRIC	5407942030	627	4	1,488	0.00
OTH WOV FABS OF ART FIL YRN UNBL/BL NESOI SHEETING .	FABRIC	5408312030	627	4	875	0.00
OTH WOV FAB ARTIF FILAMENT YARN DYED NESOI SHEETIN	FABRIC	5408329030	627	4	145,377	0.00
WOV FAB ART FIL YRN: YRN OF DIF COL NESOI SHEETING ...	FABRIC	5408339030	627	4	37,207	0.00
WOV FABS OF ARTIF FILA YARN PRINTED NESOI SHEETING .	FABRIC	5408349030	627	4	182,467	0.00
OTH WOV FAB SYN PLY ST FB M MMF FIL SHT WD >254 CM .	FABRIC	5515120022	627	4	3,131	0.00
OTH WOV FAB SYN PLY ST FB M MMF FIL SHT WD <=254CM	FABRIC	5515120027	627	4	115,500	0.00
OTH WOV FAB SYN ACR/MAC SF MX M/S MNM FIL SHEETING	FABRIC	5515210020	627	4	0	0.00
OTH WOV FB SYN ST FB OT WOV FAB M M/S MNM FL SHTNG	FABRIC	5515910020	627	4	1,905	0.00
WOV FAB <85% WGT ART S F M MNM FIL UB/BL SHEETING ...	FABRIC	5516210020	627	4	5,311	0.00

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WOV FAB <85% WGT ART S F M MNM FILT DYED SHEETING .	FABRIC	5516220020	627	4	315,573	0.00
WOV FAB <85% WGT ART S F M MNM FILMT YDF SHEETING .	FABRIC	5516230020	627	4	28,933	0.00
WOV FAB <85% WGT ART S F M MNM FIL PRNTD SHEETING .	FABRIC	5516240020	627	4	762	0.00
WOV FAB CON <85% SYN FIL MIX W COT UNBL/BL S/T WV	FABRIC	5407810040	628	4	1,233,367	0.01
WOV FAB CON <85% SYN FIL MIX WITH COT DYED S/T WV	FABRIC	5407820040	628	4	601,195	0.00
WOV FAB CON <85% SYN FIL MX COT YNS DIF COL ST/TWL .	FABRIC	5407830040	628	4	41,350	0.00
WOV FAB CON <85% SYN FIL MIX W/COT PRN SAT/TWL WVE	FABRIC	5407840040	628	4	25,010	0.00
WOV FAB OF SYNTH FILA YARN UBL/BL SATIN/TWILL WEVE ..	FABRIC	5407912050	628	4	1,079,679	0.01
WOV FAB SYN FIL YARN DYED NESOI SATIN OR TWILL WEV .	FABRIC	5407922050	628	4	266,135	0.00
WOV FAB OF SYN FIL YARNS, YNS-DIFF COL SATIN/TW WV ..	FABRIC	5407932050	628	4	40,703	0.00
WOV FAB OF SYNTH FILA YARN PRNTED NESOI STN/TWL WV.	FABRIC	5407942050	628	4	239	0.00
OTH WOV FAB OF ART FIL YN UNBL/BL NESOI SAT/TWL WV ..	FABRIC	5408312050	628	4	14,679	0.00
OTH WOV FAB ART FIL YARN DYED NESOI SATIN/TWILL WV .	FABRIC	5408329050	628	4	94,370	0.00
WOV FAB OF ART FIL YN: YN DIF COL NESOI STN/TWL WV	FABRIC	5408339050	628	4	52,482	0.00
WOV FAB OF ART FIL YARN PRINTED NESOI STN/TWLL WVE	FABRIC	5408349050	628	4	15,185	0.00
OTH WOV FAB SYN PLY ST FB M MMF FIL SATIN/TWILL WV ...	FABRIC	5515120040	628	4	119,003	0.00
OTH WOV FAB SYN ACR/MAC SF MX M/S MNM FIL ST/TW W ..	FABRIC	5515210040	628	4	22,970	0.00
OTH WOV FB SYN ST FB OT WOV FB M M/S MNM FL ST/T W .	FABRIC	5515910040	628	4	721	0.00
WOV FAB <85% WGT ART S F M MNM FIL UB/BL SAT/TWL W .	FABRIC	5516210040	628	4	14,221	0.00
WOV FAB <85% WGT ART S F M MNM FILT DYED SAT/TWL W	FABRIC	5516220040	628	4	268,815	0.00
WOV FAB <85% WGT ART S F M MNM FILMT YDF SAT/TWL W	FABRIC	5516230040	628	4	98,640	0.00
WOV FAB <85% WGT ART S F M MNM FIL PRNTD SAT/TWL W	FABRIC	5516240040	628	4	6,911	0.00
WOV FAB CON <85% SYNTH FIL MIX W COT UNBL/BL OTHER	FABRIC	5407810090	629	4	234,967	0.00
WOV FAB CONT <85% SYN FIL MIX WITH COT DYED OTHER .	FABRIC	5407820090	629	4	239,361	0.00
WOV FAB CON<85% SYN FIL MX W/COT YNS OF DIF COL OT	FABRIC	5407830090	629	4	410,395	0.00
WOV FAB CON <85% SYN FIL MIX WITH COT PRINTD OTHER	FABRIC	5407840090	629	4	11,831	0.00
OTH WOV FAB OF SYN FIL YARN UNBLCH/BLCH OTH FABRIC FABRIC.	FABRIC	5407912090	629	4	49,767	0.00
WOV FAB SYN FIL YARN DYED NESOI OTHER TYPE FABRICS	FABRIC	5407922090	629	4	991,578	0.01
WOV FAB OF SYN FIL YARN: YNS DIF COL NESOI OTH FAB ...	FABRIC	5407932090	629	4	942,300	0.01
WOV FAB OF SYNTH FILA YARN PRINTED NESOI OTHER FAB	FABRIC	5407942090	629	4	234,704	0.00
OTH WOV FAB OF ART FIL YARN UBL/BL NESOI OTHER FAB .	FABRIC	5408312090	629	4	440,433	0.00
OTH WOV FAB ART FIL YARN DYED NESOI OTHER TYPE FAB	FABRIC	5408329090	629	4	603,400	0.00
WOV FAB OF ART FIL YRN: YRN DIF COL NESOI: OTH FAB	FABRIC	5408339090	629	4	432,469	0.00
WOV FAB OF ART FIL YARN PRINTED NESOI OTH TYPE FAB .	FABRIC	5408349090	629	4	2,653,521	0.02
OTH WOV FAB SYN POLY STP FB MIXED MMF FIL OT-NESOI .	FABRIC	5515120090	629	4	1,101,703	0.01
OTH WOV FAB SYN ACR/MAC SF MX M/S MNM FIL OT-NESOI	FABRIC	5515210090	629	4	374,915	0.00
OTH WOV FB SYN ST FB O WOV FB M M/S MNM FL O NESOI	FABRIC	5515910090	629	4	80,704	0.00
WOV FAB <85% WGT ART S F M MNM FIL UB/BL OTH NESOI .	FABRIC	5516210090	629	4	38,827	0.00
WOV FAB <85% WGT ART S F M MNM FILT DYED OTH NESOI	FABRIC	5516220090	629	4	1,519,027	0.01
WOV FAB <85% WGT ART S F M MNM FILMT YDF OTH NESOI	FABRIC	5516230090	629	4	5,235,511	0.03
WOV FAB <85% WGT ART S F M MNM FIL PRNTD OTH NESOI	FABRIC	5516240090	629	4	482,989	0.00
PILLOWCASES OF PRNT COT NAP WITH LACE, TRIM, ETC	MADE-UP	6302211010	360	4	238	0.00
PILLOWCASES OF PRNT COT N/NAP WITH TRIMMING, ETC	MADE-UP	6302211020	360	4	242,104	0.00
BOLSTER CASES OF PRINTED COTTON WITH TRIMMING, ETC.	MADE-UP	6302211050	360	4	97	0.00
PILLOWCASES PRINT COTTON NOT TRIMMED ETC, NAPPED	MADE-UP	6302212010	360	4	3,282,060	0.02
PILLOWCASES PRINTED COTTON NOT TRIMMED, ETC, N/NAP.	MADE-UP	6302212020	360	4	3,999,866	0.02
BOLSTER CASES PRINTED COTTON NOT TRIMMED, ETC	MADE-UP	6302212050	360	4	5,644	0.00
PILLOWCASES OF COTTON WITH TRIM , NAPPED	MADE-UP	6302311010	360	4	71,614	0.00
PILLOWCASES OF COTTON WITH TRIM NOT NAPPED	MADE-UP	6302311020	360	4	284,321	0.00
BOLSTER CASES OF COTTON WITH TRIM	MADE-UP	6302311050	360	4	5,810	0.00
OTHER BED LINEN COT NESOI PILCSE NT BOLSTR CSE NAP	MADE-UP	6302312010	360	4	1,313,617	0.01
PILLOWCASES OF COTTON, NO TRIM, NOT NAPPED	MADE-UP	6302312020	360	4	7,452,901	0.04
BOLSTER CASES OF COTTON, NOT TRIMMED	MADE-UP	6302312050	360	4	255,265	0.00
SHEETS PRINT COTTON, NAPPED, WITH TRIMMING, ETC	MADE-UP	6302211030	361	4	3,354	0.00
SHEETS OF PRINTED COTTON, NOT NAPPED, CONT TRIM	MADE-UP	6302211040	361	4	1,072,308	0.01
SHEETS PRINT COTTON NOT TRIMMED, ETC, NAPPED	MADE-UP	6302212030	361	4	28,080,380	0.16
SHEETS OF PRINT COTTON NOT TRIMMED, ETC NOT NAPPED.	MADE-UP	6302212040	361	4	22,958,978	0.13
SHEETS OF COTTON WITH TRIM, NAPPED	MADE-UP	6302311030	361	4	16,120	0.00
SHEETS OF COTTON WITH TRIM, NOT NAPPED	MADE-UP	6302311040	361	4	271,336	0.00
SHEETS OF COTTON; NOT TRIMMED, NAPPED	MADE-UP	6302312030	361	4	8,291,140	0.05
SHEETS OF COTTON, NOT TRIMMED, NOT NAPPED	MADE-UP	6302312040	361	4	46,724,444	0.27
BED LINEN, KNITTED OR CROCHETED OF COTTON	MADE-UP	6302100010	362	4	5,212,292	0.03
BED LINEN NESOI OF PRINTED COTTON CONT TRIM, ETC	MADE-UP	6302211060	362	4	469,214	0.00
BED LINEN NESOI OF PRINTED COTTON CONT TRIM, ETC	MADE-UP	6302211090	362	4	70,058	0.00
BED LINEN NESOI OF PRINT COTTON NOT TRIMMED ETC	MADE-UP	6302212060	362	4	649,327	0.00
BED LINEN NESOI OF PRINT COTTON NOT TRIMMED ETC	MADE-UP	6302212090	362	4	1,104,007	0.01
BED LINEN NESOI OF COTTON WITH TRIM	MADE-UP	6302311060	362	4	2,615,087	0.02

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
BED LINEN NESOI OF COTTON WITH TRIM	MADE-UP	6302311090	362	4	1,109,691	0.01
BED LINEN NESOI OF COTTON, NOT TRIMMED	MADE-UP	6302312060	362	4	4,429,240	0.03
BED LINEN NESOI OF COTTON, NOT TRIMMED	MADE-UP	6302312090	362	4	3,584,075	0.02
OTHER FURNISH ART EXC 9404 BEDSPRED KT/CROCHET COT.	MADE-UP	6304111000	362	4	306,176	0.00
OTHER FURNISH ART NT 9404 BEDSPRD NESOI COT W/TRIM	MADE-UP	6304190500	362	4	391,941	0.00
OTHER FURNISH ART NT 9404 BEDSPRD NESOI COT NESOI	MADE-UP	6304191000	362	4	2,861,755	0.02
SHELLS FOR QLT, EDRDWN, COMFRTR, & SMLR ART OF COT.	MADE-UP	*6307909050	362	4	18,883,343	0.11
SHELLS FOR QLT, EDRDWN, COMFRTR, & SMLR ART OF COT.	MADE-UP	*6307909550	362	4	12,615,400	0.07
SHELLS FOR QLT, EDRDWN, COMFRTR, & SMLR ART OF COT.	MADE-UP	*6307909590	362	4	40,560,077	0.24
QUILTS, EIDERDOWNS, COMFORTERS, & SIMILAR ARTICLES	MADE-UP	*9404908000	362	4	4,580,789	0.03
QUILTS, EIDERDOWNS & COMFORTRS, OUTR SHELL OF COTTON.	MADE-UP	9404909010	362	4	695,321	0.00
TOWELS EXCEPT DISH OF TERRY TOWELING FABRIC	MADE-UP	6302600020	363	4	49,818,591	0.29
TOWELS OT THAN DISH TWLS COT PILED/TUFTED CONSTRCT.	MADE-UP	6302910015	363	4	8,857,899	0.05
COTTON TOWELS JACQUARD FIGURED OT THAN PLD/TFTD CN.	MADE-UP	6302910035	363	4	1,687,520	0.01
COTTON TOWELS OF PILED OR TUFTED CONSTRUCTION	MADE-UP	6307908740	363	4	415,610	0.00
COTTON TOWELS OF PILED OR TUFTED CONSTRUCTION	MADE-UP	6307909040	363	4	16,921	0.00
PILLOWCOVERS OF PRINTED COTTON CONT TRIM, ETC	MADE-UP	6302211055	369	4	64,447	0.00
PILLOWCOVERS OF PRINT COTTON NOT TRIMMED ETC	MADE-UP	6302212055	369	4	360,783	0.00
PILLOWCOVERS OF COTTON WITH TRIM	MADE-UP	6302311055	369	4	172,635	0.00
PILLOWCOVERS OF COTTON, NOT TRIMMED	MADE-UP	6302312055	369	4	1,266,730	0.01
TABLE LINEN KNITTED OR CROCHETED OF COTTON	MADE-UP	6302402010	369	4	10,246,767	0.06
SHOP TOWELS FOR USE GARAGES FILLING STATIONS, COT	MADE-UP	6307102005	369	4	47,401,500	0.28
DISH CLOTHS OF COTTON	MADE-UP	6307102027	369	4	12,973,389	0.08
BED LINEN OF WOOL OR FINE ANIMAL HAIR	MADE-UP	6302390010	469	4	14,030	0.00
BED LINEN, KNITED OR CROCHETED FABIC, EX COTTON	MADE-UP	6302100020	666	4	159,811	0.00
PILLOWCASES PRINT MAN-MADE FIBERS WITH TRIM, NAPPED.	MADE-UP	6302221010	666	4	4,810	0.00
PILLOWCASES OF PRINT MAN-MADE FIBER, W/TRIM, N/NAP	MADE-UP	6302221020	666	4	85,450	0.00
SHEETS OF PRINT MAN-MADE FIBERS W/TRIM, NAPPED	MADE-UP	6302221030	666	4	6,653	0.00
SHEETS OF PRINT MAN-MADE FIBERS WITH TRIM, NOT NAP	MADE-UP	6302221040	666	4	26,237	0.00
BOLSTER CASES OF PRINT MAN-MADE FIBER WITH TRIM	MADE-UP	6302221050	666	4	5,990	0.00
BED LINEN NESOI OF PRINT MAN-MADE FIBER WITH TRIM	MADE-UP	6302221060	666	4	146,506	0.00
PILLOWCASES OF PRINT MAN-MADE FIBER NOT TRIMMED	MADE-UP	6302222010	666	4	4,749,019	0.03
SHEETS OF PRINT MAN-MADE FIBER NOT TRIMMED	MADE-UP	6302222020	666	4	19,764,792	0.12
BED LINEN NESOI OF PRINTED MAN-MADE FIBERS, NT TRIM	MADE-UP	6302222030	666	4	381,283	0.00
PILLOWCASES OF MAN-MADE FIBERS WITH TRIM, NAPPED	MADE-UP	6302321010	666	4	2,750	0.00
PILLOWCASES OF MAN-MADE FIBERS WITH TRIM, N/NAPPED	MADE-UP	6302321020	666	4	328,234	0.00
SHEETS OF MAN-MADE FIBERS WITH TRIM, NAPPED	MADE-UP	6302321030	666	4	2,621	0.00
SHEETS OF MAN-MADE FIBERS WITH TRIM, NOT NAPPED	MADE-UP	6302321040	666	4	393,307	0.00
BOLSTER CASES OF MAN-MADE FIBERS WITH TRIM	MADE-UP	6302321050	666	4	4,133	0.00
BED LINEN NESOI OF MAN-MADE FIBERS WITH TRIM	MADE-UP	6302321060	666	4	520,589	0.00
PILLOWCASES OF MAN-MADE FIBERS NO TRIM, NAPPED	MADE-UP	6302322010	666	4	98,626	0.00
PILLOWCASES OF MAN-MADE FIBERS, NO TRIM, NOT NAPPED.	MADE-UP	6302322020	666	4	14,635,138	0.09
SHEETS OF MAN-MADE FIBERS NO TRIM, NAPPED	MADE-UP	6302322030	666	4	1,355,602	0.01
SHEETS OF MAN-MADE FIBERS NO TRIM, NOT NAPPED	MADE-UP	6302322040	666	4	22,200,365	0.13
BOLSTER CASES OF MAN-MADE FIBERS, NO TRIM	MADE-UP	6302322050	666	4	715,666	0.00
BED LINEN NESOI OF MAN-MADE FIBER	MADE-UP	6302322060	666	4	672,912	0.00
TABLE LINEN KNIT/CROCHET, TEXTILE MATERIAL, NESOI	MADE-UP	6302402020	666	4	6,473,592	0.04
TOWELS; OF FLAX	MADE-UP	6302920010	863	4	441,673	0.00
SHOP TOWELS FOR USE IN GARAGES OTHER THAN COTTON.	MADE-UP	6307102015	863	4	2,323,581	0.01
DISH CLOTHS OF TEXTILE MATERIALS OTH THAN COTTON	MADE-UP	6307102028	863	4	5,710	0.00
NATIONAL FLAGS OF THE UNITED STATES	MADE-UP	6307909025	914	4	515,035	0.00
NATIONAL FLAGS OF THE UNITED STATES	MADE-UP	6307909525	914	4	550,763	0.00
COT SEW THRD N RETAIL 85% OF >BY WGT OF COTTON	YARN	5204110000	200	4	1,870,836	0.01
COT SEWING THRD N RETAIL 85% OR MORE WGT OF COTTON.	YARN	5204190000	200	4	44,015	0.00
COTTON SEWING THREAD, PUT UP FOR RETAIL SALE	YARN	5204200000	200	4	1,174,364	0.01
COTTON YARN (N SWG THD) RETAIL SALE 85% OR >WT CO	YARN	5207100000	200	4	3,693,195	0.02
COT YRN N SWG THD RTL SALE OTH 85% OR >WGT COTTON.	YARN	5207900000	200	4	453,611	0.00
SEWING THREAD SYNTHETIC FILAMENTS, FOR RETAIL SALE	YARN	5401100000	200	4	2,559,942	0.02
SEWING THREAD ARTIFICIAL FILAMENTS FOR RETAIL SALE	YARN	5401200000	200	4	679,457	0.00
SYNTHETIC FILAMENT YARN ACRYLIC, FOR RETAIL SALE	YARN	5406100020	200	4	1,474,579	0.01

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
SYNTHETIC FILAMENT YARN POLYESTER, FOR RETAIL SALE	YARN	5406100040	200	4	132,271	0.00
SYN FIL YRN RETAIL SALE EXC ACRYLIC AND POLYESTERS	YARN	5406100090	200	4	525,182	0.00
ARTIFICIAL FILAMENT YARN PUT UP FOR RETAIL SALE	YARN	5406200000	200	4	371,336	0.00
SEW THD MMF STPL FIB WTH NT RETAIL SALE SYN STP FB	YARN	5508100000	200	4	16,926,175	0.10
SEW THD MMF STPL FIB WTH NT RETAIL SALE ART STP FB	YARN	5508200000	200	4	65,617	0.00
YRN N SWG TD SY ST FB N RTL SL >=85% POLY MLT Z TW	YARN	5509220010	200	4	3,879,236	0.02
YRN N SWG TH MMF ST FB RT SL SYN S F >=85% AC/MAC	YARN	5511100030	200	4	3,669,032	0.02
YRN N SWG TH MMF ST F RT SL SYN S F >=85% FB-NESOI	YARN	5511100060	200	4	291,172	0.00
YRN N SWG TH MMF ST FB RT SL SYN S F <85% WGT FIB	YARN	5511200000	200	4	1,355,759	0.01
YRN NT SWG TH MMF STP FIB PT UP RT SL ART STP FIB	YARN	5511300000	200	4	192,832	0.00
RUBBER THREAD AND CORD, TEXTILE COVERED	YARN	5604100000	201	4	853,580	0.01
HIGH TENACITY YARN OF POLY NYL RAY IMPREG W RUBBER.	YARN	5604200000	201	4	202,579	0.00
OT METALIZED YRN, BEING TEX YRN COMB W METAL	YARN	5605000090	201	4	1,730,606	0.01
GIMP YRN STRP SYN/ART MONOFIL, CHEN & LOOPWALERYRN.	YARN	5606000000	201	4	6,336,896	0.04
BINDER/BALER TWINE OF POLYETHYLENE/PLOYPRP NESOI	YARN	5607413000	201	4	11,476,803	0.07
TWINE POLYETHYLENE NESOI NT BRAID <4.8MM DIA NESOI	YARN	5607491500	201	4	9,364,063	0.06
TWINE POLYETHYLENE NESOI NT BRAID/PLAITED, NESOI	YARN	5607492500	201	4	5,711,693	0.03
TWINE, CORD ETC OF OTH SYN FIBER NT BRAID OR PLAIT	YARN	5607502000	201	4	2,898,279	0.02
TWINE CORDAGE ROPE BRAIDED OF TEXTILE FIBERS NESOI	YARN	5607902000	201	4	3,273,381	0.02
GLS FBR/WOOL YARNS NT COLRD INDSTRY PCKG O LUB MAT.	YARN	7019101000	201	4	9,458,423	0.06
YARNS, OF GLASS FIBERS, COLORED	YARN	7019102000	201	4	2,203,422	0.01
COT YRN >85% WGT COT N RET SNG Y UCB <=14NM UBL NM.	YARN	5205111000	300	4	2,473,500	0.01
CT YR >=85% WGT CT N RTL SNG YN UCB <=14NM N-UB/MR	YARN	5205112000	300	4	296,200	0.00
COT YRN N SWG THRD >85% WGT COT >14NM & N >43NM U	YARN	5205121000	300	4	45,045,274	0.26
COT YRN N SWG THRD >85% WGT COT >14NM & N >43NM O	YARN	5205122000	300	4	1,818,890	0.01
COT YRN N SWG THRD >85% WGT COT >43NM & N >52NM U	YARN	5205131000	300	4	41,771,482	0.25
COT YRN N SWG THRD >85% WGT COT >43NM & N >52NM O	YARN	5205132000	300	4	219,759	0.00
COT YRN N SWG THRD >85% WGT COT >52NM & N >80NM U	YARN	5205141000	300	4	2,020,858	0.01
COT YRN N SWG THRD >=85% WGT COT >52NM & <=80NM	YARN	5205142000	300	4	26,512	0.00
COT YRN N SWG THRD >85% WGT COT >80NM UNBL, N MRC	YARN	5205151000	300	4	0	0.00
COT YRN N SWG THRD >=85% WGT CT >80NM N-MR/UBL UCB.	YARN	5205152000	300	4	4,990	0.00
COT YRN N SWG THD >=85% WGT COT MLT/CBL YRN <=14NM.	YARN	5205310000	300	4	13,347,644	0.08
CT YN N SW TO >=85% WT CT ML/CB YR >14NM & <=43NM	YARN	5205320000	300	4	51,905,531	0.30
COT YRN N SW TD >=85% WT CT ML/CB YRN >43NM <=52NM	YARN	5205330000	300	4	3,746,137	0.02
COT YRN N SW TD >=85% WT CT ML/CB YRN >52NM <=80NM	YARN	5205340000	300	4	2,957,575	0.02
COT YRN N SWG THD >=85% WT COT ML/CB YRN >80NM	YARN	5205350000	300	4	39,185	0.00
COT YR N SW TH <85% CT N RT SL SN Y UC FB <=14 NM	YARN	5206110000	300	4	27,166	0.00
CT YN N SW TH <85% CT N RT SL S Y UC F >14NM<=43NM	YARN	5206120000	300	4	1,731,977	0.01
C YR N SW TH <85% CT N RT SL SN Y UC FB >14NM <=52	YARN	5206130000	300	4	694,620	0.00
C YR N SW TH <85% CT N RT SL SN Y UC FB >52NM <=80	YARN	5206140000	300	4	11,104,035	0.07
COT YR N SW TH <85% CT N RT SL SN U UC FB >80 NM	YARN	5206150000	300	4	0	0.00
CT YR N SW TH <85% CT N RT SL M/C Y UC F <=14NM Y	YARN	5206310000	300	4	2,314,414	0.01
CT YR N SW T <85% CT N RT SL M/C Y UC F >14NM <=43	YARN	5206320000	300	4	361,650	0.00
CT YR N SW TH <85% N RT SL M/C Y UC F >43NM <=52	YARN	5206330000	300	4	17	0.00
CT Y N SW T <85% CT N RT SL M/C Y UC F >52NM<=80NM	YARN	5206340000	300	4	0	0.00
CT YR N SW T <85% CT N RT SL M/C Y UC F >80 NM S Y	YARN	5206350000	300	4	30,158	0.00
COT YRN N SWG THRD >=85% WGT COT SNGL YR CMB <14NM.	YARN	5205210000	301	4	614,984	0.00
CT YN N SWG THD >=85% WT CT SNG YN CM >14NM <=43NM	YARN	5205220000	301	4	2,282,633	0.01
CT YN N SWG TD >=85% WGT CT SNG YN CM >43NM <=52NM.	YARN	5205230000	301	4	6,077,976	0.04
CT YN N SWG THD >=85% WT CT SNG YN CM >52NM <=80NM	YARN	5205240000	301	4	12,335,447	0.07
CT YRN N SWG THD >=85% WGT COT SNG YRN CMBD >80NM.	YARN	5205250000	301	4	6,074,712	0.04
COT YRN N SWG THD >=85% WT CT ML/CB YRN CM <=14NM	YARN	5205410000	301	4	530,613	0.00
CT YN N SW TD >=85% WT CT ML/CB CMB >14NM & <=43NM	YARN	5205420000	301	4	322,584	0.00
CT YN N SW TD >=85% WT CT ML/CB CMB >43NM <=52NM Y	YARN	5205430000	301	4	10,965	0.00
CT YN N SW TD >=85% WT CT ML/CB CMB >52NM <80NM YN	YARN	5205440000	301	4	1,187,076	0.01
COT YRN N SWG THD >=85% WT CT ML/CB CMB >80NM	YARN	5205450000	301	4	320,110	0.00
COT YR N SW TH <85% CT N RT SL SN Y C FB <=14 NM	YARN	5206210000	301	4	0	0.00
CT YR N SW TH <85% CT N RT SL SN Y C FB >14NM <=43	YARN	5206220000	301	4	2,039,635	0.01
CT YR N SW TH <85% CT N RT SL SN Y C FB >43NM <=52	YARN	5206230000	301	4	13,903,739	0.08
CT YR N SW TH <85% CT N RT SL SN Y C FB >52NM <=80	YARN	5206240000	301	4	37,199,417	0.22
CT YR N SW TH <85% CT N RT SL SN Y C FB >80 NM	YARN	5206250000	301	4	31,391	0.00
CT YR N SW T <85% CT N RT SL M/C Y C F <=14 NM	YARN	5206410000	301	4	76,628	0.00
CT YR N SW TH <85% CT N RT SL M/C Y C F >14NM <=43	YARN	5206420000	301	4	211,650	0.00

1994 Product Description	Group	1990 HTS	CAT	Phase	1990 U.S. imports (SME)	Percent of total
CT YR N SW T <85% CT N RT SL M/C U C F >43NM <=52	YARN	5206430000	301	4	149,099	0.00
CT YR N SW T <85% CT N RT SL M/C Y C F >52NM <=80	YARN	5206440000	301	4	9,801	0.00
CT YR N SW TH <85% CT N RT SL M/C Y C F >80 NM	YARN	5206450000	301	4	50,779	0.00
WOOL INCLUDING COMBED WOOL IN FRAGMENT CARDED WOOL.	YARN	5105100000	400	4	7,359	0.00
WOOL TOPS AND OTHER COMBED WOOL IN FRAGMENTS	YARN	5105210000	400	4	197,262	0.00
WOOL TOPS AND OTHER COMBED WOOL: OTHER	YARN	5105290000	400	4	602,956	0.00
FINE ANIMAL HAIR, CARDED OR COMBED	YARN	5105300000	400	4	15,884	0.00
YN CARDED WL NT RTAIL SALE >85% WL FIB >34.4 MICRN	YARN	5106100010	400	4	1,127,597	0.01
YARN CARDED WL NT RTAIL SALE ≤85% BY WT WOOL NESOI	YARN	5106100090	400	4	5,090,449	0.03
YARN CARDED WOOL NOT RETAIL SALE <85% BY WT WOOL	YARN	5106200000	400	4	1,606,843	0.01
YARN COMBED WOOL NOT RETAIL SALE ≤85% BY WT WOOL	YARN	5107100000	400	4	4,505,934	0.03
YARN COMBED WOOL NOT RETAIL SALE <85% BY WT WOOL	YARN	5107200000	400	4	512,380	0.00
YARN CARDED ANGORA RABBIT HAIR NOT FOR RETAIL SALE.	YARN	5108103000	400	4	16,902	0.00
YARN CARDED OTHER FINE ANIMAL HAIR NOT RETAIL SALE	YARN	5108106000	400	4	148,884	0.00
YARN COMBED ANGORA RABBIT HAIR NOT FOR RETAIL SALE.	YARN	5108203000	400	4	1,217	0.00
YARN COMBED OTHER FINE ANIMAL HAIR NOT RETAIL SALE	YARN	5108206000	400	4	148,940	0.00
YARN WOOL NT <85% BY WT CT LEN NT>8CM RETAIL SALE .	YARN	5109102000	400	4	134,292	0.00
YARN ANGORA RABBIT HAIR NT <85% BY WT FOR RET SALE	YARN	5109104000	400	4	4,725	0.00
YARN OTHER ANIMAL HAIR NOT <85 WT FOR RETAIL SALE ...	YARN	5109106000	400	4	1,004,639	0.01
YARN OTHER WOOL CUT LENGTH NOT >8 CM, RETAIL SALE	YARN	5109902000	400	4	6,693	0.00
YARN ANGORA RABBIT HAIR NOT <85% BY WT RETAIL SALE	YARN	5109904000	400	4	1,865	0.00
YARN OTHER ANIMAL HAIR NOT <85% BY WT RETAIL SALE ..	YARN	5109906000	400	4	822,924	0.00
YRN N SWG TH ART ST FB N RT SL >=85% ART S FB SN Y	YARN	5510110000	603	4	10,249,716	0.06
YRN N SWG TH ART ST F N RT SL >=85% ART S F M/C YR	YARN	5510120000	603	4	1,280,469	0.01
YRN N SWG TD SY ST FB N RTL SL >=85% ST F N/P SG Y	YARN	5509110000	604	4	3,057,579	0.02
YRN N SWG TD SY ST FB N RTL SL >=85% ST F N/P M/C Y	YARN	5509120000	604	4	1,138,191	0.01
YR N SW TH SYN ST FB N RT SL >=85% WGT PLY S F S Y	YARN	5509210000	604	4	5,023,129	0.03
YRN N SWG TD SY ST FB N RTL SL >=85% P ST F M/C YR	YARN	5509220090	604	4	2,374,392	0.01
YRN N SWG TD SY ST FB N RTL SL >=85% AC/MAC SFSY	YARN	5509310000	604	4	14,221,850	0.08
YRN N SWG TD SY ST FB N RTL SL >=85% A/MC S F M/C	YARN	5509320000	604	4	32,409,341	0.19
YRN N SW TD SY ST FB N RTLSL >=85% YRN SY SF SY PVA .	YARN	5509410000	604	4	3,004,599	0.02
YRN N SW TD SY ST FB N RTSL >=85% OT SY SF M/C; PVA ...	YARN	5509420000	604	4	1,682,336	0.01

*HTS Numbers with asterisk

There are 21 1990 HTS numbers preceded by an asterisk. This denotes an HTS number which, since 1990, has been broken out (changed) to two or more new HTS numbers. In these cases, the new breakouts represent products which appear in bold in more than one phase in the integration. Thus, the 1990 trade for the original HTS number has been prorated using 1994 trade figures for the breakouts.

Note Categories 911, 912, 913, 914 as listed in the integration phases are notional.

See 60 FR 12204, published on March 6, 1995; 60 FR 10068, published on February 23, 1995; 59 FR 26212, published on May 19, 1994; 59 FR 29781, published on June 9, 1994; 59 FR 36428, published on July 18, 1994; and 59 FR 40874, published on August 10, 1994.

Dated: April 26, 1995.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.95–10635 Filed 4–28–95; 8:45 am]

BILLING CODE 3510–25–P

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 25 & 26 July 1995.

Time of Meeting: 0900–1530, 25 & 26 July 1995.

Place: Ft. Monroe, VA (TRADOC).

Agenda: The Army Science Board's Ad Hoc Study on ''Tank Modernization'' will meet for discussions on Required Operational Capabilities (ROC) for the Future Main Battle Tank as well as doctrinal concepts for future tank/armor missions. These briefings will be provided by TACOM RDEC and the Army Research Laboratory. These meetings will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of these meetings. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695–0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 95–10550 Filed 4–28–95; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Notice of Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 22 & 23 May 1995.

Time of Meeting: 0900–1650, 22 & 23 May 1995.

Place: Alexandria, VA.

Agenda: The Army Science Board (ASB) Independent Assessment Panel on ''Lead-Based Paint Management'' will be briefed on applicable Federal, DoD, and Army policies and regulations concerning the management of lead-based paint and lead-based paint

hazards at Army installations. These meetings will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695–0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 95–10551 Filed 4–28–95; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Notice of Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 18 May 1995.

Time of Meeting: 1300–1600.

Place: Pentagon—Washington, DC.

Agenda: The Army Science Board's (ASB) Acquisition Reform Issue Group will meet to discuss the recommendations to bring government management and control costs closer to industry management and control costs. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (4) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The proprietary information to be discussed is so inextricably intertwined so as to preclude opening any portion of this meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695–0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 95–10552 Filed 4–28–95; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Notice of Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 24 & 25 May 1995.

Time of Meeting: 0800–1700, 24 & 25 May 1995.

Place: Pentagon—Washington, DC.

Agenda: The Army Science Board's Ad Hoc Study on ''ASB Space and Missile Defense Organization'' will have its 6th meeting at the Pentagon on 24 and 25 May 1995. There will be discussions of findings to date, finalizing recommendations, and preparing the final briefing. These meetings will be closed to the public in accordance with Section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matter to be discussed is so inextricably intertwined so as to preclude opening any portions of these meetings. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695–0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 95–10554 Filed 4–28–95; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Government Owned Inventions; Availability for Licensing

AGENCY: Department of the Navy, Department of Defense.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are available for licensing by the Department of the Navy.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231 for $3.00 each. Requests for copies of patents must include the patent number.

Requests for copies of the patent application cited should be directed to the Office of Naval Research, ONR 00CC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660 and must include the application serial number.

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of Naval Research, ONR 00CC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660, telephone (703) 696–4001.

Patent No. 4,867,917: METHOD FOR SYNTHESIS OF DIACETYLENIC COMPOUNDS; patented 19 September 1989;

Patent No. 4,877,501: PROCESS FOR FABRICATION OF LIPID MICROSTRUCTURES; patented 31 October 1989;

Patent No. 4,911,981; METAL CLAD LIPID MICROSTRUCTURES; patented 27 March 1990; and

Patent Application Serial No. 08/077,503: METHOD OF CONTROLLED RELEASE AND CONTROLLED RELEASE MICROSTRUCTURES; filed 17 June 1993.

Dated: April 21, 1995.

M.D. Schetzsle,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 95–10555 Filed 4–28–95; 8:45 am]

BILLING CODE 3810–AE–M

Naval Research Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Naval Research Advisory Committee Panel on Reduced Manning will meet on May 2 and 3, 1995. The meeting will be held at the Office of Naval Research, 800 North Quincy Street, Room 915, Arlington, Virginia. The first session will commence at 10:00 a.m. and terminate at 5 p.m. on May 2; and the second session will commence at 8:00 a.m. and terminate at 3 p.m. on May 3, 1995. All sessions of the meeting will be open to the public.

The purpose of the meeting is to provide the Navy with an assessment of the force structure and ship concepts which would require a minimum manning level with a goal of 25% reduction of current manning.

The meeting will include briefings and discussions relating to ship systems automation, engineering for women at sea, SC 21, and the autonomic ship.

This Notice is being published late because of administrative delays which constitute an exceptional circumstance, not allowing Notice to be published in the **Federal Register** at least 15 days before the date of the meeting.

For further information concerning this meeting contact: Ms. Diane Mason-Muir, Office of Naval Research, Ballston Center Tower One, 800 North Quincy Street, Arlington, VA, 22217-5660, Telephone Number: (703) 696-4870.

Dated: April 25, 1995.

L. R. McNees,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 95-10634 Filed 4-28-95; 8:45 am]

BILLING CODE 3810-FF-F

Patent Licenses; Non-Exclusive, Exclusive, or Partially Exclusive: Massachusetts Institute of Technology

AGENCY: Department of the Navy, Department of Defense.

ACTION: Intent to Grant Exclusive Patent License; Massachusetts Institute of Technology.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Massachusetts Institute of Technology, a revocable, nonassignable, exclusive license in the United States and certain foreign countries to practice the Government owned invention described in U.S. Patent Application Serial No. 08/080,418, ''Thermal Insulation of Wet Shielded Metal Arc Welds,'' filed 18 June 1993.

Anyone wishing to object to the grant of this license has 60 days from the date of this notice to file written objections along with supporting evidence, if any. Written objections are to be filed with the Office of Naval Research, ONR 00CC, Ballston Tower One, Arlington, Virginia 22217–5660.

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of Naval Research, ONR 00CC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660, telephone (703) 696–4001.

Dated: April 21, 1995.

M.D. Schetzsle,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 95–10553 Filed 4–28–95; 8:45 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF ENERGY

Bonneville Power Administration 1995 Wholesale Power and Transmission Rates, Variable Industrial Power Rate Extension (VI–95), and Pacific Northwest Coordination Agreement (PNCA) Rates

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Availability of proposed 1995 wholesale power and transmission rates, variable industrial rate extension (VI–95), Pacific Northwest Coordination Agreement (PNCA) Rates, and order establishing schedule.

SUMMARY: *BPA File No:* WP–95/TR–95, WP–96, TR–96, TC–96. On December 28, 1994, Bonneville Power Administration (BPA) published a Notice of Intent to Revise Transmission Rates, 59 FR 66946 (1994), and Notice of Intent to Revise Wholesale Power Rates, 59 FR 66947 (1994). Subsequently, BPA published **Federal Register** Notices of Proposed Wholesale Power Rate Adjustment, 60 FR 8496 (1995), Proposed Transmission Rate Adjustment, 60 FR 8505 (1995), and Hearing and Opportunity for Public Comment Regarding Proposed Comparable Transmission Terms and Conditions, 60 FR 8511 (1995). On March 3, 1995, BPA published a Notice of Additional Prehearing/Settlement Conference for March 15, 1995, 60 FR 11962 (1995). At that prehearing conference, the Hearing Officers were expected to act on several procedural matters and to establish a procedural schedule. The March 3, 1995, Notice also included schedules for a New Rates and Terms and Conditions Proceeding and for an Extension of Current Rates Proceeding. Notice also was given that some issues might be settled by the litigants, causing the proposed schedule to change.

At the Prehearing/Settlement Conference on March 15, 1995, the litigants reported to Hearing Officers about settlement discussions that had been taking place between BPA and its customers. The parties requested, and the Hearing Officers allowed, additional time to complete the settlement process. The Hearing Officers set an additional Scheduling Conference for March 22, 1995, at which time parties to the rate case would be asked to report on the status of the settlement and the Hearing Officers would rule on procedural matters. On March 17, 1995, most parties to the rate case signed a Settlement Agreement agreeing that BPA would propose to surcharge BPA's current rates for a 1-year period, October 1, 1995, through September 30, 1996, and to extend the Variable Industrial Power (VI) rate which was scheduled to expire on June 30, 1996, through September 30, 1996. The parties also agreed to establish a separate subsequent process to establish a 2-year rate proposal, a 5-year rate proposal, and a proposal for transmission services terms and conditions.

By this notice, BPA announces its proposed 1995 rates to be effective for 1 year beginning on October 1, 1995, and extending through September 1996, and its proposed rates for transactions under the Pacific Northwest Coordination Agreement (PNCA). BPA will publish a separate notice in the **Federal Register** to announce its proposed new power and transmission rates to be effective on October 1, 1996, including new 2- and 5-year rates, and its new transmission services terms and conditions on or around the July 10, 1995, Filing Date established for Docket Numbers WP–96, TR–96, and TC–96.

In separate orders issued March 22, 1995, the Hearing Officers: (1) adopted a service list for BPA's 1995 Wholesale Power and Transmission Rate Adjustment Proceeding, 1996 Wholesale Power and Transmission Rate Adjustment Proceeding and 1996 Transmission Terms and Conditions Proceedings; and (2) adopted other procedural rules governing these proceedings. Copies of all orders, including the Order Establishing Schedules, may be obtained by contacting: Francis (Jamie) Troy, Hearing Clerk—LQ, Bonneville Power Administration, 905 NE. 11th Ave., PO Box 12999, Portland, Oregon 97212.

Schedule for WP–95/TR–95:

May 1, 1995—BPA Files Direct Case
May 30, 1995—Parties File Direct Case
June 9, 1995—Close of Participant Comments
June 19, 1995—Litigants File Rebuttal Testimony
June 30, 1995—Cross-Examination
July 10, 1995—Initial Briefs Filed
July 31, 1995—Final Record of Decision

Schedule for WP–96/TR–96 and TC–96:

July 10, 1995—BPA Files Direct Case/ Prehearing Conference
September 8, 1995—Parties File Direct Case
October 2, 1995—Close of Participant Comments
October 25, 1995—Litigants File Rebuttal Testimony/BPA Supplemental Testimony
December 4, 1995—Litigants File Rebuttal to Supplemental Testimony
January 3–February 3, 1996—Cross-Examination
February 21, 1996—Initial Briefs Filed
February 28, 1996—Oral Argument
March 25, 1996—BPA Draft Record of Decision/Hearing Officers Recommended Decision
April 15, 1996—Briefs on Exceptions
April 30, 1996—Final Record of Decision

BPA also will be conducting public field hearings. A notice of the dates, times, and locations of the field hearings will be made later through mailings and public advertising.

ADDRESSES: Written comments by participants must be received by June 9, 1995, for WP–95/TR–95 and by October 2, 1995, for WP–96/TR–96/TC–96 to be considered in the Record of Decision (ROD). Written comments should be submitted to the Manager, Corporate Communications—CK; Bonneville Power Administration; PO Box 12999; Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Hansen, Public Involvement and Information Specialist, at the address listed immediately above, (503) 230–4328 or call toll-free 1–800–622–4519. Information also may be obtained from:

Mr. Steve Hickok; Group Vice President, Sales and Customer Service; PO Box 3621; Portland, OR 97232 (503–230–5356)

Mr. George Eskridge; Manager, SE Sales and Customer Service District; 1101 W. River, Suite 250; Boise, ID 83702 (208–334–9137)

Mr. Ken Hustad; Manager, NE Sales and Customer Service District; Crescent Court, Suite 500; 707 Main; Spokane, WA 99201 (509–353–2518)

Ms. Ruth Bennett; Manager, SW Sales and Customer Service District; 703

Broadway; Vancouver, WA 98660 (360–418–8600)

Ms. Marg Nelson; Manager, NW Sales and Customer Service District; 201 Queen Anne Ave. N., Suite 400; Seattle, WA 98109–1030 (206–216–4272).

Responsible Official: Mr. Geoff Moorman, Manager for Pricing, Marginal Cost and Ratemaking, is the official responsible for the development of BPA's rates. Mr. Dennis Metcalf, BPA Transmission Team Lead, is the official responsible for the development of BPA's transmission terms and conditions.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Background
III. Major Studies
IV. Wholesale Power Rate Schedules and General Rate Schedule Provisions
A. Introduction
B. Summary of Rate Schedules
C. Wholesale Power Rate Schedules
D. General Rate Schedule Provisions (GRSPs)
V. Transmission Rate Schedules and General Transmission Rate Schedule Provisions (GTRSPs)
A. Summary of Rate Schedules
B. Transmission Rate Schedules
C. General Transmission Rate Schedule Provisions (GTRSPs)
VI. Charges Under the Amended and Integrated Pacific Northwest Coordination Agreement

I. Introduction

Prior to the March 15, 1995, prehearing conference, BPA determined that its initial proposal should include new 2-year and 5-year rates. On February 14, 1995, BPA published a preliminary rate proposal in the **Federal Register,** 60 FR 8496. In that proposal, BPA noted that competitive forces are causing a fundamental and significant change in the Pacific Northwest wholesale power market. In light of these competitive forces, BPA determined that its initial proposal should include a 5-year rate as well as a 2-year rate. BPA anticipated that the work necessary to develop such a proposal would take until July of 1995. As part of the settlement discussions, the parties expressed a need for additional time to respond to BPA's new rate designs. BPA believes that without an adjustment to its wholesale and transmission rates for the period October 1, 1995, through September 30, 1996, BPA's ability to satisfy its statutory obligations could be impaired. The rate case schedule adopted by the Hearing Officers on March 22, 1995, meets both BPA's and the parties' needs. The schedule affords the parties a hearing process that encompasses a period of eight months for establishment of BPA new rate designs including new 2- and 5-year rates. The effective date for the establishment of new 2- and 5-year rates is October 1, 1996.

In order to have sufficient time to conduct a full rate proceeding for new 2- and 5-year rate proposals, BPA and most parties to the 1995 rate proceeding agreed that BPA would propose to extend BPA's current adjustable rates with a 4 percent surcharge for a 1-year period, October 1, 1995, through September 30, 1996. The extension of rates requires a separate expedited proceeding and procedural schedule.

After the March 22, 1995, Scheduling Conference, the Hearing Officers issued an Order (the March 22 order) that divided the proceedings previously designated as WP–95, TR–95, and TC–95 into three separate dockets as follows:

(1) The 1995 Wholesale Power and Transmission Rates Proceeding is designated WP–95/TR–95, and will be a 90-day expedited rate proceeding conducted pursuant to section 1010.10 of the Procedures Governing Bonneville Power Administration Rate Hearings, 51 FR 7611 (1986) (hereinafter Procedures). This proceeding will extend current rates with a surcharge and establish the 3rd AC, annual cost rate, and the Pacific Northwest Coordination Agreement (PNCA) rate.

(2) The March 22 Order also established a subsequent 8 month procedural schedule beginning July 10, 1995, to establish BPA's power and transmission rates for the period beginning October 1, 1996, and new transmission services terms and conditions. The 1996 Wholesale Power Proceeding is designated WP–96, and Transmission Rates Proceeding is designated TR–96 and both will be conducted pursuant to section 1010.9 of the Procedures.

(3) The 1996 Transmission Services Terms and Conditions Proceeding is designated TC–96 and will be conducted pursuant to section 1010.9 of the Procedures concurrently with WP–96/TR–96.

In the March 22 Order, the Hearing Officers ruled that after March 22, 1995, separate official records will be maintained and separate decisions will be issued for each of the three proceedings designated above. In addition, the Hearing Officers ruled that intervenors who intervened in the dockets designated WP–95/TR–95 and TC–95 on or before March 15, 1995, were admitted as parties for all proceedings noted above.

Finally, the Hearing Officers established the final rate case schedules for Docket Numbers WP–95/TR–95, WP–96/TR–96, and TC–96. The schedule established by the Hearing Officers for Docket Number WP–95/TR–95 provides an opportunity for interested persons to review BPA proposed rates, to participate in the rate hearing, and to submit oral and written comments. All comments and documents intended to become part of the Official Record in this process should contain the file number designation WP–95/TR–95. Consideration of comments may result in a final rate proposal differing from the rates proposed in this Notice.

II. Background

The Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act) provides that BPA must establish and periodically review its rates so that they are adequate to recover, in accordance with sound business principles, the costs associated with the acquisition, conservation, and transmission of electric power, and to recover the Federal investment in the Federal Columbia River Power System (FCRPS) and other costs incurred by BPA.

On March 9, 1995, BPA published in the **Federal Register** a notice of availability of BPA's preliminary proposed Wholesale Power and Transmission Rate schedules, 60 FR 12915. Since that time, BPA has continued to study the adequacy of its preliminary rate proposal, including its proposal to tier rates for requirements service. On March 17, 1995, BPA and most parties to the 1995 rate proceedings agreed to a settlement whereby BPA would propose that current rates be extended for 1 year and surcharged 4 percent to meet BPA revenue requirements. The Settlement Agreement was an attempt to balance a number of interests, including concerns expressed by customer representatives to BPA's Power Sale Contract renegotiations. These representatives suggested that BPA's new Power Sales Contracts and new rate structures should be coordinated to allow customers to carefully consider the new rates and contracts package in detail before making any long-term commitments.

BPA's initial proposal for the 1995 rate case proposes to surcharge by 4 percent each component of its current adjustable rates, including a Variable Industrial Power (VI) rate extended through September 30, 1996, for 1 year, from October 1, 1995, through September 30, 1996.

III. Major Studies

The studies that have been prepared to support the 1995 initial proposal will be served on all parties of record and available for examination on May 1, 1995, at BPA's Public Information Center, BPA Headquarters Building, 1st Floor; 905 NE. 11th, Portland, OR. The studies and documents are:

A. Loads and Resources Study and Documentation
B. Revenue Requirement Study and Documentation
C. Revenue Forecast Study and Documentation
D. Section 7(b)(2) Rate Test Study and Documentation

To request any of the above documents by telephone, call BPA's document request line: (503) 230–3478 or call toll-free 1–800–622–4520. Please request the document by its above-listed title. Also state whether you require the accompanying documentation (these can be quite lengthy); otherwise, the study alone will be provided. (For example, ask for the ''Revenue Requirement Study and Documentation.'')

A. Loads and Resources Study

BPA's forecasts of regional loads by customer group are the basis from which public utility and direct service industry (DSI) customer purchases from BPA (Federal system firm loads) are projected. BPA also projects Federal transmission losses, obligations to regional investor-owned utilities (IOUs) under their power sales contracts, and other inter- and intraregional contractual obligations.

BPA develops forecasts of regional non- and small generating public utility (NSGPU) and generating public utility (GPU) loads using standard econometric techniques. Regional NSGPU and GPU loads are forecasted as a function of average retail electricity prices, weather-related variables, and nonagricultural employment. The regional load forecasts then are adjusted to account for factors such as effects from conservation programs and utility purchases from alternative (non-BPA) power suppliers to derive a projection of NSGPU and GPU purchases from BPA. The IOU load forecast was produced by updating the economic assumptions from the 1991 joint BPA/Northwest Power Planning Council (NPPC) forecast.

Forecasts of aluminum DSI purchases from BPA are prepared by analyzing smelter production costs relative to aluminum prices, and by considering other factors affecting smelter loads, including DSI purchases from alternative (non-BPA) power suppliers. Forecasted non-aluminum DSI purchases from BPA are prepared by analyzing historical and technical plant information, forecasted market conditions, and potential purchases from alternative power suppliers.

BPA's resource acquisition plans are based on work by BPA and the NPPC staff and reflect extensive input and review by the general public and the region's utilities. The specific resource acquisitions and associated costs included in this proposal are based on BPA's 1994 Draft Strategic Business Plan. Besides emphasizing a diverse resource portfolio, including both conservation and generating resources, BPA is committed to moving toward a blend of acquisition methods, including BPA-designed, utility-designed, and developer-initiated programs. This combination of resource diversity and acquisition approaches allows BPA to better deal with varying circumstances and uncertainties.

The ratemaking load/resource balance represents BPA's projected service to firm loads during the test years under 1930 water conditions. The ratemaking load/resource balance is used in the calculation of the supply of surplus firm power in the region and on the Federal system during the test period. A related hydro regulation study incorporates the operation of thermal plants, exports and imports of power, projected resource acquisitions, and system constraints such as the Columbia River flow augmentation project and ''spill.'' For this proposal, a 50-year hydro study was completed, which includes assumptions regarding the Columbia River flow augmentation. The hydro study starts in August 1995. The 50-year study determines expected nonfirm energy availability for the region.

B. Revenue Requirement Study

The Bonneville Project Act, the Flood Control Act of 1944, the Transmission System Act, and the Northwest Power Act require BPA to set rates that are projected to collect revenues sufficient to recover the cost of acquiring, conserving, and transmitting the electric power that BPA markets, including amortization of the Federal investment in the FCRPS over a reasonable period, and to recover BPA's other costs and expenses. The Revenue Requirement Study includes a demonstration of whether current rates will produce enough revenues to recover all BPA costs and expenses, including BPA's repayment requirements to the U.S. Treasury. Revenue requirements are a major factor in determining the overall level of BPA's proposed power and transmission rates.

The Transmission System Act and the Northwest Power Act require that transmission rates be based on an equitable allocation of the costs of the Federal transmission system between Federal and non-Federal power using the system. In compliance with a FERC order dated January 27, 1984, 26 FERC ¶ 61,096, the Revenue Requirement Study incorporates the results of separate repayment studies for the generation and transmission components of the FCRPS. The repayment studies for generation and transmission demonstrate the adequacy of the projected revenues at proposed rates to recover the Federal investment in the FCRPS over the allowable repayment period. Separate generation and transmission revenue requirements are developed in the Revenue Requirement Study. The adequacy of projected revenues to recover test period revenue requirements and to meet repayment period recovery of the Federal investment is tested and demonstrated separately for the generation and transmission functions.

The Revenue Requirement Study for the 1995 initial rate proposal is based on cost and revenue estimates for FY 1996. The cost estimates include an undistributed reduction of $80 million. This reflects BPA's decision to reduce revenue requirements by this amount to enable it to set rates at a level which recover its costs but also meet current market conditions, although specific program and/or organizational spending cuts have not been finalized. This study also includes planned net revenues to mitigate financial risk, to ensure that cash flows are adequate to demonstrate timely repayment of the Federal investment including irrigation assistance, and finance a portion of BPA's capital investments. BPA's Revenue Requirement Study reflects actual amortization and interest payments paid through September 30, 1994. In addition, it reflects all FCRPS obligations incurred pursuant to the Northwest Power Act, including residential exchange program costs.

Also part of the Revenue Requirement Study is a risk analysis that evaluates the impact that various economic and generation resource capability conditions could have on BPA's ability to make annual U.S. Treasury payments during the rate test period. It measures the financial risks surrounding the revenue and expense forecasts used to set rates. Results of the risk analysis are used to determine the amount of planned net revenue required for risk mitigation.

C. Revenue Forecast Study

The revenue forecast determines BPA's expected level of sales and revenue for the rate period, fiscal year 1996. Revenues are forecasted primarily by applying rates to a load forecast. In addition, because the load forecast assumes critical water, and streamflows usually are greater-than-critical, the revenue forecast reflects the effect of greater-than-critical streamflows (the product of which is secondary energy) on BPA's revenues. Secondary energy affects the revenue forecast by increasing or decreasing estimated revenues from the generating public utilities, direct-service industries, open market sales, and incidental wheeling. The revenue forecast is based on the average of 50 historical water years.

BPA prepares two types of revenue forecasts: (1) Revenues forecasted under current rates; and (2) revenues forecasted under proposed rates. The rates in effect since October 1993 are used in the calculation of forecasted revenues at current rates for the rate test period, fiscal year 1996. BPA also develops price forecasts for certain prices that are not set by the rate schedules to determine revenues under the Variable Industrial Power (VI) rate, for contractual sales of surplus firm power, for sales at the Nonfirm Energy rate, and for rates applicable to the WNP–1 and WNP–3 Exchange Agreements.

Included in the Revenue Forecast Study are the proposed wholesale power and transmission rate schedules, which are summarized below.

D. Section 7(b)(2) Rate Test Study

Section 7(b)(2) of the Northwest Power Act directs BPA to assure that the wholesale power rates effective after July 1, 1985, to be charged its public body, cooperative, and Federal agency customers (the 7(b)(2) customers) for their general requirements for the rate test period, plus the ensuing 4 years, are no higher than the costs of power to those customers would be for the same time period if specified assumptions are made. The effect of the rate test is to protect the 7(b)(2) customers' wholesale firm power rates from certain costs resulting from provisions of the Northwest Power Act. The rate test can result in a reallocation of costs from the 7(b)(2) customers to other rate classes. The section 7(b)(2) Rate Test Study describes the application and results of the section 7(b)(2) rate test implementation methodology.

The rate projections and the actual rate test itself are performed using BPA's Supply Pricing Model (SPM). The SPM simulates BPA's rate development process, using load, resource, and cost data consistent with that used in this rate proposal. The SPM calculates two sets of wholesale power rates for BPA's preference customers: (1) A set of rates for the test period and the ensuing 4 years, assuming that section 7(b)(2) is not in effect (program case rates); and (2) a set for the same period considering the five assumptions listed in section 7(b)(2) (7(b)(2) case rates). Certain costs specified in section 7(g) of the Northwest Power Act (7(g) costs) are subtracted from the program case rates.

The SPM then discounts each year's rates to the test year of the relevant rate case, averages each set of discounted rates, and compares the two resulting averages rounded to the nearest tenth of a mill. If the average of the discounted program case rates, less the 7(g) costs, is larger than the average discounted 7(b)(2) case rates, the rate test triggers. If the rate test triggers, the amount of dollars to be reallocated in the test period (7(b)(2) amount) is calculated by multiplying the difference between the discounted program case and 7(b)(2) case rates by the general requirements loads of the preference customers. The 7(b)(2) amount, if any, is used as an adjustment to the allocated costs in the rate case test period.

IV. Wholesale Power Rate Schedules and General Rate Schedule Provisions

Table of Contents

Introduction

Summary of Rate Schedules

Wholesale Power Rate Schedules

PF–95. Priority Firm Power Rate
IP–95. Industrial Firm Power Rate
VI–95. Variable Industrial Power Rate
SI–95. Special Industrial Power Rate
CE–95. Emergency Capacity Rate
NR–95. New Resource Firm Power Rate
NF–95. Nonfirm Energy Rate
SS–95. Share-the-Savings Energy Rate
PS–95. Power Shortage Rate
RP–95. Reserve Power Rate

General Rate Schedule Provisions (GRSPs)

Section I. Adoption of Revised Rate Schedules and General Rate Schedule Provisions
Section II. Types of BPA Service
Section III. Billing Factors and Billing Adjustments
Section IV. Other Definitions
Section V. Application of Rates Under Special Circumstances
Section VI. Billing Information
Section VII. Variable Industrial Rate Parameters and Adjustments

A. Introduction

The proposed wholesale power rate schedules are published as part of the Revenue Forecast Study. BPA agreed in the Settlement Agreement that its 1995 initial rate proposal would propose to apply a 4 percent surcharge to each component of its current adjustable rates, including the Variable Industrial Power (VI) rate which BPA would propose to extend through September 30, 1995. The current VI–91 rate expires June 30, 1996. BPA also agreed to propose that the surcharged rates would be effective for the period October 1, 1995, through September 30, 1996.

Consistent with the Settlement Agreement, BPA proposes to retain its current rate design, including most of the rate adjustments contained in the 1993 Wholesale Power Rate Schedules. BPA proposes to adjust each rate component contained in the Priority Firm Power (PF) rate, Industrial Firm Power (IP) rate, Variable Industrial Power (VI) rate, and New Resources (NR) rate such that the overall effective rate increase for sales under these rate schedules is 4 percent. BPA proposes to increase the demand and energy charges in these rates by 4 percent and also to increase by 4 percent the Irrigation Discount and First Quartile Discount. BPA proposes to increase the Energy Return Surcharge based on the changes in the PF demand charge.

BPA is proposing to retain the current percentages for the Low Density Discount and Availability Charge without further adjustments. Any change to these rate adjustments could result in an overall rate increase to customers different from 4 percent. In addition, BPA is proposing to maintain the Unauthorized Increase Charge at its current level. The Unauthorized Increase Charge is designed to deter customers from taking more power than they are entitled to take. The level of current Unauthorized Increase Charge achieves that purpose and as such a further increase is unnecessary.

BPA has some long-term contract rates that are tied to changes in BPA's PF rate. BPA is proposing to increase these rates by 4 percent. In addition, BPA has rates that depend on changes in BPA's Average System Cost (BASC). BPA also is proposing to increase BASC by 4 percent and consequently any rates that are based on changes in BASC also will be increased by 4 percent.

BPA also proposes to adjust the rate components contained in its Emergency Capacity (CE) rate and Nonfirm Energy rate schedules. Since the price BPA can obtain from these rates is based on market conditions, these rate schedules do not contain fixed rates but rather contain caps or ceilings. BPA proposes to increase the CE rate cap and the Intertie Charge by 4 percent. In the NF rate, BPA is proposing to increase the

average cost of nonfirm energy, which triggers the Intertie adder charge, and retain the upper limit on its Standard nonfirm energy rate by 4 percent. Given current market conditions, increasing the cap on the NF Standard rate is not expected to result in increased revenues during the rate period. BPA also is proposing to increase the Intertie Charge and the NF Contract rate by 4 percent.

BPA is proposing to extend the Reserve Power (RP) rate, the Share-the-Savings (SS) rate and the Power Shortage (PS) rate unchanged for the 1 year period. These rates normally are not adjusted to reflect changes in BPA's costs. The RP rate is based on BPA's estimate of its long-term marginal cost. This rate has not been adjusted since 1987. The SS rate is an experimental nonfirm energy rate that allows for a mutually agreed-to formula rate. The PS rate is a contractually agreed-to rate and is available for sales under the Shortage Agreement. The parties to the Shortage Agreement recently agreed to extend that agreement for another year.

Unlike its other rates, BPA's current Surplus Power (SP–93) rate does not expire on September 30, 1995. FERC has approved the SP–93 rate through September 30, 1998. 67 FERC ¶ 61351 (June 20, 1994). Therefore, since the SP rate continues to be in effect during the 1-year rate period, BPA proposes to retain its current SP–93 rate and not refile a new SP rate for the 1-year rate period agreed to in the Settlement Agreement. The current SP–93 rate contains a contract rate and a flexible rate. BPA does not expect to make any sales at the contract rate during the rate period. The flexible rate is capped at BPA's highest cost resource, which is significantly above the expected market price during the rate period. As such increasing the SP flexible rate by 4 percent would not advance the settlement's cost recovery objectives.

B. Summary of Rate Schedules

A summary of the proposed 1995 Wholesale Power Rate Schedules is provided below. Each of the rate schedules includes sections specifying the customer class and the service available under the rate schedule, the rates for the sales offered under the schedule, the billing factors, other special provisions for rate adjustments, such discounts or penalties that apply to that rate schedule, and the cost basis of the rates in the schedule (resource contribution). Because the 1995 rates will be effective for a 1-year period, BPA is not proposing an Interim Rate Adjustment for these rates.

1. Priority Firm Power rate: The proposed Priority Firm Power (PF–95) rate schedule would replace the PF–93 rate schedule. Power is available under the PF–95 rate schedule to public bodies, cooperatives, Federal agencies, and utilities participating in the residential exchange under section 5(c) of the Northwest Power Act. Priority Firm power must be used to meet firm loads within the Pacific Northwest. The PF rate consists of diurnally differentiated demand charges and seasonally differentiated energy charges. Other rate adjustments include an Irrigation Discount, a Low Density Discount, an Energy Return Surcharge, Unauthorized Increase Charge, Conservation Surcharge, Outage Credit and Power Factor Adjustment.

2. New Resource Firm Power rate: The proposed New Resource Firm Power (NR–95) rate schedule would replace the NR–93 rate schedule. The NR–95 rate schedule is available to investor-owned utilities under net requirements contracts for resale to consumers, and to publicly owned utilities for New Large Single Loads. The NR rate consists of diurnally differentiated demand charges and seasonally differentiated energy charges. Other rate adjustments include an Irrigation Discount, a Low Density Discount, an Energy Return Surcharge, Unauthorized Increase Charge, Conservation Surcharge, Outage Credit and Power Factor Adjustment.

3. Industrial Firm Power rate: The proposed Industrial Firm Power Rate (IP–95) rate would replace the IP–93 rate. The IP–95 rate schedule is available to BPA's direct-service industrial customers for firm power to be used in their industrial operations. The IP rate consists of diurnally differentiated demand charges and seasonally differentiated energy charges. Other rate adjustments include a First Quartile Discount, Curtailment Charge, Unauthorized Increase Charge, Outage Credit and Power Factor Adjustment.

4. Variable Industrial Power rate: The Variable Industrial Power (VI–95) rate schedule is available to DSIs purchasing from BPA under the 1986 Variable Rate Contract. The proposed VI–95 rate schedule is unchanged from prior years other than to update the rates and rate parameters based on the rate adjustment criteria established in 1991 and the 1995 rate case. The proposed base rate components of the VI–95 rate include the 4 percent surcharge, as do the First Quartile Discount and the Lower and Upper Rate Limits. The Lower and Upper Pivot Aluminum Prices are those that were effective July 1, 1995, pursuant to the VI–91 rate. They will be adjusted again on July 1, 1996. The VI rate is proposed to be extended three months past its expiration date, June 30, 1996, so that its term will be consistent with the other rates proposed for fiscal year 1996. The term of the proposed VI–95 rate thus would be October 1, 1995, through September 30, 1996.

5. Special Industrial Power rate: The proposed Special Industrial Power (SI–95) rate would replace the SI–93 rate. The SI rate is available to any DSI purchaser which uses a raw mineral indigenous to the region as its primary resource and which qualifies for the special rate under the procedures established in section 7(d)(2) of the Northwest Power Act. The SI rate consists of diurnally differentiated demand charges and seasonally differentiated energy charges. Other rate adjustments include a Curtailment Charge, Unauthorized Increase Charge, Outage Credit, and Power Factor Adjustment.

6. Nonfirm Energy rate: The proposed Nonfirm Energy (NF–95) rate schedule replaces the NF–93 rate. The NF–95 rate schedule is available for purchases of nonfirm energy inside and outside the Pacific Northwest for resale to consumers, direct consumption, and resale under Western Systems Power Pool agreements. The NF–95 rate schedule includes four rate components: A flexible Standard rate, a flexible Market Expansion rate, a flexible Incremental rate, and a fixed Contract rate. Other adjustments include a Guaranteed Surcharge and an Intertie Charge. The NF Rate Cap continues to apply to all sales under the NF–95 rate schedule. The NF Rate Cap defines the maximum nonfirm energy price for general application. The level of the NF Rate Cap is based on a formula tied to BPA's Average System Cost and California fuel costs.

7. The Reserve Power rate: The Reserve Power (RP–95) rate schedule replaces the RP–93 rate schedule. The RP rate is available in cases where a purchaser's power sales contract states that the rate for Reserve Power shall be applied; when BPA determines no other rate schedule is applicable; or to serve a purchaser's firm power load when BPA does not have a power sales contract in force with such a purchaser, and BPA determines that this rate should be applied. The RP rate consists of diurnally differentiated demand charges and a flat energy charge. Other rate adjustments include a Power Factor Adjustment.

8. The Power Shortage rate: The Power Shortage (PS–95) rate schedule is available for sales under the Share-the-Shortage agreement or when BPA arranges for purchased energy at the request of a Northwest customer. BPA is not obligated to make Shortage Power

available or to broker power under the PS–95 rate schedule unless specified by contract. The PS rate contains two rate components: a flexible Power Rate not to exceed 100 mills/kWh and a flexible Brokering Rate not to exceed 1 mill/kWh. Other rate adjustments include a Power Factor Adjustment.

C. Wholesale Power Rate Schedules

Schedule PF–95

Priority Firm Power Rate

Section I. Availability

This schedule is available for the contract purchase of firm power or capacity to be used within the Pacific Northwest. Priority Firm Power may be purchased by public bodies, cooperatives, and Federal agencies for resale to ultimate consumers for direct consumption, construction, test and startup, and station service.

Utilities participating in the exchange under section 5(c) of the Northwest Power Act may purchase Priority Firm Power pursuant to their Residential Purchase and Sale Agreements.

In addition, BPA may make power available to those parties participating in exchange agreements which use this rate schedule as the basis for determining the amount or value of power to be exchanged.

This schedule supersedes Schedule PF–93, which went into effect on October 1, 1993. Sales under this schedule are made subject to BPA's General Rate Schedule Provisions (GRSPs).

Section II. Rate

This rate schedule includes the Preference rate and the Exchange rate. The Preference rate is available for the general requirements of public body, cooperative and Federal agency customers. The Exchange rate is available for all purchases of residential and small farm exchange power pursuant to the Residential Purchase and Sale Agreements.

A. Preference Rate

1. Demand Charge

a. $4.307 per kilowatt of billing demand occurring during all Peak Period hours during a billing month.

b. No demand charge during Offpeak Period hours during a billing month.

2. Energy Charge

a. 23.06 mills per kilowatt-hour of billing energy for the billing months September through March.

b. 16.94 mills per kilowatt-hour of billing energy for the billing months April through August.

B. Exchange Rate

1. Demand Charge

a. $4.307 per kilowatt of billing demand occurring during all Peak Period hours during a billing month.

b. No demand charge during Offpeak Period hours during a billing month.

2. Energy Charge

a. 23.06 mills per kilowatt-hour of billing energy for the billing months September through March.

b. 16.94 mills per kilowatt-hour of billing energy for the billing months April through August.

Section III. Billing Factors

In this section, billing factors are listed for each of the following types of purchasers: computed requirements purchasers (section III.A), purchasers of residential exchange power pursuant to the Residential Purchase and Sale Agreements (section III.B), and metered requirements purchasers and those Priority Firm Power purchasers not covered by sections III.A and III.B (section III.C).

A. Computed Requirements Purchasers

Purchasers designated by BPA as computed requirements purchasers pursuant to power sales contracts shall be billed in accordance with the provisions of this subsection.

1. Billing Demand

The billing demand for actual, planned, and contracted computed requirements purchasers shall be the higher of the billing factors ''a'' and ''b,'' below:

a. The lower of:

(1) The larger of the Computed Peak Requirement or the Computed Average Energy Requirement; or

(2) The Measured Demand, before adjustment for power factor.

b. The lower of:

(1) The Computed Peak Requirement; or

(2) 60 percent of the highest Computed Peak Requirement during the previous 11 billing months (Ratchet Demand).

2. Billing Energy

The billing energy for actual, planned, and contracted computed requirements purchasers shall be:

a. For the months September through March, the sum of:

(1) 76 percent of the Measured Energy (excluding unauthorized increase); and

(2) 24 percent of the Computed Energy Maximum.

b. For the months April through August, the sum of:

(1) 63 percent of the Measured Energy (excluding unauthorized increase); and

(2) 37 percent of the Computed Energy Maximum.

B. Purchasers of Residential Exchange Power

Purchasers buying Priority Firm Power under the terms of a Residential Purchase and Sale Agreement shall be billed as follows:

1. Billing Demand

The billing demand shall be the demand calculated by applying the load factor, determined as specified in the Residential Purchase and Sale Agreement, to the billing energy for each billing period.

2. Billing Energy

The billing energy shall be the energy associated with the utility's residential load for each billing period. Residential load shall be computed in accordance with the provisions of the purchaser's Residential Purchase and Sale Agreement.

C. Metered Requirements Purchasers, Other Purchasers Not Covered by Sections III.A and III.B, Above

Purchasers designated as metered requirements customers and purchasers taking or exchanging power under this rate schedule who are not otherwise covered by sections III.A and III.B shall be billed as follows:

1. Billing Demand

The billing demand shall be the Measured Demand as adjusted for power factor, unless otherwise specified in the power sales contract.

2. Billing Energy

The billing energy shall be the Measured Energy, unless otherwise specified in the power sales contract.

Section IV. Adjustments And Special Provisions

A. Power Factor Adjustment

The adjustment for power factor, when specified in this rate schedule or in the power sales contract, shall be made in accordance with the provisions of both this section and section III.C.1 of the GRSPs. The adjustment shall be made if the average leading power factor or average lagging power factor at which energy is supplied during the billing month is less than 95 percent.

To make the power factor adjustment, BPA shall increase the billing demand by 1 percentage point for each percentage point or major fraction thereof (0.5 or greater) by which the average leading power factor or average

lagging power factor is below 95 percent. BPA may elect to waive the adjustment for power factor in whole or in part.

B. Low Density Discount (LDD)

BPA shall apply a discount to the charges for all Priority Firm Power sold to purchasers who are eligible for an LDD. Eligibility for the LDD and the amount of the discount (3, 5, or 7 percent) shall be determined pursuant to section III.C.3 of the GRSPs.

C. Irrigation Discount

BPA shall apply an irrigation discount, equal to 4.90 mills per kilowatt-hour, to the charges for qualifying energy purchased under this rate schedule. The irrigation discount shall be applied after calculation of the LDD. The discount shall apply only to energy purchased during the billing months of April through October. Eligibility for the irrigation discount and reporting requirements shall be determined pursuant to section III.C.4 of the GRSPs.

D. Conservation Surcharge

The Northwest Power Planning Council has recommended that a conservation surcharge be imposed on those customers subject to such surcharge as determined by the Administrator in accordance with BPA's Policy to Implement the Council-Recommended Conservation Surcharge. The Conservation Surcharge shall be applied pursuant to section III.C.6 of the GRSPs and subsequent to any other rate adjustments.

E. Outage Credit

Pursuant to section 7 of the General Contract Provisions, BPA shall provide an outage credit to any purchaser for those hours for which BPA is unable to deliver the full billing demand during that billing month due to an outage on the facilities used by BPA to deliver Priority Firm Power. Such credit shall not be provided if BPA is able to serve the purchaser's load through the use of alternative facilities or if the outage is for less than 30 minutes. The amount of the credit shall be calculated according to the provisions of section III.C.2 of the GRSPs.

F. Unauthorized Increase

BPA shall apply the charge for Unauthorized Increase to any purchaser of Priority Firm Power taking demand and energy in excess of its contractual entitlement.

1. Rate for Unauthorized Increase

a. 100.00 mills per kilowatt-hour during the billing months August through March.

b. 57.40 mills per kilowatt-hour during the billing months April through July.

2. Calculation of the Amount of Unauthorized Increase

Each 60-minute clock-hour integrated or scheduled demand shall be considered separately in determining the amount that may be considered an unauthorized increase. BPA first shall determine the amount of unauthorized increase related to demand and shall treat any remaining unauthorized increase as energy-related.

a. Unauthorized Increase in Demand

That portion of any Measured Demand during Peak Period hours, before adjustment for power factor, which exceeds the demand that the purchaser is contractually entitled to take during the billing month and which cannot be assigned:

(1) To a class of power that BPA delivers on such hour pursuant to contracts between BPA and the purchaser; or

(2) To a type of power that the purchaser acquires from sources other than BPA and that BPA delivers during such hour, shall be billed:

(a) In accordance with the provisions of the ''Relief from Overrun'' exhibit to the power sales contract; or

(b) If such exhibit does not apply or is not a part of the purchaser's power sales contract, at the rate for Unauthorized Increase, based on the amount of energy associated with the excess demand.

b. Unauthorized Increase in Energy

The amount of Measured Energy during a billing month which exceeds the amount of energy which the purchaser is contractually entitled to take during that month and which cannot be assigned:

(1) To a class of power which BPA delivers during such month pursuant to contracts between BPA and the purchaser; or

(2) To a type of power which the purchaser acquires from sources other than BPA and which BPA delivers during such month, shall be billed:

(a) In accordance with the provisions of the ''Relief from Overrun'' exhibit to the power sales contract; or

(b) As unauthorized increase if such exhibit does not apply or is not a part of the purchaser's power sales contract.

G. Coincidental Billing Adjustment

Purchasers of Priority Firm Power who are billed on a coincidental basis and who have diversity charges or diversity factors specified in their power sales contracts shall have their charges for billing demand adjusted according to the provisions of section III.C.5 of the GRSPs. Computed requirements purchasers are not subject to the Coincidental Billing Adjustment for scheduled power.

H. Energy Return Surcharge

Any purchaser who preschedules in accordance with sections 2(a)(4) and 2(c)(2) of Exhibit E of the power sales contract and who returns, during a single offpeak hour, more than 60 percent of the difference between that purchaser's billing demand and computed average energy requirement for the billing month shall be subject to the following surcharge for each additional kilowatt-hour so returned:

1. 4.25 mills per kilowatt-hour for the months of April through October;

2. 1.80 mills per kilowatt-hour for the months of November through March.

Section V. Resource Cost Contribution

BPA has made the following determinations:

A. The approximate cost contribution of different resource categories to the PF–95 rate is 72.2 percent FBS and 27.8 percent Exchange.

B. The forecasted average cost of resources available to BPA under average water conditions is 19.80 mills per kilowatt-hour.

C. The forecasted cost of resources to meet load growth is 60.64 mills per kilowatt-hour.

Schedule IP–95

Industrial Firm Power Rate

Section I. Availability

This schedule is available to direct service industrial (DSI) customers for both the contract purchase of Industrial Firm Power and the purchase of Auxiliary Power if requested by the DSI customer and made available by BPA. If a DSI customer purchasing power under this rate schedule requests and BPA makes available power under another applicable wholesale rate schedule, the IP–95 rate schedule is available for that portion of power purchased not covered under the alternative rate schedule. This rate schedule supersedes Schedule IP–93, which went into effect on October 1, 1993. Sales under this schedule are made subject to BPA's General Rate Schedule Provisions (GRSPs).

Section II. Rate

The following rates shall be applied when first quartile service is provided under this rate schedule in accordance with the terms of a purchaser's Power Sales Contract dated August 25, 1981. A separate billing adjustment for the reserves provided by the purchasers of Industrial Firm Power is not contained in this rate schedule; the value of reserves credit has been included in the determination of the demand and energy charges.

Any contractual reference to the IP Premium rate shall be deemed to refer to the demand and energy charges set forth below. Any reference to the IP Standard rate shall be deemed to refer to the same demand and energy charges minus the Discount for Quality of First Quartile Service.

A. Demand Charge

1. $5.316 per kilowatt of billing demand occurring during all Peak Period hours during a billing month.

2. No demand charge during Offpeak Period hours.

B. Energy Charge

1. 21.90 mills per kilowatt-hour of billing energy for the billing months September through March.

2. 18.02 mills per kilowatt-hour of billing energy for the billing months April through August.

Section III. Billing Factors

A. Billing Demand

The billing demand shall be the BPA Operating Level during the Peak Period as adjusted for power factor. If there is more than one BPA Operating Level during the Peak Period within a billing month, the billing demand shall be a weighted average of the BPA Operating Levels during the Peak Period for the billing month. The BPA Operating Level is defined in section III.A.10 of the GRSPs. If BPA has agreed to serve a portion of a DSI load under an alternative rate schedule, the billing demand under the IP–95 rate schedule shall be specified in the contract initiating such arrangement.

However, if BPA has agreed, pursuant to section 4 of the DSI power sales contract, to sell Industrial Firm Power on a daily demand basis (transitional service), then BPA shall bill the purchaser in accordance with the provisions of section V.C.3 of the GRSPs.

B. Billing Energy

The billing energy shall be the Measured Energy for the billing month, minus any kilowatt-hours on which BPA assesses the charge for unauthorized increase.

However, if BPA has agreed to serve only a portion of the DSI's load under the IP rate schedule, the billing energy for the power purchased under the IP rate shall be specified in the contract initiating such arrangement.

Section IV. Adjustments and Special Provisions

A. Discount for Quality of First Quartile Service

1. Application and Amount of First Quartile Discount

If a purchaser requests discounted rate service, a discount of 0.72 mills per kilowatt-hour of billing energy shall be granted. This billing credit shall be applied to the monthly billing energy under section III.B for all power purchased under this rate schedule. No credit shall be applied to those purchases subject to unauthorized increase charges under section IV.D of this rate schedule.

2. Eligibility Requirements for First Quartile Discount

To qualify for the First Quartile Discount the purchaser must request discounted rate service in writing by April 2 of each calendar year. By virtue of making such request, the Purchaser is agreeing to accept the level and quality of First Quartile service described in section 6 of the Variable Industrial rate contract. Such acceptance includes the waiver of contract rights provided in section 6.a(2)(a) of said contract.

B. Curtailments

BPA shall charge the DSI for curtailments of the lower three quartiles in accordance with the provisions of section 9 of the power sales contract. BPA shall apply the demand charge in effect at the time of the curtailment in the computation of the amount of the curtailment charge. In the event that a purchaser is found to be eligible to have a portion of their load served under an alternative rate schedule, application of the curtailment charge shall be specified in the contract instituting such arrangement.

C. Unauthorized Increase

1. Rate for Unauthorized Increase

a. 100.00 mills per kilowatt-hour during billing months August through March.

b. 57.40 mills per kilowatt-hour during billing months April through July.

2. Application of the Charge

During any billing month, BPA may assess the unauthorized increase charge on the number of kilowatt-hours associated with the DSI Measured Demand in any one 60-minute clock-hour, before adjustment for power factor, that exceed the BPA Operating Level for that clock-hour, regardless of whether such Measured Demand occurs during the Peak or Offpeak Period.

D. Power Factor Adjustment

The adjustment for power factor, when specified in this rate schedule or in the power sales contract, shall be made in accordance with the provisions of both this section and section III.C.1 of the GRSPs. The adjustment shall be made if the average leading power factor or average lagging power factor at which energy is supplied during the billing month is less than 95 percent.

To make the power factor adjustment, BPA shall increase the billing demand by 1 percentage point for each percentage point or major fraction thereof (0.5 or greater) by which the average leading power factor or average lagging power factor is below 95 percent. BPA may elect to waive the adjustment for power factor in whole or in part.

E. Outage Credit

Pursuant to section 7 of the General Contract Provisions, BPA shall provide an outage credit to any DSI for those hours for which BPA is unable to deliver the full billing demand during that billing month due to an outage on the facilities used by BPA to deliver Industrial Firm Power. Such credit shall not be provided if BPA is able to serve the DSI's load through the use of alternative facilities or if the outage is for less than 30 minutes. The amount of the credit shall be calculated according to the provisions of section III.C.2 of the GRSPs.

Section V. Resource Cost Contribution

BPA has made the following determinations:

A. The approximate cost contribution of different resource categories to the IP–95 rate is 85.8 percent Exchange and 14.2 percent New Resources.

B. The forecasted average cost of resources available to BPA under average water conditions is 19.80 mills per kilowatt-hour.

C. The forecasted cost of resources to meet load growth is 60.64 mills per kilowatt-hour.

Schedule VI–95

Variable Industrial Power Rate

Section I. Availability

This schedule is available to DSI customers for purchases under the Power Sales Contract implementing the VI rate schedule (Variable Rate Contract) of: (1) Industrial Firm Power; and (2) Auxiliary Power if requested by the DSI customer and made available by BPA. This schedule is available only for that portion of a DSI's load used in primary aluminum reduction including associated administrative facilities, if any. By virtue of incorporation of this rate schedule and associated GRSPs in the Variable Rate Contract, DSIs electing to purchase power under this rate schedule contractually agree to the terms and conditions of this rate schedule. A DSI further agrees to waive, for that portion of their load designated to purchase power at the VI rate, all rights they might otherwise have to purchase power at the Industrial Firm Power Rate Schedule for the duration of the Variable Rate Contract. Sales under this schedule are made subject to BPA's GRSPs.

Section II. Term of the Rate

This rate schedule shall take effect on October 1, 1995, and shall terminate at midnight September 30, 1996.

Section III. Rate

A. Base Rate

The formula to be used in the calculation of the monthly power bill is contained in section IV. A separate billing adjustment for the value of the reserves provided by purchasers of Industrial Firm Power is not contained in this rate schedule; the value of reserves credit has been included in the determination of the Plateau Energy Charge.

1. Base Variable Industrial Rate

a. Demand Charge

$6.233 per kilowatt of billing demand, as adjusted, occurring during the Peak Period during a billing month. No demand charge is applied during Offpeak Period hours.

b. Plateau Energy Charge

18.83 mills per kilowatt-hour of billing energy, as adjusted.

2. First Quartile Service Discount

0.59 mills per kilowatt-hour of billing energy.

3. Lower Rate Limit

15.03 mills per kilowatt-hour of billing energy.

4. Upper Rate Limit

24.63 mills per kilowatt-hour of billing energy.

B. Base Rate Parameters Subject to Annual Adjustments

The following base rate parameters shall be used to determine power bills for DSI customers purchasing power under the Variable Rate Contract. These parameters will be adjusted July 1, 1996, in accordance with the procedures contained in section VII.B of the GRSPs.

1. Lower Pivot Aluminum Price

75.4 cents per pound.

2. Upper Pivot Aluminum Price

91.6 cents per pound.

Section IV. Formula

The Variable Industrial Power rate is a formula rate tied to the U.S. market price of aluminum. Under this rate schedule, the monthly energy charge varies in response to changes in the average price of aluminum in U.S. markets.

A. Demand Charge

1. The Demand Charge, as stated in section III.A.1.a of this rate schedule, remains constant over all aluminum prices. The demand charge is applied to billing demand occurring during all Peak Period hours for all billing months.

2. No demand charge during Offpeak Period hours.

B. Energy Charge

1. Plateau Energy Charge

When the monthly billing aluminum price (described in section VII.A of the GRSPs) is between the Lower Pivot Aluminum Price and the Upper Pivot Aluminum Price inclusive (as stated in sections III.B.1 and III.B.2 of this rate schedule), the monthly energy charge shall be the Plateau Energy Charge as stated in section III.A.1.b of this rate schedule.

2. Reductions to Plateau Energy Charge

When the monthly billing aluminum price is less than the Lower Pivot Aluminum Price, the monthly energy charge shall be the greater of:

a. The Plateau Energy Charge - (LP-MAP) * (LS)

where:

LP=the Lower Pivot Aluminum Price as stated in section III.B.1 of this rate schedule.

MAP=the monthly billing aluminum price in cents per pound determined pursuant to section VII.A of the GRSPs

LS=lower slope=1 mill per kilowatt-hour

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1 cent per pound

or

b. The Lower Rate Limit as stated in section III.A.3 of this rate schedule.

3. Increases to Plateau Energy Charge

When the monthly billing aluminum price is greater than the Upper Pivot Aluminum Price, the monthly energy charge shall be the lesser of:

a. The Plateau Energy Charge+(MAP-UP) * (US)

where:

MAP=the monthly billing aluminum price in cents per pound, as determined according to section VII.A of the GRSPs.

UP=the Upper Pivot Aluminum Price as stated in section III.B.2 of this rate schedule.

US=upper slope=0.75 mills per kilowatt-hour

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1 cent per pound

b. The Upper Rate Limit, as stated in section III.A.4 of this rate schedule.

Section V. Billing Factors

A. Billing Demand

1. Billing Demand for Customers Whose Entire BPA Load Is Served at the VI Rate

The billing demand for power purchased shall be the BPA Operating Level during the Peak Period as adjusted for power factor. If there is more than one BPA Operating Level during the Peak Period within a billing month, the billing demand shall be a weighted average of the BPA Operating Levels during the Peak Period for the billing month. The BPA Operating Level is defined in section III.A.10 of the GRSPs.

2. Billing Demand or Customers When Only a Portion of Their Total BPA Load Is Served at the Variable Rate

The Billing Demand shall be the portion of the BPA Operating Level attributable to the VI rate as determined by the method specified in the Variable Rate Contract.

3. Billing Demand During Periods of Transitional Service

If BPA has agreed, pursuant to section 4 of the DSI power sales contract, to sell Industrial Firm Power on a daily demand basis (transitional service), sections V.A.1 and V.A.2 of the rate schedule shall not apply, and BPA shall bill the purchaser in accordance with the provisions of section V.C of the GRSPs.

B. Billing Energy

The billing energy for power purchased shall be the Measured Energy for the billing month, minus any kilowatt-hours on which BPA assesses the charge for unauthorized increase.

Section VI. Other Adjustments and Special Provisions

A. Lower and Upper Pivot Aluminum Prices

Effective July 1, 1991, and every July 1 thereafter, the Lower and Upper Pivot Aluminum Prices set forth in section III.B of the rate schedule shall be adjusted following the procedures set forth in section VII.B of the GRSPs. The adjusted Lower and Upper Pivot Aluminum Prices shall supersede the Lower and Upper Pivot Aluminum Prices contained in section III.B of the rate schedule.

B. Discount for Quality of First Quartile Service

If a purchaser requests First Quartile service with other than Surplus Firm Energy Load Carrying Capability (FELCC), a discount contained in section III.A.2 of this rate schedule shall be granted. This billing credit shall be applied to the monthly billing energy under section V.B for all power purchased under this rate schedule. No credit shall be applied to those purchases subject to unauthorized increase charges under section VI.F of this rate schedule. To qualify for the First Quartile Discount, the purchaser must request discounted rate service in writing by April 2 of each calendar year. By virtue of making such request, the Purchaser is agreeing to accept the level and quality of First Quartile service described in section 6 of the Variable Rate Contract. Such acceptance includes the waiver of contract rights provided in section 6.a(2)(a) of said contract.

C. Unauthorized Increase

1. Rate for Unauthorized Increase

a. 100.00 mills per kilowatt-hour during the billing months August through March.

b. 57.40 mills per kilowatt-hour during the billing months April through July.

2. Application of the Charge

During any billing month, BPA may assess the unauthorized increase charge on the number of kilowatt-hours associated with the DSI Measured Demand in any one 60-minute clock-hour, before adjustment for power factor, that exceed the BPA Operating Level for that clock-hour, regardless of whether such Measured Demand occurs during the Peak or Offpeak Period.

D. Power Factor Adjustment

The adjustment for power factor, when specified in this rate schedule or in the power sales contract, shall be made in accordance with the provisions of both this section and section III.C.1 of the GRSPs. The adjustment shall be made if the average leading power factor or average lagging power factor at which energy is supplied during the billing month is less than 95 percent.

To make the power factor adjustment, BPA shall increase the BPA Operating Level by 1 percentage point for each percentage point or major fraction thereof (0.5 or greater) by which the average leading power factor or average lagging power factor is below 95 percent. BPA may elect to waive the adjustment for power factor in whole or in part.

E. Outage Credit

Pursuant to section 7 of the General Contract Provisions, BPA shall provide an outage credit to any DSI to whom BPA is unable to deliver the full billing demand during that billing month due to an outage on the facilities used by BPA to deliver Industrial Firm Power. Such credit shall not be provided if BPA is able to serve the DSI's load through the use of alternative facilities or if the outage is for less than 30 minutes. The amount of the credit shall be calculated according to the provisions of section III.C.2 of the GRSPs.

Section VII. Resource Cost Contribution

BPA has made the following determinations:

A. The approximate cost contribution of different resource categories to the VI–95 rate is 85.8 percent Exchange and 14.2 percent New Resources.

B. The forecasted average cost of resources available to BPA under average water conditions is 19.80 mills per kilowatt-hour.

C. The forecasted cost of resources to meet load growth is 60.64 mills per kilowatt-hour.

Schedule SI–95

Special Industrial Power Rate

Section I. Availability

This rate schedule is available to any DSI purchaser using raw minerals indigenous to the region as its primary resource and qualifying for this special power pursuant to the procedures established in section 7(d)(2) of the Northwest Power Act. This schedule is available for the contract purchase of this special class of industrial power and also for the purchase of Auxiliary Power if requested by the DSI and made available by BPA. Schedule SI–95 supersedes schedule SI–93, which went into effect on October 1, 1993. Sales under this schedule are made subject to BPA's General Rate Schedule Provisions (GRSPs).

Section II. Rate

A separate billing adjustment for the value of the reserves provided by purchasers of this special class of Industrial Power is not contained in the rate schedule; the adjustment is reflected in the Special Industrial Power Rate charges.

A. Demand Charge

1. $3.827 per kilowatt of billing demand occurring during all Peak Period hours during a billing month.

2. No demand charge during Offpeak Period hours.

B. Energy Charge

1. 21.20 mills per kilowatt-hour of billing energy for the billing months September through March;

2. 15.08 mills per kilowatt-hour of billing energy for the billing months April through August.

Section III. Billing Factors

A. Billing Demand

The billing demand for power purchased under the Standard Special Industrial Power rate shall be the BPA Operating Level during the Peak Period as adjusted for power factor. If there is more than one BPA Operating Level during the Peak Period within a billing month, the billing demand shall be a weighted average of the Peak Period BPA Operating Levels for the billing month. The BPA Operating Level is defined in section III.A.10 of the GRSPs.

However, if BPA has agreed, pursuant to section 4 of the direct service industrial power sales contract, to sell Special Industrial Power on a daily demand basis (transitional service), BPA shall instead bill the purchaser in accordance with the provisions of section V.C of the GRSPs.

B. Billing Energy

The billing energy under the Special Industrial rate shall be the Measured Energy for the billing month, minus any kilowatt-hours on which BPA assesses the charge for unauthorized increase.

Section IV. Adjustments and Special Provisions

A. Curtailments

BPA shall charge the DSI for curtailments in accordance with the

provisions of the DSI's power sales contract. Any curtailment charge levied shall be computed using the Special Industrial Power rate.

B. Unauthorized Increase Charge

1. Rate for Unauthorized Increase

a. 100.00 mills per kilowatt-hour during billing months August through March.

b. 57.40 mills per kilowatt-hour during billing months April through July.

2. Application of the Charge

During any billing month, BPA may assess the unauthorized increase charge on the number of kilowatt-hours associated with the DSI Measured Demand in any one 60-minute clock-hour, before adjustment for power factor, that exceed the BPA Operating Level for that clock-hour, regardless of whether such Measured Demand occurs during the Peak or Offpeak Period.

C. Power Factor Adjustment

The adjustment for power factor, when specified in this rate schedule or in the power sales contract, shall be made in accordance with the provisions of both this section and section III.C.1 of the GRSPs. The adjustment shall be made if the average leading power factor or average lagging power factor at which energy is supplied during the billing month is less than 95 percent.

To make the power factor adjustment for service under the Special Industrial Power rate, BPA shall increase the billing demand by 1 percentage point for each percentage point or major fraction thereof (0.5 or greater) by which the average leading power factor or average lagging power factor is below 95 percent. BPA may elect to waive the adjustment for power factor in whole or in part.

D. Outage Credit

Pursuant to section 7 of the General Contract Provisions, BPA shall provide an outage credit to any purchaser for those hours for which BPA is unable to deliver the full billing demand during that billing month due to an outage on the facilities used by BPA to deliver Special Industrial Power. Such credit shall not be provided if BPA is able to serve the purchaser's load through the use of alternative facilities or if the outage is for less than 30 minutes. The amount of the credit shall be calculated according to the provisions of section III.C.2 of the GRSPs.

Section V. Resource Cost Contribution

BPA has made the following determinations:

A. The SI–95 rate is not based on the cost of resources.

B. The forecasted average cost of resources available to BPA under average water conditions is 19.80 mills per kilowatt-hour.

C. The forecasted cost of resources to meet load growth is 60.64 mills per kilowatt-hour.

Schedule CE–95

Emergency Capacity Rate

Section I. Availability

This schedule is available for the purchase of capacity provided the purchaser requests such capacity and BPA has determined that capacity is available for such purpose. This schedule is available when:

A. An emergency exists on the purchaser's system, or

B. The purchaser wishes to displace higher-cost firm capacity resources which are otherwise available to meet the purchaser's load.

This schedule supersedes Schedule CE–93 which went into effect on October 1, 1993. Sales under this schedule are made subject to BPA's General Rate Schedule Provisions.

Section II. Rate

A. Demand Charge

As mutually agreed by BPA and the purchaser, up to $0.321 per kilowatt of demand per calendar day or portion thereof.

B. Intertie Charge

The demand charge specified above shall be increased by $0.044 per kilowatt per day for capacity made available at the Oregon-California or Oregon-Nevada border for delivery over the Pacific Northwest-Pacific Southwest (Southern) Intertie.

Section III. Billing Factors

The billing demand shall be the maximum amount requested by the purchaser and made available by BPA during a calendar day. If BPA is unable to meet subsequent requests by a purchaser for delivery at the demand previously established during such day, the billing demand for that day shall be the lower demand which BPA is able to supply.

Section IV. Billing Period

Bills shall be rendered monthly.

Section V. Special Provision

Energy delivered with such capacity shall be returned to BPA within 7 days of the date of delivery and shall be returned at times and rates of delivery agreed to by both the purchaser and BPA prior to delivery. BPA may agree to accept the return energy after the normal 7 day return period provided that such delay has been mutually agreed upon prior to delivery.

Section VI. Resource Cost Contribution

BPA has made the following determinations:

A. The approximate cost contribution of different resource categories to the CE–95 rate is 85.8 percent Exchange and 14.2 percent New Resources.

B. The forecasted average cost of resources available to BPA under average water conditions is 19.6 mills per kilowatt-hour.

C. The forecasted cost of resources to meet load growth is 55.7 mills per kilowatt-hour.

Schedule NR–95

New Resource Firm Power Rate

Section I. Availability

This schedule is available for the contract purchase of firm power or capacity to be used within the Pacific Northwest. New Resource Firm Power is available to investor-owned utilities (IOUs) under net requirements contracts for resale to ultimate consumers, direct consumption, or use in construction, test and start up, and station service. New Resource Firm Power also is available to any public body, cooperative, or Federal agency to the extent such power is needed to serve any New Large Single Load. In addition, BPA may make this rate available to those parties participating in exchange agreements that use this rate schedule as the basis for determining the amount or value of power to be exchanged. This schedule supersedes Schedule NR–93, which went into effect on October 1, 1993. Sales under this schedule are made subject to BPA's General Rate Schedule Provisions (GRSPs).

Section II. Rate

A. Demand Charge

1. $5.357 per kilowatt of billing demand occurring during all Peak Period hours during a billing month.

2. No demand charge during Offpeak Period hours.

B. Energy Charge

1. 28.66 mills per kilowatt-hour of billing energy for the billing months September through March.

2. 25.10 mills per kilowatt-hour of billing energy for the billing months April through August.

Section III. Billing Factors

In this section billing factors are listed for computed requirements purchasers

(section III.A), metered requirements purchasers, and those purchasers not covered by section III.A (section III.B).

A. Computed Requirements Purchasers

Purchasers designated by BPA as computed requirements purchasers pursuant to power sales contracts shall be billed in accordance with the provisions of this section.

1. Billing Demand

The billing demand for actual, planned, and contracted computed requirements purchasers shall be the higher of the billing factors ''a'' and ''b,'' below:

a. The lower of:

(1) The larger of the Computed Peak Requirement or the Computed Average Energy Requirement; or

(2) The Measured Demand, before adjustment for power factor.

b. The lower of:

(1) The Computed Peak Requirement; or

(2) 60 percent of the highest Computed Peak Requirement during the previous 11 billing months (Ratchet Demand).

2. Billing Energy

The billing energy for actual, planned, and contracted computed requirements purchasers shall be:

a. For the months September through March, the sum of:

(1) 55 percent of the Measured Energy; and

(2) 45 percent of the Computed Energy Maximum.

b. For the months April through August, the sum of:

(1) 43 percent of the Measured Energy; and

(2) 57 percent of the Computed Energy Maximum.

B. Metered Requirements Purchasers and Other Purchasers Not Covered by Section III.A, Above

Purchasers designated as metered requirements customers and purchasers taking power under this rate schedule who are not otherwise covered by section III.A shall be billed as follows:

1. Billing Demand

The billing demand shall be the Measured Demand as adjusted for power factor, unless otherwise specified in the power sales contract. However, purchasers who previously used the Firm Energy rate schedule, FE–2, either in the computation of their power bills or in the determination of the value of an exchange account, shall not be charged for demand under this rate schedule.

2. Billing Energy

The billing energy shall be the Measured Energy, unless otherwise specified in the power sales contract.

Section IV. Adjustments and Special Provisions

A. Power Factor Adjustment

The adjustment for power factor, when specified in this rate schedule or in the power sales contract, shall be made in accordance with the provisions of both this section and section III.C.1 of the GRSPs. The adjustment shall be made if the average leading power factor or average lagging power factor at which energy is supplied during the billing month is less than 95 percent.

To make the power factor adjustment, BPA shall increase the billing demand by 1 percentage point for each percentage point or major fraction thereof (0.5 or greater) by which the average leading power factor or average lagging power factor is below 95 percent. BPA may elect to waive the adjustment for power factor in whole or in part.

B. Irrigation Discount

BPA shall apply an irrigation discount, equal to 4.90 mills per kilowatt-hour, to the charges for qualifying energy purchased under this rate schedule. The discount shall apply only to energy purchased during the billing months of April through October. Eligibility for the irrigation discount and reporting requirements shall be determined pursuant to section III.C.4 of the GRSPs.

C. Conservation Surcharge

The Conservation Surcharge shall be applied in accordance with section III.C.6 of the GRSPs and subsequent to any other rate adjustments.

D. Unauthorized Increase

BPA shall apply the charge for Unauthorized Increase to any purchaser of New Resource Firm Power taking demand and/or energy in excess of its contractual entitlement.

1. Rate for Unauthorized Increase

a. 100.00 mills per kilowatt-hour during billing months August through March.

b. 57.40 mills per kilowatt-hour during billing months April through July.

2. Calculation of the Unauthorized Increase

Each 60-minute clock-hour integrated or scheduled demand shall be considered separately in determining the amount which may be considered an unauthorized increase. BPA shall first determine the amount of unauthorized increase related to demand and shall then treat any remaining unauthorized increase as energy-related.

a. Unauthorized Increase in Demand

That portion of any Measured Demand during Peak Period hours, before adjustment for power factor, that exceeds the demand which the purchaser is contractually entitled to take during the billing month and that cannot be assigned:

(1) To a class of power which BPA delivers on such hour pursuant to contracts between BPA and the purchaser; or

(2) To a type of power which the purchaser acquires from sources other than BPA and which BPA delivers during such hour, shall be billed:

(a) In accordance with the provisions of the ''Relief from Overrun'' exhibit to the power sales contract; or

(b) If such exhibit does not apply or is not a part of the purchaser's power sales contract, at the rate for Unauthorized Increase, based on the amount of energy associated with the excess demand.

b. Unauthorized Increase in Energy

The amount of Measured Energy during a billing month that exceeds the amount of energy which the purchaser is contractually entitled to take during that month and that cannot be assigned:

(1) To a class of power that BPA delivers during such month pursuant to contracts between BPA and the purchaser; or

(2) To a type of power that the purchaser acquires from sources other than BPA and that BPA delivers during such month, shall be billed:

(a) In accordance with the provisions of the ''Relief from Overrun'' exhibit to the power sales contract, or

(b) As unauthorized increase if such exhibit does not apply or is not a part of the purchaser's power sales contract.

E. Coincidental Billing Adjustment

Purchasers of New Resource Firm Power who are billed on a coincidental basis and who have diversity charges or diversity factors specified in their power sales contracts shall have their charges for billing demand adjusted according to the provisions of section III.C.5 of the GRSPs. Computed requirements purchasers are not subject to the Coincidental Billing Adjustment for scheduled power.

F. Outage Credit

Pursuant to section 7 of the General Contract Provisions, BPA shall provide

an outage credit to any purchaser for those hours for which BPA is unable to deliver the full billing demand during the billing month due to an outage on the facilities used by BPA to deliver New Resource Firm Power. Such credit shall not be provided if BPA is able to serve the purchaser's load through the use of alternative facilities or if the outage is for less than 30 minutes. The amount of the credit shall be calculated according to the provisions of section III.C.2 of the GRSPs.

G. Energy Return Surcharge

Any purchaser who preschedules in accordance with sections 2(a)(4) and 2(c)(2) of Exhibit E of the Power Sales contract and who returns, during a single offpeak hour, more than 60 percent of the difference between that purchaser's billing demand and estimated computed average energy requirement for the billing month shall be subject to the following surcharge for each additional kilowatt-hour so returned:

1. 4.25 mills per kilowatt-hour for the months of April through October; and

2. 1.80 mills per kilowatt-hour for the months of November through March.

Section V. Resource Cost Contribution

BPA has made the following determinations:

A. The approximate cost contribution of different resource categories to the NR–95 rate is 89.7 percent Exchange and 10.3 percent New Resources.

B. The forecasted average cost of resources available to BPA under average water conditions is 19.80 mills per kilowatt-hour.

C. The forecasted cost of resources to meet load growth is 60.64 mills per kilowatt-hour.

Schedule NF–95

Nonfirm Energy Rate

Section I. Availability

This schedule is available for the purchase of nonfirm energy to be used both inside and outside the United States including sales under the Western Systems Power Pool (WSPP) agreements and sales to consumers. This schedule also applies to energy delivered for emergency use under the conditions set forth in section V.A of the General Rate Schedule Provisions (GRSPs). BPA is not obligated to offer nonfirm energy to any purchaser that results in displacement of firm power purchases under BPA's Power Sales Contracts. The offer of nonfirm energy under this schedule shall be determined by BPA. Schedule NF–95 supersedes Schedule NF–93, which went into effect on October 1, 1993. Sales under this schedule are made subject to BPA's GRSPs.

Section II. Rates

The average cost of nonfirm energy is 23.31 mills per kilowatt-hour. The NF–95 rate schedule provides for upward and downward pricing flexibility from this average nonfirm energy cost. All rates and any subsequent adjustments contained in this rate schedule shall not exceed in total the NF Rate Cap defined in section IV.C of the GRSPs.

A. Standard Rate

The Standard rate is any offered rate not to exceed 27.97 mills per kilowatt-hour.

B. Market Expansion Rate

The Market Expansion rate is any offered rate below the Standard rate in effect. BPA may have one or more Market Expansion rates in effect simultaneously.

C. Incremental Rate

The Incremental rate is the Incremental Cost of energy plus 2.00 mills per kilowatt-hour, where the Incremental Cost is defined as all identifiable costs (expressed in mills per kilowatt-hour) that BPA would have avoided had it not produced or purchased the energy being sold under this rate.

D. Contract Rate

The Contract rate is 14.83 mills per kilowatt-hour of billing energy.

Section III. Adjustments to Rates

A. Guaranteed Delivery Surcharge

A surcharge of 2.00 mills per kilowatt-hour of billing energy is applied to guaranteed delivery of nonfirm energy under the Standard rate and Market Expansion rate.

B. Intertie Charge

The Intertie Charge, on rate offers under any of the rates specified above, for sales of nonfirm energy scheduled for delivery over the Pacific Northwest-Pacific Southwest Intertie shall be:

1. Inapplicable for rate offers of less than 23.31 mills per kilowatt-hour;

2. At the discretion of BPA, from zero through 3.23 mills per kilowatt-hour, for rate offers of 23.31 mills per kilowatt-hour; or

3. 3.23 mills per kilowatt-hour, for rate offers greater than 23.31 mills per kilowatt-hour.

Section IV. Billing Factors

The billing energy for nonfirm energy purchased under this rate schedule shall be the Measured Energy unless otherwise specified by contract.

Section V. Application and Eligibility

Any time that BPA has nonfirm energy for sale, the Standard rate, the Market Expansion rate, the Incremental rate, the Contract rate, or a combination of these rates may be in effect.

A. Standard Rate

The Standard rate:

1. Is available for all purchases of nonfirm energy; and

2. Applies to nonfirm energy purchased pursuant to the Relief from Overrun Exhibit to the power sales contract.

B. Market Expansion Rate

1. Application of the Market Expansion Rate

The Market Expansion rate applies when BPA determines that all markets at the Standard rate have been satisfied and BPA offers additional nonfirm energy.

2. Market Expansion Rate Qualification Criteria

In order to purchase nonfirm energy at the Market Expansion rate, a purchaser must:

a. Have a displaceable resource, displaceable purchase of electricity, or

b. Be an end-user load with a displaceable alternative fuel source.

In addition, a purchaser must demonstrate one of the following:

a. Shutdown or reduction of the output of the displaceable resource in an amount equal to the amount of Market Expansion rate energy purchased; or

b. Reduction of a displaceable purchase and the output of the resource associated with that purchase, in an amount equal to the amount of Market Expansion rate energy purchased; or

c. Shutdown or reduction of the identified output of the resource(s) indirectly in an amount equal to the amount of Market Expansion rate energy purchased (for example, the purchase may be used to run a pumped storage unit); or

d. Decrease of an end-user alternate fuel source in an amount equivalent to the amount of Market Expansion rate energy purchased.

3. Eligibility Criteria for Market Expansion Rate

a. When only one Market Expansion rate is offered:

Purchasers qualifying under section V.B.2 who purchased nonfirm energy directly from BPA are eligible to purchase power under the Market Expansion rate offered if the decremental cost of the qualifying

resource, purchase, or qualifying alternative fuel source is lower than the Standard rate in effect plus 2.0 mills per kilowatt-hour.

Purchasers qualifying under section V.B.2 who purchase nonfirm energy through a third party are eligible to purchase power under the Market Expansion rate offered if the cost of the qualifying alternative fuel source is lower than the Standard rate in effect plus 4.0 mills per kilowatt-hour.

b. When more than one Market Expansion rate is offered:

Purchasers qualifying under section V.B.2 who purchase nonfirm energy directly from BPA are eligible to purchase power under the Market Expansion rate if the decremental cost of the qualifying resource, purchase, or qualifying alternative fuel source is lower than the Standard rate in effect plus 2.00 mills per kilowatt-hour. The rate applicable to a purchaser shall be the highest Market Expansion rate offered that is below the purchaser's qualifying decremental cost minus 2.00 mills per kilowatt-hour.

Purchasers qualifying under section V.B.2 who purchase nonfirm energy through a third party are eligible to purchase power under the Market Expansion rate if the decremental cost of the qualifying alternative fuel source is lower than the Standard rate plus 4.00 mills per kilowatt-hour. The rate applicable to a purchaser shall be the highest Market Expansion rate offered that is below purchaser's qualifying decremental cost minus 4.0 mills per kilowatt-hour.

C. Incremental Rate

The Incremental rate applies to sales of energy:

1. That is produced or purchased by BPA concurrently with the nonfirm energy sale;

2. That BPA may at its option not produce or purchase; and

3. That has an Incremental Cost greater than the Standard rate (plus the Intertie Charge, if applicable) less 2.00 mills per kilowatt-hour.

D. Contract Rate

The Contract rate applies to contracts (except power sales contracts offered pursuant to sections 5(b), 5(c), and 5(g) of the Northwest Power Act) that refer to the Contract rate:

1. For the sale of nonfirm energy; or

2. For determining the value of energy.

E. Western Systems Power Pool Transactions (WSPP)

BPA may make available nonfirm energy for transactions under the WSPP agreement. WSPP sales shall be subject to the terms and conditions specified in the WSPP agreement and shall be consistent with regional and public preference. The rate for transactions under the WSPP agreement is any rate within the limits specified by the Standard, Market Expansion, and Incremental rates but may not exceed the maximum rate specified in the WSPP Agreement. The rate for WSPP sales may differ from the actual rate offered for non-WSPP transactions in any hour. The rate for WSPP transactions is independent of any other rate offered concurrently under this rate schedule outside that agreement.

F. End-User Rate

BPA may agree to a rate or rate formula for nonfirm energy purchases by end-users. Such rate or rate formula shall be within the limits specified for the Standard and Market Expansion rates but may differ from the actual rates offered during any hour.

Section VI. Delivery

A. Rate of Delivery

BPA shall determine the amount of nonfirm energy to be made available for each hour. Such determination shall be made for each applicable nonfirm energy rate.

B. Guaranteed Delivery

1. Availability

BPA will determine the amount and duration of nonfirm energy to be offered on a guaranteed basis. Such daily or hourly amounts may be as small as zero or as much as all the nonfirm energy that BPA plans to offer for sale on such days.

2. Conditions

Scheduled amounts of guaranteed nonfirm energy may not be changed except:

a. When BPA and the purchaser mutually agree to increase or decrease the scheduled amounts; or

b. When BPA must reduce nonfirm energy deliveries in order to serve firm loads because of unexpected generation or transmission losses.

Section VII. Resource Cost Contribution

BPA has made the following determinations:

A. The approximate cost contribution of different resource categories to the average cost of nonfirm energy is 92.7 percent FBS and 7.3 percent New Resources.

B. The forecasted average cost of resources available to BPA under average water conditions is 19.80 mills per kilowatt-hour.

C. The forecasted cost of resources to meet load growth is 60.64 mills per kilowatt-hour.

Schedule SS–95

Share-the-Savings Rate

Section I. Availability

This rate schedule is available for the contract purchase of Nonfirm Energy under an experimental rate and is limited to the term of the rate experiment. Nonfirm Energy will be made available under this rate schedule for use both inside and outside the United States for the displacement of a qualifying resource, displaceable purchase of electricity, or end-user load that can be served with alternate fuel sources. This rate schedule is only available to purchasers who execute a contract with BPA specifying use of the Share-the-Savings Rate. BPA is not obligated to offer Nonfirm Energy to any purchaser that results in displacement of firm power purchases under BPA's Power Sales Contracts. Schedule SS–95 supersedes Schedule SS–93, which went into effect on October 1, 1993. Sales under this schedule are made subject to BPA's General Rate Schedule Provisions (GRSPs).

Section II. Rate

The rate shall be a formula rate based solely or in part on decremental cost information submitted by the purchaser. The rate formula and decremental cost, for purposes of establishing charges under this rate schedule, shall be defined in the applicable contract. The rate formula agreed upon by BPA and the purchaser shall in no event result in a rate higher than the NF Rate Cap defined in section IV.C of the GRSPs or lower than 1.00 mill per kilowatt-hour.

Section III. Billing Factor

The billing energy for Nonfirm Energy purchased under this rate schedule shall be the Measured Energy unless otherwise specified in the Share-the-Savings rate contract.

Section IV. Application and Eligibility

A. General Requirements

In order to purchase Nonfirm Energy under the Share-the-Savings Rate, the purchaser must:

1. Have executed a contract specifying application of the Share-the-Savings Rate Schedule, and

2. Have a displaceable resource, displaceable purchase of electricity, or be an end-user load with a displaceable alternate fuel source. End-user loads with alternate fuel sources may not use the Decremental Cost of a displaceable

purchase of electricity to qualify for this rate.

B. BPA Service Priority

Offers of Nonfirm Energy under this rate schedule shall be made pursuant to the terms and conditions set forth in the Share-the-Savings rate contract. BPA will sell Nonfirm Energy under this rate schedule consistent with regional and public preference.

Section V. Resource Cost Contribution

BPA has made the following determinations:

A. The SS–95 rate is not based on the cost of BPA resources.

B. The forecasted average cost of resources available to BPA under average water conditions is 19.80 mills per kilowatt-hour.

C. The forecasted cost of resources to meet load growth is 60.64 mills per kilowatt-hour.

Schedule PS–95

Power Shortage Rate

Section I. Availability

This schedule is available inside the Pacific Northwest for the purchase of Shortage Power to a utility when a shortage exists on its system and the utility requests Shortage Power under this rate schedule, or when Shortage Power is being delivered to a utility as the result of statewide or regionwide curtailment. This schedule is also available for sales under the Share-the-Shortage agreement, or a similar substitute agreement.

This rate schedule is also available inside the Pacific Northwest when BPA arranges for purchase energy at the request of a customer. BPA is not obligated to make Shortage Power available or broker power under this rate schedule unless specified by contract. Sales under this schedule are made subject to BPA's General Rate Schedule Provisions.

Section II. Rates

A. Power Rate

The power rate is any offered rate not to exceed 100.00 mills per kilowatt-hour. The offered rate may be specified as an energy charge only or as demand and energy charges.

B. Brokering Rate

The brokering rate may be up to 1.00 mill per kilowatt-hour for services provided when BPA arranges for energy purchases for a customer from a seller other than BPA.

Section III. Billing Factors

The billing factors shall be:

A. Power Purchases

The factors to be used in determining the billings for power purchases under this rate schedule are as follows:

1. Billing Demand

The billing demand shall be the Contract Demand as specified in the contract initiating such arrangement or as mutually agreed to by the parties. Otherwise the billing demand shall be the Measured Demand as adjusted for power factor.

2. Billing Energy

The billing energy shall be the Contract Energy as specified in the contract initiating such arrangement or as mutually agreed to by the parties. Otherwise the billing energy shall be the Measured Energy.

B. Brokering Services

When BPA arranges for energy purchases at the request of a customer, the purchaser shall be billed for such services based on the total amount of kilowatt-hours purchased.

Section IV. Adjustments and Special Provisions

A. Power Factor Adjustment

The adjustment for power factor for BPA customers that are billed for shortage power on metered amounts, when specified in this rate schedule or in the contracts, shall be made in accordance with the provisions of both this section and section III.C.1 of the GRSPs. The adjustment shall be made if the average leading power factor or average lagging power factor at which energy is supplied during the billing month is less than 95 percent.

To make the power factor adjustment, BPA shall increase the billing energy by 1 percentage point for each percentage point or major fraction thereof (0.5 or greater) by which the average leading power factor or average lagging power factor is below 95 percent. BPA may elect to waive the adjustment for power factor in whole or in part.

B. Power Brokering

The charge for power brokering only applies to the service provided by BPA of finding purchased power for a customer from a seller other than BPA. BPA may agree to provide other services in addition to finding purchased power, but these services shall be billed separately at charges specified in the appropriate rate schedule(s) or agreement(s). Such services may include, but are not limited to, wheeling and load shaping.

C. Share-the-Shortage Transactions

In the event a Share-the-Shortage type agreement is executed, BPA may make shortage power available to participants under such agreement. Any transactions entered into by BPA pursuant to the Share-the-Shortage agreement shall be subject to the terms and conditions specified in that agreement. The PS–95 rate does not incorporate the agreement but the agreement controls if there is any conflict between the PS–95 rate and the agreement. The rate for transactions under the Share-the-Shortage agreement is any rate within the limits specified by the power rate but may not exceed the maximum rate specified in the agreement. The rate for Share-the-Shortage transactions is independent of any rate offered under this rate schedule for sales that do not fall under the agreement. The PS–95 power rate shall not be available for transactions with a party who triggers the Share-the-Shortage agreement if BPA elects to meet its required service obligations under the agreement by entering into an alternative agreement.

Section V. Resource Cost Contribution

BPA has made the following determinations:

A. The approximate cost contribution of different resource categories to the PS–95 rate is based upon the BPA's highest cost resource which currently is an FBS resource.

B. The forecasted average cost of resources available to BPA under average water conditions is 19.80 mills per kilowatt-hour.

C. The forecasted cost of resources to meet load growth is 60.64 mills per kilowatt-hour.

Schedule RP–95

Reserve Power Rate

Section I. Availability

This schedule is available for the purchase of power:

A. In cases where a purchaser's power sales contract states that the rate for Reserve Power shall be applied;

B. For which BPA determines no other rate schedule is applicable; or

C. To serve a purchaser's firm power load in circumstances where BPA does not have a power sales contract in force with such purchaser, and BPA determines that this rate should be applied.

This rate schedule may be applied to power purchased by entities outside the United States. This rate schedule supersedes Schedule RP–93, which went into effect on October 1, 1993. Sales under this schedule are made

subject to BPA's General Rate Schedule Provisions (GRSPs).

Section II. Rate

A. Demand Charge

1. $3.640 per kilowatt of billing demand occurring during all Peak Period hours during a billing month.

2. No demand charge during Offpeak Period hours.

B. Energy Charge

25.30 mills per kilowatt-hour of billing energy.

Section III. Billing Factors

The factors to be used in determining the billing for power purchased under this rate schedule are as follows:

A. Billing Demand

If applicable, the billing demand shall be the Contract Demand as specified in the power sales contract. Otherwise the billing demand shall be the Measured Demand as adjusted for power factor.

B. Billing Energy

The billing energy shall be the Contract Demand multiplied by the number of hours in the billing month, if use of the Contract Demand for determining billing energy is specified in the power sales contract. Otherwise the billing energy for such purchasers shall be the Measured Energy.

Section IV. Power Factor Adjustment

The adjustment for power factor, when specified in this rate schedule or in the power sales contract, shall be made in accordance with the provisions of both this section and section III.C.1 of the GRSPs. The adjustment shall be made if the average leading power factor or average lagging power factor at which energy is supplied during the billing month is less than 95 percent.

To make the power factor adjustment, BPA shall increase the billing demand by 1 percentage point for each percentage point or major fraction thereof (0.5 or greater) by which the average leading power factor or average lagging power factor is below 95 percent. BPA may elect to waive the adjustment for power factor in whole or in part.

Section V. Resource Cost Contribution

BPA has made the following determinations:

A. The RP–95 rate is not based on the cost of resources.

B. The forecasted average cost of resources available to BPA under average water conditions is 19.80 mills per kilowatt-hour.

C. The forecasted cost of resources to meet load growth is 60.64 mills per kilowatt-hour.

D. General Rate Schedule Provisions (GRSPs)

Table of Contents

I. Adoption of Revised Rate Schedules and General Rate Schedule Provisions
A. Approval of Rates
B. General Provisions
II. Types of BPA Service
A. Priority Firm Power
B. New Resource Firm Power
C. Industrial Firm Power
D. Special Industrial Power
E. Auxiliary Power
F. Shortage Power
G. Surplus Firm Power
H. Nonfirm Energy
I. Reserve Power
III. Billing Factors and Billing Adjustments
A. Billing Factors for Demand
B. Billing Factors for Energy
C. Billing Adjustments
D. Billing-Related Definitions
IV. Other Definitions
A. Computed Requirements Purchasers
B. Definitions Relating to Nonfirm Energy
C. NF Rate Cap
D. Determination of BPA's Average System Cost
V. Application of Rates Under Special Circumstances
A. Energy Supplied for Emergency Use
B. Construction, Test and Start-up, and Station Service
C. Application of Rates During Initial Operation Period-Transitional Service
D. Changes in a DSI's BPA Operating Level
E. Restriction of Deliveries
VI. Billing Information
A. Determination of Estimated Billing Data
B. Load Shift and Outage Reports
C. Billing for New Large Single Loads
D. Determination of Measured Demand
E. Determination of Measured Energy
F. Billing Month
G. Payment of Bills
VII. Variable Industrial Rate Parameters and Adjustments
A. Monthly Average Aluminum Price Determination
B. Annual Adjustments to the Lower and Upper Pivot Aluminum Prices

Section I. Adoption of Revised Rate Schedules and General Rate Schedule Provisions

A. Approval of Rates

These 1995 rate schedules and General Rate Schedule Provisions (GRSPs) shall become effective upon interim approval or upon final confirmation and approval by the Federal Energy Regulatory Commission (FERC). BPA will request FERC approval effective October 1, 1995. BPA proposes that the following schedules, and the GRSPs associated with these schedules, be effective for 1 year: PF–95, IP–95, VI–95, SI–95, CE–95, NR–95, SS–95, NF–95, PS–95, and RP–95.

B. General Provisions

These 1995 rate schedules, and the GRSPs associated with these rate schedules, supersede BPA's 1993 rate schedules (which became effective October 1, 1993) to the extent stated in the Availability section of each rate schedule. These schedules and GRSPs shall be applicable to all BPA contracts, including contracts executed both prior to and subsequent to enactment of the Northwest Power Act. All sales of power made under these rate schedules are subject to the following acts as amended: the Bonneville Project Act, the Regional Preference Act (Pub. L. 88–552), the Federal Columbia River Transmission System Act, and the Northwest Power Act.

Section II. Types of BPA Service

A. Priority Firm Power

Priority Firm Power is electric power (capacity, energy, or capacity and energy) that BPA will make continuously available for resale to ultimate consumers for direct consumption, construction, test and startup, and station service by public bodies, cooperatives, and Federal agencies. (Construction, test and start-up, and station service are defined in section V.B of these GRSPs.)

Utilities participating in the exchange under section 5(c) of the Northwest Power Act may purchase Priority Firm Power pursuant to their Residential Purchase and Sale Agreements.

In addition, BPA may make Priority Firm Power available to those parties participating in exchange agreements specifying use of the Priority Firm rate for determining the amount or value of power to be exchanged.

Power purchased under the rate schedule is to be used to meet the purchaser's actual firm load within the Pacific Northwest. Such power may be restricted in accordance with the Restriction of Deliveries section of these GRSPs (section V.E). However, BPA shall not restrict Priority Firm Power until Industrial Firm Power has been restricted in accordance with the provisions of section II.C of these GRSPs.

Priority Firm Power is not available to serve New Large Single Loads.

B. New Resource Firm Power

New Resource Firm Power is electric power (capacity, energy, or capacity and energy) that BPA will make continuously available:

1. For any New Large Single Load,

2. For firm power purchased by investor-owned utilities (IOUs) pursuant to power sales contracts with BPA, and

3. For construction, test and start-up, and station service for facilities owned or operated by IOUs.

New Resource Firm Power is to be used to meet the purchaser's actual firm load within the Pacific Northwest. Such power may be restricted in accordance with the Restriction of Deliveries section of these GRSPs (section V.E). However, BPA shall not restrict New Resource Firm Power until Industrial Firm Power has been restricted in accordance with the provisions of section II.C of these GRSPs.

C. Industrial Firm Power

Industrial Firm Power is electric power that BPA will make continuously available to a direct service industrial (DSI) purchaser pursuant to the DSI's power sales contract and subject to:

1. The restriction applicable to deliveries of all firm power pursuant to the Uncontrollable Forces and Continuity of Service provisions of the General Contract Provisions of the power sales contract, and

2. The restrictions given in the Restriction of Deliveries section of the power sales contract.

D. Special Industrial Power

Special Industrial Power is electric power which BPA will make continuously available to any DSI that qualifies for the Special Industrial Power rate pursuant to section 7(d)(2) of the Northwest Power Act. This power is similar in nature to Industrial Firm Power, but is subject to greater restriction by BPA. Special Industrial Power is made available to the qualifying DSI upon adoption of, and subject to, an amendment modifying its power sales contract.

E. Auxiliary Power

Auxiliary Power is that power which a DSI requests and which BPA agrees to make available to serve that portion of the DSI's load which is in excess of the DSI's Operating Demand for Industrial Firm Power or Special Industrial Power.

F. Shortage Power

Shortage Power is energy or energy with capacity, provided by BPA to a purchaser to serve such purchaser's regional load under circumstances where the purchaser is in danger of curtailing firm load even though the purchaser is operating all available resources and exercising all contractual rights to firm power to the maximum level feasible. In the event of a state ordered or regionwide load curtailment, a power deficiency is deemed to exist for those purchasers whose power supply condition is in part causally related to the state(s) initiated load curtailment.

G. Surplus Firm Power

Surplus Firm Power is firm energy, firm power (firm energy with capacity), and firm capacity (capacity with energy return requirements) in excess of the amount required to meet BPA's existing contractual obligations to provide firm service. Surplus Firm Power may be used either for resale or direct consumption by purchasers both inside and outside the United States. Such power, however, may be restricted pursuant to the Restriction of Deliveries section of these GRSPs (section V.E).

H. Nonfirm Energy

Nonfirm Energy is supplied or made available by BPA to a purchaser under an arrangement that does not have the guaranteed continuous availability feature of firm power. Nonfirm energy is mostly sold under the Nonfirm Energy rate schedule, NF–95. Nonfirm energy also may be supplied under the Share-the-Savings rate schedule, SS–95, which is available as an experimental rate for contract purchase.

In addition, BPA also can make nonfirm energy available under the Nonfirm Energy rate schedule to the Western Systems Power Pool (WSPP) subject to terms and conditions agreed upon by the members participating in the WSPP and in accordance with BPA policy for such arrangements.

However, Nonfirm Energy that has been purchased under a guarantee provision in the Nonfirm Energy rate schedule shall be provided to the purchaser in accordance with the provisions of that schedule and the power sales contract if applicable. BPA may make Nonfirm Energy available to purchasers both inside and outside the United States.

I. Reserve Power

Reserve Power is firm power sold to a purchaser:

1. In cases where the purchaser's power sales contract states that the rate for Reserve Power shall be applied;

2. To provide service when no other type of power is deemed applicable; or

3. To serve the purchaser's firm power loads under circumstances where BPA does not have a power sales contract in force with the purchaser.

Sales of Reserve Power are subject to the Restriction of Deliveries section of these GRSPs (section V.E).

Section III. Billing Factors and Billing Adjustments

A. Billing Factors for Demand

1. Measured Demand

The purchaser's Measured Demand shall be determined in the manner described in this section. Measured Demand shall be that portion of the metered or scheduled demand that is purchased from BPA under the applicable rate schedule. For those contracts to which BPA is a party and that provide for delivery of more than one class of electric power to the purchaser at any point of delivery, the portion of each 60-minute clock-hour integrated demand assigned to any class of power shall be determined pursuant to the power sales contract. The portion of the total Measured Demand so assigned shall constitute the Measured Demand for each such class of power.

The Measured Demand shall be determined from the metered demand or the scheduled demand, as hereinafter defined. The Measured Demand shall be determined on either a coincidental or a noncoincidental basis, as provided in the purchaser's power sales contract.

a. Metered Demand

The metered demand in kilowatts shall be the largest of the 60-minute clock-hour integrated demands, adjusted as specified in the power sales contract, at which electric energy is delivered to a purchaser:

(1) At each point of delivery for which the metered demand is the basis for determination of the Measured Demand,

(2) During each time period specified in the applicable rate schedule, and

(3) During any billing period.

Such largest integrated demand shall be determined from measurements made either in the manner specified in the power sales contract or as provided in section VI.A herein. In determining the metered demand, BPA shall exclude any abnormal integrated demands due to or resulting from:

(1) Emergencies or breakdowns on, or maintenance of, the Federal system facilities; and

(2) Emergencies on the purchaser's facilities, provided that such facilities have been adequately maintained and prudently operated, as determined by BPA.

b. Scheduled Demand

The scheduled demand in kilowatts shall be the largest of the hourly demands at which electric energy is scheduled for delivery to a purchaser:

(1) To each system for which scheduled demand is the basis for determination of the Measured Demand;

(2) During each time period specified in the applicable rate schedule; and

(3) During any billing period. Scheduled amounts are deemed delivered for the purpose of determining billing demand.

2. Ratchet Demand

The Ratchet Demand in kilowatts shall be the maximum demand established during a specified period of time either during or prior to the current billing period. The demand on which the ratchet is based is specified in the relevant rate schedule or in these GRSPs. For utilities purchasing under the PF or NR rate schedules, the Ratchet Demand is based on the highest demand during prior billing months. When the Ratchet Demand is used as a billing factor, BPA shall have specified in the appropriate schedules or GRSPs:

a. The period of time over which the ratchet shall be calculated;

b. The type of demand to be used in the calculation; and

c. The percentage (if any) of that demand which will be used to calculate the Ratchet Demand.

3. Contract Demand

The Contract Demand shall be the maximum number of kilowatts that the purchaser agrees to purchase and BPA agrees to make available, subject to any limitations included in the power sales contract. BPA may agree to make deliveries at a rate in excess of the Contract Demand at the request of the purchaser, but shall not be obligated to continue such excess deliveries. Any contractual or other reference to Contract Demand as expressed in kilowatt-hours shall be deemed, for the purpose of these GRSPs, to refer to the term ''Contract Energy.''

4. Computed Peak Requirement

For purchasers designated to purchase on the basis of computed requirements, the Computed Peak Requirement shall be determined as specified in the purchaser's power sales contract. That specification is provided in:

a. Sections 16, 17(c), and 17(f), as adjusted by other sections of the contract, for actual computed requirements purchasers;

b. Sections 16, 17(a), and 17(f), as adjusted by other sections of the contract, for planned computed requirements purchasers; and

c. Sections 16 and 17(b), as adjusted by other sections of the contract, for contracted computed requirements purchasers.

5. Computed Average Energy Requirement

For computed requirements purchasers, the Computed Average Energy Requirement shall be determined as specified in the purchaser's power sales contract. That specification is provided in:

a. Sections 16, 17(c), and 17(f), as adjusted by other sections of the contract, for actual computed requirements purchasers;

b. Sections 16, 17(a), and 17(f), as adjusted by other sections of the contract, for planned computed requirements purchasers; and

c. Sections 16 and 17(b), as adjusted by other sections of the contract, for contracted computed requirements purchasers.

6. Operating Demand

The Operating Demand is that demand which is established by each DSI in accordance with section 5(b) of the DSI's power sales contract. Unless the DSI has requested, and BPA has granted, an Auxiliary Demand, the Operating Demand establishes a limit with respect to:

a. The demand which the purchaser may impose on BPA; and

b. The total amount of energy during a billing month which the DSI is entitled to purchase from BPA.

7. Curtailed Demand

A Curtailed Demand is the number of kilowatts of industrial power (Industrial Firm Power or Special Industrial Power) during the billing month which results from the DSI's request for such power in amounts less than the Operating Demand therefor. Each purchaser of industrial power may curtail its demand according to the terms of its power sales contract (which permits up to three levels of Curtailed Demand each month).

8. Restricted Demand

Restricted Demand is the number of kilowatts of industrial power (either Industrial Firm Power or Special Industrial Power) that results when BPA has restricted delivery of such power for one clock-hour or more. BPA shall make such restrictions according to the terms of the DSI's power sales contract. In a given billing month, there are as many possible levels of Restricted Demand for a DSI as there are number of restrictions.

9. Auxiliary Demand

Auxiliary Demand is the number of kilowatts of Auxiliary Power that a DSI requests and that BPA agrees to make available to serve a portion of the DSI's load during the period specified in the DSI's request. The DSI may request up to three levels of Auxiliary Demand during a billing month.

If BPA agrees to a request for Auxiliary Power but later becomes unable to supply such demand, the Restricted Demand for Auxiliary Power is deemed to be the Auxiliary Demand for such period of restriction. Auxiliary Power may be curtailed by the DSI according to the provisions of section 9(a) of the DSI's power sales contract.

BPA shall make Auxiliary Power available to Industrial Firm Power purchasers under the Industrial Firm Power rate schedule at the Standard Industrial rate. Auxiliary Power sales to DSIs electing to purchase under the Variable Industrial Power rate schedule (VI–95) shall be made at the rate determined pursuant to section III of the VI–95 rate schedule. Auxiliary Power sales to DSIs purchasing under the Special Industrial rate will be made only at the Standard Special Industrial Power rate.

10. BPA Operating Level

The BPA Operating Level is, for the purpose of these rate schedules and GRSPs, an hourly amount of industrial power (Industrial Firm Power or Special Industrial Power) for a DSI that is equal to the lowest of the following demands during that hour:

a. Operating Demand plus Auxiliary Demand, if any;

b. Curtailed Demand; or

c. Restricted Demand.

The weighted average BPA Operating Level for each DSI can be determined by summing the hourly BPA Operating Levels and dividing by the number of hours in the billing month.

Each DSI must request service from BPA for each billing month in accordance with the terms of the power sales contract. The requested level of service will be the BPA Operating Level, provided BPA does not need to restrict the DSI and provided BPA agrees to supply any requested Auxiliary Demand. Each requested level of service may include a designation for both the Peak Period and the Offpeak Period. A DSI may request and BPA may agree to a level of service for the Offpeak Periods other than that in the Peak Period. If a DSI does not separately designate a requested level of service for the Peak and Offpeak Periods, the BPA Operating Level is the basis for determining if a DSI has incurred an unauthorized increase.

Any DSI whose Measured Demand, before adjustment for power factor, during any 1 hour exceeds the BPA Operating Level for that hour shall be subject to unauthorized increase charges

for each kilowatt-hour of unauthorized increase associated with each overrun.

Only the BPA Operating Level applicable during the Peak Period will be used in determining the Billing Demand for power purchased under the Industrial Firm Power rate schedule, the Variable Industrial Power rate schedule, and the Standard rate under the Special Industrial rate schedule. During the Peak Period the BPA Operating Level may be no greater than the Operating Demand for the billing month unless the customer has requested, and BPA has agreed to supply, the Auxiliary Demand.

B. Billing Factors for Energy

1. Measured Energy

Measured Energy shall be that portion of the metered or scheduled energy that is purchased from BPA under the applicable rate schedule. For those contracts to which BPA is a party and that provide for delivery of more than one class of electric power to the purchaser at any point of delivery, the portion of each 60-minute clock-hour integrated demand assigned to any class of power shall be determined pursuant to the power sales contract. The sum of the portions of the demands so assigned shall constitute the Measured Energy for each such class of power.

The Measured Energy shall be determined from the metered energy or the scheduled energy, as hereinafter defined.

a. Metered Energy

The metered energy for a purchaser shall be the number of kilowatt-hours that are recorded on the appropriate metering equipment, adjusted as specified in the power sales contract, and delivered to a purchaser:

(1) At all points of delivery for which metered energy is the basis for determination of the Measured Energy, and

(2) During any billing period.

The metered energy shall be determined from measurements made either in the manner specified in the power sales contract or as provided in section VI.A herein.

b. Scheduled Energy

The scheduled energy in kilowatt-hours shall be the sum of the hourly demands at which electric energy is scheduled for delivery to a purchaser:

(1) For each system for which scheduled energy is the basis for determination of the Measured Energy, and

(2) During any billing period.

Scheduled amounts are deemed delivered for the purpose of determining billing energy.

2. Computed Energy Maximum

The Computed Energy Maximum equals the product of the number of hours in the billing month and the Computed Average Energy Requirement.

3. Contract Energy

The Contract Energy shall be the maximum number of kilowatt-hours that the purchaser agrees to purchase and BPA agrees to make available, subject to any limitations included in the power sales contract.

C. Billing Adjustments

1. Power Factor Adjustment

The formula for determining average power factor is as follows:

$$\text{Average Power Factor} = \frac{\text{Kilowatt - hours}}{\sqrt{(\text{Kilowatt - hours})^2 + (\text{Reactive kilovoltamperehours})^2}}$$

The data used in the above formula shall be obtained from meters that are ratcheted to prevent reverse registration. These data then shall be adjusted for losses, if applicable, before determination of the average power factor.

When deliveries to a purchaser at any point of delivery either:

a. Include more than one class of power; or

b. Are provided under more than one rate schedule and it is impracticable to meter the kilowatt-hours and reactive kilovoltamperehours for each class or rate schedule separately, the average power factor of the total deliveries for the month will be used, where applicable, as the power factor for all power delivered to such point of delivery.

To maintain acceptable operating conditions on the Federal system, BPA may, unless specifically otherwise agreed, restrict deliveries of power to a purchaser with a low power factor. Such restriction may be made to a point of delivery or to a purchaser's system at any time that the average leading power factor or average lagging power factor for all classes of power delivered to such point or to such system is below 75 percent.

2. Outage Credit

To the extent that BPA is unable to provide full service to a purchaser during the billing month as a result of interruptions in service due to reasons cited in the General Contract Provisions, BPA shall adjust the charges for those hours for billing demand for such purchaser to reflect BPA's inability to provide full service, provided such adjustment is mandated by the purchaser's power sales contract. The adjustment is provided on a point of delivery basis. To compute the adjustment for noncoincidentally billed systems, BPA shall determine the monthly demand charge(s) for the point(s) of delivery where the outage(s) occurred, multiply by the number of hours of outage, and divide by the total number of hours in the billing month. For coincidentally billed points of delivery, the adjustment shall apply only to those points of delivery at which BPA was unable to provide full service. For partial outages (such as an outage on one feeder in a substation with several feeders), BPA shall determine an equivalent interruption in order to arrive at the number of hours to be used in the calculation of the credit.

3. Low Density Discount (LDD)

a. Basic LDD Principles

A predetermined discount shall be applied each billing month to the charges for all power purchased under the Priority Firm Power rate schedule by eligible purchasers as defined in section b, below. The discount shall be calculated on an annual basis and shall become effective with the first billing period in the calendar year. Retroactive billing for the LDD may be required if the data are not available by the January billing date. The level of the discount shall be determined from the following ratios:

(1) The purchaser's total electric energy requirements during the previous calendar year (the purchaser's firm sales, nonfirm sales to firm retail loads, sales for resale, and associated losses, but excluding nonfirm sales to nonfirm retail loads, such as boiler loads served under BPA's alternate fuel policy) divided by the value of the purchaser's depreciated electric plant (excluding generation plant) at the end of such year, and

(2) The average number of consumers (annual and seasonal consumers with residential, industrial, commercial, and irrigation accounts, but excluding separately billed services for water heating, electric space heating, and security lights) during the previous calendar year divided by the number of pole miles of distribution line at the end of such year. Distribution lines are defined as those that deliver electric energy from a substation or metering point, at a voltage of 34.5 kV or less, to the point of attachment to the consumer's wiring and include primary, secondary, and service facilities.

These calculations shall be based on data provided in the purchaser's annual financial and operating report. In calculating these ratios, BPA shall use data pertaining to the purchaser's entire electric utility system within the region. Results of the calculations shall not be rounded.

Customers who have not provided BPA with all four requisite pieces of annual data (see a.(1) and a.(2) above) by June 30 of each year shall be declared ineligible for the LDD effective with the June billing period for that year. BPA shall extend a customer's eligibility from the previous year through the June billing period of the following year and shall make any necessary retroactive adjustments once the new data have been processed. If no data have been received by December 31 for the previous calendar year, BPA shall assume that the utility did not qualify for an LDD for that year. LDDs issued from January 1 to June 30 shall be assumed to have been in error, and the utility shall be billed for any such discounts issued.

Revisions to the data used to calculate the amount of the LDD may be made by the purchaser for a period of up to 2 years from the first day to which the data apply. However, such revisions shall not apply to periods when the customer was ineligible for a discount due to late data submission.

b. Eligibility Criteria

To qualify for a discount, the purchaser must meet all six of the following eligibility criteria:

(1) The purchaser must serve as an electric utility offering power for resale;

(2) The purchaser must agree to pass the benefits of the discount through to the purchaser's consumers within the region served by BPA;

(3) The purchaser's average retail rate for the reporting year must exceed the average Priority Firm Power rate in effect for the qualifying period by 10 percent. For Calendar Year (CY) 1995, the average Priority Firm Power rate shall be the average of the PF–93 Preference rate for 9 months and the PF–95 Preference rate for 3 months;

(4) The purchaser's kilowatt-hour-to-investment ratio (Ratio 3.a.(1)) must be less than 100;

(5) The purchaser's consumers-per-mile ratio (Ratio 3.a.(2)) must be less than 12; and

(6) The purchaser must qualify for a discount based on the criteria in section c, below.

c. Discounts

The purchaser shall be awarded the greatest discount for which that purchaser qualifies. The discounts and the qualifying criteria for those discounts are listed below.

(1) Three percent, for any purchaser for whom:

(a) The kilowatt-hour-to-investment ratio is equal to or greater than 25 but less than 35; or

(b) The consumers-per-mile ratio is equal to or greater than 5 but less than 7.

(2) Five percent, for any purchaser for whom:

(a) The kilowatt-hour-to-investment ratio is equal to or greater than 15 but less than 25; or

(b) The consumers-per-mile ratio is equal to or greater than 3 but less than 5.

(3) Seven percent, for any purchaser for whom:

(a) The kilowatt-hour-to-investment ratio is less than 15; or

(b) The consumers-per-mile ratio is less than 3.

4. Irrigation Discount

a. Basic Irrigation Discount Principles

A discount of 4.90 mills per kilowatt-hour shall be applied to the charges for qualifying irrigation energy purchased under the Priority Firm Power and New Resource Firm Power rate schedules, during the billing months of April through October. This discount shall be applied subsequent to calculation of the LDD, if applicable. Any energy on which the irrigation discount is claimed shall be metered separately by the Purchaser, and used exclusively for agricultural irrigation or drainage pumping.

b. Qualifying Energy Purchases

The qualifying irrigation energy shall be determined as follows:

(1) All irrigation energy must be used exclusively for the purpose of irrigation and drainage pumping on agricultural land and be measured at the end-use irrigation customer's meter. The discount shall apply to the measured energy sales at the end-use.

(2) Energy subject to the discount must be purchased during the billing months of April through October.

(3) Purchasers of exchange energy under the Residential Purchase and Sale Agreement (RPSA) are eligible for the irrigation discount for the portion of their irrigation sales qualifying for the exchange under the RPSA contracts. However, if the purchaser also purchases energy from BPA for general requirements, and receives an irrigation discount on those purchases, a second irrigation discount will not be applied to that energy through the RPSA exchange. Therefore, the irrigation discount will not be applied to any portion of the purchaser's irrigation sales qualifying for the RPSA exchange that receives the discount as a general requirements purchase.

(4) General requirements customers are eligible for an irrigation discount for a portion of their irrigation sales equal to the share of their total sales served by BPA firm purchases (i.e., total irrigation and drainage pumping sales multiplied by BPA billing energy for Priority Firm or New Resources firm purchases divided by the total firm utility system requirements for the billing month).

c. Initial Reporting Requirements

Requests for the Irrigation Discount must include the following information:

(1) To receive an irrigation discount, a purchaser must file a request for the discount with its local BPA regional office by April 1 each year.

(2) In the request, the purchaser must certify that the irrigation energy is sold exclusively for use in irrigation and drainage pumping on agricultural land and that the discount is passed, in its entirety, to the irrigation consumer, regardless of whether the utility has raised its rates. BPA retains the right to verify, in a manner satisfactory to the Administrator, that the discounted energy is used for the sole benefit of the purchaser's irrigation load.

d. Annual Reporting Requirements

Purchasers shall submit an annual irrigation report to their local BPA regional office in order to receive the irrigation discount. Purchasers are required to report information related to monthly irrigation energy sales. If a utility does not read its irrigation meters monthly, the utility must estimate its monthly irrigation sales. These estimates shall be reviewed by BPA regional offices. Purchasers must read their meters within 3 working days of the beginning and ending of the irrigation discount period (April-October). In order to qualify for the discount, the purchaser must submit all

data to BPA by December 31 of the calendar year in which the sales occurred. Irrigation reports to BPA shall include the following monthly information for the reporting period:

(1) Utility name and period for which the report is being made;

(2) Total irrigation sales and total qualifying irrigation energy sales (in kilowatt-hours) by month;

(3) Total qualifying irrigation sales (in kilowatt-hours) by month under 400 horsepower, for exchanging utilities;

(4) Total utility firm system requirements for other than full requirement customers by month (in kilowatt-hours);

(5) Total energy purchased from BPA under the Priority Firm or New Resource rate by month in kilowatt-hours; and

(6) The Purchaser shall list each irrigation and drainage account number in its annual report and whether each irrigation consumer is billed monthly, bimonthly, or seasonally. If the Purchaser is an exchanging utility, the Purchaser shall also identify the size (in horsepower) of the connected load for each active account. A utility may submit monthly reports, if it chooses. In that case, the active list of accounts should be included in the last monthly report submitted.

5. Coincidental Billing

Purchasers of Priority Firm Power and New Resource Firm Power shall be billed on a noncoincidental demand basis for power purchased at each point of delivery under the applicable rate schedule(s) unless the power sales contract specifically provides for coincidental demand billing among particular points of delivery. For the purpose of these rate schedules and GRSPs, the purchaser's noncoincidental demand is the sum of the highest hourly peak demands during the billing month for each of the purchaser's points of delivery. The purchaser's coincidental demand is the highest demand for the billing month calculated by summing, for each hour of every day, the purchaser's demands for power purchased under the applicable rate schedule at all coincidentally billed points of delivery. See Special Provisions Exhibits of the Power Sales Contract, GCP E 17.

6. Conservation Surcharge

The Conservation Surcharge shall be applied monthly and shall equal 10 percent of the customer's total monthly charge for all power purchased under each rate schedule subject to the surcharge. The PF and NR rate schedules are subject to the Conservation Surcharge. If only a portion of the customer's service area is subject to the surcharge, then the amount of the surcharge shall equal 10 percent of the total charge for all power purchases multiplied by: (a) The portion of the customer's total retail load that is subject to the surcharge, divided by (b) the customer's total retail load.

D. Billing-Related Definitions

1. Peak Period

The Peak Period includes the hours from 7 a.m. through 10 p.m. on any day Monday through Saturday inclusive. There are no exceptions to this definition; that is, it does not matter whether the day is a normal working day or a holiday. Any charges based on Peak Period hours shall be computed starting with the 8 a.m. meter reading since this reading applies to the 7 o'clock hour (7 a.m. to 8 a.m.). The 10 p.m. meter reading (for the 9 p.m. to 10 p.m. period) is the last meter reading of the day applicable to the Peak Period.

2. Offpeak Period

The Offpeak Period includes all hours which do not occur during the Peak Period. Thus, the Offpeak Period consists of the hours from 10 p.m. to 7 a.m., Monday through Saturday and all hours on Sunday.

Section IV. Other Definitions

A. Computed Requirements Purchasers

1. Designation as a Computed Requirements Purchaser

A purchaser shall be designated as a computed requirements purchaser if it is so designated pursuant to the provisions of its power sales contract.

When a purchaser operates two or more separate systems, only those systems designated by BPA will be covered by this section.

2. Purpose of the Computed Requirements Designation

Use of the computed requirements designation is intended to assure that each purchaser who purchases power from BPA to supplement its own firm resources will purchase amounts of firm capacity and firm energy substantially equal to that which the purchaser would otherwise have to provide on the basis of normal and prudent operations.

The amount of capacity and energy required for normal and prudent operations shall be determined pursuant to the purchaser's power sales contract.

B. Definitions Relating to Nonfirm Energy Decremental Cost

Unless otherwise specified in a contractual arrangement, decremental cost as applied to Nonfirm Energy transactions shall be defined as:

1. All identifiable costs (expressed in mills per kilowatt-hour) associated with the use of a displaceable thermal resource or end-user load with alternate fuel source to serve a purchaser's load that the purchaser is able to avoid by purchasing power from BPA, rather than generating the power itself or using an alternate fuel source; or

2. All identifiable costs (expressed in mills per kilowatt-hour) to serve the load of a displaceable purchase of energy that the purchaser is able to avoid by choosing not to make the alternate energy purchase.

All identifiable costs as used in the above definition may be reduced to reflect costs of purchasing BPA energy such as transmission costs, losses, or loopflow constraints that are agreed to by BPA and the purchaser.

C. NF Rate Cap

1. Application of the NF Rate Cap

The NF Rate Cap defines the maximum nonfirm energy price for general application. At no time shall the total price for nonfirm energy, including any applicable service charges or rate adjustment, sold under any applicable rate schedule exceed the NF Rate Cap. The level of the NF Rate Cap is based on a formula tied to BPA's system cost and California fuel costs. The NF Rate Cap applies to all sales of nonfirm energy under any applicable rate schedule for a 12-year period beginning October 1, 1987.

2. Monthly Notification of the NF Rate Cap

Prior to the beginning of a calendar month BPA shall perform the calculations contained in section IV.C.3 of these GRSPs to determine the effective NF Rate Cap for that calendar month. BPA is obligated to provide advance notification of the NF Rate Cap level to purchasers of nonfirm energy. BPA may waive this requirement only if BPA does not intend to offer Nonfirm Energy at prices above BPA's Average System Cost (BASC) at any time during a month. The notification will be given at least 10 calendar days prior to the first day of any calendar month in which the NF Rate Cap applies. BPA shall also maintain, on file for public review, a record of the NF Rate Cap by month throughout the period the cap is in effect.

3. NF Rate Cap Formula

The NF Rate Cap shall be equal to the greater of the following:

a. BASC; or

b. BASC + .30(DEC − BASC)

Where:

BASC=BPA's average system cost, determined by dividing BPA's total system costs by BPA's total system sales. For this rate period BASC has been determined to be 29.41 mills per kilowatt-hour.

DEC=The Decremental Fuel Cost as determined in accordance with section IV.C.5 of these GRSPs.

4. Determination of BASC

For purposes of determining BASC, the following definition shall apply:

a. BPA's total system costs shall be the sum of all BPA's costs forecasted in each general rate case for the applicable rate period, including total transmission costs, Federal base system costs, new resource costs, exchange resource costs, and other costs not specifically allocated to a rate pool, such as section 7(g) costs.

b. BPA's total annual system sales shall be the sum of all BPA's system firm and nonfirm sales forecasted each general rate case for the applicable test period. BASC shall be redetermined in each subsequent general rate case according to the above formula and will be in effect for the entire rate period over which the rates are in effect.

5. Determination of Decremental Fuel Cost

The Decremental Fuel Cost shall be determined monthly by BPA. For purposes of calculating the NF Rate Cap, a weighted average of gas and petroleum prices for California will be used for approximating decremental fuel costs. The monthly decremental fuel cost shall be:

a. the sum of:

(1) The average California price for gas determined by multiplying the monthly gas use (WGU) developed pursuant to section IV.C.8.a times the monthly California gas price (MGP) determined pursuant to section IV.C.6 rounded to the nearest tenth of a mill; and

(2) The average California price for petroleum determined by multiplying the monthly petroleum use (WOU) developed pursuant to section IV.C.8.b times the monthly California petroleum price (MOP) determined pursuant to section IV.C.7 rounded to the nearest tenth of a mill.

b. Divided by the sum of the WGU and WOU developed in sections IV.C.8.a and b, respectively, rounded to the nearest tenth of a mill.

6. California Gas Price

The MGP for purposes of calculating the decremental cost component of the rate cap shall be based on the following formula:

$$MGP = \frac{AGP * HGP}{10}$$

Where:

AGP=the average gas price for California electric utility plants expressed in cents per million Btu as reported in the most recent monthly issue of *Electric Power Monthly* (EPM) published by the Energy Information Administration (EIA), U.S. Department of Energy. Prices shall be rounded to the nearest one-tenth of a cent.

HGP=the historical relationship between gas prices in the effective month of the NF Rate Cap (month t) and the month in which the gas prices are reported in EPM (month r) using the following procedures:

a. Summing all California gas prices, expressed in the nearest one-tenth of a cent per million Btu, reported in EPM for month t for the years beginning with calendar year 1982 up to and including the prior calendar year. The sum of the historical monthly California gas prices shall be divided by the number of years for which MGPs were reported and rounded to the nearest one-tenth of a cent;

b. Summing all California gas prices, expressed in the nearest one-tenth of a cent per million Btu, reported in EPM for month r for the years beginning with calendar year 1982 up to and including the prior calendar year. The sum of the historical monthly California gas prices shall be divided by the number of years for which MGPs were reported and rounded to the nearest one-tenth of a cent; and

c. Dividing the average monthly California gas price in a. above, by the average monthly California gas price in b. above, and rounding to the nearest one-tenth, or three significant places.

10=the factor for converting gas prices stated in cents per million Btu to mills per kWh. The factor assumes a heat rate of 10,000 Btu per kilowatt-hour.

7. California Petroleum Price

The MOP for purposes of calculating the decremental cost component of the rate cap shall based on the following formula:

$$MOP = \frac{AOP * HOP}{10}$$

Where:

AOP=the last available average oil price for California electric utility plants expressed in cents per million Btu reported in EPM published by the EIA, U.S. Department of Energy. Prices shall be rounded to the nearest one-tenth of a cent.

HOP=the historical relationship between petroleum prices in the effective month of the NF Rate Cap (month t) and the last month in which the petroleum prices are reported in EPM (month r) using the following procedures:

a. Summing all California petroleum prices, expressed in the nearest one-tenth of a cent per million Btu, reported in EPM for month t for the years beginning with calendar year 1982 up to and including the prior calendar year. The sum of the historical monthly California petroleum prices shall be divided by the number of years for which monthly petroleum prices were reported and rounded to the nearest one-tenth of a cent;

b. Summing all California petroleum prices, expressed in the nearest one-tenth of a cent per million Btu, reported in EPM for month r for the years beginning with calendar year 1982 up to and including the prior calendar year. The sum of the historical monthly California petroleum prices shall be divided by the number of years for which monthly petroleum prices were reported and rounded to the nearest one-tenth of a cent; and

c. Dividing the average monthly California petroleum price in a. above, by the average monthly California petroleum price in b. above, and rounding to the nearest one-tenth of a percent, or three significant places.

10=the factor for converting petroleum prices stated in cents per million Btu to mills per kWh. The factor assumes a heat rate of 10,000 Btu per kilowatt-hour.

8. Weighting Factors

For purposes of determining California fuel prices for the month, gas and petroleum prices will be weighted based on California's historical use of these two alternative fuels.

a. Historical Gas Use in California. The following formula shall be used to determine the weighting factor for gas prices (WGU):

WGU=CGU*HGU

Where:

CGU=the monthly net gas-fired generation, expressed in gigawatthours, for California in the most recent monthly issue of EPM published by the EIA, U.S. Department of Energy.

HGU=the historical relationship between gas consumptions in the

effective month of the NF Rate Cap (month t) and the month for which gas consumption is reported in EPM (month r) using the following procedures:

(1) Summing the reported net-gas fired generation for California, expressed in gigawatthours, from EPM for month t for the years beginning with calendar year 1982 up to and including the prior calendar year. The sum of California's historical monthly consumption shall be divided by the number of years for which gas consumption was reported and rounded to the nearest gigawatthour;

(2) Summing the reported net gas-fired generation for California, expressed in gigawatthours, from EPM for month r for the years beginning with calendar year 1982 up to and including the prior calendar year. The sum of California's historical monthly consumption shall be divided by the number of years for which gas consumption was reported and rounded to the nearest gigawatthour; and

(3) Dividing the average consumption of gas in California for the month t as determined in (1) above by the average consumption of gas for the month r as determined in (2) above and rounding to the nearest one-tenth, or three significant places.

b. Historical Petroleum Use in California. The following formula shall be used to determine the weighting factor for petroleum prices (WOU):

WOU=COU*HOU

Where:

COU=the monthly net petroleum-fired generation, expressed in gigawatthours, in California in the most recent monthly issue of EPM published by the EIA, U.S. Department of Energy.

HOU=the historical relationship between petroleum consumptions in the effective month of the NF Rate Cap (month t) and the month for which petroleum consumption is reported in EPM (month r) using the following procedures:

(1) Summing the reported net-petroleum generation for California, expressed in gigawatthours, from EPM for month t for the years beginning with calendar year 1982 up to and including the prior calendar year. The sum of California's historical monthly consumption shall be divided by the number of years for which petroleum consumption was reported and rounded to the nearest gigawatthour;

(2) Summing the reported net-petroleum generation for California, expressed in gigawatthours, from EPM for month r for the years beginning with calendar year 1982 up to and including the prior calendar year. The sum of California's historical monthly consumption shall be divided by the number of years for which petroleum consumption was reported and rounded to the nearest gigawatthour; and

(3) Dividing the average consumption of petroleum in California for the month t as determined in (1) above by the average consumption of petroleum for the month r or as determined in (2) above and rounding to the nearest one-tenth, or three significant places.

D. Determination of BPA's Average System Cost

For purposes of determining BASC, the following definitions shall apply:

1. BPA's total system costs shall be the sum of all BPA's costs forecasted in each general rate case for the applicable rate period, including total transmission costs, Federal base system costs, new resource costs, exchange resource costs, and other costs not specifically allocated to a rate pool, such as section 7(g) costs.

2. BPA's total annual system sales shall be the sum of all BPA's system firm and nonfirm sales forecasted in each general rate case for the applicable test period.

BASC shall be redetermined in each subsequent general rate case according to the above formula and will be in effect for the entire rate period over which the rates are in effect.

Section V. Application of Rates Under Special Circumstances

A. Energy Supplied for Emergency Use

A purchaser taking Priority Firm or New Resource Firm Power shall pay in accordance with the Nonfirm Energy rate schedule, NF–95, and Emergency Capacity rate schedule, CE–95, for any electric energy or capacity which has been supplied:

1. For use during an emergency on the purchaser's system, or

2. Following an emergency to replace energy secured from sources other than BPA during such emergency.

Mutual emergency assistance may, however, be provided and payment therefore settled under exchange agreements.

B. Construction, Test and Start-Up, and Station Service

Power for the purpose of construction, test and start-up, and station service shall be made available to eligible purchasers under the Priority Firm and New Resource Firm Power Rate Schedules. Such power must be used in the manner specified below:

1. Power sold for construction is to be used in the construction of the project.

2. Power sold for test and start-up may be used prior to commercial operation both to bring the project on line and to ensure that the project is working properly.

3. Power sold for station service may be purchased at any time following commercial operation of the project. Station service power may be used for project start-up, project shut-down, normal plant operations, and operations during a plant shut-down period.

C. Application of Rates During Initial Operation Period—Transitional Service

1. Eligibility for Transitional Service

For an initial operating period, as specified in the power sales contract, beginning with the commencement of operation of a new industrial plant, a major addition to an existing plant, or reactivation of an existing plant or important part thereof, BPA may agree to bill the purchaser in accordance with the provisions of this section. This section shall apply to both:

a. DSIs having new, additional or reactivated plant facilities, and

b. Utility purchasers serving industrial purchasers with power purchased from BPA. BPA will provide transitional service to utilities for only those industrial loads for which the demand can be separately metered by the utility and recorded on a daily basis.

2. Calculation of the Daily Demand

If the purchaser requests billing on a Daily Demand basis pursuant to its power sales contract and if BPA agrees to such billing, the billing demand for the billing month shall be the average of the Daily Demands as adjusted for power factor.

Demand for each day shall be defined as 100 percent of the Measured Demand for the day (regardless of whether such Measured Demand occurs during the Peak Period or the Offpeak Period).

3. Billing for Transitional Service

Utilities receiving transitional service shall provide BPA with Daily Demand information for the industrial consumer for whom transitional service is provided. To compute the power bill for the point of delivery which includes the load being served with transitional service, BPA shall, at its discretion, either:

a. Determine the demand for the pertinent point of delivery without the industrial load and then add the average daily demand for such industrial load; or

b. Bill the entire point of delivery on a daily demand basis.

Daily demand billing shall not affect the level of any curtailment charge or energy charge assessed by BPA.

D. Changes in a DSI's BPA Operating Level

If a DSI requests a waiver regarding the notice requirements specified in the DSI's power sales contract for a voluntary change in its BPA Operating Level, and if BPA does not grant the waiver, or if the DSI fails to give notice of such a change and does not request a waiver, the DSI shall be billed as if no notice has been provided until such time as the number of days in the notice period have passed. If, however, BPA agrees to waive the notice requirement, the power bill shall reflect the requested changes as of the requested effective date specified in the notice or, at BPA's discretion, a date of BPA's choosing within the notice period.

E. Restriction of Deliveries

Deliveries of capacity or energy to any purchaser may be restricted when operation of the facilities used by BPA to serve such purchaser is:

1. Suspended,
2. Interrupted,
3. Interfered with,
4. Curtailed, or
5. Restricted by the occurrence of any condition described in the Uncontrollable Forces or Continuity of Service sections of the General Contract Provisions of the power sales contract.

Section VI. Billing Information

A. Determination of Estimated Billing Data

If the amounts of capacity, energy, or the 60-minute integrated demands for energy purchased from BPA must be estimated from data other than metered or scheduled quantities, historical patterns, and pertinent weather data, BPA and the purchaser will agree on billing data to be used in preparing the bill. If the parties cannot agree on estimated billing quantities, derived by any method, a determination binding on both parties shall be made in accordance with the arbitration provisions of the power sales contract.

B. Load Shift and Outage Reports

Load shift and outage reports must be submitted to BPA within 4 days of the corresponding load shift or outage. Reports may be made by telephone, mail, or other electronic processes where available. If customer reports are not received in a timely manner, BPA has the option to withhold load shift or outage credit.

C. Billing for New Large Single Loads

Any BPA customer whose actual firm load includes one or more New Large Single Loads (NLSL) shall be billed for the NLSL(s) at the New Resource Firm Power Rate. The power requirements associated with the NLSL shall be established in a manner consistent with the provisions of this section.

The purchaser shall warrant to BPA that NLSLs are separately metered. The metering must include provisions for determining:

1. The NLSL demand during BPA's diurnal capacity billing periods,
2. The NLSL energy during BPA's energy billing periods, and
3. The NLSL reactive energy for the billing month.

The design for the metering equipment for the NLSL must be approved by BPA. Testing and inspections of such metering installations shall be as provided in the General Contract Provisions.

On a monthly basis, each purchaser of New Resource Firm Power shall report to BPA the quantity of power used by the NLSL during the *purchaser's* billing period. Data provided to BPA by the purchaser must be submitted to BPA within 2 normal working days of the date the purchaser reads the meters. BPA may elect to adjust the NLSL data for losses from the point of metering to the closest BPA point of delivery for the purchaser.

D. Determination of Measured Demand

1. For points of delivery with fully operational metering under the Revenue Metering System (RMS), demand shall be measured from 0000 hours on the first day of the billing period through 2400 hours on the last day of the billing period.

2. For points of delivery that do not have RMS metering, demand shall be measured from 0000 hours on the first complete (24 hour) day of the available metering data through 2400 hours on the last complete day of the available metering data. Billing demand will be determined from the period of available metering data that most closely matches the official billing period of the customer.

E. Determination of Measured Energy

1. For points of delivery with fully operational metering under RMS, energy shall be measured from 0000 hours on the first day of the billing period through 2400 hours on the last day of the billing period.

2. For points of delivery that do not have RMS metering, measured energy shall be the quantity of usage recorded on the meter between meter readings.

F. Billing Month

Meters normally will be read and bills computed at intervals of 1 month. A month is defined as the interval between scheduled meter-reading dates. The billing month will not exceed 31 days in any case. While it may be necessary to read meters on a day other than the scheduled meter-reading date, for determination of billing demand, the billing month will cease at 2400 hours on the last scheduled meter-reading date. Schedules will be predetermined. The customer must give 30 days notice to request a change to the schedule.

G. Payment of Bills

Bills for power shall be rendered monthly by BPA. Failure to receive a bill shall not release the purchaser from liability for payment. Bills for amounts due BPA of $50,000 or more must be paid by direct wire transfer; customers who expect that their average monthly bill will not exceed $50,000 and who expect special difficulties in meeting this requirement may request, and BPA may approve, an exemption from this requirement. Bills for amounts due BPA under $50,000 may be paid by direct wire transfer or mailed to the Bonneville Power Administration, P.O. Box 6040, Portland, Oregon 97228–6040, or to another location as directed by BPA. The procedures to be followed in making direct wire transfers will be provided by Financial Services and updated as necessary.

1. Computation of Bills

Demand and energy billings for power purchased under each rate schedule shall be rounded to whole dollar amounts, by eliminating any amount which is less than 50 cents and increasing any amount from 50 cents through 99 cents to the next higher dollar.

2. Estimated Bills

At its option, BPA may elect to render an estimated bill for that month to be followed at a subsequent billing date by a final bill. Such estimated bill shall have the validity of and be subject to the same payment provisions as a final bill.

3. Due Date

Bills shall be due by close of business on the 20th day after the date of the bill (due date). This requirement holds also for revised bills (see section 6 below). Should the 20th day be a Saturday, Sunday, or holiday (as celebrated by the purchaser), the due date shall be the next following business day.

4. Late Payment

Bills not paid in full on or before close of business on the due date shall be subject to a penalty charge of $25. In addition, an interest charge of one-twentieth percent (0.05 percent) shall be applied each day to the sum of the unpaid amount and the penalty charge. This interest charge shall be assessed on a daily basis until such time as the unpaid amount and penalty charge are paid in full.

Remittances received by mail will be accepted without assessment of the charges referred to in the preceding paragraph provided the postmark indicates the payment was mailed on or before the due date. Whenever a power bill or a portion thereof remains unpaid subsequent to the due date and after giving 30 days' advance notice in writing, BPA may cancel the contract for service to the purchaser. However, such cancellation shall not affect the purchaser's liability for any charges accrued prior thereto under such contract.

5. Disputed Billings

In the event of a disputed billing, full payment shall be rendered to BPA and the disputed amount noted. Disputed amounts are subject to the late payment provisions specified above. BPA shall separately account for the disputed amount. If it is determined that the purchaser is entitled to the disputed amount, BPA shall refund the disputed amount with interest, as determined by BPA's financial services group.

BPA retains the right to verify, in a manner satisfactory to the Administrator, all data submitted to BPA for use in the calculation of BPA's rates and corresponding rate adjustments. BPA also retains the right to deny eligibility for any BPA rate or corresponding rate adjustment until all submitted data have been accepted by BPA as complete, accurate, and appropriate for the rate or adjustment under consideration.

6. Revised Bills

As necessary, BPA may render a revised bill.

a. If the amount of the revised bill is less than or equal to the amount of the original bill, the revised bill shall replace all previous bills issued by BPA that pertain to the specified customer for the specified billing period and the revised bill shall have the same date as the replaced bill.

b. If a revision causes an additional amount to be due BPA or the *specified customer* beyond the amount of the original bill, a revised bill will be issued for the difference and the date of the revised bill shall be its date of issue.

Section VII. Variable Industrial Rate Parameters and Adjustments

A. Monthly Average Aluminum Price Determination

1. Calculation of the Monthly Billing Aluminum Price

The monthly billing aluminum price shall be determined by BPA for each billing month. For purposes of this rate schedule, the monthly billing aluminum price shall be based on the average price of aluminum in U.S. markets during the third calendar month prior to the billing month. The average price of aluminum in U.S. markets shall be defined as the average U.S. Transaction Price reported for the month by ''*Metals Week*,'' in cents per pound, rounded to the nearest tenth of a cent.

2. Notification of the Monthly Average Aluminum Price

BPA shall provide, 45 days prior to the billing month, written notification to purchasers under this rate schedule of the monthly billing aluminum price to be used for billing purposes. Upon written request supporting documentation shall be provided.

3. Changes in Aluminum Price Indicators

In the event that BPA determines that factors outside its control render the monthly average U.S. Transaction Price unusable as an approximation of U.S. market prices, BPA may develop and substitute another indicator for prices in U.S. markets. BPA shall notify interested parties of its intent to do so at least 120 days prior to the billing month in which the change would become effective. In this notification, BPA shall explain the reason for the substitution and specify the replacement indicator it intends to use. BPA also shall describe the methodology to determine the monthly billing aluminum price to be used for billing purposes under this rate schedule and shall provide the necessary data to be used in the calculation. Interested persons will have until close of business 3 weeks from the date of the notification to provide comments. Consideration of comments and more current information may cause the final methodology and the substitute aluminum price index to differ from those proposed. BPA shall notify all affected parties, and those parties that submitted comments, of its final determination 90 days prior to the billing month the new indicator shall be effective.

B. Annual Adjustments to the Lower and Upper Pivot Aluminum Prices

On July 1, 1991, and every July 1, thereafter, the Lower and Upper Pivot Aluminum Prices, as stated in section III.B of the rate schedule, shall be subject to change for billing purposes as herein described. The term ''annual adjustment date'' shall refer to July 1 of each year.

1. Implementation Procedures

Beginning in 1991 and every year thereafter, prior to April 1 of that year, BPA shall provide the purchasers under this rate schedule preliminary written estimates of proposed adjustments to the Lower and Upper Pivot Aluminum Prices. By the last working day of the month of April, BPA shall notify interested parties in writing of BPA's revised determinations concerning changes to the Lower and Upper Pivot Aluminum Prices. BPA shall describe how the adjustments were determined and provide the data used in the calculations. In addition to written notification, BPA may, but is not obligated to, hold a public comment forum to clarify its determination and solicit comments. Interested persons may submit comments on the determinations to BPA and other parties. Comments will be accepted until close of business on the last working Friday in May. Consideration of comments and more current information may result in the final adjustment differing from the proposed adjustment. By June 30 of each year, BPA shall notify all VI purchasers, those parties that submitted comments, and parties that requested notification, of the final determination.

2. Annual Adjustment Procedures

a. Annual Adjustment of the Lower Pivot Aluminum Price

Beginning with the July 1, 1991, annual adjustment date, for each year that the Variable Industrial rate is in effect, the Lower Pivot Aluminum Price as stated in section III.B.1 of the rate schedule shall be adjusted on the July 1 annual adjustment date. The Lower Pivot Aluminum Price shall be revised by multiplying 59 cents per pound by the Cost Escalation Index described in section VII.B.3.b of these GRSPs and rounded to the nearest tenth of a cent. The revised Lower Pivot Aluminum Price shall replace the Lower Pivot Aluminum Price as stated in section III.B.1 of the rate schedule and shall be used to determine the energy rate in the subsequent 12 billing months.

b. Annual Adjustment of the Upper Pivot Aluminum Price

For each year that the Variable Industrial rate is in effect, the Upper Pivot Aluminum Price as stated in section III.B.2 of the rate schedule shall be adjusted on the July 1 annual adjustment date. The Upper Pivot Aluminum Price will be adjusted such that the Average Historical Aluminum Price described in section VII.B.4 of these GRSPs is the midpoint between the adjusted Upper Pivot Aluminum Price and the Average Historical Lower Pivot Aluminum Price described in section VII.B.5 below, except as limited to the greater of 65 cents per pound or the adjusted Lower Pivot Point for the year.

The Upper Pivot Aluminum Price shall equal the greater of:

(1) (2)*(AAP)–ALP:

where

AAP=the Average Historical Aluminum Price described in section VII.B.4 of these GRSPs.

ALP=the Average Historical Lower Pivot Aluminum Price described in section VII.B.5 of these GRSPs.

(2) 65.0 cents per pound escalated to current dollars using the Cost Escalator for the Upper Pivot Aluminum Price described in section VII.B.3.c of these GRSPs.

or

(3) The adjusted Lower Pivot Aluminum Price for the year.

The revised Upper Pivot Aluminum Price shall supersede the Upper Pivot Aluminum Price as stated in section III.B.2 of the rate schedule and shall be used to determine the energy rate in the subsequent 12 months.

3. Cost Escalators

a. The cost indices described below shall be used in calculating the appropriate cost escalators. Each index shall be rounded to the nearest one-tenth of a percent, or three significant places.

(1) Electricity Cost Index

The average VI rate in mills per kilowatt-hour based on the Plateau Energy Charge and the Discount for Quality of First Quartile Service in effect on the April 1 preceding the annual adjustment date and a load factor of 98.5 percent; divided by 22.8 mills per kilowatt-hour (the average VI–86 rate assuming the plateau energy charge and the Discount for Quality of First Quartile Service in 1986).

(2) Labor Cost Index

The annual average hourly earnings for the U.S. primary aluminum industry (SIC 3334) over the previous complete calendar year, from the Employment and Earnings, published by the U.S. Department of Labor, Bureau of Labor Statistics (BLS), divided by $14.20 per hour (the value of SIC 3334 earnings reported for 1985).

(3) Alumina Cost Index

The annual average of the monthly billing aluminum prices described in section VII.A of the GRSPs for the previous 1-year period beginning July 1 through June 30 divided by 50.8 cents per pound (the average U.S. Transaction price over the period April 1985 through March 1986).

(4) Other Costs Index

The annual average GNP Implicit Price Deflator for the previous complete calendar year, as published by the U.S. Department of Commerce, Bureau of Economic Analysis, divided by 0.944 (the value of the GNP Implicit Price Deflator for 1985 with 1987=1.000).

In the event the indices delineated above are discontinued or revised in a manner that BPA determines renders them unusable for calculating a consistent cost index, BPA will adjust or substitute another similar price index, following advance notification and opportunity for public comment as described in section VII.B.1 of these GRSPs.

b. The Cost Escalator for the Lower Pivot Aluminum Price shall be a weighted average of the four indices contained in section VII.B.3.a above. The following weights shall be assigned each index:

Electricity Cost Index .30
Labor Cost Index .20
Alumina Cost Index .20
Other Costs Index .30

c. The Cost Escalator for the Upper Pivot Aluminum Price shall be a weighted average of the Electricity Cost and Other Cost Escalators as stated in sections VII.B.3.a.(1) and VII.B.3.a.(4) above. The following weights shall be assigned each index:

Electricity Cost Index .25
Other Costs Index .75

4. Average Historical Aluminum Price

Prior to the July 1, 1991, annual adjustment date and every annual adjustment date thereafter, an average historical aluminum price shall be calculated for the period the VI rate has been in effect beginning August 1986. The average historical aluminum price shall be determined following the procedures set forth below:

a. Each monthly billing aluminum price determined pursuant to section VII.A of these GRSPs for the period August 1, 1986, through June 30 immediately preceding the annual adjustment date, shall be escalated to the current year dollars using the Price Deflator procedures described in section VII.B.6 below.

b. The sum of the escalated monthly billing aluminum prices shall be divided by the number of months in the period and rounded to the nearest tenth of a cent to obtain the Average Historical Aluminum Price.

5. Average Historical Lower Pivot Aluminum Price

Prior to the July 1, 1991, annual adjustment date and every annual adjustment date thereafter, the average of the Lower Pivot Aluminum Prices for the period the VI rate has been in effect beginning August 1986, shall be calculated following the procedures set forth below:

a. The Lower Pivot Aluminum Price in each month for the period August 1, 1986, through June 30 of the calendar year preceding the annual adjustment date, shall be escalated to the current year's dollars using the Price Deflator procedures described in section VII.B.6 below.

b. The sum of the escalated monthly Lower Pivot Aluminum Prices shall be divided by the number of months in the period, and rounded to the nearest tenth of a cent to obtain an Average Historical Lower Pivot Aluminum Price.

6. Price Deflator Procedures

For purposes of converting nominal dollars to real dollars in the calculation of the Average Historical Aluminum Price and the Average Historical Lower Pivot Aluminum Price, the following Price Deflator procedures shall be used:

a. Monthly billing aluminum prices and Lower Pivot Aluminum Prices for any calendar months July through December shall be inflated by multiplying the price by the ratio of the GNP Implicit Price Deflator for the calendar year prior to the annual adjustment date divided by the Implicit Price Deflator for the calendar year in which the price occurred.

b. Monthly billing aluminum prices and Lower Pivot Aluminum Prices for any calendar months January through June shall be inflated by multiplying the price by the ratio of the Implicit Price Deflator for the calendar year prior to the annual adjustment date divided by the Implicit Price Deflator for the calendar year prior to the year in which the price occurred. Each price shall be rounded to the nearest tenth of a cent.

V. Transmission Rate Schedules And General Transmission Rate Schedule Provisions (GTRSPs)

Table Of Contents

Summary of Rate Schedules

Transmission Rate Schedules

FPT–95.1 Formula Power Transmission
FPT–95.3 Formula Power Transmission
IR–95 Integration of Resources
IS–95 Southern Intertie Transmission
IN–95 Northern Intertie Transmission
IE–95 Eastern Intertie Transmission
ET–95 Energy Transmission
MT–95 Market Transmission
UFT–95 Use-of-Facilities Transmission
TGT–95 Townsend-Garrison Transmission
AC–95 Southern Intertie Annual Costs Rate and Billing Provisions

General Transmission Rate Schedule Provisions

Section I Adoption of Revised Transmission Rate Schedules and General Transmission Rate Schedule Provisions
Section II Billing Factor Definitions and Billing Adjustments
Section III Other Definitions
Section IV Billing Information

A. Summary of Rate Schedules

BPA is proposing to surcharge by 4 percent the following transmission rate schedules: Formula Power Transmission; Integration of Resources; Southern Intertie Transmission; Northern Intertie Transmission; Eastern Intertie Transmission; and Energy Transmission. Pursuant to the Settlement Agreement, BPA proposes to increase the components of the FPT 95.3 rate by 4 percent for the October 1, 1995–September 30, 1996 period. The increase to this rate for the 1-year period, however, does not preclude BPA from increasing the 3-year FPT rate, as necessary, in its 1996 rate case. BPA also is proposing extension of the Market Transmission (MT) rate, Use of Facilities (UFT) rate, and Townsend-Garrison Transmission (TGT) rate with no changes. The MT rate was developed for use among Western Systems Power Pool (WSPP) participants to allow for flexible hourly, daily, weekly, and monthly charges. The UFT and TGT rate schedules are formula rates. The UFT rate recovers the annual cost of identified facilities over which specific wheeling transactions occur. The TGT rate is a contract rate that recovers the cost of the Montana (Eastern) Intertie.

In addition, BPA is proposing the Southern Intertie Annual Costs (AC–95) rate to be applied to owners of Pacific Northwest (PNW) Alternating Current (AC) Intertie capacity. This rate recovers the capacity owner's pro-rata share of actual PNW AC Intertie costs: operations, maintenance, general plant, and other identified expenses, as well as capital costs of replacements and reinforcements. The proposed AC–95 rate takes the place of the AC–93 rate, which was a ''bridge'' rate until Capacity Ownership contracts were complete. Copies of the Ownership Agreement are available for examination at BPA's Public Information Center at the address listed at the beginning of this notice.

B. Transmission Rate Schedules

Schedule FPT–95.1

Formula Power Transmission

Section I. Availability

This schedule supersedes schedule FPT–93.1 for all firm transmission agreements which provide that rates may be adjusted not more frequently than once a year. It is available for firm transmission of electric power and energy using the Main Grid and/or Secondary System of the Federal Columbia River Transmission System (FCRTS). This schedule is for full-year and partial-year service and for either continuous or intermittent service when firm availability of service is required. For facilities at voltages lower than the Secondary System, a different rate schedule may be specified. Service under this schedule is subject to BPA's General Transmission Rate Schedule Provisions (GTRSPs).

Section II. Rate

A. Full-Year Service

The monthly charge per kilowatt of billing demand shall be one-twelfth of the sum of the Main Grid Charge and the Secondary System Charge, as applicable and as specified in the Agreement.

1. Main Grid Charge

The Main Grid Charge per kilowatt of billing demand shall be the sum of one or more of the following component factors as specified in the Agreement:

a. Main Grid Distance Factor: The amount computed by multiplying the Main Grid Distance by $0.0386 per mile
b. Main Grid Interconnection Terminal Factor: $0.28
c. Main Grid Terminal Factor: $0.46
d. Main Grid Miscellaneous Facilities Factor: $1.96

2. Secondary System Charge

The Secondary System Charge per kilowatt of billing demand shall be the sum of one or more of the following component factors as specified in the Agreement:

a. Secondary System Distance Factor: The amount determined by multiplying the Secondary System Distance by $0.2895 per mile
b. Secondary System Transformation Factor: $4.26
c. Secondary System Intermediate Terminal Factor: $1.34
d. Secondary System Interconnection Terminal Factor: $0.71

B. Partial-Year Service

The monthly charge per kilowatt of billing demand shall be as specified in Section II.A. for all months of the year except for agreements with terms 5 years or less and which specify service for fewer than 12 months per year. The monthly charge shall be:

1. During months for which service is specified, the monthly charge defined in Section II.A., and
2. During other months, the monthly charge defined in Section II.A. multiplied by 0.2.

Section III. Billing Factors

Unless otherwise stated in the Agreement, the billing demand shall be the largest of:

A. The Transmission Demand;
B. The highest hourly Scheduled Demand for the month; or
C. The Ratchet Demand.

Schedule FPT–95.3

Formula Power Transmission

Section I. Availability

This schedule supersedes schedule FPT–91.3 for all firm transmission agreements which provide that rates may be adjusted not more frequently than once every 3 years. It is available for firm transmission of electric power and energy using the Main Grid and/or Secondary System of the Federal Columbia River Transmission System. This schedule is for full-year and partial-year service and for either continuous or intermittent service when firm availability of service is required. For facilities at voltages lower than the Secondary System, a different rate schedule may be specified. Service under this schedule is subject to BPA's General Transmission Rate Schedule Provisions.

Section II. Rate

A. Full-Year Service

The monthly charge per kilowatt of billing demand shall be one-twelfth of the sum of the Main Grid Charge and the Secondary System Charge, as applicable and as specified in the Agreement.

1. Main Grid Charge

The Main Grid Charge per kilowatt of billing demand shall be the sum of one or more of the following component factors as specified in the Agreement:

a. Main Grid Distance Factor: The amount computed by multiplying the Main Grid Distance by $0.0292 per mile
b. Main Grid Interconnection Terminal Factor: $0.28
c. Main Grid Terminal Factor: $0.31
d. Main Grid Miscellaneous Facilities Factor: $1.36

2. Secondary System Charge

The Secondary System Charge per kilowatt of billing demand shall be the sum of one or more of the following component factors as specified in the Agreement:
a. Secondary System Distance Factor: The amount determined by multiplying the Secondary System Distance by $0.2039 per mile
b. Secondary System Transformation Factor: $2.63
c. Secondary System Intermediate Terminal Factor: $0.87
d. Secondary System Interconnection Terminal Factor: $0.46

B. Partial-Year Service

The monthly charge per kilowatt of billing demand shall be as specified in Section II.A. for all months of the year except for agreements with terms 5 years or less and which specify service for fewer than 12 months per year. The charge shall be:
1. During months for which service is specified, the monthly charge defined in Section II.A., and
2. During other months, the monthly charge defined in Section II.A. multiplied by 0.2.

Section III. Billing Factors

Unless otherwise stated in the Agreement, the billing demand shall be the largest of:
A. The Transmission Demand;
B. The highest hourly Scheduled Demand for the month; or
C. The Ratchet Demand.

Schedule IR–95

Integration of Resources

Section I. Availability

This schedule supersedes IR–93 and is available for firm transmission service for electric power and energy using the Main Grid and/or Secondary System of the Federal Columbia River Transmission System. The definitions of Main Grid and Secondary Systems are the same as for the FPT–95.1 and FPT–95.3 rate schedules and are contained in the General Transmission Rate Schedule Provisions (GTRSPs). For facilities at voltages lower than the Secondary System, a different rate schedule may be specified. Service under this schedule is subject to BPA's GTRSPs.

Section II. Rate

The monthly charge shall be the sum of A and B where:

A. Demand Charge

1. $0.441 per kilowatt of billing demand; or

2. For Points of Integration (POI) specified in the Agreement as being short distance POIs, for which Main Grid and Secondary System facilities are used for a distance of less than 75 circuit miles, the following formula applies: [0.2 + (0.8 * transmission distance/75)] * ($0.441 per kilowatt of billing demand)

Where:

the billing demand for a short distance POI is the demand level specified in the Agreement for such POI, and the transmission distance is the circuit miles between the POI for a generating resource of the customer and a designated Point of Delivery serving load of the customer. Short distance POIs are determined by BPA after considering factors in addition to transmission distance.

B. Energy Charge

1.10 mills per kilowatthour of billing energy.

Section III. Billing Factors

To the extent that the Agreement provides for the customer to be billed for transmission in excess of the Transmission Demand or Total Transmission Demand, as defined in the Agreement, at the nonfirm transmission rate (currently ET–95), such transmission service shall not contribute to either the Billing Demand or the Billing Energy for the IR rate provided that the customer requests such treatment and BPA approves in accordance with the prescribed provisions in the Agreement.

A. Billing Demand

The billing demand shall be the largest of:

1. The Transmission Demand, except under General Transmission Agreements where a Total Transmission Demand is defined;

2. The highest hourly Scheduled Demand for the month; or

3. The Ratchet Demand.

B. Billing Energy

The billing energy shall be the monthly sum of scheduled kilowatthours.

Schedule IS–95

Southern Intertie Transmission

Section I. Availability

This schedule supersedes IS–93 and is available for all transmission on the Southern Intertie. Service under this schedule is subject to BPA's General Transmission Rate Schedule Provisions.

Section II. Rate

A. Nonfirm Transmission Rate

The charge for nonfirm transmission of non-BPA power shall be 3.23 mills per kilowatthour of billing energy. This charge applies for both north-to-south and south-to-north transactions.

B. Firm Transmission Rate

The charge for firm transmission service shall be $0.734 per kilowatt per month of billing demand and 1.76 mills per kilowatthour of billing energy. Firm transmission will only be made available to customers under this rate schedule who have executed a contract with BPA specifying use of the Firm Transmission rate for either north-to-south or south-to-north transactions.

Section III. Billing Factors

A. For services under Section II.A, the billing energy shall be the monthly sum of the scheduled kilowatthours, plus the monthly sum of kilowatthours allocated but not scheduled. The amount of allocated but not scheduled energy that is subject to billing may be reduced pro rata by BPA due to forced Intertie outages and other uncontrollable forces that may reduce Intertie capacity.

The amount of allocated but not scheduled energy that is subject to billing also may be reduced upon mutual agreement between BPA and the customer.

B. For services under Section II.B, the billing demand shall be the Transmission Demand as defined in the Agreement. The billing energy shall be the monthly sum of scheduled kilowatthours, unless otherwise specified in the Agreement.

Schedule IN–95

Northern Intertie Transmission

Section I. Availability

This schedule supersedes IN–93 and is available for all transmission on the Northern Intertie pursuant to an Agreement. Service under this schedule is subject to BPA's General Transmission Rate Schedule Provisions.

Section II. Rate

The charge for transmission of non-BPA power on the Northern Intertie shall be 0.89 mills per kilowatthour.

Section III. Billing Factors

Billing Energy

The billing energy shall be the monthly sum of the scheduled kilowatthours.

Schedule IE–95

Eastern Intertie Transmission

Section I. Availability

This schedule supersedes IE–93 and is available for all nonfirm transmission on the Eastern Intertie. Service under this schedule is subject to BPA's General Transmission Rate Schedule Provisions.

Section II. Rate

The charge for nonfirm transmission on the Eastern Intertie shall be 2.12 mills per kilowatthour.

Section III. Billing Factors

Billing Energy

The billing energy shall be the monthly sum of the scheduled kilowatthours.

Schedule ET–95

Energy Transmission

Section I. Availability

This schedule supersedes ET–93, unless otherwise specified in the Agreement, with respect to delivery using Federal Columbia River Transmission System facilities other than the Southern Intertie, Eastern Intertie, or the Northern Intertie, and is available for firm (of not more than 1 year duration) or nonfirm transmission between points within the Pacific Northwest. BPA may interrupt nonfirm service which is provided under this rate schedule. Service under this schedule is subject to BPA's General Transmission Rate Schedule Provisions.

Section II. Rate

The charge for transmission of non-BPA power shall be 2.10 mills per kilowatthour.

Section III. Billing Factors

Billing Energy

The billing energy shall be the monthly sum of scheduled kilowatthours.

Schedule MT–95

Market Transmission

Section I. Availability

This schedule supersedes MT–91 and is available for Transmission Service for transactions using Federal Columbia River Transmission System facilities pursuant to the Western Systems Power Pool (WSPP) Agreement. General Transmission Rate Schedule Provisions.

Section II. Rate

The charge shall be determined in advance by BPA. The charge shall be based on the duration of the proposed transaction and shall not exceed the following rates.

A. Hourly Rate

The maximum charge shall be 6.5 mills per kilowatthour where the total hourly revenues from a given transaction during a calendar day shall not exceed the product of the Daily rate and the maximum demand scheduled during such day.

B. Daily Rate

The maximum charge shall be $.105 per kilowattday where the total demand charge revenues in any consecutive 7-day period shall not exceed the product of the Weekly rate and the highest demand experienced on any day in the 7-day period.

C. Weekly Rate

The maximum charge shall be $.52 per kilowattweek.

D. Monthly Rate

The maximum charge shall be $2.27 per kilowattmonth.

Section III. Billing Factors

The billing factors shall be specified in advance by BPA, as to representing the Transmission Service use or reservation.

Schedule UFT–95

Use-of-Facilities Transmission

Section I. Availability

This schedule supersedes UFT–83 unless otherwise provided in the Agreement, and is available for firm transmission over specified Federal Columbia River Transmission System facilities. Service under this schedule is subject to BPA's General Transmission Rate Schedule Provisions.

Section II. Rate

The monthly charge per kilowatt of Transmission Demand specified in the Agreement shall be one-twelfth of the annual cost of capacity of the specified facilities divided by the sum of Transmission Demands (in kilowatts) using such facilities. Such annual cost shall be determined in accordance with Section III.

Section III. Determination of Transmission Rate

A. From time to time, but not more often than once in each Contract Year, BPA shall determine the following data for the facilities which have been constructed or otherwise acquired by BPA and which are used to transmit electric power:

1. The annual cost of the specified FCRTS facilities, as determined from the capital cost of such facilities and annual cost ratios developed from the Federal Columbia River Power System financial statement, including interest and amortization, operation and maintenance, administrative and general, and general plant costs.

2. The yearly noncoincident peak demands of all users of such facilities or other reasonable measurement of the facilities' peak use.

B. The monthly charge per kilowatt of billing demand shall be one-twelfth of the sum of the annual cost of the FCRTS facilities used divided by the sum of Transmission Demands. The annual cost per kilowatt of Transmission Demand for a facility constructed or otherwise acquired by BPA shall be determined in accordance with the following formula:

$$\frac{A}{D}$$

Where:

A = The annual cost of such facility as determined in accordance with A.1. above.

D = The sum of the yearly noncoincident demands on the facility as determined in accordance with A.2. above.

The annual cost per kilowatt of facilities listed in the Agreement which are owned by another entity, and used by BPA for making deliveries to the transferee, shall be determined from the costs specified in the Agreement between BPA and such other entity.

Section IV. Determination of Billing Demand

Unless otherwise stated in the Agreement, the factor to be used in determining the kilowatts of billing demand shall be the largest of:

A. The Transmission Demand in kilowatts specified in the Agreement;

B. The highest hourly Measured or Scheduled Demand for the month, the Measured Demand being adjusted for power factor; or

C. The Ratchet Demand.

Schedule TGT–95

Townsend-Garrison Transmission

Section I. Availability

This schedule supersedes TGT–1 and shall apply to all agreements which provide for the firm transmission of electric power and energy over transmission facilities of BPA's section

of the Montana [Eastern] Intertie. Service under this schedule is subject to BPA's General Transmission Rate Schedule Provisions.

Section II. Rate

The monthly charge shall be one-twelfth of the sum of the annual charges listed below, as applicable and as specified in the agreements for firm transmission. The Townsend-Garrison 500-kV lines and associated terminal, line compensation, and communication facilities are a separately identified portion of the Federal Transmission System. Annual revenues plus credits for government use should equal annual costs of the facilities, but in any given year there may be either a surplus or a deficit. Such surpluses or deficits for any year shall be accounted for in the computation of annual costs for succeeding years. Revenue requirements for firm transmission use will be decreased by any revenues received from nonfirm use and credits for all government use. The general methodology for determining the firm rate is to divide the revenue requirement by the total firm capacity requirements. Therefore, the higher the total capacity requirements, the lower will be the unit rate.

If the government provides firm transmission service in its section of the Montana (Eastern) Intertie in exchange for firm transmission service in a customer's section of the Montana Intertie, the payment by the government for such transmission services provided by such customer will be made in the form of a credit in the calculation of the Intertie Charge for such customer. During an estimated 1- to 3-year period following the commercial operation of the third generating unit at the Colstrip Thermal Generating Plant at Colstrip, Montana, the capability of the Federal Transmission System west of Garrison Substation may be different from the long-term situation. It may not be possible to complete the extension of the 500-kV portion of the Federal Transmission System to Garrison by such commercial operation date. In such event, the 500/230 kV transformer will be an essential extension of the Townsend-Garrison Intertie facilities, and the annual costs of such transformer will be included in the calculation of the Intertie Charge.

However, starting 1 month after extension to Garrison of the 500-kV portion of the Federal Transmission System, the annual costs of such transformer will no longer be included in the calculation of the Intertie Charge.

A. Nonfirm Transmission Charge:

This charge will be filed as a separate rate schedule and revenues received thereunder will reduce the amount of revenue to be collected under the Intertie Charge below.

B. Intertie Charge for Firm Transmission Service:

$$\text{Intertie Charge} = [((\text{TAC}/12) - \text{NFR}) \times \frac{(\text{CR} - \text{EC})}{\text{TCR}}]$$

Section III. Definitions

A. TAC = Total Annual Costs of facilities associated with the Townsend-Garrison 500-kV

Transmission line including terminals, and prior to extension of the 500-kV portion of the Federal Transmission System to Garrison, the 500/230 kV transformer at Garrison. Such annual costs are the total of: (1) Interest and amortization of associated Federal investment and the appropriate allocation of general plant costs; (2) operation and maintenance costs; (3) allowance for BPA's general administrative costs which are appropriately allocable to such facilities, and (4) payments made pursuant to section 7(m) of Pub. L. 96–501 with respect to these facilities. Total Annual Costs shall be adjusted to reflect reductions to unpaid total costs as a result of any amounts received, under agreements for firm transmission service over the Montana Intertie, by the government on account of any reduction in Transmission Demand, termination or partial termination of any such agreement or otherwise to compensate BPA for the unamortized investment, annual cost, removal, salvage, or other cost related to such facilities.

B. NFR = Nonfirm Revenues, which are equal to: (1) The product of the Nonfirm Transmission Charge described in II(A) above, and the total nonfirm energy transmitted over the Townsend-Garrison line segment under such charge for such month; plus (2) the product of the Nonfirm Transmission Charge and the total nonfirm energy transmitted in either direction by the Government over the Townsend-Garrison line segment for such month.

C. CR = Capacity Requirement of a customer on the Townsend-Garrison 500-kV transmission facilities as specified in its firm transmission agreement.

D. TCR = Total Capacity Requirement on the Townsend-Garrison 500-kV transmission facilities as calculated by adding (1) the sum of all Capacity Requirements (CR) specified in transmission agreements described in section I; and (2) the Government's firm capacity requirement. The Government's firm capacity requirement shall be no less than the total of the amounts, if any, specified in firm transmission agreements for use of the Montana Intertie.

E. EC = Exchange Credit for each customer which is the product of: (1) The ratio of investment in the Townsend-Broadview 500-kV transmission line to the investment in the Townsend-Garrison 500-kV transmission line; and (2) the capacity which the Government obtains in the Townsend-Broadview 500-kV transmission line through exchange with such customer. If no exchange is in effect with a customer, the value of EC for such customer shall be zero.

Schedule AC–95

Southern Intertie Annual Costs Rate and Billing Provisions

Section I. Availability

This schedule is applicable to each party (Capacity Owner) that executes a PNW AC Intertie Capacity Ownership Agreement (Agreement). Billings pursuant to this schedule are subject to the Billing Provisions in Exhibit B of the Agreement. This rate schedule shall be effective on the first day of the fiscal year following the earlier of interim or final FERC approval of this rate schedule. Unless otherwise defined in this rate schedule, capitalized terms used in this rate schedule shall have the respective definitions set forth in section 1 of this Agreement.

Section II. Rate

A. Operations

The monthly charge equals:

$$\frac{\text{Operations Cost} * \text{Capacity Ownership Percentage}}{\text{Months}}$$

Where

''Months'' is equal to 12, or, if the Operating Plan has, during the fiscal year to which such Operating Plan pertains, been amended with respect to Operations Cost, the number of full months remaining in the fiscal year after such amended Operating Plan becomes effective for which Capacity Owners have not been billed.

''Operations Cost'' means, upon and after the effective date of Exhibit B pursuant to this Agreement, for any fiscal year any Allocated Direct Costs for Bonneville's PNW AC Intertie, operations Indirect Costs for Bonneville's PNW AC Intertie, and operations Overhead Costs for Bonneville's PNW AC Intertie for such fiscal year, each being determined in accordance with section I of Exhibit I.

''Capacity Ownership Percentage'' is as defined in subsection 1(k) of each Capacity Owner's Agreement.

The monthly charge for the Operations rate shall be calculated using the forecast Operations Cost in the Operating Plan in effect during the month for which the monthly charge is calculated; provided, however, if the Operating Plan is amended during the fiscal year to which such Operating Plan pertains, the monthly charge for Operations Cost shall be calculated using the forecast Operations Cost less the Operations Cost already billed for such fiscal year for the remaining months of the fiscal year following such amendment.

B. Maintenance

The monthly charge equals:

$$\frac{\text{Maintenance Cost} * \text{Capacity Ownership Percentage}}{\text{Months}}$$

Where

''Months'' is equal to 12, or, if the Operating Plan has, during the fiscal year to which such Operating Plan pertains, been amended with respect to Maintenance Cost, the number of full months remaining in the fiscal year after such amended Operating Plan becomes effective for which Capacity Owners have not been billed.

''Maintenance Cost'' means, upon and after the effective date of Exhibit B pursuant to this Agreement, for any fiscal year any maintenance Direct Costs for Bonneville's PNW AC Intertie, maintenance Indirect Costs for Bonneville's PNW AC Intertie, and maintenance Overhead Costs for Bonneville's PNW AC Intertie for such fiscal year, each being determined in accordance with section II of Exhibit I.

''Capacity Ownership Percentage'' is as defined in subsection 1(k) of each Capacity Owner's Agreement.

The monthly charge for the Maintenance rate shall be calculated using the forecast Maintenance Cost in the Operating Plan in effect during the month for which the monthly charge is calculated; provided, however, if the Operating Plan is amended during the fiscal year to which such Operating Plan pertains, the monthly charge for Maintenance Cost shall be calculated using the forecast Maintenance Cost less the Maintenance Cost already billed for such fiscal year for the remaining months of the fiscal year following such amendment.

C. General Plant

The monthly charge equals:

$$\text{MOP} = \frac{\text{AOP} * \text{HOP}}{10}$$

Where

''Months'' is equal to 12, or, if the Operating Plan has, during the fiscal year to which such Operating Plan pertains, been amended with respect to General Plant Cost, the number of full months remaining in the fiscal year after such amended Operating Plan becomes effective for which Capacity Owners have not been billed.

''General Plant Cost'' means, upon and after the effective date of Exhibit B pursuant to this Agreement, for any fiscal year any costs (including direct costs, indirect costs, overhead costs, and AFUDC) for Bonneville's general plant investment for such fiscal year. The method for determining General Plant Cost is set forth in section IV of Exhibit I.

''Capacity Ownership Percentage'' is as defined in subsection 1(k) of each Capacity Owner's Agreement.

The monthly charge for the General Plant rate shall be calculated using the General Plant Cost in the Operating Plan in effect during the month for which the monthly charge is calculated; provided, however, if the Operating Plan is amended during the fiscal year to which such Operating Plan pertains, the monthly charge for General Plant Cost shall be calculated using the General Plant Cost less the General Plant Cost already billed for such fiscal year for the remaining months of the fiscal year following such amendment.

D. Other Costs

The monthly charge equals:

$$\frac{\text{Other Costs} * \text{Capacity Ownership Percentage}}{\text{Months}}$$

Where

''Months'' is equal to 12, or, if the Operating Plan has, during the fiscal year to which such Operating Plan pertains, been amended with respect to Other Cost, the number of full months remaining in the fiscal year after such

amended Operating Plan becomes effective for which Capacity Owners have not been billed.

''Other Costs'' means, upon and after the effective date of Exhibit B pursuant to this Agreement, Bonneville's other costs for Bonneville's PNW AC Intertie described in and determined pursuant to section V of Exhibit I.

''Capacity Ownership Percentage'' is as defined in subsection 1(k) of each Capacity Owner's Agreement.

The monthly charge for the Other Costs rate shall be calculated using the forecast Other Costs in the Operating Plan in effect during the month for which the monthly charge is calculated; provided, however, if the Operating Plan is amended during the fiscal year to which such Operating Plan pertains, the monthly charge for Other Costs shall be calculated using the forecast Other Costs less the Other Costs already billed for such fiscal year for the remaining months of the fiscal year following such amendment.

E. Contracts and Rates

The monthly charge equals:

$$\frac{\text{Contracts and Rates Costs} * \text{Capacity Ownership Percentage}}{\text{Months}}$$

Where

''Months'' is equal to 12, or, if the Operating Plan has, during the fiscal year to which such Operating Plan pertains, been amended with respect to Contracts and Rates Cost, the number of full months remaining in the fiscal year after such amended Operating Plan becomes effective for which Capacity Owners have not been billed.

''Contracts and Rates Costs'' means, upon and after the effective date of Exhibit B pursuant to this Agreement, for any fiscal year Bonneville's total contracts and rates costs (as described in section VI of Exhibit I) for such fiscal year as functionalized and allocated in accordance with section VI of Exhibit I to determine Contracts and Rates Costs for Bonneville's PNW AC Intertie.

''Capacity Ownership Percentage'' is as defined in subsection 1(k) of each Capacity Owner's Agreement.

Contracts and Rates Cost is determined in accordance with section VI of Exhibit I as of the Effective Date. If Exhibit I is amended pursuant to subsection 19(k) of the Agreement to provide that the Contracts and Rates Cost determined in accordance with section VI of Exhibit I (and reflected in the Operating Plan for the fiscal year to which such Operating Plan pertains) is directly assigned to the Capacity Owners pursuant to such amended Exhibit I (and reflected in the Operating Plan for the fiscal year to which such Operating Plan pertains), the Capacity Ownership Percentage in the monthly charge calculation for such fiscal year shall be replaced by the ratio of (a) each Capacity Ownership Share to (b) the sum of all Capacity Ownership Shares.

The monthly charge for the Contracts and Rates rate shall be calculated using the forecast Contracts and Rates Costs in the Operating Plan in effect during the month for which the monthly charge is calculated; provided, however, if the Operating Plan is amended during the fiscal year to which such Operating Plan pertains, the monthly charge for Contracts and Rates Cost shall be calculated using the forecast Contracts and Rates Cost less the Contracts and Rates Cost already billed for such fiscal year for the remaining months of the fiscal year following such amendment.

F. Power Scheduling

The monthly charge equals:

$$\frac{\text{Power Scheduling Costs} * \text{Capacity Ownership Percentage}}{\text{Months}}$$

Where

''Months'' is equal to 12, or, if the Operating Plan has, during the fiscal year to which such Operating Plan pertains, been amended with respect to Power Scheduling Cost, the number of full months remaining in the fiscal year after such amended Operating Plan becomes effective for which Capacity Owners have not been billed.

''Power Scheduling Costs'' means, upon and after the effective date of Exhibit B pursuant to this Agreement, Bonneville's total power scheduling costs (as described in section VII of Exhibit I) as functionalized and allocated in accordance with section VII of Exhibit I to determine Power Scheduling Costs for Bonneville's PNW AC Intertie.

''Capacity Ownership Percentage'' is as defined in subsection 1(k) of each Capacity Owner's Agreement.

Power Scheduling Cost is determined in accordance with section VII of Exhibit I as of the Effective Date. If Exhibit I is amended pursuant to subsection 19(k) of the Agreement to provide that the Power Scheduling Cost determined in accordance with section VII of Exhibit I (and reflected in the Operating Plan for the fiscal year to which such Operating Plan pertains) is directly assigned to the Capacity Owners pursuant to such amended Exhibit I (and reflected in the Operating Plan for the fiscal year to which such Operating Plan pertains), the Capacity Ownership Percentage in the monthly charge calculation for such fiscal year shall be replaced by the ratio of (a) each Capacity Ownership Share to (b) the sum of all Capacity Ownership Shares.

The monthly charge for the Power Scheduling rate shall be calculated using the forecast Power Scheduling Costs in the Operating Plan in effect during the month for which the monthly charge is calculated; provided, however, if the Operating Plan is amended during the fiscal year to which such Operating Plan pertains, the monthly charge for Power Scheduling Cost shall be calculated using the forecast Power Scheduling Cost less the Power Scheduling Cost already billed for such fiscal year for the remaining months of the fiscal year following such amendment.

G. End of Term

The monthly charge equals:

End of Term Costs * Capacity Ownership Percentage

Months

Where

''Months'' is equal to 12, or, if the Operating Plan has, during the fiscal year to which such Operating Plan pertains, been amended with respect to End of Term Costs, the number of full months remaining in the fiscal year after such amended Operating Plan becomes effective for which Capacity Owners have not been billed.

''End of Term Costs'' means, upon and after the effective date of Exhibit B pursuant to this Agreement, Bonneville's costs associated with decommissioning the PNW AC Intertie determined in accordance with section VIII of Exhibit I.

''Capacity Ownership Percentage'' is as defined in subsection 1(k) of each Capacity Owner's Agreement.

The monthly charge for the End of Term rate shall be calculated using the forecast End of Term Costs in the Operating Plan in effect during the month for which the monthly charge is calculated; provided, however, if the Operating Plan is amended during the fiscal year to which such Operating Plan pertains, the monthly charge for End of Term Costs shall be calculated using the forecast End of Term Costs less the End of Term Cost already billed for such fiscal year for the remaining months of the fiscal year following such amendment.

H. Replacements and Reinforcements

1. For each Replacement, the charge equals: Replacement Cost * Capacity Ownership Percentage.

2. For each Reinforcement, the charge equals: Reinforcement Cost * Capacity Ownership Percentage.

Where

''Replacement Cost'' means, upon and after the effective date of Exhibit B pursuant to this Agreement, for any Replacement, the Direct Costs, Indirect Costs, Overhead Costs, and AFUDC for such Replacement, all capitalized to plant-in-service together with (1) simple interest on the foregoing costs accrued from the date on which Bonneville stops accruing AFUDC on the foregoing costs until the due date of the bill to Capacity Owner for the foregoing costs pursuant to subparagraph 9(b)(2)(B) and (2) the costs of removal and any salvage credit associated with removal or replacement of existing facilities. Replacement Cost does not include capitalized general plant cost. The method for determining Replacement Costs for Bonneville's PNW AC Intertie is set forth in section III of Exhibit I.

''Reinforcement Cost'' means, upon and after the effective date of Exhibit B pursuant to this Agreement, for any Reinforcement, the Direct Costs, Indirect Costs, Overhead Costs, and AFUDC for such Reinforcement, all capitalized to plant-in-service together with (1) simple interest on the foregoing costs accrued from the date on which Bonneville stops accruing AFUDC on the foregoing costs until the due date of the bill to Capacity Owner for the foregoing costs pursuant to subparagraph 9(b)(2)(B) and (2) the costs of removal and any salvage credit associated with removal or replacement of existing facilities. Reinforcement Cost does not include capitalized general plant cost. The method for determining Reinforcement Costs for Bonneville's PNW AC Intertie is set forth in section III of Exhibit I.

''Capacity Ownership Percentage'' is as defined in subsection 1(k) of each Capacity Owner's Agreement.

The charge for the Replacements and Reinforcements rate shall use the actual Replacement Cost and Reinforcement Cost in the Operating Plan.

Section III. Adjustments

If an amendment to the Operating Plan results in a net amount that Bonneville owes the Capacity Owners pursuant to sections II.A–G or pursuant to section II.H, Bonneville shall refund such net amount pursuant to paragraph 9(f)(4) of the Agreement.

The monthly charges assessed Capacity Owners under sections II.A–G shall be adjusted, and payment or refund made with interest, pursuant to paragraph 9(b)(2) or 9(f)(4) of the Agreement, to reflect amendments to the Operating Plan that occur after the year to which such Operating Plan pertains. A Capacity Owner's share of the adjustment shall be determined using the same Capacity Ownership Percentage used in the billings under sections II.A–G during the fiscal year that such Operating Plan is effective.

Annual Costs Rate

Billing Provisions

I. General Provisions

A. Approval of Rates

The annual costs rate shall become effective upon interim approval or upon final confirmation and approval by FERC. Bonneville will request FERC approval of such rate schedule effective on the first day of a Bonneville fiscal year.

B. Application of Billing Provisions

These Billing Provisions shall apply to bills rendered by Bonneville pursuant to the annual costs rate.

C. Definition of Terms

The meaning of terms used in the annual costs rate shall be as defined in the Agreement or, if no definition is provided by the Agreement, such terms shall be defined according to applicable Federal law.

II. Billing Information

Payment of Bills

Charges pursuant to the annual costs rate shall be included in Bonneville's monthly power bill to Capacity Owner. Failure to receive a power bill shall not release Capacity Owner from liability for payment. Power bills for amounts due of $50,000 or more must be paid by direct wire transfer. If Capacity Owner anticipates special difficulties in meeting this requirement, Capacity Owner may request and Bonneville may approve an exemption from this requirement. Power bills for amounts due Bonneville under $50,000 may be paid by direct wire transfer or mailed to the Bonneville Power Administration, P.O. Box 6040, Portland, Oregon 97228–6040, or to another location as directed by Bonneville. The procedures to be followed in making direct wire transfers will be provided by Bonneville's Financial Services Group and updated as necessary.

A. Computation of Bills

1. Bonneville shall bill Capacity Owner in accordance with the annual costs rate.

2. Capacity Owner shall provide necessary information to Bonneville for any computation required to determine proper charges pursuant to the Agreement and shall cooperate with Bonneville in the exchange of additional information which may be reasonably useful for respective operations.

3. Bills rendered pursuant to this Agreement shall be rounded to whole dollar amounts, by eliminating any amount which is less than 50 cents and increasing any amounts from 50 cents to 99 cents to the next higher whole dollar.

B. Billing Month

For charges pursuant to the annual costs rate the billing month shall be the

same as for the power bill rendered by Bonneville to Capacity Owner.

C. Due Date

Charges pursuant to the annual costs rate shall be included in the power bill rendered by Bonneville to Capacity Owner and shall be due as part of the power bill when such power bill is due.

D. Late Payment

The penalties for failure to pay a bill in full on or before close of business on the due date shall be the same as those contained in the late payment provisions in Bonneville's General Rate Schedule Provisions in effect on the date of the bill; provided, however, that no other provision of any such General Rate Schedule Provisions, including, but not limited to, provisions regarding cancellation, termination, or suspension of service, shall have application with respect to the payment of any rate or charge pursuant to the annual costs rate set forth in Exhibit B. Bonneville's right to suspend service for late payment under the Agreement shall be pursuant to paragraph 9(e)(1) of this Agreement, which right shall in no way be limited by this section.

E. Disputed Bills

In the event of a disputed bill, full payment shall be rendered to Bonneville and the disputed amount noted. Disputed amounts are subject to the late payment provisions specified in section II(4) of the Billing Provisions of this Exhibit B. Bonneville shall separately account for the disputed amount. If it is determined that Capacity Owner is entitled to the disputed amount, Bonneville shall refund the disputed amount with interest, such interest to be determined by Bonneville's Financial Services Group. In the event that Bonneville and Capacity Owner do not resolve such dispute, Capacity Owner shall not be prevented by this section II(5) of the Billing Provisions of this Exhibit B from initiating arbitration pursuant to and to the extent allowed by section 15 of this Agreement.

F. Revised Bills

If Bonneville determines that it has over- or under-charged Capacity Owner due to a computational error or because of an amendment to the Operating Plan in any given billing month, Bonneville may render to Capacity Owner a revised bill.

1. If the amount of the revised bill is less than or equal to the amount of the original bill for such billing month, the revised bill shall replace the original bill issued by Bonneville. The revised bill shall have the same date as the original bill.

2. If the amount of the revised bill is greater than the amount of the original bill for such billing month, a new bill will be issued for the difference between the revised bill and the original bill. The date of the new bill shall be its date of issuance, and Capacity Owner shall make payment to Bonneville as specified in the Billing Provisions of this Exhibit B.

C. General Transmission Rate Schedule Provisions (GTRSPs)

Table of Contents

I. Adoption of Revised Transmission Rate Schedules and General Transmission Rate Schedules Provision
A. Approval of Rates
B. General Provisions
C. Interpretation
II. Billing Factor Definitions and Billing Adjustments
A. Billing Factors
B. Billing Adjustments
III. Other Definitions
A. Agreement
B. Eastern Intertie
C. Electric Power
D. Federal Columbia River Transmission System
E. Firm Transmission Service
F. Integrated Network
G. Main Grid
H. Main Grid Distance
I. Main Grid Interconnection Terminal
J. Main Grid Miscellaneous Facilities
K. Main Grid Terminal
L. Nonfirm Transmission Service
M. Northern Intertie
N. Point of Integration (POI)
O. Point of Delivery (POD)
P. Secondary System
Q. Secondary System Distance
R. Secondary System Interconnection Terminal
S. Secondary System Intermediate Terminal
T. Secondary Transformation
U. Southern Intertie
V. Transmission Service
IV. Billing Information
A. Payment of Bills
V. Charges Under the Amended and Integrated Pacific Northwest Coordination Agreement
A. Interchange Energy Imbalances
B. Interchange Energy Service Charge
C. Interchange Capacity Imbalances
D. Transfers Due to Forced Outages
E. Holding Interchange Energy Service Charge
F. Stored Energy Service Charge
G. Transfers to Avoid Spill
H. Transmission Service Charges
I. Special Storage Agreements

Section I. Adoption of Revised Transmission Rate Schedules and General Transmission Rate Schedule Provisions (GTRSPs)

A. Approval of Rates

These rate schedules and GTRSPs shall become effective upon interim approval or upon final confirmation and approval by FERC. BPA will request FERC approval effective October 1, 1995.

B. General Provisions

These 1995 Transmission Rate Schedules and associated GTRSPs supersede BPA's 1993 Transmission Rate Schedules and GTRSPs (which became effective October 1, 1993) but do not supersede prior rate schedules required by agreement to remain in force.

Transmission service provided shall be subject to the following Acts, as amended: the Bonneville Project Act, the Regional Preference Act (Pub. L. 88–552), the Federal Columbia River Transmission System Act, and the Pacific Northwest Electric Power Planning and Conservation Act, and the Energy Policy Act of 1992, Pub. L. 102–486, 106 Stat. 2776 (1992).

The meaning of terms used in the transmission rate schedules shall be as defined in agreements or provisions which are attached to the Agreement or as in any of the above Acts.

C. Interpretation

If a provision in the executed Agreement is in conflict with a provision contained herein, the former shall prevail.

Section II. Billing Factor Definitions and Billing Adjustments

A. Billing Factors

1. Scheduled Demand

The largest of hourly amounts wheeled which are scheduled by the customer during the time period specified in the rate schedules.

2. Metered Demand

The Metered Demand in kilowatts shall be the largest of the 60-minute clock-hour integrated demands measured by meters installed at each POD during each time period specified in the applicable rate schedule. Such measurements shall be made as specified in the Agreement. BPA, in determining the Metered Demand, will exclude any abnormal readings due to or resulting from: (a) emergencies or breakdowns on, or maintenance of, the FCRTS; or (b) emergencies on the customer's facilities, provided that such

facilities have been adequately maintained and prudently operated as determined by BPA. If more than one class of power is delivered to any POD, the portion of the metered quantities assigned to any class of power shall be as agreed to by the parties. The amount so assigned shall constitute the Metered Demand for such class of power.

3. Transmission Demand

The demand as defined in the Agreement.

4. Total Transmission Demand

The sum of the transmission demands as defined in the Agreement.

5. Ratchet Demand

The maximum demand established during the previous 11 billing months. Exception: If a Transmission Demand or Total Transmission Demand has been decreased pursuant to the terms of the Agreement during the previous 11 billing months, such decrease will be reflected in determining the Ratchet Demand.

B. Billing Adjustments

Average Power Factor

The adjustment for average power factor, when specified in a transmission rate schedule or in the Agreement, shall be made in accordance with the average power factor section of the General Wheeling Provisions.

To maintain acceptable operating conditions on the Federal system, BPA may restrict deliveries of power at any time that the average leading power factor or average lagging power factor for all classes of power delivered to such point or to such system is below 85 percent.

Section III. Other Definitions

Definitions of the terms below shall be applied to these provisions and the Transmission Rate Schedules, unless otherwise defined in the Agreement.

A. Agreement

An agreement between BPA and a customer to which these rate schedules and provisions may be applied.

B. Eastern Intertie

The segment of the FCRTS for which the transmission facilities consist of the Townsend-Garrison double-circuit 500 kV transmission line segment including related terminals at Garrison.

C. Electric Power

Electric peaking capacity (kW) and/or electric energy (kWh).

D. Federal Columbia River Transmission System

The transmission facilities of the Federal Columbia River Power System, which include all transmission facilities owned by the government and operated by BPA, and other facilities over which BPA has obtained transmission rights.

E. Firm Transmission Service

Transmission service which BPA provides for any non-BPA power except for transmission service which is scheduled as nonfirm. If the firm service is provided pursuant to the Agreement, the terms of the Agreement may further define the service.

F. Integrated Network

The segment of the FCRTS for which the transmission facilities provide the bulk of transmission of electric power within the Pacific Northwest, excluding facilities not segmented to the network as shown in the Wholesale Power Rate Development Study used in BPA's rate development.

G. Main Grid

As used in the FPT and IR rate schedules, that portion of the Integrated Network with facilities rated 230 kV and higher.

H. Main Grid Distance

As used in the FPT rate schedules, the distance in airline miles on the Main Grid between the POI and the POD, multiplied by 1.15.

I. Main Grid Interconnection Terminal

As used in the FPT rate schedules, Main Grid terminal facilities that interconnect the FCRTS with non-BPA facilities.

J. Main Grid Miscellaneous Facilities

As used in the FPT rate schedules, switching, transformation, and other facilities of the Main Grid not included in other components.

K. Main Grid Terminal

As used in the FPT rate schedules, the Main Grid terminal facilities located at the sending and/or receiving end of a line exclusive of the Interconnection terminals.

L. Nonfirm Transmission Service

Interruptible transmission service which BPA may provide for non-BPA power.

M. Northern Intertie

The segment of the FCRTS for which the transmission facilities consist of two 500 kV lines between Custer Substation and the United States-Canadian border, one 500 kV line between Custer and Monroe Substations, and two 230 kV lines from Boundary Substation to the United States-Canadian border, and the associated substation facilities.

N. Point of Integration (POI)

Connection points between the FCRTS and non-BPA facilities where non-Federal power is made available to BPA for wheeling.

O. Point of Delivery (POD)

Connection points between the FCRTS and non-BPA facilities where non-Federal power is delivered to a customer by BPA.

P. Secondary System

As used in the FPT and IR rate schedules, that portion of the Integrated Network facilities with operating voltage of 115 kV or 69 kV.

Q. Secondary System Distance

As used in the FPT rate schedules, the number of circuit miles of Secondary System transmission lines between the secondary POI and the Main Grid or the secondary POD, or the Main Grid and the secondary POD.

R. Secondary System Interconnection Terminal

As used in the FPT rate schedules, the terminal facilities on the Secondary System that interconnect the FCRTS with non-BPA facilities.

S. Secondary System Intermediate Terminal

As used in the FPT rate schedules, the first and final terminal facilities in the Secondary System transmission path exclusive of the Secondary System Interconnection terminals.

T. Secondary Transformation

As used in the FPT rate schedules, transformation from Main Grid to Secondary System facilities.

U. Southern Intertie

The segment of the FCRTS for which the major transmission facilities consist of two 500 kV AC lines from John Day Substation to the Oregon-California border; a portion of the 500 kV AC line from Buckley Substation to Summer Lake Substation; when completed, the Third AC facilities, which include Captain Jack Substation and the Alvey-Meridian 500 kV AC line; one 1,000 kV DC line between the Celilo Substation and the Oregon-Nevada border; and associated substation facilities.

V. Transmission Service

As used in the MT rate schedule, Transmission Service is as defined in

the Western Systems Power Pool Agreement.

Section IV. Billing Information

A. Payment of Bills

Bills for transmission service shall be rendered monthly by BPA. Failure to receive a bill shall not release the customer from liability for payment. Bills for amounts due of $50,000 or more must be paid by direct wire transfer; customers who expect that their average monthly bill will not exceed $50,000 and who expect special difficulties in meeting this requirement may request, and BPA may approve, an exemption from this requirement. Bills for amounts due BPA under $50,000 may be paid by direct wire transfer or mailed to the Bonneville Power Administration, P.O. Box 6040, Portland, Oregon 97228–6040, or to another location as directed by BPA. The procedures to be followed in making direct wire transfers will be provided by the Office of Financial Management and updated as necessary.

1. Computation of Bills

The transmission billing determinant is the electric power quantified by the method specified in the Agreement or Transmission Rate Schedule. Scheduled power or metered power will be used.

The transmission customer shall provide necessary information to BPA for any computation required to determine the proper charges for use of the FCRTS, and shall cooperate with BPA in the exchange of additional information which may be reasonably useful for respective operations.

Demand and energy billings for transmission service under each applicable rate schedule shall be rounded to whole dollar amounts, by eliminating any amount which is less than 50 cents and increasing any amounts from 50 cents through 99 cents to the next higher dollar.

2. Estimated Bills

At its option, BPA may elect to render an estimated bill to be followed at a subsequent billing date by a final bill. The estimated bill shall have the validity of and be subject to the same payment provisions as a final bill.

3. Billing Month

For charges based on scheduled quantities, the billing month is the calendar month. For charges based on metered quantities, the billing month is defined as the interval between scheduled meter-reading dates. The billing month will not exceed 31 days in any case. While it may be necessary to read meters on a day other than the scheduled meter-reading date, for determination of billing demand, the billing month will cease at 2400 hours on the last scheduled meter-reading date. Schedules will be predetermined. The customer must give 30 days notice to request a change to the schedule.

4. Due Date

Bills shall be due by close of business on the 20th day after the date of the bill (due date). Should the 20th day be a Saturday, Sunday, or holiday (as celebrated by the customer), the due date shall be the next following business day.

5. Late Payment

Bills not paid in full on or before close of business on the due date shall be subject to a penalty charge of $25. In addition, an interest charge of one-twentieth percent (0.05 percent) shall be applied each day to the sum of the unpaid amount and the penalty charge. This interest charge shall be assessed on a daily basis until such time as the unpaid amount and penalty charge are paid in full.

Remittances received by mail will be accepted without assessment of the charges referred to in the preceding paragraph provided the postmark indicates the payment was mailed on or before the due date. Whenever a power bill or a portion thereof remains unpaid subsequent to the due date and after giving 30 days' advance notice in writing, BPA may cancel the contract for service to the customer. However, such cancellation shall not affect the customer's liability for any charges accrued prior thereto under such agreement.

6. Disputed Billings

In the event of a disputed billing, full payment shall be rendered to BPA and the disputed amount noted. Disputed amounts are subject to the late payment provisions specified above. BPA shall separately account for the disputed amount. If it is determined that the customer is entitled to the disputed amount, BPA shall refund the disputed amount with interest, as determined by BPA's Office of Financial Management.

BPA retains the right to verify, in a manner satisfactory to the Administrator, all data submitted to BPA for use in the calculation of BPA's rates and corresponding rate adjustments. BPA also retains the right to deny eligibility for any BPA rate or corresponding rate adjustment until all submitted data have been accepted by BPA as complete, accurate, and appropriate for the rate or adjustment under consideration.

7. Revised Bills

As necessary, BPA may render a revised bill.

a. If the amount of the revised bill is less than or equal to the amount of the original bill, the revised bill shall replace all previous bills issued by BPA that pertain to the specified customer for the specified billing period and the revised bill shall have the same date as the replaced bill.

b. If a revision causes an additional amount to be due BPA or the specified customer beyond the amount of the original bill, a revised bill will be issued for the difference and the date of the revised bill shall be its date of issue.

V. Charges Under The Amended and Integrated Pacific Northwest Coordination Agreement

The Pacific Northwest Coordination Agreement (PNCA) is an agreement for planned operations among the utilities and other entities that operate the major electric generating facilities and systems in the Pacific Northwest. The parties jointly and cooperatively plan and coordinate their combined generation facilities so as to produce the optimum firm load carrying capability (FLCC) of the coordinated system. FLCC is the firm load that could be carried under coordinated operation with critical streamflow conditions and with the use of all reservoir storage.

In order to coordinate operations, and so that each party can meet its individual FLCC, the PNCA provides for exchanges of energy and capacity among the parties. The agreement sets up charges for each form of exchange. The parties are negotiating a successor agreement to the PNCA, and have agreed on charges to apply under the new agreement.

All terms contained herein have the meaning accorded them in the Amended and Integrated Pacific Northwest Coordination Agreement. These rates are to be effective on the date on which rates are effective under the Amended and Integrated Pacific Northwest Coordination Agreement, as provided in such Agreement. They will remain in effect until revised rates are approved.

A. Interchange Energy Imbalances

1. Initial Deliveries of Interchange Energy

$$\text{Energy Charge} = \frac{(\text{heat rate} * \text{fuel price})}{1{,}000} + \text{adder}$$

Heat rate = 10,000 BTU/kWh
Fuel price = Average mainline interruptible or spot market natural gas price at Sumas, Washington, in $/MMBTU (dollars per million BTUs), for the twelve months ending the immediately preceding June 30, as published in *Inside FERC*, or, in the event that *Inside FERC* is no longer published, a similar replacement publication.
Adder = 4.75 mills/kWh, adjusted each August 1 beginning August 1, 1997, by the change in the Consumer Price Index (for all urban consumers as published by the Bureau of Labor Statistics) for Portland, Oregon, for the twelve-month period ending the immediately preceding June 30.

2. Return of Interchange Energy

The Energy Charge for Return of Interchange Energy shall be the charge in effect for initial deliveries of Interchange Energy at the time the energy being delivered as Return of Interchange Energy was delivered as an initial delivery of Interchange Energy.

B. Interchange Energy Service Charge

1. No charge for energy returned between 7:00 a.m. and 10:00 p.m., Monday through Saturday.

2. 2.50 mills per kilowatthour of energy returned at other hours, unless such energy was supplied during such other hours, or its return during such other hours was requested, in either of which events there shall be no charge.

C. Interchange Capacity Imbalances

$2.00 per kilowatt week of demand.

D. Transfers Due to Forced Outage

1. Transfer Due to Loss of Thermal Capability

$2.00 per kilowatt week of demand plus the greater of (a) the charge for Interchange Energy Imbalances and (b) the incremental costs of operating the resource used to supply the requested energy plus an adder of 4.00 mills per kilowatthour. The adder shall be adjusted each August 1 beginning August 1, 1997 by the change in the Consumer Price Index (for all urban consumers as published by the Bureau of Labor Statistics) for Portland, Oregon, for the twelve-month period ending the immediately preceding June 30.

2. Transfer of Emergency Capacity

$2.00 per kilowatt week of demand plus the greater of (a) the charge for Interchange Energy Imbalances and (b) the incremental costs of operating the resource used to supply the requested energy. In the event that BPA requires the receiving party to return the energy associated with the transfer of emergency capacity, only the demand charge shall apply.

E. Holding Interchange Energy Service Charge

1. Basic Charge

2.00 mills per kilowatthour of Holding Interchange Energy on delivery to BPA and 1.50 mills per kilowatthour of Holding Interchange Energy on return from BPA (3.50 mills per kilowatthour total). A loss of Holding Interchange Energy because of spill will result in a refund of 2.00 mills per kilowatthour of Holding Interchange Energy that is converted to Stored Energy and spilled.

2. Reshaping Charge

2.50 mills per kilowatthour of energy. This charge shall apply, in each Light Load Hour during which the energy delivered or returned is greater than the average hourly amount of energy delivered or returned that day, to the amount of energy delivered or returned during such hour that exceeds the daily hourly average. This charge applies in addition to the basic charge.

F. Stored Energy Service Charge

For the purposes of this rate, light load hours and heavy load hours shall not include any hours designated by the reservoir party as peak load hours.

1. Charges Paid on Delivery of Energy to a Reservoir Party

a. 2.00 mills per kilowatthour of energy delivered to BPA on Light Load Hours.
b. 1.00 mill per kilowatthour of energy delivered to BPA on Heavy Load Hours.
c. No charge for energy delivered to BPA on Peak Load Hours.

2. Charges Paid on Return of Energy Stored Less Than Two Weeks

a. 1.00 mill per kilowatthour of energy returned from BPA on Light Load Hours.
b. 3.50 mills per kilowatthour for energy returned from BPA on Heavy Load Hours.
c. 5.00 mills per kilowatthour for energy returned from BPA on Peak Load Hours.

3. Charges Paid on Return of Energy Stored for Two Weeks or More

a. No charge for energy returned from BPA on Light Load Hours.
b. 2.50 mills per kilowatthour for energy returned from BPA on Heavy Load Hours.
c. 4.00 mills per kilowatthour for energy returned from BPA on Peak Load Hours.

4. Charges Paid on Return of Energy in Cases of Imminent Spill

a. No charge for energy returned from BPA on Light Load Hours.
b. 2.50 mills per kilowatthour for energy returned from BPA on Heavy Load Hours.
c. 2.50 mills per kilowatthour for energy returned from BPA on Peak Load Hours.

5. Refund of Storage Charges in Cases of Spill

In the event that stored energy is not returned to a party because of spill on BPA's system, or in the event that BPA transfers the stored energy to another Reservoir Party to avoid spill and the transferred energy is later spilled, BPA will refund the charges paid under section F.1. in an amount equal to the charges paid under such section, divided by the kilowatthours of energy delivered to BPA, multiplied by the kilowatthours of stored energy that is spilled.

G. Transfers To Avoid Spill

1. No charge for stored energy transferred by a Reservoir Party to BPA in order to avoid spill.
2. The applicable Stored Energy Service charge shall apply in the event that BPA accepts the transfer of stored energy to avoid spill and then returns the stored energy to the original delivering party.

H. Transmission Service Charges

In any energy or capacity transaction that utilizes BPA transmission facilities where BPA acts solely as a transferor the following charges shall apply to both delivery and return of the energy, if applicable:
1. 1.60 mills per kilowatthour of Interchange Energy or Generation Impact Replacement Energy paid by the receiving party.
2. 1.75 mills per kilowatthour of Holding Interchange and Storage Energy paid by the party requesting the return.
3. No charge for In Lieu Energy, except when the supplying or receiving

party requires BPA, under the terms of the PNCA, to provide transmission, in which case the charge shall be 2.00 mills per kilowatthour of In Lieu Energy paid by the party requiring BPA to provide such transmission.

4. 2.00 mills per kilowatthour of Provisional Energy paid by the Reservoir Party.

5. 2.00 mills per kilowatthour of energy associated with Transfers Due to Cross-Border Flow Deviations paid by the party receiving the transfer.

6. 2.00 mills per kilowatthour of energy associated with Interchange Capacity and FOR Capacity paid by the party requesting the delivery.

I. Special Storage Arrangements

1. Suggested Rate

a. 1.00 mills per kilowatthour for energy returned during Light Load Hours.

b. 3.00 mills per kilowatthour for energy returned during other hours.

2. Flexible Rate

The charges for special storage arrangements may be specified at a higher rate as mutually agreed between the party requesting the special storage arrangement and BPA.

Issued in Portland, Oregon, on April 17, 1995.

Randall W. Hardy,

Administrator and Chief Executive Officer.

[FR Doc. 95–10065 Filed 4–28–95; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. ER95–727–000, et al.]

PacifiCorp, et al.; Electric Rate and Corporate Regulation Filings

April 24, 1995.

Take notice that the following filings have been made with the Commission:

1. PacifiCorp

[Docket No. ER95–727–000]

Take notice that on April 10, 1995, PacifiCorp tendered for filing an amendment in the above-referenced docket.

Copies of this filing were supplied to AES Power Inc., Engelhard Power Marketing, Inc. InterCoast Energy Marketing Company, Gulfstream Energy, LLC, the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: May 8, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

2. PacifiCorp

[Docket No. ER95–728–000]

Take notice that on April 10, 1995, PacifiCorp tendered for filing an amendment in the above-referenced docket.

Copies of this filing were supplied to Bountiful, Rainbow, InterCoast, the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: May 8, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

3. C.C. Pace Energy Services

[Docket No. ER94–1181–003]

Take notice that on April 5, 1995 C.C. Pace Energy Services (C.C. Pace) filed certain information as required by the Commission's July 25, 1994, letter order in Docket No. ER94–1181–000. Copies of C.C. Pace's informational filing are on file with the Commission and are available for public inspection.

4. NorAm Energy Services Inc.

[Docket No. ER94–1247–004]

Take notice that on April 14, 1995, NorAm Energy Services, Inc. tendered for filing its quarterly report in the above-referenced docket reporting the following transactions:

1. Cajun Electric purchased from NES, 50 MWh at $21.00, non-firm energy, delivered to the Cajun/Entergy interconnect.

2. Associated Electric Coop. purchased from NES, 1600 Mwh at $17.00, non-firm energy, delivered to Associated Electric/TVA interconnect.

3. Associated Electric purchased from NES, 800 Mwh at $23.00, non-firm entergy, delivered to Associated Electric/Entergy interconnect.

4. Central Illinois Public Service sold to NES, 54 Mwh at $16.50, non-firm energy, delivered to CIPS/TVA interconnect.

5. Louisville Gas & Electric sold to NES, 1648 Mwh at $15.50, non-firm energy, delivered to LG&E/TVA interconnect.

6. Cajun Electric Co-op sold to NES, 824 Mwh at $19.00, non-firm energy, delivered to Cajun/Entergy interconnect.

5. American Power Exchange, Inc Inc.

[Docket No. ER94–1578–002]

Take notice that on April 17, 1995, American Power Exchange, Inc. tendered for filing its quarterly report in the above-referenced docket reporting no purchases or sales of electricity in the quarter ending March 31, 1995.

6. Wickland Power Services

[Docket No. ER95–300–001]

Take notice that on April 14, 1995, Wickland Power Services, tendered for filing its quarterly report in the above-referenced docket, reporting no purchases or sales of electricity in the quarter ending March 31, 1995.

7. South Eastern Energy Resources, Inc.

[Docket No. ER95–385–001]

Take notice that on April 17, 1995, South Eastern Energy Resources, Inc. tendered for filing its quarterly report in the above-referenced docket reporting no purchases or sales of electricity in the quarter ending March 31, 1995.

8. Consolidated Edison Company of New York, Inc.

[Docket No. ER95–509–000]

Take notice that on April 17, 1995, Consolidated Edison Company of New York, Inc. (Con Edison), tendered for filing revised proposed supplements to its Rate Schedules FERC No. 96 and FERC No. 92.

The revised proposed Supplement No. 7 to Rate Schedule FERC No. 96 applicable to electric delivery service to public customers and to non-public, economic development customers of the New York Power Authority (NYPA), and the revised proposed Supplement No. 4 to Rate Schedule FERC No. 92, applicable to electric delivery service to commercial and industrial economic development customers of the County of Westchester Public Service Agency (COWPUSA) and the New York City Public Utility Service (NYCPUS), set forth the terms of a settlement agreement under which Con Edison's base rates and charges for these services will neither increase nor decrease during the 12-month period ending March 31, 1996. The settlement agreement also provides that changes in rates for these services will be implemented for the 12-month periods ending March 31, 1997 and March 31, 1998, with the possibility of additional limited changes in these rates in succeeding annual periods.

These supplements would supersede proposed Supplement No. 6 and Supplement No. 7 to Rate Schedule FERC No. 96 and proposed Supplement No. 4 to Rate Schedule FERC No. 92 which Con Edison tendered to the Commission on January 30, 1995. These supplements have never been made effective and should be deemed superseded upon grant of the relief requested in the present filing.

A copy of this filing has been served on NYPA, COWPUSA, NYCPUS, and

the New York Public Service Commission.

Comment date: May 8, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

9. New England Power Co.

[Docket No. FA91–53–003]

Take notice that on November 22, 1994, New England Power Service Company tendered for filing its refund report in the above-referenced docket.

Comment date: May 8, 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. 95–10598 Filed 4–28–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP95–324–000, et al.]

National Fuel Gas Supply Corp., et al.; Natural Gas Certificate Filings

April 24, 1995.

Take notice that the following filings have been made with the Commission:

1. National Fuel Gas Supply Corporation

[Docket No. CP95–324–000]

Take notice that on April 13, 1995, National Fuel Gas Supply Corporation (National Fuel), 10 Lafayette Square, Buffalo, New York 14203, filed an application with the Commission in Docket No. CP95–324–000 pursuant to Section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon by transfer various nonjurisdictional production and gas supply facilities and delivery points in the Commonwealth of Pennsylvania to its affiliate, National Fuel Gas Distribution Corporation (Distribution), all as more fully set forth in the application which is open to the public for inspection.

National proposes to transfer 20 pipelines, 9 associated regulating and metering stations to Distribution, and to abandon 155 delivery points located along these pipelines.[1] National Fuel states that service to existing customers served off these pipeline facilities would not be affected by the proposed transfer to Distribution. National Fuel also states that the net book value of the facilities it proposes to transfer to Distribution totals $511,987. Following the transfer of facilities to Distribution, National Fuel states that the facilities would then be subject to the state commission's jurisdiction.

Also following the transfer of facilities to Distribution, National Fuel states that it would continue to own and operate four well lines connecting wells operated by Seneca Resources Corporation (Seneca), an affiliate of both National Fuel and Distribution, to the facilities proposed for transfer to Distribution. As of the date of the instant filing, National Fuel states that it has not determined whether the well lines would be sold to Seneca, or whether one or more of these lines would be abandoned after the wells are plugged. National Fuel requests whatever authorization may be necessary to transfer these well lines to another party, or to abandon the lines. National Fuel's maps indicate that these four well lines are located in Armstrong and McKean Counties, Pennsylvania.

Comment date: May 15, 1995, in accordance with Standard Paragraph (F) at the end of this notice.

APPENDIX

Lines	Location	Delivery points
D–4	Norwich Township, McKean County, PA.	27
D–6	Norwich Township, McKean County, PA.	20
D–73	Norwich Township, McKean County, PA.	4
F–52	Winslow Township, Jefferson County, PA.	23
F-W3765	Winslow Township, Jefferson County, PA.	1
F-W3769	Winslow Township, Jefferson County, PA.	1
F-W3791	Winslow Township, Jefferson County, PA.	5
F-W3803	Winslow Township, Jefferson County, PA.	1
F-W3856	Winslow Township, Jefferson County, PA.	2
H–56	Ashland Township, Clarion County, PA.	8
K–2	Clarion Township, Clarion County, PA.	18
K–182	Barnett Township, Forest County, PA.	6
K-W3804	Eldred Township, Jefferson County, PA.	1
P–1(PGC)	Northeast Township, Erie County, PA.	2
P–2(PGC)	Greenfield & Northeast Township, Erie County, PA.	8
PXW–1(PGC)	Northeast Township, Erie County, PA.	1
P–104	Bradys Bend Township, Armstrong County, PA.	2
T–188	Monroe Township, Clarion County, PA.	16
T–W3951	Monroe Township, Clarion County, PA.	2
W–ESE8	Springfield Township, Erie County, PA.	7

APPENDIX—Continued

Meter Station	Location	Line that feeds into station
P-No. 1356	Winslow Township, Jefferson County, PA.	F–52
P-No. 1550	Winslow Township, Jefferson County, PA.	F–52
P-No. 2011	Winslow Township, Jefferson County, PA.	F–52

[1] National Fuel states that it constructed only Line P–2 in Erie County, Pennsylvania, under budget authorization granted in Docket No. CP80–463–000 [14 FERC ¶ 62,068 (1981)] pursuant to Section 7 of the NGA.

Meter Station	Location	Line that feeds into station
P-No. 2439	Winslow Township, Jefferson County, PA.	F–52
P-No. 2570	Winslow Township, Jefferson County, PA.	F–52
P-No. 2512	Eldred Township, Jefferson County, PA.	K-W3804
MS–1214–P	Northeast Township, Erie County, PA.	P–2 (PGC)
MS–1089–P	Northeast Township, Erie County, PA.	PXW–1 (PGC)
P-No. 514	Bradys Bend Township, Armstrong County, PA.	P–104

2. Northern Natural Gas Company

[Docket No. CP95–326–000]

Take notice that on April 14, 1995, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed, in Docket No. CP95–326–000, a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (NGA) for authority to install and operate a new delivery point, to be located in Green County, Wisconsin, to accommodate natural gas deliveries to Wisconsin Power and Light Company (WP&L) under Northern's blanket certificate issued in Docket No. CP82–401–000 pursuant to Section 7 of the NGA, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern states that service will be provided to WP&L under currently effective throughput service agreement(s). Northern asserts that WP&L has requested the proposed delivery point to serve residential and industrial customers in Green County, Wisconsin. Northern states that the proposed volumes to be delivered to WP&L at the Jordan Township TBS #1 are 60 Mcf on peak day and 13,400 Mcf on an annual basis. Northern estimates a cost of constructing the proposed delivery point of $45,000. Northern further states that WP&L will reimburse Northern for the total cost of constructing this delivery point.

Comment date: June 8, 1995, in accordance with Standard Paragraph (G) at the end of this notice.

3. Columbia Gas Transmission Corporation

CNG Transmission Corporation

[Docket No. CP95–328–000]

Take notice that on April 17, 1995, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314–1599, and CNG Transmission Corporation (CNG) 445 West Main Street, Clarksburg, West Virginia 26302–2450, filed in Docket No. CP95–328–000 a joint application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon four separate exchange services which were authorized in Docket Nos. CP70–31–000, G–17544, CP80–121–000, and CP81–277–000, all as more fully set forth in the application on file with the Commission and open to public inspection.

The applicants propose to abandon the following four exchange services:

1. An exchange agreement under Columbia's Rate Schedule X–9 and CNG's Rate Schedule X–6 involving gas reserves produced in the Cooper's Creek Field in Kanawha County, West Virginia.

2. An exchange agreement under Columbia's Rate Schedule X–28 and CNG's Rate Schedule X–1 that authorized the exchange of gas during emergencies.

3. An exchange agreement under Columbia's Rate Schedule X–93 and CNG's Rate Schedule X–28 involving Columbia delivering gas to CNG in Wyoming County, New York and CNG delivering gas to Columbia in Chemung County, New York and/or Beaver County, Pennsylvania.

4. An exchange agreement under Columbia's Rate Schedule X–105 and CNG's Rate Schedule X–33 involving Columbia delivering up to 15,000 Dth of gas per day to CNG in Crawford County, Pennsylvania and CNG delivering up to 15,000 Dth of gas per day to Columbia in Clearfield and Indiana Counties, Pennsylvania. In addition, any excess quantities of gas delivered by Columbia to CNG were returned at an interconnection located in Beaver County, Pennsylvania. Also any excess quantities of gas delivered by CNG to Columbia were returned at an interconnection near Columbia's Rockport Compressor Station located in Wood County, West Virginia.

Columbia states that all the exchange agreements listed above have been terminated by written notice. In addition, Columbia mentions that there are no outstanding imbalances.

Comment date: May 15, 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. 95–10597 Filed 4–28–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. RP85–183–003]

Algonquin Gas Transmission Company; Notice of Refund Report

April 25, 1995.

Take notice that on March 31, 1995, Algonquin Gas Transmission Company (Algonquin) tendered for filing with the Federal Energy Regulatory Commission (Commission) an Order No. 94 refund report in accordance with the Commission's order issued October 16, 1985 in Docket No. RP85–183–000.

Pursuant to the Commission's October 16 Order, Algonquin was authorized to track the direct billing of Order No. 94 costs from Consolidated Gas Transmission Corporation, now CNG Transmission Corporation (CNG), and flow through the amounts to its customers on a concurrent basis. The order also required an Order No. 94 report within 30 days of Consolidated's billing to include detailed billing and allocation information.

On March 3, 1995, Algonquin received a refund payment from CNG of certain Order No. 94-related amounts that CNG received from Texas Gas Transmission Corporation. Algonquin states that it will disburse the refund of $2,812.93 to its customers through its monthly billing on April 7, 1995. Algonquin further states that the report shows that Algonquin has allocated the refund (and additional interest of $24.05, computed at the FERC interest rate, from March 3 through April 7) on the basis of each customer's commodity volumes for the period August 1, 1980 to December 31, 1984.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed on or before May 2, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–10562 Filed 4–28–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No RP95–240–000]

Algonquin Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

April 25, 1995.

Take notice that on April 19, 1995, Algonquin Gas Transmission Company (Algonquin) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following revised tariff sheet, effective May 19, 1995:

Second Revised Sheet No. 687

Algonquin states that the purpose of this filing is to facilitate the timely filing of Algonquin's annual fuel reimbursement quantity deferral allocation, by revising its tariff to reflect a twelve-month accumulation period commencing August 1 and extending through July 31.

Algonquin states that copies of this filing were mailed to all affected customers of Algonquin and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before May 2, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 95–10565 Filed 4–28–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–237–000]

Columbia Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

April 25, 1995.

Take notice that on April 19, 1995, Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet to be effective May 4, 1995, the effective date of Order No. 577.

First Revised Sheet No. 351
First Revised Sheet No. 352
First Revised Sheet No. 353
First Revised Sheet No. 354
First Revised Sheet No. 575
First Revised Sheet No. 585

In Order No. 577, the Commission modified its capacity release regulations to permit shippers to release firm capacity for a period of one calendar month or less without having to comply with advance posting and bidding requirements. A related change provides for a 28 (rather than 30) day hiatus during which shippers that released capacity at less than the maximum rate under the exemptions cannot re-release that capacity to the same replacement shipper at less than the maximum tariff rate.

Columbia states that the above-referenced tariff sheets are being filed to revise the capacity release and assignment provisions and forms in the tariff to reflect changes mandated by Order No. 577. In addition, Columbia is shortening the duration of minimum posting periods for capacity release transactions.

Columbia states that copies of its filing have been mailed to all firm customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before May 2, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filings are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–10568 Filed 4–28–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–238–000]

Columbia Gulf Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

April 25, 1995.

Take notice that on April 19, 1995, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to be effective May 4, 1995, the effective date of Order No. 577.

First Revised Sheet No. 191A
Second Revised Sheet No. 192
Second Revised Sheet No. 194
First Revised Sheet No. 388
First Revised Sheet No. 395

In Order No. 577, the Commission modified its capacity release regulations to permit shippers to release firm capacity for a period of one calendar month or less without having to comply with advance posting and bidding requirements. A related change provides for a 28 (rather than 30) day hiatus during which shippers that released capacity at less than the maximum rate under the exemptions cannot re-release that capacity to the same replacement shipper at less than the maximum tariff rate.

Columbia Gulf states that the above-referenced tariff sheets are being filed to revise the capacity release and assignment provisions and forms in the tariff to reflect changes mandated by Order No. 577. In addition, Columbia Gulf is shortening the duration of minimum posting periods for capacity release transactions.

Columbia Gulf states that copies of its filing have been mailed to all firm customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before May 2, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia Gulf's filings are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–10567 Filed 4–28–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ST95–1643–000 et al.]

Northern Natural Gas Company; Notice of Self-Implementing Transactions

April 25, 1995

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations, Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA) and Section 7 of the NGA and Section 5 of the Outer Continental Shelf Lands Act. [1]

The ''Recipient'' column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The ''Part 284 Subpart'' column in the following table indicates the type of transaction.

A ''B'' indicates transportation by an interstate pipeline on behalf of an intrastate pipeline or a local distribution company pursuant to § 284.102 of the Commission's Regulations and § 311(a)(1) of the NGPA.

A ''C'' indicates transportation by an intrastate pipeline on behalf of an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.122 of the Commission's regulations and § 311(a)(2) of the NGPA.

A ''D'' indicates a sale by an intrastate pipeline to an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.142 of the Commission's Regulations and § 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An ''E'' indicates an assignment by an intrastate pipeline to any interstate pipeline or local distribution company pursuant to § 284.163 of the Commission's Regulations and § 312 of the NGPA.

A ''G'' indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.222 and a blanket certificate issued under § 284.221 of the Commission's Regulations.

A ''G–I'' indicates transportation by an intrastate pipeline company pursuant to a blanket certificate issued under § 284.227 of the Commission's Regulations.

A ''G–S'' indicates transportation by interstate pipelines on behalf of shippers other than interstate pipelines pursuant to § 284.223 and a blanket certificate issued under § 284.221 of the Commission's Regulations.

A ''G–LT'' or ''G–LS'' indicates transportation, sales or assignments by a local distribution company on behalf of or to an interstate pipeline or local distribution company pursuant to a blanket certificate issued under § 284.224 of the Commission's Regulations.

A ''G–HT'' or ''G–HS'' indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.224 of the Commission's Regulations.

A ''K'' indicates transportation of natural gas on the Outer Continental Shelf by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.303 of the Commission's Regulations.

A ''K–S'' indicates transportation of natural gas on the Outer Continental Shelf by an intrastate pipeline on behalf of shippers other than interstate pipelines pursuant to § 284.303 of the Commission's Regulations.

Lois D. Cashell,

Secretary.

[1] Notice of a transaction does not constitute a proposed service will be approved or that the noticed filing is in compliance with the

Docket No.[1]	Transporter/Seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST95–1643	NORTHERN NATURAL GAS CO.	TEXAS UTILITIES FUELS CO.	03–01–95	B	100,000	N	I	12–06–94	INDEF.
ST95–1644	NORTHERN NATURAL GAS CO.	EAGLE GAS MARKETING, LLC.	03–01–95	G–S	15,000	N	I	12–01–94	INDEF.
ST95–1645	NORTHERN NATURAL GAS CO.	LONE STAR GAS CO ..	03–01–95	B	25,000	N	I	09–01–94	INDEF.
ST95–1646	NORTHERN NATURAL GAS CO.	INTERLINK/ MINNEGASCO.	03–01–95	G–S	25,000	N	I	12–06–94	INDEF.
ST95–1647	NORTHERN NATURAL GAS CO.	CONAGRA ENERGY SERVICES.	03–01–95	G–S	1,000,000	N	I	10–01–94	INDEF.
ST95–1648	NORTHERN NATURAL GAS CO.	CITY OF NEW ULM	03–01–95	G–S	2,400	N	F	08–12–94	08–11–99.
ST95–1649	MISSISSIPPI RIVER TRANS. CORP.	CENERGY, INC	03–01–95	G–S	10,000	Y	I	02–01–95	INDEF.
ST95–1650	MISSISSIPPI RIVER TRANS. CORP.	KOCH GATEWAY PIPELINE CO.	03–01–95	G–S	50,000	Y	I	02–03–95	INDEF.
ST95–1651	MISSISSIPPI RIVER TRANS. CORP.	HADSON GAS SYSTEMS, INC.	03–01–95	G–S	1,157	Y	I	02–01–95	INDEF.
ST95–1652	MISSISSIPPI RIVER TRANS. CORP.	TRANSOK GAS CO	03–01–95	G–S	100,000	Y	I	02–07–95	INDEF.
ST95–1653	MISSISSIPPI RIVER TRANS. CORP.	CATEX VITOL GAS, INC.	03–01–95	G–S	10,000	Y	I	02–01–95	INDEF.
ST95–1654	PANHANDLE EASTERN PIPE LINE CO.	TYLEX, INC	03–01–95	G–S	5,200	N	F	02–01–95	03–31–95
ST95–1655	PANHANDLE EASTERN PIPE LINE CO.	SEITEL GAS & ENERGY CORP.	03–01–95	G–S	20,000	N	I	02–01–95	01–31–97
ST95–1656	PANHANDLE EASTERN PIPE LINE CO.	TEXAS–OHIO GAS, INC.	03–01–95	G–S	60,000	N	I	02–01–95	04–30–98.
ST95–1657	PANHANDLE EASTERN PIPE LINE CO.	AURORA NATURAL GAS & ASSOC. PROD..	03–01–95	G–S	5,500	N	I	02–01–95	01–31–97.
ST95–1658	ALGONQUIN GAS TRANSMISSION CO.	O&R ENERGY, INC	03–01–95	G–S	2,000	N	F	02–01–95	02–28–95.
ST95–1659	ALGONQUIN GAS TRANSMISSION CO.	CNG ENERGY SERVICES CORP.	03–01–95	G–S	1,200	N	F	02–01–95	02–28–95.
ST95–1660	ALGONQUIN GAS TRANSMISSION CO.	1 SOURCE ENERGY SERVICES.	03–01–95	G–S	5,000	N	F	02–01–95	02–28–95.
ST95–1661	LONE STAR GAS CO ..	EL PASO NATURAL GAS CO, ET AL..	03–01–95	C	50,000	N	I	02–02–95	INDEF.
ST95–1662	NORTHWEST PIPELINE CORP.	WASHINGTON NATURAL GAS CO.	03–01–95	G–S	5,400	N	F	12–23–94	INDEF.
ST95–1663	TENNESSEE GAS PIPELINE CO.	EASTEX HYDROCARBONS, INC.	03–01–95	G–S	11,728	N	F	02–11–95	INDEF.
ST95–1664	TENNESSEE GAS PIPELINE CO.	EASTEX HYDROCARBONS, INC.	03–01–95	G–S	11,728	N	F	02–01–95	INDEF.
ST95–1665	IROQUOIS GAS TRANS. SYSTEM, L.P.	RENAISSANCE ENERGY (U.S.) INC.	03–01–95	G–S	5,000	N	F	02–01–95	03–01–95.
ST95–1666	IROQUOIS GAS TRANS. SYSTEM, L.P.	SOUTHERN CONNECTICUT GAS CO.	03–01–95	G–S	6,100	N	F	02–01–95	03–01–95.
ST95–1667	IROQUOIS GAS TRANS. SYSTEM, L.P.	A–G ENERGY, ... L.P.	03–01–95	G–S	16,500	N	F	02–01–95	11–01–09.
ST95–1668	IROQUOIS GAS TRANS. SYSTEM, L.P.	CNG ENERGY SERVICES CORP.	03–01–95	G–S	5,000	N	F	02–01–95	03–01–95.
ST95–1669	IROQUOIS GAS TRANS. SYSTEM, L.P.	EQUITABLE RESOURCES MARKETING CO.	03–01–95	G–S	100,000	N	I	02–08–95	INDEF.
ST95–1670	IROQUOIS GAS TRANS. SYSTEM, L.P.	CATEX VITOL GAS INC.	03–01–95	G–S	330,098	N	I	01–26–95	INDEF.
ST95–1671	IROQUOIS GAS TRANS. SYSTEM, L.P.	ASSOCIATED NATURAL GAS, INC.	03–01–95	G–S	50,000	N	I	02–16–95	INDEF.
ST95–1672	IROQUOIS GAS TRANS. SYSTEM, L.P.	AMOCO ENERGY TRADING CORP.	03–01–95	G–S	60,000	N	I	02–08–95	INDEF.
ST95–1673	TRAILBLAZER PIPELINE CO.	ASSOCIATED GAS SERVICES, INC.	03–02–95	G–S	10,000	N	F	01–15–95	01–31–95.

Docket No.[1]	Transporter/Seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST95–1674	TRAILBLAZER PIPELINE CO.	ASSOCIATED GAS SERVICES, INC.	03–02–95	G–S	10,650	N	F	02–01–95	02–28–95.
ST95–1675	EL PASO NATURAL GAS CO.	CATEX VITOL GAS, INC.	03–02–95	G–S	30,900	N	I	02–01–95	INDEF.
ST95–1676	FLORIDA GAS TRANSMISSION CO.	LOUISIANA MUNICIPAL NATURAL GAS.	03–03–95	G–S	20,000	N	I	02–04–95	INDEF.
ST95–1677	FLORIDA GAS TRANSMISSION CO.	EASTEX HYDROCARBONS, INC.	03–03–95	G–S	25,000	N	I	02–03–95	INDEF.
ST95–1678	TENNESSEE GAS PIPELINE CO.	CATEX ENERGY INC ..	03–03–95	G–S	18,000	N	F	02–11–95	INDEF.
ST95–1679	OLYMPIC PIPELINE CO.	SABINE PIPE LINE CO	03–02–95	C	12,385	N	I	01–21–95	INDEF.
ST95–1680	OLYMPIC PIPELINE CO.	SABINE PIPE LINE CO	03–02–95	C	29,355	N	I	01–21–95	INDEF.
ST95–1681	GAS CO. OF NEW MEXICO.	TRANSWESTERN PIPELINE CO, ET AL.	03–02–95	G–HT	10,000	N	I	12–12–94	INDEF.
ST95–1682	GAS CO. OF NEW MEXICO.	TRANSWESTERN PIPELINE CO.	03–02–95	G–HT	40,000	N	I	07–29–94	INDEF.
ST95–1683	CAVALLO PIPELINE CO.	ENRON INDUSTRIAL NATURAL GAS CO.	03–02–95	C	25,000	N	I	02–01–95	INDEF.
ST95–1684	DELHI GAS PIPELINE CORP.	ANR PIPELINE CO, ET AL.	03–03–95	C	2,000	N	I	02–01–95	INDEF.
ST95–1685	DELHI GAS PIPELINE CORP.	ANR PIPELINE CO, ET AL..	03–03–95	C	1,000	N	I	02–01–95	INDEF.
ST95–1686	COLORADO INTERSTATE GAS CO.	CIG RESOURCES CO .	03–03–95	G–S	15,375	Y	I	02–21–95	INDEF.
ST95–1687	COLORADO INTERSTATE GAS CO.	NATIONAL GAS RESOURCES LP.	03–03–95	G–S	5,857	N	I	02–21–95	INDEF.
ST95–1688	WILLIAMS NATURAL GAS CO.	AQUILA ENERGY MARKETING CORP.	03–03–95	G–S	50,000	N	I	02–01–95	11–01–95.
ST95–1689	WILLIAMS NATURAL GAS CO.	ENOGEX SERVICES CORP.	03–03–95	G–S	45,000	N	I	02–25–95	INDEF.
ST95–1690	U–T OFFSHORE SYSTEM.	MOBIL NATURAL GAS INC.	03–03–95	K–S	10,000	N	F	02–01–95	04–30–95.
ST95–1691	U–T OFFSHORE SYSTEM.	CNG PRODUCING CO	03–03–95	K–S	5,497	N	F	02–01–95	02–28–95.
ST95–1692	U-T OFFSHORE SYSTEM.	COAST ENERGY GROUP.	03–03–95	K–S	15,000	N	F	02–01–95	04–30–95.
ST95–1693	U-T OFFSHORE SYSTEM.	VASTAR GAS MARKETING, INC.	03–03–95	K–S	15,000	N	F	02–01–95	02–28–95.
ST95–1694	HIGH ISLAND OFFSHORE SYSTEM.	ASHLAND EXPLORATION, INC.	03–03–95	K–S	100,000	N	I	01–01–95	INDEF.
ST95–1695	AMOCO GAS CO	FLORIDA GAS TRANSMISSION CO.	03–06–95	G–HT	60,000	N	I	12–09–94	01–01–96.
ST95–1696	FLORIDA GAS TRANSMISSION CO.	TENNECO GAS MARKETING CO.	03–06–95	G–S	50,000	N	I	02–22–95	INDEF.
ST95–1697	FLORIDA GAS TRANSMISSION CO.	FLORIDA POWER CORP.	03–06–95	G–S	10,000	N	I	02–05–95	INDEF.
ST95–1698	STINGRAY PIPELINE CO.	CENERGY, INC	03–06–95	K–S	10,000	N	I	02–01–94	INDEF.
ST95–1699	STINGRAY PIPELINE CO.	ORYX GAS MARKETING.	03–06–95	K–S	35,000	N	I	06–01–94	INDEF.
ST95–1700	STINGRAY PIPELINE CO.	OXY USA, INC	03–06–95	K–S	15,000	N	I	04–01–94	INDEF.
ST95–1701	STINGRAY PIPELINE CO.	H & N GAS LTD	03–06–95	K–S	100,000	N	I	06–01–94	INDEF.
ST95–1702	EQUITRANS, INC	GAS TRANSPORT, INC.	03–06–95	G–S	192	N	I	03–01–95	INDEF.
ST95–1703	COLUMBIA GAS TRANSMISSION CORP.	PREMIER ENTERPRISES, INC.	03–06–95	G–S	1,500	N	I	02–05–95	INDEF.
ST95–1704	COLUMBIA GAS TRANSMISSION CORP.	PHIBRO DIVISION OF SALOMON, INC.	03–06–95	G–S	200,000	N	I	02–19–95	INDEF.
ST95–1705	COLUMBIA GAS TRANSMISSION CORP.	GASLANTIC CORP	03–06–95	G–S	1,500	N	F	03–01–95	INDEF.
ST95–1706	COLUMBIA GAS TRANSMISSION CORP.	CLINTON GAS MARKETING, INC.	03–06–95	G–S	200	N	I	03–01–95	INDEF.

Docket No.[1]	Transporter/Seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST95–1707	STINGRAY PIPELINE CO.	UNION OIL CO. OF CALIFORNIA.	03–07–95	K–S	25,000	N	I	02–01–94	INDEF.
ST95–1708	STINGRAY PIPELINE CO.	KING RANCH OIL & GAS, INC.	03–07–95	K–S	3,000	N	I	11–01–94	INDEF.
ST95–1709	STINGRAY PIPELINE CO.	ENRON OIL & GAS CO	03–07–95	K–S	40,000	N	I	05–01–94	INDEF.
ST95–1710	STINGRAY PIPELINE CO.	NATIONAL GAS RESOURCES LIMITED PART.	03–07–95	K–S	50,000	N	I	10–01–94	INDEF.
ST95–1711	GAS CO. OF NEW MEXICO.	TRANSWESTERN PIPELINE CO., ET AL.	03–08–95	G–HT	8,500	N	I	05–01–94	INDEF.
ST95–1712	THREE RIVERS PIPELINE CO.	PEOPLES NATURAL GAS CO.	03–08–95	C	15,200	N	I	09–16–94	INDEF.
ST95–1713	THREE RIVERS PIPELINE CO.	TEXAS EASTERN TRANSMISSION CORP.	03–08–95	C	34,707	N	I	01–28–95	INDEF.
ST95–1714	THREE RIVERS PIPELINE CO.	PEOPLES NATURAL GAS CO.	03–08–95	C	32,000	N	I	01–01–95	INDEF.
ST95–1715	QUESTAR PIPELINE CO.	NGC TRANSPORTATION, INC.	03–08–95	G–S	5,000	N	F	03–01–95	10–31–95.
ST95–1716	K N INTERSTATE GAS TRANS. CO.	INTERENERGY CORP	03–08–95	G–S	3,500	N	F	02–04–95	02–28–95.
ST95–1717	K N INTERSTATE GAS TRANS. CO.	BRING GAS SERVICES CORP.	03–08–95	G–S	50,000	N	I	02–01–95	INDEF.
ST95–1718	GREAT LAKES GAS TRANSMISSION L.P.	WESTERN GAS MARKETING INC.	03–08–95	G–S	25,000	N	F	02–07–95	02–28–95.
ST95–1719	GREAT LAKES GAS TRANSMISSION L.P.	COENERGY TRADING CO.	03–08–95	G–S	9,833	N	F	02–09–95	02–28–95.
ST95–1720	GREAT LAKES GAS TRANSMISSION L.P.	UNITED STATES GYPSUM CO.	03–08–95	G–S	10,000	N	F	02–09–95	03–31–95.
ST95–1721	GREAT LAKES GAS TRANSMISSION L.P.	WESTERN GAS MARKETING INC.	03–08–95	G–S	25,000	N	F	02–11–95	03–31–95.
ST95–1722	GREAT LAKES GAS TRANSMISSION L.P.	MICHIGAN CONSOLIDATED GAS CO.	03–08–95	G–S	30,000	N	F	02–14–95	03–31–95.
ST95–1723	GREAT LAKES GAS TRANSMISSION L.P.	AIG TRADING CORP ..	03–08–95	G–S	100,000	N	F	02–16–95	12–31–95.
ST95–1724	PACIFIC GAS TRANSMISSION CO.	ENRON CAPITAL & TRADE RES. CORP.	03–09–95	G–S	100,000	N	I	08–12–94	INDEF.
ST95–1725	PACIFIC GAS TRANSMISSION CO.	ENRON CAPITAL & TRADE RES. CORP.	03–09–95	G–S	100,000	N	I	11–02–94	INDEF.
ST95–1726	PACIFIC GAS TRANSMISSION CO.	POCO PETROLEUMS LTD.	03–09–95	G–S	100,000	N	I	07–23–94	INDEF.
ST95–1727	PACIFIC GAS TRANSMISSION CO.	CANWEST GAS SUPPLY USA INC.	03–09–95	G–S	100,000	N	I	11–16–94	INDEF.
ST95–1728	PACIFIC GAS TRANSMISSION CO.	NATIONAL GAS RESOURCES, LP.	03–09–95	G–S	50,000	N	I	12–21–94	INDEF.
ST95–1729	PACIFIC GAS TRANSMISSION CO.	PACIFIC GAS & ELECTRIC CO.	03–09–95	G–S	1,000,000	N	I	11–29–94	INDEF.
ST95–1730	PACIFIC GAS TRANSMISSION CO.	NORTH CANADIAN MARKETING.	03–09–95	G–S	60,000	N	I	05–05–94	INDEF.
ST95–1731	PACIFIC GAS TRANSMISSION CO.	WASCANA ENERGY MARKETING (US) INC.	03–09–95	G–S	200,000	N	I	11–11–94	INDEF.
ST95–1732	PACIFIC GAS TRANSMISSION CO.	KIMBALL ENERGY CORP.	03–09–95	G–S	15,000	N	I	09–27–94	INDEF.
ST95–1733	PACIFIC GAS TRANSMISSION CO.	VECTOR ENERGY INC	03–09–95	G–S	200,000	N	I	08–31–94	INDEF.
ST95–1734	PACIFIC GAS TRANSMISSION CO.	U.S. GAS TRANSPORT	03–09–95	G–S	50,000	N	I	11–11–94	INDEF.
ST95–1735	PACIFIC GAS TRANSMISSION CO.	CIBOLA CANADA ENERGY MARKETING CO.	03–09–95	G–S	20,000	N	I	12–05–94	INDEF.
ST95–1736	PACIFIC GAS TRANSMISSION CO.	WESTERN GAS MARKETING INC.	03–09–95	G–S	150,000	N	I	12–05–94	INDEF.
ST95–1737	BOSTON GAS CO	DISTRIGAS OF MASSACHUSETTS CORP.	03–09–95	G–LT	240,000	N	F	06–24–88	06–24–98.
ST95–1738	FLORIDA GAS TRANSMISSION CO.	CHESAPEAKE UTILITIES CORP.	03–09–95	G–S	8,100	N	F	03–01–95	03–01–15.

Docket No.[1]	Transporter/Seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST95–1739	FLORIDA GAS TRANSMISSION CO.	CITRUS WORLD, INC .	03–09–95	G–S	1,656	N	F	03–01–95	03–01–15.
ST95–1740	FLORIDA GAS TRANSMISSION CO.	CITRUS WORLD, INC .	03–09–95	G–S	1,200	N	F	03–01–95	03–01–15.
ST95–1741	FLORIDA GAS TRANSMISSION CO.	NUI CORP., CITY GAS CO. OF FL. DIV.	03–09–95	G–S	3,500	N	F	03–01–95	03–01–15.
ST95–1742	FLORIDA GAS TRANSMISSION CO.	CITRUS TRADING CORP.	03–09–95	G–S	45,000	Y	F	03–01–95	03–01–15.
ST95–1743	WILLISTON BASIN INTER. P/L CO.	MONTANA-DAKOTA UTILITIES CO.	03–09–95	G–S	50,000	A	I	02–07–95	01–31–97.
ST95–1744	TENNESSEE GAS PIPELINE CO.	WICKFORD ENERGY MARKETING, L.C.	03–09–95	G–S	5,000	N	I	02–08–95	INDEF.
ST95–1745	COLUMBIA GULF TRANSMISSION CO.	APACHE CORP	03–10–95	G–S	28,000	N	I	03–01–95	INDEF.
ST95–1746	COLUMBIA GULF TRANSMISSION CO.	PETRO SOURCE GAS VENTURES.	03–10–95	G–S	50,000	N	I	03–01–95	INDEF.
ST95–1747	TRANSCONTINENTAL GAS P/L CORP.	VOLUNTEER ENERGY CORP.	03–10–95	G–S	6,000	N	I	02–22–95	INDEF.
ST95–1748	NORTHWEST PIPELINE CORP.	WEYERHAEUSER CO	03–10–95	G–S	20,000	N	F	03–02–95	INDEF.
ST95–1749	NORAM GAS TRANSMISSION CO.	CALUMET REFINING CO.	03–10–95	G–S	4,100	N	F	02–01–95	INDEF.
ST95–1750	NORAM GAS TRANSMISSION CO.	NESCO STEEL BARREL CO.	03–10–95	G–S	4,192	N	F	02–01–95	INDEF.
ST95–1751	NORAM GAS TRANSMISSION CO.	ENRON GAS MARKETING, INC.	03–10–95	G–S	2,819	N	F	02–01–95	INDEF.
ST95–1752	NATURAL GAS ..... P/L CO. OF AMERICA	NGC TRANSPORTATION, INC.	03–10–95	G–S	20,000	N	F	02–11–95	02–12–95.
ST95–1753	TRUNKLINE GAS CO ..	NATURAL GAS CLEARINGHOUSE, INC.	03–10–95	G–S	55,000	N	F	03–01–95	INDEF.
ST95–1754	TRANSWESTERN PIPELINE CO.	GPM GAS CORP	03–10–95	G–S	100,000	N	I	08–04–94	10–25–94.
ST95–1755	TRANSWESTERN PIPELINE CO.	PHILLIPS GAS MARKETING.	03–10–95	G–S	100,000	N	F	04–28–93	04–27–94.
ST95–1756	TRANSWESTERN PIPELINE CO.	AMGAS, INC	03–10–95	G–S	100,000	N	I	12–01–94	10–31–95.
ST95–1757	TRANSWESTERN PIPELINE CO.	RICHARDSON PRODUCTS.	03–10–95	G–S	80,000	N	I	03–02–92	02–28–93
ST95–1758	TRANSWESTERN PIPELINE CO.	BRIDGE GAS USA	03–10–95	G–S	5,131	N	F	07–01–94	07–31–94.
ST95–1759	TRANSTEXAS GAS CORP.	FLORIDA GAS TRANSMISSION CO., ET AL.	03–13–95	C	20,000	N	I	09–09–93	INDEF.
ST95–1760	TEXAS-OHIO PIPELINE, INC.	ENRON CAPITAL & TRADE RESOURCES.	03–13–95	G–S	90,000	N	I	02–01–95	01–31–96.
ST95–1761	TEXAS-OHIO PIPELINE, INC.	CONNECTICUT NATURAL GAS CORP.	03–13–95	G–S	90,000	N	I	02–01–95	01–31–96.
ST95–1762	TEXAS-OHIO PIPELINE, INC.	APPALACHIAN GAS SALES, INC.	03–13–95	G–S	90,000	N	I	02–01–95	01–31–96.
ST95–1763	TEXAS-OHIO PIPELINE, INC.	AURORA NATURAL GAS.	03–13–95	G–S	20,000	N	I	02–01–95	01–31–96.
ST95–1764	TEXAS-OHIO PIPELINE, INC.	HADSON CORP	03–13–95	G–S	90,000	N	I	02–01–95	01–31–96.
ST95–1765	TEXAS-OHIO PIPELINE, INC.	TRANSCO GAS MARKETING CO.	03–13–95	G–S	90,000	N	I	02–01–95	01–31–96.
ST95–1766	TEXAS-OHIO PIPELINE, INC.	O & R ENERGY, INC ...	03–13–95	G–S	90,000	N	I	02–01–95	01–31–96.
ST95–1767	TEXAS-OHIO PIPELINE, INC.	TENNECO GAS MARKETING CO.	03–13–95	G–S	90,000	N	I	02–01–95	01–31–96.
ST95–1768	TEXAS-OHIO PIPELINE, INC.	NEW YORK STATE ELECTRIC & GAS CORP.	03–13–95	G–S	25,000	N	I	02–01–95	01–31–96.
ST95–1769	NATIONAL FUEL GAS SUPPLY CORP.	ELLISBURG-LEIDY NORTHEAST HUB CO.	03–13–95	G–S	500,000	Y	I	09–12–93	08–31–13.
ST95–1770	NATIONAL FUEL GAS SUPPLY CORP.	ELLISBURG-LEIDY NORTHEAST HUB CO.	03–13–95	G–S	500,000	Y	I	02–01–94	01–11–14.

Docket No.[1]	Transporter/Seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST95–1771	NATIONAL FUEL GAS SUPPLY CORP.	ELLISBURG-LEIDY NORTHEAST HUB CO.	03–13–95	G–S	500,000	Y	I	01–12–94	01–11–14.
ST95–1772	NATIONAL FUEL GAS SUPPLY CORP.	ELLISBURG-LEIDY NORTHEAST HUB CO.	03–13–95	G–S	500,000	Y	I	03–02–94	01–11–14.
ST95–1773	NORTHERN NATURAL GAS CO.	METROPOLITAN UTILITIES DISTRICT.	03–13–95	B/G–S	179,500	N	F	11–01–94	INDEF.
ST95–1774	TEXAS EASTERN TRANSMISSION CORP.	NATIONAL FUEL GAS SUPPLY CORP.	03–13–95	G–S	764	N	F	08–01–93	INDEF.
ST95–1775	TEXAS EASTERN TRANSMISSION CORP.	BRISTOL AND WARREN GAS CO.	03–13–95	G–S	764	N	F	02–01–94	INDEF.
ST95–1776	K N INTERSTATE GAS TRANS. CO.	WESTERN GAS RESOURCES, INC.	03–13–95	G–S	22	N	F	02–22–95	09–15–95.
ST95–1777	K N INTERSTATE GAS TRANS. CO.	CHEVRON U.S.A., INC	03–13–95	G–S	5,000	N	F	02–01–95	01–31–96.
ST95–1778	K N INTERSTATE GAS TRANS. CO.	AMOCO ENERGY TRADING CO.	03–13–95	G–S	5,000	N	F	02–10–95	02–28–95.
ST95–1779	K N INTERSTATE GAS TRANS. CO.	K N GAS MARKETING, INC.	03–13–95	G–S	7,000	A	F	02–11–95	02–28–95.
ST95–1780	K N INTERSTATE GAS TRANS. CO.	NORTHERN GAS CO ..	03–13–95	G–S	50,000	Y	I	07–01–94	INDEF.
ST95–1781	TEXAS EASTERN TRANSMISSION CORP.	NORTHERN UTILITIES, INC.	03–13–95	G–S	17,520	N	F	09–01–94	INDEF.
ST95–1782	TEXAS EASTERN TRANSMISSION CORP.	BAY STATE GAS CO ..	03–13–95	G–S	291,270	N	F	09–01–94	INDEF.
ST95–1783	TEXAS EASTERN TRANSMISSION CORP.	PROGAS U.S.A., INC ..	03–13–95	G–S	29,000	N	F	06–01–93	INDEF.
ST95–1784	SEA ROBIN PIPELINE CO.	CHALLENGER MINERALS, INC.	03–13–95	G–S	7,000	Y	I	03–01–95	INDEF.
ST95–1785	SEA ROBIN PIPELINE CO.	POGO PRODUCING CO.	03–13–95	G–S	50,000	Y	I	03–01–95	INDEF.
ST95–1786	SOUTHERN NATURAL GAS CO.	ENCINA GAS MARKETING, INC.	03–13–95	G–S	10,000	N	I	03–04–95	INDEF.
ST95–1787	SOUTHERN NATURAL GAS CO.	SOUTHEAST ALABAMA GAS DISTRICT.	03–13–95	G–S	37,000	N	I	02–22–95	INDEF.
ST95–1788	SOUTHERN NATURAL GAS CO.	FLORIDA GAS TRANSMISSION CO.	03–13–95	G–S	100,000	N	F	03–01–95	03–01–15.
ST95–1789	SOUTHERN NATURAL GAS CO.	ALABASTER WATER AND GAS BOARD.	03–13–95	G–S	2,054	N	F	11–23–94	03–31–95.
ST95–1790	GASDEL PIPELINE SYSTEM INC.	ENERGY DEVELOPMENT CORP.	03–13–95	G–S	1,204	N	I	01–01–95	INDEF.
ST95–1791	SABINE PIPE LINE CO	ASSOCIATED GAS SERVICES, INC.	03–14–95	G–S	75,000	N	I	02–17–95	INDEF.
ST95–1792	SABINE PIPE LINE CO	PHIBRO ENERGY DIV. OF SALOMON, INC.	03–14–95	G–S	500,000	N	I	02–14–95	INDEF.
ST95–1793	ONG TRANSMISSION CO.	NATURAL GAS PIPELINE CO. OF AMERICA.	03–14–95	C	20,000	N	I	02–14–95	INDEF.
ST95–1794	ONG TRANSMISSION CO.	PANHANDLE EASTERN PIPE LINE CO.	03–14–95	C	10,000	N	I	02–16–95	INDEF.
ST95–1795	AMOCO GAS CO	FLORIDA GAS TRANSMISSION CO.	03–14–95	G-HT	15,000	N	I	12–09–94	01–01–96.
ST95–1796	LOUISIANA RESOURCES P/L CO., L.P.	ANR PIPELINE CO., ET AL.	03–14–95	C	30,000	N	I	10–27–94	INDEF.
ST95–1797	LOUISIANA RESOURCES P/L CO., L.P.	ANR PIPELINE CO., ET AL.	03–14–95	C	45,000	N	I	11–01–94	03–31–95.
ST95–1798	LOUISIANA RESOURCES P/L CO., L.P.	ANR PIPELINE CO., ET AL.	03–14–95	C	45,000	N	I	11–01–94	03–31–95.
ST95–1799	TRANSOK, INC	ANR PIPELINE CO., ET AL.	03–14–95	C	100,000	N	I	03–01–95	INDEF.

Docket No.[1]	Transporter/Seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST95–1800	TRANSOK, INC	ANR PIPELINE CO., ET AL.	03–14–95	C	100,000	N	I	03–01–95	INDEF.
ST95–1801	TRANSOK, INC	ANR PIPELINE CO., ET AL.	03–14–95	C	1,000	N	I	03–01–95	INDEF.
ST95–1802	TRANSOK, INC	ANR PIPELINE CO., ET AL.	03–14–95	C	25,000	N	I	02–01–95	INDEF.
ST95–1803	KOCH GATEWAY PIPELINE CO.	ENTEX, A DIV. OF NORAM ENERGY CORP.	03–14–95	G–S	12,000	N	F	02–15–95	02–15–00.
ST95–1804	KOCH GATEWAY PIPELINE CO.	KOCH GAS SERVICES CO.	03–14–95	G–S	3,000	A	F	02–15–95	04–15–95.
ST95–1805	COLUMBIA GAS TRANSMISSION CORP.	CORNERSTONE GAS RESOURCES, INC.	03–15–95	G–S	N/A	N	I	03–02–95	INDEF.
ST95–1806	TENNESSEE GAS PIPELINE CO.	O & R ENERGY INC	03–15–95	G–S	5,000	N	F	02–25–95	INDEF.
ST95–1807	TENNESSEE GAS PIPELINE CO.	CO ENERGY TRADING CO.	03–15–95	G–S	8,024	N	F	03–04–95	INDEF.
ST95–1808	TENNESSEE GAS PIPELINE CO.	ENRON GAS MARKETING INC.	03–15–95	G–S	20,000	N	F	02–22–95	INDEF.
ST95–1809	EL PASO NATURAL GAS CO.	CHEVRON U.S.A. INC .	03–16–95	G–S	206,000	N	I	02–17–95	INDEF.
ST95–1810	WILLIAMS NATURAL GAS CO.	DEVON ENERGY	03–16–95	G–S	3,000	N	I	01–19–95	INDEF.
ST95–1811	NORAM GAS TRANSMISSION CO.	KERR MCGEE CHEMICAL.	03–16–95	G–S	430	N	F	03–01–95	INDEF.
ST95–1812	NORAM GAS TRANSMISSION CO.	T & G CONSTRUCTION, INC.	03–16–95	G–S	50	N	F	03–01–95	INDEF.
ST95–1813	WILLIAMS NATURAL GAS CO.	ENERGY DEVELOPMENT CORP.	03–16–95	G–S	2,000	N	I	01–21–95	03–31–95.
ST95–1814	WILLIAMS NATURAL GAS CO.	HADSON GAS SYSTEMS, INC.	03–16–95	G–S	10,000	N	I	03–01–95	08–01–95.
ST95–1815	WILLIAMS NATURAL GAS CO.	WILLIAMS GAS MARKETING CO.	03–16–95	G–S	250,000	A	I	03–01–95	04–01–96.
ST95–1816	NORTHERN NATURAL GAS CO.	WESTERN GAS RESOURCES, INC.	03–16–95	G–S	20,000	N	I	02–01–95	INDEF.
ST95–1817	NORTHERN NATURAL GAS CO.	TENNECO GAS MARKETING CO.	03–16–95	G–S	200,000	N	I	02–01–95	INDEF.
ST95–1818	NORTHERN NATURAL GAS CO.	GPM GAS TRADING CO.	03–16–95	G–S	100,000	N	I	02–01–95	INDEF.
ST95–1819	TENNESSEE GAS PIPELINE CO.	PHIBRO DIVISION OF SALOMON, INC.	03–16–95	G–S	20,139	N	F	03–01–95	INDEF.
ST95–1820	TENNESSEE GAS PIPELINE CO.	WICKFORD ENERGY MARKETING, L.C.	03–16–95	G–S	10,000	N	F	02–24–95	INDEF.
ST95–1821	TENNESSEE GAS PIPELINE CO.	PHIBRO DIVISION OF SALOMON, INC.	03–16–95	G–S	10,450	N	F	02–17–95	INDEF.
ST95–1822	TRUNKLINE GAS CO. .	SHELL GAS TRADING CO.	03–16–95	G–S	36,225	N	I	07–01–94	INDEF.
ST95–1823	TRUNKLINE GAS CO ..	WHITING PETROLEUM CORP.	03–16–95	G–S	1,000	N	I	09–01–94	INDEF.
ST95–1824	GAS CO. OF NEW MEXICO.	EL PASO NATURAL GAS CO., ET AL.	03–17–95	G-HT	20,000	N	I	03–09–95	INDEF.
ST95–1825	GAS CO. OF NEW MEXICO.	EL PASO NATURAL GAS CO., ET AL.	03–17–95	G-HT	5,300	N	I	03–01–95	03–31–03.
ST95–1826	GAS CO. OF NEW MEXICO.	EL PASO NATURAL GAS CO., ET AL.	03–17–95	G-HT	13,900	N	I	03–01–95	03–11–03.
ST95–1827	FLORIDA GAS TRANSMISSION CO.	COCA COLA FOODS ..	03–17–95	G–S	4,415	N	F	03–01–95	03–01–15.
ST95–1828	FLORIDA GAS TRANSMISSION CO.	CORONET INDUSTRIES, INC.	03–17–95	G–S	1,853	N	F	03–01–95	03–01–16.
ST95–1829	FLORIDA GAS TRANSMISSION CO.	CITY OF LAKELAND ...	03–17–95	G–S	26,900	N	F	03–01–95	03–01–17.
ST95–1830	FLORIDA GAS TRANSMISSION CO.	FLORIDA POWER AND LIGHT CO.	03–17–95	G–S	200,000	N	F	03–01–95	02–28–30.
ST95–1831	FLORIDA GAS TRANSMISSION CO.	FELDSPAR CORP., EPK CLAY DIV.	03–17–95	G–S	400	N	F	03–01–95	03–01–15.
ST95–1832	FLORIDA GAS TRANSMISSION CO.	FLORIDA GAS UTILITY	03–20–95	G–S	48,884	N	F	03–01–95	03–01–16.
ST95–1833	FLORIDA GAS TRANSMISSION CO.	ST. JOE NATURAL GAS CO.	03–20–95	G–S	2,871	N	F	03–01–95	03–01–15.

Docket No.[1]	Transporter/Seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST95–1834	FLORIDA GAS TRANSMISSION CO.	RINKER MATERIALS CORP.	03–20–95	G–S	500	N	F	03–01–95	03–01–16.
ST95–1835	FLORIDA GAS TRANSMISSION CO.	U.S. AGRI-CHEMICALS CORP.	03–20–95	G–S	822	N	F	03–01–95	03–01–16.
ST95–1836	FLORIDA GAS TRANSMISSION CO.	FORT PIERCE UTILITIES AUTHORITY.	03–20–95	G–S	1,000	N	F	03–01–95	03–01–16.
ST95–1837	TRUNKLINE GAS CO ..	ENRON CAPITAL AND TRADE RESOURCES.	03–20–95	G–S	100,000	N	I	03–01–95	INDEF.
ST95–1838	TRUNKLINE GAS CO ..	TEXAS-OHIO GAS, INC.	03–20–95	G–S	31,050	N	I	03–10–95	INDEF.
ST95–1839	SOUTH GEORGIA NATURAL GAS CO.	SCANA HYDROCARBONS INC.	03–20–95	G–S	500,000	Y	I	01–01–95	INDEF.
ST95–1840	WILLIAMS NATURAL GAS CO.	UCG ENERGY CORP ..	03–20–95	G–S	10,000	N	I	02–14–95	INDEF.
ST95–1841	K N WATTENBERG TRANS. L/L CO.	PRIMA OIL & GAS CO	03–20–95	G–S	5,000	N	I	09–01–94	INDEF.
ST95–1842	NORTHERN ILLINOIS GAS.	NATURAL G/P/L CO. OF AMERICA, ET AL.	03–20–95	G–LT	7,000	N	I	01–01–95	01–11–95.
ST95–1843	KOCH GATEWAY PIPELINE CO.	ENTEX, A DIVISION OF ARKLA.	03–21–95	G–S	105,000	N	F	03–01–95	04–01–97.
ST95–1844	KOCH GATEWAY PIPELINE CO.	MISSISSIPPI VALLEY GAS CO.	03–21–95	G–S	123,750	N	F	03–01–95	04–01–99.
ST95–1845	CORPUS CHRISTI TRANSMISSION CO.	TEXACO GAS MARKETING INC.	03–20–95	C	10,000	N	I	03–01–95	06–01–96.
ST95–1846	CORPUS CHRISTI TRANSMISSION CO.	MOBIL NATURAL GAS INC.	03–20–95	C	30,000	N	I	02–01–95	01–01–96.
ST95–1847	TEXAS EASTERN TRANSMISSION CORP.	GULF COAST ENERGY INC.	03–21–95	G–S	3,500	N	I	02–20–95	INDEF.
ST95–1848	COLORADO INTERSTATE GAS CO.	PAN-ALBERTA GAS (U.S.) INC.	03–21–95	G–S	2,419	N	I	03–03–95	INDEF.
ST95–1849	COLORADO INTERSTATE GAS CO.	ASSOCIATED GAS SERVICES, INC.	03–21–95	G–S	25,000	N	F	03–01–95	10–31–95.
ST95–1850	COLORADO INTERSTATE GAS CO.	MONTANA POWER CO.	03–21–95	B	20,000	N	F	03–04–95	06–30–95.
ST95–1851	CNG TRANSMISSION CORP.	SONAT MARKETING CO., ET AL.	03–21–95	G–S	50,000	N	I	03–04–95	04–30–95.
ST95–1852	CNG TRANSMISSION CORP.	APPLIED MECHANICS CORP.	03–21–95	G–S	1,000	N	I	03–01–95	04–30–95.
ST95–1853	CNG TRANSMISSION CORP.	BNG, INC	03–21–95	G–S	30,000	N	I	02–23–95	04–30–95.
ST95–1854	CNG TRANSMISSION CORP.	AMERICAN ELECTRIC POWER.	03–21–95	G–S	117,000	N	I	03–01–95	04–30–95.
ST95–1855	TRANSCONTINENTAL GAS P/L CORP.	INTERSTATE GAS MARKETING, INC.	03–21–95	G–S	100,000	N	I	03–01–95	INDEF.
ST95–1856	TRANSCONTINENTAL GAS P/L CORP.	INTERSTATE GAS MARKETING, INC.	03–21–95	G–S	1,000	N	I	03–04–95	INDEF.
ST95–1857	TRANSCONTINENTAL GAS P/L CORP.	SARA LEE KNIT PRODUCTS.	03–21–95	G–S	4,000	N	I	03–01–95	INDEF.
ST95–1858	TRANSCONTINENTAL GAS P/L CORP.	BAY STATE GAS CO ..	03–21–95	G–S	100,000	N	I	03–01–95	INDEF.
ST95–1859	ENOGEX INC	ANR PIPELINE CO., ET AL.	03–22–95	C	50,000	N	I	02–22–95	INDEF.
ST95–1860	ACADIAN GAS PIPELINE SYSTEM.	NATURAL GAS P/L CO. OF AM., ET AL.	03–22–95	C	20,000	N	I	01–01–95	12–31–95.
ST95–1861	TENNESSEE GAS PIPELINE CO.	DIRECT GAS SUPPLY CORP.	03–22–95	G–S	5,333	N	F	02–21–95	INDEF.
ST95–1862	FLORIDA GAS TRANSMISSION CO.	CITY OF TALLAHASSEE.	03–22–95	G–S	30,000	N	F	03–01–95	03–01–15.
ST95–1863	FLORIDA GAS TRANSMISSION CO.	POLK POWER PARTNERS, L.P.	03–22–95	G–S	19,710	N	F	03–01–95	03–01–16.
ST95–1864	FLORIDA GAS TRANSMISSION CO.	ORLANDO COGEN FUEL, INC.	03–22–95	G–S	12,900	N	F	03–01–95	03–01–25.
ST95–1865	FLORIDA GAS TRANSMISSION CO.	ORLANDO UTILITIES COMMISSION.	03–22–95	G–S	25,000	N	F	03–01–95	03–01–15.
ST95–1866	FLORIDA GAS TRANSMISSION CO.	ORLANDO COGEN (11), INC.	03–22–95	G–S	10,700	N	F	03–01–95	03–01–25.
ST95–1867	ANR PIPELINE CO	MILWAUKEE METRO. SEWERAGE DIST.	03–22–95	G–S	N/A	N	I	11–01–93	03–31–98.

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ST95–1868	ANR PIPELINE CO	BASIN OPERATING CO.	03–22–95	G–S	N/A	Y	I	01–01–94	INDEF.
ST95–1869	ANR PIPELINE CO	CONOCO INC	03–22–95	G–S	N/A	N	I	01–27–94	INDEF.
ST95–1870	ANR PIPELINE CO	GASLANTIC CORP	03–22–95	G–S	N/A	N	I	01–21–94	INDEF.
ST95–1871	ANR PIPELINE CO	NATIONAL GAS RESOURCES.	03–22–95	G–S	N/A	N	I	01–11–94	INDEF.
ST95–1872	ANR PIPELINE CO	NITEX INC	03–22–95	G–S	20,000	N	F	11–01–94	03–31–95.
ST95–1873	ANR PIPELINE CO	SEMCO ENERGY SERVICES.	03–22–95	G–S	9,000	N	F	12–01–94	03–31–02.
ST95–1874	ANR PIPELINE CO	MICHIGAN CONSOLIDATED GAS CO.	03–22–95	G–S	50,000	N	F	08–12–94	12–31–95.
ST95–1875	ANR PIPELINE CO	CENTRAL ILLINOIS LIGHT CO.	03–22–95	G–S	18,000	N	F	11–01–94	03–31–97.
ST95–1876	ANR PIPELINE CO	CENERGY INC	03–22–95	G–S	2,660	N	F	07–01–94	06–30–95.
ST95–1877	ANR PIPELINE CO	FORD MOTOR CO.—ROUGE STEEL.	03–22–95	G–S	4,000	N	F	04–01–94	03–01–97.
ST95–1878	ANR PIPELINE CO	BASIC AMERICAN FOODS.	03–22–95	G–S	700	N	F	02–01–94	01–31–99.
ST95–1879	ANR PIPELINE CO	PONTCHARTRAIN NATURAL GAS.	03–22–95	G–S	4,000	N	F	04–01–94	03–31–97.
ST95–1880	ANR PIPELINE CO	GGR ENERGY	03–22–95	G–S	N/A	N	I	01–06–94	INDEF.
ST95–1881	ANR PIPELINE CO	WEST OHIO GAS CO .	03–22–95	G–S	1,000	N	F	12–05–94	10–31–96.
ST95–1882	ANR PIPELINE CO	CIG—THE MERCHANT DIVISION.	03–22–95	G–S	N/A	Y	I	01–01–94	INDEF.
ST95–1883	ANR PIPELINE CO	OHIO GAS CO	03–22–95	G–S	400	N	F	10–01–94	10–01–99.
ST95–1884	COLUMBIA GAS TRANSMISSION CORP.	WEST VIRGINIA POWER.	03–23–95	G–S	500	N	F	03–15–95	INDEF.
ST95–1885	COLUMBIA GAS TRANSMISSION CORP.	TRANSOK GAS CO	03–23–95	G–S	50,000	N	I	03–08–95	INDEF.
ST95–1886	MIDWESTERN GAS TRANSMISSION CO.	MOBIL NATURAL GAS, INC.	03–23–95	G–S	15,500	N	F	03–01–95	INDEF.
ST95–1887	TENNESSEE GAS PIPELINE CO.	CO ENERGY TRADING CO.	03–23–95	G–S	10,000	N	F	03–09–95	INDEF.
ST95–1888	ANR PIPELINE CO	MICHIGAN CONSOLIDATED GAS CO.	03–23–95	G–S	400,000	N	F	11–01–94	06–01–11.
ST95–1889	ANR PIPELINE CO	UCG ENERGY CORP ..	03–23–95	G–S	3,655	N	F	09–01–94	08–31–96.
ST95–1890	ANR PIPELINE CO	NITEX INC	03–23–95	G–S	30,000	N	F	12–29–94	03–31–95.
ST95–1891	ANR PIPELINE CO	MIDCON GAS SERVICES CORP.	03–23–95	G–S	10,000	N	F	12–17–94	03–31–95.
ST95–1892	ANR PIPELINE CO	IOWA-ILLINOIS GAS & ELECTRIC CO.	03–23–95	G–S	5,000	N	F	12–01–94	03–31–95.
ST95–1893	ANR PIPELINE CO	HOWARD ENERGY CO., INC.	03–23–95	G–S	10,000	N	F	12–01–94	03–31–95.
ST95–1894	ANR PIPELINE CO	WEST TENNESSEE PUBLIC UTILITY.	03–23–95	G–S	2,150	N	F	10–01–94	09–30–99.
ST95–1895	ANR PIPELINE CO	HOWARD ENERGY CO., INC.	03–23–95	G–S	1,000	N	F	12–01–94	03–31–95.
ST95–1896	ANR PIPELINE CO	TENNECO GAS MARKETING CO.	03–23–95	G–S	1,865	N	F	11–01–94	03–31–95.
ST95–1897	ANR PIPELINE CO	AMOCO PRODUCTION CO.	03–23–95	G–S	N/A	N	I	03–04–94	INDEF.
ST95–1898	ANR PIPELINE CO	NORCEN EXPLORER .	03–23–95	G–S	N/A	N	I	03–02–94	INDEF.
ST95–1899	ANR PIPELINE CO	HUNT PETROLEUM CORP.	03–23–95	G–S	N/A	N	I	02–05–94	INDEF.
ST95–1900	ANR PIPELINE CO	ONONDAGA COGENERATION.	03–23–95	G–S	N/A	N	I	01–01–94	INDEF.
ST95–1901	ANR PIPELINE CO	TORCH GAS LC	03–23–95	G–S	N/A	N	I	04–30–94	INDEF.

Docket No.[1]	Transporter/Seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST95–1902	ANR PIPELINE CO	MINNEGASCO INC	03–23–95	G–S	N/A	N	I	02–12–94	INDEF.
ST95–1903	ANR PIPELINE CO	WISCONSIN POWER & LIGHT.	03–23–95	G–S	N/A	N	I	06–03–94	INDEF.
ST95–1904	ANR PIPELINE CO	O & R ENERGY INC	03–23–95	G–S	N/A	N	F	04–14–94	INDEF.
ST95–1905	ANR PIPELINE CO	POLARIS PIPELINE CORP.	03–23–95	G–S	N/A	N	F	02–12–94	INDEF.
ST95–1906	ANR PIPELINE CO	SEMCO ENERGY SERVICES.	03–23–95	G–S	N/A	Y	F	01–05–94	INDEF.
ST95–1907	ANR PIPELINE CO	TORCH GAS LC	03–23–95	G–S	N/A	N	F	04–01–94	INDEF.
ST95–1908	ANR PIPELINE CO	ENMARK GAS CORP ..	03–23–95	G–S	N/A	N	F	03–01–94	INDEF.
ST95–1909	ANR PIPELINE CO	EASTEX HYDRO-CARBONS.	03–23–95	G–S	N/A	N	F	01–01–94	INDEF.
ST95–1910	ANR PIPELINE CO	AIG TRADING CORP ..	03–23–95	G–S	N/A	N	F	04–01–94	INDEF.
ST95–1911	FLORIDA GAS TRANSMISSION CO.	SCANA HYDRO-CARBONS, INC.	03–23–95	G–S	100,000	N	I	03–01–95	INDEF.
ST95–1912	FLORIDA GAS TRANSMISSION CO.	PEOPLES GAS SYSTEM, INC.	03–23–95	G–S	20,000	N	F	03–01–95	03–01–15.
ST95–1913	FLORIDA GAS TRANSMISSION CO.	CITRUS WORLD, INC .	03–23–95	G–S	2,800	N	F	03–01–95	03–01–15.
ST95–1914	FLORIDA GAS TRANSMISSION CO.	NUI CORP, CITY GAS CO. OF FL. DIV.	03–23–95	G–S	19,500	N	F	03–01–95	03–01–15.
ST95–1915	FLORIDA GAS TRANSMISSION CO.	TEXAS-OHIO GAS, INC.	03–23–95	G–S	7,000	N	I	03–01–95	INDEF.
ST95–1916	NORTHERN NATURAL GAS CO.	ANADARKO TRADING CO.	03–23–95	G–S	100,000	N	I	02–02–95	INDEF.
ST95–1917	NORTHERN NATURAL GAS CO.	CONAGRA ENERGY SERVICES CO.	03–23–95	G–S	500,000	N	I	01–04–95	INDEF.
ST95–1918	NORTHERN NATURAL GAS CO.	HEARTLAND CORN PRODUCTS.	03–23–95	G–S	60,000	N	I	11–13–94	INDEF.
ST95–1919	NORTHERN NATURAL GAS CO.	UTILICORP UNITED INC.	03–23–95	B/G–S	11,500	N	F	03–03–95	INDEF.
ST95–1920	NORTHERN NATURAL GAS CO.	KCS ENERGY MARKETING, INC.	03–23–95	G–S	100,000	N	I	01–01–95	INDEF.
ST95–1921	NORTHERN NATURAL GAS CO.	CNG PRODUCING CO	03–23–95	G–S	100,000	N	I	01–01–95	INDEF.
ST95–1922	NORTHERN NATURAL GAS CO.	GPM GAS CORP	03–23–95	G–S	400,000	N	I	02–01–95	INDEF.
ST95–1923	NORTHERN NATURAL GAS CO.	U.S. ENERGY SERVICES.	03–23–95	G–S	1,000	N	F	03–01–95	03–31–95.
ST95–1924	TEXAS EASTERN TRANSMISSION CORP.	VALERO GAS MARKETING, L.P.	03–23–95	G–S	19,780	N	I	03–11–95	INDEF.
ST95–1925	TEXAS EASTERN TRANSMISSION CORP.	CHANNEL GAS MARKETING CO.	03–23–95	G–S	60,000	N	I	03–01–95	INDEF.
ST95–1926	TEXAS EASTERN TRANSMISSION CORP.	GULF COAST ENERGY INC.	03–23–95	G–S	3,500	N	I	02–24–95	INDEF.
ST95–1927	TEXAS EASTERN TRANSMISSION CORP.	MIDDLE TENN. NAT. GAS UTILITY DIST.	03–23–95	G–S	10,000	N	I	02–25–95	INDEF.
ST95–1928	TEXAS EASTERN TRANSMISSION CORP.	MIDDLE TENN. NAT. GAS UTILITY DIST.	03–23–95	G–S	1,000	N	F	02–01–95	INDEF.
ST95–1929	TEXAS EASTERN TRANSMISSION CORP.	AMOCO ENERGY TRADING CORP.	03–23–95	G–S	60,000	N	I	03–02–95	INDEF.
ST95–1930	TEXAS EASTERN TRANSMISSION CORP.	AMOCO ENERGY TRADING CORP.	03–23–95	G–S	60,000	N	I	03–01–95	INDEF.
ST95–1931	TEXAS EASTERN TRANSMISSION CORP.	WICKFORD ENERGY MARKETING LC.	03–23–95	G–S	15,000	N	I	03–01–95	INDEF.
ST95–1932	TEXAS EASTERN TRANSMISSION CORP.	DIRECT GAS SUPPLY CORP.	03–23–95	G–S	25,875	N	I	03–01–95	INDEF.

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ST95–1933	TEXAS EASTERN TRANSMISSION CORP.	BOSTON GAS CO	03–23–95	G–S	32,616	N	F	03–01–95	INDEF.
ST95–1934	TEXAS EASTERN TRANSMISSION CORP.	BOSTON GAS CO	03–23–95	G–S	3,177	N	F	03–01–95	INDEF.
ST95–1935	TEXAS EASTERN TRANSMISSION CORP.	BOSTON GAS CO	03–23–95	G–S	209	N	F	11–01–94	INDEF.
ST95–1936	TEXAS EASTERN TRANSMISSION CORP.	BOSTON GAS CO	03–23–95	G–S	36	N	F	11–01–94	INDEF.
ST95–1937	TEXAS EASTERN TRANSMISSION CORP.	BOSTON GAS CO	03–23–95	G–S	27	N	F	11–01–94	INDEF.
ST95–1938	TEXAS EASTERN TRANSMISSION CORP.	COLONIAL GAS CO	03–23–95	G–S	83	N	F	09–09–94	INDEF.
ST95–1939	ANR PIPELINE CO	PARIS-HENRY COUNTY PUBLIC UTILITY.	03–24–95	G–S	1,200	N	F	11–01–94	10–31–99.
ST95–1940	ANR PIPELINE CO	UTILICORP UNITED INC.	03–24–95	G–S	16,481	N	F	11–01–94	03–31–95.
ST95–1941	ANR PIPELINE CO	SEMCO ENERGY SERVICES.	03–24–95	G–S	500	N	F	12–01–94	03–31–95.
ST95–1942	ANR PIPELINE CO	KANSOK	03–24–95	B	5,000	N	F	11–04–94	10–31–95.
ST95–1943	ANR PIPELINE CO	WEST OHIO GAS CO .	03–24–95	G–S	9,335	N	F	10–01–94	10–31–96.
ST95–1944	ANR PIPELINE CO	PACKERLAND ENERGY SERVICES INC.	03–24–95	G–S	N/A	N	I	04–01–94	INDEF.
ST95–1945	ANR PIPELINE CO	OXY U.S.A. INC	03–24–95	G–S	N/A	N	I	05–12–94	INDEF.
ST95–1946	ANR PIPELINE CO	GEORGE R. BROWN ..	03–24–95	G–S	N/A	N	I	04–01–94	INDEF.
ST95–1947	ANR PIPELINE CO	LL & E	03–24–95	G–S	N/A	N	I	08–03–94	INDEF.
ST95–1948	ANR PIPELINE CO	LL & E	03–24–95	G–S	N/A	N	I	08–03–94	INDEF.
ST95–1949	ANR PIPELINE CO	WPS ENERGY SERVICES.	03–24–95	G–S	N/A	N	I	01–01–94	INDEF.
ST95–1950	ANR PIPELINE CO	SUBURBAN NATURAL GAS CO.	03–24–95	G–S	1,020	N	F	12–01–94	03–31–95.
ST95–1951	ANR PIPELINE CO	CMS GAS MARKETING.	03–24–95	G–S	500	N	F	11–01–94	03–31–95.
ST95–1952	ANR PIPELINE CO	MIDWEST GAS	03–24–95	G–S	400	N	F	12–01–94	02–28–95.
ST95–1953	ANR PIPELINE CO	STAND ENERGY CORP.	03–24–95	G–S	1,200	N	F	11–01–94	03–31–95.
ST95–1954	ANR PIPELINE CO	SHELL GAS TRADING	03–24–95	G–S	N/A	N	I	08–01–94	INDEF.
ST95–1955	PANHANDLE EASTERN PIPE LINE CO.	CITIZENS ENERGY SERVICES CORP.	03–24–95	G–S	50,000	N	I	02–23–95	08–22–96.
ST95–1956	PANHANDLE EASTERN PIPE LINE CO.	SEITEL GAS & ENERGY CORP.	03–24–95	G–S	25,000	N	I	03–01–95	01–31–97.
ST95–1957	FLORIDA GAS TRANSMISSION CO.	HPL RESOURCES CO	03–24–95	G–S	150,000	Y	I	03–07–95	INDEF.
ST95–1958	FLORIDA GAS TRANSMISSION CO.	FLORIDA PUBLIC UTILITIES CO.	03–24–95	G–S	924	N	F	03–02–95	03–01–15.
ST95–1959	FLORIDA GAS TRANSMISSION CO.	FLORIDA PUBLIC UTILITIES CO.	03–24–95	G–S	9,640	N	F	03–02–95	03–01–15.
ST95–1960	FLORIDA GAS TRANSMISSION CO.	ALUMINUM CO. OF AMERICA.	03–24–95	G–S	289	N	F	03–15–95	03–01–15.
ST95–1961	CARNEGIE INTERSTATE PIPELINE CO.	EQUITRANS MARKETING SERVICE CO.	03–24–95	G–S	5,000	N	I	03–06–95	INDEF.
ST95–1962	GULF COAST NATURAL GAS CO.	KOCH GATEWAY PIPELINE CO.	03–24–95	C	7,000	Y	I	02–02–95	INDEF.
ST95–1963	GULF COAST NATURAL GAS CO.	TRUNKLINE GAS CO ..	03–24–95	C	5,000	Y	I	02–13–95	INDEF.
ST95–1964	TRANSOK, INC	ANR PIPELINE CO., ET AL.	03–24–95	C	500	N	I	03–01–94	INDEF.

Docket No.[1]	Transporter/Seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST95–1965	DELHI GAS PIPELINE CORP.	ANR PIPELINE CO., ET AL.	03–27–95	C	15,000	N	I	03–01–95	INDEF.
ST95–1966	PANHANDLE EASTERN PIPE LINE CO.	CHEVRON U.S.A. INC .	03–27–95	G–S	100,000	N	I	03–01–95	02–29–96.
ST95–1967	PANHANDLE EASTERN PIPE LINE CO.	LEE 8 STORAGE PARTNERSHIP.	03–27–95	B	25,000	N	I	03–02–95	02–28–97.
ST95–1968	PANHANDLE EASTERN PIPE LINE CO.	APPALACHIAN GAS SALES CORP.	03–27–95	G–S	500	N	I	03–14–95	02–28–97.
ST95–1969	PANHANDLE EASTERN PIPE LINE CO.	APACHE CORP	03–27–95	G–S	100,000	N	I	03–01–95	02–28–97.
ST95–1970	GREAT LAKES GAS TRANSMISSION L.P..	CENTRA GAS MANITOBA INC..	03–27–95	G–S	225,000	N	I	01–09–95	10–31–95.
ST95–1971	GREAT LAKES GAS TRANSMISSION L.P..	NORTHERN STATES POWER CO. (WI).	03–27–95	G–S	55,000	N	I	02–11–95	10–31–95.
ST95–1972	GREAT LAKES GAS TRANSMISSION L.P..	NORTHERN STATES POWER CO. (MN).	03–27–95	G–S	55,000	N	I	01–03–95	10–31–95.
ST95–1973	GREAT LAKES GAS TRANSMISSION L.P..	AIG TRADING CORP ..	03–27–95	G–S	20,000	N	F	03–01–95	03–31–95.
ST95–1974	ANR PIPELINE CO	DETROIT EDISON	03–27–95	G–S	N/A	N	I	06–01–94	INDEF.
ST95–1975	ANR PIPELINE CO	CONTINENTAL NATURAL GAS.	03–27–95	G–S	N/A	N	F	01–01–94	INDEF.
ST95–1976	ANR PIPELINE CO	DELHI GAS MARKETING.	03–27–95	G–S	N/A	N	F	05–01–94	INDEF.
ST95–1977	ANR PIPELINE CO	KOCH GAS SERVICES CO.	03–27–95	G–S	N/A	N	F	01–01–94	INDEF.
ST95–1978	ANR PIPELINE CO	TORCH GAS LC	03–27–95	G–S	N/A	N	F	04–01–94	INDEF.
ST95–1979	ANR PIPELINE CO	COLUMBIA ENERGY SERVICES CORP.	03–27–95	G–S	N/A	Y	I	12–01–94	INDEF.
ST95–1980	ANR PIPELINE CO	NORTH CENTRAL OIL CORP.	03–27–95	G–S	N/A	N	I	08–01–94	INDEF.
ST95–1981	ANR PIPELINE CO	NOBLE GAS MARKETING INC.	03–27–95	G–S	N/A	N	I	06–01–94	INDEF.
ST95–1982	ANR PIPELINE CO	COAST ENERGY GROUP INC.	03–27–95	G–S	N/A	N	I	06–01–94	INDEF.
ST95–1983	ANR PIPELINE CO	TRIDENT NGL INC	03–27–95	G–S	N/A	N	I	05–06–94	INDEF.
ST95–1984	ANR PIPELINE CO	MICHIGAN CONSOLIDATED GAS CO.	03–27–95	G–S	6,000	N	F	11–16–94	12–31–95.
ST95–1985	ANR PIPELINE CO	AMGAS INC	03–27–95	G–S	500	N	F	11–01–94	02–28–95.
ST95–1986	ANR PIPELINE CO	ENRON GAS MARKETING INC.	03–27–95	G–S	4,000	N	F	11–01–94	03–31–95.
ST95–1987	ANR PIPELINE CO	RENAISSANCE ENERGY.	03–27–95	G–S	8,797	Y	F	11–01–94	03–31–95.
ST95–1988	ANR PIPELINE CO	COASTAL GAS MARKETING CO.	03–27–95	G–S	25,000	Y	F	11–01–94	03–31–95.
ST95–1989	ANR PIPELINE CO	APPLETON PAPERS INC.	03–27–95	G–S	2,000	N	F	11–01–94	10–31–98.
ST95–1990	ANR PIPELINE CO	KAZTEX ENERGY MANAGEMENT.	03–27–95	G–S	8,000	Y	F	11–01–94	03–31–95.
ST95–1991	ANR PIPELINE CO	CMS GAS MARKETING.	03–27–95	G–S	930	N	F	12–01–94	03–31–95.
ST95–1992	ANR PIPELINE CO	WEST OHIO GAS CO .	03–27–95	G–S	8,000	N	F	09–11–94	03–31–04.
ST95–1993	LLANO, INC	NATURAL GAS P/L CO. OF AMERICA.	03–27–95	C	600,000	N	I	02–24–95	INDEF.
ST95–1994	EL PASO NATURAL GAS CO.	OASIS PIPE LINE CO .	03–28–95	B	103,000	N	I	03–01–95	INDEF.
ST95–1995	EL PASO NATURAL GAS CO.	AMOCO ENERGY TRADING CO.	03–28–95	G–S	150,000	N	I	03–01–95	INDEF.
ST95–1996	FLORIDA GAS TRANSMISSION CO.	ASSOCIATED NATURAL GAS, INC.	03–28–95	G–S	250,000	N	I	03–01–95	INDEF.
ST95–1997	ANR PIPELINE CO	INDUSTRIAL ENERGY APPLICATION.	03–28–95	G–S	1,325	N	F	11–01–94	10–31–95.
ST95–1998	ANR PIPELINE CO	ENRON CAPITAL & TRADE RESOURCES.	03–28–95	G–S	663	N	F	12–01–94	03–31–95.
ST95–1999	ANR PIPELINE CO	COASTAL GAS MARKETING CO.	03–28–95	G–S	836	A	F	12–01–94	03–31–95.

Docket No.[1]	Transporter/Seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST95–2000	ANR PIPELINE CO	EAST OHIO GAS CO ..	03–28–95	G–S	13,750	N	F	12–01–94	10–31–96.
ST95–2001	ANR PIPELINE CO	MADISON GAS & ELECTRIC CO.	03–28–95	G–S	4,500	N	F	12–01–94	03–31–95.
ST95–2002	ANR PIPELINE CO	WESTCOAST GAS SERVICES USA.	03–28–95	G–S	1,000	N	F	01–06–95	03–31–95.
ST95–2003	ANR PIPELINE CO	ENERGY SOURCE INC	03–28–95	G–S	N/A	N	I	01–01–95	INDEF.
ST95–2004	ANR PIPELINE CO	CHESAPEAKE ENERGY CORP.	03–28–95	G–S	N/A	N	F	02–01–95	INDEF.
ST95–2005	ANR PIPELINE CO	AMAX GAS MARKETING.	03–28–95	G–S	N/A	N	F	01–01–94	INDEF.
ST95–2006	ANR PIPELINE CO	MURPHY EXPLORATION.	03–28–95	G–S	N/A	N	F	04–02–94	INDEF.
ST95–2007	ANR PIPELINE CO	EASTERN ENERGY MARKETING INC.	03–28–95	G–S	N/A	N	I	02–14–95	INDEF.
ST95–2008	ANR PIPELINE CO	FORCENERGY GAS EXPLORATION INC.	03–28–95	G–S	N/A	N	I	01–19–95	INDEF.
ST95–2009	ANR PIPELINE CO	TWISTER TRANSMISSION CO.	03–28–95	G–S	N/A	N	F	02–01–95	INDEF.
ST95–2010	ANR PIPELINE CO	MICHIGAN CONSOLIDATED GAS CO.	03–28–95	S	20,000	N	F	01–01–95	12–31–95.
ST95–2011	ANR PIPELINE CO	INDUSTRIAL ENERGY APPLICATION.	03–28–95	G–S	N/A	N	I	02–02–95	INDEF.
ST95–2012	ANR PIPELINE CO	UNIMARK LLC	03–28–95	G–S	N/A	N	F	02–01–94	INDEF.
ST95–2013	ANR PIPELINE CO	BROOKLYN INTERSTATE NATURAL GAS CO.	03–28–95	G–S	N/A	N	F	04–01–94	INDEF.
ST95–2014	ANR PIPELINE CO	IES UTILITIES INC	03–28–95	G–S	N/A	N	I	07–01–94	INDEF.
ST95–2015	ANR PIPELINE CO	POCO PETROLEUMS LTD.	03–28–95	G–S	N/A	N	I	01–13–95	INDEF.
ST95–2016	ANR PIPELINE CO	GREAT LAKES ENERGY CORP.	03–28–95	G–S	N/A	N	I	10–01–94	INDEF.
ST95–2017	TRANSWEST ..... ERN PIPELINE CO	GAS CO OF NEW MEXICO.	03–29–95	B	80,000	N	I	02–01–95	02–28–95.
ST95–2018	TRANSWEST ..... ERN PIPELINE CO	TRISTAR GAS MARKETING.	03–29–95	G–S	6,000	N	F	02–01–95	02–28–95.
ST95–2019	ROCKY MOUNTAIN NATURAL GAS CO.	NORTHWEST PIPELINE CORP., ET AL.	03–29–95	G-HT	25,000	N	I	01–01–95	INDEF.
ST95–2020	CHANNEL INDUSTRIES GAS CO.	BRING GAS SERVICES CORP.	03–29–95	G-I	50,000	N	I	03–01–95	INDEF.
ST95–2021	CENTANA INTRASTATE PIPELINE CO.	1 SOURCE ENERGY SERVICES CO.	03–29–95	C	120,000	N	I	08–13–94	INDEF.
ST95–2022	CENTANA INTRASTATE PIPELINE CO.	1 SOURCE ENERGY SERVICES CO.	03–29–95	C	100,000	N	F	08–13–94	INDEF.
ST95–2023	CENTANA INTRASTATE PIPELINE CO.	ASSOCIATED GAS SERVICES, INC.	03–29–95	C	30,000	N	I	09–01–94	INDEF.
ST95–2024	CENTANA INTRASTATE PIPELINE CO.	CENTANA ENERGY MARKETING CO.	03–29–95	C	100,000	N	I	06–01–94	INDEF.
ST95–2025	CENTANA INTRASTATE PIPELINE CO.	TEXACO GAS MARKETING, INC.	03–29–95	C	20,000	N	I	12–01–94	INDEF.
ST95–2026	CENTANA INTRASTATE PIPELINE CO.	TEXACO GAS MARKETING, INC.	03–29–95	C	8,000	N	I	03–01–95	02–28–96.
ST95–2027	CENTANA INTRASTATE PIPELINE CO.	CENTANA ENERGY CORP.	03–29–95	C	30,000	N	I	12–01–94	INDEF.
ST95–2028	CENTANA INTRASTATE PIPELINE CO.	CENTANA ENERGY CORP.	03–29–95	C	10,000	N	I	12–01–94	INDEF.
ST95–2029	IROQUOIS GAS TRANS. SYSTEM, L.P.	CNG ENERGY SERVICES CORP.	03–30–95	G–S	50,000	N	F	03–01–95	04–01–95.
ST95–2030	IROQUOIS GAS TRANS. SYSTEM, L.P.	AMOCO ENERGY TRADING CORP.	03–30–95	G–S	3,000	N	I	03–01–95	04–01–95.
ST95–2031	IROQUOIS GAS TRANS. SYSTEM, L.P.	PHIBRO DIVISION OF SALOMON INC.	03–30–95	G–S	5,000	N	F	03–01–95	04–01–95.
ST95–2032	IROQUOIS GAS TRANS. SYSTEM, L.P.	TRANSCO GAS MARKETING CO.	03–30–95	G–S	10,001	N	F	03–01–95	04–01–95.

Docket No.[1]	Transporter/Seller	Recipient	Date filed	Part 284 sub-part	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date com-menced	Projected termination date
ST95–2033	IROQUOIS GAS TRANS. SYSTEM, L.P.	KAMINE BEAVER FALLS COGEN CO, INC.	03–30–95	G–S	16,000	N	I	03–02–95	INDEF.
ST95–2034	ANR PIPELINE CO	HOWARD ENERGY CO.	04–03–95	G–S	200,000	N	F	12–01–94	INDEF.
ST95–2035	COLUMBIA GULF TRANSMISSION CO.	1564 EAST LAN-CASTER AVE. BUS. TRUST.	03–30–95	G–S	5,000	N	I	03–15–95	INDEF.
ST95–2036	COLUMBIA GULF TRANSMISSION CO.	EMPIRE DETROIT STEEL.	03–30–95	G–S	15,000	N	I	03–15–95	INDEF.
ST95–2037	COLUMBIA GULF TRANSMISSION CO.	HIGHLAND ENERGY CO.	03–30–95	G–S	10,000	N	I	03–01–95	INDEF.
ST95–2038	COLUMBIA GULF TRANSMISSION CO.	HIGHLAND GAS MAR-KETING.	03–30–95	G–S	15,000	N	I	03–15–95	INDEF.
ST95–2039	COLUMBIA GULF TRANSMISSION CO.	LIBBY GLASS, INC	03–30–95	G–S	10,000	N	I	03–15–95	INDEF.
ST95–2040	COLUMBIA GULF TRANSMISSION CO.	MIDWEST GAS SERV-ICES, INC.	03–30–95	G–S	15,000	N	I	03–15–95	INDEF.
ST95–2041	MISSISSIPPI RIVER TRANS. CORP.	AQUILA ENERGY MARKETING CORP.	03–30–95	G–S	15,000	Y	I	03–01–95	INDEF.
ST95–2042	NATRUAL GAS P/L CO OF AMERICA.	SHANA PETROLEUM CO.	03–30–95	G–S	750	N	I	03–01–95	INDEF.
ST95–2043	TRAILBLAZER PIPE-LINE CO.	MIDCON GAS SERV-ICES CORP.	03–30–95	G–S	25,000	Y	F	01–01–95	09–30–95.
ST95–2044	TRAILBLAZER PIPE-LINE CO.	UNION PACIFIC FUELS, INC.	03–30–95	G–S	15,000	N	F	03–01–95	03–31–95.
ST95–2045	TRAILBLAZER PIPE-LINE CO.	ENRON GAS MARKET-ING, INC.	03–30–95	G–S	5,000	N	F	03–01–95	03–31–95.
ST95–2046	TRAILBLAZER PIPE-LINE CO.	SNYDER GAS MAR-KETING, INC.	03–30–95	G–S	2,857	N	F	02–22–95	02–28–95.
ST95–2047	TRAILBLAZER PIPE-LINE CO.	SNYDER GAS MAR-KETING, INC.	03–30–95	G–S	4,762	N	F	03–01–95	03–31–95.
ST95–2048	NATRUAL GAS P/L CO OF AMERICA.	TORCH GAS, L.C.	03–30–95	G–S	8,865	N	F	03–01–95	03–31–95.
ST95–2049	TRUNKLINE GAS CO ..	CHEVRON U.S.A., INC	03–30–95	G–S	310,500	N	I	03–22–95	INDEF.
ST95–2050	TRAILBLAZER PIPE-LINE CO.	TENNECO GAS MAR-KETING CO.	03–31–95	G–S	6,055	N	F	03–01–95	03–31–95.
ST95–2051	MIDWESTERN GAS TRANSMISSION CO.	ALUMINUM CO OF AMERICA.	03–31–95	G–S	5,350	N	F	03–01–95	INDEF.
ST95–2052	TENNESSEE GAS PIPELINE CO.	KERR-MCGEE CORP ..	03–31–95	G–S	4,513	N	F	03–07–95	INDEF.
ST95–2053	TENNESSEE GAS PIPELINE CO.	TEXAS-OHIO GAS INC	03–31–95	G–S	5,000	N	F	03–01–95	INDEF.
ST95–2054	ALGONQUIN GAS TRANSMISSION CO.	APPALACHIAN GAS SALES.	03–31–95	G–S	1,000	N	F	03–04–95	03–31–95.
ST95–2055	ALGONQUIN GAS TRANSMISSION CO.	GLOBAL PETROLEUM CORP.	03–31–95	G–S	4,000	N	F	03–01–95	03–31–95.
ST95–2056	K N INTERSTATE GAS TRANS. CO.	K N GAS MARKETING, INC.	03–31–95	G–S	28,000	A	F	03–01–95	08–31–96.
ST95–2057	ANR PIPELINE CO	ARCADIAN OHIO L P ..	03–31–95	G–S	15,000	N	F	02–05–94	INDEF.
ST95–2058	ANR PIPELINE CO	COENERGY TRADING CO.	03–31–95	G–S	30,000	N	F	02–04–94	INDEF.
ST95–2059	ANR PIPELINE CO	INTERSTATE GAS MARKETING.	03–31–95	G–S	12,000	N	F	02–04–94	INDEF.
ST95–2060	ANR PIPELINE CO	SEMCO ENERGY SERVICES.	03–31–95	G–S	16,000	N	F	03–01–94	INDEF.
ST95–2061	ANR PIPELINE CO	UNITED CITIES GAS CO.	03–31–95	G–S	1,000	N	F	04–01–94	INDEF.
ST95–2062	ANR PIPELINE CO	COASTAL GAS MAR-KETING CO.	03–31–95	G–S	75,000	A	F	02–05–94	INDEF.
ST95–2063	ANR PIPELINE CO	NGC TRANSPOR-TATION INC.	03–31–95	G–S	50,000	Y	F	04–01–94	INDEF.
ST95–2064	ANR PIPELINE CO	TENNECO GAS MAR-KETING CO.	03–31–95	G–S	12,580	N	F	03–01–94	INDEF.
ST95–2065	ANR PIPELINE CO	PREMIER GAS CO	03–31–95	G–S	4,000	N	F	03–01–94	INDEF.
ST95–2066	ANR PIPELINE CO	WISCONSIN PUBLIC SERVICE CORP.	03–31–95	G–S	14,500	N	F	04–01–94	INDEF.

Docket No.[1]	Transporter/Seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST95–2067	ANR PIPELINE CO	PROCTOR & GAMBLE PAPER.	03–31–95	G–S	6,500	N	F	02–01–94	INDEF.
ST95–2068	ANR PIPELINE CO	SEMGCO ENERGY SERVICES.	03–31–95	G–S	10,000	N	F	02–01–94	INDEF.
ST95–2069	ANR PIPELINE CO	ENRON GAS MARKETING INC.	03–31–95	G–S	30,000	N	F	02–01–94	INDEF.
ST95–2070	ANR PIPELINE CO	KAZTEX ENERGY MANAGEMENT.	03–31–95	G–S	23,335	N	F	02–02–94	INDEF.
ST95–2071	ANR PIPELINE CO	NGC TRANSPORTATION INC.	03–31–95	G–S	40,000	N	F	02–02–94	INDEF.
ST95–2072	ANR PIPELINE CO	NATIONAL GAS RESOURCES.	03–31–95	G–S	5,238	N	F	02–02–94	INDEF.
ST95–2073	ANR PIPELINE CO	OHIO GAS CO	03–31–95	B	109,319	A	F	02–04–94	INDEF.
ST95–2074	ANR PIPELINE CO	ENERGY DYNAMICS INC.	03–31–95	G–S	18,000	N	F	02–03–94	INDEF.
ST95–2075	ANR PIPELINE CO	WESTCOAST GAS SERVICES USA.	03–31–95	G–S	20,000	N	F	02–04–94	INDEF.
ST95–2076	ANR PIPELINE CO	COMMUNITY NATURAL GAS.	03–31–95	G–S	500	N	F	02–01–94	INDEF.
ST95–2077	GREAT LAKES GAS TRANSMISSION L.P.	ANR PIPELINE CO	03–31–95	G	225,000	Y	I	03–01–95	10–31–95.
ST95–2078	PANHANDLE EASTERN PIPE LINE CO.	ANADARKO PETROLEUM CORP.	03–31–95	G–S	35,000	N	F	03–01–95	03–31–95.
ST95–2079	WILLISTON BASIN INTER. P/L CO.	RAINBOW GAS CO	03–31–95	G–S	1,573	A	F	03–01–95	03–31–95.

[1] NOTICE OF TRANSACTIONS DOES NOT CONSTITUTE A DETERMINATION THAT FILINGS COMPLY WITH COMMISSION REGULATIONS IN ACCORDANCE WITH ORDER NO. 436 (FINAL RULE AND NOTICE REQUESTING SUPPLEMENTAL COMMENTS, 50 FR 42,372, 10/10/85).
[2] ESTIMATED MAXIMUM DAILY VOLUMES INCLUDES VOLUMES REPORTED BY THE FILING COMPANY IN MMBTU, MCF AND DT.
[3] AFFILIATION OF REPORTING COMPANY TO ENTITIES INVOLVED IN THE TRANSACTION. A "Y" INDICATES AFFILIATION, AN "A" INDICATES MARKETING AFFILIATION, AND A "N" INDICATES NO AFFILIATION.

[FR Doc. 95–10570 Filed 4–28–95; 8:45 am]
BILLING CODE 6717–01–P

[Docket No. RP93–49–000]

Paiute Pipeline Company; Notice of Settlement Conference

April 25, 1995.

Pursuant to the Commission order which issued on January 19, 1993, and a notice of extension of time which issued on May 13, 1993, a settlement conference will be held to resolve the issues raised in the above-captioned proceeding.

The conference will be held on Tuesday, May 9, 1995, at 10:00 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426.

All interested persons and Staff are permitted to attend.

Lois D. Cashell,

Secretary.

[FR Doc. 95–10561 Filed 4–28–95; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. RP93–49–000]

Paiute Pipeline Company; Notice of Settlement Conference

April 25, 1995.

Pursuant to the Commission order which issued on January 19, 1993, and a notice of extension of time which issued on May 13, 1993, a settlement conference will be held to resolve the issues raised in the above-captioned proceeding.

The conference will be held on Tuesday, May 9, 1995, at 10:00 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426.

All interested persons and Staff are permitted to attend.

Lois D. Cashell,

Secretary.

[FR Doc. 95–10563 Filed 4–28–95; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. RP95–239–000]

Riverside Pipeline Company, L.P.; Notice of Proposed Changes in FERC Gas Tariff

April 25, 1995.

Take notice that on April 19, 1995, Riverside Pipeline Company, L.P. (Riverside), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following sheets to be effective May 31, 1995:

First Revised Sheet Nos. 1, 2, 16
Original Sheet Nos. 17–20
First Revised Sheet Nos. 80, 91, 92, 97, 98, 104, 105, 112, 115, 116, 119, 122, 124, and 159
Original Sheet Nos. 160–167
First Revised Sheet Nos. 211, 212, 213

Riverside states that it proposes to offer a new service, the Multiple Pipeline Transportation (MPT) Service, under which it would contract for capacity, as available, on certain upstream, affiliated intrastate or ''Hinshaw'' pipelines for new or existing shippers on its own system. The maximum and minimum rates for that service would, Riverside states, be the sum of the maximum and minimum rates of the transporting pipelines in effect at the time of the transportation.

Riverside also states that the revised tariff sheets are being served upon all its customers, State Commissions, and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with § 385.214 and 385.211 of the Commission's regulations. All such motions or protests should be filed on or before May 2, 1995. Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. 95–10566 Filed 4–28–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM95–2–8–000]

South Georgia Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

April 25, 1995.

Take notice that on April 17, 1995, South Georgia Natural Gas Company (South Georgia) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 2, Twentieth Revised Sheet No. 76 and Twenty-First Revised Sheet No. 106.

South Georgia states that the proposed revised tariff sheets would flow through to South Georgia's two gas storage customers reduced storage transportation charges billed to South Georgia by Southern Natural Gas Company (Southern).

South Georgia states that the Commission's August 22, 1980 order in the captioned proceeding permits South Georgia to flow through to its two storage customers any changes in the amounts which the Commission authorizes Southern to charge South Georgia for storage transportation services. South Georgia further states that the Commission recently accepted for filing to be effective March 1, 1995, subject to refund and subject to the outcome of Commission action on the Stipulation in Docket No. RP89–224–011, et. al., revised tariff sheets filed by Southern which reduced Southern's storage transportation charges to South Georgia.

South Georgia requests waivers of Section 154.51 of the Commission's Regulations, and any other waivers necessary to make the revised tariff sheets effective as of March 1, 1995, the date of the decrease in Southern's charges to South Georgia.

South Georgia states that copies of this filing were served on the two jurisdictional customs affected by the filing, interested state commissions and all parties in the captioned proceeding.

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, DC 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before May 2, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–10564 Filed 4–28–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. PR95–9–000]

Three Rivers Pipeline; Notice of Petition for Rate Approval

April 25, 1995.

Take notice that on April 3, 1995, Three Rivers Pipeline (Three Rivers) filed pursuant to § 284.123(b)(2) of the Commission's Regulations, a petition for rate approval, requesting the Commission approve as fair and equitable its proposed rates for transportation services under Section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA).

Three Rivers proposes a maximum interruptible rate of $.2374 per MMBtu and a maximum firm commodity charge of $.1042 per MMBtu with a monthly demand charge of $4.0514 for transportation service. Three Rivers proposes a 2.5% adder for fuel use and losses. Three Rivers proposes an April 1, 1995 effective date.

Three Rivers states it is a Pennsylvania intrastate pipeline, consisting of about 121 miles of 8 inch pipe, traversing southwest Pennsylvania from Midland, Pennsylvania on the west, eastward to Altoona, Pennsylvania.

Pursuant to § 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150 day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for oral presentation of views, data, and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with § 385.211 and § 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before May 16, 1995. The petition for rate approval is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–10560 Filed 4–28–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP95–197–000 and RP95–197–001]

Transcontinental Gas Pipe Line Corporation; Notice of Technical Conference

April 25, 1995.

Pursuant to the Commission's order issued on March 31, 1995,[1] a technical conference will be convened to discuss Transcontinental Gas Pipe Line Corporation's (Transco) proposed tariff revisions, Transco's proposed new services under Rate Schedule ICTS and GMS, as well as any other issues concerning Transco's terms and conditions, or system operations. The conference will be held on Wednesday, May 17, 1995, at 10:00 a.m. in a room to be designated at the offices of the Federal Energy Regulatory Commission, 810 First Street, N.E., Washington, D.C. 20426.

All interested persons and staff are permitted to attend.

Lois D. Cashell,

Secretary.

[FR Doc. 95–10569 Filed 4–28–95; 8:45 am]

BILLING CODE 6717–01–M

[1] Transcontinental Gas Pipe Line Corporation, 70 FERC ¶61,384 (1995).

[Project No. 2009–003]

Virginia Electric and Power Company; Public Conference

April 26, 1995.

Please take notice that on May 3, 1995, at 10:00 a.m., the Commission will convene a public conference regarding the status of the application of Virginia Electric and Power Company to amend its license in such a manner as to authorize withdrawal of certain water from the Lake Gaston reservoir of the Roanoke Rapids Project, and to construct and operate a water intake facility within the project boundary for that purpose.

Consistent with its commitments to process the application expeditiously, the Commission is timely progressing towards completion of its environmental analysis and resolution of the proceeding. The Commission has become aware that parties to the proceeding are pursuing a potential settlement. The purpose of the conference is to afford the parties an opportunity to bring to the Commission's attention any information that they believe may be pertinent to the Commission's procedural schedule for issuance of the Final Environmental Impact Statement and an order on the application. The purpose of the conference is not to address the merits of the application. The Commission specifically requests the applicant, the City of Virginia Beach, and the State of North Carolina to appear. Other parties wishing to be heard on the subject of the conference may also appear.

The conference will be held at the Commission's offices, 825 North Capitol Street, N.E., Washington, D.C., in the Commission Meeting Room, Room 9306. The conference will be recorded by a stenographer, and all statements will become part of the Commission's public record of this proceeding. Anyone wishing to receive a copy of the transcript of the conference may contact Ann Riley & Associates by calling (202) 293–3950, or writing to 1612 K Street, N.W., Suite 300, Washington, D.C. 20006.

For further information, please contact Lon R. Crow at (202) 219–2651.

Lois D. Cashell,

Secretary.

[FR Doc. 95–10717 Filed 4–28–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–193–001]

Williston Basin Interstate Pipeline Company; Notice of Tariff Filing

April 25, 1995.

Take notice that on April 14, 1995, Williston Basin Interstate Pipeline Company (Williston Basin) tendered for filing revised tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1.

Williston Basin states that the revised sheets are being filed in compliance with Ordering Paragraph (A) of the Commission's March 30, 1995 order in Docket No. RP95–193–000.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 285.211). All such protests should be filed on or before May 2, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–10559 Filed 4–28–95; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5199–9]

Notification of Establishment of an Advisory Committee To Address Urban Municipal Wet Weather Issues; Announcement of the Sanitary Sewer Overflow Subcommittee May 18–19, 1995, Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established the Urban Wet Weather Flows Advisory Committee under the Federal Advisory Committee Act (FACA) to develop recommendations to coordinate the implementation of urban, municipal wet weather water pollution control programs. The charter for the Advisory Committee was approved by the Office of Management and Budget on March 10, 1995. As required by section 9(a)(2) of FACA, 5 U.S.C. App. 2, EPA is giving notice of the establishment of such committee to assist the Agency in the development of cost-effective solutions for controlling the environmental and human health impacts of urban wet weather flows with a minimum of regulatory burden. EPA believes that the Committee is necessary and in the public interest. The Committee will provide a forum for identifying and addressing issues associated with water quality impacts from these sources. Copies of the Committee's charter will be filed with the appropriate committees of Congress and the Library of Congress in accordance with section 9(c) of FACA.

To be most efficient we are planning two subcommittees under the Urban Wet Weather Flows Advisory Committee. A subcommittee addressing Sanitary Sewer Overflows (SSOs) has been formed and will hold its first formal meeting in Washington, D.C. on May 18 and 19, 1995. The purpose of this meeting is to discuss several issues related to SSOs. On May 18, the meeting will begin at approximately 8:30 AM and run until about 5:00 PM. On May 19, the meeting will begin at 8:30 AM and continue until completion.

The Advisory Committee and another subcommittee dealing with Storm Water Phase II issues will be formed in the near future. EPA is currently in the process of convening these groups.

Consistent with the requirements of FACA, the membership of both the Advisory Committee and its subcommittees is being balanced among the Agency's various outside stakeholder interests, including representatives from municipalities, industrial and commercial sectors, environmental and public interest groups, States, and Indian Tribes, and EPA. Members will be selected and appointed for the duration of the process. A Federal Official or EPA employee will serve as the Designated Federal Officer and will be present at all meetings.

DATE: The SSO Subcommittee will meet on May 18–19, 1995.

ADDRESS: The SSO Subcommittee meeting will be held at the Best Western Old Colony Inn, 625 First Street, Alexandria, VA 22314. The hotel telephone number is (703) 548–6300.

FOR FURTHER INFORMATION CONTACT: For information about substantive or technical matters that will be considered by the Advisory Committee, or information about the procedural aspects of Committee operation and the FACA process, contact: William Hall, Office of Wastewater Management, US EPA (4203), 401 M Street, SW, Washington, DC 20460, telephone: (202) 260–1458.

For information about the SSO Subcommittee, please contact: Kevin Weiss, SSO Matrix Manager, Office of Wastewater Management, US EPA (4203), 401 M Street, SW, Washington, DC 20460, telephone: (202) 260–9524.

For information about the Phase II Subcommittee, please contact: Pam Mazakas, Phase II Matrix Manager, Office of Wastewater Management, US EPA (4203), 401 M Street, SW., Washington, DC 20460, telephone: (202) 260–6599.

SUPPLEMENTARY INFORMATION:

Background

In 1972, under the authority of the Federal Water Pollution Control Act (later called the Clean Water Act (CWA)), the U.S. Environmental Protection Agency (EPA) developed the National Pollutant Discharge Elimination System (NPDES) permitting program to control pollutant discharges to the Nation's waters from industrial, commercial, and municipal point sources. These discharges created a threat not just to water quality, but to the health of millions of people. Initial efforts to control pollution from these entities were focused on ''traditional'' pollutant sources, such as discharges from industrial manufacturing processes and municipal wastewater treatment plants.

Since the NPDES program's inception, the Agency has undertaken efforts to address other, ''non-traditional,'' sources of pollution, including those resulting from precipitation events, such as rainfall and snowmelt. These precipitation-related sources of pollution are referred to as ''wet weather discharges.'' Wet weather discharges include both point sources, which are required to have an NPDES permit under the CWA, and nonpoint sources, such as those resulting from most agricultural activity. Nonpoint sources are not regulated by the NPDES permitting program.

Wet weather discharges of pollutants often occur in urban areas and include municipal and industrial storm water discharges; sanitary sewer overflows (SSOs), which occur when the volume of flows in a separate municipal sanitary sewer system exceeds its capacity due to, among other things, unintentional inflow and infiltration of storm water; and combined sewer overflows (CSOs), which occur during wet weather events in some cities which have combined sanitary and storm sewers (these are known as combined sewer systems or CSSs). EPA's National Water Quality Inventory, 1992 Report to Congress, notes that pollution from wet weather discharges is cited by States as the leading cause of water quality impairment. Based on this Report and other assessments, EPA has concluded that wet weather discharges, whether they be from point or nonpoint sources, are one of the largest remaining threats to water quality, aquatic life, and human health that exist today.

EPA believes that urban wet weather discharges, such as storm water discharges, SSOs, and CSOs, should be addressed in a coordinated and comprehensive fashion in order to reduce the threat to water quality, reduce pollution control costs, and provide State and local governments with greater flexibility to solve wet weather problems. EPA intends to build on the stakeholder involvement process that led to the development of the CSO Control Policy, published on April 19, 1994 (59 FR 18688). To this end, the Agency is establishing the Urban Wet Weather Flows Federal Advisory Committee, an SSO subcommittee, and a Storm Water Phase II subcommittee.

Announcement of SSO Subcommittee Meeting

Notice is hereby given that the Environmental Protection Agency (EPA) is convening a public meeting of the SSO subcommittee on May 18 and 19, 1995. The meeting has several purposes: (1) To discuss goals, objectives and desired outcomes for the SSO policy dialogue, such as ensuring national consistency and adequate municipal investment in collection system operation and maintenance; (2) to evaluate information needs to support consideration of the costs and benefits of selected policy options as well as identify other information needs associated with developing other products; (3) to identify and discuss the appropriateness of nonregulatory and regulatory options for addressing reporting of SSOs, collection system evaluations, sewer design, collection system operation and maintenance, and system rehabilitation; (4) to discuss incentives for proper operation and maintenance of collection systems and the development of outreach materials to clarify the benefits associated with proper operation and maintenance of collection systems; (5) to discuss issues associated with reporting of SSOs, including how data is used by EPA and authorized NPDES States, and public access to reporting information; (6) to discuss the relationship of enforcement to information voluntarily submitted to support the policy dialogue; (7) to summarize approaches to permits for discharges from sanitary sewer collection systems which are currently being used; and (8) to discuss how watershed concepts could be incorporated into SSO efforts.

The meeting, which will be held on May 18 and 19, 1995, is open to the public without need for advance registration. On May 18, the meeting will begin at approximately 8:30 AM and run until about 5:00 PM. On May 19, the meeting will begin at 8:30 AM and continue until completion. The meeting will be held at the Best Western Old Colony Inn, 625 First Street, Alexandria, VA 22314. The hotel telephone number is (703) 548–6300.

Dated: April 24, 1995.

Michael B. Cook,

Director, Office of Wastewater Management.

[FR Doc. 95–10621 Filed 4–28–95; 8:45 am]

BILLING CODE 6560–50–P

[OPPTS–400093; FRL–4952–6]

Emergency Planning and Community Right-to-Know; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: EPA will hold a one-half day public meeting to discuss the options the Agency is considering for expanding the industries covered under the Emergency Planning and Community Right-to-Know Act (EPCRA) section 313 reporting requirements. In connection with this meeting, the Agency has prepared an issues paper that will be available at no charge from the Emergency Planning and Community Right-to-Know Information Hotline at the address or telephone number given under FOR FURTHER INFORMATION CONTACT.

DATES: The meeting will take place on May 25, 1995, at 9 a.m. and adjourn by 12 noon.

ADDRESSES: The meeting will be held at the: Environmental Protection Agency, Auditorium, Education Center, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Tim Crawford, Toxic Release Inventory Branch at (202) 260–1715, or the Emergency Planning and Community Right-to-Know Information Hotline, Environmental Protection Agency, Mail Stop 5101, 401 M St., SW., Washington, DC 20460, Toll Free: 1–800–535–0202, Washington, DC and Alaska (703) 920–9877, Attention: TRI Facility Expansion.

SUPPLEMENTARY INFORMATION: In 1986, Congress enacted the Emergency Planning and Community Right-to-Know Act (EPCRA). Section 313 of

EPCRA requires certain businesses to submit reports each year on the amounts of toxic chemicals their facilities release into the environment or otherwise manage. The purpose of this requirement is to inform the public and government officials about chemical management practices of specified toxic chemicals.

The current reporting requirements apply to facilities in the manufacturing sector (Standard Industrial Classification codes 20–39), that have 10 or more full-time employees, and that manufacture, process, or otherwise use one or more chemicals on the section 313 list of toxic chemicals above certain reporting thresholds.

EPA has been in the process of evaluating several industries for potential addition under EPCRA section 313. EPA has developed an issues paper that presents background information on this effort, EPA's analytical approach, preliminary findings that indicate which industries may be potential candidates for addition, and several issues that will affect how these facilities might be affected if they were to be covered under EPCRA section 313. Copies of this issues paper will be available on or before May 1, 1995, from the address or telephone number cited under FOR FURTHER INFORMATION CONTACT. Oral statements will be scheduled on a first-come first-serve basis by calling the Emergency Planning and Community Right-to-Know Hotline at the number listed under FOR FURTHER INFORMATION CONTACT. All statements will be made part of the public record and will be considered in the development of any proposed rule amendment.

Dated: April 21, 1995.

Susan B. Hazen,

Acting Director, Office of Pollution Prevention and Toxics.

[FR Doc. 95–10620 Filed 4–28–95; 8:45 am]

BILLING CODE 6560–50–F

[FRL–5198–9]

Campo Band of Mission Indians; Final Determination of Adequacy of Tribal Municipal Solid Waste Permit Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Determination of Full Program Adequacy for the Campo Band of Mission Indians Application.

SUMMARY: Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984, requires states to develop and implement permit programs to ensure that municipal solid waste landfills which may receive hazardous household waste or small quantity generator waste will comply with the revised Federal Municipal Solid Waste Landfill Criteria (40 CFR part 258 or Federal Criteria). RCRA section 4005(c)(1)(C) requires the Environmental Protection Agency (EPA) to determine whether states have adequate ''permit'' programs for municipal solid waste landfills (MSWLFs). EPA believes that adequate authority exists under RCRA to allow tribes to seek an adequacy determination for purposes of sections 4005 and 4010.

The Campo Band of Mission Indians (Campo Band) applied for a determination of adequacy under section 4005 of RCRA. EPA reviewed the Campo Band's application and proposed a determination that the Campo Band's MSWLF permit program is adequate to ensure compliance with the revised MSWLF Criteria. After consideration of all comments received, EPA is today issuing a final determination that the Campo Band's program is adequate.

EFFECTIVE DATE: The determination of adequacy for the Campo Band shall be effective on May 1, 1995.

FOR FURTHER INFORMATION CONTACT: U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105, Attn: Ms. Christiane M. Camp, Mail Code H–W–3, telephone (415) 744–2097.

SUPPLEMENTARY INFORMATION:

I. Background

On October 9, 1991, EPA promulgated revised criteria for MSWLFs (40 CFR part 258). Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984, requires states (and, as discussed below, allows Indian tribes) to develop permitting programs to ensure that MSWLFs comply with the Federal Criteria under 40 CFR part 258. Section 4005 of RCRA also requires that EPA determine the adequacy of state MSWLF permit programs to ensure that facilities comply with the revised Federal Criteria. EPA has drafted and is in the process of proposing a State/Tribal Implementation Rule (STIR) that will provide procedures by which EPA will approve, or partially approve, state/tribal landfill permit programs. As explained below, the Agency intends to approve adequate state/tribal MSWLF permit programs as applications are submitted. These approvals are not dependent on final promulgation of the STIR. Prior to promulgation of the STIR, adequacy determinations will be made based on the statutory authorities and requirements. In addition, states/tribes may use the draft STIR as an aid in interpreting these requirements.

EPA is extending to tribes the same opportunity to apply for permit program approval as is available to states. Providing tribes with the opportunity to apply for adequacy for purposes of adopting and implementing permit programs is consistent with the *EPA Policy for the Administration of Environmental Programs on Indian Reservations* (November 8, 1984) (EPA's Indian Policy). This Policy, formally adopted in 1984, recognizes tribes as the primary sovereign entities for regulating the reservation environment and commits the Agency to working with tribes on a ''government-to-government'' basis to effectuate that recognition. A major goal of EPA's Indian Policy is to eliminate all statutory and regulatory barriers to tribal assumption of federal environmental programs. Today's determination to approve a tribal MSWLF permit program represents another facet of the Agency's continuing commitment to the implementation of this long-standing policy.

EPA's interpretation of RCRA is governed by the principles of *Chevron, USA* v. *NRDC*, 467 U.S. 837 (1984). Where Congress has not directly addressed the precise question at issue or otherwise explicitly stated its intent in the statute or in legislative history, the Agency charged with implementing that statute may adopt any interpretation which, in the Agency's expert judgment, is reasonable in light of the goals and purposes of the statute as a whole. *Id.* at 844. Interpreting RCRA to allow tribes to apply for an adequacy determination satisfies the *Chevron* test.

States generally are precluded from enforcing their civil regulatory programs in Indian country, absent an explicit Congressional authorization. *California* v. *Cabazon Band of Mission Indians*, 480 U.S. 202 (1987). Yet, under the current statutory scheme, EPA generally is precluded from enforcing the federal Criteria as well. Furthermore, Congress has not yet created an explicit role for tribes to implement the RCRA Subtitle D program, as it has done under most other major environmental statutes amended since 1986 (Safe Drinking Water Act; Comprehensive Environmental Response, Compensation and Liability Act; Clean Water Act; Clean Air Act).

To have its permit program deemed adequate by EPA, a tribe must have adequate authority over the regulated activities. Indian reservations may

include lands owned in fee by non-Indians. The extent of tribal authority to regulate activities by non-Indians on such land has been the subject of considerable recent discussion. For further explanation of this issue, see EPA's tentative determination of the adequacy of the Campo Band's solid waste program, 59 FR 24422, 24425–24427 (May 11, 1994). As explained in the tentative determination, all land within the Campo Reservation is tribal trust land; there is no fee land owned by non-Indians on the Campo Reservation. As further explained in the tentative determination, the Campo Band has established that it has adequate jurisdiction over the Campo Reservation based on general principles of tribal sovereignty, the Campo Band's status as a ''federally recognized Indian Tribe'', the Tribal Constitution, a map and narrative description which established the boundaries of the Reservation, and Tribal codes and regulations.

By today's action, EPA is continuing to follow its policy of approving state/tribal permit programs prior to the promulgation of STIR. As explained in the tentative determination, as well as in previous state program approvals, EPA interprets the requirements for states or tribes to develop ''adequate'' programs for permits or other forms of prior approval to impose several minimum requirements. First, each state/tribe must have enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised Federal Criteria. Next, the state/tribe must have the authority to issue a permit or other notice of prior approval to all new and existing MSWLFs in its jurisdiction. The state/tribe must also provide for public participation in permit issuance and enforcement as required in section 7004(b)(1) of RCRA. Finally, EPA believes that the state/tribe must show that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with an approved program.

EPA further requests tribes to provide a statement of legal authority from the tribal Attorney General or its equivalent demonstrating that the tribe has adequate jurisdiction to regulate MSWLFs on the reservation. In addition, EPA requests tribes seeking program approval to demonstrate that they: (1) Are federally recognized; (2) have a government exercising substantial duties and powers; and (3) are capable of administering a permit program. If the tribe has already demonstrated to EPA that it meets the first two of these criteria in the context of obtaining a grant or the approval to operate another EPA program, it need not do so again. EPA also requests tribes to provide an explanation of the jurisdiction and responsibilities of all tribal program implementing agencies (including any state agency acting pursuant to an agreement with the tribe) and to designate a lead agency to facilitate communications between EPA and the tribe. If a tribe has already provided information and/or a legal statement on the tribe's jurisdiction and capability under another EPA program, EPA requests the tribe to provide only those additional materials necessary to support its application for permit program approval. These requests incorporate the criteria used in other environmental statutes to assess whether tribes may receive grants or program approval.

II. Campo Band of Mission Indians

On February 15, 1994, the Campo Band submitted an application for adequacy determination. On May 11, 1994, EPA published a tentative determination of adequacy for the Campo Band's program. Further background on the tentative determination of adequacy appears at 59 FR 24422 (May 11, 1994).

Along with the tentative determination, EPA announced the availability of the application for public comment and the date of a public hearing on the application. On June 30, 1994, at 7 p.m. EPA held a public hearing. Numerous comments were made at the hearing. EPA also received numerous written comments during the public comment period, which EPA extended until August 1, 1994. 59 FR 34812 (July 7, 1994).

III. Responses to Comments

The following are EPA's responses to the written and oral comments received during the public comment period and at the public hearing.

A. EPA's Authority to Approve Tribal Programs

Several commenters asserted that EPA does not have the authority to approve tribal solid waste programs under RCRA. These comments raised a number of legal and policy issues which are discussed below.

1. Summary of the Agency's Position

The Campo Band applied for a determination of adequacy under Subtitle D of RCRA, as amended (42 U.S.C. 6941–6949a). Section 4005(c)(1)(B) of RCRA requires states to develop and implement permit programs to ensure that MSWLFs which may receive hazardous household waste or conditionally exempt small quantity generator waste will comply with the revised Federal Criteria for MSWLFs, 40 CFR part 258. Section 4005(c)(1)(C) requires EPA to determine whether states have adequate ''permit'' programs.

EPA believes that RCRA allows tribes to seek an adequacy determination for purposes of sections 4005 and 4010 in the same manner as the states.

EPA's interpretation of RCRA is governed by the principles of Chevron, supra. Where Congress has not spoken directly to the precise question at issue or otherwise explicitly stated its intent in the statute or in legislative history, the administering Agency's interpretation of the statute is entitled to deference if it is based on a permissible construction of the statute. Chevron, 467 U.S. at 843. In step one of the Chevron test, a court looks first to whether Congress has specifically addressed the relevant issue.[1] If not, a court proceeds to step two to decide whether the interpretation offered by the administering agency is reasonable in light of the goals and purposes of the statute. See, e.g., American Mining Congress v. EPA, 965 F.2d 759 (9th Cir. 1992).

The Supreme Court stated in Chevron that the principle of deference to administrative interpretations of a statute ''has been consistently followed by this Court whenever a decision as to the meaning or reach of a statute has involved reconciling conflicting policies, and a full understanding of the force of the statutory policy in the given situation has depended upon more than ordinary knowledge respecting the matters subjected to agency regulations.'' 467 U.S. at 844. In interpreting the meaning and reach of Subtitle D of RCRA, the Agency has undertaken to reconcile RCRA with broad federal mandates, analogous environmental statutes, EPA's longstanding Indian Policy and relevant principles of federal Indian law.

EPA's Indian Policy, formally adopted in 1984 and reaffirmed by each EPA Administrator since, recognizes tribes as the primary sovereign entities for

[1].One commenter argued that EPA has misread the Chevron test to allow EPA to fill a statutory gap when Congress has adopted a provision but failed to state its intent in doing so. See 59 FR 24422, 24423 (May 11, 1994). According to this comment, Chevron applies only when Congress has failed to adopt a specific provision. EPA notes that the exact language is whether ''Congress has not directly addressed the precise question at issue.'' 467 U.S. at 843. This may occur either where Congress has failed to adopt a specific provision *or* where the provision adopted is not clear as to the specific issue. In the situation of Indian tribes and RCRA Subtitle D, both problems occur, as discussed below.

regulating the reservation environment and commits the Agency to working with tribes on a ''government-to-government'' basis to effectuate that recognition. A major goal of EPA's Indian Policy is to eliminate all statutory and regulatory barriers to tribal assumption of federal environmental programs. Providing tribes with the opportunity to implement permit programs represents another facet of the Agency's continuing commitment to the implementation of this long-standing policy.

In the case of other environmental statutes which initially did not have explicit provisions concerning treatment of Indian tribes in the same manner as states, such as the Clean Water Act, EPA, in accord with its Indian Policy, has worked to ensure that Congress revises them at the earliest opportunity to define explicitly the role for tribes under these programs. Congress added the provisions of the Clean Water Act that specifically allow tribes to be treated in the same manner as states in 1987. Clean Water Act section 518, 33 U.S.C. 1377.

However, EPA also has stepped in on at least two occasions to allow tribes to seek program approval despite the lack of an explicit Congressional mandate. EPA has recognized Indian tribes as the appropriate authority under the Emergency Planning and Community Right-to-Know Act (EPCRA), despite silence on the tribal role under EPCRA. 55 FR 30632 (July 26, 1990). EPA also filled a statutory gap in the Clean Air Act even before development of its Indian Policy. In 1974, EPA authorized Indian tribes to redesignate the level of air quality applicable to Indian country under the Prevention of Significant Deterioration (PSD) program in the same manner that states could redesignate for other lands. This decision was upheld in *Nance* v. *EPA*, 645 F.2d 701 (9th Cir. 1981). EPA believes the current situation to be analogous to these situations.

One commenter asserted that Nance was the only authority cited by EPA in support of the Agency's position that it has authority to approve tribal programs. This commenter listed several facts distinguishing the circumstances in the Nance case from the present determination. However, as explained more fully throughout these responses to comments, Nance is not EPA's sole support for today's action. EPA's interpretation is based on a number of authorities, including several cases—*Chevron, supra, Cabazon, supra, State of Washington, Department of Ecology* v. *U.S. EPA*, 752 F.2d 1465 (9th Cir. 1985) (discussed below), and others— as well as EPA's Indian Policy. Furthermore, EPA reiterates the fact that the Nance court held that under a federal statute silent as to jurisdiction in Indian country, EPA correctly allowed the Tribe, rather than the State, to ''exercise control...over the entrance of pollutants onto the reservation''. That is precisely what EPA's action today will do.

2. Applicability of Chevron

EPA received several general comments which suggest that the Chevron test does not apply to the interpretation of RCRA at issue here. The Agency disagrees with these comments.

Several facts create a gap in the implementation of RCRA. First, Congress did not directly speak to the issue of how a MSWLF regulatory program should be implemented in Indian country. In *Washington*, the Ninth Circuit upheld EPA's decision to exclude Indian country from the approved State hazardous waste program, stating that ''RCRA does not directly address the problem of how to implement a hazardous waste management program on Indian reservations.'' 752 F.2d at 1469. Second, under the current statutory scheme as implemented, EPA is generally precluded from enforcing federal requirements on MSWLFs. Section 4005(c) of RCRA only allows EPA to enforce the 40 CFR part 258 Criteria after a finding of inadequacy of the state permit program, indicating Congress' preference for non-federal oversight of MSWLFs. Third, it is a well-settled principle of federal Indian law that states are precluded from exercising civil regulatory authority in Indian country unless Congress has expressly authorized them to do so. *Cabazon, supra; Santa Rosa Band of Indians* v. *Kings County*, 532 F.2d 655 (9th Cir. 1975), *cert. denied* 97 S.Ct. 731 (1977); *Washington*, 752 F.2d at 1469–1470. These facts leave open the question of how MSWLFs will be regulated in Indian country.

A gap in the administrative scheme of a statute indicates that Congress has delegated implicitly to the administrative Agency the authority to interpret the statute in a way that fills the gap. *Washington*, 752 F.2d at 1465. This interpretation is to be upheld if it is based on a permissible construction of the statute and reasonably promotes the goals and purposes of the statute. *Chevron*, 467 U.S. at 843. The Agency's determination that RCRA Subtitle D allows Indian tribes to develop permitting programs to ensure that MSWLFs comply with the Federal Criteria under 40 CFR part 258 is not only a permissible interpretation of RCRA, but is the most reasonable interpretation of RCRA given the strong legal and policy considerations in favor of promoting tribal sovereignty, and Congress' preference for non-federal oversight of MSWLFs.

3. Existence of a ''Gap'' in MSWLF Regulation

EPA also received comments that *Chevron* should not apply because there is no gap in the regulatory program for EPA to fill. According to these comments, the case of *Coalition for Clean Air* v. *EPA*, 971 F.2d 219 (9th Cir. 1992) should govern this issue. *Coalition* involved interpreting a provision of the Clean Air Act. Under the Clean Air Act, states are to submit proposals for State Implementation Plans (SIPs) allowing for attainment of National Ambient Air Quality Standards (NAAQS) by the statutory deadline. If EPA disapproves the state's proposed SIP, EPA must establish a Federal Implementation Plan (FIP) to take the place of the SIP. As noted in *Coalition*, EPA had disapproved California's proposed SIP for the South Coast and was in the process of finalizing a FIP for the South Coast when Congress passed the Clean Air Act Amendments of 1990. 971 F.2d at 222–223. The Amendments changed the criteria and timetables for NAAQS attainment. EPA argued that the changes relieved EPA of the obligation to promulgate a FIP and made it incumbent upon California to try again and submit a new SIP proposal. *Id.*

In *Coalition*, the Ninth Circuit declined to defer to EPA's interpretation for three reasons. First, the court found that the plain language of the Clean Air Act expressed Congress' intent to require EPA to promulgate a FIP. The court also found that legislative history did not support EPA's interpretation. Finally, the court held that EPA's interpretation was not entitled to deference because EPA had previously argued the opposite to Congress—that unless the statute were amended, EPA would be obligated to promulgate FIPs. The court pointed out that the change in EPA's interpretation did not reflect accumulated experience or respond to changing circumstances, nor was the change justified with reasoned analysis. Rather, the court found that EPA was merely asking the court to do what Congress would not.

The factors that lead the Ninth Circuit to reject EPA's interpretation of the Clean Air Act in *Coalition* are not present here. As discussed in more detail below, the plain language of RCRA does not express Congress' intent

with respect to regulation of solid waste in Indian country. As discussed below, the legislative history supports EPA's position that Congress did not intend to abrogate tribal sovereignty and give states jurisdiction over solid waste management in Indian country. Finally, EPA's interpretation is consistent with the Agency's long-standing Indian Policy and previous statements about the regulation of solid waste.

Finally, the commenter argued that *Chevron* deference is less appropriate when an Agency adopts a statutory interpretation that is inconsistent with past policy and the new interpretation is not triggered by a change in the law or a problem arising from the previous interpretation, or accompanied by a reasoned analysis of the need for a change. The comment cites the preamble to EPA's 1979 guidelines for development and implementation of state solid waste management plans, which provides that ''states with Indian Lands should therefore address solid waste management on these lands in accord with treaties and State policy.'' 44 FR 45078–79 (July 31, 1979). The comment also cites the regulation itself which provides that ''the State plan shall provide for coordination, where practicable, with solid waste management plans in neighboring States and with plans for Indian Reservations in the State.'' 40 CFR 256.50(m) (1979). EPA disagrees that these provisions render deference to the Agency's interpretation of RCRA less appropriate. EPA has not changed its position. The provisions cited do not order states to regulate Indian country, but instead recognize that states are generally precluded from exercising regulatory authority over Indian country, and support EPA's long-standing policy that tribes are the appropriate non federal sovereign to regulate the environment in Indian country. The cited provisions suggest that EPA recognized that solid waste management plans in Indian country are *separate* from the plans in effect for the surrounding state, just as are plans in other states. EPA explained in the preamble that it added § 256.50(m) ''to encourage coordination with tribal solid waste management programs.'' 44 FR 45079 (July 31, 1979).

Under the citizen suit provisions of RCRA citizens can enforce the 40 CFR part 258 regulations. According to some of the comments, this means there would be no gap in enforcement of the MSWLF requirements in Indian country. While EPA acknowledges that the requirements of 40 CFR part 258 would be in effect in Indian country even if tribes could not obtain approval of their MSWLF permit programs, this would not achieve the same programmatic results. The ability to file a citizen suit under section 7002 of RCRA when a MSWLF fails to operate properly is not comparable to having a primary and complete system in place for solid waste management. Moreover, citizens have the right to sue regardless of the status of a state or tribal program. The existence of citizen suit enforcement of the Federal criteria is therefore irrelevant to the issue of how to fill the gap that exists in the permitting of MSWLFs in Indian country. Congress has not provided a mechanism that would be equivalent to recognizing tribal authority directly.

One commenter asserted that, through the citizen suit provision (which would subject any owner or operator of an MSWLF—including tribes and non-Indian landfill owners or operators in Indian country—to enforcement) Congress abrogated tribal sovereignty. The commenter implies that Congress intended for states to regulate solid waste management in Indian country. EPA disagrees. The fact that tribes or non-Indian operators in Indian country are subject to RCRA citizen suits does not imply Congressional intent to deprive tribes of their authority to regulate the environment within their jurisdiction. The same citizen suit provision of RCRA also subjects states and the federal government to citizen suits; the commenter's argument would imply Congressional intent to deprive states and the federal government of their authority to regulate as well. The purpose of the citizen suit provision is to provide a back-up system when the authorized government regulatory agency fails to enforce the relevant environmental standards.

One commenter also argued that EPA could instead fill the gap in permitting authority by promulgating reservation-specific MSWLF standards for interested tribes in place of the nationwide 40 CFR part 258 requirements. EPA acknowledges this may be a potential alternative. But, consistent with EPA's Indian policy and its emphasis on tribal self-government, the Agency believes that tribes should be given the opportunity to operate the program directly where the statute allows for such authority. The comment merely offers an alternative method of filling the gap, implicitly recognizing that a gap exists to be filled under *Chevron*.

One commenter argued that EPA may not fill the statutory gap in the treatment of Indian tribes under RCRA unless and until it attempts to remove existing statutory and regulatory ''barriers'' to treating tribes in the same manner as states. EPA disagrees that it must take other actions before adopting today's interpretation. Congress has not amended RCRA since 1984. EPA has recommended for several years that an Indian tribes provision be added to the statute, and draft provisions have appeared in bills introduced in the 101st and 102nd Congresses. A comprehensive RCRA reauthorization bill was not introduced in the 103rd Congress. So EPA has endeavored to bring this issue before Congress, but Congress has not amended the statute in any form. Nonetheless, EPA believes that no statutory or regulatory barriers exist that would prevent treatment of tribes in the same manner as states under RCRA Subtitle D. *Chevron* allows EPA to specify a role under RCRA Subtitle D for tribes to implement MSWLF permit programs in Indian country.

4. RCRA Definition of ''Municipality''

One commenter argued that states have authority over Indian tribes for the purposes of RCRA because tribes are included in the definition of ''municipality'' rather than in the definition of ''state''. This commenter asserted that the Agency goes beyond ''filling gaps'' in its interpretation of RCRA, and ''creates a program from whole cloth'' that ''directly conflicts with Congress' law.'' According to the comment, Congress has directly addressed the precise issue of how tribal solid waste programs are to interrelate with state and federal programs by including Indian tribes in the definition of ''municipality'', rather than ''state''. ''State'' is defined to mean:

(A)ny of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

RCRA section 1004(31).

The only mention of tribes in the statute is in section 1004(13), a part of the ''definitions'' section of RCRA. Section 1004(13) defines the term ''municipality'' to mean:

(A) city, town, borough, county, parish, district, or other public body created by or pursuant to State law, with responsibility for the planning or administration of solid waste management, or an Indian tribe or authorized tribal organization or Alaska Native village or organization(.)

RCRA does not explicitly define a role for tribes under sections 4005 and 4010 and therefore reflects an ambiguity in congressional intent. The Agency believes that the commenter has misconstrued the significance of the definitions. ''Municipalities'' are

mentioned in sections 4003(c)(1)(C), 4008(a)(2), 4008(a)(3)(C), 4008(g)(1) and 4009(a) of RCRA, all of which reference the availability of federal funds and technical assistance for solid waste planning and management activities by municipalities. It is therefore the Agency's interpretation of these provisions that Congress intended to provide that tribes could receive federal funding and assistance for solid waste planning and management activities when available in the same manner as municipal governments, but that Congress did not otherwise intend to limit the scope of tribal regulatory authority over solid waste management in Indian country. In other words, absent an indication from Congress to the contrary, EPA believes that inclusion of Indian tribes in the definition of ''municipality'' was merely a definitional expedient used to avoid having to include the phrase ''or an Indian tribe or authorized tribal organization or Alaska Native village or organization'' wherever the term ''municipality'' appeared, not to change the sovereign status of tribes for RCRA purposes.

Another comment cites Sutherland on Statutory Construction § 46.01 (5th ed. 1992) for the principle that ''unless the defendants can demonstrate that the natural and customary import of the statute's language is either repugnant to the general purview of the act or for some other compelling reason should be disregarded, the court must give effect to the statute's plain meaning.'' First, as discussed above, EPA believes that the language of RCRA contains no ''plain meaning'' with respect to jurisdiction over solid waste management in Indian country. Second, EPA believes that federal Indian law and EPA's Indian Policy provide a sufficiently ''compelling reason'' to overcome the inference that states have jurisdiction over solid waste management in Indian country that the commenter would draw from the statutory definition of ''State'' and ''municipality''.

Many references are made to ''local governments'' or ''local authorities'' in RCRA. *See, e.g.*, sections 4006(a); 4006(b); 4006(c)(2). One commenter argued that the term ''municipality'' should be substituted for these references, and that tribes should be treated the same as municipalities for all purposes of RCRA Subtitle D. This would result in Indian tribes being brought under state control for the purposes of section 4006, which specifies procedures for the development and implementation of state solid waste plans. EPA believes, however, that these terms were not intended to include Indian tribes. The term ''municipality'' could have easily been used instead of these references. By contrast, the term ''municipality,'' which by definition includes Indian tribes, is used with reference to the availability of federal funds and technical assistance for solid waste planning and management activities. Thus, EPA believes that Congress did not intend to refer to Indian tribes and local governments interchangeably nor to affect the sovereign status of tribes in such an indirect way in RCRA.

It is a reasonable interpretation of RCRA that the use of the explicitly defined term ''municipality'' was limited to those areas that Congress wanted to apply to both local governments and Indian tribes, while the terms ''local governments'' or ''local authorities'' were used for those provisions that were to apply to local governments and not to Indian tribes. As discussed above, however, it is a reasonable interpretation of RCRA that Congress did not intend, simply by defining ''municipality'' to include tribes, to abrogate Indian sovereignty and subject all solid waste management activities in Indian country to state regulatory authority.

An examination of the legislative history of RCRA further supports EPA's position that Congress did not directly address the management of solid waste in Indian country. The first Solid Waste Disposal Act did not define ''municipality.'' Solid Waste Disposal Act (SWDA), Pub. L. No. 89–272, Title III Sec. 203, 79 Stat. 983, 990–991 (1965). The definition of municipality was added by the Resource Recovery Act of 1970, and included ''Indian tribe''. Pub. L. No. 91–512, Title I Sec. 102, 84 Stat. 1227, 1228 (1970). Congress then enacted the Resource Conservation and Recovery Act of 1976, which contains the definition of ''municipality'' currently in the statute, adding ''or authorized tribal organization or Alaska Native village or organization''. Pub. L. No. 94–580, Title II, Sec. 1004, 90 Stat. 2795, 2800 (1976). There is no legislative history explaining why Congress included Indian tribes and other Indian organizations in the definition of ''municipality''. *See* H.R. Rep. No. 1155, 91st Cong., 2d Sess., *reprinted in* 1970 U.S.C.C.A.N. 4552; S. Rep. No. 1034, 91st Cong., 2d Sess. 27, (1970); H.R. Conf. Rep. No. 1579, 91st Cong., 2d Sess., *reprinted in* 1970 U.S.C.C.A.N. 4559; H.R. Rep. No. 1491, 94th Cong., 2d Sess., *reprinted in* 1976 U.S.C.C.A.N. 6238; S. Rep. No. 869, 94th Cong., 2d Sess. 1 (1976); S. Rep. No. 988, 94th Cong., 2d Sess. 1 (1976).

There is no further mention of the definitions or of the role of tribes in the legislative history of RCRA. There is also no indication in the legislative history that Congress ever attempted to conduct an examination of the social, legal and political ramifications that the submission of tribes to state regulatory authority in the area of hazardous waste management would occasion. The fact that Congress did not conduct such an examination or otherwise directly address the precise issue in the legislative history supports EPA's contention that Congress did not in fact have a specific intent with regard to implementation of RCRA in Indian country.

As mentioned above, principles of federal Indian law also support the Agency's interpretation of RCRA under *Chevron*. Federal Indian law mandates that a statute be construed liberally in favor of Indians. *See Montana v. Blackfeet Tribe of Indians*, 471 U.S. 759, 766–767 (1985), and *Washington*, 752 F.2d at 1469–1470. Liberally construed in favor of the *states*, the inclusion of Indian tribes in the definition of ''municipality'' might constitute an *implicit* argument for the limitation of Indian sovereignty, but the Agency is obligated to read RCRA in favor of tribal authority and to uphold the principles of tribal sovereignty unless Congressional directives to the contrary are clearly expressed.

The commenter seeks to read into an ambiguous statute Congressional intent to deny tribes a significant regulatory authority. This is inconsistent with federal Indian law, as discussed above. EPA cannot assume that Congress, by including Indian tribes in the definition of ''municipality'' in RCRA section 1004(13), intended to submit the sovereign authority of the various Indian tribes throughout the nation to that of the various states in which they reside for the purposes of RCRA. Neither the statutory text nor the legislative history of RCRA support this reading of the statute.

One commenter supported the conclusion that, as a general rule, Indian tribes that are sovereign nations are not subject to state solid waste management requirements. This commenter stated that courts will permit state requirements to extend to sovereign tribal lands only if the state interests clearly outweigh tribal and federal interests, and that the U.S. Supreme Court has rarely found such interests to exist. This is consistent with EPA's analysis of federal Indian law, discussed above.

Another commenter argued that EPA's proposal to treat Indian tribes in the

same manner as states for purposes of section 4005 is inconsistent with its decision not to waive MSWLF financial assurance requirements for Indian tribes that operate landfills, as EPA had waived for state-operated landfills. (*See* 56 FR at 51107–08 (Oct. 9, 1991); 40 CFR 258.70(a)). In this commenter's view, EPA's decision suggests that EPA considers tribes to be equivalent to municipalities for RCRA Subtitle D purposes. EPA disagrees. As is explained in detail in the preamble to the Federal Criteria rule, EPA proposed, but ultimately decided against, exempting Indian tribes from the financial assurance requirements imposed on local governments. EPA decided that Indian tribes, ''for reasons similar to those'' upon which the Agency based its decision not to exempt municipalities from the financial assurance requirements, ''do not have the requisite financial strength to ensure funding of their closure, post-closure and corrective action obligations''. 56 FR at 51108. EPA did not say anything to suggest a position that Indian tribes were subject to state regulatory control as are local governments or municipalities. Nor did EPA suggest that tribes lack the sovereign regulatory authority over MSWLF activities in Indian country necessary to administer an EPA-approved landfill permit program. Therefore, there is no inconsistency between the Agency's position in that rule and in today's notice.[2]

5. RCRA Definition of ''State''

One commenter asserted that Congress could easily have included Indian tribes in the definition of ''state,'' and that the fact that Congress did not do so indicates that Congress did not want to give tribes a sovereign role for RCRA purposes. While the scant legislative history allows for little comment on Congress' motives in not explicitly allowing Indian tribes to be treated in the same manner as states, EPA believes that, had Congress clearly intended to preclude Indian tribes from operating in the same manner as states for purposes of RCRA Subtitle D, it would have made that clear in the language or legislative history of the 1984 Amendments. This commenter also noted that the regulations in 40 CFR part 258 refer to actions taken by the ''State Director'', and that no officials of the Campo Band or the Campo Environmental Protection Agency (CEPA) fit EPA's definition of that term. However, EPA believes it has the authority to interpret its own regulations in a manner consistent with the statutory purpose for which those regulations were adopted. As discussed above, *Chevron* gives EPA the authority to interpret RCRA to allow for treatment of tribes in the same manner as states for purposes of program approval. EPA's use of the term ''State Director'' in the landfill regulations may be read to include tribal officials serving the function of a State Director in order to effectuate EPA's permissible interpretation of RCRA.

6. The Relevance of Washington Dept. of Ecology v. EPA

Several commenters challenged EPA's reference to other environmental statutes to support its argument concerning treatment of Indian tribes under RCRA. EPA's reference to other environmental statutes to interpret state and tribal authority in the implementation of solid waste permitting programs was implicitly approved by the Ninth Circuit in *Washington:*

> Implementation of hazardous waste management programs on Indian lands raises questions of Indian policy as well as environmental policy. It is appropriate for us to defer to EPA's expertise and experience in reconciling these policies, gained through administration of similar environmental statutes on Indian lands.

One commenter stated that EPA seeks to create a ''vacuum'' in the implementation and enforcement of Subtitle D of RCRA by asserting that the states are generally precluded from regulating MSWLFs on tribal lands. This commenter stated that *Washington* supports the commenter's assertion that statutes are to be read in a manner that does not find a vacuum, and therefore EPA's interpretation of RCRA's administrative scheme is contrary to *Washington*. EPA disagrees that its position is inconsistent with *Washington*. The Ninth Circuit in *Washington* in fact upheld EPA's denial of the State's application to regulate hazardous waste in Indian country, because under federal Indian law states are generally precluded from exercising civil regulatory authority over Indian country. EPA denied the portion of the State of Washington's application that sought to regulate hazardous waste in Indian country because the State had failed to demonstrate adequate jurisdiction.

This commenter further argued that the holding in *Washington* that states lack authority to regulate waste activities on Indian lands should be limited to Subtitle C of RCRA because ''(w)here hazardous waste is concerned, the state plays no role until the * * * EPA doles it out * * * Where solid waste is concerned, the EPA plays no role unless the state fails to give that aspect of the program proper attention.'' However, this argument does not reach the question of state versus tribal authority. Even if EPA does not issue permits for MSWLFs in Indian country as it does for certain Subtitle C facilities, this does not mean that Indian tribes are not allowed to implement MSWLF permitting programs in the same manner as the states. Approving tribal MSWLF permitting programs would uphold EPA's general policy of encouraging non-federal implementation and enforcement of the Federal Criteria as does states' proper implementation of MSWLF permitting programs on land within the state's jurisdiction.

Further, the argument that *Washington* should be limited to Subtitle C of RCRA ignores the fact that the definitions of section 1004(13) and the corresponding legislative history, as discussed above, are applicable to all of RCRA. The legislative history was insufficient to express Congressional intent to extend state jurisdiction over Indian country with respect to Subtitle C. It is also insufficient to extend state jurisdiction over Indian country with respect to Subtitle D of RCRA.

7. EPA May Properly Allow Tribes to Submit Applications for Approval of Their MSWLF Permit Programs at the Tribes' Discretion

One comment criticizes EPA for allowing Indian tribes to seek approval of their MSWLF permit programs in the same manner as States, but not requiring Indian tribes to submit a program as States are required under section 4005(c). As EPA explained in the proposed approval, Congress did not explicitly specify a role for tribal permit programs under Subtitle D of RCRA. EPA is therefore unwilling to ascribe to Congress the specific intent to *require* tribes to submit landfill permit programs as Congress clearly intended for States. Furthermore, even if EPA were to mandate that tribes submit such programs, the only effects of a failure to submit are: (1) EPA may determine there to be no adequate program in place and

[2].The commenter also asserted that EPA used the terms ''local government'' and ''municipality'' interchangeably in the proposed and final landfill criteria rule, and that EPA implicitly asserted that ''Indian tribes'' should be considered local governments for MSWLF purposes. A close examination of the language makes clear that EPA thought that Indian tribes were similar to local governments, but quite separate from them. For instance, one section of the preamble to the final rule is titled ''Concerns Regarding Local Government and Indian Tribe Impacts''. 56 FR at 50980; the section discussing the financial assurance issue discusses Indian tribes separately from local governments. *Id.* at 51107.

thus that it has authority to enforce the 40 CFR part 258 Criteria directly (RCRA section 4005(c)(2)), and (2) the tribe would not be eligible for grant funds to operate its landfill program (RCRA section 4007). If a State (or tribe) elects not to submit a program, it may lose out on federal assistance, but Congress specified no other penalty. In addition, unlike the situation in most States, on some reservations, all solid waste may be disposed off-reservation. Thus, EPA sees no particular benefit to imposing an explicit requirement on tribes to submit a program.

Another comment argued that EPA may not require States to demonstrate their jurisdiction over Indian lands when seeking approval of a landfill permit program, since States ''must have jurisdiction in order to meet the statutory mandate.'' This statement merely begs the question of whether states *do* have such jurisdiction. Nonetheless, EPA believes this issue is more properly addressed in the context of an individual State application for program approval.

8. EPA May Establish Self-implementing Landfill Criteria Where an Approved Adequate State or Tribal Program is Not in Place

The State of Alaska submitted comments that the Agency's tentative determination to approve the Campo Band permit program is invalid because EPA does not have the authority under RCRA Subtitle D to promulgate self-implementing criteria for the disposal of solid waste. EPA's regulations in 40 CFR part 258 are ''self-implementing'' in that they apply directly to owners and operators of MSWLFs, and need not be imposed through a permit or other agency action. Alaska argued that EPA can only establish guidelines for the disposal of solid waste under RCRA section 1008(a) and that RCRA section 4004(a) only provides the Agency with the authority to provide definitions for what constitutes ''open dumping'' of solid waste. Alaska also argued that the Hazardous and Solid Waste Amendments of 1984, including RCRA sections 4005(c) and 4010(c), did not broaden EPA's authority with regard to the regulation of solid waste or shift the control of the disposal of such waste from the States to the Agency.

EPA first notes that this comment is not timely. Two Alaska State agencies (the Departments of Environmental Conservation and Transportation and Public Facilities) and the Alaska State legislature submitted comments on the proposed MSWLF Criteria, but none of the comments challenged the Agency's authority to promulgate self-implementing regulations under RCRA. Contrary to Alaska's assertion, EPA did raise for public comment the issue of how the Criteria would be implemented in States that do not have approved permit programs. 53 FR 33383 (Aug. 30, 1988). Many of the proposed standards were self-implementing in that they could be implemented directly by an owner or operator without State oversight. 53 FR 33382 (Aug. 30, 1988). Because it did not comment on the ''self-implementing'' issue or file a petition for review of the MSWLF Criteria, Alaska may not now challenge EPA's authority to promulgate self-implementing regulations under RCRA Subtitle D. *See* 42 U.S.C. 6976(a)(1); *Sierra Club* v. *EPA*, 992 F.2d 337, 342 n. 5 (D.C. Cir. 1993).

EPA also disagrees with Alaska's substantive comment that the Agency does not have the authority to promulgate self-implementing criteria under RCRA Subtitle D. While EPA agrees with Alaska that the implementation and administration of solid waste disposal is mainly a state-lead function, RCRA Subtitle D provides the Agency with the statutory authority to promulgate criteria for such disposal.

RCRA section 4004(a) authorizes EPA to promulgate regulations containing criteria that distinguish between those facilities classified as sanitary landfills and those which are open dumps. These regulations, found in 40 CFR part 257, are more than ''definitional'' as suggested by Alaska. They establish criteria, enforceable under RCRA section 7002(a)(1), to ensure that there is ''no reasonable probability of adverse effects on health or the environment'' from disposal of solid waste. 42 U.S.C. 6944(a). In enacting the Hazardous and Solid Waste Amendments of 1984, Congress made it clear that the prohibitions contained in the open dumping criteria promulgated pursuant to RCRA section 4004(a) were a ''direct Federal requirement, not dependent on the approval of a state plan * * *'' S. Rep. No. 248, 98th Cong., 2d Sess., at 50 (1984).

In addition, RCRA section 4010(c) requires EPA to ''promulgate revisions'' of the open dumping criteria for certain solid waste disposal facilities ''to protect human health and the environment,'' and specifies certain minimum elements to be included in those criteria. 42 USC 6949a(c). By using the word ''promulgate,'' which Webster's defines to mean ''to put (a law) into action or force,'' (Webster's New Collegiate Dictionary, at 914 (1979)), EPA believes that Congress intended the Criteria contained in 40 CFR part 258 to have the force and effect of binding regulations. While states are to play a central role in the implementation of the Criteria by adopting permit programs under RCRA section 4005(c)(1)(B), *Sierra Club* v. *EPA*, 992 F.2d 337, 339 (D.C. Cir. 1993), such state programs must meet the statutory standard of ensuring that each facility receiving hazardous household waste or conditionally exempt small quantity generator hazardous waste will comply with the Criteria promulgated by EPA.

As fully explained by EPA at the time it promulgated the Criteria under RCRA section 4010(c), the Agency chose a self-implementing approach out of a concern that States may not have the resources available to adopt adequate permit programs within the eighteen month time period provided by the statute (RCRA section 4005(c)(1)(B)). 56 FR 50978, 50991–93 (Oct. 9, 1991). A number of states had submitted comments outlining this concern. *Id.* at 50992.

EPA was also concerned about the appropriate implementation and enforcement of the Criteria in those states that did not adopt an adequate permit program under RCRA section 4005(c)(1)(B). *Id.* at 50993. For example, EPA had proposed that new MSWLFs would need to be constructed in accordance with a design goal (which would have to fall within a risk-based performance range) established by the relevant state. 53 FR 33314, 33410 (Aug. 30, 1988). In response to a number of comments from states that argued that they did not have the resources to establish such design goals or to review design plans to determine whether they met a certain risk range performance standard, EPA decided to promulgate a design requirement that both (1) established a uniform design requirement that could be implemented by owners and operators in unapproved states and (2) allowed approved states to authorize an alternative design which met a performance standard. 56 FR 51058–60 (Oct. 9, 1991). By establishing self-implementing performance standards for design and other requirements contained in the MSWLF Criteria, EPA could ensure that there would be protective implementation of the Criteria in states or in Indian country without approved programs where state or tribal oversight of a landfill design would not be present. *Id.*

Contrary to Alaska's comment, EPA believes that adopting a self-implementing approach in the Criteria is within the statutory authority provided by RCRA Subtitle D. Clearly, by enacting RCRA section 4010(c), Congress was expressing a concern

about the risks to human health and the environment posed by solid waste disposal facilities which receive hazardous waste. H.R. Conf. Rept. 2867, 98th Cong., 2d Sess., at 117 (1984) (''environmental and health problems caused by RCRA Subtitle D facilities are becoming increasingly serious and widespread''). While Congress mandated that the EPA revise the open dumping criteria, Congress did not specify the exact scope of the revised Federal Criteria or the manner by which they would be implemented in states without approved programs. Thus, it was left to EPA's discretion to implement section 4010(c) in a manner that would effectuate the statutory goals and policies reflected in the language of RCRA, including the Hazardous and Solid Waste Amendments (HSWA).

One comment asserted that EPA may only determine the inadequacy of a state program in the context of filing its own enforcement action under section 4005(c)(2). The basis of this assertion is unclear, because section 4005(c)(1)(C) is clear that EPA is to make a determination of the adequacy of each state program, and that EPA may make such a determination in the context of approval or disapproval of a state solid waste plan—not necessarily in the context of an enforcement action. Section 4005(c)(2)(A) separately gives EPA the discretion to enforce the Criteria where EPA has determined that an adequate program is not in place. The commenter's reading would suggest that the adequacy of state programs will be determined only in enforcement actions. This reading would make any EPA determination under section 4005(c)(1)(C), and the section itself, superfluous.

The commenter further asserted that any finding of inadequacy can only be met by EPA taking an enforcement action against the owner or operator under RCRA sections 3007 or 3008. The comment implies that if EPA determines that a state program is inadequate, the Agency cannot grant solid waste management jurisdiction to a tribe within the state. However, EPA's authority to determine the adequacy of a tribal solid waste program is not predicated on determining that the state regulatory program is inadequate. As discussed above, EPA's authority to approve tribal programs is predicated on established principles of federal Indian law, the holding in *Chevron,* and EPA's Indian Policy.

It is clear that section 4005(c) of RCRA required states to develop permit programs and gave EPA the authority to evaluate state programs. Tribes are sovereign governments with civil authority over Indian country that is comparable to the civil regulatory authority of states outside of Indian country. Thus, EPA continues to believe it is a reasonable interpretation of this section and RCRA Subtitle D more generally for tribes to have the opportunity to apply for approval from EPA to run their own programs.

9. EPA Has the Authority To Approve Tribal MSWLF Programs on a Case-by-Case Basis

EPA also received comments suggesting that EPA's notice announcing its tentative determination to approve the Campo Band's application did not comply with the requirements of the Administrative Procedure Act (APA). One commenter argued that EPA cannot approve individual tribal programs until it promulgates a rule which specifies the criteria and procedures for approval. This commenter noted that other environmental statutes which provide authority for EPA to treat tribes in the same manner as states require EPA to promulgate regulations to implement the tribal program. EPA disagrees that it must promulgate regulations as a precondition of approving tribal programs. As with state MSWLF permit programs, EPA believes that Congress has provided adequate authority to approve tribal programs under section 4005(c) of RCRA based on the statutory criteria contained therein. Congress did not specifically require that EPA issue a rule specifying criteria and procedures for approval of state programs, and EPA maintains inherent authority to make such determinations on a case-by-case basis.

The commenter also argued that a rule is necessary before approving any tribal program because otherwise there would be no standards for assuring the reasonableness of treating tribes in the same manner as states for purposes of RCRA Subtitle D, as there are under other environmental statutes which specify an explicit role for tribes. Another commenter asserted that EPA lacks standards for approval of tribal or state programs, and that, if Congress were to amend RCRA to allow for treatment of tribes in the same manner as states, it would likely require EPA to promulgate regulations for such treatment. EPA disagrees that standards are lacking. RCRA section 5004(c)(1)(B) requires states to adopt and implement ''a permit program or other system of prior approval and conditions to assure that each solid waste management facility will * * * comply'' with the Federal Criteria in 40 CFR part 258. 42 U.S.C. 6945(c)(1)(B). RCRA section 7004(b)(1) states that ''public participation in the development, revision, implementation and enforcement of any regulation * * * or program shall be provided for, encouraged, and assisted by the Administrator and the States.'' 42 U.S.C. 6974(b)(1). As EPA explained in the tentative determination, the Agency interprets this statutory requirement to impose the following standards on state and tribal programs: tribes and states must (1) have enforceable standards for new and existing MSWLFs that are technically comparable to the Federal Criteria in 40 CFR part 258; (2) have authority to issue a permit or other notice of prior approval to all new and existing MSWLFs within their jurisdiction; (3) provide for public participation in permit issuance and enforcement; and (4) show sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with an approved MSWLF program. EPA has determined that the Campo Band's solid waste permitting program meets these requirements. 59 FR 24422, 24423 (May 11, 1994).

In addition, as explained in the tentative determination, EPA has requested tribes to demonstrate that they are federally recognized, have a government exercising substantial governmental duties and powers, have the capability to operate a program, and have adequate civil regulatory authority to do so. These are the criteria Congress incorporated into the Clean Air Act, Clean Water Act, and Safe Drinking Water Act provisions that allow EPA to treat tribes in the same manner as states. EPA has determined that the Campo Band's program meets these requirements. 59 FR 24422, 24423 (May 11, 1994). In fact, on May 11, 1992, EPA approved the Campo Band's application for treatment as a state under Clean Water Act (CWA) section 518(e) for the purposes of CWA section 106. On September 28, 1993, EPA approved the Campo Band's application for treatment as a state under Clean Water Act section 518(e) for the purposes of CWA section 319.

Alaska argued that EPA's tentative determination to approve the Campo Band program constitutes a proposed rule under the Administrative Procedures Act (APA) since, in Alaska's opinion, the preamble establishes the general standard that Alaska Native Villages are eligible to submit MSWLF permit programs for approval. Among other things, Alaska criticizes as misleading EPA's placement of such a substantive rule in the ''Notices'' section of the **Federal Register,** rather than the

''Proposed Rules'' section. Alaska also asserted that EPA has violated the Freedom of Information Act (FOIA) requirement to ''separately state and currently publish * * * substantive rules'' by ''*de facto*'' promulgation of the STIR in the same notice in which the Agency determines the adequacy of the Campo Band's program. EPA disagrees with Alaska's characterization of the tentative determination. EPA acknowledges that the preamble to the tentative determination makes reference to EPA's policy that ''Alaska Native entities * * * may apply for permit program approval.'' 59 FR 24422, 24426 (May 11, 1994). It is clear from the context of the discussion, however, that EPA was not trying to propose a rule with respect to Alaska Natives, but merely was observing that RCRA does not expressly preclude Alaska Native Villages from applying for program approval. EPA has not proposed to approve any Native Village program and, although the tentative determination may have been ambiguous on this point, the Agency has not determined that any village would necessarily satisfy the requirements for program approval. The determination whether any Alaska Native Village will qualify to operate a MSWLF permitting program will be made when such application, if any, is submitted. Thus, the statement in EPA's tentative determination does not give rights that Alaska Natives did not previously hold, nor does it purport to divest the State of Alaska of any authority it may have to regulate MSWLFs in Native Villages. The tentative determination and today's action are intended to affect only the Campo Band. In addition, EPA does not hereby purport to adopt the STIR; discussions of tribal jurisdiction in both the tentative determination and today's action are included for the purpose of explaining EPA's determination of the adequacy of the Campo Band's program. If and when EPA proposes the STIR and/or proposes to approve a Native Village program, as discussed above, Alaska may raise its jurisdictional and other concerns at that time and EPA will give them due consideration.

One commenter stated that Congress never intended to have EPA delegate the authority to regulate municipal solid waste landfills to every or any Indian tribe in the nation, because the burden on EPA would be overwhelming. The same commenter suggested that EPA should retain authority over Indian country. Alternatively, the commenter suggested that EPA delegate this authority to states. EPA notes that EPA permitting and enforcement of solid waste management in Indian country could result in a far greater burden on the Agency than determination of the adequacy of tribal programs. More importantly, under Subtitle D of RCRA, EPA has no authority to enforce the Federal Criteria, unless it determines that the applicable program is inadequate, in which case EPA would have discretion to take enforcement actions for violations of RCRA (RCRA section 4005(c)(2)(A)). Therefore, EPA cannot ''delegate'' authority to states or tribes. EPA's role, as prescribed by Congress, is limited to determining whether the solid waste programs adopted by states or tribes are adequate to assure compliance with the federal regulations (RCRA section 4005(c)(1)(C).) Finally, as discussed above, under federal law EPA does not have the power to give states jurisdiction over Indian country.

One commenter stated that the best interest of the people and environmental laws are met by consistent yet flexible regulations covering municipal solid waste landfills. This commenter expressed concern that allowing hundreds of tribes to regulate solid waste will result in inconsistency. As the comment itself noted, flexibility as well as consistency is important in protecting human health and the environment. Congress required EPA to set minimum standards for landfills, and required states to adopt and implement permit programs which would assure compliance with the federal standards. Both RCRA and the federal regulations take into account the history of local regulation of solid waste and the need to have solid waste requirements be flexible enough to accommodate local needs. EPA will not approve a state or tribal program unless it is adequate to ensure that all MSWLFs within the state's or tribe's jurisdiction will comply with the Criteria in 40 CFR part 258. Therefore, EPA believes that approval of tribal solid waste programs will not result in any inconsistency that would violate the requirements of 40 CFR part 258. It is possible, however, that owners or operators of landfills in more than one jurisdiction may have to meet different requirements in different jurisdictions. This was the case prior to the federal requirements, which merely set new national minimum standards for landfills.

One commenter questioned EPA's motives and its purpose in providing a program adequacy ruling. RCRA itself establishes EPA's role. Section 4005(c)(1)(C) provides that ''[t]he Administrator shall determine whether each state has developed an adequate program''. Congress mandated that EPA determine the adequacy of state programs. EPA's motive and purpose in providing a program adequacy determination for tribal solid waste programs are the same as for providing such a determination for state programs: to ensure that the appropriate government entity is ensuring the proper management of solid waste within its jurisdiction. As discussed above, EPA's approval of tribal solid waste programs is consistent with federal Indian law and EPA's Indian Policy.

One commenter stated that non-tribal regulation of the land on which a proposed landfill would be situated is critical because contaminated groundwater could migrate off the Reservation. In support of this position, the commenter quoted from the **Federal Register** notice in which EPA published its tentative approval of the Campo Band's program. In the tentative determination, EPA stated that where groundwater can migrate, ''it would be practically very difficult to separate out the effects of solid waste disposal on non-Indian fee land within a reservation from those on Tribal portions''. 59 FR 24422, 24425–26 (May 11, 1994). The quoted statement supports tribes' assertions of jurisdiction to regulate solid waste management on non-Indian fee land within a reservation. As discussed above, EPA does not have authority to grant states jurisdiction over Indian country; in fact, federal law limits the jurisdiction of states over Indian country. The Campo Reservation is entirely tribal trust land.

One commenter stated that none of the statutory sections cited by EPA in the tentative determination provides authority for EPA's action of approving the Campo Band's program. The comment questioned the appropriate forum for judicial challenges to EPA's action. The statutory sections—RCRA sections 2002, 4005 and 4010—authorize promulgation of regulations and provision of technical assistance and provide for review and approval of state programs. Although all three of these statutory sections support EPA's action today, EPA has the authority to approve tribal programs under RCRA section 4005 using its discretion to fill gaps pursuant to *Chevron*. The appropriate forum for such judicial challenges is ultimately a decision for a court. However, EPA currently believes that the appropriate forum may be the U.S. Court of Appeals for the District of Columbia Circuit, pursuant to RCRA section 7006(a), 42 U.S.C. 6976(a).

B. Treating the Campo Band as a State

One commenter suggested that ''soliciting a waste stream from several hundred thousand non-tribal members can hardly be viewed as self-government * * *.''. EPA agrees that importation of waste does not equate to self-government. However, the Campo Band does not rely on the fact that it will receive waste from off-Reservation to establish that it is self-governing. The Campo Band's application amply demonstrates that the tribe has a government exercising substantial governmental duties and powers. Nothing in RCRA, the Federal Criteria, or the draft STIR would preclude a state or tribe from implementing a municipal solid waste permitting program which includes imported waste, as long as the state or tribal program ensures that the MSWLFs within its jurisdiction will comply with the Federal Criteria in 40 CFR part 258.

One commenter asked whether the Campo Band has state status, what gives them the right to form their own EPA, and whether they are no longer California residents if they don't have to follow California law. The Campo Band is a federally recognized Indian tribe—a sovereign entity within the United States. Federal courts have affirmed the sovereign status of Indian tribes in numerous judicial decisions which have uniformly held that tribal governments retain many sovereign powers, despite the fact that Indian tribes and tribal territories have been incorporated into the United States. *See Worcester* v. *Georgia*, 31 U.S. (6 Pet.) 515 (1832); and *United States* v. *Mazurie*, 419 U.S. 544 (1975). As such, tribes may form their own governmental entities to regulate their members and activities on land within their jurisdiction. This includes the authority to form and administer their own environmental regulatory programs. Activities in Indian country are generally not subject to state law (see discussion under Category A above). Nonetheless, under the Indian Citizenship Act of 1924, 8 U.S.C. 1401(a)(2), and the 14th Amendment to the U.S. Constitution, any member of a tribe born in the United States is a citizen of the United States and of the state where he or she resides.

Two commenters asked whether the Campo Band had the constitutional authority to be treated as a state. Both the U.S. Constitution and the Campo Band's Constitution provide authority for today's decision. Under the U.S. Constitution, tribes are sovereign entities with power over their lands and members, and the U.S. Congress is delegated the power to regulate commerce with the tribes. U.S. Constitution, Article I, section 8, paragraph 3. Congress has exercised this authority by determining that EPA may treat tribes in the same manner as states for certain purposes under several environmental statutes, including, for example, the Clean Water Act section 518, 33 U.S.C. 1377. It is important to note that today's action does not make the Campo Band a state, or grant any rights to members of the Campo Band that they did not otherwise possess, or divest the State of California of any rights it might have with respect to the Campo Band. Today's action simply states that EPA has determined that, for purposes of RCRA Subtitle D, the Agency treated the Campo Band's application for solid waste program approval in the same manner as it would treat such an application from a state, and found it to be adequate.

One commenter supported EPA's position, stating that ''the Federal Constitution strongly supports the conclusion that, as a general rule, Indian tribes that constitute sovereign governments are not subject to state solid waste management requirements'', and that the Supreme Court ''has repeatedly held that tribes are sovereign entities that 'retain attributes of sovereignty akin to those possessed by other governmental bodies; that is, power over people and territory' ''.

The Campo Band's Constitution establishes the Campo General Council and empowers it to govern the affairs of the Tribe. Constitution of the Campo Band of Mission Indians, Article IV. Pursuant to this power, the General Council passed several Resolutions establishing the Campo Environmental Protection Agency (Resolution 88–005), enacting the Campo Band of Mission Indians Environmental Policy Act of 1990 and the Solid Waste Management Code of 1990 (Resolution 90–0019).

C. Off-Reservation Voice in Tribal Politics, Fair Hearings

Commenters expressed concern that, despite the possibility of negative environmental impacts to them, the Campo Band's neighbors have no voice in tribal politics, cannot vote tribal officials out of office, and may not receive a fair hearing in the Campo Band's Environmental Court when actions against the landfill would negatively affect tribal income.

EPA agrees that citizens should have a voice in the regulation of the environment. Neighbors of the Campo Reservation have several avenues for voicing their concerns regarding solid waste practices on the Reservation. The Campo Band has adopted laws requiring that CEPA take specific actions in response to complaints from any person, and allowing any person adversely affected by CEPA's actions to challenge CEPA in the Campo Environmental Court. *See* V Campo Tribal Regulations (C.T.R.) 590.02, 590.10, and I C.T.R. 150.02.

The fact that off-Reservation neighbors cannot vote in tribal elections is analogous to California residents who live near a landfill in another state in which they cannot vote. EPA cannot require as a prerequisite for program approval that a state or tribe allow non-residents to vote in that state's or tribe's elections. EPA believes that the procedures adopted by the Campo Band ensure that the Tribe will consider and respond to concerns of off-Reservation neighbors. In addition, the citizen suit provision of RCRA, which authorizes lawsuits in federal District Court, is still available after EPA has approved a state or tribal program.

One commenter stated that a common requirement of state program approval includes administrative or judicial review procedures, and the commenter alleges that the Campo Band expressly disclaimed any ability by nontribal members to seek judicial review of Campo Band actions. The commenter doesn't indicate where the Campo Band made such a disclaimer. However, as discussed above, the Campo Band's program does allow nontribal members to seek judicial review of Campo Band actions. The Campo Band has explicitly waived sovereign immunity for purposes of such challenges to CEPA actions in section 302 of the Campo Environmental Policy Act.

D. Sole Source Aquifer

A number of commenters noted that the Campo/Cottonwood Creek aquifer is the sole source of drinking water available to local communities in the United States and Mexico, alternative water sources would be expensive or unavailable, and EPA has designated the Campo/Cottonwood Creek aquifer a sole source aquifer under section 1424(e) of the Safe Drinking Water Act (SDWA). Commenters suggested that because a proposed landfill will be located near a sole source aquifer, EPA should disapprove the Campo Band's regulatory program.

EPA agrees that protection of groundwater resources and sole source aquifers is of utmost importance. However, EPA cannot disapprove a state or tribal regulatory program because a sole source aquifer exists within its jurisdiction. Under provisions of section 1424(e) of the SDWA, 42 U.S.C. 300h–3(e), the EPA Regional Administrator

granted a petition for designation of a Campo/Cottonwood Creek Sole Source Aquifer (SSA) on May 5, 1993. Notice of the designation was published in the **Federal Register** on May 28, 1993 (58 FR 31024). The petition was submitted for a 400-square mile area along the U.S./Mexico border in the vicinity of Campo, California.

Under section 1424(e) of the SDWA, once an area has been designated a SSA:

> No commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health* * *

''Federal financial assistance'' is defined in 40 CFR 149.101(g). Examples of projects include sewage treatment plants, funded in part by federal grant monies, and housing projects receiving federal loans. Neither EPA's approval of the Campo Band's solid waste program nor the proposed landfill meet the definition of a federal financially assisted project. Thus, the SDWA would not prohibit either the proposed landfill or program approval.

In reviewing state and tribal regulatory programs, EPA determines whether the programs will ensure compliance with EPA's landfill regulations in 40 CFR part 258. EPA believes that the Campo Band's landfill regulations, including its groundwater monitoring and corrective action regulations, will ensure compliance with the exacting groundwater monitoring and corrective action requirements contained in EPA's 40 CFR part 258 regulations. EPA also believes that the Campo Band's regulations will ensure compliance with 40 CFR 258.3 which requires owners and operators to comply with all other applicable federal rules, laws, regulations, or other requirements.

One commenter was concerned that there is no proposed mitigation if the groundwater supply is contaminated. Mitigation measures for individual landfills within the jurisdiction of a state or tribal program are not required or used as a basis for program decisions by EPA. However, EPA's 40 CFR part 258 requirements and the Campo Band's regulations contain strict standards for groundwater monitoring, corrective action and financial assurance. EPA believes protection of groundwater resources is of utmost importance. It is the responsibility of the Campo Band to ensure that landfills on the Reservation comply with its regulations and permits.

One commenter asked if the Campo Band takes over operations of the proposed landfill, will they qualify for federal funding and will the landfill then fall under the definition of a federal financially assisted project. This comment would require EPA to speculate without any information about the legal or factual circumstances under which the Campo Band might apply for federal financial assistance. EPA cannot at this time make a determination as to whether the Campo Band would seek or qualify for financial assistance, whether the landfill would be a federal financially assisted project, or about the applicability of section 1424(e) of the SDWA to such potential future financial assistance.

E. United States-Mexico Border Issues

A number of commenters expressed concern about the potential environmental and economic impacts of the proposed landfill on the people and communities in Mexico. Commenters stated that the proposed landfill poses risks to the rights of the Mexican border communities to be free from threats to their health and natural resources. Specifically, commenters raised siting concerns related to EPA's responsibilities under Executive Order 12114 (E.O. 12114), entitled ''Environmental Effects Abroad Of Major Federal Actions'', and the Agreement Between the United States of America and the United Mexican States on Cooperation for the Protection and Improvement of the Environment in the Border Area (La Paz Agreement).

E.O. 12114 calls for environmental assessment of major federal actions having significant effects on the environment outside the borders of the United States. EPA does not believe that approval of the Campo Band's regulatory program is a major action which will have significant environmental effects outside of the United States. As noted above, EPA's decision regarding the adequacy of the Campo Band's regulatory program is not a ruling on any landfill which might be proposed under their regulatory program. EPA notes that approval of state and tribal regulatory programs is not among the activities to which environmental review requirements apply under EPA's rules for implementing the Executive Order. 40 CFR 6.1002.

40 CFR 6.1002 states that review requirements apply to major permitting or licensing by EPA of facilities which affect the global commons or the environment of a foreign nation, including permitting under the Clean Air Act. 40 CFR 6.1004(c) provides that the information required to be submitted by the permit applicant satisfies the requirements of E.O. 12114. EPA agrees that assessment and consideration of the transboundary impacts of sites in the border zone are extremely important. EPA has maintained open communications with Mexico regarding the proposed landfill and the regulatory program approval process. In June 1992, the Hazardous Waste Work Group, established under the La Paz Agreement, formally adopted a ''Consultative Mechanism for Exchange of Information Between the United States and Mexico on Facility Siting.'' This consultative mechanism, although it is not legally binding, sets forth the intent of the United States and Mexican governments to notify each other of waste sites proposed for construction in the border area of their respective countries. The consultative mechanism was approved by the National Coordinators of the La Paz Agreement in 1992, and forms the basis upon which EPA has continued to inform counterpart officials in Mexico of developments regarding the proposed Campo municipal solid waste landfill. EPA has made every effort to provide Mexican officials with information on the proposed site and take their concerns about this matter into consideration.

The Binational Hazardous Waste Work Group, as established under the 1983 La Paz Agreement, is the forum through which the United States continues to notify and inform the government of Mexico of waste disposal sites proposed to be constructed within the border area of the United States which are subject to U.S. environmental regulatory review, and which might have a transboundary impact in the Mexico border zone. The Work Group is also the main forum for bilateral discussions of such proposed sites. These notifications, the provision of information by the United States to Mexico, and the nature of the discussions that take place at the Work Group meetings are reported to both governments at annual meetings of the National Coordinators, as specified in the La Paz Agreement. Moreover, the government of Mexico and its citizens were encouraged to participate in the public hearing as part of EPA's review process for approval of the Campo Band's regulatory program. EPA has sent Mexico extensive information on the proposed landfill and on EPA's actions related to the proposed landfill.

In the interest of furthering our efforts to communicate fully with Mexico on this site, EPA coordinated a meeting between U.S., Mexican and Campo Band government agencies on July 1, 1994. The purpose of that meeting was to share information on the roles and

authorities of the different agencies involved in regulating and permitting the proposed landfill. EPA will keep the appropriate Mexican officials fully informed on EPA's actions concerning the Campo Band's program and the proposed landfill.

In addition, CEPA has maintained open communications with the Government of Mexico with regard to the proposed landfill. EPA has encouraged CEPA to continue to respond to the Mexican government's concerns directly in the spirit of open communication.

In sum, EPA believes that the appropriate forums for raising concerns regarding the siting of the proposed landfill are the Binational Hazardous Waste Work Group, the National Environmental Policy Act (NEPA) process and CEPA's permitting process. With respect to potential environmental and economic impacts to Mexico and the U.S., comments have been responded to in Category K below.

F. Capability of the Campo Band

A number of commenters suggested that the Campo Band and the Campo Environmental Protection Agency lack regulatory and enforcement history and ability and, in some cases, selectively enforce regulations. Commenters suggested that CEPA does not have the ability or willingness to enforce its regulations. Some commenters suggested that EPA should deny the Campo Band's program, reconsider the Campo Band's application for approval of its regulatory program after a track record has been established, and supervise the Campo Band. One commenter stated that the Campo Band has no education or experience in the solid waste arena. One commenter stated that it would be wrong to approve the program of such a small organization. EPA also received comments stating that CEPA and the Campo people are independent, capable, and concerned about protecting their environment and water. Commenters stated that the Campo Band's regulatory program is second to none.

EPA believes that the Campo Band's program meets or exceeds federal standards and that the Campo Band is capable of managing its regulatory program. The Campo Band has shown that it has jurisdiction and its staff resources are adequate to manage its solid waste permitting program. The Campo Band's application shows that CEPA devotes over three full-time positions to landfill permitting, monitoring and enforcement. The Campo Band also has contracts with firms providing personnel with legal and technical expertise.

In addition to demonstrating that its staff resources are adequate, the Campo Band's application demonstrates that it has management and technical skills. CEPA employs individuals with years of environmental regulatory experience and degrees in engineering and geology. The Campo Band application also demonstrates that the Campo Band has entities that exercise executive (Executive Committee), legislative (General Council) and judicial (Campo Environmental Court) functions. The Campo Band has also demonstrated experience in implementing public health and environmental programs. The Campo Band has adopted codes, ordinances or regulations governing land use planning, housing, gaming and solid waste. CEPA has monitored development of the proposed landfill on the Reservation and has worked closely with the State of California to ensure that solid waste activities on the Reservation will comply with California law. Finally, the Campo Band has demonstrated independence between tribal regulatory entities and regulated entities.

EPA notes that prior solid waste regulatory history is not a requirement for EPA approval of a solid waste permitting program. The fact that Congress gave states 180 days after adoption of federal landfill standards to adopt and implement programs ensuring compliance with those standards indicates that Congress anticipated that states (and tribes) may not have had such programs in place before the federal standards were promulgated. EPA believes that tribes are fundamentally able to regulate the environment in the same manner as states, and notes that states have a variety of levels of experience in environmental regulation. The ability to adopt and implement environmental laws varies widely from state to state and tribe to tribe. EPA evaluates each state and tribe individually to determine whether it has adopted, and is capable of enforcing, a solid waste program that is adequate to assure compliance with the federal regulations. Some states have not demonstrated a history of adopting or enforcing solid waste requirements prior to applying to EPA for program approval under RCRA Subtitle D. EPA is taking today's action because the Agency has determined that the Campo Band's program is adequate to assure compliance with the federal regulations. The Tribe not only has permitting authority, technical standards, public participation procedures and enforcement authority that meet or exceed the federal standards, but also the staff, resources and technical expertise available to implement and enforce the program.

Some commenters specifically stated that CEPA has not enforced its regulations in cases of auto crushing, septic systems, tire burial and litter control. EPA wishes to clarify that review and approval of the Campo Band's program is related solely to the Campo Band's landfill permitting and enforcement program. Regulation of car crushing, septic systems, tire burial and litter are not covered by this action and are not legal grounds for denial of a solid waste regulatory program. EPA suggests that commenters concerned about these activities raise their concerns with CEPA and/or other appropriate tribal or federal agencies. Further information regarding hazardous waste concerns involving car crushing is provided below.

One commenter expressed concern that no matter how good regulations are, they can't prevent pollution, it is difficult to enforce them—that most people don't have the time, energy and money to bring citizen suits—and that it is difficult to clean up contaminated groundwater.

EPA understands that regulations are only as good as the ability to enforce them. EPA's regulations are designed to minimize environmental and health impacts from landfills. Congress did not give EPA authority to oversee directly the operations of landfills. Therefore, approving adequate state and tribal programs to regulate landfills is the best way to ensure that the regulations are enforced. EPA believes that the Campo Band's program meets or exceeds federal standards and that the Tribe has demonstrated interest in appropriately regulating facilities under its jurisdiction.

Finally, if CEPA is unable, for whatever reason, to enforce the program requirements, and the proposed landfill fails to comply with the Federal Criteria, RCRA section 7002 allows any person to sue the owner or operator of the landfill. In addition, withdrawal of program approval may be initiated where it appears that a state or tribal permit program may no longer be adequate to ensure compliance with the RCRA Subtitle D Federal Criteria. Section 239.13 of the draft STIR specifies conditions and procedures which would be used by EPA as guidance for withdrawal of adequacy determinations.

G. Conflicts of Interest

Several commenters raised concerns that the Campo Band may have potential conflicts of interest in

regulating a proposed landfill that will provide income for the Tribe. These issues are discussed below.

First, however, it is important to explain that nothing in Subtitle D of RCRA requires that EPA consider conflict of interest in determining the adequacy of a state or tribal solid waste permitting program. There is language in the preamble to the draft STIR that addresses conflicts of interest, but it merely encourages states and tribes to work with local agencies and provide oversight to prevent problems such as local conflicts of interest. The preamble also incorporates the criteria used in other environmental statutes to evaluate whether to treat tribes in the same manner as states. These requirements are that a tribe: (1) Be federally recognized, (2) have a government exercising substantial powers, (3) have jurisdiction over the parties and the subject matter to be regulated, and (4) be reasonably expected to be capable of managing the program. The capability requirement is not defined or discussed in the draft STIR. However, where EPA has adopted regulations addressing this ''capability'' requirement in other statutes, the Agency has considered whether the tribe has demonstrated ''sufficient independence'' of the regulated and regulatory entities of the tribe ''to assure effective and fair administration of the program.'' 40 CFR 123.31, 58 FR 67981 (December 22, 1993). EPA believes that the Campo Band has met these standards.

The proposed Campo landfill will not be operated and regulated by the same tribal entity. The operator of the proposed landfill will not be CEPA, but a private, non-tribal company. Muht-Hei, Inc., the tribal business entity, is a separate tribal entity from CEPA. The Campo Band's regulations define Muht-Hei, Inc. as the operator of any solid waste facility on the Reservation. This situation is analogous to a privately operated landfill owned by one state agency and regulated by another.

One commenter stated that the Campo Band should have conflict of interest codes for tribal office holders and board members, similar to those in California's Government Code sections 87300, 87302 and Public Resources Code (PRC) sections 43207, 40402 and 40709.5. The comment asserted that the Campo Band could not meet the standards set by these provisions.

Although not required by RCRA, the Federal Criteria in 40 CFR Part 258 or the draft STIR, the Campo Band has adopted regulations governing conflicts of interest.[3] For example, the Campo Band has adopted a regulation governing conflicts of interest on the part of the CEPA Board of Commissioners. This regulation provides that:

> A member of the Board may not participate in decisions relating to the governance and management of CEPA if the member has a direct financial interest in the person or activity being regulated. Tribal membership does not preclude participation in decisions involving activities on or relating to property owned by the Band.

I C.T.R. 110.10. A similar provision for judges on the Campo Environmental Court is set forth in I C.T.R. 150.09(e). Campo law also prohibits bribery, threats, or other efforts ''to obstruct or impede the activities of CEPA or the Board'', or to ''commit fraud * * * with the intent to evade or defeat Tribal environmental codes or regulations,'' III Campo Environmental Policy Act 303(a).

EPA believes that the Campo Band has taken steps to prevent conflict of interest through adoption of I C.T.R. 110.10, 150.09(e), and III Campo Environmental Policy Act 303(a), quoted above. EPA also believes that the Tribe is not ''regulating itself'', because the actual operator of the landfill, Mid-American Waste Systems, Inc., is not a tribal entity, and CEPA and Muht-Hei are ''sufficiently independent to assure effective and fair administration of the program.'' 40 CFR 123.31, 58 FR 67981 (December 22, 1993). The Tribe has also adopted provisions allowing anyone (including non-members) to challenge CEPA in the Campo Environmental Court. *See* III Campo Environmental Policy Act 302, I C.T.R. 150.02.

Several commenters expressed concern that the Campo Band has a conflict of interest because it has received and will continue to receive revenues from the operator of the landfill, and would therefore not enforce costly requirements that could reduce tribal income. One commenter suggested that this conflict is particularly acute because adverse impacts of the proposed landfill may be more serious outside the Reservation. Commenters felt CEPA did not have the incentive, objectivity or willingness to enforce the solid waste requirements. One commenter asked what incentive there is for tribal authorities not to accept gifts that can influence decisions. Another commenter suggested that approving the Campo Band's program would be like ''the fox guarding the chicken house'', whereas states have demonstrated ability to enforce environmental regulation over many decades. One commenter suggested that the Tribal Chairman had prematurely approved the landfill permit to operate by stating that the landfill will open in June 1995. In contrast, one commenter stated that it is not true that the economic opportunity of a landfill is more important to tribal members than environmental protection of the land.

EPA disagrees that the Campo Band does not have the incentive, objectivity or willingness to enforce the solid waste requirements. The Campo Band has adopted landfill liner design and release detection regulations which are more stringent—and more costly to implement—than the federal or California requirements, and which are beyond those needed to obtain EPA approval. This indicates that the Campo Band is willing to take steps to protect human health and the environment despite the fact that such steps will cost money and potentially reduce revenues from the proposed landfill. In addition, CEPA makes decisions on applications for landfill permits in accordance with its regulations, after notice and an opportunity for public comment, regardless of statements by the Tribal Chairman.

H. Adequacy of the Campo Band's Resources

A number of commenters expressed concern that ''there is a shortage of funds in the backcountry which would not provide the adequate supervision this would need'' and CEPA has inadequate resources to implement or enforce a regulatory program. Commenters asserted that Mid-American Waste Systems, Inc., the proposed landfill operator, is having financial problems and asked where the Campo Band will get resources to fund its program if Mid-American Waste Systems, Inc. fails to provide adequate resources.

The Campo Band addressed resources in its narrative description of the application for program approval. EPA found the Campo Band's narrative description, including its staff resource description, adequate. EPA does not require specific resource and staffing requirements because each state or tribe

[3] Other federal statutes contain statutory provisions establishing conflict of interest requirements for state programs. *See* Clean Water Act section 304(i)(2)(D), 33 U.S.C. 1314(i)(2)(D); Clean Air Act section 110(a)(2)(E)(ii), 42 U.S.C. 7410(a)(2)(E)(ii). For example, under Clean Water Act section 304(i), state programs must have a conflict provision similar to California PRC section 40402 to obtain EPA authorization. Nothing in RCRA, the Federal Criteria in 40 CFR part 258, or the draft STIR requires such a provision. Therefore, EPA has not required that any state or tribe establish conflict of interest codes in order to demonstrate that a solid waste program is adequate to assure compliance with the Federal Criteria.

has different resource requirements and strategies for ensuring compliance. EPA asks that states and tribes list the total number of regulated facilities within the state or tribe's jurisdiction in its application. This information is useful in assessing whether available resources are adequate to ensure compliance. The Campo Band's ratio of resources to the number of regulated facilities is higher than some state regulatory programs.

In determining whether a state or tribe's program will ensure compliance with the federal landfill regulations, EPA does not require that states and tribes provide financial information on where funding for programs is generated or on how secure that funding is. As discussed above, the Campo Band and other approved states and tribes are expected to sustain the regulatory program presented in their applications. Withdrawal of program approval may be initiated where it appears that the state or tribal permit program may no longer be adequate to ensure compliance with the RCRA Subtitle D Federal Criteria.

I. CEPA's Authority to Stop Harm to Off-Reservation

One commenter requested that section 205 of the Tribal Environmental Policy Act of 1990 (Act), which provides authority to issue restraining orders and injunctions, be amended to include protection of off-Reservation residents and environments.

Section 205(a)(2)(C) of the Act, as it read on the date EPA published its tentative determination, provided that emergency restraining orders could not be issued without notice to the adverse party unless immediate and irreparable injury, loss or damage would result to the Reservation residents or environment before notice could be served. Section 205(b)(2)(C) did not clearly provide for preliminary or permanent injunctions against acts that threatened the public health or safety or the environment off-Reservation. EPA discussed the concern raised by this comment with the Campo Band. In response, on December 11, 1994, the Campo Band General Council amended section 205 of the Act. That section now clearly provides for issuance of emergency restraining orders and injunctions against acts that threaten human health, safety or welfare or the environment, without distinguishing between on-Reservation and off-Reservation threats. A copy of the amended Act is available at EPA's office in San Francisco, at the Campo Environmental Protection Agency's office and at the public library in the town of Campo.

J. Campo Band Leadership and Membership

A number of commenters expressed concern regarding alleged corruption in the Campo Band. One commenter asserted that tribal officials are on their best behavior to obtain approval from regulatory agencies, but have not always acted responsibly. Commenters also asserted that tribal members intimidate off-reservation opponents to the landfill and that the Chairman of the Campo Band had illegally received payments from landfill project proponents. One commenter also stated that non-tribal members had voted on tribal issues at tribal meetings.

EPA does not believe these allegations should be considerations in EPA's final determination regarding the adequacy of the Campo Band's regulatory program. For the reasons described above, EPA believes that the Campo Band's solid waste regulatory program will ensure compliance with the federal regulatory requirements. The Campo Band created CEPA to regulate solid waste on the Reservation. CEPA has regulatory authorities that are separate from the authority of the Chairman of the Campo Band and from the authorities of the tribal council. EPA has been informed that appropriate federal agencies have been apprised of these allegations.

K. Landfill-Specific Issues

Many commenters expressed concern regarding the potential environmental impacts of the proposed landfill and the ability of the landfill owner/operator to comply with applicable regulations. These landfill-specific concerns included potential for contamination to groundwater which flows across the United States-Mexico border, ability to monitor and clean up or mitigate groundwater in a fractured bedrock setting, location of a landfill in a seismic impact zone, compliance with financial assurance requirements, strong winds, traffic problems; and general risks to the ecosystem, economy and property values of off-reservation residents, and to Mexican communities and citizens. A number of commenters noted that groundwater monitoring in the fractured bedrock setting has not been adequately addressed. One commenter expressed concern that the landfill site should be characterized before construction of the landfill, not during or after. Commenters expressed concern regarding importation of waste to a groundwater dependent area and asked about sources and types of waste to be sent to the landfill, life expectancy of the landfill, and recycling efforts. Commenters requested that EPA oppose the proposed facility and deny program approval because of landfill-specific concerns. Other commenters suggested that the landfill will be one of the safest landfills in the country, will provide economic support and jobs for the Tribe and will benefit other communities. Another commenter stated that the plan for the Muht-Hei facility is very detailed and well thought out.

EPA understands that there is tremendous controversy surrounding the proposed landfill. However, EPA does not make solid waste permitting decisions about individual landfills under the RCRA program. EPA's action today approves the Campo Band's solid waste regulatory program. This program approval means that EPA has reviewed the Campo Band's regulatory program, and has determined that it will ensure compliance with the Federal Criteria.

Concerns regarding the proposed landfill or the ability of the landfill to comply with applicable regulations should be raised with the agency responsible for ensuring compliance with those regulations. CEPA, the U.S. EPA, the Bureau of Indian Affairs (BIA) and the California Environmental Protection Agency (Cal EPA) all have roles with respect to the proposed landfill. It should be noted, however, that the U.S. EPA's permitting role is limited to permitting under the Clean Air Act.

One commenter stated that it will be adversely impacted by flaring, dust generation, truck haul activities, training, and water and light pollution from the landfill. Potential air pollution from flaring, dust generation and truck haul activities are issues that are being addressed through U.S. EPA's permitting under the Clean Air Act. With respect to the remaining concerns, EPA's action today is a determination that the Campo Band's solid waste permitting program is adequate to assure compliance with the federal regulations at 40 CFR part 258. A landfill may be constructed and operated without EPA approval of the state or tribal program in which the landfill is located, as long as it meets these federal requirements. EPA's regulations were designed to minimize negative environmental impacts from the management of municipal solid waste. However, Congress gave EPA no authority to enforce these requirements unless it finds that the landfill is in a state or within the jurisdiction of a tribe without an adequate permitting program. Because EPA has determined that the Campo Band's program is adequate, the appropriate agency to which concerns about the actual construction and operation of the

proposed landfill should be raised is the Campo Environmental Protection Agency.

One commenter stated that it is unacceptable for the Campo Band to pursue the landfill venture to the detriment of the neighboring communities. Another commenter stated that the majority of air quality and groundwater impacts from the proposed landfill will be off-Reservation, that the proposed landfill will be run by a non-Indian corporation with main offices over 1000 miles from the Reservation, and that the proposed landfill will be dependent on off-Reservation facilities such as materials recovery facilities (MRFs). At the same time, this commenter stated that the proposed project appears to be an example of ''the poisoning of Indian country''.

These issues do not directly affect the Agency's determination of the adequacy of the Campo Band's solid waste permitting program. Any landfill is likely to have positive and negative environmental and economic impacts on both the community in which the landfill is located and the surrounding communities. EPA's regulations were designed to minimize negative environmental impacts from landfills, and all landfills must comply with these regulations. However, landfills may be sited in Indian country regardless of whether EPA approves tribal solid waste programs. EPA's decision today is based upon the Campo Band's ability to ensure compliance with the 40 CFR part 258 regulations. EPA has determined that the Campo Band has a solid waste permitting program that is adequate to assure compliance with those regulations.

One commenter noted that U.S. EPA's comments on the environmental impact statement (EIS) for the proposed landfill identified serious concerns about ability to monitor adequately for groundwater contamination and stated that projects of this kind should not be sited over potable groundwater basins within fractured bedrock. Another commenter asked that EPA deny the lease for the proposed landfill.

BIA is required to approve any lease for land held in trust by the United States for the benefit of a tribe. BIA lease approval is subject to NEPA and BIA has determined that the Campo lease approval is a major federal action which requires the preparation of an EIS. Both the EIS and the lease for the proposed landfill were prepared and approved by the BIA. EPA's comments on the EIS reflected concerns regarding groundwater monitoring and corrective action in the fractured bedrock setting. The Secretary of the Interior signed a Record of Decision finalizing the EIS and approving the lease after consideration of comments. As stated above, the decision before EPA is the Campo Band's program adequacy; states and tribes are the lead entities responsible for landfill permitting and enforcement. The Campo Band has developed its own landfill permitting program and CEPA is the appropriate agency to consider issues relating to a particular landfill on the Campo Reservation.

One commenter asked who will be monitoring what goes on at the proposed landfill and whether Campo would have to answer to the same regulations as the landfills that the City of San Diego must meet. The landfill on the Campo Reservation will be monitored by the facility operator, with oversight by CEPA. Any landfill on the Campo Reservation must comply with the Campo Band's laws. In addition, if EPA issues a permit under the Clean Air Act, EPA will monitor compliance with that permit. A landfill on the Reservation generally would not be required to comply with any requirements imposed by the State of California or a county or city. The Campo Band has, however, worked with Cal EPA to ensure that the Campo Band's requirements are functionally equivalent to California's requirements.

L. Liability for Groundwater Contamination

Several commenters were concerned about who would be liable for any groundwater contamination caused by the proposed landfill. Both the federal regulations and the Campo Band's regulations require groundwater monitoring; the Campo Band's regulations go beyond the federal standards to require monitoring of the vadose zone (soil above the water table). If pollutants exceed specified concentrations, the owner or operator must implement a cleanup program, and provide the funds to pay for the cleanup. Campo Band regulations also require the operator to provide minimum financial assurance of $1 million per occurrence to reimburse third parties for bodily injury and property damage.

One commenter expressed concern about the vagueness of the Campo Band's regulation requiring that the landfill operator maintain minimum financial assurance of $1 million per occurrence to compensate third parties for bodily injury or property damage. The commenter expressed concern that the amount may be inadequate, alleging that the cost of cleaning up the Torres-Martinez facility is high, and that the operator of that facility has declared bankruptcy.

The regulation cited by the commenter provides for $1 million to reimburse third parties for injuries or damage, not for performing corrective actions. Federal regulations do not require financial assurance to compensate third parties. Therefore, the Campo Band's regulation is in excess of federal requirements. The federal regulations do require that landfill owners and operators establish financial assurance for corrective action after a release has occurred (40 CFR 258.73). This requirement is intended to minimize the possibility that the operator will fail to provide sufficient funds to clean up contamination. The Campo Band's regulations (V.C.T.R. 530.41, 530.93), like the federal regulations, require financial assurance in the full amount of the estimated cost of the corrective action in addition to the provision for reimbursing third parties noted above. Moreover, the Campo Band's regulations go beyond the federal regulation. The Campo Band's regulations require that operators provide financial assurance for ''known or reasonably foreseeable'' corrective action—before any release has occurred.

M. Purpose and Effect of Program Approval

One commenter recommended that EPA deny the Campo Band's program because the primary intent of approval is to facilitate the operation of the proposed landfill. The primary intent of EPA's approval of state and tribal programs under Subtitle D of RCRA is to ensure that solid waste permitting programs are in place which will ensure compliance with the federal regulations. EPA believes that the Campo Band's program will ensure compliance of the Federal Criteria. The fact that the federal regulations provide some flexibility to landfills in approved states and tribes and that EPA's approval of a state or tribal program may facilitate operation of some landfills is not an adequate reason to disapprove a state or tribal program. In fact, most states and several tribes are pursuing program approval in part because some of the flexibility provisions will facilitate construction and operation of landfills within their jurisdiction. EPA designed the Federal Criteria with flexibility so that state and tribal regulatory agencies could implement the Criteria taking into account local conditions, while specifically setting criteria which are protective of human health and the environment.

One commenter suggested that EPA's ultimate responsibility is to protect the environment. This commenter also stated that the CEPA regulations will not eliminate or mitigate risks such as the risks to the Sole Source Aquifer at the proposed project site. EPA disagrees with the commenter's statement that CEPA regulations will not eliminate or mitigate the risks at the proposed project site. Prior to promulgation of the Federal Criteria in 1991, a landfill could have been constructed and operated on the Campo Reservation with fewer restrictions than those contained in the 40 CFR part 258 Criteria. The federal regulations were adopted to minimize environmental and public health risks from landfills. These regulations impose strict standards for design, construction, operation, monitoring, corrective action, closure, post-closure care and financial assurance. The Campo Band's regulations set forth stringent standards that meet or exceed the federal standards. CEPA is responsible for ensuring that these standards are met. Although regulations can never completely eliminate risks from a project, the Campo Band has adopted a set of standards in addition to the federal minimum requirements which should result in the mitigation of risks associated with the proposed landfill.

One commenter gave three reasons why owners and operators complying with approved state/tribal programs should not be considered to be complying with the federal regulations. First, only certain elements of approved programs may be modified in approved programs. Second, the Campo Band is not a ''state'', and therefore cannot modify the requirements in 40 CFR part 258. Third, the statement in the tentative determination shows that a purpose of EPA's action is to restrict citizen suits and create defenses for entities violating the federal regulations.

EPA disagrees with all three points. First, EPA approval of a state or tribal program does not allow the approved state or tribe to modify or waive entirely the requirements in 40 CFR part 258. The regulations in 40 CFR part 258 allow alternatives to the prescribed federal requirements only when certain criteria are met. These alternatives are allowed in the federal regulations because EPA believes that when the Federal Criteria are met, the alternatives will protect human health and the environment as well as the prescribed requirements. EPA's determination that the Campo Band's program is adequate to ensure compliance with the Federal Criteria is based on the fact that any alternatives allowed by the Campo Band's laws meet the criteria required by the federal regulations. Second, as explained above, EPA has authority to treat tribes in the same manner as states for purposes of implementing RCRA Subtitle D solid waste programs. Third, EPA's action is not intended to restrict citizen suits or provide defenses for landfill owners or operators who violate the federal regulations. If a landfill owner or operator violates the Federal Criteria, it may be subject to citizen suits. EPA's statement in the tentative determination simply expressed the Agency's opinion that, where EPA has found a state or tribal requirement equivalent to the federal requirement, a court is likely to find compliance with the state or tribal requirement equivalent to compliance with the federal requirement.

One commenter raised concerns about possible increases in permitted capacity of the landfill without public review and comment. The commenter also asked if, with program approval, the Campo Band will be able to designate the Class III (solid waste) landfill a Class II (hazardous waste) landfill, bypassing public participation and claiming that enough environmental studies of the area have been done.

The Campo Band's program complies with the public participation requirements of RCRA section 7004(b)(1). In addition, EPA's draft STIR sets forth general standards for public involvement in permit determinations. EPA reviewed the Campo Band's public involvement requirements and found that they are adequate.

In general, issues regarding permitted capacity are not within the scope of program approval and should be addressed to CEPA. The proposed landfill is not authorized to accept hazardous waste. Class II and Class III are California State and Campo Band classification categories for waste disposal facilities. Program approval will not affect the Campo Band's ability to designate a facility Class II or III. Nor will program approval affect the Campo Band's public participation requirements or requirements that environmental studies be done. Program approval simply indicates that the Campo Band's municipal solid waste landfill permitting and enforcement program will ensure compliance with the Federal Criteria. EPA and Campo Band regulations prohibit disposal of regulated hazardous waste in landfills receiving municipal solid waste unless the landfill is permitted to receive hazardous waste by the U.S. EPA or an authorized state or tribe. EPA has not issued a hazardous waste permit for a facility on the Campo Reservation, and the Campo Band is not currently authorized for the RCRA hazardous waste program and, therefore, cannot issue a RCRA hazardous waste permit. For more discussion of hazardous waste issues, see the responses to comments under Category P below.

Several commenters raised the concern that the Campo Band would be able to modify and waive federal requirements. EPA does not agree with this characterization of the flexibility allowed in the federal regulations. The federal regulations contain detailed criteria that landfill owners and operators must meet. In limited cases, the regulations provide that the director of an EPA-approved program may allow alternatives if the owner or operator demonstrates that the landfill meets certain criteria. For example, 40 CFR 258.21 specifies that solid waste must be covered with six inches of earthen material at the end of each operating day. That same section provides that in an approved program the Director may approve alternative materials of alternative thickness if the owner or operator can demonstrate that such alternatives control disease vectors, fires, odors, blowing litter and scavenging without presenting a threat to human health and the environment. The Director may not approve alternative cover that can't meet the demonstration. The Director also may not decrease the frequency of applying cover. The Director may only waive daily cover requirements temporarily when the owner or operator demonstrates that extreme climatic conditions make meeting the requirements impractical. EPA has carefully reviewed the Campo Band solid waste program and determined that it does not provide for any modifications or waivers which would not be allowed under the federal regulations.

One commenter was concerned about the ability to assess ''non-specified, future'' alternatives to the Federal Criteria which would be allowed under an approved program. The comment essentially questions EPA's allowance of alternatives in the federal regulations. EPA explained its rationale for providing such discretion when it promulgated the federal regulations, 56 FR 50977, 50984–88 and 50992–94 (October 9, 1991). Any challenge to these regulations must have been brought within ninety days of the promulgation of these regulations, pursuant to RCRA section 7006. EPA's approval of the Campo Band's program is based on EPA's conclusion that the Campo Band's laws contain all the criteria set forth in the federal regulations for allowing alternatives to

the self-implementing federal requirements.

Several commenters stated that the Campo Band would be able to set up defensive barriers to citizen enforcement actions to correct problems at the landfill. EPA does not agree. The owners and operators of *all* landfills will be subject to citizen suits under section 7002 of RCRA. That section allows any ''person'' to sue any ''person'' who is violating any permit, standard, regulation, condition, requirement, prohibition, or order under RCRA, or who has contributed to the handling of solid waste which may present an imminent and substantial endangerment to health or the environment. Under this provision, citizens may sue landfill owners or operators for any violation of RCRA or the federal regulations. The citizen suit provision will remain in effect—and be equally available to citizens—whether EPA approves the Campo Band's solid waste permitting program or not. In addition, the Campo Band has expressly waived its sovereign immunity to allow any affected person to challenge CEPA actions in the Campo Environmental Court. *See* III Campo Environmental Policy Act 302. EPA's approval will not enable the Campo Band, CEPA or Mid-American Waste Systems, Inc. to establish any defensive barriers to citizen enforcement actions.

One commenter stated that program approval is a dangerous precedent-setting move because the proposed landfill is the largest proposed solid waste facility in the nation on an Indian reservation. EPA does not believe that approval of regulatory programs will necessarily set a landfill siting precedent for Indian country. Landfills may be sited in states or in Indian country without EPA approval of the state or tribe's regulatory program. All such landfills must meet the Federal Criteria in 40 CFR part 258. In addition, EPA encourages states and tribes to establish local regulatory structures to ensure that municipal solid waste is managed in an environmentally protective manner. The Campo Band has set standards which are more stringent than federal standards, making the proposed landfill more protective of human health and the environment—and making compliance potentially more costly—than if there were no tribal regulatory program in place. EPA recognizes that some of the 40 CFR part 258 flexibility which may be provided to municipal solid waste landfills by approved states and tribes may be important to the proposed landfill. However, EPA believes that tribes should have the same opportunities as states to establish systems of landfill permitting and enforcement. As discussed above, states generally may not regulate solid waste management in Indian country, and EPA does not generally have permitting or enforcement authority under RCRA Subtitle D. Therefore, allowing tribes to establish solid waste regulatory programs ensures oversight of solid waste practices in Indian country.

One commenter suggested that EPA should deny approval of the Campo Band program because landfills deprive present and future generations of valuable resources and encourage waste production instead of pollution prevention and waste reduction. EPA agrees that waste reduction and pollution prevention are preferable methods of managing municipal solid waste to landfilling, to the extent possible. In response to the growing national concern about solid waste management, EPA developed a national strategy for addressing municipal solid waste management problems. This strategy is set out in a document entitled, ''The Solid Waste Dilemma: An Agenda for Action,'' which EPA issued in February 1989. The cornerstone of the strategy is ''integrated waste management,'' in which the following solid waste reduction and management options work together to form an effective system: source reduction, recycling, and combustion and landfilling. EPA encourages waste reduction and recycling of municipal solid waste. However, EPA also recognizes the need for landfills. Congress required EPA to adopt federal regulations establishing minimum national standards for landfills. However, Congress emphasized, and EPA believes that it is preferable, for local, state and tribal governments to adopt their own solid waste permitting and enforcement programs so that landfills are regulated in a manner that is as environmentally responsible as possible. Therefore, EPA supports pollution prevention as the preferred waste management alternative while continuing to approve state and tribal regulatory programs.

One commenter suggested that the need to site a landfill on an Indian reservation is a problem that has been caused by the government of the United States. Other commenters expressed concern that they are paying the price for what happened to Indians years ago. One commenter noted that no one is protesting other problematic landfills in San Diego County that are not on Indian land. This commenter also noted that ''Mexico is a disaster, but I have the Mexican people come and complaining here.''

EPA acknowledges that there is a great deal of controversy surrounding the proposed landfill. The proposal to site the landfill on the Campo Reservation for the purpose of economic development has raised a great deal of interest and concern among various parties. EPA encourages open communication among these groups and will work to facilitate communication where possible.

However, EPA strongly believes that Indian tribes should have the same opportunities to regulate the environment available to them as are available to states. This is consistent with EPA's Indian Policy and with federal Indian law and environmental law, including RCRA. EPA does not believe that a state or tribal application should be evaluated in a different manner because of controversy surrounding a proposed landfill. Neighbors of proposed landfills in California, for example, have raised concerns about such landfills. These concerns do not diminish the adequacy of the state's program. Likewise, concerns regarding the proposed landfill are most appropriately handled by CEPA.

A number of commenters were concerned that the proposed landfill is being sited on an Indian reservation because the landfill and its operator, Mid-American Waste Systems, Inc., will not have to comply with Federal, State and municipal laws and cannot be monitored by the Government. As stated above, landfills in Indian country must comply with Federal regulations, including EPA's 40 CFR part 258 landfill requirements. Generally, State and local civil regulatory laws do not apply in Indian country. *Cabazon, supra.* However, the Campo Band has established a regulatory system which is as stringent as State and Federal regulatory systems. The Campo Band is not required to establish a landfill permitting and enforcement system, but has elected to do so. Therefore, the proposed landfill will have to comply with the Campo Band's standards. In addition, CEPA and the California Environmental Protection Agency (Cal EPA) have established a cooperative agreement concerning permitting and enforcement at the proposed landfill.

One commenter expressed concern that landfill proponents rather than the Campo Band launched a signature campaign in support of the proposed landfill. Although EPA recognizes that the proposed landfill itself is highly controversial, EPA's decision regarding the Campo Band's regulatory program is

not an approval or disapproval of the proposed landfill. Moreover, EPA's decision did not take into account the sources of support for or opposition to the landfill. Nor is EPA's decision based on the number of comments supporting or opposing program approval. EPA considered and responded to all comments on their merits.

N. EPA Public Participation Procedures

A number of commenters expressed concern regarding public involvement activities related to EPA's tentative program approval of the Campo Band program. Specifically, commenters felt that the question and answer session and the public hearing were held too far away from the proposed landfill site in a community that is not potentially affected and does not rely on groundwater, and that EPA should have held these events at the Mountain Empire High School. One commenter also suggested that EPA hold additional hearings closer to the sources of potential impacts. One commenter expressed thanks to EPA for conducting the hearing in the city of Alpine.

EPA considered a number of possible hearing locations in the area and found that the Alpine Elementary School was the most appropriate location taking into account the size of rooms available, the potential attendance at the hearing, and distance from local communities. The Alpine Elementary School auditorium was the only available room EPA identified which was large enough to hold the number of people EPA expected to attend the hearing. A large number of people attended the hearing and provided comments. It was unfortunate that the location was not closer to the Campo Reservation. However, EPA also provided an extended public comment period, from May 11 to August 1, 1994 for submittal of written comments.

One commenter felt that the **Federal Register** notice should have been mailed to people and organizations who submitted previous written comment or made statements at previous U.S. EPA public hearings on the proposed landfill. First, EPA would like to clarify that extensive efforts were made to make all relevant materials available to all interested parties. EPA had not held previous hearings on the proposed landfill. (EPA has a direct permitting role for the proposed landfill under the Clean Air Act. However, the Clean Air Act draft permit hearing was held after the hearing on tentative program approval. Both hearings were held in the same location.)

Second, in accordance with RCRA section 7004(b)(1), EPA published the tentative determinations in the **Federal Register** and provided an opportunity for public comment. A public hearing may be held at the discretion of the EPA Regional Administrator, in which case EPA must provide public notice of the hearing. EPA conducted a public hearing after receiving public interest in holding a hearing. EPA sent the entire **Federal Register** notice out to persons who requested the notice. EPA also published notice of the tentative decision and the hearing in local newspapers. In addition, EPA developed a fact sheet on the tentative decision which was sent to approximately 150 people prior to the public hearing. Persons receiving the fact sheet were encouraged to contact EPA to discuss questions and request more information such as the **Federal Register** notice. EPA also placed extensive information on the tentative decision, including the Campo Band's application for program approval, in two local repositories (the CEPA office and the public library in the town of Campo) and at the EPA Region 9 office in San Francisco. Information about the locations of the application and other material was noted in the fact sheet that was distributed.

One commenter also suggested that EPA's announcement failed to indicate which portions of the Campo Band's program were ''as stringent'' as the Federal regulations and which portions were not. The underlying premise of EPA's tentative determination of adequacy was that all portions of the Campo Band's program were as stringent as the Federal regulations. This was indicated in the fact sheets. A detailed analysis of how the Campo Band's program compared with the Federal requirements was available in the **Federal Register** notice and the information in the repositories.

One commenter was concerned that many people in Mexico could not be at the hearing and could not speak up. EPA made extensive efforts to encourage participation from Mexico. Several speakers from Mexico were present at the hearing and made comments. In order to facilitate their participation, EPA provided simultaneous translation, so that hearing participants could understand the comments made in either Spanish or English, and so that the court reporter, who recorded all comments at the hearing, could record those made in Spanish for EPA's response.

O. The Campo Band's Application for Program Approval

Two commenters raised concerns about the completeness of the Campo Band's solid waste permitting program application. This concern is related to two issues discussed in the tentative determination, 59 FR 24422, 24426–27 (May 11, 1994).

First, as EPA explained in the tentative determination, specified portions of the Campo Band's then-existing codes and regulations were not adequate to assure compliance with the federal regulations. However, at the time of the tentative determination, the Campo Band had submitted draft revisions to those portions of its codes and regulations. Those draft revisions—Addendum I to the application—were included in the information made available to the public during the public comment period. EPA explained in the tentative determination that it had reviewed these draft revisions and that they were adequate to assure compliance with the federal regulations. EPA went on to explain that, if the draft revisions were fully adopted before EPA's final determination, the Agency would approve the Campo Band's entire solid waste permitting program—including the revised portions. This gave the public an opportunity to comment on whether EPA should approve the program if the draft revisions replaced the then-existing provisions. On June 13, 1994 the Campo Band submitted the final, fully adopted regulations as Addendum II to its application. These final regulations were also made available to the public during the public comment period. The final regulations are identical to the regulations as modified by the draft revisions.

Second, several of the Campo Band's solid waste regulations in effect at the time the Campo Band submitted its application had been adopted as emergency regulations—without public participation—and would, pursuant to Campo law, expire unless affirmed as final regulations. In its tentative determination, EPA explained that these regulations must be affirmed, unaltered, prior to EPA's final determination in order for EPA to approve those portions of the Campo Band's solid waste permitting program. The Campo Band submitted the affirmed, permanent regulations to EPA on June 13, 1994. These final regulations were made available to the public during the public comment period. The final regulations are identical to the emergency regulations.

Therefore, EPA's final determination is based on provisions of the Campo Band's laws and regulations which were made available to the public during the public comment period.

One commenter suggested that EPA's comments on the Campo Band's draft application revealed a number of serious inadequacies in the Campo Band's regulations. EPA did make a number of substantial comments on the Campo Band's draft application. However, in response to EPA's comments, the Campo Band either made necessary changes to its program or the application, or explained to EPA's satisfaction how the existing program met the federal standards. EPA worked very closely with CEPA for many months in reviewing and revising its regulations. The review of regulatory programs is a lengthy and detailed process. The process is particularly complicated when EPA reviews an existing and complex regulatory program like the Campo Band's. EPA's comments on the Campo Band's draft application were the first in a series of comments on the Campo Band's program and requested clarifications of many aspects of the Campo Band's program.

P. Hazardous Waste Issues

A number of commenters expressed concern over who will ensure that hazardous wastes are not taken at the proposed landfill because the state has no enforcement power on an Indian reservation. One commenter stated that there would not be a hazardous waste problem at the landfill because people know what they can and cannot put in their trash and loads are checked for hazardous waste.

Federal requirements under 40 CFR 258.20 prohibit receipt of hazardous waste at municipal solid waste landfills. Owners and operators of landfills must comply with these requirements. The Campo Band's regulations require procedures which are as stringent as the federal standards. CEPA is responsible for ensuring that landfills comply with these standards.

Several commenters asked what has been done about allegations of possible illegal disposal of hazardous waste at a car crushing operation on the Campo Reservation. Under the RCRA hazardous waste program, EPA has direct permitting and enforcement authority. Because there was a possible hazardous waste violation, EPA inspected the site. EPA representatives visited the site on March 1, 1994. A site investigation report was completed in August, 1994. The investigation found no hazardous waste at the site and no evidence of past disposal of hazardous waste.

Q. EPA's Program Review Procedures

The San Diego Astronomy Association (SDAA) submitted comments concerning the potential impacts of the proposed landfill on the SDAA's observatory, which the SDAA stated is located approximately 1 mile downwind from the proposed landfill. The SDAA asserted that its concerns should be given special consideration, over that of residential and agricultural interests, because it is a pre-existing, government-recognized, public, educational and scientific organization. As stated earlier, today's decision is on program approval for the Campo Band, not on permitting the proposed landfill. Therefore, the specific comments on the potential impacts from the proposed landfill are not relevant to this determination.

The SDAA also asserted that EPA has stated no precedents for granting program approval under similar circumstances, and that therefore it would be ''irresponsible, unprecedented, litigious, and a failure of the public trust'' to approve the Campo Band's program. EPA understands the term ''similar circumstances'' in the comment to mean approval of a program under which a landfill could be operated within 1 mile of a facility for observing astronomical phenomena and educating the public. However, EPA is aware of no law preventing the siting or operation of a landfill near such facilities. Therefore, a landfill may be constructed and operated within 1 mile of SDAA's observatory regardless of whether EPA approves the Campo Band's solid waste permitting program.

If the term ''similar circumstances'' in the comment was intended to mean the physical location of the landfill which has been proposed for the Campo Reservation, EPA's responses to concerns about the landfill itself are addressed under Category K above. If the intent was to refer to approval of tribal solid waste programs, EPA's authority to approve tribal solid waste programs is discussed above under Category A. EPA therefore believes that the precedential effect of approving the Campo Band's program will be to ensure that solid waste management in Indian country is properly regulated to protect human health and the environment.

One commenter expressed concern that EPA's decision-making procedure was not sufficiently conservative in placing the burden of substantiation on the permitting requester. Congress established the standard to be met by state and tribal solid waste programs in RCRA section 4005(c)(1)(B)—they must demonstrate that landfills within their jurisdictions will comply with the Federal Criteria in 40 CFR part 258. As EPA explained in its tentative approval of the Campo Band's program, EPA interprets this standard to require, at a minimum, demonstrating that the state or tribal program's technical requirements are as stringent as the federal regulations, that the state or tribe will issue permits to all new and existing landfills, that the requirements and permits are enforceable, and that public participation in permitting and enforcement actions is provided. EPA believes that the Campo Band's program meets these standards.

EPA's procedure in reviewing applications for approval of solid waste permitting programs is very lengthy and detailed. The state or tribe seeking a program approval determination must submit an application that consists of a letter from the program director requesting program approval, a description of the program, copies of all applicable statutes, regulations and guidance, and a legal certification that the laws are fully effective and enforceable. The burden of demonstrating the adequacy of the program is on the applicant. In the case of the Campo Band's application, EPA worked closely with CEPA, carefully evaluating each provision of the Tribe's program and in many cases requiring substantial changes to the program before making the tentative determination that the program assures compliance with the federal regulations.

The SDAA requested that EPA provide the professional qualifications of the EPA staff and management involved in making the determination, in order that the SDAA can assess their professional maturity and wisdom and determine what level of astronomy background should be provided to defend the SDAA opposition to the determination. EPA believes that the question of whether the Agency has properly approved a state or tribal solid waste program should be addressed through discussion of the standards and procedures the Agency has applied. The standard and the procedures employed by EPA in evaluating the Campo Band's solid waste program, and the basis for EPA's determination that the Campo Band's program is adequate, have been fully set forth in the tentative determination, published at 59 FR 24422 (May 11, 1994), and in this response to comments and final determination.

IV. Decision

In the tentative determination, EPA proposed to approve specified parts of the Campo Band's program for which existing tribal law was adequate to ensure compliance with the Federal Criteria. At that time EPA also proposed

to approve all of the Campo Band's program if draft regulatory requirements submitted to EPA with its April 18, 1994 application addendum were adopted before EPA's final determination. In addition, EPA noted that before EPA could grant partial or full program approval, the Campo Band had to reaffirm the February 13, 1994 promulgation of emergency regulations submitted with its final application. On June 13, 1994, EPA received the final, adopted revisions to the Campo Band's MSWLF permit program. In addition, as explained under Category I above, EPA received amendments to the Tribal Environmental Policy Act of 1990 made in response to comments received by EPA during the public comment period.

After reviewing these revisions, and after thorough consideration of the public comments, I conclude that the Campo Band's application for adequacy determination meets all of the statutory and regulatory requirements established by RCRA. Accordingly, the Campo Band is granted a determination of adequacy for all portions of its municipal solid waste permit program.

Section 4005(a) of RCRA provides that citizens may use the citizen suit provisions of section 7002 of RCRA to enforce the Federal MSWLF Criteria in 40 CFR part 258 independent of any state/tribal enforcement program. As EPA explained in the preamble to the final MSWLF Criteria, EPA expects that any owner or operator complying with provisions in a state/tribal program approved by EPA should be considered to be in compliance with the Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

Today's action takes effect on the date of publication. EPA has good cause under section 553(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), to put this action into effect less than 30 days after publication in the **Federal Register**. All of the requirements and obligations in the Tribe's program are already in effect as a matter of tribal law. Today's action is a determination that these requirements ensure compliance with the Federal Criteria in 40 CFR part 258 and does not impose any new requirements with which the regulated community must begin to comply, nor do the Campo Band's requirements become enforceable by EPA as federal law. Consequently, it is not necessary to give notice prior to making its approval effective.

Compliance With Executive Order 12866

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that approval of the tribal MSWLF permit program will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens on small entities. This notice, therefore, does not require a regulatory flexibility analysis.

Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (the Act), Pub. L. 104–4, which was signed into law on March 22, 1995, EPA generally must prepare a written statement for rules with Federal mandates that may result in estimated costs to State, local, and tribal governments in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is required for EPA rules, under section 205 of the Act EPA must identify and consider alternatives, including the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. EPA must select that alternative, unless the Administrator explains in the final rule why it was not selected or it is inconsistent with law. Before EPA establishes regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must develop under section 203 of the Act a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements.

The Act generally excludes from the definition of a ''Federal intergovernmental mandate'' (in sections 202, 203, and 205) duties that arise from participation in a voluntary Federal program. The Campo Band's request for approval of a MSWLF program is voluntary and imposes no Federal intergovernmental mandate within the meaning of the Act. Rather, by having its MSWLF program approved, the Tribe will be able to implement the RCRA Subtitle D program over landfills within its jurisdiction, and to exercise the flexibility allowed in the rules to conform landfill requirements to site-specific conditions.

In any event, the Agency does not believe that approval of the Tribe's program would result in estimated costs of $100 million or more to State, local, and tribal governments in the aggregate, or to the private sector, in any one year; this is due to the small size of the Tribe's program, and the additional flexibility that the Tribe can exercise. Thus, today's notice is not subject to the written statement requirements in sections 202 and 205 of the Act.

As to section 203 of the Act, the approval of the Tribal program will not significantly or uniquely affect small governments other than the applicant, the Campo Band. As to the applicant, the Tribe has received notice of the requirements of an approved program, has had meaningful and timely input into the development of the program requirements, and is fully informed as to compliance with the approved program. Thus, any applicable requirements of section 203 of the Act have been satisfied.

Authority: This notice is issued under the authority of sections 2002, 4005 and 4010(c) of the Solid Waste Disposal Act as amended; 42 U.S.C. 6912, 6945, 6949a(c).

Dated: April 12, 1995.

Felicia Marcus

Regional Administrator.

[FR Doc. 95–10508 Filed 4–28–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5200–2]

Tennessee Gas and Pipeline; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: Under Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Protection Agency (EPA) has offered to potentially responsible parties an Administrative Order on Consent to settle claims for past and future removal actions at the Tennessee Gas and Pipeline Site along the Gulf Coast of Texas, Louisiana and Mississippi and extending along three routes to markets in the midwestern and northeastern United States. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the Agreement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, Waste

Management Division, U.S. EPA, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, 404/347–5059 X6169.

Written comments may be submitted to Ms. Batchelor within 30 days of the date of publication.

Dated: April 24, 1995.

H. Kirk Lucius,

Chief, Waste Programs Branch, Waste Management Division.

[FR Doc. 95–10625 Filed 4–28–95; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL RESERVE SYSTEM

Royal Bancshares, Inc.; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 15, 1995.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Royal Bancshares, Inc., Elroy, Wisconsin; to engage *de novo* through its subsidiary Royal Insurance Services, Inc., Elroy, Wisconsin, in the sale of credit-related insurance and the sale of insurance in a town of less than 5,000 in population, pursuant to § 225.25(8)(i) and (iii) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 25, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–10582 Filed 4–28–95; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions, and Delegations of Authority

This Notice amends Part K of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (DHHS), Administration for Children and Families (ACF) as follows: Chapter KD, The Regional Offices of the Administration for Children and Families (58 FR 44343), as last amended, August 20, 1993. This reorganization realigns the functions in Region 2 to support their streamlining plan. This Chapter is amended as follows:

1. KD.10 Organization. Regions 1, 3 through X, are organized as follows:
   - Office of the Regional Administrator (KD1A, KD3A through KDXA)
   - Office of Financial Operations (KD1B, KD3B through KDXB)
   - Office of Family Security (KD1C, KD3C through KDXC)
   - Office of Family Supportive Services (KD1D, KD3D through KDXD)

After the end of KD.20 functions, Paragraph D, insert the following:

2. KD2.10 Organization. The ACF Region 2 Office (New York) is organized as follows:
   - Office of the Regional Administrator (KD2A)
   - Office of Management and Data Services (KD2B)
   - Office of Family Security (KD2C)
   - Office of Family Supportive Services (KD2D)

KD2.20 Functions. A. The Office of the Regional Administrator is headed by a Regional Administrator. The Office provides executive leadership and direction to state, county, city, territorial and tribal governments, as well as public and private local grantees to ensure effective and efficient program and financial management. It ensures that these entities conform to federal laws, regulations, policies and procedures governing the programs, and exercises all delegated authorities and responsibilities for oversight of the programs. The Office takes action to approve state plans and submits its recommendations to the Assistant Secretary for Children and Families concerning state plan disapproval. The Office contributes to the development of national policy based on regional perspectives for all ACF programs. It oversees ACF operations and the management of ACF regional staff; coordinates activities across regional programs; and assures that goals and objectives are carried out. The Office alerts the Assistant Secretary for Children and Families to problems and issues that may have significant regional or national impact. It represents ACF at the regional level in executive communications within ACF, with the HHS Regional Director, other HHS operating divisions, other federal agencies, and public or private local organizations representing children and families.

Within the Office of the Regional Administrator, an administrative staff assists the Regional Administrator. The staff directs the development of regional work plans related to the overall ACF strategic plan; tracks, monitors and reports on regional progress in the attainment of ACF national goals and objectives; and manages special and sensitive projects. It serves as the focal point for public affairs and contacts with the media, public awareness activities, information dissemination and education campaigns in accordance with the ACF Office of Public Affairs and in conjunction with the HHS Regional Director; and assists the Regional Administrator in the management of cross-cutting initiatives and activities among the regional components.

B. The Office of Management and Data Services is headed by a Director who reports to the Regional Administrator. The Office provides day-to-day support for regional administrative functions, oversees the management and coordination of automated systems in the region, and provides data management and statistical analysis support to all Regional Office components. Administrative functions include budget planning and execution, facility management, employee relations, and

human resources development. Data management responsibilities include the development of automated system applications to support and enhance program, fiscal, administrative and quality control operations, and the compilation and analysis of data on demographic and service trends that assist in monitoring and oversight responsibilities. Statistical analysis functions include the review of state and federal sampling procedures. The Office is responsible for the effective and efficient management of internal ACF automation processes and for oversight of state systems projects for ACF programs. In coordination with other Regional Office components, it monitors state systems projects and is the focal point for technical assistance to states and grantees on the development and enhancement of automated systems.

The Office represents the Regional Administrator on administrative matters and on internal and State systems matters with ACF central office, states, contractors and grantees. It alerts the Regional Administrator to problems or issues that have significant implications for functional areas under its jurisdiction.

C. The Office of Family Security is headed by an Assistant Regional Administrator who reports to the Regional Administrator and consists of: Child Support Enforcement Division; AFDC/JOBS Division; and Youth and Family Services Division.

The Office is responsible for providing centralized program, financial management and technical administration of certain ACF formula, entitlement and discretionary programs, such as Aid to Families with Dependent Children (AFDC), Child Support Enforcement, Jobs Opportunities and Basic Skills Training (JOBS), Child Welfare Services, Family Preservation and Support, Foster Care and Adoption Assistance, Child Abuse and Neglect, and Runaway and Homeless Youth. It is also responsible for managing all aspects of the AFDC quality control function.

A Financial/Grants Management Officer is located in the Office of Family Security to provide expertise in business and other non-programmatic areas of grants administration and to help ensure that grantees fulfill requirements of laws, regulations, and administrative policies.

The Office establishes regional financial management priorities; reviews cost allocation plans; and makes recommendations to the Regional Administrator to 1) approve, defer or disallow claims for federal financial participation in ACF formula and entitlement programs and 2) approve or disallow costs under ACF discretionary grant programs. As applicable, it makes recommendations on the clearance and closure of audits of state and grantee programs, paying particular attention to deficiencies that decrease the efficiency and effectiveness of ACF programs and taking steps to resolve such deficiencies.

The Office represents the Regional Administrator in dealing with ACF central office, states and grantees on all program and financial management policy matters for programs under its jurisdiction. It alerts the Regional Administrator to problems or issues that have significant implications for the programs.

D. The Office of Family Supportive Services is headed by an Assistant Regional Administrator who reports to the Regional Administrator and consists of: New Jersey and Caribbean Division; and New York State Division.

The Office is responsible for providing a centralized program, financial management and technical administration of certain ACF formula, entitlement, block and discretionary programs, such as Head Start, Child Care and Development Block Grant Program, Title IV-A Child Care, and Developmental Disabilities.

A Financial/Grants Management Officer is located in the Office of Family Supportive Services to provide expertise in business and other non-programmatic areas of grants administration and to help ensure that grantees fulfill requirements of laws, regulations, and administrative policies.

The Office establishes regional financial management priorities; reviews cost allocation plans; and makes recommendations to the Regional Administrator to: (1) Approve, defer or disallow claims for federal financial participation in ACF formula and entitlement programs; and (2) approve or disallow costs under ACF discretionary grant programs. As applicable, it makes recommendations on the clearance and closure of audits of state and grantee programs, paying particular attention to deficiencies that decrease the efficiency and effectiveness of ACF programs and taking steps to resolve such deficiencies.

The Office represents the Regional Administrator in dealing with ACF central office, states and grantees on all program and financial management policy matters for programs under its jurisdiction. It alerts the Regional Administrator to problems or issues that have significant implications for the programs.

Dated: April 24, 1995.

Mary Jo Bane,

Assistant Secretary for Children and Families.

[FR Doc. 95–10592 Filed 4–28–95; 8:45 am]

BILLING CODE 4184–01–P

Centers for Disease Control and Prevention

[Announcement 535]

Grant for Prevention of the Secondary Conditions Related to Autism and Pervasive Developmental Disorder; Notice of Availability of Funds for Fiscal year 1995

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1995 funds for a grant to evaluate programs to prevent secondary conditions related to autism and pervasive developmental disorder in children.

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 priority area of Diabetes and Chronic Disabling Conditions. (To order a copy of ''Healthy People 2000,'' see **WHERE TO OBTAIN ADDITIONAL INFORMATION** section.)

Authority

This grant program is authorized under Section 301 and 317 (42 U.S.C. 241 and 247b) of the Public Health Service Act, as amended.

Smoke-Free Workplace

PHS strongly encourages all grant recipients to provide a smoke-free workplace and to promote the nonuse 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, nonprofit and for profit, organizations and governments and their agencies. Thus, universities, colleges, research institutions, hospitals, other public and private organizations, State and local governments or their bona fide agents, and small, minority- and/or women-owned businesses are eligible to apply.

Applicants must have an existing program which provides services to

children with autism and their families, and must be able to demonstrate a current caseload of at least 300 families through provision of data indicating the number of families currently receiving services.

Only one application from each eligible applicant will be accepted.

Availability of Funds

Approximately $300,000 is available in FY 1995 to fund 1 grant. It is expected that the award will begin on or about September 1, 1995, and will be made for a 12-month budget and project period. 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 grant program is to:

A. Develop and evaluate a comprehensive program which includes parent training and addresses the critical factor of familial stress, for the prevention of secondary conditions in children with autism.

B. Disseminate the methodology and result of the program.

C. Provide guidance to other organizations implementing similar interventions.

Program Requirements

In conducting the activities to achieve the purpose of this program, the recipient shall be responsible for the activities listed below.

1. Develop and implement a comprehensive program which includes parental training and addresses the critical factor of familial stress, to prevent secondary conditions in young children with autism.

2. Develop and implement an evaluation plan to assess the effectiveness of the program.

3. Develop training materials to support the program.

4. Disseminate the findings and materials.

Evaluation Criteria

The application will be reviewed and evaluated according to the following criteria:

1. *Understanding of the Project 20%*

Responsiveness to the objectives of the grant program, including the understanding of the purpose of the grant program.

2. *Technical Approach 30%*

Strength of the application in describing: the proposed planning process, including specific planning objectives, strategies for achieving these objectives, a proposed schedule for achieving these objectives; and the population to be served.

3. *Capability and Experience 30%*

Demonstration of capability to conduct a project of this nature, including reputation in the field and ability to demonstrate a pre-eminent position as an appropriate organization to carry out this project, and successful experience in conducting and evaluating similar projects.

4. *Staffing and Management Resources 20%*

Demonstration that proposed Project Director is knowledgeable regarding autism and the prevention of its secondary conditions, as evidenced by publications, program summaries, or other materials that document prior work, and has committed significant time to the project. Demonstration that other professional staff have appropriate training and experience in the area of autism and the prevention of secondary conditions, as evidenced by publications, program summaries, or other materials that document prior work. Demonstration of ability to provide facilities and other necessary resources.

5. *Budget* (not scored)

Extent to which the project budget is reasonable, clearly justified, and consistent with the intended use of funds.

Executive Order 12372 Review

This program is not subject to the Executive Order 12372 review.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 93.283.

Other Requirements

Human Subjects

If the proposed project involves research on human subjects, the applicant 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 to demonstrate that the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and forms provided in the application kit.

Application Submission and Deadline

The applicant must submit an original and five copies of the application PHS Form 398 (OMB Number 0925–0001) 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 E–13, Atlanta, GA 30305, on or before June 15, 1995.

Deadline:

1. Applications shall be considered as meeting a deadline if they are either:

A. Received at the above address on or before the deadline date, or

B. Sent on or before the deadline date to the above address, and received in time for the review process. Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailings.

2. Applications which do not meet the criteria above are considered late applications 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, and phone number, and will need to refer to Announcement 535. You will receive a complete program description, information on application procedures, and application forms.

If you have questions after reviewing the contents of all documents, business management technical assistance may be obtained from Lisa G. Tamaroff, 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) 842–6796. Programmatic technical assistance may be obtained from Robert J. Delaney, Division of Birth Defects and Developmental Disabilities, National Center for Environmental Health, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, Mailstop F–34, Atlanta, GA 30341, or by calling (404) 488–7150.

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** may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

Dated: April 24, 1995.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–10591 Filed 4–28–95; 8:45 am]

BILLING CODE 4163–18–P

Food and Drug Administration

[Docket No. 93F–0050]

E. I. du Pont de Nemours and Co.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to future filing, of a food additive petition (FAP 3B4360) proposing that the food additive regulations be amended to provide for the safe use of perfluoroalkylethyl acrylate copolymer, produced by the copolymerization of perfluoroalkylethyl acrylate, octadecyl methacrylate, vinylidene chloride, 2-hydroxyethyl methacrylate and polyoxyethylene methacrylate, as an oil and water repellant in paper and paperboard intended for food-contact use.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3086.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 12, 1993 (58 FR 13603), FDA announced that a food additive petition (FAP 3B4360) had been filed by E. I. Du Pont de Nemours and Co., Du Pont Chemicals, Jackson Laboratory, Chamber Works, Deepwater, NJ 08023. The petition proposed to amend the food additive regulations in *§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) to provide for the safe use of perfluoroalkylethyl acrylate copolymer, produced by the copolymerization of perfluoroalkylethyl acrylate, octadecyl methacrylate, vinylidene chloride, 2-hydroxyethyl methacrylate, and polyoxyethylene methacrylate, as an oil and water repellant in paper and paperboard intended for food-contact use. Du Pont has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: April 11, 1995.

Alan M. Rulis,

Acting Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 95–10645 Filed 4–28–95; 8:45 am]

BILLING CODE 4160–01–F

[FDA–225–94–3000]

Memorandum of Understanding Between the Food and Drug Administration and the National Institutes of Health

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is providing notice of a memorandum of understanding (MOU) between FDA and the National Institutes of Health (NIH). The purpose of this MOU is to establish a relationship between the Center for Drug Evaluation and Research, FDA, and the Epilepsy Branch, National Institute of Neurological Diseases and Stroke, NIH, so that joint experiments can be conducted relating to drug metabolism and drug-drug interactions.

DATES: The agreement became effective December 13, 1993.

FOR FURTHER INFORMATION CONTACT: Jerry M. Collins, Center for Drug Evaluation and Research (HFD–400), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4750.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 20.108(c), which states that all written agreements and memoranda of understanding between FDA and others shall be published in the **Federal Register**, the agency is publishing notice of this memorandum of understanding.

Dated: April 25, 1995.

William B. Schultz,

Deputy Commissioner for Policy.

Memorandum of Understanding Between the U.S. Department of Health and Human Services, National Institutes of Health, National Institute of Neurological Diseases and Stroke, Epilepsy Branch and the U.S. Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research

I. Purpose

The purpose of the proposed Memorandum of Understanding (MOU) is to establish a relationship between the Center for Drug Evaluation and Research (CDER), Food and Drug Administration, and the Epilepsy Branch, National Institute of Neurological Diseases and Stroke, so that joint experiments can be conducted relating to drug metabolism and drug-drug interactions.

II. Background

Drug metabolism and drug-drug interactions represent significant issues for the FDA's mission to ensure safe and effective drugs with adequate instructions for use. For both metabolism and interactions, studies in vitro can provide substantial information needed for drug development and regulation. Review and laboratory scientists in CDER have become increasingly involved in the development of the technology for testing in vitro, and its application to modern drug development and regulation.

The Antiepileptic Drug Development (ADD) Program of the National Institute of Neurological Disorders and Stroke (NINDS) was established to collaborate with the private sector and academia effective and safe drugs for the treatment of seizures in epileptic patients. The ADD Program includes preclinical pharmacodynamic and pharmacokinetic as well as clinical investigations. The Preclinical Pharmacology Section of the Epilepsy Branch is responsible for identifying potential compounds through a multistage screening program. At present, drug-drug interactions are found by chance, as new therapeutic agents proceed through the developmental process and enter clinical trials with comedicated epileptic patients. A critical need exists to establish possible drug-drug interactions prior to the initiation of clinical trials.

III. Substance of Agreement

Staff of both the FDA's Division of Clinical Pharmacology and the Preclinical Pharmacology Section, Epilepsy Branch, NINDS will collaborate in determining metabolic pathways and potential drug-drug interactions of ADD Program compounds. The basic technology for evaluating drug-drug interactions exists in the FDA's laboratory through the use of human liver slices and subcellular fractions. The division of labor for these studies are based on the expertise and equipment found in each laboratory. Analytical methods for the identification and quantification of metabolites of the experimental compounds and clinically effective antiepileptic drugs will be developed in both laboratories under a mutual agreement based on available resources. The compounds will be supplied by the Epilepsy Branch following an agreement with the pharmaceutical sponsor. All data from these studies will remain confidential as stipulated under the present NINDS ADD Program preclinical confidentiality agreement. Any information obtained or generated under this Memorandum of Understanding will not be disclosed by FDA staff to anyone outside FDA or NINDS without permission from NINDS or the pharmaceutical sponsor.

IV. Participating Parties

Epilepsy Branch, National Institute of Neurological Disorders and Stroke, National Institutes of Health, Federal Bldg, Rm. 118, Bethesda, MD 20892
Division of Clinical Pharmacology, Office of Research Resources, Center for Drug Evaluation and Research, Food and Drug Administration, 4 Research Ct., Rm. 314, Rockville, MD 20850

V. Liaison Officers

For the Epilepsy Branch: Harvey Kupferberg, Ph.D., Epilepsy Branch, NINDS, NIH, Federal Bldg, Rm. 118, (301) 496–1846 [phone], (301) 496–9916 [fax]
For the Division of Clinical Pharmacology: John M. Strong, Ph.D., Food and Drug Administration, 4 Research Ct., Rm. 314, Rockville, MD 20850, (301) 427–1065 [phone], (301) 427–1026 [fax]

VI. Period of Agreement

This agreement becomes effective upon acceptance by both parties and will continue in effect indefinitely. It may be modified by mutual written consent or terminated by either party upon a 60-day advance written notice to the other party.

Approved and Accepted for the Epilepsy Branch, NINDS
By: Harvey J. Kupferberg
Title: Chief, PPS, EB, DCDND, NINDS, NIH
Date: December 13, 1993

Approved and Accepted for the Food and Drug Administration
By: Jerry M. Collins
Title: Director, Office of Research Resources, CDER/FDA
Date: December 1, 1993

[FR Doc. 95–10644 Filed 4–28–95; 8:45 am]

BILLING CODE 4160–01–F

Public Health Service

National Center for Health Statistics; ICD–9–CM E Code Revisions

AGENCY: National Center for Health Statistics, DHHS.

ACTION: The National Center for Health Statistics has approved the following expansion to the External Cause Code in the International Classification of Diseases, Ninth Revision, Clinical Modification (ICD–9–CM). These new codes and code revisions are being implemented in response to the recommendations from the contract (number 200–92–7031). The revisions listed below represent a partial list of recommended code changes as listed in the **Federal Register**/Vol. 59, No. 250, Friday, December 30, 1994. The other recommended code revisions will be considered for implementation next year. These ICD–9–CM E–Code revisions will become effective October 1, 1995. The official guidelines for the application of E-codes for morbidity purposes will also be published at that time. The official government version of the ICD–9–CM which will include all the revisions effective October 1, 1995 will be found on the ICD–9–CM CD–ROM which will be available through the Government Printing Office.

E854 Accidental Poisoning by Other Psychotropic Agents

New Code—E854.8 Other psychotropic agents

E880 Fall on or From Stairs or Steps

New Code—E880.1 Fall on or from sidewalk curb
Add—Excludes: fall from moving sidewalk (E885)

E884 Other Fall From one Level to Another

Revise—E884.2 Fall from chair
New Code—E884.3 Fall from wheelchair
New Code—E884.4 Fall from bed
New Code—E884.5 Fall from other furniture
New Code—E884.6 Fall from commode Toilet

E906 Other injury caused by animals

New Code—E906.5 Bite by unspecified animal, Animal bite NOS

E908 Cataclysmic storms, and floods resulting from storms

New Code—E908.0 Hurricane, Storm surge, ''Tidal Wave'' caused by storm action, Typhoon
New Code—E908.1 Tornado, Cyclone, Twisters
New Code—E908.2 Floods, Torrential rainfall, Flash flood
Excludes: collapse of dam or man-made structure causing flood (E909.3)
New Code—E908.3 Blizzard (snow) (ice)
New Code—E908.4 Dust storm
New Code—E908.8 Other cataclysmic storms
New Code—E908.9 Unspecified cataclysmic storms, and floods resulting from storms, Storm NOS

E909 Cataclysmic Earth Surface Movements and Eruptions

New Code—E909.0 Earthquakes
New Code—E909.1 Volcanic eruptions, Burns from lava. Ash inhalation
New Code—E909.2 Avalanche, landslide, or mudslide
New Code—E909.3 Collapse of dam or man-made structure
New Code—E909.4 Tidalwave caused by earthquake, Tidalwave NOS, Tsunami
Add—Excludes; tidalwave caused by tropical storm (E908.0)
New Code—E909.8 Other cataclysmic earth surface movements and eruptions
New Code—E909.9 Unspecified cataclysmic earth surface movements and eruptions

E920 Accidents Caused by Cutting and Piercing Instruments or Objects

New Code—E920.5 Hypodermic needle, Contaminated needle, Needle stick

E924 Accident Caused by Hot Substances or Object, Caustic or Corrosive Material, and Steam

E924.0 Hot Liquids and Vapors, Including Steam

Add—Excludes: hot (boiling) tap water (E924.2)
New Code—E924.2 Hot (boiling) tap water

E968 Assault by Other and Unspecified Means

New Code—E968.5 Transport vehicle, Colliding with other vehicle or running down pedestrian with intent to injure
Pushed in front of, thrown from, or dragged by moving vehicle with intent to injure

Sue Meads, R.R.A.,

Co-chair, ICD–9–CM Coordination and Maintenance Committee.

[FR Doc. 95–10556 Filed 4–28–95; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–024–05–1020–00]

Arizona: Phoenix Resource Management Plan Amendment and Decision Record

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In compliance with the Federal Land Policy and Management Act of 1976 and Section 102(2)(c) of the National Environmental Policy Act of 1969, a Final Planning Amendment/ Environmental Assessment was prepared by the Phoenix District, Arizona. A subsequent Decision Record and Finding of No Significant Impact (FONSI) is made available for public comment for thirty (30) days, after which the Decision will become final.

The Decision determines that it is appropriate to amend the plan to allow the closure of the Two Shoe grazing allotment to livestock grazing in order to promote improved recreation, watershed, wildlife and wild burro management. The plan amendment will guide future management on

approximately 15,750 acres of land bordering Lake Pleasant Regional Park north of Phoenix, Arizona.

SUPPLEMENTARY INFORMATION: Copies of the Environmental Assessment are available from the Bureau of Land Management's Phoenix District Office, 2015 West Deer Valley Road, Phoenix, AZ 85027. Public comments on the Environmental Assessment will be accepted for a period of thirty (30) days following publication of this notice.

FOR FURTHER INFORMATION CONTACT: Gail Acheson, Phoenix Resource Area Manager, 2015 West Deer Valley Road, Phoenix, AZ 85027 or telephone (602) 780–8090.

Dated: April 25, 1995.

David J. Miller,

Associate District Manager.

[FR Doc. 95–10630 Filed 4–28–95; 8:45 am]

BILLING CODE 4310–32–P

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32685]

Chicago & North Western Railway Co., Soo Line Railroad Co., d/b/a CP Rail System, Wisconsin & Southern Railroad Company, Wisconsin Department of Transportation—Joint Relocation Project Exemption—in Dane County, WI

On March 31, 1995, Chicago and North Western Railway Company (CNW), Soo Line Railroad Company, d/b/a CP Rail System (Soo), and Wisconsin and Southern Railroad Company (WSOR), and the Wisconsin Department of Transportation jointly filed a notice of exemption under 49 CFR 1180.2(d)(5) to relocate a line of railroad in Madison, Dane County, WI. The proposed transaction was expected to be consummated on or after April 7, 1995.

The line relocation project is to facilitate construction of the new Monona Terrace Convention Center in Madison, WI. CNW and WSOR [1] currently operate two closely parallel rail lines in a rail corridor running at the base of a bluff under the planned convention center site. The convention design will require supporting piers for the structure to be placed on the site of the current CNW track.

The joint project involves: (1) The incidental construction of connecting tracks between existing CNW and WSOR tracks, which would involve the moving of all rail operations a distance of approximately 2,090 feet to the current WSOR line; (2) the transfer of WSOR's ownership of track within the relocation limits to CNW, which CNW will rehabilitate, and CNW will grant trackage rights over the track to WSOR and Soo; and (3) the removal of CNW's track within the relocation limits. The notice states that service to shippers will not be disrupted.

The Commission will exercise jurisdiction over the abandonment or construction components of a relocation project, and require separate approval or exemption, only where the removal of track affects service to shippers or the construction of new track involves expansion into new territory. *See City of Detroit* v. *Canadian National Ry. Co., et al,* 9 I.C.C.2d 1208 (1993). The Commission has determined that line relocation projects may embrace trackage rights transactions such as the one involved here. *See D.T.&I.R.—Trackage Rights,* 363 I.C.C. 878 (1981). Under these standards, the incidental abandonment, construction, and trackage rights components require no separate approval or exemption when the relocation project, as here, will not disrupt service to shippers and thus qualifies for the class exemption at 49 CFR 1180.2(d)(5).

As a condition to the use of this exemption, any employees affected by the trackage rights agreement will be protected by the conditions in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Robert T. Opal, Chicago and North Western Railway Company, 165 North Canal Street, Chicago, IL 60606; Larry D. Starns, Soo Line Railroad Company, Suite 1000, Soo Line Building, Box 530, Minneapolis, MN, 55440; John D. Heffner, 1920 N Street, NW, Suite 420, Washington, DC 20036; and James S. Thiel, Wisconsin Department of Transportation, Room 115B, Hill Farms State Transportation Building, P.O. Box 7910, Madison, WI 53707.

Decided: April 24, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–10595 Filed 4–28–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32133]

Union Pacific Corporation, Union Pacific Railroad Company and Missouri Pacific Railroad Company—Control—Chicago and North Western Transportation Company and Chicago and North Western Railway Company

AGENCY: Interstate Commerce Commission.

ACTION: Decision No. 27; notice that the Commission has been requested to issue a finding that the terms and conditions of the proposed merger of UP Rail, Inc., into Chicago and North Western Transportation Company are just and reasonable.

SUMMARY: UP Rail, Inc. (a subsidiary of Union Pacific Corporation) is to be merged into Chicago and North Western Transportation Company (the holding company parent of Chicago and North Western Railway Company), assuming the success of a tender offer that was commenced on March 23, 1995. The merger envisions, among other things, a tender offer to stockholders of $35 per share and a ''cashing out'' of all non-tendering stockholders at a price of $35 per share. The Commission has been requested to issue a finding that the terms and conditions of the merger are just and reasonable.

DATES: Comments must be filed by May 31, 1995. Replies must be filed by June 15, 1995.

ADDRESSES: All pleadings should refer to Finance Docket No. 32133. Comments (an original and 10 copies) should be sent to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, NW., Washington, DC 20423. Comments should also be served (one copy each) on: (1) Arvid E. Roach II, Covington & Burling, 1201 Pennsylvania Avenue, NW., P.O. Box 7566, Washington, DC 20044–7566; and (2) L. John Osborn, Suite 600, East Tower, 1301 K Street, NW., Washington, DC 20005. Replies (an original and 10 copies) should be sent to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, NW., Washington, DC 20423. Replies should also be served (one copy each) on all active parties in this proceeding, counsel for the plaintiffs in the Delaware shareholder suits referenced

[1] Soo has trackage rights on the WSOR line and Soo formerly owned the WSOR line. *See Wisconsin & Southern Railroad Co.—Purchase, Lease and Operation Exemption—Canadian Pacific Rail Services,* Finance Docket No. 32546, (ICC served Aug. 16, 1994).

below, and any known shareholders of Chicago and North Western Transportation Company who have not tendered their shares in the tender offer commenced March 23, 1995, by UP Rail, Inc.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927–5610. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: In our UP/CNW Decision No. 25 (served March 7, 1995), we approved common control of UP (class I railroads Union Pacific Railroad Company and Missouri Pacific Railroad Company) and CNW (class I railroad Chicago and North Western Railway Company). Union Pacific Railroad Company (UPRR) and Missouri Pacific Railroad Company (MPRR) are indirect wholly owned subsidiaries of Union Pacific Corporation (UPC), a non-carrier holding company. CNW is a direct wholly owned subsidiary of Chicago and North Western Transportation Company (CNWT), another non-carrier holding company. UPC, UPRR, MPRR, CNWT, and CNW are referred to herein as the primary applicants. The UP/CNW common control that we approved envisioned that UP and CNW would come under common control with the conversion, from non-voting status to voting status, of the approximately 29.5% of the CNWT common stock held by non-carrier UP Rail, Inc. (UPR), another indirect wholly owned UPC subsidiary. Our UP/CNW Decision No. 25 became effective on April 6, 1995.

On March 16, 1995, UPC and CNWT entered into an Agreement and Plan of Merger (the Merger Agreement) that provides, among other things, (1) that UPR will make a tender offer for 100% of CNWT's common stock at a price of $35 per share in cash, and (2) that all non-tendering CNWT shareholders will also receive $35 per share in cash following the UPR/CNWT merger. The tender offer was commenced on March 23, 1995, and is scheduled to expire on April 24, 1995.

By petition (UP/CNW–134) filed April 4, 1995, the primary applicants have requested that we issue a determination that the terms and conditions of the proposed UPR/CNWT merger (in particular, the $35-per-share price to be paid to CNWT shareholders) are just and reasonable. The primary applicants seek this determination (1) because they believe the Commission is required by *Schwabacher* v. *United States*, 334 U.S. 182 (1948), to make such a determination to protect minority shareholders and (2) in order to immunize the UPR/CNWT merger from the otherwise applicable state law rights, particularly the otherwise applicable state law appraisal rights, of dissenting CNWT shareholders. 49 U.S.C. 11341(a). A copy of the Merger Agreement can be found in UP/CNW–134, Exhibit B, Annex I.

The primary applicants indicate that they have served a copy of their UP/CNW–134 petition on all active parties in the Finance Docket No. 32133 proceeding and on counsel for plaintiffs in certain Delaware shareholder suits challenging various aspects of the Merger Agreement. The primary applicants have also pledged to serve a copy of their petition on any known CNWT shareholders who do not tender their shares in response to the tender offer. The primary applicants urge expedited handling of their petition (in particular: that we publish notice of their petition in the **Federal Register**; that we allow interested persons 30 days to file comments; that we further allow the primary applicants an additional 15 days to file a reply; and that we proceed promptly to a decision thereafter).

Our statutory mandate, 49 U.S.C. 11344(c), requires, among other things, that we determine, in appropriate cases, that the terms and conditions of certain transactions affecting stockholders are just and reasonable. *See, e.g., Union Pacific Corp. et al.—Cont.—MO-KS-TX Co. et al.*, 4 I.C.C.2d 409, 515 (1988) (''In appraising this transaction affecting the rights of stockholders, it is incumbent upon us to see that the interests of minority stockholders are protected and that the overall proposal is just and reasonable to those stockholders. *Schwabacher* v. *United States*, 344 U.S. at 198, 201.''). Because the UP/CNW–134 petition implicates our statutory mandate and involves a matter that requires expedited regulatory action, we will proceed upon the schedule urged by the primary applicants.

Accordingly, we solicit comments from all interested persons respecting whether the terms and conditions of the proposed UPR/CNWT merger are just and reasonable. Such comments must be submitted by May 31, 1995. The primary applicants may file replies to such comments by June 15, 1995.

Any interested person who has not received copies of the UP/CNW–134 petition and the primary applicants' letter dated April 17, 1995 (announcing a settlement of the Delaware litigation) may request copies, in writing or by telephone, from Arvid E. Roach II, Covington & Burling, 1201 Pennsylvania Avenue, N.W., P.O. Box 7566, Washington, D.C. 20044–7566 (telephone: 202–662–5388).

In addition to submitting an original and 10 copies of all documents filed with the Commission, the primary applicants and any commenters are encouraged to submit all pleadings and attachments as computer data contained on a 3.5-inch floppy diskette formatted for WordPerfect 5.1 (or formatted so that it can be converted by WordPerfect 5.1). The primary applicants are also encouraged to submit their UP/CNW–134 petition (including Exhibits A and B thereto), and their letter dated April 17, 1995 (including Exhibits A and B thereto), on such a diskette.

Decided: April 19, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary.

[FR Doc. 95–10633 Filed 4–28–95; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed partial consent decree in *United States* v. *Metropolitan Dade County, et al.*, Case No. Civ–93–1109–Moreno, was lodged on April 19, 1995, with the United States District Court for the Southern District of Florida. The consent decree settles all claims for injunctive relief and civil penalties brought against Metropolitan Dade County and the Miami-Dade Water and Sewer Authority Department under Sections 301, 309 (b) and (d), and 402 of the Clean Water Act, 33 U.S.C. 1311, 1319 (b) and (d), and 1342, and sets forth remedial measures, supplemental environmental projects, and a civil penalty.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Metropolitan Dade County, et al.*, DOJ Ref. #90–5–1–1–4022.

The proposed consent decree may be examined at the office of the United States Attorney, Southern District of Florida, 99 N.E. 4th Street, Miami, Florida 33132; the Region IV Office of the United States Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365; and at the Consent Decree Library, 1120 G

Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $36.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 95–10549 Filed 4–28–95; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Proposed Final Judgment and Competitive Impact Statement

In the matter of: *United States* v. *Oregon Dental Service.*

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b)–(h), that a proposed Final Judgment, Settlement Agreement, and Competitive Impact Statement have been filed with the United States District Court for the Northern District of California in *United States of America* v. *Oregon Dental Service*, Civil Action No. C95 1211 FMS. The Complaint in this case alleges that the defendant and others engaged in a combination in unreasonable restraint of interstate trade and commerce in violation of the Sherman Act, 15 U.S.C. 1. The proposed Final Judgment enjoins the defendant for five years from maintaining, adopting, or enforcing a clause in its contracts with dentists that requires the dentist to give the defendant the lowest fees he or she offers to any person or dental plan. It also enjoins the defendant from taking any other action, directly or indirectly, to influence or attempt to influence dentists' discounting of fees or participation in other dental plans. Finally, the proposed Final Judgment enjoins the defendant from disclosing or in any way directly revealing to dentists its maximum allowable or acceptable fee for dental procedures.

Public comment on the proposed Final Judgment is invited within the statutory 60-day comment period, which runs from the date of this notice. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Christopher S. Crook, Acting Chief, San Francisco Office, Box 36046, Antitrust Division, U.S. Department of Justice, San Francisco, California 94102 (telephone: (415) 556–6300).

Constance K. Robinson,

Director of Operations, Antitrust Division.

Barbara J. Nelson, Philip R. Malone, Carla G. Addicks, Antitrust Division, U.S. Department of Justice, 450 Golden Gate Avenue, Box 36046, 10th Floor, San Francisco, California 94102–3478, (415) 556–6300, Attorneys for the United States

In the United States District Court Northern District of California

[Civil No. C95 1211 FMS]

In the matter of: *United States of America,* Plaintiff, v. *Oregon Dental Service,* Defendant.

Complaint

The United States of America, acting under the direction of the Attorney General of the United States, brings this civil action to obtain equitable and other relief against the defendant named herein, and complains and alleges as follows:

I. Jurisdiction and Venue

1. This Complaint is filed by the United States under Section 4 of the Sherman Act; 15 U.S.C. 4, as amended, to prevent and restrain a continuing violation by the defendant of Section 1 of the Sherman Act, 15 U.S.C. 1.

2. The defendant maintains an office, transacts business, and is found within the Northern District of California, within the meaning of 15 U.S.C. 22 and 28 U.S.C. 1391(c).

II. Defendant

3. Oregon Dental Service (''ODS''), is a corporation organized and existing under the laws of the State of Oregon with its principal place of business in Portland, Oregon. ODS provides dental coverage to employees of Oregon corporations and others. Certain of those employees are located in the Northern District of California.

4. ODS is a non-profit corporation whose participating providers consist of dentists licensed to practice in Oregon and who execute participating provider agreements with ODS. At material times, dentists comprised the majority of the Board of Directors of ODS. At material times, in excess of ninety percent of dentists licensed to practice in Oregon were participating providers of ODS.

5. Various firms and individuals, not named as defendants in this Complaint, have entered into agreements with ODS in violation of the Sherman Act as alleged in this Complaint, and have performed acts and made statements in furtherance thereof.

III. Trade and Commerce

6. At material times, ODS has engaged in the business of providing dental insurance coverage. ODS contracts directly with individual dentists and groups of dentists for the provision of dental services to persons covered by ODS' dental insurance plans. Participating dentists agree to comply with the terms of the contractual agreements with ODS, and to abide by ODS' rules and policies.

7. ODS compensates participating dentists on the basis of submitted fee schedules. At material times, payments from ODS to Oregon dentists constituted a significant portion of most individual participating dentist's receipts from the provision of dental services to patients.

8. At material times, ODS' ''Participating Dentist Rules and Policies'' contained provisions known as ''most favored nation'' clauses. These provisions stated that, for example, the ''lowest fee accepted by the Dentist for services to be rendered to any group shall constitute the Dentist's filed fee scheduled for payment of ODS Health Plan claims.''

9. ODS' enforcement of the most favored nation clauses in its rules and policies resulted in most participating dentists' refusal to discount their fees to non-ODS patients or competing dental plans.

10. ODS' most favored nation clauses have caused significant numbers of dentists to drop out of or refuse to join competing discount dental plans. Because such a large percentage of Oregon dentists participate with ODS' plan, the ODS most favored nation clauses have resulted in many competing dental plans being unable to attract and/or retain sufficient numbers of dentists to serve their members.

11. ODS periodically determines the amount it will pay for procedures to participating dentists based upon fee filings submitted by the participating dentists. A majority of these dentists used the fee schedule they filed with ODS as their fee schedule for all other patients, including those covered by other insurance plans and uninsured patients.

12. ODS sets the maximum fee allowable for a particular procedure at the 90th percentile of all fees submitted to it by participating dentists (the level at or above the fee charged by 90% of participating dentists). If 10 or fewer of a dentist's submitted fees are above the 90th percentile, ODS notifies the dentist of the amount of the maximum allowable fee. Most participating dentists file fee schedules proposing to charge more than the maximum

allowable fee for 10 or fewer procedures; when one of these dentists is advised of the exact maximum allowable fees, he or she is able to lower the fees no more than necessary to obtain approval from ODS. If the dentist agrees to charge the maximum allowable amount, the dentist signs the notification and returns it to ODS.

13. Most dentists who are participants with ODS are in independent, private practices and are in actual or potential competition with other participating dentists for the provision of dental services.

14. At material times, ODS and participating dentists have utilized interstate banking facilities and purchased not insubstantial quantities of goods and services from outside the state of Oregon, for use in providing dental insurance coverage or dental services to patients.

15. The activities of ODS that are the subject of this Complaint have been within the flow of, and have substantially affected, interstate trade and commerce.

IV. Violation Alleged

16. Beginning at a time unknown to the plaintiff and continuing through at least September 1994, ODS and others engaged in a combination in unreasonable restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act, 15 U.S.C. ODS voluntarily abandoned the combination in September, 1994, but this offense is likely to recur unless the relief hereinafter sought is granted.

17. For the purpose of forming and effectuating this combination, ODS did the following things, among others:

(a) Adopted and enforced most favored nation clauses in the contracts with dentists and in rules and policies the dentists agreed to abide by, and

(b) Received and disseminated information on the maximum allowable fees for certain procedures, and obtained signed commitments from participating dentists to charge the maximum allowable fees.

18. These agreements had the following effects, among others:

(a) Price competition among dentists for the provision of dental services has been unreasonably restrained and fees for such services have been stabilized at a level higher than they might otherwise have been;

(b) Price competition among dental insurance plans has been unreasonably restrained; and

(c) Consumers of dental services in Oregon have been deprived of the benefits of free and open competition.

V. Prayer

Wherefore, the plaintiff prays:

1. That the Court adjudge and decree that ODS engaged in an unlawful combination in unreasonable restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act, 15 U.S.C. 1, as alleged in the Complaint.

2. That ODS, its members, officers, directors, agents, employees, and successors and all other persons acting or claiming to act on its behalf be enjoined, restrained and prohibited for a period of five years from, in any manner, directly or indirectly, continuing, maintaining, or renewing the alleged agreements, or from entering into any other agreement, understanding, plan, program, or other arrangement having a similar purpose or effect as the alleged agreements.

3. That the United States have such other relief as the nature of the case may require and the Court may deem just and proper.

Dated: April 10, 1995.

Anne K. Bingaman,

Assistant Attorney General.

Mark C. Schechter,

Deputy Director of Operations.

Christopher S. Crook,

Acting Chief, San Francisco Office. Antitrust Division, U.S. Department of Justice.

Barbara J. Nelson,

Philip R. Malone,

Carla G. Addicks,

Attorneys, Antitrust Division, U.S. Department of Justice.

Barbara J. Nelson, Philip R. Malone, Carla G. Addicks, Antitrust Division, U.S. Department of Justice, 450 Golden Gate Avenue, Box 36046, 10th Floor, San Francisco, California 94102–3478, (415) 556–6300, Attorneys for the United States.

In the United States District Court
Northern District of California

[Civil No. C95 1211 FMS]

In the matter of: *United States of America,* Plaintiff, v. *Oregon Dental Service,* Defendant.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The Court has jurisdiction over the subject matter of this action and over each of the parties thereto, and venue of this action is proper in the Northern District of California;

2. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff United States has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on the defendant and by filing that notice with the Court. The parties represent that they have full authority to enter into this Stipulation.

3. In the event plaintiff United States withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

4. The parties agree that the Final Judgment resolves all disputes between the parties as to the most favored nation clause and disclosure of the maximum allowable fees. Plaintiff will not institute further investigation of ODS with regard to the most favored nation clause or disclosure of maximum allowable fees so long as ODS remains in compliance with the terms of the Final Judgment, except for the purposes of determining or securing compliance with the Final Judgment.

5. ODS agrees to comply with the provisions of the Final Judgment pending entry of the Final Judgment.

Dated: March 28, 1995.

For the United States:

Barbra J. Nelson,

For the Defendant:

Timothy G. Beckler.

In the United States District Court
Northern District of California

In the matter of: United States of America, Plaintiff v. Oregon Dental Service, Defendant.

[Civil No. C95 1211]

Final Judgment

Whereas, plaintiff, United States of America through its attorney, filed its Complaint on , 1995, alleging a violation of the Sherman Act, 15 U.S.C. 1;

Whereas, the defendant denies liability with respect to all matters subject of the complaint;

Whereas, there has been no determination by the Court that a violation of law has occurred;

Whereas, the plaintiff and defendant desire to resolve their disputes without trial or adjudication of any issue of law or fact; and

Whereas, this Final Judgment shall not be evidence against or an admission by any party with respect to any issue of law or fact;

Now therefore, before the taking of any testimony and without trial or adjudication of any issue of law or fact herein, it is hereby ordered, adjudged, and decreed as follows:

I. Jurisdiction

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against the defendant under Section I of the Sherman Act, 15 U.S.C. 1.

II. Definitions

As used herein, the term:

(A) ''ODS'' means Oregon Dental Service;

(B) ''Most Favored Nation Clause'' or ''MFN'' means those provisions in the defendant's participating dentist agreements that prior to September 28, 1994, required that the lowest fee accepted by the participating dentist for services rendered to any group constituted the dentist's filed fee schedule for payment of ODS claims.

III. Applicability

(A) This Final Judgment applies to ODS and to ODS' officers, employees, members acting as corporate policy makers, directors, successors, assigns, subsidiaries, divisions and any other organizational units of any kind, and to all other persons in active concert or participation with any of them. Within 60 days of entry, ODS shall provide a copy of this Final Judgment by mail or personal service to ODS' officers, directors and managerial employees. Thereafter, ODS shall distribute in a timely manner a copy of this Final Judgment to any new officer, director, or managerial employee.

(B) Nothing herein contained shall suggest that any portion of this Final Judgment is or has been created for the benefit of any third party and nothing herein shall be construed to provide any rights to any third party.

IV. Injunction

(A) ODS is enjoined and restrained from:

(1) Maintaining, adopting, or enforcing an MFN or similar provision in participating dentist agreements or by any other means or methods;

(2) Taking any other action, directly or indirectly, to influence or attempt to influence any dentist to refrain from offering discount fees to any person or dental plan or to refrain from participating in any dental plan;

(3) Disclosing or in any way directly revealing to a dentist or dentists the maximum allowable or acceptable fee for a dental procedure or procedures.

V. Retention of Jurisdiction

Jurisdiction is retained by the Court for the purpose of enabling either party to this Final Judgment to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, modify it on the basis of changed circumstances, terminate any of its provisions, enforce compliance, and punish violations of its provisions.

Nothing in this provision shall give standing to any person not a party to this Final Judgment to seek any relief related to it.

VI. Access to Information

For the purposes of determining or securing compliance with the Final Judgment, from time to time:

(A) Duly authorized representatives of the United States, upon written request of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to ODS, shall be permitted, subject to any legally recognized privilege, access, during office hours, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of ODS relating to any matters contained in this Final Judgment; and

(B) In the event that the plaintiff has reasonable cause to believe that ODS had not complied with the terms of this Final Judgment, then upon the written request of the Assistant Attorney General in charge of the Antitrust Division, ODS shall submit such written reports, under oath if requested, with respect to any of the matter contained in this Final Judgment.

ODS shall have the right to be represented by counsel in any such process.

Any information provided to the plaintiff under this section of the Final Judgment shall be kept confidential by the plaintiff and shall not be disclosed to third parties except as necessary to enforce the Final Judgment or as otherwise previously agreed or required by law.

Nothing in this Final Judgment prohibits the plaintiff from using any other investigatory method authorized by law.

VII. Term

This Final Judgment shall expire five years from the date of its entry.

VIII. Public Interest

Entry of this Final Judgment is in the public interest.

Dated this _____ day of _____, 1995.

United States District Judge.

In the United States District Court
Northern District of California

In the matter of: United States of America, Plaintiff, v. Oregon Dental Service, defendant.

[Civil No. C95 1211]

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h), the United States submits this Competitive Impact Statement relating to the proposed Final Judgment (or ''the Judgment'') submitted for entry against and with the consent of Oregon Dental Service (''ODS'' or ''the defendant'') in this civil proceeding.

I. Nature and Purpose of the Proceeding

On April 10, 1995, the United States filed this single-count civil antitrust suit alleging that ODS, an Oregon non-profit corporation which does business in the Northern District of California, entered into a combination in unreasonable restraint of trade consisting of agreements to restrain price competition for dental services in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. Plaintiff asked the Court to find that the defendant has violated Section 1 of the Sherman Act and further asked the Court to enjoin the continuation of the combination.

Entry of the proposed Final Judgment will terminate the action, except that the Court will retain jurisdiction over the matter for any further proceedings required to interpret, enforce or modify the judgment or to punish violations of any of its provisions.

II. Practices Giving Rise to the Violation

ODS is an Oregon non-profit corporation. ODS' principal place of business is in Portland, Oregon. It was created by the Oregon Dental Association, a professional association of dentists. Dentists hold the majority of positions on ODS' Board of Directors. ODS contracts with businesses, governmental agencies, and other organizations to provide pre-paid dental care coverage to their employees. ODS contracts directly with dentists or groups of dentists to provide dental services to patients who are members of those covered groups.

ODS compensates its participating provider dentists for their services on the basis of a fee for service, determined in part through fee schedules submitted by each dentist. ODS sets its maximum allowable fee at the 90th percentile of all fees for a procedure submitted to it by participating dentists. That is, the maximum allowable fee is equal to or greater than the fees charged by 90% of participating dentists. If 10 or fewer of a dentist's filed fees are above this 90th percentile, ODS informs the dentist of the maximum amount that it will pay for the service. Most participating dentists file fee schedules proposing to charge above the maximum allowable fee for 10 or fewer procedures, so they are informed of exactly what fee they may charge and can avoid lowering their fees more than necessary to receive payment from ODS. If the dentist agrees to charge that amount, he or she signs the notification and returns it to ODS.

In excess of 90 percent of the dentists in the state of Oregon have provider contracts with ODS. For most of these dentist, payments from treatment of ODS patients are a significant part of their income. Most of these dentists are in independent, private practice and actually or potentially compete with other participating ODS dentists to provide dental service to both ODS and non-ODS patients.

ODS' participating dentists agree to abide by ODS rules and policies, which contain what is called a ''most favored nation'' clause (''MFN''). The MFN requires that each dentist charge ODS the lowest price that dentist charges any other group. Accordingly, if a dentist reduces fees to a competing dental plan, the MFN requires that the dentist also reduce fees to ODS. The United States alleges that the effect of the MFN has been to require participating ODS dentists to charge other dental plans and non-ODS patients fees that are as high as or higher than the fees charged to ODS.

The Complaint alleges that, beginning at a time unknown to the plaintiff and continuing through at least September 1994, ODS and others engaged in a combination in unreasonable restraint of interstate trade and commerce in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. The Complaint alleges that the combination ended in September 1994, when ODS voluntarily terminated the MFN for business reasons.

To form and effectuate this combination, ODS adopted and enforced an MFN in its rules and policies which dentists were contractually obligated to adhere to, received and disseminated information on the maximum allowable fees for certain procedures, and obtained signed commitments from participating dentists to charge the maximum allowable fees.

Had this case proceeded to trial, the plaintiff was prepared to prove that the combination unreasonably restrained price competition among dentists and between other dental insurance plans and ODS, and stabilized prices for dental services.

ODS' adoption and enforcement of the MFN restrained price competition among Oregon dentists for the provision of dental services because it caused significant numbers of dentists to refuse to discount their fees. Before the MFN was enforced, certain Oregon dentists had reduced their fees to ODS competitors in order to participate in the competitors' managed-care plans. Others had indicated a willingness to do so.

After ODS began enforcing the MFN, however, most participating dentists refused to discount their fees to non-ODS patients or competing discount dental plans because, if they did, the MFN would require them to also lower all of their fees to ODS. Since most dentists in Oregon receive a significant portion of their income from treating ODS patients, the cost to those dentists of discounting their fees on non-ODS patients or competing dental care plans became too great to justify discounting. For the same reason, it was too costly for most dentists to drop their participation in ODS' plan in order to avoid the MFN and be able to discount their fees to competing discount dental plans. Consequently, the MFN substantially reduced discounting that was occurring and, had it continued in force, would have deterred future discounting.

The plaintiff was also prepared to prove that the combination unreasonably restrained competition between ODS and other dental insurance plans. Because of the MFN and its effect on the willingness of dentists to join discount dental plans, competing discount plans were unable to attract and keep a sufficiently large qualified, and geographically varied panel of dentists to adequately serve their members and make their plans commercially marketable to employer and other groups. Some plans left the market or had their ability to attract and serve patient groups severely restricted, leading to a substantial reduction in their ability to complete with ODS.

The combination deprived Oregon consumers of price competition among dentists who stopped discounting their fees. Consumers were also deprived of choices of competing dental insurance plans offering different combinations of dentists, services, and prices.

Moreover, the plaintiff was prepared to prove that ODS' revealing the maximum acceptable fees to those dentists with 10 or fewer procedures over the maximum prevented those fees from falling below the maximum and effectively stabilized those fees at the maximum acceptable level—a level higher than they might otherwise have been. As a result, consumers were further deprived of price competition among dentists.

III. Explanation of the Proposed Final Judgment

The plaintiff and ODS have stipulated that the Court may enter the proposed Final Judgment after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h). The proposed Final Judgment provides that its entry does not constitute any evidence against or admission of any party with respect to any issue of law or fact.

Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(e), the proposed Final Judgment may not be entered unless the Court finds that entry is in the public interest. Section VIII of the proposed Final Judgment sets forth such a finding.

The proposed Final Judgment is intended to ensure that ODS does not reinstate its MFN and ceases disclosing its maximum allowable fees to participating dentists. The proposed Final Judgment also prohibits ODS from taking any other action that may influence dentists' decisions regarding the discounting of fees.

A. Scope of the Proposed Final Judgment

Section III of the proposed Final Judgment provides that the Final Judgment shall apply to ODS and to ODS' officers, employees, members acting as corporate policy makers, directors, successors, assigns, subsidiaries, divisions and any other organizational units of any kind, and to all other persons in active concert or participation with any of them.

In the Stipulation to the proposed Final Judgment, ODS has agreed to be bound by the terms of the proposed Final Judgment, pending its approval by the Court.

B. Prohibitions and Obligations

Under Section IV of the proposed Final Judgment, ODS is enjoined and restrained for a period of five years from maintaining, adopting, or enforcing an MFN or similar provision in

participating dentist agreements or by any other means or methods, or by taking any other action, directly or indirectly, to influence or attempt to influence any dentist to refrain from offering discount fees to any person or dental plan or to refrain from participating in any dental plan. ODS is also enjoined and restrained for a period of five years from disclosing or in any way directly revealing to a dentist or dentists the maximum allowable or acceptable fee for a dental procedure or procedures.

The proposed Final Judgment also provides that the plaintiff will have access to information to enforce the judgment.

C. Effect of the Proposed Final Judgment on Competition

The relief required by the proposed Final Judgment will prohibit reinstatement of a substantial restraint on price competition among dentists and between ODS and other dental plans in Oregon, by ensuring that ODS will not adopt or enforce the limitations on dentists' abilities to discount created by the MFN. The proposed Final Judgment will also prohibit ODS from taking any other action which might discourage participating dentists from discounting or participating in competing discount plans. As a result, dentists will be free to discount or to join other discount plans, and discount dental plans will no longer be prevented by ODS' actions from attracting and maintaining viable panels of dentists to serve their members.

Finally, the relief required by the proposed Final Judgment will prohibit ODS' dissemination of the maximum fee amount for particular procedures. Without the information provided by ODS, dentists will have to determine independently the fees to charge for their services.

The prohibitions in the proposed Final Judgment will restore to dental consumers the benefits of free and open competition that were suppressed by ODS' adoption and enforcement of the MFN. The proposed Final Judgment prohibits ODS from reinstating the MFN during the term of the Final Judgment.

IV. Alternatives to the Proposed Final Judgment

The alternative to the proposed Final Judgment is a full trial on the merits of the case. Such a trial would involve substantial cost to the United States and the defendant and is not warranted because the proposed Final Judgment provides all the relief that is needed to remedy the violations of the Sherman Act alleged in the United States' complaint.

V. Remedies Available to Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorney's fees. Entry of the proposed Final Judgment will neither impair nor assist in the bringing of such actions. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the Final Judgment has no *prima facie* effect in any subsequent lawsuits that may be brought against the defendant in this matter.

VI. Procedures Available for Modification of the Proposed Final Judgment

As provided in the Antitrust Procedures and Penalties Act, any person believing that the proposed judgment should be modified may submit written comments to Christopher S Crook, Acting Chief, San Francisco Office, Department of Justice, Antitrust Division, 450 Golden Gate Avenue, San Francisco, California, 94102–3478, within the 60-day period provided by the Act. These comments, and the plaintiff's responses to them, will be filed with the Court and published in the **Federal Register**. All comments will be given due consideration by the Department of Justice, which remains free, pursuant to the Stipulation, to withdraw its consent to the proposed Final Judgment at any time prior to its entry if The Department should determine that some modification of the judgment is necessary to the public interest. The proposed Final Judgment provides that the Court will retain jurisdiction over this action, and that the parties may apply to the Court for such orders as may be necessary or appropriate for the modification, interpretation, or enforcement of the Judgment.

VII. Determinative Documents

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), were considered in formulating the proposed Judgment. Consequently, none are filed herewith.

Dated: April 10, 1995.

Respectfully submitted,

Barbara J. Nelson,

Phillip R. Malone,

Carla G. Addicks,

Antitrust Division, U.S. Department of Justice.

[FR Doc. 95–10596 Filed 4–28–95; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Business Research Advisory Council Committee on Occupational Safety and Health Statistics; Cancellation of Committee Meeting

SUMMARY: Due to the scheduling difficulties of participants, the meeting of the Business Research Advisory Council Committee, on Occupational Safety and Health Statistics has been cancelled. The meeting had been announced previously in the **Federal Register** of April 12, 1995, 60 FR 18618. The committee meeting was to have taken place on Thursday, May 4, 1995, 1:00 p.m. at the Postal Square Building.

FOR FURTHER INFORMATION CONTACT: Ms. Constance B. DiCesare, Liaison for the Business Research Advisory Council to the Bureau of Labor Statistics, 2 Massachusetts Avenue NE., Room 2850, Washington, DC 20212 (202) 606–5887.

Signed at Washington, DC, this 25th day of April, 1995.

Katharine G. Abraham,

Commissioner.

[FR Doc. 95–10632 Filed 4–28–95; 8:45 am]

BILLING CODE 4510–24–M

Employment and Training Administration

[TA–W–30,788]

Meridian Oil-Houston Region; Houston, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

With other locations in the following states, TA–W–30,788A Texas, TA–W–30,788B Alabama, TA–W–30,788C Louisiana, TA–W–30,788D Ohio, TA–W–30,788E Oklahoma, and Meridian Oil Corporate and Administrative Offices, TA–W–30,788F Houston, TX, TA–W–30,788G Fort Worth, TX.

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on March 23, 1995, applicable to all workers of the subject firm.

The Notice was published in the **Federal Register** on April 10, 1995 (60 FR 18146).

At the request of the workers, the Department reviewed the certification for workers of the subject firm. The investigation findings show that workers at the corporate office of Meridian Oil in Houston, Texas and in Fort Worth, Texas should be covered under the subject certification. The Houston Region accounted for a significant share of the business at the corporate and administrative offices of Meridian Oil. Accordingly, the Department is amending the certification to properly reflect this matter.

The amended notice applicable to TA–W–30,788 is hereby issued as follows:

All workers of the Houston Region of Meridian Oil in Houston, Texas and in other locations in Texas, Alabama, Louisiana, Ohio and Oklahoma and in the corporate offices of Meridian Oil in Houston, Texas and in the administrative office in Forth Worth, Texas who became totally or partially separated from employment on or after February 20, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, D.C., this 20th day of April, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–10627 Filed 4–28–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,648]

Seagull Mid-South, Inc. (Formerly Arkla Exploration Company) A/K/A Seagull Energy E & P, Inc., Shreveport, LA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance applicable to all workers of the subject firm.

The certification notice was issued on March 16, 1995 and was published in the **Federal Register** on March 27, 1995 (60 FR 15791).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The investigation findings show Seagull Energy purchased ARKLA Exploration Company on December 31, 1992 and the workers became Seagull Energy E & P, Inc. Accordingly, many of the workers of the subject firm had wages reported under Seagull Energy E & P, Inc., and their unemployment insurance (UI) taxes were paid under Seagull Energy E & P, Inc.

Accordingly, the Department is amending the certification to properly reflect this matter.

The amended notice applicable to TA–W–30,648 is hereby issued as follows:

All workers of Seagull Mid South, Inc., (formerly ARKLA Exploration Company) also known as Seagull Energy E & P, Inc., Shreveport, Louisiana who became totally or partially separated from employment on or after January 6, 1994 are eligible to apply for adjustment assistance under Section 231 of Trade Act of 1974.

Signed at Washington, D.C., this 20th day of April, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–10631 Filed 4–28–95; 8:45 am]

BILLING CODE 4510–30–M

Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

TA–W–29,173, Shell Oil Company, Administration—E&P/SET a/k/a Shell Services Company (SSO), a/k/a Shell E&P Company (SEPC), a/k/a Shell Chemical Company (SCC), a/k/a Shell Oil Products Company (SOPC), headquartered in Houston, Texas and operating at various locations in the following States:

TA–W–29,173A Alabama
TA–W–29,173B Alaska
TA–W–29,173C California
TA–W–29,173D Connecticut
TA–W–29,173E District of Columbia
TA–W–29,173F Florida
TA–W–29,173G Georgia
TA–W–29,173H Illinois
TA–W–29,173I Indiana
TA–W–29,173J Louisiana
TA–W–29,173K Maryland
TA–W–29,173L Michigan
TA–W–29,173M Mississippi
TA–W–29,173N Missouri
TA–W–29,173O New Jersey
TA–W–29,173P New Mexico
TA–W–29,173Q New York
TA–W–29,173R Ohio
TA–W–29,173S Oklahoma
TA–W–29,173T Oregon
TA–W–29,173U Pennsylvania
TA–W–29,173V Texas (except Houston)
TA–W–29,173W Utah
TA–W–29,173X Virginia
TA–W–29,173Y Washington
TA–W–29,173Z West Virginia.

TA–W–29,177, Shell Development Company, a/k/a Shell E&P Company (SEPC), a/k/a Shell Chemical Company (SCC), a/k/a Shell Oil Products Company (SOPC), Houston, Texas.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 23, 1993, applicable to all workers of Shell Oil Company, Administration—E&P/SET, headquartered in Houston, Texas and operating in various States, and Shell Development Company, Houston, Texas. The notice was published in the **Federal Register** on January 11, 1994 (59 FR 1566).

Company officials report that effective March 1, 1995, Shell Oil Company's Administration—E&P and Set, and Shell Development Company are being reincorporated with other parts of the company as Shell Services Company, Shell Exploration and Production Company, Shell Chemical Company, and Shell Oil Products Company.

The intent of the Department's certification is to include all workers of Shell Oil Company who were adversely affected by increased imports.

The amended notice applicable to TA–W–29,173 and TA–W–29,177 is hereby issued as follows:

All workers of Shell Oil Company Administration—E&P/SET, a/k/a Shell Services Company (SSO), a/k/a Shell E&P Company (SEPC), a/k/a Shell Chemical Company (SCC), a/k/a Shell Oil Products Company (SOPC), and Shell Development Company, a/k/a Shell E&P Company (SEPC), a/k/a Shell Chemical Company (SCC), a/k/a Shell Oil Products Company (SOPC), respectively, as cited below, engaged in employment related to the exploration and production of crude oil and natural gas who became totally or partially separated from employment on or after December 13, 1993 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974:

TA–W–29,173, Shell Oil Company, Administration—E&P/SET, a/k/a Shell Services Company (SSO), a/k/a Shell E&P Company (SEPC), a/k/a Shell Chemical Company (SCC), a/k/a Shell Oil Products Company (SOPC), headquartered in Houston, Texas and operating at various locations in the following States:

TA–W–29,173A Alabama
TA–W–29,173B Alaska
TA–W–29,173C California
TA–W–29,173D Connecticut
TA–W–29,173E District of Columbia
TA–W–29,173F Florida
TA–W–29,173G Georgia
TA–W–29,173H Illinois
TA–W–29,173I Indiana
TA–W–29,173J Louisiana
TA–W–29,173K Maryland
TA–W–29,173L Michigan
TA–W–29,173M Mississippi
TA–W–29,173N Missouri
TA–W–29,173O New Jersey
TA–W–29,173P New Mexico
TA–W–29,173Q New York
TA–W–29,173R Ohio

TA–W–29,173S Oklahoma
TA–W–29,173T Oregon
TA–W–29,173U Pennsylvania
TA–W–29,173V Texas (except Houston)
TA–W–29,173W Utah
TA–W–29,173X Virginia
TA–W–29,173Y Washington
TA–W–29,173Z West Virginia.

TA–W–29,177, Shell Development Company, a/k/a Shell E&P Company (SEPC), a/k/a Shell Chemical Company (SCC), a/k/a Shell Oil Products Company (SOPC), Houston, Texas.

Signed at Washington, D.C. this 20th day of April 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–10629 Filed 4–28–95; 8:45 am]

BILLING CODE 4510–30–M

Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

TA–W–27, 488, Unocal Corporation, A/K/A Union Oil of California, Mid-Continent Region, headquartered in Oklahoma City, Oklahoma and operating out of the following districts and locations:

TA–W–27, 489, Rocky Mountain District, headquartered in Casper, Wyoming and operating out of the following locations:

TA–W–27, 489A Cut Bank, MT.
TA–W–27, 489B Antler, N.D.
TA–W–27, 489C Worland, WY.
TA–W–27, 489D Gillette, WY.
TA–W–27, 489E Lander WY.
TA–W–27, 489F Mills, WY.

TA–W–27, 490, Southern Mid-Continent District, headquartered in Oklahoma City, Oklahoma and operating out of the following locations:

TA–W–27, 489A Woodward, OK.
TA–W–27, 490B Sayre, OK.
TA–W–27, 490C Farnsworth, TX.
TA–W–27, 490D Hominy, OK.
TA–W–27, 490E Ardmore, OK.
TA–W–27, 490F Madill, OK.
TA–W–27, 490G Healdton, OK.
TA–W–27, 490H Nacona, TX.
TA–W–27, 490I Pauls Valley, OK.

TA–W–27, 491, Northern Mid-Continent District, Headquartered in East Lansing, Michigan and operating out of the following locations:

TA–W–27, 491A Olney, IL.
TA–W–27, 491B Clay City, IL.
TA–W–27, 491C Comfort, W.V.
TA–W–27, 491D Noble, IL.
TA–W–27, 491E West Liberty, IL.
TA–W–27, 491F Grayling, MI.
TA–W–27, 491G Breckenridge, MI.

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on August 28, 1992, applicable to all workers of UNOCAL Corporation, North American Oil and Gas Division, Mid-Continent Region, headquartered in Oklahoma City, Oklahoma. The certification was subsequently amended November 3, 1992.

New information received from the State Agency show that some of the workers at UNOCAL had their unemployment insurance (UI) taxes paid to Union Oil of California.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of UNOCAL Corporation who were adversely affected by increased imports.

The amended notice applicable to TA–W–27, 491 is hereby issued as follows:

All workers of UNOCAL Corporation, a/k/a Union Oil of California, North American Oil and Gas Division, Mid-Continent Region, headquartered in Oklahoma City, Oklahoma (TA–W–27,488) and the below cited operations who became totally or partially separated from employment or of after July 1, 1991 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974:

TA–W–27, 489, Rocky Mountain District, headquartered in Casper, Wyoming and operating out of the following locations:

TA–W–27, 489A Cut Bank, MT.
TA–W–27, 489B Antler, N.D.
TA–W–27, 489C Worland, WY.
TA–W–27, 489D Gillette, WY.
TA–W–27, 489E Lander, WY.
TA–W–27, 489F Mills, WY.

TA–W–27, 490, Southern Mid Continent District, Headquartered in Oklahoma City, Oklahoma and Operating out of the following locations:

TA–W–27, 490A Woodward, OK.
TA–W–27, 490B Sayre, OK.
TA–W–27, 490C Farnsworth, TX.
TA–W–27, 490D Hominy, OK.
TA–W–27, 490E Ardmore, OK.
TA–W–27, 490F Madill, OK.
TA–W–27, 490G Healdton, OK.
TA–W–27, 490H Nacona, TX.
TA–W–27, 490I Pauls Valley, OK.

TA–W–27, 491, Northern Mid-Continent District, headquartered in East Lansing, Michigan and operating out of the following locations:

TA–W–27, 491A Olney, IL.
TA–W–27, 491B Clay City, IL.
TA–W–27, 491C Comfort, W.V.
TA–W–27, 491D Noble, IL.
TA–W–27, 491E West Liberty IL.
TA–W–27, 491F Grayling, MI.
TA–W–27, 491G Breckenridge, MI.

Signed at Washington. D.C. this 20th day of April 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–10628 Filed 4–28–95; 8:45 am]

BILLING CODE 4515–30–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Cognitive, Psychological & Language Sciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting for the Advisory Panel for Cognitive, Psychological & Language Sciences (#1758).

Name: Advisory Panel for Cognitive, Psychological & Language Science (#1758).

Date and Time: May 19, 1995, 9 a.m.–5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 970, Arlington, VA 22230.

Contact Person: Paul G. Chapin, Program Director for Linguistics, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1731.

Agenda: To review and evaluate the outcome of NSF-funded projects in Linguistics.

Type of Meeting: Closed.

Purpose of Meeting: To provide advice and recommendations concerning the results and impacts of research projects funded by the NSF.

Purpose for Closing: The actions 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 actions. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: April 26, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–10581 Filed 4–28–95; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–139]

Environmental Assessment and Finding of No Significant Impact Regarding Proposed Order Authorizing Dismantling and Disposition of Component Parts University of Washington

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an order authorizing the University of Washington (UW) to dismantle their research facility located on the licensee's campus in Seattle, Washington, and to dispose of the reactor components in accordance with the application dated August 2, 1994.

Environmental Assessment

Identification of Proposed Action

By application dated August 2, 1994, UW requested authorization to decontaminate and dismantle the UW research reactor, to dispose of its component parts in accordance with the proposed decommissioning plan, and to terminate Facility License No. R–73. The UW research reactor was shut down in June 1988, and has not operated since then. The reactor fuel was removed from the facility and shipped to a Department of Energy (DOE) facility as directed by the DOE in accordance with DOE, NRC, and Department of Transportation requirements.

Opportunity for a hearing was afforded by a ''Notice of Proposed Issuance of Orders Authorizing Disposition of Component Parts and Terminating Facility License'' published in the **Federal Register** on September 2, 1994, (59 FR 45738). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

Need for Proposed Action

In order to prepare the property for unrestricted access and use, the dismantling and decontamination activities proposed by UW must be accomplished.

Environmental Impact of the Proposed Action

All decontamination will be performed by trained personnel in accordance with previously reviewed procedures and will be overseen by experienced health physics staff. Solid and liquid waste will be removed from the facility and managed in accordance with NRC requirements. The UW staff has calculated that the collective dose equivalent to the UW staff and public for the project will be less than 0.06 person-sievert (6.02 person-rem).

The above conclusions were based on all proposed operations being carefully planned and controlled, all contaminated components being removed, packaged, and shipped offsite, and the existence of radiological control procedures will be in place that will help to ensure that releases of radioactive wastes from the facility are within the limits of 10 CFR Part 20 and are as low as reasonably achievable (ALARA).

Based on the review of the specific proposed activities associated with the dismantling and decontamination of the UW facility, the staff has determined that there will be no significant increase in the amounts of effluents that may be released offsite, and no significant increase in individual or cumulative occupational or population radiation exposure.

The staff has also determined that the proposed activities will not result in any significant impacts on air, water, land, or biota in the area.

Alternative Use of Resources

The only alternative to the proposed dismantling and decontamination activities is to maintain possession of the reactor. This approach would include monitoring and reporting for the duration of the safe storage period. However, UW intends to use the area for other academic purposes.

Agencies and Persons Consulted

In accordance with its stated policy, the staff consulted with the State of Washington, Division of Radiation Protection, Debra McBaugh (360/586–8945), regarding the environmental impact of the proposed actions. There was no objection to the conclusions reached in the environmental assessment.

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 details with respect to the proposed action, see the licensee's letter dated August 2, 1994, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555.

Dated at Rockville, Maryland, this 26th day of April 1995.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

Director, Non-Power Reactors and Decommissioning Project Directorate, Division of Project Support, Office of Nuclear Reactor Regulation.

[FR Doc. 95–10727 Filed 4–28–95; 8:45 am]

BILLING CODE 7590–01–M

Supplemental Environmental Statement; Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The Nuclear Regulatory Commission has issued a Supplement (NUREG–0498, Supplement 1) to the Final Environmental Statement related to the operation of Watts Bar Nuclear Plant Units 1 and 2 (issued in December 1978). This supplement documents the NRC's latest review of the environmental issues at Watts Bar Nuclear Plant.

Single copies of the supplement will be provided to the Environmental Protection Agency, the applicant, Appropriate State, regional and local clearinghouses, and each individual or group that provided written comments on the draft supplement.

ADDRESSES: Other interested parties can obtain a copy of the supplement, for a fee, upon written request to the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013–7082 or the Office of Administration, Distribution and Mail Service Section, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

An individual copy is available for inspection and/or copying for a fee in the NRC Public Document Room, 2120 L Street NW., Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Scott C. Flanders, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–1172.

SUPPLEMENTARY INFORMATION:

Background

The NRC issued the Final Environmental Statement concerning the operation of the Watts Bar Nuclear Plant in 1978. The NRC reexamined the issues associated with the environmental review before issuance of an operating license in order to document the observed changes in the environment and to evaluate the potential changes in environmental impacts that may have occurred as a result of changes in the Watts Bar Nuclear plant design or proposed methods of operations since the last environmental review. The NRC evaluated a broad scope of environmental topics including regional demography, land and water use, meteorology, terrestrial and aquatic ecology, radiological and non-radiological impacts on humans and the environment, socioeconomic impacts, and environmental justice. The staff concluded that there are no significant changes in the environmental impacts expected from the operation of the Watts Bar plant when compared to the impacts previously discussed in the NRC 1978 FES–OL.

The applicant's preoperational and operational monitoring programs were reviewed and found to be appropriate for establishing baseline conditions and

ongoing assessments of environmental impacts.

The staff also conducted an analysis of plant operation with severe accident mitigation design alternatives (SAMDAs) and concluded that none of the SAMDAs, beyond three procedural changes that the applicant committed to implement, would be cost-beneficial for further mitigating environmental impacts.

Dated at Rockville, Maryland, this 21 day of April 1995.

For the Nuclear Regulatory Commission.

Scott F. Newberry,

Director, License Renewal and Environmental Review Project Directorate, Associate Director for Advanced Reactors and License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 95–10610 Filed 4–28–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–498 and 50–499]

Houston Lighting & Power Co., City Public Service Board of San Antonio, Central Power & Light Co., City of Austin, TX, South Texas Project, Unit Nos. 1 and 2; Notice of Issuance and Availability of NUREG

The Nuclear Regulatory Commission has issued NUREG–1517, ''Report of the South Texas Project Allegations Review Team.'' This report provides the results of the South Texas Project Allegations Review Team.

This team was formed to obtain and review allegations from individuals associated with three attorneys who had contacted congressional staff members from the Subcommittee on Oversight and Investigations of the U.S. House of Representatives' Committee on Energy and Commerce. The allegers were employed in various capacities at Houston Lighting and Power Company's, et al., South Texas Project Electric Generating Station, and therefore, the allegations are confined to this site.

Copies of the report have been placed in the NRC's Public Document Room, 2120 L Street, NW., Lower Level, Washington, DC 20555 and at the Local Public Document Room for the South Texas Project, Units 1 and 2, Wharton County Junior College, J.M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488. Copies of the report may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7082. GPO deposit account holders may charge their order by calling 202/275–2060. Copies are also available from the National Technical Information Service, Springfield, Virginia 22161.

Dated at Rockville, Maryland, this 25th day of April 1995.

For the Nuclear Regulatory Commission.

Lawrence E. Kokajko, Team Leader,

Project Directorate, IV–1, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–10609 Filed 4–28–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–424–OLA–3 50–425–OLA–3; ASLBP No. 96–671–01–OLA–3]

In the Matter of: Georgia Power Company, et al. (Vogtle Electric Generating Plant, Units 1 and 2); Evidentiary Hearing; Atomic Safety and Licensing Board

Before Administrative Judges: Peter B. Bloch, Chair, Dr. James H. Carpenter, Thomas D. Murphy.

Pursuant to 10 CFR 2.752, the public evidentiary hearing will continue at 9 am on May 15–18, 1995, at the Hearing Room (T 3 B45), Two White Flint North, 11545 Rockville Pike, Rockville, Maryland.

The purpose of the hearing is to hear motions concerning the admissibility of evidence and to receive evidence concerning alleged misrepresentations about diesel generators at the Vogtle Nuclear Power Plant. The hearing is expected to continue at 1 pm in Augusta, Georgia on May 22 at a place to be designated. It will continue in session for several weeks, in Augusta, Georgia and in Rockville, Maryland until the hearing is completed.

For the Atomic Safety and Licensing Board.

Peter B. Bloch,

Chair.

[FR Doc. 95–10611 Filed 4–28–95; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–35642; File No. SR–NASD–95–11]

Self-Regulatory Organizations; National Association of Securities Dealers Inc.; Notice of Filing of Proposed Rule Change Relating to Requiring Use of the Facilities of a Registered Clearing Agency for the Clearance of Transactions in Corporate Debt Securities

April 24, 1995.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on April 10, 1995, the National Association of Securities Dealers, Inc. (''NASD'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by the NASD. 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 NASD is proposing to amend its Uniform Practice Code (''UPC'') to add a new section 72 to require members that are participants in a registered clearing agency to use the facilities of a registered clearing agency for the clearance of securities transactions between members in corporate debt securities.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD 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. Summaries of the most significant aspects of such statements are set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The NASD has observed that approximately thirty percent of all transactions in corporate bonds are being compared, cleared, and settled broker-to-broker or ex-clearing (*i.e.*, without the use of the facilities of a registered clearing agency). Clearing such transactions broker-to-broker is labor intensive, requires more time to complete, and results in more fails than transactions processed through a clearing agency. The labor intensive nature of broker-to-broker processing introduces errors into the process from keystroke errors, manual document handling errors, delivery errors, and payment errors. Because such broker-to-broker clearance is labor intensive, it also generally requires more time to complete. Finally, both of these factors increase the systemic clearance risk by

[1] 15 U.S.C. 78s(b)(1) (1988).

increasing the number of trade fails and the potential financial exposure to members.

The NASD is concerned that the problems associated with broker-to-broker clearance of corporate bond trades is creating avoidable risks and inefficiencies, as described above, in the clearance and settlement system. The NASD also is concerned that the implementation of T+3 settlement of securities transactions scheduled to occur on June 7, 1995, will exacerbate the risks and inefficiencies inherent in clearing corporate bond transactions broker-to-broker. Accordingly, in order to reduce or eliminate these risks and inefficiencies, the NASD is proposing to amend the UPC to adopt a new section 72 to require a member of its agent that participates in a registered clearing agency to use the facilities of a clearing agency to clear eligible transactions in corporate debt securities.[2]

Finally, the proposed rule change provides that the NASD may exempt any transaction or class of transactions in corporate debt securities from the provisions of the rule as may be necessary to accommodate special circumstances related to the clearance of such transactions or class of transactions. The NASD anticipates that this provision will be used only in the event special pricing and processing problems related to particular corporate debt securities make using the facilities of a registered clearing agency difficult or impossible and outweighed the benefits of using the facilities of a registered clearing agency.[3]

Because the proposed rule change may facilitate the implementation of the industry's transaction to a T+3 settlement scheduled to occur on June 7, 1995, the NASD will make the proposed rule change effective as soon after the Commission approval as it is possible to publish a Notice to Members announcing approval. The proposed rule change will be effective two weeks following publication of the Notice to Members announcing Commission approval.

The NASD believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act[4] in that requiring such transactions to be cleared through the facilities of a registered clearing agency will reduce the number of trade fails and reduce or eliminate risks and inefficiencies caused by broker-to-broker clearance of such transactions, thereby enhancing the functioning of the clearance and settlement system for the benefit of all securities market participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD.

All submissions should refer to the file No. SR–NASD–95–11 and should be submitted by May 22, 1995.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–10607 Filed 4–28–95; 8:45 am]

BILLING CODE 8010–01–M

[2] The NASD also has been advised that enhancements to the National Securities Clearing Corporation's Fixed Income Transaction System to facilitate the corporate bond comparison process became effective October 21, 1994. This facility enhancement accelerates the comparison cycle to trade date which allows members to view their compared corporate bond trades on T+1. This acceleration of the comparison cycle will aid the industry's transition to T+3 settlement.

[3] For example, the NASD considered mandating the use of the facilities of a registered clearing agency for other types of securities such as unit investment trusts, private label collateralized mortgage obligations, synthetic stripped coupons, and government securities but concluded that it would be inadvisable to adopt such a mandate until the special pricing and processing requirements for these securities is fully understood and resolved. Similarly, if the NASD is asked to exempt certain issues or transactions in certain issues of corporate debt because of problems associated with clearing transactions in such issues through the facilities of a registered clearing agency, the exemptive power provided in the proposed rule change will permit the NASD to resolve such problems.

[4] 15 U.S.C. 78o–3(b)(6).

[5] 17 CFR 200.30–(a)(12) (1994).

[Release No. 34–35646; File No. SR–PSE–95–02]

Self-Regulatory Organizations; Pacific Stock Exchange Inc.; Order Granting Approval to Proposed Rule Change Relating to Obligations for Regulatory Cooperation

April 25, 1995.

On February 8, 1995, the Pacific Stock Exchange Incorporated (''PSE'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its rules to require regulatory cooperation by members, member organizations, and others over whom the Exchange has jurisdiction with certain investigations and proceedings that are initiated by another self-regulatory organization (''SRO'') pursuant to a regulatory agreement. On March 3, 1995, the Exchange submitted to the Commission Amendment No. 1 to the proposed rule change.[3]

The proposed rule change, including Amendment No. 1, was published for comment in Securities Exchange Act Release No. 35497 (Mar. 15, 1995), 60 FR 14991 (Mar. 21, 1995). No comments were received on the proposal.

The Exchange is proposing to amend Rule 10.2, relating to Exchange

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1994).

[3] *See* letter from Michael D. Pierson, Senior Attorney, PSE, to Jennifer S. Choi, Attorney, Division of Market Regulation, SEC, dated March 2, 1995. Amendment No. 1 added .02 of the Commentary to the proposed rule change.

investigations to add new subsection (d) and .01 and .02 of the Commentary to require members, member organizations, persons associated with a member or member organization, and other persons or entities over whom the Exchange has jurisdiction pursuant to Rule 10.1(b) to testify before another SRO and to furnish information in connection with a regulatory inquiry, investigation, examination, or disciplinary proceeding resulting from an agreement entered into by the Exchange pursuant to Rule 14.1.[4] The proposed rule change would further require these persons and entities not to impede such a proceeding. Moreover, the proposal provides that the rule would apply regardless of whether the Exchange initiated an investigation pursuant to Rule 10.2(a) or a disciplinary proceeding pursuant to Rule 10.3.

Under the proposed rule change, the Exchange also makes explicit that persons or entities, required to furnish information or testimony pursuant to a regulatory agreement, will be afforded the same rights and procedural protections that such persons or entities would have if the Exchange had initiated the request for information or testimony.

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, with the requirements of section 6(b).[5] The Commission believes the proposal is consistent with the section 6(b)(5) requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, and, in general, to protect investors and the public interest.

This proposal, which is similar to a proposal by the Chicago Board Options Exchange, Inc. that was recently approved by the Commission,[6] grew out of a meeting of the Intermarket Surveillance Group (''ISG'') to coordinate more effectively surveillance and investigative information sharing arrangements in the stock and options markets.[7] The Commission believes that the proposed rule change achieves a reasonable balance between the need for regulatory cooperation and protection of the procedural rights of Exchange members and others from whom information or testimony is requested. The rule would provide the Exchange with the authority to seek cooperation by certain persons with respect to inquiries and investigations resulting from regulatory agreements between the Exchange and another SRO while explicitly providing any person or entity required to furnish information or testimony pursuant to the rule with the same procedural rights that they would have if the request was pursuant to an Exchange initiated inquiry or investigation. In furtherance of the policy to protect procedural rights, the Exchange provides in Commentary .02 to Rule 10.2 that the Exchange will always act as an intermediary between another SRO and the exchange member, member organization, or other designated person from whom information or testimony is being sought for any inquiry made pursuant to an agreement under Rule 14.1.

The Commission believes that it the proposed rule change will further the interest of the public and provide for the protection of investors by allowing the Exchange to assist other SROs conduct prompt inquiries into possible trading violations and other possible misconduct. As the marketplaces become more global and interlinked, the Commission believes that is important that the SROs coordinate their investigatory activities to prevent fraudulent and manipulative acts and practices in all marketplaces.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[8] that the proposed rule change (SR–PSE–95–02) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–10605 Filed 4–28–95; 8:45 am]

BILLING CODE 8010–01–M

[4] Rule 14.1 provides that the Exchange may enter into agreements with domestic and foreign self-regulatory organizations providing for the exchange of information and other forms of mutual assistance for market surveillance, investigative, enforcement, and other regulatory purposes.

[5] 15 U.S.C. 78f(b) (1988 & Supp. v. 1993).

[6] *See* Securities Exchange Act Release No. 35403 (Feb. 22, 1995), 60 FR 10884 (Feb. 28, 1995) (approving File No. SR–CBOE–94–39).

[7] The members of ISG are the American Stock Exchange, Inc., the Boston Stock Exchange, Inc., the Chicago Board Options Exchange, Inc., the Chicago Stock Exchange, Incorporated, the Cincinnati Stock Exchange, Inc., the National Association of Securities Dealers, Inc., the New York Stock Exchange, Inc., the Pacific Stock Exchange Incorporated, and the Philadelphia Stock Exchange, Inc.

[8] 15 U.S.C. 78s(b)(2) (1988).

[9] 17 CFR 200.30–3(a)(12) (1994).

[Release No. 34–35641; File No. SR–PTC–95–03]

Self-Regulatory Organizations; Participants Trust Co.; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change Extending Temporary Approval of Current Margin and Pricing Methodology for Collateralized Mortgage Obligations

April 24, 1995.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on March 28, 1995, the Participants Trust Company (''PTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No. SR–PTC–95–03) as described in Items I and II below, which Items have been prepared primarily by PTC. The Commission is publishing this notice and order to solicit comments from interested persons and to grant accelerated approval of the proposed rule change through April 30, 1996.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change extends through April 30, 1996, the temporary approval of the current margin and pricing methodology utilized by PTC for collateralized mortgage obligations (''CMO'') that are eligible for deposit or that may become eligible for deposit at PTC.[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, PTC 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. Summaries of the most significant aspects of such statements are set forth in sections A, B, and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

Margin Under PTC's Rules

Under PTC's rules, a certain percentage (''applicable percentage'') of

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Securities Exchange Act Release No. 34017 (May 5, 1994), 59 FR 24495 (File No. SR–PTC–92–16) (order approving through April 30, 1995, PTC's CMO margin and pricing methodology).

the market value of securities is included in the computation of participants' Net Free Equity.[3] Net Free Equity of zero or greater is required to be maintained by participants in each of its agency, pledgee transfer, or proprietary accounts in order for transactions to be processed.[4] Net Free Equity represents PTC's calculation of the amount of excess equity available in a participant's account which PTC may borrow against or liquidate in the event the participant's debit balance is not satisfied at the end of the day.

By including only a portion of the market value of securities in Net Free Equity, PTC attempts to limit the risk caused by fluctuations in the market value of these securities. For Government National Mortgage Association (''GNMA'') single-class securities, other than construction, project, and mobile home securities, margins are set at five percent, which is a rate that exceeds their largest historic consecutive two-day downward price movement. GNMA construction, project, and mobile home securities have a higher margin to reflect their reduced liquidity.[5]

CMO Margins

CMO securities that are currently eligible for deposit at PTC are GNMA REMICs, Department of Veterans Affairs (''VA'') REMICs, and certain Federal Home Loan Mortgage Corporation (''FHLMC'') REMICs. Unlike GNMA single-class securities, CMO securities are structured as a series of tranches or classes, each of which represents a separate security with unique characteristics, such as differing payment schedules and price volatility.[6] PTC, therefore, uses a model which takes into account the unique characteristics of each tranche to predict its potential price movement. The parameters of the model include prepayment speeds, a yield spread, and the yield on a benchmark Treasury security. PTC subjects each CMO tranche to a stress test to determine its response to yield changes in order to assign each tranche an appropriate margin.

Currently, margins are based on a fifty basis point upward movement in the underlying Treasury securities for CMO tranches that exhibit positive effective duration (*i.e.*, rise in value with falling interest rates) or a fifty basis point downward movement in the underlying Treasury security for CMO tranches that exhibit negative effective duration (*i.e.*, decline in value with falling interest rates). CMO tranches that are not modeled by PTC's pricing vendor are margined at one hundred percent and the minimum margin for any CMO tranche is five percent.

PTC believes that the proposed rule change is consistent with section 17A(b)(3)(F) of the Act[7] and the rules and regulations thereunder because it facilitates the prompt and accurate clearance and settlement of securities transactions and provides for the safeguarding of securities and funds in PTC's custody or control or for which PTC is responsible.

B. Self-Regulatory Organization's Statement on Burden on Competition

PTC does not believe that the proposed rule change imposes any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

PTC has neither solicited nor received comments on this proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

PTC's current margin and pricing methodology for CMO securities was approved by the Commission on a temporary basis through April 30, 1995,[8] in order to allow PTC further time in which to evaluate the methodology and to take steps to address any concerns which exist with respect to the methodology. During the temporary approval period, PTC has provided information to the Commission describing the steps taken by PTC to improve the margin and pricing methodology including finalizing arrangements with a second vendor for daily pricing and stress test analysis.[9]

Section 17A(b)(3)(F) of the Act[10] requires that the rules of a clearing agency be designed to assure the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible. The Commission believes that extending temporary approval of the current margin and pricing methodology utilized by PTC for CMO securities should help assure the safeguarding of securities and funds in PTC's custody or control. PTC's current margin and pricing methodology helps ensure that CMO margins will be established that take into account the unique characteristics of each CMO tranche and that PTC's reliance on a daily pricing source will provide it with timely price information. The resulting margins will afford PTC protection should it be necessary for PTC to borrow against or liquidate these assets. In addition, the Commission believes that extending the temporary approval will permit PTC to make technical enhancements to its system that will enable it to use and compare data from two sources and also enable PTC to further evaluate the results of the CMO pricing and margin methodology as so enhanced.

PTC has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing. In order to allow PTC to continue employing its current margin and pricing methodology without disruption of service, it is necessary for the Commission to approve the proposed rule change prior to the expiration of the current temporary approval of the methodology on April 30, 1995. The Commission, therefore, finds sufficient cause to accelerate approval of this proposal. In addition, the staff of the Board of Governors of the Federal Reserve System (''Board of Governors'')

[3] As set forth in PTC Rules, Article II, Rule 9, Net Free Equity is calculated as the sum of (a) the cash balance in the account; (b) the market value of securities in the account less the applicable percentage; (c) the value of the optional deposits to the Participants Fund which are allocated to that account (optional deposits to the Participants Fund are deposits that exceed the minimum deposit required pursuant to PTC's rules and procedures); and (d) 20% of the mandatory deposits to the Participants Fund for the master account (mandatory deposits to the Participants Fund are minimum deposits required to be deposited into such fund pursuant to PTC's rules and procedures) minus (e) ''reserve on gain.'' Reserve on gain means (1) the contract value credited to the cash balance of a delivering participant or limited purpose participant over the market value of securities credited to the transfer account associated with the account of the receiving participant or (2) the market value of securities credited to the transfer account associated with the account of a receiving participant over the contract value credited to the cash balance of the delivering participant or limited purpose participant.

[4] PTC Rules, Article II, Rule 13, ''Transfers of Securities.''

[5] Securities Exchange Act Release No. 33840 (March 31, 1994), 59 FR 16672 (File No. PTC–93–04) (order approving proposed rule change).

[6] A CMO is a multiple-class mortgage cash flow security which redirects the cash flow from an underlying standard mortgage-backed security, such as a GNMA security, and allows the CMO issuer to create classes, or tranches, with many different interest rates, average lives, prepayment sensitivities, final maturities, and payment priorities.

[7] 15 U.S.C. 78q–1(b)(3)(F) (1988).

[8] *Supra* note 2.

[9] Letters from Michael D. Frieband, Senior Vice President and Chief Financial Officer, PTC, to Jerry W. Carpenter, Assistant Director, Division of Market Regulation (''Division''), Commission (August 5, 1994, November 8, 1994, February 27, 1995, and March 23, 1995).

[10] 15 U.S.C. 78q–1(b)(3)(F) (1988).

has concurred with the Commission's granting of accelerated approval.[11]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of PTC. All submissions should refer to file number SR–PTC–95–03 and should be submitted by May 22, 1995.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR–PTC–95–03) be and hereby is approved on an accelerated basis through April 30, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–10606 Filed 4–28–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–21026; No. 812–9296]

New York Life Insurance Annuity Corp. et al.

April 24, 1995.

AGENCY: The Securities and Exchange Commission (''Commission'').

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 (''1940 Act'').

APPLICANTS: New York Life Insurance and Annuity Corporation (''NYLIAC''); NYLIAC Variable Annuity Separate Account I (''NVA Account I''), NYLIAC Variable Annuity Separate Account II (''NVA Account II''), NYLIAC MFA Separate Account I (''MFA Account I'') and NYLIAC MFA Separate Account II (''MFA Account II'') (collectively, ''Separate Accounts''); and NYLIFE Distributors, Inc. (''NYLIFE Distributors'').

RELEVANT 1940 ACT SECTIONS: Order requested under Section 6(c) granting exemptions from the provisions of Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act.

SUMMARY OF THE APPLICATION: Applicants seek an order permitting the deduction of mortality and expense risk charges from the assets of the Separate Accounts in connection with the offering of certain single premium or flexible premium variable annuity contracts (''Policies'') and certain other variable annuity contracts that are substantially similar in all material respects to the Policies (''Other Policies''). Applicants also request that the order permit the deduction of a mortality and expense risk charge from the assets of any other separate accounts established in the future by NYLIAC in connection with the offering of the Other Policies.

FILING DATES: The Application was filed on October 21, 1994 and amended on March 29, 1995 and April 6, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the Application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m., on May 19, 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 may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, The Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Applicants, c/o A. Thomas Smith, III, Esq., New York Life Insurance and Annuity Corporation, 51 Madison Avenue, New York, New York 10010.

FOR FURTHER INFORMATION CONTACT: Yvonne M. Hunold, Assistant Special Counsel, or Wendy Friendlander, Deputy Chief, at (202) 942–0670, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from the Commission's Public Reference Branch.

Applicants' Representations

1. NYLIAC is a Delaware stock life insurance company that is wholly-owned by New York Life Insurance Company (''New York Life''), a New York mutual life insurance company. NYLIAC is licensed to sell life insurance policies and annuity contracts in all 50 states and the District of Columbia.

2. The Separate Accounts were established by NYLIAC as funding vehicles for the Policies. Each Separate Account has filed a registration statement under the 1940 Act and the Securities Act of 1933 (''1933 Act''). Future Accounts established by NYLIAC will be organized as unit investment trusts and will file registration statements under the 1940 Act and the 1933 Act.

3. The policies include flexible premium variable annuity contracts (''NVA Policies'') offered by NVA Accounts I and II and single premium and flexible premium variable annuity contracts (''MFA Policies'') offered by MFA Separate Accounts I and II. Policies funded by NVA Account II and MFA Account I are used in connection with plans qualified under sections 401(a), 403(a), 403(b), 408 or 457 of the Internal Revenue Code (''Code''). Policies funded by NVA Account I and MFA Account II are not offered in connection with such qualified plans.

4. The investment divisions of the Separate Accounts invest solely in corresponding portfolios of New York Life MFA Series Fund, Inc. (''Fund''), a diversified open-end management company registered under the 1940 Act. Additional investment divisions may be established in the future within the Separate Accounts and may invest in other portfolios of the Fund or in other investments.

5. NYLIFE Distributors will replace NYLIFE Securities, Inc. (''NYLIFE Securities'')[1] as the principal underwriter of the Policies pursuant to an agreement between NYLIAC, the Separate Accounts and NYLIFE Distributors. NYLIFE Distributors also will serve as principal underwriter for the Other Policies. NYLIFE Distributors may enter into selling agreements with other broker-dealers, including NYLIFE

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[11] Telephone conversation between William R. Stanley, Board of Governors, and Ari Burstein, Division, Commission (April 11, 1995).

[12] 17 CFR 200.30–3(a)(12) (1994).

[1] The Commission previously has granted NYLIAC, the Separate Accounts and NYLIFE Securities exemptive relief to permit the deduction of mortality and expense risk charges from the assets of the Separate Accounts in connection with the Policies. Rel. Nos. IC–19197 (Order) (Dec. 30, 1992) and IC–13592 (Notice) (Dec. 2, 1992); and IC–13736 (Order) (Jan. 25, 1984) and IC–13592 (Notice) (Oct. 21, 1983). NYLIFE Distributors was not a party to such applications.

Securities. NYLIFE Securities and NYLIFE Distributors are registered under the Securities Exchange Act of 1934 as broker-dealers and are members of the National Association of Securities Dealers, Inc. The Policies currently are, and will continue to be offered by registered representatives of NYLIFE Securities who are licensed NYLIAC insurance agents. NYLIFE Securities and NYLIFE Distributors are indirect wholly-owned subsidiaries of New York Life.

6. The Policies provide for the payment of initial premium payments and allow additional premium payments prior to the annuity commencement date. Policy owners may direct the allocation of premium payments, as well as accumulation or policy value, among the investment divisions and to the relevant NYLIAC Fixed Accounts, which are part of NYLIAC's General Account. The Policies also provide for the accumulation of values on a variable basis determined by the investment experience of the Divisions selected for the allocation of premium payments, other than that amount allocated to the relevant Fixed Account.

7. The Policies also provide for the payment of a minimum death benefit equal to the greater of: (a) Accumulation value (in the case of NVA Policies) or policy value (in the case of MFA Policies, or (b) the sum of all premium payments made less any partial withdrawals and surrender charges, less any rider premiums.

8. Various fees and charges are deducted under the Policies. During the accumulation period, NVA Policies are subject to an annual Policy fee of the lesser of $30 or 2% of the accumulation value, and outstanding flexible premium MFA Policies are subject to an annual Policy fee of the lesser of $30 or 1% of Policy Value. The annual Policy fee will be deducted on each Policy Anniversary during the accumulation period, or upon surrender of the Policies if on that date the accumulation value under NVA Policies, or policy value under MFA Policies, is less than $10,000.

9. All NVA Policies are subject to a daily charge equal, on an annual basis, to .10% of the net asset value of the NVA Accounts, which will be deducted to cover Policy administration expenses. Other Policies that are substantially similar in all material respects to the NVA Policies may have a daily charge not to exceed, on an annual basis, .15% of the net asset value of the relevant separate account to cover Policy administration expenses. All outstanding flexible premium MFA Policies are subject to a daily charge equal, on an annual basis, to .50% of the net asset value of the MFA Accounts to cover Policy administration expenses. These daily and annual fees are guaranteed for the life of the MFA Policies and will not exceed the cost of services to be provided over the life of such Policies, in accordance with the applicable provisions of Rule 26a–1 under the 1940 Act. Single Premium MFA Policies are not subject to such daily and annual administrative fees.

10. A charge for premium taxes imposed by state law may be deducted under the Policies, either: (i) When a surrender or cancellation occurs, or (ii) at the annuity commencement date or the retirement date, as applicable. Currently, these taxes range up to 3.5%. The Separate Accounts and the investment divisions may bear charges for federal income taxes, should such taxes be incurred by NYLIAC in connection with the operation of the Separate Accounts. No transfer fee currently is deducted under the NVA Policies for the first twelve transfers during any Policy Year or for transfers between the investment divisions or to the relevant Fixed Account prior to 30 days before the annuity commencement date. NYLIAC reserves the right to charge a $30 fee for each transfer in excess of twelve per Policy Year to compensate it for transfer administrative expenses. MFA Policies currently provide for unlimited transfers without charge, although NYLIAC reserves the right to limit the number of transfers among MFA Divisions to no more than four in any one Policy Year.

11. No sales charge currently is deducted from Premium Payments under the Policies. However, the Policies are subject to a maximum 7% contingent deferred sales load (''CDSL'') of the amount of any surrender or partial withdrawals when made during: (a) The first three Policy Years under the NVA Policies, declining by 1% per year until reaching 0% in the tenth year; (b) the first four Policy Years under outstanding flexible premium MFA Policies, declining by 1% per year until reaching 0% in the eleventh year; and (c) the first Policy Year under single premium MFA Policies, declining by 1% per year until reaching 0% in the eighth year. For NVA Policies and single premium MFA Policies, up to 10% of the Policies' accumulation value or Policy Value, respectively, at the time of surrender can be withdrawn in any Policy Year without a CDSL charge. The total CDSL will not exceed 8.5% of the premium payments under any Policy or Future Policy.

12. The following exceptions apply to the application of the CDSL: (a) For all NVA Policies, the CDSL will only be applied to any amounts withdrawn in any Policy Year which, when aggregated with any other withdrawals during such Policy Year, exceed 10% of accumulation value at the time of surrender; and (b) for NVA Policies with accumulated Premium Payments of $100,000 or more, no CDSL charge will be applied if either (i) the total amount withdrawn in any Policy Year is 10% or less of the accumulation value at the time of surrender, or (ii) the amount withdrawn is less than or equal to the gain in the NVA Policy which is measured as the accumulation value of the Policy less accumulated Premium Payments. In addition, no CDSL will be applied if: (a) NYLIAC cancels an NVA Policy; (b) proceeds are paid on the death of the Owner or Annuitant; (c) an income payment option is selected in any Policy Year after the first Policy Year; (d) an NVA Policy's required minimum distribution option is selected; however, amounts withdrawn under this option will count against exception (a); (e) withdrawals are at age 59½ or older if the Policy is tax-qualified and if the NVA Policy was acquired as a result of a transfer or rollover of a NYLIAC tax-deferred annuity policy; and (f) withdrawals are made in accordance with the terms of the Living Needs Benefit Rider or Unemployment Benefit Rider.

13. Applicants represent that they are relying on Rule 6c–8 under the 1940 Act to deduct the CDSL. Other Policies that are substantially similar in all material respects to the MFA Policies will be subject to a maximum CDSL of 7% of the amount withdrawn or surrendered.

14. NYLIAC imposes charges as compensation for bearing certain mortality and expense risks under the Policies. A daily charge equal to an effective annual rate of 1.20% (of which 0.70% is allocable to mortality risks and 0.50% to expense risks) of the net asset value of the NVA Accounts will be imposed under the NVA Policies. A daily charge equal to an effective annual rate of 1.25% (of which .75% is attributable to mortality risks and .50% to expense risks) of the net asset value of the MFA Accounts will be imposed under the MFA Policies. The maximum mortality and expense risk charge for Other Policies that are substantially similar in all material respects to the NVA or MFA Policies will be equal, on an annual basis, to 1.25% (of which .75% would be attributable to mortality risks and .50% to expense risks) of the daily net asset value of the relevant Separate Account. This charge may be a

source of profit for NYLIAC which will be added to its surplus and may be used for, among other things, the payment of distribution expenses.

15. The mortality risk borne by NYLIAC arises from its obligation to make annuity payments (determined in accordance with the annuity tables and other provisions contained in the relevant Policy), where a life annuity is selected, regardless of how long an Annuitant may live. The mortality risk under the Policy is the risk that, upon selection of an annuity payment option which has life contingencies, Annuitants will live longer than NYLIAC's actuarial projections indicate, resulting in higher than expected income payments. NYLIAC is also assuming a mortality risk as a result of its promise to pay a minimum death benefit under the Policies.

16. The expense risk borne by NYLIAC under the Policy is the risk that the charges for administrative expenses, which are guaranteed for the life of the Policies, may be insufficient to cover the actual costs of issuing and administering the Policies.

Applicants' Legal Analysis

1. Applicants request an order under Section 6(c) granting exemptions from sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act to permit the deduction from the assets of the Separate Accounts and the Future Accounts of mortality and expense risk charges under the Policies or Other Policies, as appropriate.

2. Section 6(c) of the 1940 Act authorizes the Commission, by order upon application, to conditionally or unconditionally grant an exemption from any provision, rule or regulation of the 1940 Act 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 1940 Act.

3. Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act, in relevant part, prohibit a registered unit investment trust, its depositor or principal underwriter, from selling periodic payment plan certificates unless the proceeds of all payments, other than sales loads, are deposited with a qualified bank and held under arrangements which prohibit any payment to the depositor or principal underwriter except a reasonable fee, as the Commission may prescribe, for performing bookkeeping and other administrative duties normally performed by the bank itself.

4. Applicants submit that their request for an order that applies to Other Policies offered by the Separate Accounts and by Future Accounts is appropriate in the public interest because it would promote competitiveness in the variable annuity policy market by eliminating the need for NYLIAC to file redundant exemptive applications, thereby reducing its administrative expenses and maximizing the efficient use of its resources. Investors would not receive any benefit or additional protection by requiring NYLIAC to repeatedly seek exemptive relief with respect to the same issues addressed in this Application.

5. Applicants represent that the mortality and expense risk charges under the NVA Policies and MFA Policies are within the range of industry practice for comparable variable annuity contracts. This representation is based upon Applicants' analysis of publicly available information about similar industry products, taking into consideration such factors as current charge levels, the manner in which charges are imposed, the presence of charge levels or annuity rate guarantees and the markets in which the Policies will be offered. Applicants state that NYLIAC will maintain at its headquarters and make available to the Commission, upon request, a memorandum outlining the methodology underlying this representation.

Similarly, prior to making available any Other Policies, Applicants will represent that the mortality and expense risk charges under any such Other Policies will be within the range of industry practice for comparable variable annuity contracts. NYLIAC will maintain at its headquarters and make available to the Commission, upon request, a memorandum outlining the methodology underlying such representation.

6. Applicants acknowledge that, if a profit is realized from the mortality and expense risk charge under the Policies, all or a portion of such profit may be available to pay distribution expenses not reimbursed by the CDSC. NYLIAC has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements will benefit the Separate Accounts and the Policy Owners. NYLIAC will keep at its headquarters and make available to the Commission, upon request, a memorandum setting forth the basis for this representation. In addition, NYLIAC will keep at its headquarters and make available to the Commission, upon request, a memorandum setting forth the basis for the same representation with respect to Other Policies offered by the Separate Accounts and by Future Accounts.

8. Applicants represent that the Separate Account and any Future Account will invest only in underlying funds that have undertaken to have a board of directors/trustees, a majority of whom are not interested persons of any such fund, as defined in the 1940 Act, formulate and approve any plan under Rule 12b–1 under the 1940 Act to finance distribution expenses.

Conclusion

Applicants assert that for the reasons and upon the facts set forth above, the requested exemptions from sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act to deduct the mortality and expense risk charge under the Policies, or under Other Policies, offered by the Separate Account or by Future Accounts are necessary and appropriate in the public interest and consistent with the protection of investors and the policies and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–10608 Filed 4–28–95; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended April 21, 1995

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 50297

Date filed: April 18, 1995.

Parties: Members of the International Air Transport Association.

Subject: Request For Interim Approval of Amendment To The Provisions For The Conduct Of IATA Traffic Conferences.

The amendment was adopted by the IATA Executive Committee at its 159th meeting. The amendment involves Article VI, Paragraph 9 of the Provisions and reads as follows (new text underlined):

One-third of the representatives of the voting Members of a Tariff Conference, and one-fifth of the representatives of the voting Members of a Services Conference or Agency Conference *which have nominated an Accredited Representative to such Conference,* or their respective designated alternates acting in their place and stead, shall constitute the quorum at any meeting of the Traffic Conference concerned: (* * *)

(remainder of paragraph 9 unchanged)

Docket Number: 50298

Date filed: April 18, 1995.

Parties: Members of the International Air Transport Association.

Subject: TC2/TC12 Mail Vote 739, Rescission of Fare Increase from Sudan.

Proposed Effective Date: May 1, 1995.

Paulette V. Twine,

Chief, Documentary Services Division.

[FR Doc. 95–10573 Filed 4–28–95; 8:45 am]

BILLING CODE 4910–62–P

Federal Railroad Administration

Petition for Exemption or Waiver of Compliance

In accordance with Title 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received requests for exemptions from or waivers of compliance with a requirement of its safety standards. The individual petitions are described below, including the party seeking relief, the regulatory provisions involved, and the nature of the relief being requested.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number RSOP–95–1) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, FRA, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Communications received within 45 days of the date of publication of this notice, will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) in Room 8201, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

The individual petitions seeking an exemption or waiver of compliance are as follows:

American President Lines, Limited and APL Land Transport Services, Incorporated (APL) (Waiver Petition Docket Number RSOP–95–1)

The American President Lines, Limited and APL seek a permanent waiver of compliance with certain provisions of the Railroad Operating Practices regulation (Title 49 CFR Part 218) for derail and blue signal requirements. APL is seeking relief from the requirements of § 218.29(c)(1) which states: ''(c) Except as provided in paragraphs (a) and (b) of this section, when workers are on, under, or between rolling equipment on any track, other than main track: (1) A derail capable of restricting access to that portion of the track on which such equipment is located, will fulfill the requirements of a manually operated switch when positioned no less than 150 feet from the end [of] such equipment * * *''

A new container port facility and rail yard, which will be operated by an APL subsidiary, are being designed and built by the Port of Seattle. The new facility is designed to load and unload intermodal trains and is expected to be occupied by the last quarter of 1996. The yard will have the capacity to store up to 56 stack train cars with each such car being a maximum of 337 feet long. There will be 6 parallel spur tracks entering the yard from the south end with a single run-around track to the west of the working tracks. The 6 spurs are arranged in sets of 2 parallel tracks which will be serviced by gantry cranes or top-picks for loading and unloading. The 6 spurs rejoin at the north end to service a single spur which runs north to a ''dead end.'' In the center of the yard is a 70-foot wide crossing aisle that divides each spur. On each side of the aisle, APL plans to load and unload 3 to 5 stack cars on each of the 6 tracks. The 6 tracks will each be about 3,100 feet in length, and the yard will be approximately 3,200 feet in length by about 300 feet in width. APL intends to load or unload trains on all 6 spurs simultaneously. To protect its workmen, APL plans to install blue lights and derailers 5 feet beyond the edge on both sides of the aisle. The 5-foot area between the edge of the aisle and the derailer and blue light signal will be a surface that will immediately dampen the progress of any car that is derailed, so that the car will stop moving before the face of the coupler reaches the aisle. The blue light, derail and red light will all be remotely and automatically controlled from a tower that is within 1,500 feet of the aisle and will have a continuous uninterrupted view of the yard. There will also be a blue light signal and derail across the aisle, 80 feet from the other blue light and derail, which would, APL claims, in essence provide dual protection for the workmen.

The facility will load and unload ships and intermodal unit trains. In a typical operation, a loaded train will enter the yard from the south, pulling enough cars to fill the first track. The speed limit in the yard will be 5 mph. The locomotive will pull these cars onto the first track, where a cut will be made just before the aisle, and those cars to be unloaded on the southeast side of the aisle will be set out. The locomotive will then pull the rest of the cars onto the track north of the aisle where they will be set out. The locomotive will then exit the first track, proceed south on the run-around track to the west of the yard and pickup another cut of cars to fill the second track. This will continue until the incoming train is spotted or all six tracks are filled. Excess cars can be spotted in a storage yard west of and adjacent to the main yard. During the process, once each cut of cars is set out on the appropriate track, the blue lights and derails will be set.

At that point, top lifting type container handling equipment will be used to unload the railroad cars on any given spur. Tractors will move the trailers or containers either to a storage area, or directly to ships that are berthed at the facility. These tractors will use the aisle as the means of access to and from the yard with both chassis and containers. A similar process will be followed when loading unit trains from a ship or the container storage yard.

APL requests waiver of the 150-foot requirement for the blue lights and derail devices to be used in the center aisle in the yard. Each group of workmen will be protected by blue light signals 80 feet apart across the aisle. Each group of workmen will also be protected by two derail devices. The first will be within 5 feet of the coupling face, and the other will be 80 feet from the first derail device, across the aisle. Workmen will not begin working to load or unload the cars on any given spur until the cars have come to a complete stop and are protected as set out in this waiver request. They will be protected by two blue light signals and by two derail devices.

APL states that it ''is working with the Port in the process of designing the yard. One important facet of this design is that workmen be able to work in close proximity to the aisle to increase efficiency. As indicated in the Notice of Proposed Rulemaking, when certain criteria are present, a railroad may safely use different approaches to afford blue signal protection.'' APL states they will meet those criteria. ''First, slow speeds are involved since there is a 5 mph speed limit in the yard. Next, control over the movement of the equipment will be placed in the hands of individuals directly responsible for the people who need to be protected. In

the Final Rule, FRA expressed its goal of assuring workers' safety.'' APL states that ''the combination of very low speed, a movement dampening surface, and derails in close proximity to cars that are standing still will limit travel to not more than 5 feet after derailment which is well within FRA's goal to: assure that rolling equipment will not travel more than 50 feet after derailment.''

APL states that ''the waiver sought by APL will allow construction a modern and efficient rail yard as part of an intermodal facility at the Port of Seattle. By operating with a reduced distance for blue lights and derail devices, APL will be able to fit the yard to the property available. This project will substantially increase the amount of rail business at the Port and in the region. Shorter train movements in the yard will also reduce air emissions in the Port, thereby reducing harm to the environment.''

Issued in Washington, D.C. on April 25, 1995.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 95–10580 Filed 4–28–95; 8:45 am]

BILLING CODE 4910–06–P

Petition for Exemption or Waiver of Compliance

In accordance with title 49 CFR sections 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received from the Port Authority Trans-Hudson Corporation (PATH) requests for waivers of compliance with requirements of Federal rail safety standards. The petitions are described below, including the regulatory provisions involved and the nature of the relief being requested.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number LI–94–1) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, FRA, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. Communications received within 45 days of the date of publication of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) in Room 8201, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Port Authority Trans-Hudson Corporation [Waiver Petition Docket Number LI–94–1]

The Port Authority Trans-Hudson Corporation (PATH) seeks a permanent exemption from the requirement of installing and maintaining event recorders on each of its multiple unit (MU) electric cars, as required by Title 49 CFR Part 229. Section 229.135 requires that all trains operating over 30 mph be equipped with event recorders by May 5, 1995.

PATH operates a 13.8 mile rapid transit system between New Jersey and New York. Approximately one-half of the trackage is below ground level. Over 1,248 train movements per day carry approximately 199,000 passengers five days per week. Four major terminals and nine intermediate stations serve the closed system. Of PATH's total fleet of 342 cars, 260 would require event recorders. PATH has 10 different speed limits ranging from 8 to 55 mph with average speed over the system being approximately 20 mph.

In FRA Docket LI–81–9, the requirements of Title 49 CFR 229.117 were waived as they pertain to PATH. That section required that all locomotives operating over 20 mph must be equipped with a speed indicator. The requirement that each lead locomotive be equipped with a pilot, snow plow or end plate was also waived.

The petitioner cites that since they are excluded from the speed indicator requirements, then they likewise should be excluded from the event recorder requirements since speed is the most important of the recorded functions.

Port Authority Trans-Hudson Corporation [Waiver Petition Docket Number PB–94–2]

The Port Authority Trans-Hudson Corporation (PATH) seeks a permanent waiver of compliance with certain provisions of the Railroad Power Brake and Drawbars Regulation, Title 49 CFR Part 232. PATH is requesting an exemption from the requirement of conducting a rear car application and release test of the air brakes at stub end or intermediate terminals when changing operating ends on rapid transit passenger trains. Title 49 CFR Section 232.13(c)(1) states:

> At a point other than an initial terminal where a locomotive or caboose is changed, or where one or more consecutive cars are cut off from the rear end or head end of a train with the consist otherwise remaining intact, after the train brake system is charged to within 15 pounds of the feed valve setting on the locomotive, but not less than 60 pounds as indicated at the rear of a freight train and 70 pounds on a passenger train, a 20-pound brake pipe reduction must be made and it must be determined that the brakes on the rear car apply and release. As an alternative to the rear car brake application and release test, it shall be determined that brake pipe pressure of the train is being reduced as indicated by a rear car gauge or device and then that brake pipe pressure of the train is being restored as indicated by a rear car gauge or device.

PATH's MU electric cars utilize a dynamic brake through the propulsion system, an electropneumatic tread brake actuated at each wheel and a hand operated parking brake. During service braking the dynamic brake is fully effective down to 10 mph after which the friction brake is used to stop the car. An emergency brake application provides maximum braking effort by the electropneumatic system with the dynamic nullified.

PATH's present operation requires the FRA mandated initial terminal train air brake test when a train is first put in service or the consist is changed. At stub end or intermediate terminals where the engineer changes operating ends, no operation is performed that would interrupt the air lines. PATH states that should a failure occur that interrupted the flow of air on the train, the engineer, on changing ends and charging his train, would not get proper brake pipe pressure nor engineer's indication in his operating cab. This lack of indication advises the engineer that something is wrong and procedures are implemented to determine the source of the problem. PATH believes this indication circuit provides adequate and reliable protection in the event of a trainline failure, and performing a stub end or intermediate terminal air brake test is unnecessary. PATH estimates that compliance with Section 232.13(c)(1) would require 21 additional cars, 6 additional engineers and 6 additional conductors to maintain the present level of service due to the increased time required for the test.

Issued in Washington, D.C. on April 25, 1995.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 95–10599 Filed 4–28–95; 8:45 am]

BILLING CODE 4910–06–P

National Highway Traffic Safety Administration

[Docket No. 95–27; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1994 Volvo 945 GL Wagon Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1994 Volvo 945 GL Wagon passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1994 Volvo 945 GL Wagon that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is May 31, 1995.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. (Docket hours are from 9:30 am to 4 pm)

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Champagne Imports, Inc. of Lansdale, Pennsylvania (Registered Importer No. R–90–009) has petitioned NHTSA to decide whether 1994 Volvo 945 GL Wagon passenger cars are eligible for importation into the United States. The vehicle which Champagne believes is substantially similar is the 1994 Volvo 940 GL Wagon. Champagne has submitted information indicating that the 1994 Volvo 940 GL Wagon was certified as conforming to all applicable Federal motor vehicle safety standards and offered for sale in the United States.

The petitioner contends that it carefully compared the 945 GL Wagon to the 940 GL Wagon, and found the two models to be substantially similar with respect to compliance with most applicable Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that the 1994 Volvo 945 GL Wagon, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1994 Volvo 940 GL Wagon that was offered for sale in the United States, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the 1994 Volvo 945 GL Wagon is identical to the certified 1994 Volvo 940 GL Wagon with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence * * *,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 211 *Wheel Nuts, Wheel Discs and Hubcaps,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* and 302 *Flammability of Interior Materials.*

Additionally, the petitioner states that the 1994 Volvo 945 GL Wagon complies with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamp assemblies which incorporate sealed beam headlamps; (b) installation of U.S.-model front and rear sidemarker/reflector assemblies; (c) installation of U.S.- model taillamp assemblies; (d) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* Installation of a tire information placard.

Standard No. 111 *Rearview Mirrors:* Replacement of the passenger side rear view mirror, which is convex, but lacks the required warning statement.

Standard No. 114 *Theft Protection:* Installation of a buzzer microswitch in the steering lock assembly, and a warning buzzer.

Standard No. 115 *Vehicle Identification Number:* Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power Window Systems:* Rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection:* (a) Installation of a U.S.-model seat belt in the driver's position, or a belt webbing-actuated microswitch inside the driver's seat belt retractor; (b) installation of an ignition switch-actuated seat belt warning lamp and buzzer; (c) installation of a U.S.-model

driver's side air bag and knee bolster. The petitioner states that the vehicle is also equipped in both front seating positions with combination lap and shoulder belts that adjust by means of an automatic retractor and release by means of a single push button. The petitioner further states that the vehicle is equipped at each rear outboard seating position with a lap and shoulder belt and with a lap belt at the rear center seating position.

Standard No. 214 *Side Impact Protection:* Installation of reinforcing beams.

Standard No. 301 *Fuel System Integrity:* Installation of a rollover valve in the fuel tank vent line between the fuel tank and the evaporative emissions collection canister.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141 (a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 25, 1995.

Marilynne E. Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–10575 Filed 4–28–95; 8:45 am]

BILLING CODE 4910–59–P

[Docket No. 95–005; Notice 2]

Decision That Nonconforming 1992 BMW 520i 4–Door Passenger Cars Are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that nonconforming 1992 BMW 520i 4–Door passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1992 BMW 520i 4–Door passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the 1992 BMW 525i 4–Door), and they are capable of being readily altered to conform to the standards.

DATE: The decision is effective May 1, 1995.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

G&K Automotive Conversion, Inc. of Santa Ana, California (Registered Importer R–90–007) petitioned NHTSA to decide whether 1992 BMW 520i 4–Door passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on March 1, 1995 (60 FR 11165) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP 110 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1992 BMW 520i 4–Door passenger car is substantially similar to a 1992 BMW 525i 4–Door passenger car originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 25, 1995.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–10576 Filed 4–28–95; 8:45 am]

BILLING CODE 4910–59–P

[Docket No. 95–29; Notice 1]

Receipt of Petition for Decision That Nonconforming 1984 and 1985 Rolls Royce Camargue Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT

ACTION: Notice of receipt of petition for decision that nonconforming 1984 and 1985 Rolls Royce Camargue passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1984 and 1985 Rolls Royce Camargues that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) They are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is May 31, 1995.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm].

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

G&K Automotive Conversion, Inc. of Santa Ana, California (''G&K'') (Registered Importer 90–007) has petitioned NHTSA to decide whether 1984 and 1985 Rolls Royce Camargue passenger cars are eligible for importation into the United States. The vehicles which G&K believes are substantially similar are the 1984 and 1985 Rolls Royce Camargues that were manufactured for importation into, and sale in, the United States and certified by its manufacturer, Rolls Royce Motors, Ltd., as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non-U.S. certified 1984 and 1985 Rolls Royce Camargues to their U.S. certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

G&K submitted information with its petition intended to demonstrate that the non-U.S. certified 1984 and 1985 Rolls Royce Camargues, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1984 and 1985 Rolls Royce Camargues are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence * * *,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 203 *Impact Protection for the Driver From the Steering Control System,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 211 *Wheel Nuts, Wheel Discs and Hubcaps,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion, and* 302 *Flammability of Interior Materials.*

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.- model headlamps and yellow illuminated sidemarkers; (b) installation of U.S.- model taillamp lenses which incorporate sidemarkers.

Standard No. 110 *Tire Selection and Rims:* installation of a tire information placard.

Standard No. 111 *Rearview Mirror:* Replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114 *Theft Protection:* Installation of a warning buzzer microswitch and a warning buzzer in the steering assembly.

Standard No. 115 *Vehicle Identification Number:* Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 116 *Brake Fluid:* Molding the required statement into the brake fluid reservoir cap.

Standard No. 118 *Power Window Systems:* Rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection:* Installation of a seat belt warning buzzer. The petitioner states that Type 2 seat belts are installed in the vehicle's front and rear outboard seating positions, and that a Type 1 seat belt is installed in the vehicles rear center seating position.

Standard No. 214 *Side Impact Protection:* Installation of reinforcing beams.

Standard No. 301 *Fuel System Integrity:* Installation of a rollover valve in the fuel tank vent line between the fuel tank and the evaporative emissions collection canister.

Additionally, the petitioner states that the bumpers on the non-U.S. certified 1984 and 1985 Rolls Royce Camargues must be reinforced to comply with the Bumper Standard found in 49 CFR part 581.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 26, 1995.

Marilynne E. Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–10641 Filed 4–28–95; 8:45 am]

BILLING CODE 4910–59–P

[Docket No. 95–30; Notice 1]

Receipt of Petition for Decision That Nonconforming 1992 Mercedes-Benz 600SL Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1992 Mercedes-Benz 600SL passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1992 Mercedes-Benz 600SL that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) It is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is May 31, 1995.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. § 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Northern California Diagnostics Laboratory, Inc. of Napa, California (NCDL) (Registered Importer No. R–92–011) has petitioned NHTSA to decide whether 1992 Mercedes-Benz 600SL (Model ID 129.076) passenger cars are eligible for importation into the United States. The vehicle which NCDL believes is substantially similar is the 1992 Mercedes-Benz 500SL. NCDL has submitted information indicating that Daimler Benz A.G., the company that manufactured the 1992 Mercedes-Benz 500SL, certified that vehicle as conforming to all applicable Federal motor vehicle safety standards and offered it for sale in the United States.

The petitioner contends that it carefully compared the 1992 model 600SL to the 1992 model 500SL, and found the two models to be substantially similar with respect to compliance with most applicable Federal motor vehicle safety standards.

NCDL submitted information with its petition intended to demonstrate that the 1992 model 600SL, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1992 model 500SL that was offered for sale in the United States, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the 1992 model 600SL is identical to the certified 1992 model 500SL with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence * * *,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 114 *Theft Protection,* 116 *Brake Fluid,* 118 *Power Window Systems,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 208 *Occupant Crash Protection,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 211 *Wheel Nuts, Wheel Discs and Hubcaps,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 301 *Fuel System Integrity,* and 302 *Flammability of Interior Materials.*

Additionally, the petitioner states that the 1992 Mercedes-Benz 600SL complies with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamp assemblies which incorporate sealed beam headlamps; (b) installation of front and rear sidemarker/reflector assemblies; (c) installation of U.S.-model taillamp assemblies.

Standard No. 110 *Tire Selection and Rims:* Installation of a tire information placard.

Standard No. 111 *Rearview Mirrors:* Modification of the driver's and passenger's side rear view mirrors.

Standard No. 115 *Vehicle Identification Number:* Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 214 *Side Impact Protection:* Installation of reinforcing beams.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered.

Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141 (a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 26, 1995.

Marilynne E. Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–10642 Filed 4–28–95; 8:45 am]

BILLING CODE 4910–59–P

[Docket No. 95–32; Notice 1]

Receipt of Petition for Decision That Nonconforming 1994 Mercedes-Benz S320 Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1994 Mercedes-Benz S320 passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1994 Mercedes-Benz S320 that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is May 31, 1995.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. (Docket hours are from 9:30 am to 4 pm.)

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. § 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Champagne Imports, Inc. of Lansdale, Pennsylvania (''Champagne'') (Registered Importer 90–009) has petitioned NHTSA to decide whether 1994 Mercedes-Benz S320 (Model ID 140.033) passenger cars are eligible for importation into the United States. The vehicle which Champagne believes is substantially similar is the 1994 Mercedes-Benz S320 that was manufactured for importation into, and sale in, the United States and certified by its manufacturer, Daimler Benz A.G., as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non-U.S. certified 1994 Mercedes-Benz S320 to its U.S. certified counterpart, and found the two vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that the non-U.S. certified 1994 Mercedes-Benz S320, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1994 Mercedes-Benz S320 is identical to its U.S. certified counterpart with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence * * *,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 211 *Wheel Nuts, Wheel Discs and Hubcaps,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* and 302 *Flammability of Interior Materials.*

Additionally, the petitioner states that the non-U.S. certified 1994 Mercedes-Benz S320 complies with the Bumper Standard found in 49 CFR part 581.

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamp assemblies which incorporate sealed beam headlamps; (b) installation of U.S.-model front and rear sidemarker/reflector assemblies; (c) installation of U.S.- model taillamp assemblies; (d) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* installation of a tire information placard.

Standard No. 111 *Rearview Mirror:* replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114 *Theft Protection:* installation of a warning buzzer microswitch and a warning buzzer in the steering lock assembly.

Standard No. 115 *Vehicle Identification Number:* installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power Window Systems:* rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 206 *Door Locks and Door Retention Components:* replacement of the rear door locks and door lock buttons.

Standard No. 208 *Occupant Crash Protection:* (a) Installation of a U.S.-model seat belt in the driver's position, or a belt webbing-actuated microswitch inside the driver's seat belt retractor; (b) installation of an ignition switch-actuated seat belt warning lamp and buzzer; (c) installation of U.S.-model driver's and passenger's side airbags and knee bolsters. The petitioner states that the vehicle is equipped at its front designated seating positions with combination lap and shoulder belts that adjust by means of an automatic retractor and release by means of a single push button. The petitioner also states that the vehicle is equipped in at its rear outboard seating positions with combination lap and shoulder belts that have a single release button, and with a lap belt in the rear center seating position.

Standard No. 214 *Side Impact Protection:* Installation of reinforcing beams.

Standard No. 301 *Fuel System Integrity:* Installation of a rollover valve in the fuel tank vent line between the fuel tank and the evaporative emissions collection canister.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141 (a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 26, 1995.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–10639 Filed 4–28–95; 8:45 am]

BILLING CODE 4910–59–P

[Docket No. 95–31; Notice 1]

Receipt of Petition for Decision That Nonconforming 1994 BMW 520i 4-Door Sedan Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1994 BMW 520i 4-Door Sedan passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1994 BMW 520i 4-Door Sedan that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is May 31, 1995.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. (Docket hours are from 9:30 am to 4 pm.)

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Champagne Imports, Inc. of Lansdale, Pennsylvania (Registered Importer No. R–90–009) has petitioned NHTSA to decide whether 1994 BMW 520i 4-Door Sedan passenger cars are eligible for importation into the United States. The vehicle which Champagne believes is substantially similar is the 1994 BMW 525i 4-Door Sedan. Champagne has submitted information indicating that Bayerische Motoren Werke A.G., the company that manufactured the 1994 BMW 525i 4-Door Sedan, certified that vehicle as conforming to all applicable Federal motor vehicle safety standards and offered it for sale in the United States.

The petitioner contends that it carefully compared the 520i to the 525i, and found the two models to be substantially similar with respect to compliance with most applicable Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that the 1994 model 520i, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1994 model 525i that was offered for sale in the United States, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the 1994 model 520i is identical to the certified 1994 model 525i with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence * * *,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 Brake Fluid, 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 211 *Wheel Nuts, Wheel Discs and Hubcaps,* 212 *Windshield Retention,* 216 *Roof Crush*

Resistance, 219 *Windshield Zone Intrusion, and* 302 *Flammability of Interior Materials.*

Additionally, the petitioner states that the 1994 model 520i complies with the Bumper Standard found in 49 CFR part 581.

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.- model headlamp assemblies which incorporate sealed beam headlamps; (b) installation of front and rear sidemarker/reflector assemblies; (c) installation of U.S.-model taillamp assemblies; (d) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* Installation of a tire information placard.

Standard No. 111 *Rearview Mirrors:* Replacement of the passenger side rear view mirror, which is convex, but lacks the required warning statement.

Standard No. 114 *Theft Protection:* Installation of a buzzer microswitch in the steering lock assembly, and a warning buzzer.

Standard No. 115 *Vehicle Identification Number:* Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power Window Systems:* Rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection:* (a) Installation of a U.S.-model seat belt in the driver's position, or a belt webbing-actuated microswitch inside the driver's seat belt retractor; (b) installation of an ignition switch-actuated seat belt warning lamp and buzzer; (c) installation of a U.S.-model driver's side air bag and knee bolster. The petitioner states that the vehicle is equipped at each front designated seating position with a combination lap and shoulder restraint that adjusts by means of an automatic retractor and releases by means of a single push button. The petitioner also states that combination lap and shoulder restraints that release by means of a single push button are installed at both outboard rear seating positions, and that a lap belt is installed in the center rear seating position.

Standard No. 214 *Side Impact Protection:* Installation of reinforcing beams.

Standard No. 301 *Fuel System Integrity:* Installation of a rollover valve in the fuel tank vent line between the fuel tank and the evaporative emissions collection canister.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 26, 1995.

Marilynne E. Jacobs,

Director, Office Vehicle Safety Compliance.

[FR Doc. 95–10640 Filed 4–28–95; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Customs Service

Notice of Issuance of Final Determination Concerning Desktop Computers

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

ACTION: Notice of final determination.

SUMMARY: This document provides notice that Customs has issued a final determination concerning the country of origin of certain desktop computers which are being offered to the United States Army Information System Selection and Acquisition Agency (''U.S. Army'') in a procurement designated under U.S. Army Solicitation No. DAHC94–94–R–0007. The final determination found that based upon the facts presented, the country of origin of desktop computers is the U.S. (Scenarios 1 and 3) and the Netherlands (Scenarios 2 and 4).

DATES: The final determination was issued on April 21, 1995. Any party-at-interest, as defined at 19 CFR 177.22(d), may seek judicial review of this final determination within 30 days of (date of publication in the **Federal Register**). A copy of the nonconfidential portions of this final determination will be published in the Customs Bulletin.

FOR FURTHER INFORMATION CONTACT: Anthony A. Tonucci, Attorney-Advisor, Office of Regulations and Rulings, (202) 482–7073.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on April 21, 1995, pursuant to Subpart B of Part 177, Customs Regulations (19 CFR part 177, subpart B), Customs issued a final determination concerning the country of origin of certain desktop computers which are being offered to the U.S. Army in a procurement designated under U.S. Army Solicitation No. DAHC94–94–R–0007. The U.S. Customs ruling number is HQ 735608. This final determination was issued at the request of one of the offerors under procedures set forth at 19 CFR 177 subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). The final determination concluded that based upon the facts presented, foreign case assemblies, partially completed motherboards, hard disk drives and slot boards are substantially transformed in the U.S. (Scenarios 1 and 3) and the Netherlands (Scenarios 2 and 4) as a result of being further processed and assembled with other components into desktop computers. Accordingly, the country of origin of the desktop computers is the U.S. (Scenarios 1 and 3) and the Netherlands (Scenarios 2 and 4). This document gives notice pursuant to section 177.29, Customs Regulations, (19 CFR 177.29), of that final determination. Any party-at-interest, as defined at 19 CFR 177.22(d), may seek judicial review of this final determination within 30 days of May 1, 1995.

Dated: April 21, 1995.

Harvey B. Fox,

Director, Office of Regulations and Rulings.

[FR Doc. 95–10557 Filed 4–28–95; 8:45 am]

BILLING CODE 4820–02–P

Issuance of Final Determination Concerning Optical Spectroscopy Instrument Systems

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

ACTION: Notice of final determination.

SUMMARY: This document provides notice that Customs has issued a final determination concerning the country of origin of certain optical spectroscopy instrument systems which are being offered to the General Services Administration under GSA Solicitation No. FCGS–Z7–89–0018–2–N. The final determination found that based upon the facts presented, the country of origin of the optical spectroscopy instrument systems is the U.S.

DATES: The final determination was issued on April 10, 1995. A copy of the nonconfidential portions of this final determination will be published in ''Customs Bulletin and Decisions.'' Any party-at-interest, as defined at 19 CFR 177.22(d), may seek judicial review of this final determination within 30 days of May 1, 1995.

FOR FURTHER INFORMATION CONTACT: Monika Rice, Attorney-Advisor, Office of Regulations and Rulings, (202–482–6980).

SUPPLEMENTARY INFORMATION: Notice is hereby given that on April 10, 1995, pursuant to subpart B of part 177, Customs Regulations (19 CFR part 177, subpart B), Customs issued a final determination concerning the country of origin of certain optical spectroscopy instrument systems which are being offered to the General Services Administration in a procurement designated under GSA Solicitation No. FCGS–Z7–89–0018–2–N. This final determination was issued at the request of one of the offerors under procedures set forth at 19 CFR part 177 subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). The final determination concluded that based upon the facts presented that Australian optics module shells are substantially transformed in the U.S. as a result of being further processed and assembled with other components into optical spectroscopy instrument systems. Accordingly, the country of origin of the optical spectroscopy instrument systems is the U.S.

This document gives notice pursuant to § 177.29, Customs Regulations (19 CFR 177.29), of that final determination. Any party-at-interest, as defined at 19 CFR 177.22(d), may seek judicial review of this final determination within 30 days of May 1, 1995.

Dated: April 10, 1995.

Harvey B. Fox,

Director, Office of Regulations and Rulings.

[FR Doc. 95–10648 Filed 4–28–95; 8:45 am]

BILLING CODE 4820–02–P

Sunshine Act Meetings

Federal Register

Vol. 60, No. 83

Monday, May 1, 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).

UNITED STATES DEPARTMENT OF AGRICULTURE

RURAL TELEPHONE BANK, USDA

Staff Briefing for the Board of Directors

TIME AND DATE: 2 p.m., Monday, May 8, 1995.

PLACE: Room 5066, South Building, Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC.

STATUS: Open.

MATTERS TO BE DISCUSSED: General discussion involving privatization planning; draft amendments to the bylaws regarding Bank Board election procedures; and update on the RUS telecommunications loan program.

ACTION: Regular Meeting of the Board of Directors.

TIME AND DATE: 10 a.m., Tuesday, May 9, 1995.

PLACE: Williamsburg Room, Administration Building, Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The following matters have been placed on the agenda for the Board of Directors meeting:

1. Call to Order.
2. Swearing in new Board members.
3. Election of Board Officers: Chairperson and Vice Chairperson.
4. Approval of Minutes of the February 2, 1995, Board meeting.
5. Report on loans approved in the second quarter of FY 1995.
6. Review second quarter financial statements for FY 1995.
7. Report of ad hoc committee on privatization of the RTB.
8. Consideration of a financial advisor to assist the RTB in its preparations for privatization.
9. Consideration of a legal advisor to assist the RTB in its preparations for privatization.
10. Review and discuss draft bylaw amendments modifying the Board's election procedures.
11. Consideration of RTB's 23rd Annual Report of the Board of Directors for FY 1994.
12. Establish date and location of next regular Board meeting.
13. Adjournment.

CONTACT PERSON FOR MORE INFORMATION: Matthew P. Link, Assistant Secretary, Rural Telephone Bank (202) 720–0530.

Dated: April 26, 1995.

Wally Beyer,

Governor, Rural Telephone Bank.

[FR Doc. 95–10744 Filed 4–27–95; 2:14 pm]

BILLING CODE 3410–15–P

DEPARTMENT OF JUSTICE

UNITED STATES PAROLE COMMISSION

Public Announcement

Pursuant to the Government in the Sunshine Act

(Public Law 94–409) [5 U.S.C. Section 552b]

DATE AND TIME: Friday, May 12, 1995, 11:00 a.m., by telephone conference call.

PLACE: 5550 Friendship Boulevard, Chevy Chase, Maryland, 20815.

STATUS: Open—Meeting.

MATTERS CONSIDERED: The following matters will be considered during the open meeting:

(1) The transfer of three states from the Commission's North Central Region to the Commission's Eastern Region; and

(2) Clarification of the jurisdiction of the Regional Commissioner for the Eastern Region over parole violators held at the Federal Transportation Center in Oklahoma City, Oklahoma. The proposal is to continue the jurisdiction of a Regional Commissioner until the completion of revocation proceedings, if that Commissioner, issued the warrant that commenced such proceedings.

AGENCY CONTACT: Tom Kowalski, Case Operations, United States Parole Commission, (301) 492–5962.

Dated: April 26, 1995.

Michael A. Stover,

General Counsel, U.S. Parole Commission.

[FR Doc. 95–10791 Filed 4–27–95; 3:04 p.m.]

BILLING CODE 4410–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of May 1, 1995.

A closed meeting will be held on Wednesday, May 3, 1995, at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and 10, permit consideration of the scheduled matters at a closed meeting.

Commissioner Roberts, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Wednesday, May 3, 1995, at 10:00 a.m., will be:

Institution of injunctive actions.
Settlement of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Regulatory matter regarding financial institutions.
Opinion.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary (202) 942–7070.

Dated: April 27, 1995.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–10736 Filed 4–27–95; 12:00 pm]

BILLING CODE 8010–01–M

Federal Register

Monday
May 1, 1995

Part II

Department of Housing and Urban Development

Office of the Secretary

Statutorily Mandated Designation of Qualified Census Tracts and Difficult Development Areas for Section 42 of the Internal Revenue Code of 1986; Notice Republication

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-94-3821; FR-3796-N-01]

Statutorily Mandated Designation of Qualified Census Tracts and Difficult Development Areas for Section 42 of the Internal Revenue Code of 1986; Republication

Editorial Note: FR Doc. 94-26217 was originally published at 59 FR 53518 in the issue of Monday, October 24, 1994. In that publication numerous errors were made. The corrected document is republished below in its entirety.

AGENCY: Office of the Secretary, HUD.

ACTION: Notice.

SUMMARY: This document provides revised designations of ''Qualified Census Tracts'' and ''Difficult Development Areas'' for purposes of the Low-Income Housing Tax Credit (''LIHTC'') under section 42 of the Internal Revenue Code of 1986, and provides the methodology used by the United States Department of Housing and Urban Development (''HUD''). The new Qualified Census Tract designations are based on 1990 census data. The new Difficult Development Areas are based on FY 1994 Fair Market Rents (''FMRs''), FY 1994 income limits and 1990 census population counts as explained below.

EFFECTIVE DATE: The lists of Qualified Census Tracts and Difficult Development Areas are effective for allocations of credit made after December 31, 1994. In the case of a building described in Internal Revenue Code section 42(h)(4)(B), the list is effective if the bonds are issued and the building is placed in service after December 31, 1994.

FOR FURTHER INFORMATION CONTACT: Harold J. Gross, Senior Tax Attorney, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 708–3260, or Kurt G. Usowski, Economist, Division of Economic Development and Public Finance, Office of Policy Development and Research, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 708–0426. A telecommunications device for deaf persons (TDD) is available at (202) 708–9300. (These are not toll-free telephone numbers.)

SUPPLEMENTARY INFORMATION:

Background

The U.S. Treasury Department and the Internal Revenue Service thereof are authorized to interpret and enforce the provisions of the Internal Revenue Code of 1986 (the ''Code''), including the Low-Income Housing Tax Credit (''LIHTC'') found at section 42 of the Code, as enacted by the Tax Reform Act of 1986 [Pub. L. 99–514], as amended by the Technical and Miscellaneous Revenue Act of 1988 [Pub. L. 100–647], as amended by the Omnibus Budget Reconciliation Act of 1989 [Pub. L. 101–239], as amended by the Omnibus Budget Reconciliation Act of 1990 [Pub. L. 101–508], as amended by the Tax Extension Act of 1991 [Pub. L. 102–227], and as amended and made permanent by the Omnibus Budget Reconciliation Act of 1993 [Pub. L. 103–66]. The Secretary of HUD is required to designate Qualified Census Tracts and Difficult Development Areas by section 42(d)(5)(C) of the Code.

In order to assist in understanding HUD's mandated designation of Qualified Census Tracts and Difficult Development Areas for use in administering section 42 of the Code, a summary of section 42 is provided. The following summary does not purport to bind the Treasury or the IRS in any way, nor does it purport to bind HUD as HUD has no authority to interpret or administer the Code, except in those instances where it has a specific delegation.

Summary of Low Income Housing Tax Credit

The LIHTC is a tax incentive intended to increase the availability of low income housing. Section 42 provides an income tax credit to owners of newly constructed or substantially rehabilitated low-income rental housing projects. The dollar amount of the LIHTC available for allocation by each state (the ''credit ceiling'') is limited by population. Each state is allocated credit based on $1.25 per resident. Also, states may carry forward unused or returned credit for one year; if not used by then, credit goes into a national pool to be allocated to states as additional credit. State and local housing agencies allocate the state's credit ceiling among low income housing building owners applying for the credit.

The credit is based on the cost of units placed in service as low-income units under certain minimum occupancy and maximum rent criteria. In general, a building must meet one of two thresholds to be eligible for the LIHTC: either 20% of units must be rent-restricted and occupied by tenants with incomes no higher than 50% of the Area Median Gross Income (''AMGI''), or 40% of units must be rent restricted and occupied by tenants with incomes no higher than 60% of AMGI. The term ''rent-restricted'' means that gross rent, including an allowance for utilities, cannot exceed 30% of the tenant's imputed income limitation (i.e., 50% or 60% of AMGI). The rental restrictions remain in effect for at least 15 years, and building owners are required to enter into agreements to maintain the low income character of the building for an additional 15 years.

The LIHTC reduces income tax liability dollar for dollar. It is taken annually for a term of ten years and is intended to yield a present value of either (1) 70 percent of the ''qualified basis'' for new construction or substantial rehabilitation expenditures that are not federally subsidized or financed with tax-exempt bonds, or (2) 30 percent of the qualified basis for the acquisition of existing projects or projects involving federal subsidies or financing with tax-exempt bonds. The actual credit rates were fixed at 9 percent (70 percent present value) and 4 percent (30 percent present value) for 1987, and are adjusted monthly for projects placed in service after 1987 under procedures specified in section 42. Individuals can use the credit up to a deduction equivalent of $25,000. This equals $9,900 at the 39.6% maximum marginal tax rate. Individuals cannot use the credit against the alternative minimum tax. Corporations, other than S or professional service corporations, can use the credit against ordinary income tax. They cannot use the credit against the alternative minimum tax. These corporations can also use the losses from the project.

The qualified basis represents a fraction of the ''eligible basis,'' based on the number of low income units in the building as a percentage of the total number of units, or based on the floor space of low income units as a percentage of the total floor space in the building. The eligible basis is the adjusted basis attributable to acquisition cost plus the amounts chargeable to capital account incurred prior to the end of the first taxable year in which the qualified low income building is placed in service. In the case of buildings located in designated Qualified Census Tracts or designated Difficult Development Areas, eligible basis is increased to 130% of what it would otherwise be. This means that the available credit will also be increased by 30%; if the 70% credit is available, it will effectively be increased to 91%.

Under section 42(d)(5)(C) of the Code, a Qualified Census Tract is any census tract (or equivalent geographic area defined by the Bureau of the Census) in which at least 50% of households have an income less than 60% of the AMGI. There is a limit on the amount of Qualified Census Tracts in any Metropolitan Statistical Area (''MSA'') or Primary Metropolitan Statistical Area (''PMSA'') that may be designated to receive an increase in eligible basis: all of the designated census tracts within a given MSA/PMSA may not together contain more than 20% of the total population of the MSA/PMSA. For purposes of this rule, all non-metropolitan areas in a state are treated as if they constituted a single metropolitan area.

Section 42 defines a Difficult Development Area as any area designated by the Secretary of HUD as an area that has high construction, land, and utility costs relative to the AMGI. Again, limits apply. All designated Difficult Development Areas in MSAs/PMSAs may not contain more than 20% of the aggregate population of all MSAs/PMSAs, and all designated areas not in metropolitan areas may not contain more than 20% of the aggregate population of the non-metropolitan counties.

An amendment to section 42 made by section 11701(a)(2) of the Omnibus Budget Reconciliation Act of 1990 specifies that the income test for designation of Qualified Census Tracts should be based on the most recent census data. Changes in MSA/PMSA definitions made after HUD's last designation of Qualified Census Tracts and Difficult Development Areas necessitate this notice.

Explanation of HUD Designation Methodology

A. Qualified Census Tracts

In developing this revised list of LIHTC Qualified Census Tracts, HUD used 1990 Census data and the MSA/PMSA definitions established by the Office of Management and Budget that applied as of June 30, 1993. Beginning with the 1990 census, tract-level data are available for the entire country. Generally, in metropolitan areas these geographic divisions are called census tracts while in most non-metropolitan areas the equivalent nomenclature is Block Numbering Area (''BNA''). BNAs are treated as census tracts for the purposes of this Notice.

The LIHTC Qualified Census Tracts were determined as follows:

1. A census tract must have 50% of its households with incomes below 60% of the AMGI to be eligible. HUD has defined 60% of AMGI income as 120% of HUD's Very Low Income Limits, that are based on 50% of area median family income, adjusted for high cost and low income areas. The 1994 income estimates were then deflated to 1989 dollars, so they would match the 1990 Census income data.

2. For each census tract, the percentage of households below the 60% income standard was determined by (a) calculating the average household size of the census tract, (b) applying the income standard after adjusting it to match the average household size, and (c) calculating the number of households with incomes below the income standard.

3. Qualified Census Tracts are those in which 50% or more of the households are income eligible and the population of all census tracts that satisfy this criterion does not exceed 20% of the total population of the respective area.

4. In areas where more than 20% of the population qualifies, census tracts are ordered from the highest percentage of eligible households to the lowest. Starting with the highest percentage, census tracts are included until the 20% limit is exceeded. If a census tract is excluded because it raises the percentage above 20%, then subsequent census tracts are considered to determine if a census tract with a smaller population could be included without exceeding the 20% limit.

B. Difficult Development Areas

In developing the list of Difficult Development Areas, HUD compared incomes with housing costs. HUD used 1990 Census data and the MSA/PMSA definitions established by the Office of Management and Budget that applied as of June 30, 1993. The basis for these comparisons was the HUD income limits and Fair Market Rents (''FMRs'') used for the section 8 Housing Assistance Payments Program. The procedure used in making these calculations follows:

1. For each MSA/PMSA and each non-metropolitan county, a ratio was calculated. This calculation used the FY 1994 two-bedroom FMR and the FY 1994 four-person income limit for Very Low Income households. The numerator of the ratio was the ratio of the area FMR to the FY 1994 U.S. average FMR. The denominator of the ratio was the ratio of 60% of the AMGI to 60% of the FY 1994 U.S. average of area median gross incomes.

2. The ratios of the FMR to the income limit were arrayed in descending order, separately, for MSAs/PMSAs and for non-metropolitan counties.

3. The Difficult Development Areas are those with the highest ratios cumulative to 20% of the 1990 population of all metropolitan areas and of all non-metropolitan counties.

4. The American Housing Survey data used to calculate the FMRs for New York City were adjusted by eliminating rent-controlled units. The FMRs were recalculated on the basis of the adjusted data. Because FMRs are based on recent mover rents, the FMRs generally reflect market rents rather than rent-controlled rents. In this case, the adjustment had no impact on the FMR.

C. Application of Caps to Qualified Census Tract and Difficult Development Area Determinations

In identifying Qualified Census Tracts and Difficult Development Areas, HUD applied various caps, or limitations, as noted above. For Qualified Census Tracts, section 42(d)(5)(C)(ii)(II) of the Code specifies that the population of eligible census tracts within a metropolitan area cannot exceed 20% of the population of that metropolitan area. Similarly, for census tracts/BNAs located outside metropolitan areas, the population of eligible census tracts/BNAs cannot exceed 20% of the population of the non-metropolitan counties in a State. The cumulative population of metropolitan Difficult Development Areas cannot exceed 20% of the cumulative population of all metropolitan areas and the cumulative population of non-metropolitan Difficult Development Areas cannot exceed 20% of the cumulative population of all non-metropolitan counties.

In applying these caps, HUD established procedures to deal with two issues: (1) How to proceed when the next logical choice for inclusion causes the cumulative area population to exceed the cap, and (2) how to treat small overruns of the caps. The remainder of this section explains the procedures.

1. Next choice causes cumulative population to exceed the cap. In applying the 20% cap to Qualified Census Tracts, HUD did not attempt to break a borderline census tract into smaller areas. Instead HUD looked tract-by-tract down the ranking beyond the excluded tract to see if a smaller tract could be included without exceeding the cap. The approach to Qualified Census Tracts differs from the treatment of difficult development metropolitan areas because of an important difference in how caps affect each of them. Section 42(d)(5)(C)(ii)(I) of the Code sets a simple test for eligibility for Qualified

Census Tracts. If a tract's low income population exceeds 50% of its total population, then the tract is eligible unless it becomes necessary to eliminate the tract to satisfy the cap. There are many metropolitan areas and States in which the population of eligible areas falls short of 20%. When HUD had to eliminate tracts to satisfy the 20% cap, it was choosing among tracts that were otherwise eligible. By comparison, section (42)(d)(5)(C) does not specify under what conditions an area is automatically a Difficult Development Area. HUD did not attempt to establish a threshold for eligibility. Instead HUD used the 20% cap as a limit on eligibility.

2. For both Qualified Census Tracts and Difficult Development Areas, HUD applied the caps strictly unless a strict application produced an anomalous result. Specifically, HUD stopped selecting areas when it was impossible to choose another area without exceeding the applicable cap. The only exception to this policy was when an excluded area contained either a large absolute population or a large percentage of the total population and its inclusion resulted in only a minor overrun of the cap. There were some cases where the inclusion of an area would result in a minimal overrun of the cap; but, in all of these cases, the exclusion of the area resulted in neither a large absolute loss of population nor a large short-fall below 20%. HUD believes the designation of these areas is consistent with the intent of the legislation. Some latitude is justifiable because it is impossible to really determine whether the 20% cap has been exceeded, as long as the apparent excess is small, due to measurement error. Despite the care and effort involved in a decennial census, it is recognized by the Census Bureau, and all users of the data, that the population counts for a given area and for the entire country are not precise. The extent of the measurement error is unknown. Thus, there can be errors in both the numerator and denominator of the ratio of populations used in applying a 20% cap. In circumstances where a strict application of a 20% cap results in an anomalous situation, recognition of the unavoidable imprecision in the census data justifies accepting small variances above the 20% limit.

Future Designations

Difficult Development Areas are designated annually as updated income and FMR data become available. Qualified Census Tracts will not be redesignated until year 2000 census data become available.

Other Matters

Environmental Review

A finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, that implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk at the above address.

Impact on Small Entities

In accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this notice does not have a significant economic impact on a substantial number of small entities. The notice involves the designation of ''Difficult Development Areas'' and ''Qualified Census Tracts'' for use by political subdivisions of the States in allocating the LIHTC, as required by section 42 of the Internal Revenue Code, as amended. This notice places no new requirements on the States, their political subdivisions, or the applicants for the credit. This notice also details the technical methodology used in making such designations.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this notice will not have any substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the notice is not subject to review under the order. The notice merely designates ''Difficult Development Areas'' and ''Qualified Census Tracts'' as required under section 42 of the Internal Revenue Code, as amended, for use by political subdivisions of the States in allocating the LIHTC. The notice also details the technical methodology used in making such designations.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this notice does not have potential for significant impact on family formation, maintenance, and general well-being, and is not subject to review under the Order. The notice only designates ''Difficult Development Areas'' and ''Qualified Census Tracts'' as required under section 42 of the Internal Revenue Code, as amended, for use by political subdivisions of the States in allocating the LIHTC. The notice also details the technical methodology used in making such designations.

Dated: October 13, 1994.

Henry G. Cisneros,

Secretary.

BILLING CODE 1505–01–D

IRS SECTION 42(D)(5)(C) DIFFICULT DEVELOPMENT AREAS

METROPOLITAN AREAS

STATE	METROPOLITAN AREA	METROPOLITAN AREA	METROPOLITAN AREA	METROPOLITAN AREA
AZ	YUMA, AZ			
CA	LOS ANGELES-LONG BEACH, CA	SALINAS, CA	SAN FRANCISCO, CA	SAN LUIS OBISPO-ATASCADERO
	SANTA BARBARA-SANTA MARIA, CA	SANTA CRUZ-WATSONVILLE, CA	SANTA ROSA, CA	VENTURA, CA
CT	BRIDGEPORT, CT	NEW HAVEN-MERIDEN, CT	STAMFORD-NORWALK, CT	
FL	DAYTONA BEACH, FL	FORT LAUDERDALE, FL	FORT PIERCE-PORT LUCIE, FL	MIAMI, FL
	PUNTA GORDA, FL	SARASOTA-BRADENTON, FL	WEST PALM BEACH-BOCA RATON, FL	
HI	HONOLULU, HI			
MA	BARNSTABLE-YARMOUTH, MA	BOSTON, MA-NH	FITCHBURG-LEOMINSTER, MA	WORCESTER, MA-CT
ME	PORTLAND, ME			
NH	PORTSMOUTH-ROCHESTER, NH-ME			
NJ	ATLANTIC-CAPE MAY, NJ	JERSEY CITY, NJ	MONMOUTH-OCEAN, NJ	VINELAND-MILLVILLE-BRIDGETON
NY	NASSAU-SUFFOLK, NY	NEW YORK, NY	NEWBURGH, NY-PA	
PR	AGUADILLA, PR	ARECIBO, PR	CAGUAS, PR	MAYAGUEZ, PR
	PONCE, PR	SAN JUAN-BAYAMON, PR		
TX	EL PASO, TX	LAREDO, TX		

IRS SECTION 42(D)(5)(C) DIFFICULT DEVELOPMENT AREAS

NONMETROPOLITAN AREAS

STATE	COUNTY	COUNTY	COUNTY	COUNTY
--	PACIFIC ISLANDS			
AK	BETHEL CENSUS AREA	DILLINGHAM CENSUS AREA	FAIRBANKS NORTH STAR BOROUGH	HAINES BOROUGH
	JUNEAU BOROUGH	KETCHIKAN GATEWAY BOROUGH	KODIAK ISLAND BOROUGH	LAKE AND PENINSULA BOROUGH
	NOME CENSUS AREA	NORTH SLOPE BOROUGH	NORTHWEST ARCTIC BOROUGH	
AL	COFFEE COUNTY	MACON COUNTY		
AR	BAXTER COUNTY	CONWAY COUNTY	GARLAND COUNTY	HOT SPRING COUNTY
	LINCOLN COUNTY	MADISON COUNTY	MISSISSIPPI COUNTY	VAN BUREN COUNTY
AZ	COCHISE COUNTY	COCONINO COUNTY	GILA COUNTY	SANTA CRUZ COUNTY
	YAVAPAI COUNTY			
CA	ALPINE COUNTY	AMADOR COUNTY	CALAVERAS COUNTY	DEL NORTE COUNTY
	HUMBOLDT COUNTY	IMPERIAL COUNTY	INYO COUNTY	KINGS COUNTY
	LAKE COUNTY	MARIPOSA COUNTY	MENDOCINO COUNTY	MONO COUNTY
	NEVADA COUNTY	PLUMAS COUNTY	SAN BENITO COUNTY	SIERRA COUNTY
	SISKIYOU COUNTY	TUOLUMNE COUNTY		
CO	EAGLE COUNTY	GARFIELD COUNTY	GILPIN COUNTY	GRAND COUNTY
	LA PLATA COUNTY	LAKE COUNTY	OURAY COUNTY	PITKIN COUNTY
	ROUTT COUNTY	SAN MIGUEL COUNTY	SUMMIT COUNTY	
CT	LITCHFIELD COUNTY	MIDDLESEX COUNTY	NEW LONDON COUNTY	WINDHAM COUNTY
DE	SUSSEX COUNTY			
FL	CITRUS COUNTY	DESOTO COUNTY	FRANKLIN COUNTY	GLADES COUNTY
	HARDEE COUNTY	HENDRY COUNTY	HIGHLANDS COUNTY	INDIAN RIVER COUNTY
	MONROE COUNTY	OKEECHOBEE COUNTY	TAYLOR COUNTY	
GA	BULLOCH COUNTY	BUTTS COUNTY	CAMDEN COUNTY	DAWSON COUNTY
	LIBERTY COUNTY	UNION COUNTY		
HI	HAWAII COUNTY	KAUAI COUNTY	MAUI COUNTY	
ID	BONNER COUNTY	KOOTENAI COUNTY		
KS	RILEY COUNTY			
KY	ADAIR COUNTY	BELL COUNTY	BRECKINRIDGE COUNTY	ESTILL COUNTY
	FLOYD COUNTY	FULTON COUNTY	JOHNSON COUNTY	LINCOLN COUNTY
	LIVINGSTON COUNTY	MORGAN COUNTY	NICHOLAS COUNTY	PERRY COUNTY
	PIKE COUNTY	PULASKI COUNTY	ROWAN COUNTY	

IRS SECTION 42(D)(5)(C) DIFFICULT DEVELOPMENT AREAS

NONMETROPOLITAN AREAS

STATE	COUNTY	COUNTY	COUNTY	COUNTY
LA	BIENVILLE PARISH	MOREHOUSE PARISH	NATCHITOCHES PARISH	SABINE PARISH
	TANGIPAHOA PARISH	VERNON PARISH	WEST FELICIANA PARISH	
MA	BARNSTABLE COUNTY	DUKES COUNTY	FRANKLIN COUNTY	HAMPDEN COUNTY
	HAMPSHIRE COUNTY	NANTUCKET COUNTY		
MD	ST. MARY'S COUNTY	WICOMICO COUNTY		
ME	ANDROSCOGGIN COUNTY	AROOSTOOK COUNTY	CUMBERLAND COUNTY	FRANKLIN COUNTY
	HANCOCK COUNTY	KENNEBEC COUNTY	KNOX COUNTY	LINCOLN COUNTY
	OXFORD COUNTY	PISCATAQUIS COUNTY	SAGADAHOC COUNTY	SOMERSET COUNTY
	WALDO COUNTY	WASHINGTON COUNTY	YORK COUNTY	
MO	CAMDEN COUNTY			
MS	ADAMS COUNTY	BOLIVAR COUNTY	CLAIBORNE COUNTY	COAHOMA COUNTY
	COPIAH COUNTY	FORREST COUNTY	GEORGE COUNTY	ISSAQUENA COUNTY
	LAFAYETTE COUNTY	LAUDERDALE COUNTY	LEFLORE COUNTY	SUNFLOWER COUNTY
	TATE COUNTY	WASHINGTON COUNTY	YAZOO COUNTY	
MT	MISSOULA COUNTY			
NC	CAMDEN COUNTY	DARE COUNTY	PASQUOTANK COUNTY	WATAUGA COUNTY
NH	BELKNAP COUNTY	CARROLL COUNTY	CHESHIRE COUNTY	GRAFTON COUNTY
	HILLSBOROUGH COUNTY	MERRIMACK COUNTY	ROCKINGHAM COUNTY	STRAFFORD COUNTY
	SULLIVAN COUNTY			
NM	CHAVES COUNTY	CURRY COUNTY	LINCOLN COUNTY	MCKINLEY COUNTY
	QUAY COUNTY	RIO ARRIBA COUNTY	SAN MIGUEL COUNTY	TAOS COUNTY
NV	CARSON CITY	CHURCHILL COUNTY	DOUGLAS COUNTY	MINERAL COUNTY
	PERSHING COUNTY			
NY	CLINTON COUNTY	COLUMBIA COUNTY	CORTLAND COUNTY	ESSEX COUNTY
	GREENE COUNTY	HAMILTON COUNTY	JEFFERSON COUNTY	SCHUYLER COUNTY
	SULLIVAN COUNTY	TOMPKINS COUNTY	ULSTER COUNTY	
OR	CLATSOP COUNTY	COOS COUNTY	CURRY COUNTY	DESCHUTES COUNTY
	GILLIAM COUNTY	HOOD RIVER COUNTY	JEFFERSON COUNTY	JOSEPHINE COUNTY
	KLAMATH COUNTY	LINCOLN COUNTY		
PA	MONROE COUNTY	NORTHUMBERLAND COUNTY	WAYNE COUNTY	
PR	ALL			
RI	NEWPORT COUNTY	WASHINGTON COUNTY		

IRS SECTION 42(D)(5)(C) DIFFICULT DEVELOPMENT AREAS

NONMETROPOLITAN AREAS

STATE	COUNTY	COUNTY	COUNTY	COUNTY
SC	BEAUFORT COUNTY	FAIRFIELD COUNTY		
SD	FAULK COUNTY	SPINK COUNTY		
TN	HAYWOOD COUNTY	TROUSDALE COUNTY		
TX	ANDERSON COUNTY	ARANSAS COUNTY	BURLESON COUNTY	CAMP COUNTY
	GILLESPIE COUNTY	HOPKINS COUNTY	HUDSPETH COUNTY	JASPER COUNTY
	KERR COUNTY	KIMBLE COUNTY	KLEBERG COUNTY	LLANO COUNTY
	NACOGDOCHES COUNTY	POLK COUNTY	RAINS COUNTY	RED RIVER COUNTY
	ROBERTSON COUNTY	TYLER COUNTY	VAL VERDE COUNTY	VAN ZANDT COUNTY
	WALKER COUNTY	WASHINGTON COUNTY		
UT	DAGGETT COUNTY	IRON COUNTY	WASHINGTON COUNTY	
VA	CAROLINE COUNTY	FREDERICK COUNTY	KING AND QUEEN COUNTY	MADISON COUNTY
	ORANGE COUNTY	WESTMORELAND COUNTY		
VI	VIRGIN ISLANDS			
VT	ADDISON COUNTY	BENNINGTON COUNTY	LAMOILLE COUNTY	ORANGE COUNTY
	RUTLAND COUNTY	WASHINGTON COUNTY	WINDHAM COUNTY	WINDSOR COUNTY
WA	CLALLAM COUNTY	DOUGLAS COUNTY	GRAYS HARBOR COUNTY	JEFFERSON COUNTY
	SAN JUAN COUNTY	SKAGIT COUNTY		
WV	GREENBRIER COUNTY	TAYLOR COUNTY	UPSHUR COUNTY	
WY	TETON COUNTY			

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Abilene, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Taylor County	0102.00	0108.00	0110.00	0111.00	0118.00	0119.00						

METROPOLITAN AREA: Akron, OH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Portage County	6015.00											
Summit County	5011.00	5012.00	5013.01	5013.02	5014.00	5015.00	5017.00	5018.00	5019.00	5024.00	5025.00	5031.00
	5032.00	5034.00	5038.00	5041.00	5042.00	5043.00	5044.00	5053.00	5056.00	5063.04	5065.00	5066.00
	5067.00	5068.00	5069.00	5074.00	5101.00	5103.01						

METROPOLITAN AREA: Albany, GA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dougherty County	0002.00	0008.00	0012.00	0013.00	0014.01	0014.02	0015.00	0106.01				

METROPOLITAN AREA: Albany-Schenectady-Troy, NY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Albany County	0002.00	0005.01	0006.00	0007.00	0008.00	0011.00	0015.00	0025.00	0128.00	0129.00	0132.00	
Montgomery County	0701.00	0702.00	0706.00	0709.00								
Rensselaer County	0404.00	0407.00										
Schenectady County	0209.00	0210.01	0210.02									

METROPOLITAN AREA: Albuquerque, NM

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bernalillo County	0006.02	0009.01	0012.00	0013.00	0014.00	0015.00	0016.00	0020.00	0028.00	0034.00	0044.01	0045.01
	0045.02	0048.00										
Sandoval County	0102.00											

METROPOLITAN AREA: Alexandria, LA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Rapides Parish	0111.00	0119.00	0120.00	0127.00	0129.00							

METROPOLITAN AREA: Allentown-Bethlehem-Easton, PA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Carbon County	0204.00											
Lehigh County	0004.00	0005.00	0009.00	0010.00	0011.00	0013.00						
Northampton County	0105.00	0110.00	0144.00									

METROPOLITAN AREA: Altoona, PA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Blair County	1016.00	1019.00										

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Amarillo, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Potter County	0106.00	0111.00	0113.00	0114.00	0120.00	0121.00	0122.00	0123.00	0126.00	0129.00	0130.00	0131.00
	0140.00											

METROPOLITAN AREA: Anchorage, AK

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Anchorage Borough	0003.00	0004.00	0006.00	0009.01	0011.00							

METROPOLITAN AREA: Ann Arbor, MI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lenawee County	0613.00	0616.00										
Washtenaw County	4001.00	4002.00	4003.00	4005.00	4007.00	4008.00	4022.00	4026.00	4106.00	4107.00	4110.00	4111.00
	4112.00											

METROPOLITAN AREA: Anniston, AL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Calhoun County	0003.00	0004.00	0005.00	0006.00	0007.00	0008.00						

METROPOLITAN AREA: Appleton-Oshkosh-Neenah, WI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Outagamie County	0101.00											
Winnebago County	0006.00	0007.00										

METROPOLITAN AREA: Asheville, NC

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Buncombe County	0001.00	0002.00	0009.00									
Madison County	0102.00	0103.00										

METROPOLITAN AREA: Athens, GA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Clarke County	0001.00	0002.00	0003.00	0004.00	0005.00	0006.00	0009.00	0016.98				

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Atlanta, GA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Carroll County	9905.00											
Cherokee County	0912.98											
Clayton County	0403.01											
Cobb County	0307.00	0308.00	0309.02									
Coweta County	1706.00											
DeKalb County	0205.00	0206.00	0207.00	0208.00	0209.00	0212.04	0221.00	0224.02	0227.00	0237.00		
Fulton County	0007.00	0008.00	0010.95	0017.00	0018.00	0020.00	0021.00	0022.00	0023.00	0024.00	0025.00	0026.00
	0028.00	0029.00	0031.00	0032.00	0033.00	0035.00	0036.00	0037.00	0038.00	0039.00	0040.00	0042.95
	0043.00	0044.00	0046.95	0048.00	0052.00	0055.01	0055.02	0056.00	0057.00	0058.00	0060.00	0062.00
	0063.00	0064.00	0066.01	0066.02	0067.00	0068.02	0071.00	0072.00	0073.00	0074.00	0075.00	0076.01
	0078.04	0081.02	0082.02	0083.01	0083.02	0084.00	0085.00	0086.01	0086.02	0087.01	0087.02	0088.00
	0106.01	0109.00	0110.00	0112.01								
Newton County	1004.00	1006.00										
Spalding County	1603.00	1604.00	1607.00	1608.00	1609.00							
Walton County	1103.00	1104.00										

METROPOLITAN AREA: Atlantic-Cape May, NJ

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Atlantic County	0008.00	0011.00	0014.00	0015.00	0018.00	0019.00	0023.00	0024.00	0025.00			
Cape May County	0214.00	0215.00										

METROPOLITAN AREA: Augusta-Aiken, GA-SC

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
McDuffie County	9502.00											
Richmond County	0002.00	0003.00	0004.00	0006.00	0007.00	0008.00	0009.00	0014.00	0015.00	0104.00	0106.00	
Aiken County	0214.00	0218.00										

METROPOLITAN AREA: Austin-San Marcos, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bastrop County	9507.00											
Caldwell County	9602.00	9604.00	9607.00									
Hays County	0101.00	0102.00	0103.01	0103.02	0105.00							
Travis County	0003.01	0003.02	0004.02	0005.00	0006.01	0006.03	0006.04	0007.00	0008.02	0008.03	0008.04	0009.01
	0009.02	0010.00	0013.05	0013.07	0018.04	0018.05	0018.06	0018.12	0021.05	0021.09	0021.10	0021.11
	0023.04	0023.05	0023.06	0023.07	0023.10	0023.12	0024.13					
Williamson County	0210.00	0211.00	0214.02									

METROPOLITAN AREA: Bakersfield, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Kern County	0004.00	0011.03	0012.00	0013.00	0014.00	0015.00	0016.00	0020.00	0021.00	0022.00	0023.02	0025.00
	0048.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Baltimore, MD

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Anne Arundel County	7028.00	7411.00										
Baltimore County	4016.01	4016.02	4084.00	4210.00	4507.00	4508.01	4508.02					
Baltimore city	0301.00	0302.00	0402.00	0501.00	0603.00	0604.00	0605.00	0701.00	0702.00	0703.00	0704.00	0802.00
	0803.01	0804.00	0805.00	0806.00	0807.00	0808.00	0904.00	0908.00	0909.00	1001.00	1002.00	1004.00
	1102.00	1203.00	1204.00	1205.00	1206.00	1301.00	1302.00	1303.00	1304.00	1401.00	1402.00	1403.00
	1501.00	1502.00	1504.00	1505.00	1506.00	1508.02	1512.00	1513.00	1601.00	1602.00	1603.00	1604.00
	1606.00	1702.00	1703.00	1801.00	1802.00	1803.00	1901.00	1902.00	1903.00	2001.00	2002.00	2003.00
	2004.00	2005.00	2101.01	2102.01	2301.00	2502.03	2502.04	2502.07	2503.01	2503.02	2503.03	2505.00
	2506.00	2603.03	2604.01	2604.02	2604.98	2606.04	2717.00	2718.01	2718.02	2804.04		

METROPOLITAN AREA: Bangor, ME

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Penobscot County	0001.00	0080.02										

METROPOLITAN AREA: Barnstable-Yarmouth, MA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Barnstable County	0124.00											

METROPOLITAN AREA: Baton Rouge, LA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ascension Parish	0308.00	0309.00										
East Baton Rouge Parish	0001.00	0002.00	0003.00	0005.00	0006.01	0008.00	0009.00	0010.00	0011.04	0013.00	0014.00	0015.00
	0016.00	0021.00	0022.00	0024.00	0025.00	0028.00	0030.01	0030.02	0031.01	0031.02	0033.00	0040.07
West Baton Rouge Parish	0202.00											

METROPOLITAN AREA: Beaumont-Port Arthur, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jefferson County	0001.03	0007.00	0008.00	0009.00	0010.00	0014.00	0015.00	0017.00	0018.00	0019.00	0022.00	0023.00
	0024.00	0051.00	0052.00	0053.00	0054.00	0057.00	0058.00	0059.00	0060.00	0061.00	0062.00	
Orange County	0202.00											

METROPOLITAN AREA: Bellingham, WA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Whatcom County	0006.00	0010.00										

METROPOLITAN AREA: Benton Harbor, MI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Berrien County	0001.00	0002.00	0003.00	0004.00	0005.00	0006.00	0021.00	0022.00	0023.00	0205.00		

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Bergen-Passaic, NJ

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bergen County	0031.97	0280.98										
Passaic County	1251.97	1251.98	1752.00	1753.00	1754.00	1755.00	1758.00	1759.00	1804.00	1805.00	1806.00	1807.00
	1808.00	1809.00	1811.00	1813.00	1814.00	1815.00	1816.01	1816.02	1817.01	1817.02	1818.00	1820.00
	1821.00	1822.00	1823.00	1827.00	1828.00	1829.00	1830.00					

METROPOLITAN AREA: Billings, MT

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Yellowstone County	0001.00	0002.00	0003.00									

METROPOLITAN AREA: Biloxi-Gulfport-Pascagpula, MS

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Harrison County	0001.00	0003.00	0005.00	0018.00	0023.00							
Jackson County	0423.00											

METROPOLITAN AREA: Binghamton, NY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Broome County	0002.00	0003.00	0005.00	0010.00	0011.00	0012.00	0013.00	0135.00				

METROPOLITAN AREA: Birmingham, AL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jefferson County	0003.00	0005.00	0007.00	0008.00	0012.00	0014.00	0015.00	0016.00	0023.03	0023.04	0024.00	0027.00
	0029.00	0030.02	0032.00	0033.00	0039.00	0040.00	0042.00	0045.00	0051.01	0055.00	0057.01	0101.00
	0103.01	0103.02	0104.01	0106.02	0130.02	0131.00						

METROPOLITAN AREA: Bloomington, IN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Monroe County	0001.00	0002.02	0006.00	0016.00								

METROPOLITAN AREA: Bloomington-Normal, IL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
McLean County	0001.01	0002.00	0013.02	0015.00	0016.00							

METROPOLITAN AREA: Boise City, ID

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ada County	0001.00	0011.00										
Canyon County	0201.00	0202.00	0213.00	0214.00	0220.00							

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Boston, MA-NH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bristol County	6138.00											
Essex County	2043.00	2060.00	2061.00	2062.00	2068.00	2069.00	2070.00	2072.00	2108.00	2215.00		
Middlesex County	3522.00	3524.00	3527.00									
Norfolk County	4102.00	4178.02	7621.95									
Plymouth County	5071.02											
Suffolk County	0004.01	0006.02	0007.01	0007.02	0101.01	0101.02	0102.00	0103.00	0104.01	0104.02	0302.00	0402.00
	0501.00	0502.00	0503.00	0504.00	0506.00	0507.00	0607.00	0608.00	0610.00	0611.00	0613.00	0701.00
	0702.00	0704.00	0711.00	0712.00	0801.00	0802.00	0803.00	0804.00	0805.00	0806.00	0807.00	0808.00
	0810.00	0812.00	0813.00	0815.00	0816.00	0817.00	0818.00	0821.00	0902.00	0903.00	0904.00	0905.00
	0906.00	0907.00	0913.00	0915.00	0916.00	0918.00	0924.00	1001.00	1002.00	1101.01	1102.00	1205.00
	1602.00	1604.00	1605.00	1707.00								

METROPOLITAN AREA: Boulder-Longmont, CO

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Boulder County	0122.02	0122.04	0122.05	0123.00	0124.01	0126.02	0126.04	0134.01				

METROPOLITAN AREA: Brazoria, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Brazoria County	0628.00											

METROPOLITAN AREA: Bremerton, WA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Kitsap County	0808.98	0810.00	0813.00									

METROPOLITAN AREA: Bridgeport, CT

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Fairfield County	0703.00	0705.00	0706.00	0708.00	0709.00	0712.00	0713.00	0714.00	0715.00	0716.00	0717.00	0736.00
	0738.00	0739.00	0740.00	0741.00	0742.00	0743.00	0744.00					

METROPOLITAN AREA: Brockton, MA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Plymouth County	5103.00	5104.00	5109.00	5112.00	5114.00							

METROPOLITAN AREA: Brownsville-Harlingen-San Benito, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cameron County	0109.00	0111.00	0126.03	0131.05	0133.02	0134.01	0138.01	0138.02	0139.01	0139.02	0140.01	0140.02
	0141.00											

METROPOLITAN AREA: Bryan-College Station, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Brazos County	0005.00	0014.00	0015.00	0017.00								

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Buffalo-Niagara Falls, NY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Erie County	0003.00	0004.00	0012.00	0013.01	0013.02	0014.02	0015.00	0016.00	0020.00	0025.01	0025.02	0026.00
	0027.01	0027.02	0028.00	0029.00	0031.00	0032.01	0032.02	0033.02	0034.00	0035.00	0036.00	0040.02
	0044.02	0055.00	0056.00	0060.00	0061.00	0062.02	0064.00	0069.00	0070.00	0071.01	0071.02	0072.01
	0119.01	0121.00	0122.00	0148.04								
Niagara County	0202.00	0205.00	0209.00	0211.00	0212.00	0213.00	0237.00					

METROPOLITAN AREA: Burlington, VT

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chittenden County	0003.00	0004.00	0005.00	0010.00								
Franklin County	0107.00											

METROPOLITAN AREA: Canton-Massillon, OH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Stark County	7001.00	7015.00	7017.00	7018.00	7023.00	7101.00	7104.00	7105.00	7138.00			

METROPOLITAN AREA: Casper, WY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Natrona County	0001.00	0002.00	0013.02									

METROPOLITAN AREA: Cedar Rapids, IA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Linn County	0019.00	0020.00	0022.00	0027.00								

METROPOLITAN AREA: Champaign-Urbana, IL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Champaign County	0001.00	0002.00	0003.00	0004.00	0014.00	0051.00	0052.00	0059.00	0060.00			

METROPOLITAN AREA: Charleston-North Charleston, SC

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Charleston County	0004.00	0006.00	0007.00	0009.00	0010.00	0011.00	0012.00	0013.00	0014.00	0015.00	0033.00	0037.00
	0041.00	0043.00	0044.00	0045.00								

METROPOLITAN AREA: Charleston, WV

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Kanawha County	0001.00	0007.00	0009.00	0012.00								

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Charlotte-Gastonia-Rock Hill, NC-SC

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cabarrus County	0421.00											
Gaston County	0319.00	0320.00	0330.00									
Mecklenburg County	0001.00	0003.00	0004.00	0006.00	0008.00	0009.00	0023.00	0037.00	0039.01	0039.02	0045.00	0047.00
	0048.00	0050.00	0051.00	0052.00								
Rowan County	0501.00	0504.00	0508.00									
York County	0013.02	0604.02	0605.01	0616.01	0617.02							

METROPOLITAN AREA: Charlottesville, VA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Albemarle County	0115.98											
Charlottesville city	0002.01	0002.98	0004.97	0006.00								

METROPOLITAN AREA: Chattanooga, TN-GA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hamilton County	0002.00	0003.00	0004.00	0008.00	0011.00	0012.00	0014.00	0015.00	0016.00	0019.00	0020.00	0021.00
	0023.00	0025.00	0027.00	0031.00								

METROPOLITAN AREA: Cheyenne, WY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Laramie County	0001.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Chicago, IL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cook County	0101.00	0105.00	0303.00	0311.00	0312.00	0315.00	0316.00	0317.00	0320.00	0321.00	0514.00	0605.00
	0707.00	0708.00	0804.00	0805.00	0808.00	0819.00	1401.00	1402.00	1406.00	2005.00	2108.00	2109.00
	2205.00	2207.00	2208.00	2209.00	2210.00	2211.00	2213.00	2214.00	2215.00	2217.00	2223.00	2224.00
	2225.00	2226.00	2227.00	2228.00	2229.00	2301.00	2302.00	2303.00	2304.00	2305.00	2307.00	2309.00
	2310.00	2312.00	2315.00	2316.00	2317.00	2318.00	2401.00	2406.00	2407.00	2408.00	2409.00	2410.00
	2411.00	2413.00	2414.00	2415.00	2416.00	2417.00	2418.00	2420.00	2421.00	2422.00	2423.00	2425.00
	2426.00	2427.00	2429.00	2431.00	2432.00	2433.00	2434.00	2501.00	2509.00	2510.00	2511.00	2514.00
	2515.00	2517.00	2518.00	2519.00	2520.00	2521.00	2522.00	2601.00	2602.00	2603.00	2604.00	2605.00
	2606.00	2607.00	2608.00	2609.00	2610.00	2701.00	2702.00	2703.00	2704.00	2705.00	2706.00	2707.00
	2708.00	2709.00	2710.00	2711.00	2712.00	2713.00	2714.00	2715.00	2716.00	2717.00	2718.00	2719.00
	2803.00	2804.00	2805.00	2806.00	2807.00	2808.00	2809.00	2810.00	2811.00	2812.00	2813.00	2814.00
	2815.00	2816.00	2817.00	2818.00	2826.00	2827.00	2828.00	2831.00	2832.00	2836.00	2837.00	2838.00
	2839.00	2840.00	2841.00	2842.00	2843.00	2902.00	2903.00	2904.00	2905.00	2906.00	2908.00	2909.00
	2910.00	2911.00	2912.00	2913.00	2914.00	2915.00	2916.00	2917.00	2918.00	2919.00	2920.00	2922.00
	2923.00	2924.00	2925.00	2926.00	3001.00	3002.00	3003.00	3004.00	3005.00	3006.00	3007.00	3008.00
	3009.00	3010.00	3011.00	3012.00	3013.00	3014.00	3015.00	3016.00	3017.00	3018.00	3101.00	3102.00
	3105.00	3106.00	3107.00	3108.00	3109.00	3110.00	3111.00	3112.00	3113.00	3114.00	3204.00	3301.00
	3302.00	3303.00	3304.00	3402.00	3404.00	3405.00	3406.00	3502.00	3504.00	3506.00	3507.00	3511.00
	3512.00	3513.00	3514.00	3515.00	3601.00	3602.00	3603.00	3604.00	3605.00	3701.00	3702.00	3703.00
	3704.00	3801.00	3802.00	3803.00	3804.00	3805.00	3806.00	3807.00	3808.00	3809.00	3810.00	3811.00
	3812.00	3813.00	3814.00	3815.00	3816.00	3817.00	3818.00	3819.00	3820.00	3901.00	3902.00	3903.00
	3904.00	4001.00	4002.00	4003.00	4004.00	4005.00	4006.00	4007.00	4008.00	4102.00	4201.00	4202.00
	4203.00	4204.00	4205.00	4206.00	4207.00	4208.00	4209.00	4210.00	4211.00	4212.00	4302.00	4303.00
	4304.00	4305.00	4306.00	4308.00	4310.00	4313.00	4401.00	4501.00	4601.00	4602.00	4603.00	4607.00
	4608.00	4609.00	4610.00	4901.00	4902.00	4910.00	4913.00	4914.00	5002.00	5105.00	5201.00	5202.00
	5301.00	5401.00	5602.00	5901.00	6003.00	6007.00	6008.00	6009.00	6013.00	6101.00	6102.00	6103.00
	6104.00	6106.00	6110.00	6111.00	6112.00	6113.00	6114.00	6115.00	6116.00	6117.00	6118.00	6119.00
	6120.00	6121.00	6122.00	6301.00	6306.00	6601.00	6602.00	6603.00	6606.00	6609.00	6701.00	6702.00
	6703.00	6705.00	6706.00	6707.00	6708.00	6709.00	6710.00	6711.00	6712.00	6713.00	6715.00	6716.00
	6717.00	6801.00	6802.00	6803.00	6804.00	6805.00	6806.00	6807.00	6808.00	6809.00	6810.00	6811.00
	6812.00	6813.00	6814.00	6901.00	6902.00	6903.00	6904.00	6906.00	6908.00	6909.00	6911.00	6912.00
	6915.00	7102.00	7103.00	7107.00	7109.00	8133.00	8175.00	8215.00	8236.03	8243.00	8260.00	8269.01
	8269.02	8273.00	8274.00	8290.00	8291.00	8297.00						
DeKalb County	0010.00	0011.00	0012.00									
Kane County	8512.00	8515.00	8536.00	8537.00	8546.98							
Lake County	8623.00	8628.00										
Will County	8813.00	8819.00	8820.00	8825.00								

METROPOLITAN AREA: Chico-Paradise, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Butte County	0006.02	0028.00	0030.00									

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Cincinnati, OH-KY-IN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Campbell County	0501.00	0502.00	0504.00	0505.00	0506.00	0512.00						
Kenton County	0603.00	0604.00	0605.00	0606.00	0607.00	0609.00	0620.00	0651.00				
Pendleton County	9903.00											
Brown County	9517.00											
Hamilton County	0002.00	0003.01	0003.02	0004.00	0007.00	0008.00	0009.00	0010.00	0011.00	0014.00	0015.00	0016.00
	0017.00	0021.00	0022.00	0023.00	0025.00	0026.00	0028.00	0030.00	0032.00	0033.00	0034.00	0035.00
	0036.00	0037.00	0038.00	0039.00	0043.00	0044.00	0047.02	0055.00	0066.00	0067.00	0068.00	0069.00
	0074.00	0077.00	0078.00	0080.00	0085.02	0086.01	0087.00	0089.00	0091.00	0093.00	0094.00	0103.00
	0219.00	0227.00										
Warren County	0304.00											

METROPOLITAN AREA: Clarksville-Hopkinsville, TN-KY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Montgomery County	1008.00											

METROPOLITAN AREA: Cleveland-Lorain-Elyria, OH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ashtabula County	0001.03	0004.00	0007.01	0007.04								
Cuyahoga County	1011.01	1012.00	1013.00	1016.00	1017.00	1018.00	1019.00	1025.00	1026.00	1027.00	1028.00	1029.00
	1031.00	1032.00	1033.00	1034.00	1035.00	1037.00	1038.00	1039.00	1041.00	1042.00	1043.00	1044.00
	1045.00	1046.00	1047.01	1047.02	1048.00	1049.00	1051.00	1053.00	1055.00	1056.01	1072.00	1073.00
	1074.00	1075.00	1077.00	1079.00	1081.00	1082.00	1083.00	1084.00	1085.00	1087.00	1088.00	1089.00
	1093.00	1096.00	1097.00	1098.00	1104.00	1105.00	1106.00	1107.00	1108.00	1111.00	1112.00	1113.00
	1114.01	1114.02	1115.00	1116.00	1117.00	1118.00	1119.02	1121.00	1122.00	1123.00	1124.00	1125.00
	1126.00	1127.00	1128.00	1129.00	1131.00	1132.00	1133.00	1134.00	1135.00	1136.00	1137.00	1138.00
	1139.00	1141.00	1142.00	1143.00	1144.00	1145.00	1146.00	1147.00	1148.00	1149.00	1151.00	1152.00
	1153.00	1154.00	1155.00	1158.00	1161.00	1162.00	1163.00	1164.00	1165.00	1166.00	1168.00	1169.00
	1172.01	1173.00	1181.00	1182.00	1183.00	1184.00	1185.00	1186.01	1186.02	1187.00	1189.00	1191.00
	1192.02	1193.00	1194.02	1195.02	1196.00	1197.02	1198.00	1199.00	1201.00	1202.00	1204.00	1205.00
	1206.00	1207.01	1208.01	1208.02	1212.00	1213.00	1214.01	1244.00	1275.00	1503.00	1504.00	1511.00
	1512.00	1513.00	1514.00	1515.00	1517.00	1518.00	1527.01	1915.00	1939.00			
Lake County	2059.96	2061.97										
Lorain County	0223.00	0228.00	0231.00	0232.00	0233.00	0238.00	0708.00	0714.00				

METROPOLITAN AREA: Colorado Springs, CO

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
El Paso County	0003.02	0022.00	0023.00	0026.00	0029.00							

METROPOLITAN AREA: Columbia, MO

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Boone County	0001.00	0002.00	0003.00	0004.00	0005.00	0008.00	0009.00					

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Columbia, SC

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lexington County	0215.97											
Richland County	0001.00	0002.00	0003.00	0005.00	0009.00	0010.00	0013.00	0014.00	0015.00	0016.00	0018.00	0019.00
	0020.01	0020.02	0028.00	0105.02	0109.00	0117.01						

METROPOLITAN AREA: Columbus, GA-AL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Russell County	0301.00	0302.00	0308.00									
Muscogee County	0001.00	0005.00	0013.00	0014.00	0015.00	0016.00	0024.00	0025.00	0027.00	0028.00	0030.00	0032.00

METROPOLITAN AREA: Columbus, OH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Fairfield County	0317.00	0319.00										
Franklin County	0007.30	0009.20	0011.10	0011.20	0012.00	0013.00	0014.00	0015.00	0016.00	0017.00	0018.10	0022.00
	0023.00	0025.20	0026.00	0027.10	0028.00	0029.00	0030.00	0036.00	0037.00	0038.00	0039.00	0040.00
	0041.00	0042.00	0043.00	0044.00	0050.00	0051.00	0053.00	0054.10	0054.20	0056.10	0056.20	0060.00
	0061.00	0074.10	0075.11	0075.20	0075.34	0075.40	0078.20	0083.50	0087.30			
Licking County	7501.00	7504.00	7507.00	7525.00	7583.00							

METROPOLITAN AREA: Corpus Christi, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Nueces County	0003.00	0004.00	0005.00	0009.00	0010.00	0011.00	0012.00	0013.00	0015.00	0016.01	0056.02	
San Patricio County	0108.00	0113.00										

METROPOLITAN AREA: Cumberland, MD-WV

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Allegany County	0005.00	0007.00	0009.00	0010.00								
Mineral County	0107.00											

METROPOLITAN AREA: Dallas, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Collin County	0309.00											
Dallas County	0004.01	0004.03	0004.05	0008.00	0009.00	0010.02	0014.00	0015.02	0015.03	0015.04	0016.00	0019.00
	0020.00	0022.01	0022.02	0024.00	0025.00	0027.01	0027.02	0028.00	0029.00	0031.02	0033.00	0034.00
	0035.00	0036.00	0037.00	0038.00	0039.01	0039.02	0040.00	0041.00	0043.00	0046.00	0047.00	0048.00
	0049.00	0050.00	0051.00	0055.00	0056.00	0057.00	0060.02	0067.00	0068.00	0069.00	0086.01	0086.02
	0087.01	0087.03	0087.04	0087.05	0088.02	0089.00	0093.03	0093.04	0100.00	0101.01	0101.02	0102.00
	0103.00	0104.00	0105.00	0106.00	0108.02	0111.05	0114.01	0114.02	0115.00	0116.02	0159.00	0166.05
	0188.02	0190.13	0192.09									
Denton County	0206.01	0207.00	0209.00	0210.00	0211.00	0212.00	0213.01					
Ellis County	0604.00	0605.00	0612.00	0616.00								
Henderson County	9505.00	9507.00	9510.00	9512.00	9515.98							
Hunt County	9601.00	9605.00	9606.00	9608.00	9609.00							
Kaufman County	0505.00	0510.00										

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Danbury, CT

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Fairfield County	2101.00	2306.00										

METROPOLITAN AREA: Danville, VA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Danville city	0005.00	0006.00	0011.00	0016.98								

METROPOLITAN AREA: Davenport-Moline-Rock Island, IA-IL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Henry County	0308.00											
Rock Island County	0206.00	0223.00	0224.00	0226.00	0227.00	0234.00	0236.00	0244.00				
Scott County	0105.00	0106.00	0107.00	0108.00	0109.00	0114.00						

METROPOLITAN AREA: Dayton-Springfield, OH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Clark County	0001.00	0002.00	0003.00	0004.00	0009.01	0009.02	0012.00					
Greene County	2403.02											
Montgomery County	0003.00	0007.00	0010.00	0012.00	0013.00	0014.00	0015.00	0017.00	0018.00	0019.00	0021.00	0022.00
	0034.00	0035.00	0036.00	0037.00	0039.00	0040.00	0041.00	0042.00	0043.00	0047.00	0602.00	0603.00
	0702.01	0703.00	0805.00									

METROPOLITAN AREA: Daytona Beach, FL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Volusia County	0814.00	0815.00	0819.00	0820.00	0821.00	0905.00						

METROPOLITAN AREA: Decatur, AL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Morgan County	0005.00											

METROPOLITAN AREA: Decatur, IL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Macon County	0001.00	0002.00	0005.98	0006.00	0007.00	0008.00	0009.00					

METROPOLITAN AREA: Denver, CO

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adams County	0078.00	0079.00	0087.03	0089.52	0096.06							
Arapahoe County	0049.50	0055.52	0057.00	0058.89	0065.01	0073.00						
Denver County	0002.02	0004.02	0005.02	0006.00	0007.01	0007.02	0008.00	0009.01	0009.03	0010.00	0011.01	0011.02
	0015.00	0016.00	0017.01	0018.00	0019.00	0020.00	0021.00	0023.00	0024.01	0024.02	0025.00	0026.01
	0026.02	0027.01	0027.03	0028.02	0031.01	0031.02	0035.00	0036.01	0036.02	0036.03	0041.01	0041.05
	0045.01	0045.02	0054.02	0083.13								
Jefferson County	0104.05	0115.50										

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Des Moines, IA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Polk County	0011.00	0017.00	0026.00	0027.00	0048.00	0049.00	0050.00	0051.00	0052.00			

METROPOLITAN AREA: Detroit, MI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Macomb County	2400.00	2450.00	2471.00	2638.00								
Monroe County	8318.00	8321.00										
Oakland County	1412.00	1416.00	1417.00	1418.00	1421.00	1422.00	1423.00	1424.00	1425.00	1427.00	1724.00	1725.00
St. Clair County	6200.00	6210.00	6230.00	6240.00	6250.00							
Wayne County	5004.00	5005.00	5006.00	5020.00	5034.00	5035.00	5036.00	5037.00	5039.00	5040.00	5041.00	5042.00
	5043.00	5044.00	5045.00	5046.00	5047.00	5048.00	5052.00	5053.00	5063.00	5064.00	5065.00	5070.00
	5071.00	5072.00	5073.00	5074.00	5075.00	5076.00	5077.00	5078.00	5079.00	5080.00	5102.00	5103.00
	5104.00	5105.00	5106.00	5107.00	5108.00	5109.00	5111.00	5112.00	5113.00	5114.00	5115.00	5116.00
	5117.00	5121.00	5122.00	5123.00	5124.00	5126.00	5129.00	5132.00	5134.00	5135.00	5136.00	5139.00
	5140.00	5141.00	5142.00	5143.00	5145.00	5146.00	5147.00	5148.00	5149.00	5150.00	5151.00	5152.00
	5153.00	5155.00	5156.00	5161.00	5162.00	5163.00	5164.00	5166.00	5167.00	5168.00	5169.00	5173.00
	5174.00	5175.00	5176.00	5178.00	5180.00	5181.00	5183.00	5184.00	5185.00	5186.00	5187.00	5188.00
	5201.00	5202.00	5203.00	5204.00	5205.00	5206.00	5207.00	5209.00	5211.00	5212.00	5213.00	5214.00
	5215.00	5218.00	5219.00	5220.00	5221.00	5222.00	5223.00	5224.00	5231.00	5232.00	5233.00	5234.00
	5235.00	5236.00	5237.00	5238.00	5240.00	5241.00	5242.00	5243.00	5245.00	5247.00	5248.00	5251.00
	5252.00	5253.00	5254.00	5255.00	5256.00	5257.00	5258.00	5260.00	5261.00	5262.00	5263.00	5264.00
	5265.00	5301.00	5303.00	5304.00	5307.00	5308.00	5310.00	5311.00	5313.00	5314.00	5315.00	5316.00
	5317.00	5318.00	5319.00	5322.00	5324.00	5325.00	5326.00	5327.00	5330.00	5331.00	5332.00	5333.00
	5334.00	5335.00	5336.00	5337.00	5341.00	5342.00	5343.00	5344.00	5345.00	5346.00	5350.00	5352.00
	5361.00	5363.00	5364.00	5365.00	5366.00	5367.00	5368.00	5370.00	5371.00	5372.00	5373.00	5377.00
	5378.00	5390.00	5412.00	5423.00	5435.00	5436.00	5437.00	5438.00	5439.00	5442.00	5451.00	5452.00
	5453.00	5454.00	5465.00	5469.00	5521.00	5522.00	5523.00	5524.00	5525.00	5526.00	5530.00	5531.00
	5532.00	5533.00	5534.00	5535.00	5536.00	5537.00	5685.00	5704.00	5706.00	5707.00	5708.00	5735.00
	5736.00	5791.00	5792.00	5793.00	5795.00	5796.00	5798.00	5848.00	5860.00			

METROPOLITAN AREA: Dothan, AL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dale County	0206.00											
Houston County	0406.00	0412.00	0413.00	0414.00								

METROPOLITAN AREA: Dubuque, IA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dubuque County	0001.00	0002.00										

METROPOLITAN AREA: Duluth-Superior, MN-WI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
St. Louis County	0016.00	0017.00	0018.00	0019.00	0025.00	0028.00	0032.00	0130.00	0137.01			
Douglas County	0201.00	0202.00										

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Dutchess County, NY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dutchess County	2201.00	2202.00	2203.00	2204.00	2205.00	2206.00	6300.00	6500.00				

METROPOLITAN AREA: Eau Claire, WI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Eau Claire County	0011.00											

METROPOLITAN AREA: El Paso, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
El Paso County	0016.00	0017.00	0018.00	0019.00	0020.00	0021.00	0022.00	0026.00	0028.00	0029.00	0030.00	0032.00
	0039.03	0103.10	0104.01	0104.03								

METROPOLITAN AREA: Elkhart-Goshen, IN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Elkhart County	0027.00	0028.00										

METROPOLITAN AREA: Elmira, NY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chemung County	0006.00	0007.00	0008.00	0010.00								

METROPOLITAN AREA: Erie, PA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Erie County	0001.00	0003.00	0004.00	0007.00	0008.00	0012.00	0013.00	0014.00	0015.00	0018.00	0019.00	

METROPOLITAN AREA: Eugene-Springfield, OR

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lane County	0038.00	0039.00	0040.00	0042.00	0048.00							

METROPOLITAN AREA: Evansville-Henderson, IN-KY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Vanderburgh County	0011.00	0012.00	0014.00	0016.00	0017.00	0019.00	0020.00	0025.00	0027.00	0104.98		
Henderson County	0201.00	0202.00	0203.00	0204.00								

METROPOLITAN AREA: Fargo-Moorhead, ND-MN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Clay County	0203.00	0204.00										
Cass County	0003.00	0007.00										

METROPOLITAN AREA: Fayetteville, NC

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cumberland County	0001.00	0002.00	0003.00	0013.00								

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Fayetteville-Springdale-Rogers, AR

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Washington County	0107.01	0108.00										

METROPOLITAN AREA: Fitchburg-Leominster, MA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Worcester County	7105.00	7107.00										

METROPOLITAN AREA: Flint, MI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Genesee County	0001.00	0002.00	0004.00	0006.00	0008.00	0010.00	0011.00	0014.00	0015.00	0017.00	0018.00	0020.00
	0021.00	0022.00	0025.00	0028.00	0029.00	0032.00	0034.00	0037.00	0038.00	0103.04	0122.02	

METROPOLITAN AREA: Florence, AL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Colbert County	0203.00											
Lauderdale County	0101.00	0102.00	0103.00	0107.00								

METROPOLITAN AREA: Florence, SC

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Florence County	0007.00	0008.00	0009.00	0022.01								

METROPOLITAN AREA: Fort Collins-Loveland, CO

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Larimer County	0001.00	0005.02	0006.00	0013.03	0017.04	0020.03						

METROPOLITAN AREA: Fort Lauderdale, FL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Broward County	0304.00	0305.00	0306.00	0410.00	0411.00	0414.00	0415.00	0416.00	0417.00	0425.00	0805.00	0921.00
	1004.00	1005.00	1201.00									

METROPOLITAN AREA: Fort Myers-Cape Coral, FL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lee County	0001.00	0003.02	0005.01	0005.02								

METROPOLITAN AREA: Fort Pierce-Port Lucie, FL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
St. Lucie County	0001.00	0002.00	0003.00									

METROPOLITAN AREA: Fort Smith, AR-OK

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sebastian County	0003.00	0009.01										

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Fort Wayne, IN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Allen County	0010.00	0012.00	0013.00	0014.00	0016.00	0017.00	0018.00	0019.00	0021.00	0027.00	0028.98	

METROPOLITAN AREA: Fort Worth-Arlington, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Johnson County	1308.00	1309.00										
Tarrant County	1002.01	1002.02	1003.00	1004.00	1005.01	1005.02	1008.00	1009.00	1010.00	1011.00	1012.02	1014.03
	1016.00	1017.00	1018.00	1020.00	1025.00	1029.00	1030.00	1031.00	1032.00	1033.00	1034.00	1035.00
	1036.01	1037.01	1037.02	1038.00	1039.00	1040.00	1041.00	1045.01	1045.02	1045.03	1046.01	1046.02
	1046.03	1046.04	1050.06	1053.00	1061.02	1062.02	1066.00	1218.00	1222.00	1223.00		

METROPOLITAN AREA: Fresno, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Fresno County	0001.00	0002.00	0003.00	0004.00	0005.00	0006.00	0009.00	0010.00	0011.00	0013.00	0014.05	0024.00
	0025.00	0028.00	0042.01	0054.03	0065.00	0068.01	0071.00					
Madera County	0008.00	0009.00										

METROPOLITAN AREA: Gadsden, AL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Etowah County	0001.00	0003.00	0007.00	0008.00								

METROPOLITAN AREA: Gainesville, FL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Alachua County	0001.00	0002.00	0006.00	0007.00	0008.00	0009.00	0019.02					

METROPOLITAN AREA: Galveston-Texas City, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Galveston County	1222.00	1225.00	1226.00	1230.00	1233.00	1235.00	1236.00	1237.00	1238.00	1240.00	1241.00	1246.00
	1248.00	1249.00	1254.00									

METROPOLITAN AREA: Gary, IN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lake County	0104.00	0107.00	0108.00	0109.00	0110.00	0111.00	0112.00	0113.00	0114.00	0117.00	0118.00	0119.00
	0120.00	0122.00	0123.00	0125.00	0126.00	0127.00	0128.00	0129.00	0206.00	0208.00	0301.00	0302.00
	0303.00	0304.00	0310.00	0412.00	0413.01							

METROPOLITAN AREA: Glens Falls, NY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Warren County	0705.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Goldsboro, NC

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Wayne County	0017.00	0018.00										

METROPOLITAN AREA: Grand Forks, ND-MN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Grand Forks County	0103.00	0105.00	0106.00									

METROPOLITAN AREA: Grand Rapids-Muskegon-Holland, MI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Kent County	0015.00	0020.00	0021.00	0025.00	0026.00	0028.00	0030.00	0031.00	0032.00	0036.00	0038.00	0039.00
Muskegon County	0001.00	0002.00	0003.00	0005.00	0006.01	0006.02	0011.00	0012.00	0013.00	0014.01	0014.02	

METROPOLITAN AREA: Great Falls, MT

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cascade County	0006.00	0007.00										

METROPOLITAN AREA: Greeley, CO

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Weld County	0001.00	0002.00	0006.00	0007.01								

METROPOLITAN AREA: Green Bay, WI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Brown County	0001.00	0008.00	0009.00	0010.00	0012.00							

METROPOLITAN AREA: Greensboro--Winston-Salem--High Point, NC

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Alamance County	0201.01											
Davidson County	0614.00											
Forsyth County	0001.00	0002.00	0003.01	0003.02	0004.00	0005.01	0005.02	0006.00	0007.00	0008.01	0008.02	0016.02
	0019.01											
Guilford County	0101.00	0108.01	0111.01	0112.00	0114.00	0138.00	0139.00	0143.00	0144.08	0146.00		

METROPOLITAN AREA: Greenville, NC

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Pitt County	0007.00	0008.00	0019.00									

METROPOLITAN AREA: Greenville-Spartanburg-Anderson, SC

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Anderson County	0001.00	0004.00	0006.00	0007.00								
Greenville County	0002.00	0005.00	0006.00	0007.00	0008.00	0009.00	0010.00	0013.01	0021.05	0021.08	0023.03	0023.04
	0025.05											
Pickens County	0112.01											
Spartanburg County	0201.00	0202.00	0203.01	0204.00	0205.00	0208.00	0209.00	0210.01				

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Hagerstown, MD

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Washington County	0004.00	0007.00										

METROPOLITAN AREA: Hamilton-Middletown, OH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Butler County	0003.00	0004.00	0005.00	0006.00	0007.01	0007.02	0008.00	0101.01	0101.04	0128.00	0129.00	0131.00
	0132.00	0138.00	0140.00									

METROPOLITAN AREA: Harrisburg-Lebanon-Carlisle, PA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cumberland County	0122.00	0132.00										
Dauphin County	0201.00	0203.00	0207.00	0211.00	0212.00	0213.00	0214.00					
Lebanon County	0003.00											

METROPOLITAN AREA: Hartford, CT

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hartford County	4159.00	4161.00	4162.00	4166.00	4171.00	5001.00	5002.00	5003.00	5004.00	5005.00	5008.00	5009.00
	5010.00	5011.00	5012.00	5013.00	5014.00	5015.00	5016.00	5017.00	5018.00	5019.00	5027.00	5028.00
	5029.00	5030.00	5031.00	5032.00	5033.00	5034.00	5035.00	5038.00	5041.00	5043.00	5046.00	5049.00
Middlesex County	5416.00											
Windham County	8001.00	8003.00										

METROPOLITAN AREA: Honolulu, HI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Honolulu County	0018.01	0025.00	0036.98	0039.00	0051.00	0052.00	0053.00	0054.00	0055.00	0056.00	0057.00	0058.00
	0062.02	0063.02	0068.04	0070.00	0075.04	0081.00	0083.01	0085.00	0087.98	0090.00	0095.01	0095.05
	0097.01	0108.00										

METROPOLITAN AREA: Houma, LA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lafourche Parish	0204.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Houston, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Fort Bend County	0707.11	0709.01	0712.00									
Harris County	0201.01	0201.02	0202.10	0203.01	0203.02	0204.00	0205.01	0205.03	0205.98	0206.01	0206.98	0207.01
	0207.02	0207.03	0207.04	0208.01	0208.02	0208.03	0209.00	0210.01	0210.02	0213.02	0214.01	0215.01
	0215.03	0216.01	0216.02	0217.01	0217.02	0218.01	0218.02	0218.03	0218.04	0219.00	0220.01	0220.02
	0221.00	0222.01	0222.02	0223.02	0224.01	0225.03	0225.04	0226.02	0233.00	0241.02	0264.00	0272.00
	0300.22	0300.23	0300.24	0301.01	0301.02	0302.00	0303.00	0304.01	0304.02	0305.01	0305.02	0306.00
	0307.01	0309.01	0309.02	0310.00	0311.00	0312.00	0313.01	0314.01	0316.01	0317.03	0317.04	0318.01
	0318.02	0318.03	0318.04	0319.01	0319.02	0320.02	0321.01	0321.02	0321.03	0328.01	0328.02	0328.03
	0329.02	0329.03	0330.02	0339.02	0339.03	0343.01	0350.01	0350.03	0356.01	0362.00	0400.26	0414.02
	0416.01	0419.06	0424.01	0430.02	0502.00	0503.01	0503.02	0504.00	0505.02	0507.02	0508.00	0509.01
	0509.02	0510.00	0514.01	0514.02	0516.02	0519.02	0520.01	0520.02	0520.03	0521.01	0521.02	0523.01
	0523.02	0523.03	0524.00	0525.03	0531.03	0533.01						
Liberty County	1001.00	1002.01	1005.00	1007.00								
Montgomery County	0906.23											
Waller County	0803.10	0805.98										

METROPOLITAN AREA: Huntington-Ashland, WV-KY-OH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Boyd County	0302.00	0308.00										
Lawrence County	0503.00	0506.00										
Cabell County	0002.00	0005.00	0006.00	0007.00								
Wayne County	0209.00	0210.00										

METROPOLITAN AREA: Huntsville, AL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Limestone County	0210.00											
Madison County	0001.00	0008.00	0011.00	0012.00	0016.00	0021.00						

METROPOLITAN AREA: Indianapolis, IN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Madison County	0001.00	0003.00	0005.00	0007.00	0008.00	0009.00	0010.00	0116.00				
Marion County	3226.00	3412.00	3415.00	3416.00	3426.00	3501.00	3503.00	3508.00	3509.00	3510.00	3511.00	3512.00
	3515.00	3516.00	3517.00	3521.00	3523.00	3527.00	3528.00	3531.00	3532.00	3533.00	3535.00	3536.00
	3541.00	3542.00	3544.00	3545.00	3547.00	3549.00	3550.00	3556.00	3559.00	3564.00	3569.00	3571.00
	3572.00	3573.00	3581.00	3601.02								

METROPOLITAN AREA: Iowa City, IA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Johnson County	0004.00	0010.00	0011.00	0016.00	0106.00							

METROPOLITAN AREA: Jackson, MI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jackson County	0006.00	0010.00	0011.00	0012.00	0059.00							

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Jackson, MS

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hinds County	0006.00	0008.00	0009.00	0010.00	0011.00	0012.00	0017.00	0018.00	0019.00	0020.00	0021.00	0025.00
	0026.00	0027.00	0031.00	0032.00	0039.00	0102.01	0106.00	0108.01				
Madison County	0305.00	0307.00	0309.00	0310.00								

METROPOLITAN AREA: Jackson, TN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Madison County	0005.00	0008.00	0009.00	0010.00	0011.00	0012.00						

METROPOLITAN AREA: Jacksonville, FL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Clay County	0316.98											
Duval County	0002.00	0003.00	0004.00	0005.00	0010.00	0011.00	0012.00	0013.00	0014.00	0015.00	0016.00	0017.00
	0018.00	0019.00	0026.00	0028.00	0029.00	0115.00	0116.00					
St. Johns County	0204.00											

METROPOLITAN AREA: Jacksonville, NC

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Onslow County	0020.00											

METROPOLITAN AREA: Jamestown, NY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chautauqua County	0303.00	0305.00										

METROPOLITAN AREA: Janesville-Beloit, WI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Rock County	0001.00	0015.00										

METROPOLITAN AREA: Jersey City, NJ

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hudson County	0012.02	0016.01	0017.00	0033.00	0034.00	0041.02	0046.00	0050.00	0051.00	0109.00	0145.00	0154.00
	0158.00	0190.00										

METROPOLITAN AREA: Johnson City-Kingsport-Bristol, TN-VA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sullivan County	0401.00	0402.00										
Washington County	0607.00	0609.00										
Bristol city	0203.00											

METROPOLITAN AREA: Johnstown, PA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cambria County	0001.00	0002.00	0003.00	0004.00	0008.00	0010.00						

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Kalamazoo-Battle Creek, MI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Calhoun County	0002.00	0003.00	0004.00	0033.00	0036.00							
Kalamazoo County	0001.00	0002.01	0002.02	0003.00	0004.02	0006.00	0008.01	0008.02	0009.00	0015.04	0015.07	
Van Buren County	0106.00	0107.00										

METROPOLITAN AREA: Kankakee, IL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Kankakee County	0110.00	0114.00	0116.00	0123.00								

METROPOLITAN AREA: Kansas City, MO-KS

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Leavenworth County	0701.00											
Wyandotte County	0402.00	0403.00	0404.00	0407.00	0408.00	0409.01	0409.02	0410.00	0411.01	0412.01	0412.02	0415.00
	0417.00	0418.00	0420.01	0420.02	0423.00	0424.00	0425.01	0425.02	0426.00	0427.00	0428.00	0430.00
	0439.01	0445.00	0446.02	0451.00								
Clay County	0200.00											
Jackson County	0003.00	0004.00	0010.00	0012.00	0013.00	0014.00	0015.00	0016.00	0017.00	0018.00	0019.00	0021.00
	0022.00	0023.00	0024.00	0026.00	0029.00	0030.00	0032.00	0033.00	0034.00	0035.01	0035.02	0036.01
	0036.02	0037.00	0038.00	0039.00	0040.00	0041.00	0042.00	0043.00	0047.00	0048.00	0049.00	0050.00
	0052.00	0053.00	0054.00	0055.00	0057.00	0058.01	0060.00	0061.00	0063.00	0064.00	0067.00	0068.00
	0075.00	0077.00	0079.00	0080.00	0087.00	0096.00	0109.01	0109.02	0116.00	0130.01		

METROPOLITAN AREA: Kenosha, WI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Kenosha County	0010.00	0011.00										

METROPOLITAN AREA: Killeen-Temple, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bell County	0207.01	0208.00	0209.00	0227.00								

METROPOLITAN AREA: Knoxville, TN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Anderson County	0207.00											
Knox County	0001.00	0002.00	0003.00	0004.00	0005.00	0006.00	0007.00	0008.00	0009.00	0010.00	0011.00	0012.00
	0013.00	0014.00	0017.00	0020.00	0024.00	0026.00	0029.00					
Union County	0402.01											

METROPOLITAN AREA: Kokomo, IN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Howard County	0001.00	0004.00	0012.00									

METROPOLITAN AREA: La Crosse, WI-MN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
La Crosse County	0003.00	0004.00	0005.00									

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Lafayette, LA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Acadia Parish	9607.00	9610.00										
Lafayette Parish	0002.00	0004.00	0007.00	0008.00	0009.00	0011.00	0013.00					
St. Landry Parish	9601.00	9602.00	9609.00	9613.00	9614.00	9616.00	9619.00					

METROPOLITAN AREA: Lafayette, IN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Tippecanoe County	0004.00	0006.00	0054.00	0055.00	0103.00	0104.00	0105.00					

METROPOLITAN AREA: Lake Charles, LA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Calcasieu Parish	0001.00	0002.00	0003.00	0004.00	0014.00	0015.00						

METROPOLITAN AREA: Lakeland-Winter Haven, FL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Polk County	0101.00	0102.00	0112.01	0112.02	0137.01							

METROPOLITAN AREA: Lancaster, PA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lancaster County	0001.00	0004.00	0008.00	0009.00	0015.00	0016.00						

METROPOLITAN AREA: Lansing-East Lansing, MI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ingham County	0002.00	0003.00	0006.00	0007.00	0008.00	0013.00	0014.00	0015.00	0019.00	0020.00	0041.00	0043.02
	0044.01	0044.02										

METROPOLITAN AREA: Laredo, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Webb County	0001.04	0003.00	0004.00	0008.00	0012.00	0013.00						

METROPOLITAN AREA: Las Cruces, NM

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dona Ana County	0004.01	0010.00										

METROPOLITAN AREA: Las Vegas, NV-AZ

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Mohave County	9501.00	9502.00	9504.00	9513.00	9523.00							
Clark County	0003.01	0003.02	0004.00	0005.04	0007.00	0008.00	0009.00	0011.00	0022.01	0035.00	0036.02	0038.00
	0039.98	0046.00										

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Lawrence, KS

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Douglas County	0003.00	0004.00										

METROPOLITAN AREA: Lawrence-Haverhill, MA-NH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Essex County	2501.00	2503.00	2504.00	2505.00	2506.00	2507.00	2509.00	2510.00	2511.00	2512.00	2513.00	2514.00
	2516.00	2524.00	2601.00	2602.00								

METROPOLITAN AREA: Lawton, OK

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Comanche County	0012.00	0016.00										

METROPOLITAN AREA: Lewiston-Auburn, ME

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Androscoggin County	0201.00	0204.00										

METROPOLITAN AREA: Lexington, KY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Clark County	0202.00											
Fayette County	0001.00	0002.00	0003.00	0004.00	0008.00	0009.00	0010.00	0011.00	0014.00	0018.00	0021.00	
Madison County	0103.00	0104.00	0105.00									

METROPOLITAN AREA: Lima, OH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Allen County	0125.00	0128.00	0135.00	0136.00	0138.00							

METROPOLITAN AREA: Lincoln, NE

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lancaster County	0004.00	0005.00	0007.00	0008.00	0017.00	0018.00	0019.00	0020.00	0032.01			

METROPOLITAN AREA: Little Rock-North Little Rock, AR

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Faulkner County	0307.00											
Pulaski County	0001.00	0002.00	0004.00	0005.00	0006.00	0007.00	0009.00	0010.00	0011.00	0013.00	0025.00	0026.00
	0028.00	0029.00	0030.00	0036.06	0040.01	0040.05						

METROPOLITAN AREA: Longview-Marshall, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Gregg County	0001.00	0012.00	0014.00	0111.98	0112.98							
Harrison County	0204.01	0204.02										

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Los Angeles-Long Beach, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Los Angeles County	1047.01	1200.00	1232.01	1232.02	1838.00	1853.00	1902.00	1903.01	1904.00	1905.00	1907.00	1908.00
	1909.01	1909.02	1910.00	1911.00	1912.01	1912.02	1914.00	1915.00	1916.00	1917.00	1918.00	1925.00
	1926.00	1927.00	1957.00	1975.00	1976.00	1977.00	1990.00	1991.00	1992.01	1992.02	1994.00	1997.00
	1998.00	1999.00	2031.00	2032.00	2033.00	2034.00	2036.00	2037.00	2038.00	2039.00	2041.00	2042.00
	2043.00	2044.00	2045.00	2046.00	2047.00	2049.00	2051.00	2060.00	2062.00	2063.00	2071.00	2073.00
	2077.00	2080.00	2083.00	2084.00	2085.00	2087.00	2088.00	2089.01	2089.02	2091.01	2091.02	2092.00
	2093.00	2094.01	2094.02	2094.03	2095.00	2098.00	2100.00	2112.00	2113.00	2119.00	2121.00	2122.01
	2122.02	2123.01	2123.02	2124.00	2125.00	2126.00	2129.00	2132.01	2132.02	2133.00	2134.01	2134.02
	2184.00	2186.00	2188.00	2193.00	2198.00	2199.00	2211.00	2212.00	2213.01	2213.02	2214.00	2215.00
	2216.00	2217.00	2218.00	2219.00	2220.00	2221.00	2222.00	2225.00	2226.00	2227.00	2240.00	2242.00
	2243.00	2244.00	2246.00	2247.00	2260.00	2264.00	2267.00	2270.00	2281.00	2282.00	2283.00	2284.00
	2285.00	2286.00	2287.00	2288.00	2289.00	2291.00	2292.00	2293.00	2294.00	2311.00	2312.00	2313.00
	2314.00	2316.00	2317.00	2318.00	2319.00	2321.00	2322.00	2323.00	2324.00	2325.00	2326.00	2327.00
	2328.00	2345.00	2349.00	2361.00	2362.01	2362.02	2371.00	2372.00	2375.00	2376.00	2377.00	2383.00
	2392.00	2393.00	2395.00	2396.00	2397.00	2398.00	2400.00	2402.00	2403.00	2404.00	2405.00	2406.00
	2407.00	2408.00	2409.00	2410.00	2411.00	2414.00	2420.00	2421.00	2422.00	2423.00	2426.00	2427.00
	2430.00	2431.00	2653.02	2947.00	2948.00	2949.00	2962.00	2971.00	3022.00	4023.02	4025.01	4025.02
	4027.02	4028.00	4088.00	4334.00	4335.00	4619.00	4620.00	4622.00	4817.02	4823.02	5041.02	5305.00
	5307.00	5308.00	5309.00	5310.00	5311.00	5312.01	5312.02	5313.01	5313.02	5315.01	5315.02	5316.01
	5316.02	5317.02	5319.01	5319.02	5324.00	5326.02	5327.00	5328.00	5329.00	5330.00	5331.01	5331.02
	5332.00	5333.00	5335.00	5336.00	5337.00	5338.01	5338.02	5339.00	5340.00	5341.00	5342.00	5343.00
	5344.01	5344.02	5349.00	5350.00	5351.01	5351.02	5352.00	5353.00	5354.00	5355.00	5357.00	5358.01
	5400.00	5402.00	5404.00	5405.00	5406.00	5414.00	5415.00	5416.01	5416.02	5421.01	5421.02	5426.00
	5427.00	5429.00	5716.00	5725.00	5728.00	5732.01	5732.02	5733.00	5735.00	5752.00	5753.00	5754.00
	5755.00	5758.00	5759.00	5760.00	5762.00	5763.00	5764.00	6001.00	6002.01	6002.02	6003.01	6006.02
	6015.00	6017.00	6019.00	9101.00								

METROPOLITAN AREA: Louisville, KY-IN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Clark County	0502.00											
Floyd County	0705.00	0708.01	0709.02									
Scott County	9668.00											
Jefferson County	0001.00	0002.00	0006.00	0007.00	0009.00	0010.00	0014.00	0015.00	0016.00	0018.00	0020.00	0021.00
	0022.00	0023.00	0024.00	0027.00	0028.00	0030.00	0034.00	0035.00	0037.00	0043.01	0043.02	0049.00
	0050.00	0051.00	0053.00	0055.00	0056.00	0059.00	0062.00	0065.00	0066.00	0110.02		

METROPOLITAN AREA: Lowell, MA-NH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Middlesex County	3101.00	3104.00	3107.00	3108.00	3110.00	3111.00	3112.00	3118.00	3119.00	3120.00	3121.00	3124.00
	3153.00											

METROPOLITAN AREA: Lubbock, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lubbock County	0002.02	0003.01	0003.02	0006.03	0006.04	0006.05	0006.06	0007.00	0008.00	0009.00	0010.00	0011.00
	0012.00	0013.00										

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Lynchburg, VA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lynchburg city	0005.98	0006.00	0007.00	0011.00	0013.00	0014.98	0023.95					

METROPOLITAN AREA: Macon, GA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bibb County	0101.00	0103.00	0104.00	0105.00	0106.00	0107.00	0111.00	0112.00	0113.00	0114.00	0115.00	0127.00
	0128.00	0129.00	0130.00									
Houston County	0205.00											
Peach County	0402.00	0404.00										

METROPOLITAN AREA: Madison, WI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dane County	0011.00	0014.01	0016.01	0016.02	0017.00	0025.98	0032.00					

METROPOLITAN AREA: Manchester, NH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hillsborough County	0005.00	0014.00	0017.00	0020.00								

METROPOLITAN AREA: Mansfield, OH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Richland County	0001.00	0002.00	0003.00	0007.00								

METROPOLITAN AREA: Mc Allen-Edinburg-Mission, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hidalgo County	0205.03	0206.00	0211.00	0213.01	0213.02	0213.03	0215.00	0216.00	0221.02	0226.00	0231.01	0237.00
	0242.01	0244.00	0245.00									

METROPOLITAN AREA: Medford-Ashland, OR

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jackson County	0001.00											

METROPOLITAN AREA: Melbourne-Titusville-Palm Bay, FL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Brevard County	0607.00	0608.00	0626.00	0648.00	0649.02							

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Memphis, TN-AR-MS

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Crittenden County	0304.00	0305.00	0306.10	0310.00	0311.00							
Fayette County	0601.00											
Shelby County	0002.00	0003.00	0004.00	0005.00	0006.00	0007.00	0008.00	0009.00	0010.00	0013.00	0014.00	0018.00
	0019.00	0020.00	0021.00	0022.00	0023.00	0024.00	0028.00	0036.00	0037.00	0038.00	0039.00	0040.00
	0041.00	0044.00	0045.00	0046.00	0047.00	0048.00	0049.00	0050.00	0051.00	0053.00	0054.00	0055.00
	0057.00	0058.00	0059.00	0060.00	0061.00	0062.00	0065.00	0067.00	0068.00	0073.00	0078.10	0081.10
	0084.00	0090.00	0103.00	0105.00	0222.20	0223.10	0227.98					
Tipton County	0407.00											

METROPOLITAN AREA: Merced, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Merced County	0015.00	0016.00	0301.00									

METROPOLITAN AREA: Miami, FL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dade County	0004.03	0005.03	0007.03	0007.04	0008.02	0009.03	0010.01	0010.03	0010.04	0013.01	0014.01	0014.02
	0015.01	0015.02	0016.01	0017.01	0017.02	0017.03	0018.01	0018.02	0018.03	0019.01	0019.03	0019.04
	0020.01	0020.03	0020.04	0022.01	0022.02	0024.01	0024.02	0025.00	0026.00	0027.02	0028.00	0029.00
	0030.01	0030.02	0031.00	0034.00	0036.01	0036.02	0037.01	0037.02	0039.01	0042.00	0043.00	0044.00
	0045.00	0049.01	0051.00	0052.01	0052.02	0053.01	0053.02	0054.01	0054.02	0063.01	0064.01	0064.02
	0064.03	0066.01	0066.02	0072.00	0075.02	0089.04	0105.00	0106.02	0113.00			

METROPOLITAN AREA: Middlesex-Somerset-Hunterdon, NJ

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Middlesex County	0039.00	0045.00	0046.00	0047.00	0048.00	0049.00	0052.00	0053.00	0054.00	0055.00	0059.00	

METROPOLITAN AREA: Milwaukee-Waukesha, WI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Milwaukee County	0012.00	0018.00	0021.00	0028.00	0040.00	0042.00	0044.00	0045.00	0046.00	0047.00	0062.00	0063.00
	0064.00	0065.00	0066.00	0067.00	0068.00	0069.00	0070.00	0071.00	0080.00	0081.00	0082.00	0083.00
	0084.00	0085.00	0086.00	0087.00	0088.00	0089.00	0090.00	0091.00	0096.00	0097.00	0098.00	0099.00
	0100.00	0101.00	0102.00	0103.00	0104.00	0105.00	0106.00	0107.00	0108.00	0110.00	0111.00	0112.00
	0113.00	0115.00	0116.00	0117.00	0118.00	0119.00	0120.00	0121.00	0122.00	0123.00	0132.00	0134.00
	0135.00	0136.00	0137.00	0138.00	0139.00	0140.00	0141.00	0142.00	0146.00	0147.00	0148.00	0149.00
	0150.00	0151.00	0154.00	0155.00	0156.00	0157.00	0158.00	0159.00	0163.00	0164.00	0165.00	0166.00
	0167.00	0168.00	0169.00	0174.00	0175.00	0177.00	0178.98					

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Minneapolis-St. Paul, MN-WI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hennepin County	0016.00	0018.00	0021.00	0022.00	0023.00	0024.00	0025.00	0026.00	0028.00	0029.00	0031.00	0033.00
	0034.00	0037.00	0038.00	0039.00	0041.00	0042.00	0043.00	0044.00	0047.00	0048.00	0049.00	0054.00
	0056.00	0057.00	0058.00	0059.00	0060.00	0061.00	0062.00	0063.00	0064.00	0068.00	0069.00	0070.00
	0071.00	0072.00	0073.00	0074.00	0077.00	0078.00	0079.00	0082.00	0083.00	0084.00	0085.00	0094.00
	0250.00											
Ramsey County	0305.00	0309.00	0310.00	0313.00	0314.00	0315.00	0316.00	0317.00	0319.00	0324.00	0325.00	0326.00
	0327.00	0328.00	0329.00	0330.00	0331.00	0334.00	0335.00	0336.00	0337.00	0338.00	0339.00	0340.00
	0344.00	0359.00	0360.00	0361.00	0368.00	0371.00	0374.04					

METROPOLITAN AREA: Mobile, AL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Baldwin County	0106.00											
Mobile County	0001.00	0002.00	0003.00	0004.01	0004.02	0005.00	0006.00	0007.02	0010.01	0011.00	0012.01	0012.03
	0012.04	0013.01	0013.02	0014.00	0015.01	0015.02	0016.00	0026.00	0027.00	0036.05	0038.01	0039.01
	0039.02	0040.00	0041.00	0042.00	0043.00	0044.00	0045.00	0046.00	0047.00	0048.00	0049.00	0050.00

METROPOLITAN AREA: Modesto, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Stanislaus County	0007.00	0017.00	0018.00	0020.05	0021.00	0022.00						

METROPOLITAN AREA: Monmouth-Ocean, NJ

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Monmouth County	8047.97	8056.00	8058.01	8058.02	8070.02	8070.03	8070.04	8072.97	8073.00	8076.00	8099.03	
Ocean County	7152.00	7153.00	7154.00	7200.00	7201.00	7222.00	7312.00					

METROPOLITAN AREA: Monroe, LA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ouachita Parish	0003.00	0006.00	0007.00	0008.00	0009.00	0011.00	0012.00	0013.00	0014.00	0057.00	0106.01	

METROPOLITAN AREA: Montgomery, AL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Autauga County	0210.00											
Montgomery County	0001.00	0002.00	0003.85	0006.00	0007.00	0010.00	0011.00	0012.00	0024.00	0030.00		

METROPOLITAN AREA: Muncie, IN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Delaware County	0001.00	0002.00	0003.00	0004.00	0006.00	0007.00	0009.02	0012.00	0019.01			

METROPOLITAN AREA: Myrtle Beach, SC

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Horry County	0704.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Naples, FL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Collier County	0007.00	0112.03	0113.00	0114.00								

METROPOLITAN AREA: Nashua, NH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hillsborough County	0105.00	0107.00	0108.00									

METROPOLITAN AREA: Nashville, TN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Davidson County	0104.02	0114.00	0118.00	0119.00	0123.00	0124.00	0125.00	0126.00	0135.00	0136.00	0137.00	0139.00
	0140.00	0142.00	0143.00	0144.00	0145.00	0146.00	0148.00	0159.00	0160.00	0161.00	0162.00	0163.00
	0164.00	0165.00	0166.00									
Rutherford County	0416.00	0419.00										
Sumner County	0208.00											
Wilson County	0307.00											

METROPOLITAN AREA: Nassau-Suffolk, NY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Nassau County	4070.00	4111.00	4144.00									
Suffolk County	1224.06	1225.01	1233.02	1456.03	1473.00	1580.07	1584.06	1587.05	1591.03	1697.02	1701.01	

METROPOLITAN AREA: New Bedford, MA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bristol County	6507.00	6508.00	6509.00	6511.00	6512.00	6517.00	6518.00	6519.00	6526.00	6527.00		

METROPOLITAN AREA: New Haven-Meriden, CT

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
New Haven County	1402.00	1403.00	1405.00	1406.00	1407.00	1408.00	1413.00	1415.00	1416.00	1417.00	1421.00	1424.00
	1426.02	1701.01	1701.02	1702.01	1702.02	1710.00						

METROPOLITAN AREA: New London-Norwich, CT-RI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
New London County	6901.00	6905.00	6906.00	6969.00								

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: New Orleans, LA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jefferson Parish	0207.00	0208.00	0209.00	0237.00	0246.00	0257.98	0259.00	0262.00	0265.00	0268.00	0269.00	
Orleans Parish	0002.00	0003.00	0004.00	0006.01	0006.03	0006.11	0006.13	0008.00	0009.01	0009.02	0009.03	0009.04
	0011.00	0012.00	0013.01	0013.02	0014.01	0014.02	0015.00	0016.00	0017.03	0017.06	0017.33	0017.98
	0019.00	0020.00	0022.00	0027.00	0028.00	0029.00	0030.00	0031.00	0033.05	0033.06	0034.00	0035.00
	0036.00	0039.00	0040.00	0044.01	0044.02	0045.00	0048.00	0049.00	0050.00	0059.00	0060.00	0067.00
	0068.00	0069.00	0070.00	0071.00	0072.00	0075.01	0075.02	0076.05	0080.00	0081.01	0081.02	0085.00
	0086.00	0087.00	0089.00	0091.00	0092.00	0093.01	0093.02	0094.00	0100.00	0102.00	0104.00	0111.00
	0131.00											
Plaquemines Parish	0508.00											
St. Bernard Parish	0301.01											
St. Charles Parish	0626.00											
St. James Parish	0405.00											
St. John the Baptist Parish	0709.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: New York, NY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bronx County	0011.00	0015.00	0017.00	0020.00	0023.00	0025.00	0027.01	0027.02	0031.00	0033.00	0035.00	0037.00
	0039.00	0041.00	0043.00	0044.00	0047.00	0048.00	0049.00	0050.00	0052.00	0056.00	0059.01	0062.00
	0065.00	0067.00	0069.00	0071.00	0073.00	0075.00	0077.00	0079.00	0081.00	0083.00	0085.00	0086.00
	0087.00	0088.00	0089.00	0099.00	0105.00	0110.00	0115.01	0115.02	0119.00	0121.01	0121.02	0123.00
	0127.01	0127.02	0129.01	0129.02	0131.00	0133.00	0135.00	0137.00	0139.00	0141.00	0143.00	0144.00
	0145.00	0147.00	0149.00	0155.00	0157.00	0161.00	0165.00	0167.00	0169.00	0173.00	0175.00	0177.00
	0179.00	0187.00	0189.00	0193.00	0195.00	0197.00	0199.00	0201.00	0205.00	0206.02	0211.00	0213.01
	0213.02	0215.01	0215.02	0217.01	0219.00	0221.00	0223.00	0227.01	0229.01	0229.02	0233.01	0233.02
	0235.01	0235.02	0237.01	0237.02	0239.00	0241.00	0243.00	0245.00	0251.00	0253.00	0255.00	0257.00
	0263.00	0265.00	0271.01	0317.00	0324.00	0334.00	0359.00	0361.00	0363.00	0365.01	0365.02	0367.00
	0369.01	0369.02	0371.00	0373.00	0375.01	0375.02	0375.03	0377.00	0379.00	0381.00	0383.00	0385.00
	0389.00	0391.00	0393.00	0397.00	0399.01	0403.01	0435.00	0458.00				
Kings County	0002.00	0011.00	0018.00	0020.00	0023.00	0025.00	0027.00	0029.01	0029.02	0055.00	0059.00	0071.00
	0085.00	0112.00	0120.00	0125.00	0127.00	0185.01	0185.02	0214.00	0217.00	0221.00	0222.00	0225.00
	0226.00	0228.00	0231.00	0233.00	0234.00	0235.00	0237.00	0238.00	0239.00	0241.00	0243.00	0251.00
	0255.00	0257.00	0259.01	0259.02	0261.00	0263.00	0281.00	0283.00	0285.01	0285.02	0287.00	0289.00
	0293.00	0299.00	0303.00	0307.00	0309.00	0326.00	0328.00	0330.00	0342.00	0347.00	0348.01	0348.02
	0351.00	0352.00	0353.00	0357.00	0359.00	0360.01	0360.02	0363.00	0365.01	0365.02	0367.00	0369.00
	0371.00	0373.00	0375.00	0379.00	0381.00	0382.00	0387.00	0389.00	0391.00	0393.00	0395.00	0405.00
	0409.00	0411.00	0413.00	0415.00	0417.00	0419.00	0421.00	0423.00	0425.00	0427.00	0429.00	0431.00
	0433.00	0435.00	0437.00	0441.00	0453.00	0465.00	0489.00	0493.00	0505.00	0507.00	0509.00	0511.00
	0513.00	0523.00	0525.00	0527.00	0529.00	0531.00	0533.00	0535.00	0537.00	0539.00	0545.00	0547.00
	0549.00	0551.00	0572.00	0610.01	0884.00	0892.00	0900.00	0906.00	0908.00	0910.00	0912.00	0916.00
	0918.00	0944.02	0982.00	1034.00	1058.00	1106.00	1110.00	1130.00	1134.00	1138.00	1140.00	1146.00
	1148.00	1150.00	1152.00	1154.00	1156.00	1158.00	1160.00	1164.00	1166.00	1168.00	1170.00	1172.01
	1192.00	1194.00	1210.00	1214.00								
New York County	0002.01	0002.02	0006.00	0008.00	0010.02	0014.02	0016.00	0018.00	0020.00	0024.00	0025.00	0026.01
	0036.01	0041.00	0062.00	0117.00	0119.00	0156.02	0162.00	0164.00	0166.00	0168.00	0172.01	0172.02
	0178.00	0180.00	0182.00	0184.00	0186.00	0188.00	0190.00	0192.00	0194.00	0196.00	0198.00	0201.02
	0202.00	0204.00	0206.00	0207.02	0208.00	0209.01	0209.02	0213.01	0213.02	0216.00	0217.01	0217.02
	0218.00	0219.97	0220.00	0222.00	0223.97	0223.98	0224.00	0226.00	0227.02	0228.00	0229.00	0230.00
	0231.02	0232.00	0234.00	0235.02	0239.00	0243.01	0243.02	0245.00	0249.00	0251.00	0261.00	0267.00
	0269.00	0277.00	0291.00	0293.00								
Queens County	0025.00	0035.00	0043.00	0044.02	0055.00	0087.00	0246.00	0252.00	0262.00	0266.00	0299.00	0442.00
	0871.00	0942.02	0952.00	0972.00	1010.00							
Richmond County	0029.00	0040.00	0133.01	0319.01								
Rockland County	0115.03											

METROPOLITAN AREA: Westchester County, NY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Westchester County	0001.01	0001.03	0002.01	0003.00	0004.01	0004.02	0005.00	0010.00	0011.01	0012.00	0013.02	0013.03
	0022.03	0027.00	0028.00	0029.00	0031.00	0032.00	0035.00	0036.00	0058.00	0061.00	0062.00	0063.00
	0078.00	0080.00	0093.00	0119.01	0133.01	0143.00						

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Newark, NJ

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Essex County	0002.00	0003.00	0005.00	0007.00	0009.00	0010.00	0011.00	0013.00	0014.00	0015.00	0016.00	0017.00
	0018.00	0019.00	0026.00	0027.00	0028.00	0029.00	0030.00	0031.00	0032.00	0034.00	0035.00	0037.00
	0038.00	0039.00	0040.00	0041.00	0044.00	0046.00	0048.01	0048.02	0049.00	0054.00	0055.00	0056.00
	0057.00	0058.00	0059.00	0060.00	0062.00	0063.00	0066.00	0067.00	0068.00	0069.00	0074.00	0075.01
	0075.02	0080.00	0081.00	0082.00	0083.00	0084.00	0085.00	0086.00	0087.00	0088.00	0089.00	0091.00
	0092.00	0093.00	0095.00	0096.00	0097.00	0099.00	0106.00	0107.00	0109.00	0110.00	0111.00	0112.00
	0113.00	0116.00	0131.00	0132.00	0182.00	0184.00	0186.00	0187.00				
Union County	0302.00	0303.00	0304.00	0306.00	0308.01	0310.00	0311.00	0312.00	0313.00	0314.00	0317.00	0319.02
	0390.00	0393.00										
Warren County	0309.00											

METROPOLITAN AREA: Newburgh, NY-PA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Orange County	0004.00	0005.00	0006.00	0017.00	0022.00	0150.00						
Pike County	9502.00											

METROPOLITAN AREA: Norfolk-Virginia Beach-Newport News, VA-NC

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
York County	0505.00											
Chesapeake city	0201.00											
Hampton city	0106.02											
Newport News city	0302.00	0304.00	0305.00	0306.00	0308.00	0309.00	0310.00					
Norfolk city	0013.00	0014.00	0016.00	0025.00	0026.00	0027.00	0029.00	0034.00	0035.01	0035.02	0041.00	0042.00
	0043.00	0044.00	0046.00	0047.00	0048.00	0050.00	0051.00	0052.00	0053.00	0065.02	0067.00	
Portsmouth city	2105.00	2110.00	2111.00	2113.00	2114.00	2118.00	2119.00	2120.00	2121.00	2126.00		
Suffolk city	0651.00	0654.00	0655.00									
Virginia Beach city	0450.85											
Williamsburg city	3705.98											

METROPOLITAN AREA: Oakland, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Alameda County	4005.00	4006.00	4007.00	4008.00	4009.00	4010.00	4011.00	4013.00	4014.00	4015.00	4016.00	4017.00
	4018.00	4019.00	4021.00	4022.00	4023.00	4024.00	4025.00	4026.00	4027.00	4028.00	4029.00	4030.00
	4031.00	4033.00	4034.00	4053.00	4054.00	4055.00	4057.00	4058.00	4059.00	4060.00	4061.00	4062.00
	4063.00	4071.00	4072.00	4073.00	4074.00	4075.00	4084.00	4085.00	4086.00	4087.00	4088.00	4089.00
	4090.00	4091.00	4092.00	4093.00	4094.00	4095.00	4096.00	4097.00	4103.00	4204.00	4220.00	4227.00
	4228.00	4229.00	4232.00	4233.00	4240.00	4274.00	4275.00	4276.00	4339.00	4377.00		
Contra Costa County	3050.00	3100.00	3160.00	3280.00	3650.02	3680.00	3750.00	3760.00	3770.00	3790.00	3810.00	

METROPOLITAN AREA: Ocala, FL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Marion County	0017.00	0018.00										

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Odessa-Midland, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ector County	0012.00	0014.00	0015.00	0018.00	0019.00	0020.00	0022.00					
Midland County	0014.00	0015.00	0016.00	0017.00								

METROPOLITAN AREA: Oklahoma City, OK

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Canadian County	3004.00											
Cleveland County	2001.00	2002.00	2012.01	2012.02	2012.03							
Logan County	6001.00											
Oklahoma County	1004.00	1010.00	1011.00	1013.00	1014.00	1024.00	1025.00	1026.00	1028.00	1030.00	1031.01	1033.00
	1034.00	1036.02	1038.00	1039.00	1040.00	1041.00	1043.00	1044.00	1046.00	1047.00	1048.00	1049.00
	1054.00	1055.00	1056.00	1057.00	1058.00	1059.95	1071.01	1072.16	1076.06	1079.00	1082.07	1082.08
	1088.03											
Pottawatomie County	5001.00	5002.00	5003.02									

METROPOLITAN AREA: Omaha, NE-IA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Pottawattamie County	0307.00	0309.00										
Douglas County	0003.00	0004.00	0005.00	0006.00	0007.00	0008.00	0009.00	0010.00	0011.00	0012.00	0016.00	0019.00
	0021.00	0029.00	0032.00	0038.00	0039.00	0040.00	0041.00	0051.00	0052.00	0053.00	0054.00	0059.01
	0059.02	0060.00	0063.01									
Sarpy County	0103.02											

METROPOLITAN AREA: Orange County, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Orange County	0524.04	0525.15	0626.14	0740.03	0744.03	0744.05	0744.06	0745.01	0745.02	0746.01	0746.02	0747.01
	0747.02	0748.01	0748.02	0748.05	0748.06	0749.01	0749.02	0750.01	0750.02	0751.00	0762.04	0865.02
	0873.00	0874.02	0874.03	0878.03	0891.04	0891.05	0995.09	0995.10	0998.02			

METROPOLITAN AREA: Orlando, FL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Orange County	0101.00	0104.00	0105.00	0106.00	0115.00	0117.01	0117.02	0119.01	0146.01	0155.02	0159.01	0176.00
Seminole County	0201.01	0201.02	0205.00	0211.00								

METROPOLITAN AREA: Owensboro, KY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Daviess County	0002.00	0003.00	0004.00	0005.00								

METROPOLITAN AREA: Panama City, FL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bay County	0016.00	0018.00	0020.00									

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Parkersburg-Marietta, WV-OH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Washington County	0205.00											
Wood County	0006.00	0007.01										

METROPOLITAN AREA: Pensacola, FL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Escambia County	0002.00	0003.00	0004.00	0006.00	0007.00	0015.00	0016.00	0017.00	0018.00	0019.00	0020.00	0040.00

METROPOLITAN AREA: Peoria-Pekin, IL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Peoria County	0001.00	0002.00	0003.00	0005.00	0007.00	0008.00	0009.00	0012.00	0013.00	0014.00	0015.00	0017.00
Tazewell County	0202.00	0209.00										

METROPOLITAN AREA: Philadelphia, PA-NJ

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Burlington County	7021.03	7026.04										
Camden County	6001.00	6002.00	6003.00	6004.00	6005.00	6006.00	6007.00	6008.00	6009.00	6011.00	6013.00	6015.00
	6016.00	6017.00	6018.00	6019.00	6027.01	6101.00						
Gloucester County	5010.02											
Salem County	0203.00	0220.00										
Bucks County	1058.06											
Chester County	3056.00											
Delaware County	4029.00	4047.00	4048.00	4049.02	4052.00	4054.00	4055.00	4056.00	4057.00	4058.01	4058.02	4059.00
	4064.02	4097.02										
Montgomery County	2039.02	2088.01										
Philadelphia County	0002.00	0006.00	0009.00	0013.00	0014.00	0018.00	0019.00	0020.00	0021.00	0022.00	0023.00	0024.00
	0025.00	0028.00	0030.00	0031.00	0032.00	0033.00	0034.00	0036.00	0041.00	0044.00	0046.00	0052.00
	0056.00	0063.00	0066.00	0069.00	0070.00	0071.00	0072.00	0074.00	0077.00	0080.00	0083.00	0084.00
	0085.00	0086.00	0087.00	0088.00	0089.00	0091.00	0092.00	0093.00	0094.00	0095.00	0096.00	0102.00
	0103.00	0104.00	0105.00	0106.00	0107.00	0108.00	0109.00	0110.00	0111.00	0112.00	0123.00	0127.00
	0131.00	0132.00	0133.00	0137.00	0138.00	0139.00	0140.00	0141.00	0144.00	0145.00	0146.00	0147.00
	0148.00	0149.00	0151.00	0152.00	0153.00	0154.00	0155.00	0156.00	0157.00	0159.00	0161.00	0162.00
	0163.00	0164.00	0165.00	0166.00	0167.00	0168.00	0169.00	0170.00	0171.00	0172.00	0173.00	0174.00
	0175.00	0176.00	0177.00	0178.00	0179.00	0181.00	0192.00	0194.00	0195.00	0196.00	0197.00	0198.00
	0199.00	0200.00	0201.00	0202.00	0203.00	0204.00	0205.00	0239.00	0241.00	0245.00	0246.00	0253.00
	0277.00	0279.00	0280.00	0282.00	0283.00	0284.00	0286.00	0288.00	0289.00	0291.00	0293.00	0294.00
	0296.00	0297.00	0327.00	0346.00								

METROPOLITAN AREA: Phoenix-Mesa, AZ

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Maricopa County	0202.00	0608.00	0609.00	0614.00	0716.00	0926.00	0929.00	1092.00	1102.00	1126.00	1127.00	1128.00
	1129.00	1130.00	1131.00	1132.00	1133.00	1135.00	1136.00	1138.00	1139.00	1140.00	1141.00	1142.00
	1143.00	1144.00	1145.00	1146.00	1147.00	1148.00	1149.00	1150.00	1151.00	1152.00	1153.00	1154.00
	1158.00	1159.00	1160.00	1161.00	1166.02	3187.00	3188.00	3191.00	3200.02	4201.02	4226.05	5229.02
	5231.02	5231.04	6232.00									
Pinal County	0001.00	0004.00	0010.00	0012.00	0015.00	0017.00	0018.00	0019.00	0020.00			

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Pine Bluff, AR

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jefferson County	0005.02	0009.02	0010.00	0011.00	0012.00	0013.00						

METROPOLITAN AREA: Pittsburgh, PA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Allegheny County	0101.00	0103.00	0305.00	0314.00	0405.00	0406.00	0411.00	0501.00	0502.00	0507.00	0509.00	0510.00
	0511.00	0603.00	0604.00	0606.00	0810.98	1016.00	1017.00	1114.00	1115.00	1203.00	1204.00	1207.00
	1208.00	1301.00	1303.00	1304.00	1305.00	1306.00	1504.00	1604.00	1606.00	1609.00	1803.00	1805.00
	2017.00	2019.00	2107.00	2204.00	2205.00	2304.00	2305.00	2306.00	2503.00	2509.00	2609.98	2614.00
	2808.00	2902.97	3101.98	3102.95	4644.00	4657.97	4824.00	4838.00	4867.00	4869.00	4923.00	4928.00
	5100.00	5129.00	5140.00	5509.00	5512.00	5519.00	5521.00	5523.00	5606.00	5612.00		
Beaver County	6003.00	6012.00	6013.00	6015.00	6028.00	6040.00	6041.98	6042.00	6045.00	6052.00	6054.00	
Butler County	9024.00											
Fayette County	2608.00	2612.00	2614.00	2617.00	2619.00	2623.00	2626.00	2632.00				
Washington County	7041.00	7543.00	7544.00	7546.00	7751.00	7831.00	7922.00					
Westmoreland County	8001.00	8007.01	8007.02	8016.00	8028.00	8041.00	8053.00	8054.00				

METROPOLITAN AREA: Pittsfield, MA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Berkshire County	9001.00	9012.00										

METROPOLITAN AREA: Portland, ME

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cumberland County	0004.00	0005.00	0006.00	0009.00	0010.00	0012.00	0014.00					

METROPOLITAN AREA: Portland-Vancouver, OR-WA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Multnomah County	0011.01	0021.00	0022.01	0022.02	0023.01	0023.02	0033.01	0033.02	0034.01	0034.02	0040.01	0042.00
	0048.00	0049.00	0050.00	0051.00	0052.00	0053.00	0054.00	0056.00	0074.00	0083.01		
Washington County	0332.00											
Clark County	0410.05	0417.00	0418.00	0423.00	0424.00	0425.00	0427.00					

METROPOLITAN AREA: Providence-Fall River-Warwick, RI-MA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bristol County	6314.00	6402.00	6403.00	6408.00	6409.00	6410.00	6411.00	6412.00	6413.00	6414.00		
Providence County	0002.00	0003.00	0004.00	0005.00	0006.00	0007.00	0008.00	0009.00	0010.00	0011.00	0012.00	0013.00
	0014.00	0019.00	0020.00	0026.00	0027.00	0030.00	0108.00	0109.00	0110.00	0111.00	0149.00	0151.00
	0152.00	0172.00	0174.00	0180.00	0183.00							

METROPOLITAN AREA: Provo-Orem, UT

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Utah County	0016.00	0018.00	0019.00	0025.00								

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Pueblo, CO

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Pueblo County	0002.00	0006.00	0007.00	0012.00	0013.00	0014.00	0020.00	0021.00	0026.00	0029.01	0030.03	

METROPOLITAN AREA: Racine, WI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Racine County	0001.00	0003.00	0004.00	0005.00	0010.01							

METROPOLITAN AREA: Raleigh-Durham-Chapel Hill, NC

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Durham County	0003.01	0004.02	0005.00	0008.02	0009.00	0010.01	0010.02	0011.00	0012.01	0012.02	0013.01	0013.04
	0014.00	0015.01	0015.02									
Franklin County	0602.00											
Johnston County	0403.00	0406.00	0414.00									
Orange County	0107.03	0113.00	0116.00									
Wake County	0501.00	0504.00	0506.00	0507.00	0508.00	0509.00	0510.00	0511.00	0520.01	0522.01	0542.98	

METROPOLITAN AREA: Rapid City, SD

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Pennington County	0101.00											

METROPOLITAN AREA: Reading, PA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Berks County	0001.00	0002.00	0012.00	0013.00	0019.00	0021.00	0022.00	0024.00	0025.00	0026.00		

METROPOLITAN AREA: Redding, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Shasta County	0101.00											

METROPOLITAN AREA: Reno, NV

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Washoe County	0001.00	0009.00	0018.00									

METROPOLITAN AREA: Richland-Kennewick-Pasco, WA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Benton County	0112.00											
Franklin County	0201.00	0202.00										

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Richmond-Petersburg, VA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chesterfield County	1004.06											
Henrico County	2008.05											
Hopewell city	8201.00	8203.98	8207.00									
Petersburg city	8101.00	8102.00	8103.00	8104.00	8106.00	8107.00	8108.00					
Richmond city	0109.00	0110.00	0201.00	0202.00	0203.00	0204.00	0206.00	0207.00	0208.00	0209.00	0210.00	0211.00
	0301.00	0302.00	0401.00	0402.00	0403.00	0404.00	0413.00	0415.00	0601.00	0602.00	0603.00	0604.00
	0607.98	0608.98										

METROPOLITAN AREA: Riverside-San Bernardino, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Riverside County	0303.00	0304.00	0305.00	0422.02	0422.03	0428.00	0434.01	0434.02	0436.00	0440.00	0442.00	0454.00
	0455.00	0456.02	0457.01	0459.00	0462.00							
San Bernardino County	0014.00	0016.00	0042.00	0047.00	0048.00	0050.00	0054.00	0055.00	0056.00	0057.00	0058.00	0059.00
	0060.00	0064.00	0065.00	0068.00	0069.00	0075.00	0094.00	0104.05	0104.09	0105.00	0106.00	0117.00

METROPOLITAN AREA: Roanoke, VA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Roanoke city	0007.00	0008.00	0009.00	0010.00	0011.00	0012.00	0013.00	0014.00				

METROPOLITAN AREA: Rochester, MN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Olmsted County	0001.00	0005.00										

METROPOLITAN AREA: Rochester, NY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Genesee County	9510.00	9515.00										
Livingston County	0305.00											
Monroe County	0002.00	0007.00	0013.00	0014.00	0015.00	0016.00	0017.00	0023.00	0027.00	0032.00	0033.00	0038.02
	0039.00	0040.00	0041.00	0043.00	0046.02	0047.01	0048.00	0049.00	0050.00	0051.00	0052.00	0053.00
	0055.00	0056.00	0057.00	0059.00	0064.00	0065.00	0066.00	0069.00	0079.00	0080.00	0090.00	0091.00
	0092.00	0093.01	0094.02	0094.03	0096.01	0096.02	0096.03	0096.04				
Ontario County	0517.00	0518.00										
Wayne County	0213.00											

METROPOLITAN AREA: Rockford, IL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Winnebago County	0010.00	0011.00	0021.00	0024.00	0025.00	0026.00	0027.00	0028.00	0029.00			

METROPOLITAN AREA: Rocky Mount, NC

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Edgecombe County	0201.00	0204.00										
Nash County	0101.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Sacramento, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
El Dorado County	0301.01											
Sacramento County	0005.00	0006.00	0007.00	0010.00	0011.00	0012.00	0014.00	0018.00	0020.00	0021.00	0022.00	0027.00
	0028.00	0032.01	0037.00	0044.01	0044.02	0045.00	0050.02	0052.01	0053.00	0062.02	0064.00	0065.00
	0066.00	0067.02	0068.00	0069.00	0070.01							

METROPOLITAN AREA: Saginaw-Bay City-Midland, MI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bay County	2802.00	2803.00	2804.00	2807.00	2811.00							
Saginaw County	0001.00	0002.00	0003.00	0004.00	0005.00	0006.00	0007.00	0008.00	0009.00	0010.00	0011.00	0013.00
	0017.00	0109.00										

METROPOLITAN AREA: St. Cloud, MN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Stearns County	0001.00											

METROPOLITAN AREA: St. Joseph, MO

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Buchanan County	0010.00	0012.00	0013.00	0014.00	0020.00							

METROPOLITAN AREA: St. Louis, MO-IL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Madison County	4005.00	4006.00	4007.00	4024.00	4025.00	4031.01						
St. Clair County	5004.00	5005.00	5006.00	5009.00	5010.00	5011.00	5012.00	5013.00	5021.00	5022.00	5024.01	5025.00
	5027.00	5028.00	5029.00	5030.00	5041.00	5042.01	5044.00					
St. Louis County	2128.00	2139.00	2140.00	2141.00	2169.00	2217.98						
St. Louis city	1015.00	1053.00	1054.00	1055.00	1061.00	1062.00	1063.00	1064.00	1065.00	1066.00	1067.00	1072.00
	1074.00	1075.00	1076.00	1077.00	1084.00	1085.00	1097.00	1101.00	1102.00	1103.00	1104.00	1105.00
	1111.00	1112.00	1113.00	1114.00	1115.00	1122.00	1123.00	1155.00	1156.00	1164.00	1172.00	1173.00
	1181.00	1184.00	1185.00	1186.00	1192.00	1193.00	1201.00	1202.00	1203.00	1211.00	1212.00	1213.00
	1214.00	1224.00	1231.00	1232.00	1241.00	1242.00	1246.00	1257.00	1266.00	1267.00		

METROPOLITAN AREA: Salem, OR

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Marion County	0001.00	0019.00										

METROPOLITAN AREA: Salinas, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Monterey County	0005.00	0007.00	0010.00	0013.00	0106.02	0137.00						

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Salt Lake City-Ogden, UT

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Davis County	1256.00	1263.00										
Salt Lake County	1001.00	1007.00	1014.00	1017.00	1019.00	1020.00	1021.00	1023.00	1024.00	1025.00	1026.00	1027.00
	1029.00	1030.00	1032.00	1115.00	1116.00	1133.05						
Weber County	2009.00	2011.00	2012.00	2018.00	2019.00							

METROPOLITAN AREA: San Angelo, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Tom Green County	0005.00	0006.00	0009.00									

METROPOLITAN AREA: San Antonio, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bexar County	1101.00	1102.00	1103.00	1105.00	1106.00	1107.00	1108.00	1109.00	1110.00	1301.00	1302.00	1303.00
	1304.00	1305.00	1306.00	1307.85	1309.00	1311.00	1401.00	1501.00	1503.00	1504.00	1505.00	1507.00
	1508.00	1510.00	1519.00	1601.00	1605.00	1606.00	1609.00	1610.85	1612.00	1701.00	1702.00	1703.00
	1704.00	1707.00	1708.00	1709.00	1710.00	1711.00	1712.00	1714.00	1715.00	1901.00		
Guadalupe County	2102.00	2103.00										

METROPOLITAN AREA: San Diego, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
San Diego County	0022.00	0023.00	0024.00	0025.01	0026.00	0027.01	0027.04	0033.00	0034.02	0035.00	0036.00	0039.00
	0040.00	0041.00	0045.00	0046.00	0047.00	0048.00	0049.00	0050.00	0051.00	0052.00	0053.00	0054.00
	0056.00	0057.00	0058.00	0065.00	0066.00	0083.05	0100.08	0100.09	0114.00	0115.00	0116.00	0117.00
	0118.00	0120.00	0122.00	0123.02	0125.00	0132.01	0144.00	0157.01	0158.00	0182.00	0184.00	0186.03
	0202.98											

METROPOLITAN AREA: San Francisco, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
San Francisco County	0106.00	0107.00	0111.00	0113.00	0114.00	0115.00	0117.00	0118.00	0120.00	0121.00	0122.00	0123.00
	0124.00	0125.00	0155.00	0161.00	0162.98	0163.00	0176.98	0177.00	0178.00	0179.02	0180.00	0201.98
	0208.00	0209.00	0229.00	0231.00	0232.00	0233.00	0234.00	0605.00	0606.00			
San Mateo County	6102.00	6117.00	6120.00									

METROPOLITAN AREA: San Jose, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Santa Clara County	5003.00	5008.00	5009.00	5010.00	5013.00	5014.00	5015.00	5016.00	5017.00	5031.01	5036.02	5037.02
	5037.03	5052.01	5116.02	5126.01								

METROPOLITAN AREA: San Luis Obispo-Atascadero-Paso Robles, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
San Luis Obispo County	0109.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Santa Barbara-Santa Maria-Lompoc, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Santa Barbara County	0009.00	0023.04	0024.02	0024.03	0024.04	0025.00	0027.02	0027.06	0029.02	0029.03	0029.11	0029.12

METROPOLITAN AREA: Santa Cruz-Watsonville, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Santa Cruz County	1007.00	1008.00	1010.00	1103.00	1104.98	1201.00						

METROPOLITAN AREA: Santa Fe, NM

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Santa Fe County	0003.00	0010.02	0101.01									

METROPOLITAN AREA: Santa Rosa, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sonoma County	1514.00	1519.00	1520.00									

METROPOLITAN AREA: Sarasota-Bradenton, FL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Manatee County	0001.03	0007.01	0015.02									
Sarasota County	0003.00											

METROPOLITAN AREA: Savannah, GA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chatham County	0001.00	0006.01	0010.00	0011.00	0012.00	0013.00	0015.00	0017.00	0018.00	0019.00	0020.00	0021.00
	0022.00	0023.00	0024.00	0025.00	0027.00	0028.00	0032.00	0044.00	0101.01	0106.04		

METROPOLITAN AREA: Scranton--Wilkes-Barre--Hazleton, PA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lackawanna County	1002.00	1007.00	1015.00	1029.00								
Luzerne County	2001.00	2009.00	2010.00	2125.00	2135.00	2174.00						

METROPOLITAN AREA: Seattle-Bellevue-Everett, WA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Island County	9702.00	9709.00										
King County	0047.00	0053.01	0053.02	0071.00	0072.00	0073.00	0074.00	0075.00	0079.00	0080.00	0081.00	0082.00
	0084.00	0085.00	0086.00	0087.00	0090.00	0091.00	0092.00	0103.00	0107.00	0109.00	0110.00	0112.00
	0259.00	0263.00	0265.00									
Snohomish County	0402.00	0404.00	0407.00									

METROPOLITAN AREA: Sharon, PA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Mercer County	0302.00	0307.00	0308.00									

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Sheboygan, WI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sheboygan County	0005.00	0006.00										

METROPOLITAN AREA: Sherman-Denison, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Grayson County	0005.02	0016.01	0016.02									

METROPOLITAN AREA: Shreveport-Bossier City, LA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bossier Parish	0103.00	0104.00										
Caddo Parish	0202.00	0204.00	0206.00	0207.00	0208.00	0209.00	0211.00	0213.00	0217.00	0218.00	0219.00	0223.00
	0232.00	0233.00	0235.00	0236.00	0237.00	0246.00						
Webster Parish	0317.00	0319.00										

METROPOLITAN AREA: Sioux City, IA-NE

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Woodbury County	0012.00	0013.00	0015.00	0016.00								

METROPOLITAN AREA: Sioux Falls, SD

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Minnehaha County	0007.00											

METROPOLITAN AREA: South Bend, IN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
St. Joseph County	0006.00	0010.00	0018.00	0019.00	0020.00	0021.00	0023.00	0029.00	0030.00			

METROPOLITAN AREA: Spokane, WA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Spokane County	0001.00	0016.00	0020.00	0022.00	0024.00	0025.00	0027.00	0030.00	0032.00	0033.00	0034.00	0035.00
	0036.00	0140.01										

METROPOLITAN AREA: Springfield, IL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sangamon County	0008.00	0009.00	0014.00	0015.00	0016.00	0017.00	0023.00					

METROPOLITAN AREA: Springfield, MO

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Greene County	0001.00	0002.00	0005.00	0006.00	0007.00	0016.00	0018.02	0020.00	0032.02	0033.00		

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Springfield, MA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hampden County	8006.00	8007.00	8008.00	8009.00	8012.00	8014.01	8015.02	8018.00	8019.00	8020.00	8114.00	8115.00
	8116.00	8117.00										
Hampshire County	8204.00											

METROPOLITAN AREA: Stamford-Norwalk, CT

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Fairfield County	0201.00	0214.00	0441.00	0445.00								

METROPOLITAN AREA: State College, PA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Centre County	0120.00	0121.00	0125.00	0126.00								

METROPOLITAN AREA: Steubenville-Weirton, OH-WV

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jefferson County	0001.00	0002.00	0003.00	0008.00								
Brooke County	0302.00											

METROPOLITAN AREA: Stockton-Lodi, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
San Joaquin County	0001.00	0002.00	0005.00	0006.00	0007.00	0008.00	0016.00	0017.00	0022.00	0023.00	0025.00	0027.01
	0031.13	0033.04										

METROPOLITAN AREA: Sumter, SC

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sumter County	0001.00	0013.00	0015.00	0016.00								

METROPOLITAN AREA: Syracuse, NY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cayuga County	0419.00											
Onondaga County	0005.00	0013.00	0022.00	0023.00	0030.00	0031.00	0032.00	0033.00	0034.00	0035.00	0038.00	0039.00
	0040.00	0041.00	0042.00	0043.00	0052.00	0053.00	0054.00	0056.02	0061.02			

METROPOLITAN AREA: Tacoma, WA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Pierce County	0613.00	0614.00	0615.00	0616.01	0616.02	0617.00	0622.00	0627.00	0718.02	0720.00		

METROPOLITAN AREA: Tallahassee, FL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Gadsden County	0207.00											
Leon County	0001.00	0004.00	0005.00	0006.00	0010.01	0011.01	0012.00	0013.00	0014.00	0020.01	0020.02	

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Tampa-St. Petersburg-Clearwater, FL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hillsborough County	0007.00	0012.00	0018.00	0019.00	0020.00	0026.00	0030.00	0031.00	0032.00	0033.00	0034.00	0035.00
	0037.00	0038.00	0039.00	0040.00	0041.00	0043.00	0044.00	0050.00	0051.00	0109.00	0129.00	
Pasco County	0324.00	0327.00										
Pinellas County	0205.00	0206.00	0207.00	0208.00	0209.95	0210.95	0212.00	0213.00	0214.00	0215.00	0216.95	0259.02
	0262.00											

METROPOLITAN AREA: Terre Haute, IN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Vigo County	0001.00	0003.00	0005.00	0006.00	0008.00	0019.00						

METROPOLITAN AREA: Texarkana, TX-Texarkana, AR

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Miller County	0203.00	0204.00	0206.98									
Bowie County	0102.00	0103.00	0105.00									

METROPOLITAN AREA: Toledo, OH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lucas County	0008.00	0012.02	0013.04	0014.00	0015.00	0017.00	0018.00	0019.00	0020.00	0021.00	0022.00	0023.00
	0025.00	0026.00	0027.00	0028.00	0029.00	0030.00	0032.00	0033.00	0034.00	0035.00	0036.00	0037.00
	0038.00	0041.00	0042.00	0043.01	0048.00	0054.00	0068.00	0073.03				
Wood County	0217.02	0218.00										

METROPOLITAN AREA: Topeka, KS

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Shawnee County	0001.00	0002.00	0003.00	0004.00	0005.00	0006.00	0011.00					

METROPOLITAN AREA: Trenton, NJ

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Mercer County	0001.00	0008.00	0009.00	0010.00	0011.00	0014.00	0015.00	0016.00	0017.00	0019.00	0020.00	0021.00

METROPOLITAN AREA: Tucson, AZ

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Pima County	0001.00	0003.00	0004.00	0005.00	0008.00	0009.00	0010.00	0012.00	0013.01	0013.02	0014.00	0015.00
	0023.00	0024.00	0026.01	0037.02	0038.00	0041.04	0042.00	0048.00	0049.00			

METROPOLITAN AREA: Tulsa, OK

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Creek County	0210.00											
Osage County	0104.00											
Tulsa County	0002.00	0005.00	0006.00	0007.00	0009.00	0010.00	0012.00	0013.00	0021.00	0023.00	0025.00	0026.00
	0030.00	0046.00	0062.00	0073.11	0076.08	0079.00	0080.01	0088.00	0091.01			

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Tuscaloosa, AL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Tuscaloosa County	0104.04	0111.00	0112.00	0114.00	0117.01	0118.00	0119.00					

METROPOLITAN AREA: Tyler, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Smith County	0002.02	0004.00	0005.00	0006.00	0007.00							

METROPOLITAN AREA: Utica-Rome, NY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Herkimer County	0104.00	0111.00										
Oneida County	0202.01	0203.00	0204.00	0205.00	0206.00	0207.01	0208.01	0208.03	0209.00	0211.03	0212.01	0215.00
	0218.00											

METROPOLITAN AREA: Vallejo-Fairfield-Napa, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Napa County	2001.00											
Solano County	2509.00	2518.02										

METROPOLITAN AREA: Ventura, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ventura County	0002.00	0006.00	0023.00	0024.00	0028.02	0032.00	0034.02	0035.00	0038.00	0043.01	0045.01	0046.00
	0049.00	0050.02										

METROPOLITAN AREA: Victoria, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Victoria County	0001.00	0003.01	0003.02	0006.01								

METROPOLITAN AREA: Vineland-Millville-Bridgeton, NJ

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cumberland County	0201.00	0203.00	0205.00	0401.00								

METROPOLITAN AREA: Visalia-Tulare-Porterville, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Tulare County	0003.02	0011.00	0029.01	0040.00	0041.00	0044.00						

METROPOLITAN AREA: Waco, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
McLennan County	0001.00	0002.00	0003.00	0004.00	0007.00	0010.00	0012.00	0014.00	0015.00	0019.00	0033.00	

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Washington, DC-MD-VA-WV

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
District of Columbia	0021.01	0022.02	0025.02	0028.01	0028.02	0029.00	0030.00	0031.00	0032.00	0034.00	0035.00	0036.00
	0037.00	0038.00	0043.00	0045.00	0046.00	0047.00	0048.01	0048.02	0049.01	0049.02	0050.00	0052.20
	0057.01	0058.00	0059.00	0060.20	0064.10	0071.00	0072.00	0073.02	0073.04	0074.01	0074.04	0074.06
	0074.07	0074.08	0074.09	0074.30	0075.02	0075.03	0075.04	0076.01	0077.03	0077.08	0077.09	0078.03
	0078.04	0078.07	0078.08	0078.09	0078.60	0079.01	0079.03	0084.02	0085.10	0087.01	0087.02	0088.02
	0088.03	0088.04	0089.03	0089.04	0090.01	0091.02	0092.03	0092.10	0092.40	0093.02	0096.02	0097.00
	0098.03	0098.04	0098.05	0098.06	0098.08	0098.10	0098.20	0099.03	0099.04	0099.05	0099.06	0099.07
Charles County	8502.01											
Frederick County	7501.00	7503.00	7509.00									
Montgomery County	7009.04	7019.00	7025.00									
Prince George's County	8011.01	8029.03	8034.01	8035.09	8056.00							
Arlington County	1033.00											
Culpeper County	9903.00	9904.00										
Fairfax County	4215.00	4219.85										
Prince William County	9009.03											
Warren County	0204.00	0205.00										
Fredericksburg city	0002.00	0004.98										
Berkeley County	9713.00	9715.00	9716.00	9717.00	9720.00							
Jefferson County	9724.00											

METROPOLITAN AREA: Waterbury, CT

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
New Haven County	3501.00	3502.00	3503.00	3504.00	3505.00	3506.00	3522.00					

METROPOLITAN AREA: Waterloo-Cedar Falls, IA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Black Hawk County	0001.00	0002.00	0003.00	0007.00	0008.00	0009.00	0017.01					

METROPOLITAN AREA: West Palm Beach-Boca Raton, FL

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Palm Beach County	0013.00	0014.03	0014.04	0015.00	0019.02	0021.00	0022.00	0023.00	0024.00	0025.00	0026.00	0051.00
	0052.02	0059.13	0061.00	0067.00	0068.02	0075.02	0077.12	0080.01	0080.02	0082.01	0082.02	0083.01
	0083.02											

METROPOLITAN AREA: Wheeling, WV-OH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Belmont County	0116.00	0121.00										
Ohio County	0001.00	0004.00	0007.00	0008.00	0024.00							

METROPOLITAN AREA: Wichita, KS

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sedgwick County	0001.00	0004.00	0006.00	0007.00	0008.00	0009.00	0018.00	0024.00	0026.00	0027.00	0037.00	0041.00
	0042.00	0065.00	0068.00	0078.00								

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Wichita Falls, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Wichita County	0101.00	0102.00	0103.00	0104.00	0105.00	0111.00	0112.00	0113.00	0116.00			

METROPOLITAN AREA: Williamsport, PA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lycoming County	0004.00	0007.00	0008.00									

METROPOLITAN AREA: Wilmington-Newark, DE-MD

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
New Castle County	0001.00	0006.02	0007.00	0008.00	0009.00	0017.00	0019.00	0020.00	0021.00	0022.00	0145.01	

METROPOLITAN AREA: Wilmington, NC

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
New Hanover County	0101.00	0108.00	0110.00	0111.00	0113.00	0114.00						

METROPOLITAN AREA: Worcester, MA-CT

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Worcester County	7312.01	7312.02	7313.00	7314.00	7315.00	7317.00	7318.00	7319.00	7320.01	7325.00	7572.00	

METROPOLITAN AREA: Yakima, WA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Yakima County	0001.00	0002.00	0006.00	0015.00								

METROPOLITAN AREA: Yolo, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Yolo County	0101.01	0102.03	0105.01	0106.02	0116.98							

METROPOLITAN AREA: York, PA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
York County	0002.00	0005.00	0007.00	0010.00	0016.00							

METROPOLITAN AREA: Youngstown-Warren, OH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Columbiana County	9521.00	9522.00	9525.98									
Mahoning County	8002.00	8005.00	8006.00	8007.00	8009.00	8010.00	8017.00	8019.00	8020.00	8021.00	8022.00	8023.00
	8031.00	8032.00	8034.00	8035.00	8037.00	8040.00	8044.00	8103.00	8104.00			
Trumbull County	9201.00	9205.00	9206.00									

METROPOLITAN AREA: Yuba City, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Yuba County	0405.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Yuma, AZ

COUNTY OR COUNTY EQUIVALENT										
Yuma County	TRACT 0001.00	TRACT 0105.00	TRACT 0114.00	TRACT 0115.00	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: ALABAMA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bullock County	9521.00											
Butler County	9531.00	9534.00										
Clarke County	9580.00											
Dallas County	9964.00	9965.00	9969.00	9970.00	9972.00	9973.00						
Escambia County	9702.00	9706.00										
Greene County	9743.00	9745.00	9746.00									
Hale County	9746.00	9747.00	9748.00	9749.00								
Lee County	0401.00	0402.00	0406.00	0407.00	0408.00	0415.00	0416.00					
Lowndes County	9810.00	9811.00										
Macon County	9817.00											
Marengo County	9828.00											
Monroe County	9857.00	9858.00										
Perry County	9871.00	9872.00										
Pickens County	9881.00											
Pike County	9889.00											
Sumter County	9912.00	9915.00										
Talladega County	0106.00	0118.00										
Wilcox County	9947.00	9949.00	9950.00	9951.00								

STATE: ALASKA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bethel	9513.98	9514.98										
Dillingham	9716.98											
Fairbanks North Star Borough	0001.00											
Kenai Peninsula Borough	9543.00											
Matanuska-Susitna Borough	9743.00	9744.00										
Nome	9510.00											
Valdez-Cordova	9861.00											
Wade Hampton	9712.00											
Yukon-Koyukuk	9604.00	9605.00	9606.00	9607.98								

STATE: ARIZONA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Apache County	9760.00	9771.00	9772.00	9773.00	9774.00	9775.00	9778.00					
Cochise County	0009.00											
Coconino County	0008.00	0010.00	0022.00	0024.00	0025.00							
Gila County	9850.00											
Graham County	9950.00											
La Paz County	0201.00											
Navajo County	9651.00	9652.00	9653.00	9660.00	9671.00	9672.00	9674.00	9675.00	9676.00			

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: ARKANSAS

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chicot County	9802.00	9804.00										
Desha County	9503.00											
Garland County	0106.00	0107.00	0108.00	0115.00								
Lee County	9704.00											
Phillips County	9804.00	9805.00	9806.00									

STATE: CALIFORNIA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Humboldt County	0010.00											
Imperial County	0114.00	0120.00	0121.00	0124.00	0125.00							
Kings County	0011.00	0013.00										
Nevada County	0010.00	0011.00										

STATE: COLORADO

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Conejos County	9746.00	9747.00	9748.00									
Costilla County	9827.00											
Delta County	9648.00											
Elbert County	9911.00											
Huerfano County	9808.00											
Las Animas County	9832.00											
Mesa County	0001.00	0002.00										
Montezuma County	9695.00											
Otero County	9880.00											

STATE: CONNECTICUT

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Litchfield County	3103.00											

STATE: FLORIDA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dixie County	9803.98											
Indian River County	0503.02											
Monroe County	9701.00											
Putnam County	9508.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: GEORGIA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bulloch County	9904.00											
Burke County	9503.00	9504.00	9508.00									
Clay County	9601.00											
Colquitt County	9703.00											
Dodge County	9606.00											
Dooly County	9702.00											
Early County	9904.00											
Emanuel County	9807.00											
Floyd County	0011.00	0016.00										
Glynn County	0008.00											
Hancock County	9801.00											
Jefferson County	9604.00											
Laurens County	9509.00											
Liberty County	0106.00											
Lowndes County	0108.00	0109.00	0110.00	0113.00								
Mitchell County	9803.00											
Randolph County	9901.00											
Screven County	9701.00											
Telfair County	9503.00											
Thomas County	9601.00											
Tift County	9906.00											
Ware County	9504.00	9507.00										
Warren County	9702.00	9703.00										
Wilcox County	9903.00											

STATE: HAWAII

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hawaii County	0211.00											
Kauai County	0410.00											
Maui County	0301.00	0313.00	0317.00	0318.00								

STATE: IDAHO

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bannock County	0009.00	0016.01										
Bingham County	9508.00											
Bonneville County	9701.00	9712.00										
Kootenai County	0009.00											
Latah County	0054.00											
Twin Falls County	9811.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: ILLINOIS

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adams County	0004.00	0007.00	0008.00									
Alexander County	9577.00	9579.00										
Christian County	9589.00											
Coles County	0004.00	0008.00										
Franklin County	0407.00											
Hamilton County	9731.00											
Hardin County	9709.00											
Jackson County	0109.00	0111.00	0112.00	0113.00	0114.00							
Jefferson County	0510.00											
Knox County	0008.00											
La Salle County	9633.00											
McDonough County	0104.00	0105.00	0108.00									
Pulaski County	9711.00											
Saline County	9555.00	9559.00										
Vermilion County	0001.00											

STATE: INDIANA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Henry County	9765.00											
Knox County	9553.00											
La Porte County	0402.00											
Wayne County	0002.00	0003.00										

STATE: IOWA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lee County	9908.00											
Story County	0005.00	0007.00										
Wapello County	9605.00											
Webster County	0007.00	0008.00										

STATE: KANSAS

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cherokee County	9585.00											
Crawford County	9575.00											
Ellis County	9729.00											
Montgomery County	9510.00											
Riley County	0004.00	0008.00										

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: KENTUCKY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bell County	9601.00	9602.00	9609.00									
Boyle County	9903.00											
Breathitt County	9801.00	9806.00	9807.00									
Clay County	9501.00	9504.00	9506.00									
Clinton County	9702.00											
Franklin County	0702.00											
Hardin County	0015.00											
Jackson County	9601.00	9602.00										
Knott County	9601.00											
Knox County	9901.00	9902.00	9906.00	9907.00	9908.00							
Lawrence County	9902.00	9903.00										
Lee County	9502.00											
Leslie County	9802.00											
McCracken County	0301.00	0302.00	0303.00	0304.00	0306.00							
McCreary County	9601.00	9602.00	9604.00									
Magoffin County	9701.00											
Marion County	9708.00											
Morgan County	9501.00											
Owsley County	9901.00	9902.00	9903.00									
Perry County	9701.00	9707.00										
Warren County	0101.00	0102.00	0103.00	0104.00	0105.00							
Wayne County	9803.00	9805.00	9806.00									
Whitley County	9808.00											
Wolfe County	9901.00	9903.00										

STATE: LOUISIANA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Allen Parish	9503.00											
Concordia Parish	9902.00											
East Carroll Parish	9903.00											
Evangeline Parish	9505.00											
Iberia Parish	0308.00	0309.00	0310.00									
Lincoln Parish	9603.00	9608.00	9609.00									
Madison Parish	9603.00	9604.00										
Morehouse Parish	9504.00											
Natchitoches Parish	9907.00											
Pointe Coupee Parish	9520.00											
St. Mary Parish	0416.00											
Tangipahoa Parish	9533.00	9536.00	9543.00									
Tensas Parish	9803.00											
Vermilion Parish	9508.00											

STATE: MAINE

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Franklin County	9901.00											
Somerset County	9852.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: MARYLAND

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dorchester County	9705.00											
Somerset County	9806.00											
Wicomico County	0003.00											
Worcester County	9909.00											

STATE: MASSACHUSETTS

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Berkshire County	9211.00											
Franklin County	0413.00											

STATE: MICHIGAN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cass County	0009.00											
Clare County	9809.00	9812.00										
Houghton County	9903.00											
Iosco County	9904.00	9905.00										
Isabella County	9511.00											
Keweenaw County	9601.00											
Lake County	9604.00	9606.00	9607.00									
Marquette County	0003.00	0005.00										
Newaygo County	9702.00											
Ogemaw County	9508.00											
Roscommon County	9702.00											
St. Joseph County	0404.00											
Shiawassee County	0312.00											

STATE: MINNESOTA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Aitkin County	9903.00											
Beltrami County	9508.00											
Cass County	9612.00											
Hubbard County	9706.00											
Koochiching County	9906.00											
Mahnomen County	9603.00											
Pennington County	9904.00											
Wadena County	9801.00											
Winona County	9705.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: MISSISSIPPI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adams County	0003.00	0004.00										
Bolivar County	9501.00	9502.00	9503.00	9504.00								
Coahoma County	9501.00	9506.00	9507.00									
Forrest County	0001.00	0004.00	0005.00	0006.00	0009.00							
Holmes County	9502.00	9503.00	9504.00	9505.00								
Humphreys County	9503.00											
Jefferson County	9501.00	9502.00										
Jones County	9507.00											
Lafayette County	9503.00											
Lauderdale County	0001.00	0002.00	0004.00	0006.00	0007.00							
Leflore County	9502.00	9508.00	9509.00									
Lowndes County	0007.00	0008.00	0011.00									
Pike County	9503.00											
Sunflower County	9503.00	9505.00										
Tallahatchie County	9504.00											
Tunica County	9501.00	9502.00										
Warren County	9503.00	9504.00										
Washington County	0004.00	0005.00	0006.00	0010.00	0011.00	0018.00	0020.00					
Wilkinson County	9502.00											
Yazoo County	9505.00											

STATE: MISSOURI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adair County	9503.00	9506.00	9509.00									
Butler County	9505.00	9507.00										
Cape Girardeau County	9809.00	9810.00	9814.00	9816.00								
Cole County	0101.00											
Dent County	9603.00											
Livingston County	9805.00											
Oregon County	9801.00											
Pemiscot County	9702.00											
Phelps County	9904.00											
Ripley County	9704.00											
Scott County	9809.00											

STATE: MONTANA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Big Horn County	9642.00											
Blaine County	9725.00											
Flathead County	0010.00											
Gallatin County	9866.00											
Glacier County	9762.00											
Hill County	9737.00											
Lewis and Clark County	9789.00	9796.00										
Missoula County	0002.01	0003.00										
Rosebud County	9627.00											
Silver Bow County	0001.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Wichita Falls, TX

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Wichita County	0101.00	0102.00	0103.00	0104.00	0105.00	0111.00	0112.00	0113.00	0116.00			

METROPOLITAN AREA: Williamsport, PA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lycoming County	0004.00	0007.00	0008.00									

METROPOLITAN AREA: Wilmington-Newark, DE-MD

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
New Castle County	0001.00	0006.02	0007.00	0008.00	0009.00	0017.00	0019.00	0020.00	0021.00	0022.00	0145.01	

METROPOLITAN AREA: Wilmington, NC

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
New Hanover County	0101.00	0108.00	0110.00	0111.00	0113.00	0114.00						

METROPOLITAN AREA: Worcester, MA-CT

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Worcester County	7312.01	7312.02	7313.00	7314.00	7315.00	7317.00	7318.00	7319.00	7320.01	7325.00	7572.00	

METROPOLITAN AREA: Yakima, WA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Yakima County	0001.00	0002.00	0006.00	0015.00								

METROPOLITAN AREA: Yolo, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Yolo County	0101.01	0102.03	0105.01	0106.02	0116.98							

METROPOLITAN AREA: York, PA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
York County	0002.00	0005.00	0007.00	0010.00	0016.00							

METROPOLITAN AREA: Youngstown-Warren, OH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Columbiana County	9521.00	9522.00	9525.98									
Mahoning County	8002.00	8005.00	8006.00	8007.00	8009.00	8010.00	8017.00	8019.00	8020.00	8021.00	8022.00	8023.00
	8031.00	8032.00	8034.00	8035.00	8037.00	8040.00	8044.00	8103.00	8104.00			
Trumbull County	9201.00	9205.00	9206.00									

METROPOLITAN AREA: Yuba City, CA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Yuba County	0405.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) METROPOLITAN AREAS

METROPOLITAN AREA: Yuma, AZ

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Yuma County	0001.00	0105.00	0114.00	0115.00						

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: ALABAMA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bullock County	9521.00											
Butler County	9531.00	9534.00										
Clarke County	9580.00											
Dallas County	9964.00	9965.00	9969.00	9970.00	9972.00	9973.00						
Escambia County	9702.00	9706.00										
Greene County	9743.00	9745.00	9746.00									
Hale County	9746.00	9747.00	9748.00	9749.00								
Lee County	0401.00	0402.00	0406.00	0407.00	0408.00	0415.00	0416.00					
Lowndes County	9810.00	9811.00										
Macon County	9817.00											
Marengo County	9828.00											
Monroe County	9857.00	9858.00										
Perry County	9871.00	9872.00										
Pickens County	9881.00											
Pike County	9889.00											
Sumter County	9912.00	9915.00										
Talladega County	0106.00	0118.00										
Wilcox County	9947.00	9949.00	9950.00	9951.00								

STATE: ALASKA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bethel	9513.98	9514.98										
Dillingham	9716.98											
Fairbanks North Star Borough	0001.00											
Kenai Peninsula Borough	9543.00											
Matanuska-Susitna Borough	9743.00	9744.00										
Nome	9510.00											
Valdez-Cordova	9861.00											
Wade Hampton	9712.00											
Yukon-Koyukuk	9604.00	9605.00	9606.00	9607.98								

STATE: ARIZONA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Apache County	9760.00	9771.00	9772.00	9773.00	9774.00	9775.00	9778.00					
Cochise County	0009.00											
Coconino County	0008.00	0010.00	0022.00	0024.00	0025.00							
Gila County	9850.00											
Graham County	9950.00											
La Paz County	0201.00											
Navajo County	9651.00	9652.00	9653.00	9660.00	9671.00	9672.00	9674.00	9675.00	9676.00			

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: ARKANSAS

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chicot County	9802.00	9804.00										
Desha County	9503.00											
Garland County	0106.00	0107.00	0108.00	0115.00								
Lee County	9704.00											
Phillips County	9804.00	9805.00	9806.00									

STATE: CALIFORNIA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Humboldt County	0010.00											
Imperial County	0114.00	0120.00	0121.00	0124.00	0125.00							
Kings County	0011.00	0013.00										
Nevada County	0010.00	0011.00										

STATE: COLORADO

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Conejos County	9746.00	9747.00	9748.00									
Costilla County	9827.00											
Delta County	9648.00											
Elbert County	9911.00											
Huerfano County	9808.00											
Las Animas County	9832.00											
Mesa County	0001.00	0002.00										
Montezuma County	9695.00											
Otero County	9880.00											

STATE: CONNECTICUT

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Litchfield County	3103.00											

STATE: FLORIDA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dixie County	9803.98											
Indian River County	0503.02											
Monroe County	9701.00											
Putnam County	9508.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: GEORGIA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bulloch County	9904.00											
Burke County	9503.00	9504.00	9508.00									
Clay County	9601.00											
Colquitt County	9703.00											
Dodge County	9606.00											
Dooly County	9702.00											
Early County	9904.00											
Emanuel County	9807.00											
Floyd County	0011.00	0016.00										
Glynn County	0008.00											
Hancock County	9801.00											
Jefferson County	9604.00											
Laurens County	9509.00											
Liberty County	0106.00											
Lowndes County	0108.00	0109.00	0110.00	0113.00								
Mitchell County	9803.00											
Randolph County	9901.00											
Screven County	9701.00											
Telfair County	9503.00											
Thomas County	9601.00											
Tift County	9906.00											
Ware County	9504.00	9507.00										
Warren County	9702.00	9703.00										
Wilcox County	9903.00											

STATE: HAWAII

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hawaii County	0211.00											
Kauai County	0410.00											
Maui County	0301.00	0313.00	0317.00	0318.00								

STATE: IDAHO

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bannock County	0009.00	0016.01										
Bingham County	9508.00											
Bonneville County	9701.00	9712.00										
Kootenai County	0009.00											
Latah County	0054.00											
Twin Falls County	9811.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: ILLINOIS

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adams County	0004.00	0007.00	0008.00									
Alexander County	9577.00	9579.00										
Christian County	9589.00											
Coles County	0004.00	0008.00										
Franklin County	0407.00											
Hamilton County	9731.00											
Hardin County	9709.00											
Jackson County	0109.00	0111.00	0112.00	0113.00	0114.00							
Jefferson County	0510.00											
Knox County	0008.00											
La Salle County	9633.00											
McDonough County	0104.00	0105.00	0108.00									
Pulaski County	9711.00											
Saline County	9555.00	9559.00										
Vermilion County	0001.00											

STATE: INDIANA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Henry County	9765.00											
Knox County	9553.00											
La Porte County	0402.00											
Wayne County	0002.00	0003.00										

STATE: IOWA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lee County	9908.00											
Story County	0005.00	0007.00										
Wapello County	9605.00											
Webster County	0007.00	0008.00										

STATE: KANSAS

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cherokee County	9585.00											
Crawford County	9575.00											
Ellis County	9729.00											
Montgomery County	9510.00											
Riley County	0004.00	0008.00										

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: KENTUCKY

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bell County	9601.00	9602.00	9609.00									
Boyle County	9903.00											
Breathitt County	9801.00	9806.00	9807.00									
Clay County	9501.00	9504.00	9506.00									
Clinton County	9702.00											
Franklin County	0702.00											
Hardin County	0015.00											
Jackson County	9601.00	9602.00										
Knott County	9601.00											
Knox County	9901.00	9902.00	9906.00	9907.00	9908.00							
Lawrence County	9902.00	9903.00										
Lee County	9502.00											
Leslie County	9802.00											
McCracken County	0301.00	0302.00	0303.00	0304.00	0306.00							
McCreary County	9601.00	9602.00	9604.00									
Magoffin County	9701.00											
Marion County	9708.00											
Morgan County	9501.00											
Owsley County	9901.00	9902.00	9903.00									
Perry County	9701.00	9707.00										
Warren County	0101.00	0102.00	0103.00	0104.00	0105.00							
Wayne County	9803.00	9805.00	9806.00									
Whitley County	9808.00											
Wolfe County	9901.00	9903.00										

STATE: LOUISIANA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Allen Parish	9503.00											
Concordia Parish	9902.00											
East Carroll Parish	9903.00											
Evangeline Parish	9505.00											
Iberia Parish	0308.00	0309.00	0310.00									
Lincoln Parish	9603.00	9608.00	9609.00									
Madison Parish	9603.00	9604.00										
Morehouse Parish	9504.00											
Natchitoches Parish	9907.00											
Pointe Coupee Parish	9520.00											
St. Mary Parish	0416.00											
Tangipahoa Parish	9533.00	9536.00	9543.00									
Tensas Parish	9803.00											
Vermilion Parish	9508.00											

STATE: MAINE

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Franklin County	9901.00											
Somerset County	9852.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: MARYLAND

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dorchester County	9705.00											
Somerset County	9806.00											
Wicomico County	0003.00											
Worcester County	9909.00											

STATE: MASSACHUSETTS

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Berkshire County	9211.00											
Franklin County	0413.00											

STATE: MICHIGAN

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cass County	0009.00											
Clare County	9809.00	9812.00										
Houghton County	9903.00											
Iosco County	9904.00	9905.00										
Isabella County	9511.00											
Keweenaw County	9601.00											
Lake County	9604.00	9606.00	9607.00									
Marquette County	0003.00	0005.00										
Newaygo County	9702.00											
Ogemaw County	9508.00											
Roscommon County	9702.00											
St. Joseph County	0404.00											
Shiawassee County	0312.00											

STATE: MINNESOTA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Aitkin County	9903.00											
Beltrami County	9508.00											
Cass County	9612.00											
Hubbard County	9706.00											
Koochiching County	9906.00											
Mahnomen County	9603.00											
Pennington County	9904.00											
Wadena County	9801.00											
Winona County	9705.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: MISSISSIPPI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adams County	0003.00	0004.00										
Bolivar County	9501.00	9502.00	9503.00	9504.00								
Coahoma County	9501.00	9506.00	9507.00									
Forrest County	0001.00	0004.00	0005.00	0006.00	0009.00							
Holmes County	9502.00	9503.00	9504.00	9505.00								
Humphreys County	9503.00											
Jefferson County	9501.00	9502.00										
Jones County	9507.00											
Lafayette County	9503.00											
Lauderdale County	0001.00	0002.00	0004.00	0006.00	0007.00							
Leflore County	9502.00	9508.00	9509.00									
Lowndes County	0007.00	0008.00	0011.00									
Pike County	9503.00											
Sunflower County	9503.00	9505.00										
Tallahatchie County	9504.00											
Tunica County	9501.00	9502.00										
Warren County	9503.00	9504.00										
Washington County	0004.00	0005.00	0006.00	0010.00	0011.00	0018.00	0020.00					
Wilkinson County	9502.00											
Yazoo County	9505.00											

STATE: MISSOURI

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adair County	9503.00	9506.00	9509.00									
Butler County	9505.00	9507.00										
Cape Girardeau County	9809.00	9810.00	9814.00	9816.00								
Cole County	0101.00											
Dent County	9603.00											
Livingston County	9805.00											
Oregon County	9801.00											
Pemiscot County	9702.00											
Phelps County	9904.00											
Ripley County	9704.00											
Scott County	9809.00											

STATE: MONTANA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Big Horn County	9642.00											
Blaine County	9725.00											
Flathead County	0010.00											
Gallatin County	9866.00											
Glacier County	9762.00											
Hill County	9737.00											
Lewis and Clark County	9789.00	9796.00										
Missoula County	0002.01	0003.00										
Rosebud County	9627.00											
Silver Bow County	0001.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: NEBRASKA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adams County	9661.00											
Lincoln County	9601.00											

STATE: NEVADA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Elko County	9501.00	9505.00	9506.00	9515.00								
Humboldt County	9603.00											
Lyon County	9606.00											

STATE: NEW MEXICO

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chaves County	0001.00	0006.00										
Cibola County	9746.00											
Guadalupe County	9617.00	9618.00										
Lea County	0001.00	0004.00										
Lincoln County	9804.00											
Luna County	9868.00											
McKinley County	9721.00	9723.00	9725.00	9726.00	9727.00							
Mora County	9552.00											
Otero County	0001.00	0008.00										
San Juan County	0008.00	0009.00	0010.01	0010.02								
San Miguel County	9571.00	9577.00										
Socorro County	9784.00											
Taos County	9529.00											

STATE: NEW YORK

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cattaraugus County	9619.00	9620.00	9622.00									
Clinton County	1011.00											
Columbia County	9912.00											
Jefferson County	0620.00											
St. Lawrence County	9911.00	9912.00	9922.00									
Tompkins County	0001.00	0002.00	0003.00	0004.00	0010.00	0012.00						

STATE: NORTH CAROLINA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Columbus County	9909.00											
Craven County	9608.00	9609.00										
Halifax County	9908.00											
Lee County	0302.00	0303.00										
Lenoir County	0103.00	0104.00	0107.00									
Pasquotank County	9603.00											
Robeson County	9608.00											
Watauga County	9805.00											
Wilson County	0002.00	0007.00	0008.01									

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: NORTH DAKOTA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Benson County	9567.00											
McKenzie County	9626.00											
Rolette County	9517.00	9518.00										
Sioux County	9660.00											
Ward County	0101.00											

STATE: OHIO

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adams County	9904.00	9905.00	9906.00									
Athens County	9731.00											
Coshocton County	9914.00											
Erie County	0408.00											
Jackson County	9576.00											
Marion County	0001.00	0009.00										
Meigs County	9644.00											
Muskingum County	9821.00											
Scioto County	9931.00	9932.00	9935.00	9936.00	9937.00	9939.00						

STATE: OKLAHOMA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Atoka County	9876.00											
Bryan County	9956.00	9964.00	9965.00									
Carter County	9928.00											
Choctaw County	9972.00	9973.00										
Grady County	0001.00	0002.00										
Hughes County	9848.00											
McCurtain County	9987.00											
McIntosh County	9799.00											
Muskogee County	0004.00	0005.00	0006.00									
Okfuskee County	9808.00											
Okmulgee County	0001.00											
Payne County	0104.00	0105.00	0107.00									
Pontotoc County	9891.00	9892.00										
Pushmataha County	9976.00											
Stephens County	0005.00	0006.00	0007.00									
Tillman County	9704.00	9706.00										
Washington County	0002.00											

STATE: OREGON

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Benton County	0007.00	0008.00	0011.00									
Clatsop County	9508.00											
Union County	9707.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: PENNSYLVANIA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Clinton County	9706.00											
Crawford County	1116.00											
Lawrence County	0004.00	0005.00	0006.00	0009.00	0118.98							
Northumberland County	9616.00	9617.00										
Schuylkill County	0006.00											

STATE: RHODE ISLAND

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Newport County	0405.00	0412.00										

STATE: SOUTH CAROLINA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bamberg County	9601.00											
Beaufort County	0001.00	0011.00										
Clarendon County	9608.00											
Darlington County	0107.00											
Dillon County	9704.00											
Greenwood County	9705.00											
Hampton County	9804.00											
Lancaster County	0107.00											
Lee County	9806.00											
Marlboro County	9602.00											
Orangeburg County	0112.00	0113.00										

STATE: SOUTH DAKOTA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Brown County	9515.00											
Buffalo County	9746.00											
Clay County	9656.00											
Jackson County	9912.00											
Shannon County	9936.00	9937.00										
Todd County	9927.00											
Ziebach County	9871.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: TENNESSEE

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bradley County	0104.00	0107.00	0108.00									
Campbell County	9503.00											
Fentress County	9651.00											
Hamblen County	1003.00											
Hancock County	9601.00	9602.00	9603.00									
Haywood County	9807.00											
Henry County	9693.00											
McMinn County	9702.00											
Marshall County	9553.00											
Maury County	0105.00											
Putnam County	0008.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: TEXAS

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Anderson County	9507.00											
Angelina County	0005.00											
Atascosa County	9603.00											
Brooks County	9502.00											
Brown County	9506.00	9507.00										
Cooke County	9905.00											
Dimmit County	9501.00	9502.00	9503.00									
Duval County	9503.00											
Falls County	9904.00											
Freestone County	9809.00											
Frio County	9502.00	9503.00										
Gray County	9508.00											
Hall County	9505.00											
Hill County	9609.00											
Howard County	9503.00	9505.00										
Hutchinson County	9507.00											
Jim Hogg County	9501.00	9503.00										
Jim Wells County	9506.00											
Kleberg County	0202.00											
Lamar County	0005.00	0006.00	0008.00									
La Salle County	9502.00											
Lynn County	9503.00											
McCulloch County	9503.00											
Maverick County	9502.00	9504.00	9505.00	9506.00								
Nacogdoches County	9506.00	9509.00										
Pecos County	9503.00											
Presidio County	9502.00											
Reeves County	9505.00											
Robertson County	9602.00											
Starr County	9501.00	9502.00	9504.00	9505.00	9506.00	9507.00						
Terry County	9503.00											
Val Verde County	9506.00											
Walker County	1905.00	1906.00	1907.00									
Wharton County	1403.00											
Willacy County	9502.00	9503.00	9506.00									
Zapata County	9502.00											
Zavala County	9501.00	9502.00	9503.00									

STATE: UTAH

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cache County	0016.00											
Carbon County	9716.00											
Juab County	9732.00											
San Juan County	9783.00	9784.00										
Wasatch County	9925.00											

IRS SECTION 42(D)(5)(C) QUALIFIED CENSUS TRACTS (1990 DATA, MSA DEFINITIONS JUNE 1993) NONMETROPOLITAN AREAS

STATE: VERMONT											
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Addison County	9622.97										
STATE: VIRGINIA											
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lee County	9901.00	9904.00	9905.00	9906.00							
Montgomery County	0204.00	0216.98									
Franklin city	0902.00										
Radford city	0101.00										
Staunton city	0001.00										
STATE: WASHINGTON											
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Asotin County	9803.00										
Cowlitz County	0001.00	0003.00	0005.02	0010.00							
Grays Harbor County	0010.00										
Kittitas County	9756.00										
Mason County	9608.00	9614.00									
Stevens County	9510.00										
Walla Walla County	9205.00										
Whitman County	0001.00	0005.00	0006.00								
STATE: WEST VIRGINIA											
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lincoln County	9558.00										
McDowell County	9540.00	9542.00									
Marion County	0201.00	0205.00									
Monongalia County	0101.00	0102.00	0103.00								
STATE: WISCONSIN											
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ashland County	9501.00										
Fond du Lac County	0406.00										
Menominee County	9701.00										
Portage County	9610.00										
Sawyer County	9807.00										
Vilas County	9509.00										
Walworth County	0005.00										
STATE: WYOMING											
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Albany County	9629.00	9630.00	9633.00	9634.00							
Fremont County	9826.00	9832.00									
Hot Springs County	9876.00										
Platte County	9592.00										
Sweetwater County	9715.00										

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Federal Register

Monday
May 1, 1995

Part III

Department of Health and Human Services

Office of the Secretary

45 CFR Part 96
Block Grant Programs; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 96

Block Grant Programs

AGENCY: Administration for Children and Families, HHS.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations of the Department of Health and Human Services (HHS) governing the administration of block grant programs; it applies specifically to the low-income home energy assistance program (LIHEAP). The rule revises, and makes final, provisions included in an interim final rule that amended the block grant regulations and implemented certain changes to the LIHEAP statute made by the Augustus F. Hawkins Human Services Reauthorization Act of 1990. These changes involve the Department's response to complaints, reduction in the percent of LIHEAP funds that grantees may carry forward from one fiscal year to the next, waiver authority to increase the percent of LIHEAP funds that grantees may use for weatherization, a requirement for additional outreach and intake services under certain circumstances, and a leveraging incentive program. This final rule also makes several related, largely technical and conforming, amendments to the block grant regulations.

EFFECTIVE DATE: This final rule is effective beginning May 31, 1995, with the exception of section 96.87, Leveraging incentive program, which is effective beginning October 1, 1995. Section 96.87 as included in the interim final rule published in the **Federal Register** on January 16, 1992 (57 FR 1960), is effective through September 30, 1995.

FOR FURTHER INFORMATION CONTACT: Janet M. Fox, 202–401–9351, or Ann Bowker, 202–401–5308.

SUPPLEMENTARY INFORMATION: The Low-Income Home Energy Assistance Act of 1981, title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35), established the low-income home energy assistance program. On July 6, 1982, HHS issued final regulations for LIHEAP and the six other blocks grants it administered at that time (45 FR 29472). Since then, the statute and the block grant regulations have been amended several times.

The Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Pub. L. 101–501) was enacted on November 3, 1990. Title VII of Public Law 101–501 contains amendments to the Low-Income Home Energy Assistance Act, including several changes effective in FY 1991 and FY 1992. These changes concern HHS's response to formal complaints, reduction in the maximum amount that grantees may carry forward from one fiscal year to the next, waiver authority to increase the statutory weatherization assistance maximum, a requirement for additional outreach and intake services in certain cases, and a leveraging incentive program.

On January 16, 1992, HHS published an interim final rule (57 FR 1960) amending the block grant regulations and implementing these statutory changes, as required under Public Law 101–501. The interim final rule allowed a 60-day comment period.

We received 25 letters commenting on the interim final rule—two from members of Congress, twelve from State LIHEAP grantees, one from a county, two from Indian tribal grantees, three from home energy suppliers, and five from others. Based on the comments we received and on our experience over the two and half years the interim rule has been in effect, we have revised the interim rule as appropriate. It is now being made final.

In addition to the statutory changes implemented by the interim final rule published January 16, 1992, Public Law 101–501 includes several changes scheduled to affect LIHEAP beginning in FY 1994. These changes concern forward funding based on a program year of July 1 through June 30—whose implementation, initially set for FY 1993, was delayed until FY 1994 by the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1993 (Public Law 102–394)—and the end of authority to transfer LIHEAP funds to other HHS block grants. The Department published a notice of proposed rule making (NPRM) regarding these changes, and other proposed changes involving both LIHEAP and other HHS block grants, on November 16, 1993 (58 FR 60498). The NPRM allowed a 45-day comment period. Since then, the Human Services Amendments of 1994 (Public Law 103–252), enacted May 18, 1994, changed the forward (or advance) funding program year to October 1 through September 30—the same dates as the current Federal fiscal year, but funded one year in advance. The November 16, 1993, proposed rule also included some provisions that had originally been included in a notice of proposed rulemaking issued by the Department on July 17, 1992. Based on comments received on these notices of proposed rulemaking, HHS intends to publish a separate final rule implementing appropriate provisions, except for the provisions described below, which are incorporated into the final rule published today.

The final rule published today includes several changes proposed in the November 1993 NPRM. They involve issues that were also addressed in the January 1992 interim rule. One change gives grantees the option to submit a preliminary request for a waiver to increase the statutory weatherization maximum. Other changes relate to the end of grantees' authority to transfer LIHEAP funds to other block grants after FY 1993, and reduction in the amount grantees may carry forward from one fiscal year to the next, and are included in the regulations' discussion of the time period for obligation of LIHEAP funds. These technical amendments implement provisions of Public Law 101–501. We received one comment from a State LIHEAP grantee on the weatherization waiver in the NPRM, and none on the end of transfer authority or reduction in maximum carryover.

The final rule also makes a technical amendment deleting reference to the transfer authority in the regulations' discussion of uses of leveraging incentive funds, because this authority has ended.

Finally, the final rule makes a technical amendment changing the due date of grantees' reports on their leveraging activities, in accordance with the Human Services Amendments of 1994 (Pub. L. 103–252). Title III of Public Law 103–252 contains amendments to the Low-Income Home Energy Assistance Act. We plan to address most of these statutory amendments in a proposed rule at a later date.

The provisions of the regulations, together with the comments we received and our responses, are discussed below.

Section-by-Section Analysis of Changes in the Regulations

Subpart B—General Procedures

Section 96.14 Time Period for Obligation and Expenditure of Grant Funds

Public Law 101–501 amended section 2607(b)(2) of the LIHEAP statute, reducing the maximum amount of LIHEAP funds that grantees may carry forward for obligation in the succeeding fiscal year, from 15 to 10 percent of the funds payable to the grantee and not transferred to another HHS block grant.

This change was effective beginning with FY 1991 funds carried forward to FY 1992. In addition, Public Law 101–501 amended section 2604(f)(2) of the statute, ending grantees' authority to transfer LIHEAP funds to other HHS block grants, beginning in FY 1994.

The final rule makes technical and conforming corrections to section 96.14(a)(2) of the block grant regulations, which concerns obligation and carryover of LIHEAP funds, to reflect these statutory changes. Consistent with a change to section 96.81 that was included in the interim rule, the final rule specifies the current reduced amount that grantees may carry forward to the next fiscal year. Also, it omits reference to transfer of LIHEAP funds, beginning with FY 1994 allotments.

Also, the final rule clarifies that section 96.14(a)(2) applies to regular LIHEAP block grant funds and not to LIHEAP leveraging incentive funds. (Section 96.87 of the regulations deals with leveraging incentive funds.)

These technical changes are consistent with language in the notice of proposed rulemaking published November 16, 1993, except that the final rule deletes references to funding on a program year cycle, since Congress determined in the Human Services Amendments of 1994 that LIHEAP will remain on a Federal fiscal year cycle. We received no comments on these changes in the NPRM.

Subpart E—Enforcement

Section 96.50 Complaints

Public Law 101–501 amended section 2608(a)(2) of the LIHEAP statute, effective beginning in FY 1991. Section 2608(a)(2) concerns formal complaints of a substantial or serious nature that a grantee has failed to used funds in accordance with the LIHEAP statute. The previous statutory language had required HHS to ''respond in an expeditious and speedy manner to'' such complaints. The amended language sets a specific time period within which HHS must respond to complaints; it requires HHS to ''respond in writing in no more than 60 days to matters raised in'' complaints.

As originally published in July 1982, the block grant regulations stated at 45 CFR 96.50(d):

The Department will provide a written response to complaints [concerning grantee administration of the block grants] within 180 days after receipt. If a final resolution cannot be provided at that time, the response will state the reasons why additional time is necessary.

Section 96.50(c) of the regulations provides that HHS will ''promptly furnish a copy of any complaint'' to the grantee against which the complaint was made and that, in responding to the complaint, HHS will consider any comments received from the grantee within 60 days, or a longer period agreed on by the grantee and HHS.

The preamble to the interim final rule published in January 1992 explained that our experience has shown that, because of the serious and generally complex nature of the formal complaints we have received, LIHEAP grantees usually require a full 60 days to respond to complaints made against them. The interim rule therefore amended section 96.50(d) by adding a new sentence stating that, within 60 days after HHS receives a complaint concerning the low-income home energy assistance program, it ''will provide a written response to the complainant, stating the actions that it has taken to date and the timetable for final resolution of the complaint.''

This amendment implemented the requirement in Public Law 101–501, that HHS respond within 60 days to complaints, while acknowledging the amount of time generally needed for grantees to respond to complaints, and for HHS to review and resolve these complaints. The interim rule's preamble explained that HHS will continue to provide final resolution as soon as possible, consistent with our responsibility to provide the affected grantee sufficient opportunity to respond and to provide thorough Federal review, and that we will continue to advise the complainant of the final action taken.

Public Comments, HHS Responses, and Change

We received three comments on this amendment. Two commenters said that they believed the revised schedule for HHS response to complaints was reasonable and adequate.

The third commenter said that, while HHS changed the regulation ''to provide a written response to complaints under the LIHEAP statute within 60 days, rather than the previous 180 days, the response envisioned by HHS' language appears to be no more than a status report.'' The commenter also said that Public Law 101–501 requires HHS to ''establish a procedure for reviewing and investigating any complaint regarding State program compliance with Federal statutes and regulations. . . .'' The commenter asserted that ''HHS does not establish 'a procedure for reviewing and investigating any complaint regarding State program compliance' '' and noted that 45 CFR 96.50(c), ''relating generally to block grants, states that HHS will conduct an investigation of complaints [only] 'where appropriate.' '' The commenter believed that ''this regulatory language is contrary to the statute'' and must be amended ''to establish for LIHEAP the procedure called for by this statutory change.''

However, the language cited by the commenter is not the language of Public Law 101–501. Further, the block grant regulations provide a procedure under paragraphs (c), (d), and (e) of 45 CFR 96.50, for reviewing the resolving complaints, and the January 1992 interim rule modified that procedure to implement the requirement in Public Law 101–501 for a written response within 60 days to complaints involving LIHEAP.

Where section 96.50(c) states that HHS ''will conduct an investigation of complaints where appropriate,'' ''investigation'' means a formal and systematic, thorough and detailed effort to learn facts, that is carried out after a review conducted in response to a complaint shows evidence of possible illegal action, such as commission of fraud or theft. An investigation typically would result in a recommendation for civil or criminal prosecution and/or administrative sanctions. (This is consistent with the use of the term by the HHS Office of Inspector General.) In most cases, complaints are resolved without conducting a formal investigation. We will conduct an investigation if our review of a complaint indicates a need to do so.

The same commenter also referred to Senate Report 101–421 accompanying H.R. 4151 (the predecessor to Public Law 101–501), that ''explains this proposed change as 'designed to respond to concerns regarding the need for a more expeditious and effective response to complaints. . . .' ''

Since the start of the LIHEAP block grant in FY 1982, we have tried to respond expeditiously and effectively to the formal complaints we have received. In addition, we have worked to reach expeditious and effective resolution of other concerns expressed to us about grantee LIHEAP programs. During this time, the only comments we have received on the timeliness and effectiveness of our response to complaints have been the cited sentence in the Senate Report and the comments of this commenter. Neither included any specific examples.

In response to this commenter, the final rule adds the phrase, ''if the complaint has not yet been fully resolved,'' to the last sentence under

section 96.50(d), to indicate that we will fully resolve complaints within 60 days whenever possible. That sentence now reads,

Under the low-income home energy assistance program, within 60 days after receipt of complaints, the Department will provide a written response to the complainant, stating the actions that it has taken to date and, if the complaint has not yet been fully resolved, the timetable for final resolution of the complaint.

We will make every reasonable effort—while providing sufficient time for grantees to respond to complaints and for HHS to review the complainant's allegations and the grantee's response and to conduct an investigation as necessary—to fully resolve complaints within 60 days from the date we receive them. However, based on our experience over the past decade, we believe that it would not serve the best interests of the complainant, the grantee, or the Department to require by regulation that HHS provide final resolution of formal complaints within 60 days of their receipt.

Subpart H—Low-Income Home Energy Assistance Program

Section 96.83 Increase in Maximum Amount That May Be Sued for Weatherization And Other Energy-Related Home Repair

Public Law 101–501 amended section 2605(k) of the LIHEAP statute, beginning in FY 1991. It provides that grantees may request after March 31 of each fiscal year that HHS grant a waiver for the fiscal year that increases from 15 percent to up to 25 percent of the LIHEAP funds allotted or available to the grantee, the maximum amount of LIHEAP funds the grantee may use for low-cost residential weatherization or other energy-related home repair. Grantees that choose to apply for a waiver may request authority to use for these purposes any amount between 15 percent and 25 percent of their LIHEAP funds.

The statute provides that, after reviewing a grantee's waiver request and any public comments, HHS may grant a waiver if it determines that: (1) the number of households in the grantee's service population that will receive LIHEAP heating assistance, cooling assistance, and crisis assistance (energy crisis intervention) benefits during the fiscal year will not be fewer than the number that received such benefits in the preceding fiscal year; (2) the aggregate amount of LIHEAP benefits that will be received during the fiscal year will not be less than the aggregate amount received in the preceding fiscal year; and (3) the weatherization activities have been demonstrated to produce measurable savings in energy expenditures. The statue also provides that HHS may grant a waiver if, in accordance with regulations to be published by HHS, the grantee's waiver request demonstrates good cause for failing to satisfy the requirements in the preceding sentence.

The January 1992 interim final rule added a new section 96.83 to the block grant regulations to implement procedures concerning ''standard'' and ''good cause'' waivers of the 15 percent weatherization maximum.

The November 1993 NPRM on forward funding proposed that grantees be allowed to submit preliminary weatherization waiver requests after January 31 of the program year, to expedite review and provide more time for obligation of funds.

Public Comments, HHS Responses, and Changes

We received several comments on the provisions in the LIHEAP statute, the interim rule, and the November 1993 NPRM relating to waiver of the weatherization maximum.

Two commenters supported the statutory waiver provision allowing an increase in the percent of LIHEAP funds that can be used for weatherization. One commenter opposed the statutory waiver provision, stating that it makes LIHEAP ''cash'' heating/cooling/energy crisis assistance and LIHEAP weatherization ''continue to compete for limited resources.'' One commenter said that the rule ''reflects our understanding'' of the statutory weatherization amendments.

Comment and Response

Another commenter believed that HHS ''should have been more explicit in conveying'' to grantees that Congress intended that weatherization waivers be granted only ''under the most limited of circumstances.'' A different commenter said that the guidance in the interim rule failed to state Congress' intent, per the Senate report, that a ''good cause'' waiver be granted only when a grantee has demonstrated ''compelling reasons.''

While we did not specifically state that waivers—especially ''good cause'' waivers—would be granted only for compelling reasons and under very limited circumstances, we believe it is clear that grantees must demonstrate that they meet specific, stringent requirements in order to receive a waiver. To date, we have received only eight weatherization waiver requests. We approved the one request received in FY 1991 and seven requests received in FY 1994. We approved standard waivers for four of the FY 1994 requests.

Comment and Respronse

A commenter erroneously stated that the interim rule ''merely *requests* that the Grantee submit an explanation of the specific criteria under which the Grantee's weatherization activities have been shown to produce measurable savings'' in energy expenditures. The commenter believed that these savings must be ''substantial and long term.'' The commenter proposed that HHS establish ''a standard methodology * * * in the regulations for normalizing annual consumption to ensure a common measure for energy savings'' and set ''a minimum threshold'' for ''measurable savings.''

The interim rule—and this final rule—require at section 96.83(c)(5) that grantees include with their weatherization waiver requests ''an explanation of the specific criteria under which the grantee has determined whether'' all LIHEAP weatherization activities to be carried out during the fiscal year for which the waiver is requested ''have been shown to produce measurable savings in energy expenditures.'' However, we decline to require that savings be ''substantial and long term,'' to establish a standard methodology to measure energy savings, or to set a minimum threshold for savings. The LIHEAP statute's third criterion for a ''standard'' waiver specifies that the grantee's ''weatherization activities have been demonstrated to produce measurable savings in energy expenditures by low-income households.'' The regulation uses parallel language; it does not go beyond the substance of the statutory criterion to specify a required level or duration, or a standard measure, of energy savings. We believe that it would be inconsistent with the block grant philosophy expressed by Congress and implemented by HHS to impose such additional requirements. The basic premise of the block grants is that, within the parameters set by the statute, grantees should have maximum flexibility to target resources to meet the needs of their citizens. The regulation limits the circumstances under which waivers will be granted, in accordance with the statutory language and what we understand to be the legislative intent as expressed in the legislative history.

Comment and Response

Another commenter addressed the third criterion that must be met by grantees applying for a ''standard''

waiver—that the weatherization activities to be carried out by the grantee in the fiscal year for which the waiver is requested have been shown to produce measurable savings in energy expenditures. The commenter erroneously believed that the criterion applies only to ''weatherization'' and ''ignores [other] 'low-cost energy related repair.' '' However, paragraph (a) of section 96.83, which describes the scope of the section, states that ''low-cost residential weatherization and other energy-related home repair'' is referred to (more briefly) as ''weatherization.''

Comment and Response

A commenter proposed that improvement in health and safety resulting from weatherization be considered acceptable to meet the third criterion. We cannot adopt this proposal, because it would violate the LIHEAP statute's requirements for this criterion—that the ''weatherization activities have been demonstrated to produce measurable savings in energy expenditures by low-income households.'' However, the statute and regulations provide for a waiver if a grantee can demonstrate ''good cause'' for failing to meet one or more of the three ''standard'' waiver criteria.

Comment and Response

The interim rule's preamble indicated that, when determining whether to grant a ''good cause'' waiver, HHS would consider arguments and documentation that greater benefits will accrue to recipients for use of LIHEAP funds for weatherization than for cash assistance. A commenter asserted that neither the statute nor the legislative history supports considering this argument. However, the commenter mentions the Senate report's reference to long-term benefits resulting from weatherization improvements that reduce home energy costs. Consistent with the Senate report's prominent discussion of the expanded flexibility grantees have to provide energy conservation improvements through the weatherization waiver and the reductions in home energy costs resulting from these improvements, and with the statute's designation of HHS to determine rules for ''good cause'' waivers, we are not changing this policy.

Comment and Response

The commenter also believed that if the grantee operated a shorter program, reduced outreach activities, and/or ''took other administrative steps which may also have led to a reduction in applications,'' this would be relevant in considering whether to grant a ''good cause'' waiver. We agree. We therefore revised section 96.83(e) to provide that a grantee requesting a ''good cause'' waiver must include with its request a comparison of its opening and closing dates for applications, and a description of its outreach efforts, for heating, cooling and crisis assistance, in the fiscal year for which the waiver is requested and in the preceding fiscal year. The comparison should address the actual dates and outreach efforts—or the planned dates and planned outreach for future efforts expected to take place later in the fiscal year for which the waiver is requested. If the grantee's application period was longer and/or its outreach efforts were greater in the preceding fiscal year for one or more of these program components, the grantee must include an explanation demonstrating good cause why a waiver should be granted in spite of this fact. We also revised this section to provide that if the grantee took, or will take, other actions that led, or will lead, to a reduction in the number of applications for heating, cooling, and/or crisis assistance in the fiscal year for which the waiver is requested, the grantee must include with its request a description of these actions, and an explanation demonstrating good cause why a waiver should be granted in spite of these actions.

In addition, we made minor clarifying technical amendments to section 96.83(e) describing information that must be included in grantees' requests for ''good cause'' waivers under a newly designated paragraph (1), and explaining the conditions under which HHS will grant a ''good cause'' waiver under a newly-designated paragraph (2).

Comment and Response

A commenter believed that data from local home energy vendors are most appropriate for documenting decreased home energy costs, because Department of Energy data are mostly national or regional. We agree. While we are not changing the regulation to require use of data from local vendors, we encourage grantees submitting waiver requests that document decreased home energy costs to use actual cost/price/expenditure data from the State or local area. In most cases, compiling the best available data probably would involve at least a sample of vendors in the grantee's service area.

Comment and Response

A commenter said that HHS should require grantees submitting waiver requests to include copies of public statements in full, including transcripts of comments made during public hearings, because the interim rule's requirement that grantees submit ''copies and/or summaries of public comments'' affords grantees ''an opportunity to selectively quote and characterize concerns expressed'' by the public. The commenter quoted the Senate report statement that HHS ''should not necessarily be guided only by the submissions from the state'' in deciding whether to grant a waiver, to support the assertion that the legislative history ''clearly'' intends HHS ''to independently consider these comments.''

We decline to require grantees seeking waivers to submit ''copies of public statements in full, including transcripts of comments made during public hearings.'' We believe that the paperwork burden imposed would outweigh the possible advantages of such a requirement. Use of the words ''not necessarily'' in the Senate report indicates that HHS may decide the extent to which it will review public comments. We believe that grantees will make responsible decisions regarding submission of relatively brief public comments in full and submission of summaries of lengthy and/or numerous comments. We will independently consider the comments and summaries submitted to us. During compliance reviews, we will monitor the records/documentation of grantees that submitted summaries of public comments with waiver requests, to assure that these summaries accurately reflect the comments.

In response to this commenter's recommendations, however, we changed section 96.83(b) of the regulations to require that written public comments on a proposed waiver request be made available for public inspection upon their receipt by grantees, and that any summaries of written comments, and transcripts and/or summaries of any verbal comments made on the request at public meetings or hearings also be made available for public inspection. We also changed this section to specify that transcripts and/or summaries of any comments made on the request at public meetings or hearings must be included with waiver requests submitted to HHS. Finally, we changed this section to require that copies of actual waiver requests must be made available for public inspection upon submission of the requests to HHS, enabling the public to review the decisions made by the grantee and verify that comments were accurately conveyed. These additional requirements strengthen grantees' accountability to the public by assuring

public access and the opportunity to respond to comments, and by assuring that waiver requests submitted to HHS include verbal as well as written public input.

The final rule also changes section 96.83(b) to require grantees to make all weatherization waiver requests—including the preliminary waiver requests described below—available for public inspection and comment until at least March 15 of the fiscal year for which the waiver is requested. Several grantees said in their FY 1994 LIHEAP plans that they intended to request weatherization waivers in FY 1994. Public participation in the development of the plan—before or early in the fiscal year—took place before the severity of the winter, winter fuel prices, etc., were known. Therefore, public inspection and comment this far in advance of submission of a waiver request is not sufficient; public participation would not be meaningful if the only public notification was before the winter. There should be public notice about a proposed request, after January 1 of the fiscal year for which the waiver is to be requested.

We have tried to balance the interests of the public—the recipients of LIHEAP assistance—and the valid concerns of grantees—the primary administrators of the LIHEAP block grant. We have also tried to write regulations that are consistent with the statute and legislative history, that require grantees to address specific criteria and provide specific information (including quantified data) to justify use of additional funds for weatherization—without imposing unnecessary and burdensome paperwork requirements and without making it virtually impossible to receive a waiver. We are commented to assuring program accountability and fair treatment, meaningful access to information, and meaningful opportunity for input for the public. However, it would be inconsistent with the block grant philosophy clearly expressed by Congress and implemented by HHS to burden grantees with regulatory requirements that do not clearly serve those ends and that are not based on statutory requirements and/or legislative history.

Comments and Response

Finally, the interim rule's preamble said that we were interested in comments about whether the statutory starting date of April 1 for weatherization waiver requests would create problems for administration of grantee programs under forward funding. The forward funding program year was scheduled to begin July 1 and end June 30, leaving only three months for submission and review of waiver requests and for obligation of most of the funds for which a waiver has been granted. We received two comments in response. A State proposed that HHS ask Congress to amend the LIHEAP statute to allow submission of waiver requests after January 31 if forward funding is implemented. Another commenter said that a submission date two to four weeks before March 31 might be reasonable.

Our November 1993 NPRM on forward funding proposed that grantees be permitted to submit a preliminary waiver request after January 31 of a program year. This would provide sufficient time for HHS to review the waiver request and obtain any additional information that might be needed, and still allow the grantee to obligate its funds by June 30, which was scheduled to be the end of the forward funding program year. In a comment on the NPRM, a State proposed that weatherization waiver requests be submitted with the grantee's initial LIHEAP application for a program year, and that States not be required to submit new waiver requests each time they wanted a waiver. The commenter objected to the (statutory) requirement that HHS make decisions on waiver requests only after March 31.

Seeking earlier feedback on their FY 1994 waiver requests, this State and another submitted these requests before April 1, 1994. These grantees confirmed and completed the requests, and HHS made the decisions to approve them, after March 31.

The LIHEAP statute specifies that HHS may grant a waiver ''for a fiscal year'' if the grantee submits a written request to the Department ''after March 31 of such fiscal year'' and if HHS ''determines, after reviewing such request and any public comments,'' that the number of households that will receive LIHEAP benefits other than weatherization, and the aggregate amount of these benefits, will be greater in the fiscal year for which it requests a waiver than they were in the preceding fiscal year, or there is good cause for not meeting these conditions. The grantee cannot know until well into each winter how many households it will (or is likely) to serve and the amount of benefits it will provide, since this often depends on weather and economic conditions that are not known before the winter.

However, the written comment on the NPRM, grantees' submission of early weatherization waiver requests and statements of intent to apply for waivers, and verbal comments indicated grantees' concern that April 1 is relatively late in the program year—and in the Federal fiscal year as well. It would be mid-April, at the earliest, before a decision was made. This would leave considerably less than three months for additional weatherization funds to be obligated under the proposed July 1 to June 30 program year. It would leave considerably less than six months under the Federal fiscal year.

As noted earlier, Congress has determined that LIHEAP will remain on the Federal fiscal year funding cycle, so there will be more time for weatherization to be implemented. But we have concluded that the option for a grantee that wants a weatherization waiver, to submit a preliminary waiver request between February 1 and March 31, is appropriate for the fiscal year cycle as well as the program year cycle. It will enable HHS to review the preliminary request and discuss any issues or concerns with the grantee as winter is ending. Once the grantee submits updated information and a confirmation of its request after March 31, HHS can more quickly decide and respond, and the grantee will have more time to carry out the weatherization.

This final rule therefore changes section 96.83(c) of the regulations to permit grantees to submit preliminary waiver requests at their option, between February 1 and March 31 of the fiscal year for which the grantee seeks a waiver. The preliminary request should contain the same information required for waiver requests submitted after March 31. Because the LIHEAP statute permits grantees to submit waiver requests for a fiscal year ''after March 31 of such fiscal year,'' grantees that submit preliminary requests must submit formal confirmation of their request after March 31, along with information on any additional public comments received and any changes to the request. HHS will make the decisions on whether to grant waivers after March 31.

Additional Information

The preamble to the January 1992 interim final rule included additional information relating to ''standard'' and ''good cause'' waivers, public comment, submission and review of waiver requests, and the effective period for waivers. With indicated modifications and clarifications made in response to comments and our experience with weatherization waiver requests, that information is still effective and is included as the remainder of this final rule's preamble discussion of section 96.83, as follows.

''Standard'' and ''Good Cause'' Waivers

The first criterion for a ''standard'' waiver requires that the number of households in the grantee's service population that will receive LIHEAP heating, cooling, and crisis assistance benefits will not be fewer than the number that received such benefits in the preceding fiscal year. This criterion applies to the total, combined, aggregate number of households receiving these types of benefits in each fiscal year. Grantees are to use their best estimates for each fiscal year of (1) the total or combined number of all households receiving each of these types of assistance (which may involve some duplication, e.g., counting a household twice if it received both regular heating assistance and heating crisis assistance); or (2) the unduplicated number of households receiving heating assistance and heating crisis assistance plus the unduplicated number of households receiving cooling assistance and cooling crisis assistance. Grantees must use the same method of calculation for both fiscal years. Numbers for the earlier fiscal year should be consistent with the numbers included in the grantee's official report of the number and income levels of households it assisted during that year (as required by 45 CFR 96.82) or with a revised report.

The second criterion requires that the aggregate amount of LIHEAP benefits in the current year will not be less than the aggregate amount of LIHEAP benefits received in the preceding fiscal year. It applies to the total, combined, aggregate amount, in dollars, of LIHEAP heating, cooling, and crisis assistance benefits in each fiscal year—not to the separate totals for each type of assistance. This final rule clarifies at section 96.83(c)(2)(ii) that the LIHEAP benefit amounts must be expressed in dollars. When items such as blankets and fans are provided as benefits, the dollar amount of LIHEAP funds used to purchase them should be included. When services such as emergency repair of furnaces are provided, the dollar amount of LIHEAP funds used to pay for the services should be included.

Grantees will need to project figures for any households to be served and funds to be obligated from the date the waiver request is submitted until the end of the fiscal year for which the waiver is requested.

This final rule clarifies that the first and second criteria apply respectively to the number of households receiving LIHEAP heating, cooling, and crisis assistance, and to the amount of LIHEAP heating, cooling, and crisis assistance, provided by the grantee's Federal LIHEAP allotment from regular and supplemental appropriations. It clarifies that assistance provided from other sources, such as the grantee's own funds, oil overcharge funds, (other) leveraged resources, and leveraging incentive funds, should not be included under these criteria.

The third criterion requires that the weatherization activities have been shown to produce measurable savings in energy expenditures. It applies to all LIHEAP weatherization activities to be carried out by the grantee during the fiscal year for which the waiver is requested, not just to activities proposed to be carried out with amounts above 15 percent of the grantee's LIHEAP funds. Grantees will not meet this criterion unless all of their LIHEAP weatherization activities for the fiscal year have been shown to produce measurable savings.

The LIHEAP statute and the HHS block grant regulations do not name specific activities which are allowable as weatherization and other energy-related home repair under the LIHEAP program. However, the statute and Federal regulations for the low-income weatherization assistance program (LIWAP) administered by the Department of Energy (DOE) do name certain weatherization measures that are allowable under that program. The statute authorizing LIWAP is the Energy Conservation in Existing Buildings Act of 1976 (title IV of the Energy Conservation and Production Act, Public Law 94–385, as amended; 42 U.S.C. 6851 et seq.). The Federal regulations implementing DOE's Weatherization Assistance for Low-Income Persons are found at 10 CFR part 440. These regulations include ''Standards for Weatherization Materials'' at Appendix A. In addition, DOE has allowed other activities by program notice and correspondence.

The DOE weatherization statute and regulations apply specifically to LIWAP, and the LIHEAP statute and regulations apply to LIHEAP. However, to promote consistency in their weatherization programs, LIHEAP grantees may choose to use certain DOE weatherization provisions as guidance in administering their LIHEAP weatherization programs, as long as these provisions are consistent with the LIHEAP statute and regulations.

(Public Law 103–252—the Human Services Amendments of 1994—allows HHS to permit LIHEAP grantees to use LIHEAP weatherization funds under DOE LIWAP rules that are not consistent with the LIHEAP statute. HHS plans to address this new option in a proposed rule on Public Law 103–252.)

HHS will accept the following as weatherization activities which have been shown to produce measurable savings in energy expenditures, as long as these activities also are consistent with the requirements of the LIHEAP statute and regulations: installation of the specific materials meeting the specific standards listed in Appendix A of the DOE weatherization regulations at 10 CFR part 440; installation of materials meeting the specific standards incorporated by reference in Appendix A; and weatherization activities specifically allowed by official DOE correspondence and memoranda. LIHEAP grantees requesting a waiver of the LIHEAP statutory weatherization maximum who propose to carry out these weatherization activities may cite these sources as the criteria under which they have determined that these activities have been shown to produce measurable savings.

In addition to listing requirements for a ''standard'' weatherization waiver for grantees that meet the three criteria discussed above, this final rule sets criteria for a ''good cause'' waiver for grantees that wish to use more than 15 percent of their LIHEAP funds for weatherization, but do not meet one or more of the three criteria for a ''standard'' waiver. As noted earlier in this preamble, the final rule includes additional requirements at section 96.83(e) for a ''good cause'' waiver, regarding the length of the grantee's application period and the grantee's outreach efforts, for heating, cooling, and/or crisis assistance applications, from the preceding fiscal year to the fiscal year for which the waiver is requested.

Requests for both ''standard'' and ''good cause'' waivers must include comparison of the grantee's best estimates of service and benefit totals for the year for which the waiver is requested with service and benefit totals for the preceding fiscal year. The criteria for a ''good cause'' waiver include the requirements that grantees explain the reasons they are not maintaining the prior year's service and/or benefit levels, as appropriate, demonstrating good cause for failing to maintain these levels and justifying use of additional funds for weatherization. Reasons for failing to maintain service levels might include reduction in need and/or fewer applications for assistance due to improvement in economic conditions and decline in unemployment, warmer than normal winter weather, and/or lower home energy costs for low-income households. As indicated earlier in this

preamble, we also will consider arguments and documentation (e.g., cost benefit analysis) that greater benefits will accrue to recipients from use of funds for weatherization than for cash assistance. Further, we will consider arguments that service or benefit levels were higher in the preceding year because of supplemental appropriations enacted in response to unusual conditions, such as abnormally cold winter weather and/or large fuel price increases.

''Good cause'' waiver requests also must include a comparison of the grantee's LIHEAP heating, cooling, and crisis assistance eligibility standards (eligibility criteria), benefit levels, application periods, and outreach efforts for the fiscal year of the waiver request and for the preceding fiscal year. If the eligibility standards were less restrictive, the benefit levels were higher, the application periods were longer, and/or the outreach efforts were greater for one or more of these program components in the preceding year, the ''good cause'' waiver request must include an explanation demonstrating good cause why a waiver should be granted in spite of this fact. In addition, other actions that led to a reduction in the number of applications for heating, cooling, and/or crisis assistance must be addressed. We will review this information to determine whether a waiver would be consistent with congressional intent to maintain service and benefit levels.

''Good cause'' documentation should cite measurable, quantified data, and the sources for these data. For example, grantees documenting reduction in need for cash benefits may provide comparison of unemployment statistics, Aid to Families with Dependent Children (AFDC) and other public assistance recipiency data, and the number of applications for LIHEAP assistance, for the current and the preceding fiscal year. Grantees documenting milder weather may cite National Weather Service data comparing heating or cooling degree days for their service area, as appropriate. Grantees documenting decreased home energy costs preferably should cite actual prices/costs in the local service area, as discussed earlier in this preamble.

Public Ispection and Comment

Consistent with the requirements and legislative history of Public Law 101–501, the final rule maintains the requirement from the interim rule that grantees provide opportunity for timely and meaningful public review of, and comment on, their proposed weatherization waiver requests. The final rule adds the requirement that proposed waiver requests, and any preliminary waiver requests, be made available until at least March 15 of the fiscal year for which the waiver will be requested. As discussed earlier in this preamble, it also adds the requirement that written public comments on the proposed waiver request must be made available for public inspection upon their receipt by grantees, as must any summaries prepared of these written comments, and transcripts and/or summaries of any verbal comments made on the request at public meetings or hearings. Consistent with House of Representatives Conference Report 101–816, this public comment procedure does not require hearings. Once grantees have submitted waiver requests to HHS, copies of the entire waiver request submission must be made available for public inspection.

For example, we expect grantees to provide notification about proposed waiver requests with enough lead time to allow interested parties a reasonable period in which to comment. We also expect grantees to specify what a LIHEAP weatherization waiver request is the (or a) topic of a meeting or request for comments, rather than simply to indicate that issues of general social services interest are involved.

The final rule requires at section 96.83(c) that grantees include with their waiver requests a description of how and when the proposed waiver request was made available for timely and meaningful public review and comment, copies or summaries of public comments received, a statement of the method for reviewing public comments, and a statement of the changes, if any, that were made in response to these comments. Also, as discussed earlier in this preamble, the final rule adds the requirement that waiver requests include transcripts and/or summaries of any comments made on the request at public meetings or hearings.

Submission and Review of Waiver Requests

Requests for waiver of the weatherization maximum must be made by the grantee's chief executive officer or designee, in writing. They should be sent to the Director, Office of Community Services, Administration for Children and Families, Department of Health and Human Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447.

HHS may require additional clarification or documentation as it determines necessary to decide whether a grantee fully satisfies the appropriate waiver requirements.

We will review all requests and make a decision within a maximum of 45 days of receipt of a completed request. We expect that most requests will be handled much more quickly than this. A need for additional information from the grantee will delay the start of this time period and delay the decision.

HHS will approve all waiver requests that, in its judgment, meet all statutory and regulatory requirements for either a ''standard'' or a ''good cause'' waiver and that demonstrate adequate solicitation and consideration of public comments.

No waiver will be granted after the end of the fiscal year for which the funds are appropriated. Accordingly, waiver requests must be submitted in sufficient time before the end of the fiscal year to allow for HHS review and grantee obligation of funds that cannot be carried forward.

Effective Period

Waivers will be effective from the date of HHS's written approval until the funds are obligated in accordance with the LIHEAP statute and regulations.

A grantee that has received a waiver is not required to use the full approved amount for weatherization. If a grantee decides to use less than the approved waiver amount for weatherization, it should amend its LIHEAP plan to reflect this decision.

Funds for which a weatherization waiver is granted may be carried over to the following fiscal year, consistent with standard statutory and regulatory requirements for obligation and carryover of LIHEAP funds, and may retain their designation as funds to be used for weatherization, if the grantee so chooses. However, any carried-forward ''waiver funds'' that retain this designation may not be considered ''funds available'' or ''funds allotted'' for the purpose of calculating the maximum amount that may be used for weatherization in the succeeding fiscal year.

Section 96.84 Miscellaneous

The January 1992 interim final rule consolidated three brief regulatory provisions under section 96.84. They are: a provision relating to rights and responsibilities of territories, a provision concerning applicability of the LIHEAP statutory assurances, and a provision concerning prevention of waste, fraud, and abuse in grantee LIHEAP programs. We consolidated these provisions due to space limitations in the LIHEAP portion of the block grant regulations. Also, the

interim rule amended the provision dealing with applicability of the assurances to indicate that the new assurance 15, discussed below, which was added to the LIHEAP statute as section 2605(b)(15) by Public Law 101–501, applies to heating, cooling, and energy crisis intervention assistance.

We received no comments on this consolidation. The final rule makes no change to section 96.84.

Section 96.86 Exemption From Requirement for Additional Outreach and Intake Services

Public Law 101–501 added a new LIHEAP statutory assurance—assurance 15—to which States must certify in their applications for LIHEAP funding. Under the new section 2605(b)(15), beginning in FY 1992, States that provide outreach and intake for heating and cooling assistance and crisis situations through State departments of public welfare at the local level also must provide outreach and intake for these types of assistance through additional State and local governmental entities or community-based organizations. Examples of community-based organizations listed in the statute are not-for-profit neighborhood-based organizations, area agencies on aging, and community action agencies. In States where such entities or organizations did not administer these functions as of September 30, 1991, preference in awarding grants or contracts for intake services is to be provided to agencies that administer the low-income weatherization or energy crisis intervention programs.

Exemption of Indian Tribes, Tribal Organizations, and Some Territories

The January 1992 interim final rule established a new section 96.86 that exempted Indian tribes and tribal organizations from this requirement. This new section also exempted territories with annual LIHEAP allotments of $200,000 or less from the requirement.

In the preamble to the interim rule, we explained the reasons for this exemption. We concluded that the provision concerning alternate outreach and intake services is not appropriate to American Indian tribal grantees because of the nature of tribal governments and their relationship to their service populations. Assurance 15 refers to outreach and intake services ''offered by State Departments of Public Welfare at the local level''—that is, by entities that administer public welfare programs. The legislative history for Public Law 101–501 refers specifically to agencies that administer the Aid to Families with Dependent Children (AFDC) program. However, Indian tribes do not administer AFDC for their service populations. In accordance with Federal law and regulations, States provide AFDC assistance to eligible American Indians, including Indian people receiving LIHEAP assistance from tribes that receive direct LIHEAP funding. Indian tribes therefore do not have tribal departments or offices directly comparable to State departments of public welfare. We also noted that Indian tribes are close to their service populations. ''Tribal'' and ''local'' levels of administration generally are the same. Consequently, requiring tribes to provide for alternative outreach and intake services by additional governmental entities or community-based organizations would be inappropriate as well as inconsistent with the Federal government's policy of Indian self-determination.

We also concluded that the new provision concerning alternate outreach and intake services is not appropriate to territories with regular LIHEAP allotments of $200,000 or less annually. Experience has shown that each grantee incurs certain basic administrative costs in developing and implementing a LIHEAP program. Most territories (and tribes) receive relatively small LIHEAP allotments. We concluded that, for territorial grantees with annual LIHEAP funding of $200,000 or less, the additional resources that would be required to provide alternative outreach and intake services would increase administrative and other non-benefit costs prohibitively and would significantly reduce the heating, cooling, crisis, and/or weatherization benefits that the territory could provide. We doubted that territories with LIHEAP allotments of $200,000 or less would have the ability to provide meaningful LIHEAP benefit levels if they also were required to provide for additional outreach and intake services. The time, effort, and funds spent providing alternate outreach and intake services would be significantly out of proportion to the direct LIHEAP benefits that could be provided to eligible households.

In addition, the territories with current LIHEAP allotments of $200,000 or less that do not consolidate LIHEAP funds under other programs pursuant to Public Law 95–134, commonly referred to as the Omnibus Territories Act, administer LIHEAP entirely at the central territorial level. Because of their relatively small populations, they do not have separate local administering agencies. We concluded that a requirement for alternative local agencies would be inappropriate under these circumstances.

This means that at current LIHEAP funding levels, all territories except the Commonwealth of Puerto Rico are exempt from this provision. The allotments of the territories in FY 1994, under the regular LIHEAP appropriation of $1.437 billion, range from $14,937 to $68,807 for all territories except Puerto Rico, whose allotment is $1,708,030.

We received one comment, from a tribal organization, supporting the exemption of tribal and small territorial grantees from this requirement. We received no comments opposing the exemption.

Consistent with our previously stated rationale and with this comment, we are continuing to exempt Indian tribes and tribal organizations, and territories with annual regular LIHEAP allotments of $200,000 or less, from the requirement of section 2605(b)(15) of the LIHEAP statute, as amended.

Although these tribal and territorial grantees are exempt from this requirement for additional outreach and intake services, they are still subject to the requirements in section 2605(b)(3) of the LIHEAP statute—assurance 3—concerning outreach. Under this assurance, all grantees must ''conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of'' LIHEAP and similar energy-related assistance.

Other Comments and HHS Responses

The interim final rule provided guidance to States on interpretation and implementation of the requirement for additional outreach and intake services. The interim rule's preamble noted that grantees had requested such guidance and that Senate Report 101–421 said that HHS is expected to provide guidance on compliance with this requirement.

However, we did not provide detailed requirements on interpretation and implementation in the regulation itself. The preamble stated:

> ''As the original block grant regulations and preamble explain, consistent with statements of congressional intent, the Department's philosophy on block grants is that grantees are to be given as much flexibility as possible to implement the programs in their own jurisdictions. We will accept a grantee's interpretation of a statutory requirement unless the interpretation is clearly erroneous.
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> ''We will review the grantees' compliance with the appropriate legislative and regulatory requirements in carrying out our

responsibilities to conduct LIHEAP compliance reviews, application reviews, complaint investigations, and resolution of audit findings. However, consistent with the block grant philosophy, we are not publishing Federal rules on how the requirement for additional outreach and intake services must be implemented by grantees, except to specify that it does not apply to Indian tribes and tribal organizations or to territories receiving $200,000 or less in annual LIHEAP allotments. This is also consistent with our regulatory treatment of other application assurances required by the statute.''

We received nine comments on the statutory and regulatory provisions relating to the requirement for additional outreach and intake services (including the comment from a tribal organization mentioned previously).

Comments and Response

Two of the commenters were members of Congress who requested a specific rule to explicitly implement assurance 15. Another letter supported a rule that would include definitions of a number of terms relating to this assurance.

We continue to believe that it would be inconsistent with the block grant philosophy as expressed in law and legislative history to publish Federal rules mandating specific ways in which States must implement this statutory requirement. The LIHEAP statute specifies in section 2605(b), which contains the assurances: ''The Secretary may not prescribe the manner in which the States will comply with the provisions of this subsection.''

Another commenter believed that States might take assurance 15 ''less seriously because it is not included in the regulations themselves.'' However, the statute is paramount. Further, the chief executive officer of each State must certify that the State agrees to these assurances. Federal regulations are not intended simply to repeat the law. It is consistent with our treatment of the LIHEAP statute's other assurances—which are as important as assurance 15—not to issue regulations mandating specific ways in which grantees must implement them.

We will continue to carry out our responsibilities to help assure that grantees comply with the statute. We review grantees' compliance with the statutory assurances when we conduct compliance reviews (including reviews for compliance purposes of funding applications), and when we resolve audit findings and complaints. Public Law 103–252 (the Human Services Amendments of 1994) amends the LIHEAP statute to require that States include in their LIHEAP applications a description of how they will carry out assurance 15; this will help us in our monitoring. We resolve grantee failure to comply with the statute through appropriate enforcement proceedings. If we find while carrying out our compliance responsibilities that several grantees have misunderstood a statutory provision, it may be appropriate for us to clarify by regulation, as we did in October 1987 regarding the applicability of assurance 9's administrative cost requirements to subgrantees and contractors as well as to grantees.

Comment and Response

One of the congressional commenters said that the final rule should contain ''strong regulation'' stating that alternative outreach and intake ''must be performed in a professional manner, with strict contract standards for agency accountability and paid for as part of the administrative or program expenditures of the LIHEAP program.''

We agree that the requirements of assurance 15 must be carried out by States and by entities and persons acting on their behalf in a competent manner, by qualified agencies with effective standards for accountability. This is the case for all of the LIHEAP statutory assurances. In applying for Federal LIHEAP funds, the State has specifically assured the Federal government that it will carry out all of these assurances. In accepting Federal LIHEAP grant funds, the State has made a commitment to follow the requirements of all applicable Federal laws and regulations.

However, we do not believe that assurance 15 requires that alternative outreach and intake be ''paid for as part of * * * the LIHEAP program''—i.e., always provided as a paid LIHEAP function or activity and never provided on an unpaid, voluntary basis. The LIHEAP statute does not specify that alternative outreach and intake must be provided on a paid basis. And, as previously stated, the statute specifies that HHS ''may not prescribe the manner in which the States will comply'' with the assurances. Further, we believe that the legislative history assumes that alternative outreach and intake provided by appropriate entities/organizations on an unpaid, voluntary basis will meet the assurance's requirements. Conference Report 101–816 specifies that if States ''are already offering alternate intake sites in some areas, this section does not require them to modify their system of program management in those areas.'' Senate Report 101–421 indicates that, if alternative services previously were provided voluntarily, providers should continue to maintain comparable levels of efforts voluntarily, stating that ''local entities now providing such [outreach and intake] services voluntarily are expected to maintain comparable levels of effort in addition to the new activities which may be contracted to them pursuant to this provision.'' As we stated in the preamble to the interim rule, assurance 15 should not be used as a basis for reducing voluntary efforts.

While the law does not require that alternative outreach and intake be provided by entities or organizations ''paid * * * as part of the * * * expenditures of the LIHEAP program,'' States should not attempt to compel local entities/organizations to provide these services on an unpaid basis. Many—if not most—such entities do not have the resources to provide LIHEAP outreach and intake without appropriate payment. While we support the use of volunteer outreach and intake when appropriate, our guidance is not intended to encourage States to require local agencies to provide these services at no cost to the State. The Senate report says that ''State LIHEAP programs are expected to use LIHEAP administrative funding for any additional LIHEAP activities required by this section, rather than relying on other federal funds in local agencies.'' (We have found that grantees' classification of certain outreach functions—such as energy conservation education—as non-administrative is not clearly erroneous.) Also, if an alternative governmental entity or community-based organization freely—without pressure or coercion—agrees to provide additional outreach and/or intake services without charge, we believe that assurance 15 does not require the grantee to pay it for providing these services.

Comments and Response

Several commenters indicated that the discussion in the interim rule's preamble on the participation of utilities and other home energy vendors in LIHEAP outreach might imply that these vendors could be considered ''community-based organizations'' whose participation in LIHEAP outreach and/or intake could meet assurance 15's requirement for additional outreach and intake. These commenters said that utilities and other vendors are not community-based organizations. One letter rejected ''the notion that low-income clients may be given a choice by the State of applying for LIHEAP at the AFDC office or at the office of their creditor, the utility, to whom they would be required to submit income documentation for scrutiny.'' Another noted that vendors' relationships with their clients ''can be adversarial''—

clients may need to bargain with their vendors over payment agreements, arrearage payments, etc. ''They may even have to resolve disputes in a regulatory setting. * * * In these circumstances, the confusion between access to the program and contact with a creditor that could be created by vendor outreach and intake may discourage the very expansion of access that the law intends to encourage.'' Two commenters asserted that '' community-based organizations'' must be nonprofit local agencies/organizations.

We continue to encourage cooperation between grantee LIHEAP programs and home energy vendors, and use of vendors to provide LIHEAP outreach as appropriate. But upon further reflection, we agree with these commenters that outreach and/or intake provided by home energy vendors, including utility companies, does not meet assurance 15's requirement for additional outreach and intake services. We agree that the issues with respect to vendors' status as creditors are significant. In addition, ''community-based organization''—historically a ''term of art'' used in Federal anti-poverty programs—generally refers to nonprofit entities; utilities and other home energy vendors generally are for profit. (For example, regulations for the former Community Services Administration at 45 CFR 1076.50–1(c) defined ''community-based organization'' as ''a cooperative or private nonprofit organization at least 50 per centum of whose governing body is composed of local area residents.* * *'')

Comment and Response

A commenter believed that ''the statute required States to ensure that all interested organizations, including vendors, engage in outreach. * * *'' The statute requires that, ''in addition to'' outreach and intake offered by State public welfare departments at the local level, there must be outreach and intake for heating, cooling, and crisis assistance ''that is administered by additional State and local governmental entities or community-based organizations. * * *'' Comparable levels of outreach and intake services should be provided for welfare and non-welfare households and, if feasible, States should use a number of different service providers. However, we do not believe that the statute requires States to ensure that ''all interested organizations * * * engage in outreach.''

Comments and Response

A commenter believed that intake functions were ''appropriately described in the guidance.'' Another commenter thought that intake might be ''too narrowly defined, given the legislative history.'' The statute does not define or otherwise indicate what ''intake'' includes; both the conference report and the Senate report refer to ''intake or application processing.'' The interim rule's guidance noted functions that are ''generally'' included as intake (receipt of applications for assistance and the opportunity for applicants to provide any missing information for their applications). It also noted that States have ''the discretion to choose whether to include'' certain other functions (income determination and verification, and preliminary eligibility or benefit determination). We continue to believe that it is appropriate for grantees to have this degree of flexibility in defining the term—that they should not be required to include all application processing tasks as part of ''intake.''

Comments and Response

A State noted that mail-in applications can be acceptable for intake and recommended a similar accommodation for outreach. Information sent by mail about LIHEAP can be an effective part of a grantee's outreach effort. However, outreach by mail will not by itself meet the requirement for alternate outreach services. Many low-income households would not be reached, or adequately served, by outreach-by-mail. As the Senate report explains, outreach efforts should be varied and targeted to the different populations eligible for LIHEAP assistance—such as welfare households, non-welfare households, and the elderly—''to assure that these households have an effective way to learn about the program and how to apply for benefits.''

The same State recommended that if ''the local welfare office has an established local advisory board represented by those agencies that are listed [in assurance 15] as potential alternative sites, that the outreach requirement is met.'' However, assurance 15 requires more than participation in an advisory or other board by alternate agencies. It specifically requires that alternative outreach and intake functions be ''administered by additional State and local governmental entities or community-based organizations,'' and is intended to provide information directly to low-income individuals, not just to other agencies.

The State also proposed that a phone-in intake process for households experiencing an energy crisis be considered to meet the statutory requirements for crisis assistance. In some circumstances, receiving a telephone call by a household experiencing an energy crisis would be an appropriate and effective first step as intake, although information on the crisis and the household's eligibility would need to be verified. However, some low-income households do not have a telephone or reasonable access to a telephone that they can realistically use, and section 2604(c) of the LIHEAP statute specifically requires each entity that administers LIHEAP crisis assistance to accept crisis assistance applications ''at sites that are geographically accessible to all households in the area.''

A commenter believed that the interim rule's preamble guidance might ''inadvertently encourage'' welfare departments ''to conduct exclusively mail-application intake.'' The guidance is not intended—and should not be interpreted—as encouragement for exclusively mail-application intake.

Comments and Response

Two States objected to the requirements of assurance 15. One objected to the increased expenditures needed to provide additional outreach and intake—with reduced funds therefore available for benefits. The State said that the ''effort and funds spent'' to provide additional services ''would be significantly out of proportion to the direct benefits that could be provided to eligible households.'' Another State defended its effectiveness in reaching nonwelfare households and objected ''to the use of limited funding to replicate a function already being administered timely and effectively.'' The State believed that it would be extremely difficult to meet the requirement in section 2604(c) of the LIHEAP statute that assistance to resolve an energy crisis be provided within 48 hours of an eligible household's application for crisis assistance. This grantee requested that assurance 15 be deleted, or waived for grantees ''already serving a broad based population.''

Only Congress can ''delete'' a statutory provision, and HHS does not have authority to waive statutory requirements for States. The conference report states that the conferees ''recognize the potential for significantly increased administrative expenses for some states to comply with the new alternative site requirements, and intend to monitor possible effects on the program and recipients.''

Guidance Regarding Additional Services

The preamble to the January 1992 interim final rule included guidance

with respect to section 2605(b)(15) of the LIHEAP statute. With modifications and clarifications contained in the preamble to this final rule, that guidance is still effective and is included as the remainder of this final rule's preamble discussion of section 96.86 of the block grant regulations and of assurance 15.

The requirement for additional outreach and intake services applies to States (including the District of Columbia) and to any territory with a LIHEAP allotment larger than $200,000 for the fiscal year in question, when local offices of the grantee department or agency that administers AFDC or the territorial equivalent basic cash public assistance program(s) provide outreach and intake for heating, cooling, and/or crisis assistance in all or part of the State or territory. The requirement applies in these cases whether or not that department or agency is named ''State Department of Public Welfare'' or ''Department of Public Welfare.''

The requirement applies whether or not the department or agency provides some of these services outside its own offices. Section 2605(b)(15) requires that grantees ''provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations.* * *.'' The provision does not refer to the locations where the welfare department provides services. Therefore, stationing a welfare department employee at a shopping mall, for example, will not meet the requirement of this provision.

Consistent with Conference Report 101–816, if grantees are already offering alternative services in some areas, they are not required to modify their system in these areas. Consistent with Senate Report 101–421, ''a reasonable share'' of outreach and intake functions is to be administered through alternative agencies, assuring that, to the extent possible, all eligible households in the grantee's service population will have viable access to alternative service sites. However, consistent with this Senate report, if the grantee finds no alternative in an area or areas after engaging in an open solicitation process, the grantee is not required to create new entities. (In such a case, the grantee would not be required to solicit for alternate agencies each succeeding year. However, periodic assessment of the situation will enable the grantee to determine when further solicitation is likely to provide an alternative and is therefore appropriate.)

Also consistent with the Senate report, if such services previously were provided voluntarily, providers should continue to maintain comparable levels of effort voluntarily. The new requirement should not be used as a basis for reducing voluntary efforts. Neither should it be used to compel or require voluntary efforts.

Consistent with the legislative history, we encourage the voluntary participation of community groups and organizations, including churches, and of utilities and other home energy vendors, in outreach activities. Such entities often have excellent knowledge of and access to low-income households who may need LIHEAP assistance. However, as explained earlier in this preamble, utilities and other home energy vendors are not ''community-based organizations'' for the purposes of the requirement of section 2605(b)(15) for outreach and intake services provided by ''additional State and local governmental entities or community-based organizations. . . .''

In order to meet the requirement for alternative outreach and intake services, the statute specifies that the alternative service providers must be State or local governmental entities or community-based organizations. Senate Report 101–421 mentions public or nonprofit agencies including other State or local government agencies, and community-based organizations such as community action agencies and aging organizations.

The Senate report emphasizes the importance of providing sufficient access to the LIHEAP program to the non-welfare poor and the elderly, through additional outreach efforts and appropriate intake locations. Grantees should provide varied outreach efforts targeted to the different populations eligible for LIHEAP assistance. Further, grantees should consult with low-income individuals and other interested parties to determine the best ways to implement the requirement for additional outreach and intake services. As a commenter stated, the intention of assurance 15 is ''to broaden the access and availability of LIHEAP services to those who are eligible but are not part of the welfare system'' and ''to give preference for intake functions to those agencies that provide weatherization and/or crisis assistance.'' Agencies with experience in successfully managing similar Federal grant programs should be used when feasible.

The term ''intake'' generally includes receipt of applications for assistance and the opportunity for applicants to provide any missing information that is needed to complete their applications. Each grantee has the discretion to choose whether to include income determination and verification responsibilities, and preliminary eligibility or benefit determination, as ''intake.'' The conference report states that the ''conferees believe that intake or application processing'' is ''best provided by experienced service providers with approved federal and state grant management systems.''

If a mail-in application system administered by a welfare department is used for a grantee's heating and/or cooling assistance programs, and if it is not necessary to designate local administering agencies to carry out intake for these components, then there is no need under section 2605(b)(15) to designate other State and local governmental entities or community-based organizations to carry out intake for these components. In such a case, the grantee should assure that help is readily available to households that are unable to prepare and/or mail their applications without such assistance. Also, grantees should not change to a system of mail-in applications in order to avoid designating additional local intake agencies.

Section 2604(c) of the LIHEAP statute requires each entity that administers energy crisis assistance ''to accept applications for energy crisis benefits at sites that are geographically accessible to all households in the area to be served'' by the entity and to provide to physically-infirm low-income persons the means to submit applications for energy crisis benefits without leaving their residences or to provide the means to travel to the sites at which the entity accepts applications. The statute thus requires that there be energy crisis intake sites and services at the local level. Therefore, intake for crisis assistance provided solely by welfare departments will not meet the requirement in section 2605(b)(15) concerning additional intake services at the local level. Also, telephone intake can be part of a State's intake process but will not by itself meet the statutory requirements for intake services.

It is our experience that outreach normally is provided through local administering agencies, and therefore additional outreach services would be necessary if outreach currently is provided at the local level only through the welfare department.

In enacting the requirement that additional outreach and intake services be provided in certain cases, Congress has emphasized the importance of adequate and appropriate outreach and intake functions in grantee LIHEAP

programs. Congress also has specifically limited the amount of Federal funds that can be used for costs of LIHEAP administration and planning to 10 percent of the funds payable to a State and not transferred to another HHS block grant program (section 2605(b)(9) of the LIHEAP statute). (The block grant regulations provide somewhat higher administrative cost limits for Indian tribes, tribal organizations, and territories.) As we stated in the preamble to the block grant regulations of July 6, 1982, ''The consistent imposition of limits upon administrative expenditures under the various block grants is indicative of congressional intent that States devote a very high percentage of their block grant funds to direct payments or services'' (47 FR 29477). Grantees should make every effort to provide the maximum amount of direct LIHEAP assistance to low-income households, consistent with the provision of adequate support services.

Although grantees subject to the new requirement may categorize some of their additional outreach expenses as non-administrative, many of the additional costs will be administrative. Some grantees may have difficulty providing additional outreach and intake services and remaining within the statutory limitation on use of Federal funds for costs of LIHEAP planning and administration. These grantees, in particular, may need to examine all of their LIHEAP activities and costs to determine ways to increase efficiency, to encourage voluntary efforts, and to use their own funds to supplement Federal LIHEAP funds. HHS does not have authority to waive the statutory limitation on administrative costs. The requirement for additional outreach and intake services does not relieve grantees of the need to comply with this statutory limitation.

Consistent with Conference Report 101–816, HHS used FY 1992 LIHEAP training and technical assistance funds to help thirteen States that previously had provided outreach and intake solely through their public welfare departments, to make the transition required by assurance 15.

Although this preamble modifies and clarifies some of the guidance regarding assurance 15, the final rule makes no change to section 96.86 of the block grant regulations.

Section 96.87 Leveraging Incentive Program

Public Law 101–501 added a new section 2607A to the LIHEAP statute, establishing a leveraging incentive program, and amended section 2602 of the LIHEAP statute, authorizing funds for this program. Under the leveraging incentive program, beginning in FY 1992, HHS may allocate supplementary LIHEAP funds—leveraging incentive funds—to grantees that have acquired non-Federal leveraged resources and use these non-Federal resources to expand the effect of Federal LIHEAP dollars.

The interim final rule published January 16, 1992, added a new section 96.87 to the block grant regulations to implement the leveraging incentive program. Consistent with the requirements of section 2607A, the interim final rule included requirements for countable leveraged resources and for calculation and documentation of the value of leveraged resources, submission of leveraging reports to HHS, calculation of grantee shares of leveraging incentive funds, and use of leveraging incentive funds.

Discussing the leveraging program, Senate Report 101–421 notes that, ''if the LIHEAP program uses its purchasing power (or 'leverage') to acquire the full economic value of its resources, it can acquire substantial additional energy assistance resources and services for the poor from state energy market sources.'' This report lists the following examples of leveraged resources: ''state-appropriated funds, quantifiable payments, discounts, credits, energy conservation improvements or other measurable benefits to eligible households in excess of the energy that could be purchased by the LIHEAP program at commonly available residential rates.''

All LIHEAP grantees—States (including the District of Columbia), Indian tribes, tribal organizations, and territories—may participate in the leveraging incentive program. Grantees are not required to participate in the leveraging program. We encourage grantees to leverage additional resources to supplement their Federal LIHEAP funds, whether or not they choose to request leveraging incentive funds.

Leveraged resources are counted in the ''base period'' in which their benefits were provided to low-income households. For example, grantee funds added to the LIHEAP program are countable only when the benefits they pay for—such as heating assistance payments or weatherization services—are provided to or on behalf of low-income households.

Under the statute's terms, grantees that want to apply for leveraging incentive funds must submit a report to HHS that quantifies the grantee's leveraged resources for the preceding fiscal year (the base period), less any costs incurred by the grantee to leverage the resources and any costs imposed on federally eligible households. Leveraging incentive funds to reward these leveraging activities are awarded in the fiscal year following the fiscal year in which the leveraged resources/benefits were provided to low-income households. In other words, they are awarded later in the fiscal year in which the leveraging reports are submitted, after HHS has reviewed the reports, adjusted claimed resources and their valuation as appropriate, and calculated leveraging incentive grant amounts. The leveraging incentive program's first ''base period'' was FY 1991, and its first ''award period'' was FY 1992; leveraging activities in FY 1991 were the basis for the leveraging incentive grant awards HHS made in FY 1992. Section 2607A of the LIHEAP statute requires that grantees use leveraging incentive funds awarded to them only ''for increasing or maintaining benefits to households.''

As the interim rule's preamble explained, consistent with the block grant legislation and legislative history, HHS' policy generally is to provide maximum flexibility to grantees to operate their LIHEAP programs. Grantees are the primary interpreters of the LIHEAP statute and the primary administrators of the LIHEAP program. However, grantees apply ''competitively'' to HHS for shares of a limited amount of leveraging incentive funds. Shares are determined based on reports submitted by grantees which describe, and quantify the value of, the resources they have leveraged. It is therefore necessary that all grantees applying for leveraging inventive funds use the same rules. There must be standard criteria and methods for determining the resources that are countable under the leveraging incentive program and for quantifying the value of these resources. In the interim rule and in this final rule, we have tried to make these criteria and methods as clear and fair as possible, within the limits of the statute and legislative history.

Public Comments, HHS Responses, and Changes: Section-by-Section Discussion

Twenty-four of the 25 letters we received on the interim final rule included comments on the leveraging incentive program. Several of the commenters addressed the interim rule and its preamble in general. For example, one believed that the complex statutory instructions for the leveraging program require the implementing regulation to be ''instructive yet flexible'' and said that the interim rule ''generally meets these sometimes

conflicting purposes in an understandable and common-sense fashion.'' Another appreciated HHS' philosophy of keeping the rules for the leveraging program ''within the spirit of a block grant.'' A third supported HHS' decision to exempt grantees' use of leveraging incentive funds from some requirements that apply to regular LIHEAP funds.

Most comments concerned specific leveraging provisions. These comments, and our responses, are discussed below under the appropriate headings.

The section and subsection headings are essentially the same in the interim final rule and the final rule. While we made some substantive changes, we retained the structure and most of the content of the interim rule. We made some nonsubstantive changes for clarity and consistency, as well. The changes are based on the public comments on the interim rule and on our experience in operating the leveraging incentive program under the interim rule.

Scope and Eligible Grantees

Subsection (a) of § 96.87 of the interim final rule explained that § 96.87 concerns the leveraging incentive program authorized by section 2607A of the LIHEAP statute. We received no comments on this statement of the scope of the section, and we retained it in the final rule in a new paragraph (1) under § 96.87(a).

After the comment period on the interim rule, we received an informal comment from a tribal grantee about entities eligible to receive leveraging incentive funds. A tribal organization and its member tribes had leveraged resources while the organization received direct regular LIHEAP funding on the tribes' behalf; the tribes wanted to apply for their own direct regular funding—and the leveraging incentive funds to reward the leveraged resources—in the next fiscal year. However, the preamble to the interim rule stated that, in order to receive leveraging incentive funds, ''grantees must receive regular LIHEAP block grant funding directly from HHS in both the 'base' year for which their leveraging activities are reported and the 'award' year for which leveraging incentive funds are requested'' (57 FR 1965). We agree with the tribal grantee that credit for leveraging should be ''portable'' when a tribe enters or leaves a tribal organization when certain conditions are met—for example, a bribe or tribal organization that applies for leveraging incentive funds also must apply for and receive direct regular LIHEAP funding in the award period in order to receive incentive funds. We do not want to require tribes to continue existing administrative relationships in order to qualify for incentive funds. We modified the statement of entities eligible for leveraging incentive funds accordingly and added the revised statement in a new paragraph (2) under § 96.87(a) in the final rule itself, for clarity and because of its importance.

Under the revised statement, if a tribe leveraged resources while receiving regular LIHEAP services under a directly-funded tribal organization in the base period, and then receives direct regular LIHEAP funding on its own in the award period, the tribe is eligible to receive leveraging incentive funds to reward these resources in the award period. If a tribe leveraged resources while receiving direct LIHEAP funding in the base period and receives LIHEAP services under a tribal organization in the award period, the tribal organization is eligible to receive leveraging incentive funds on the tribe's behalf to reward these resources in the award period. If a directly-funded tribal organization leveraged resources in the base period and one or more of the tribes it had served apply for direct funding in the award period, the tribes and/or the tribal organization should inform HHS in writing about the desired fair and appropriate distribution of leveraging incentive funds in the award period. If the tribes and/or the tribal organization are unable to agree, HHS will determine the distribution of the incentive funds among eligible applicants based on the comparative role of each entity in obtaining and/or administering the resources, and/or their relative numbers of LIHEAP-eligible households.

Definitions

Section 96.87(b) of the interim final rule defined five terms used in the leveraging incentive program. We received no comments on four of the definitions—of ''base period,'' ''home energy,'' ''low-income households,'' and ''weatherization.'' These definitions remain substantively unchanged in the final rule.

We received several comments relating to the fifth definition—''countable petroleum violation escrow funds.'' These comments, and the changes we made in response, are discussed later in this preamble, under ''Countable Leveraged Resources and Benefits'' and ''Leveraging Issues Relating to Tribal Grantees.''

We added two definitions in the final rule—of ''award period'' and ''countable loan fund.'' We defined ''award period'' because—like ''base period,'' which already was defined in the interim rule—''award period'' is an important and basic term whose meaning must be clear. Countable loan funds and issues related to them are discussed later in this preamble, under ''Countable Leveraged Resources and Benefits'' and ''Resources and Benefits That Cannot Be Counted.''

LIHEAP Funds Used To Identify, Develop, and Demonstrate Leveraging Programs

Section 96.87(c) of the interim final rule and of this final rule concern LIHEAP funds used to identify, develop, and demonstrate leveraging programs.

Section 2607A(c)(2) of the LIHEAP statute provided that, each fiscal year, States may spend up to the greater of $35,000 or 0.0008 percent of their funds allocated under the LIHEAP statute to identify, develop, and demonstrate leveraging programs. Consistent with § 96.87(g)(5) of the interim rule, in grantees' leveraging reports to HHS, all funds from grantees' regular LIHEAP allotments that are used under the authority of section 2607A(c)(2) to identify, develop, and demonstrate leveraging programs are to be deducted as offsetting costs in the base period in which these funds were obligated, whether or not there are any resulting leveraged benefits.

As we noted in the interim rule's preamble, 0.0008 percent of the largest FY 1991 State LIHEAP allotment was approximately $1,700; clearly $35,000 was the larger in all cases, and $35,000 would be the larger under all foreseeable LIHEAP appropriation levels. Therefore, we determined that if the language were carried out as written, the result would appear to be illogical and inconsistent with reason. We concluded that the figure 0.0008 percent resulted from a typographical error and that 0.0008 was intended to be the actual factor by which the State's allotment is multiplied, rather than the percent. (When calculating 0.08 percent of a State's allotment, one multiplies the allotment by the factor 0.0008.) In the interim final rule, we clarified that the figure is 0.08 percent. This interpretation provided a meaningful result, since 0.08 percent of the FY 1991 State LIHEAP allotments ranged from approximately $1,200 for the State with the smallest allotment to $170,000 for the State with the largest allotment; $35,000 was the larger in some cases, and 0.08 percent was the larger in other cases. We received one comment agreeing with this interpretation and none disagreeing.

Since then, the Human Services Amendments of 1994 (Public Law 103–252) confirmed our interpretation and

corrected the percent in the LIHEAP statue, which now says ''0.08 percent.'' We kept this same, corrected figure in the final rule.

Comments and Response

In the interim rule we also determined that $35,000 would be a disproportionate amount for most tribes, tribal organizations, and territories to spend annually to identify, develop, and demonstrate leveraging programs. (As the preamble noted, FY 1991 tribal allotments ranged from approximately $1,100 to $1,038,000; the allotments of 84 of the 115 tribal grantees were under $100,000. FY 1991 territorial allotments ranged from approximately $15,000 to $1,711,000; the allotments of five of the six territorial grantees were under $100,000.) The interim rule therefore limited to two percent of their annual LIHEAP allotments the amount that these grantees may spend each fiscal year for these purposes. This is approximately the same percent as the territory with the largest allotment would have spent if it had used $35,000 of its FY 1991 allotment for these purposes ($35,000 divided by $1,711,284 equals 0.0204524 or 2.04524 percent).

We received no written comments on this provision. Several tribal grantees have told us informally, however, that they believe that the two percent limit is too low.

For most tribes and territories, we believe that two percent is a realistic amount to use for these purposes. We recognize, however, that two percent of the smallest allotments will provide very little. For example, two percent of $2,500 is only $50. Therefore, in response to the concerns of small tribal grantees, the final rule provides that tribes, tribal organizations, and territories may use up to the greater of two percent, or $100, of their annual LIHEAP allotments, specifically to identify, develop, and demonstrate leveraging programs. (For tribal organizations receiving LIHEAP funds on behalf of two or more tribes, the base to which the two percent and $100 are applied is the tribal organization's total regular LIHEAP allotment, not the separate ''allotments'' of the individual tribes that designated the tribal organization to administer LIHEAP for them.) For grantees with allotments under $5,000, $100 is the larger and will provide a usable amount. (In FY 1992, 22 of the 120 tribal grantees, and no territorial grantees, had LIHEAP allotments under $5,000.) To allow use of more than the greater of two percent or $100 for these purposes—in addition to LIHEAP funds that can be used for planning and administration—would adversely affect the grantee's ability to provide home energy assistance with its LIHEAP funds, which is the basic purpose of the LIHEAP program. We also note that the leveraging reports covering FY 1991, FY 1992, and FY 1993 leveraging activities show that most grantees used no LIHEAP funds to identify, develop, or demonstrate leveraging. Only two tribal grantees have reported using LIHEAP funds to develop leveraging. Only seven of the 63 grantees that received leveraging incentive funds for their FY 1992 leveraging activities said they used any LIHEAP funds for this purpose; only two of the seven used the maximum amount allowed.

Related Issues

The 0.08 percent maximum for States, and the two percent/$100 maximum for tribes, tribal organizations, and territories, are based on and apply to the grantee's funds allocated under the LIHEAP statute. For the purpose of this provision, we defined this in the interim rule to mean the grantees' Federal LIHEAP allotments, including supplemental funds except leveraging incentive funds. We received no comments on this definition and have retained it in the final rule. Grantees may spend additional monies from their own funds or other sources as appropriate, to identify, develop, and demonstrate leveraging programs.

LIHEAP block grant funds that are used to identify, develop, and demonstrate leveraging programs are likely to support both planning and administrative activities and costs, and non-planning, non-administrative (''program'') activities and costs. The interim rule stated that LIHEAP funds used under section 2607A(c)(2) of the LIHEAP statute to identify, develop, and demonstrate leveraging programs are not subject to the statute's limitation on the maximum percent of Federal funds that grantees may use for costs of planning and administration. As we stated in the interim rule's preamble, we believe that, if these funds were subject to the limitation, it would be a disincentive to grantees to develop leveraging programs. However, Congress established the leveraging incentive program to encourage—to provide an incentive to—grantees to leverage funds. We therefore concluded that LIHEAP funds used under section 2607A(c)(2) should be available in addition to the regular LIHEAP planning and administration limits. We received one comment supporting this decision. We have retained this provision in the final rule.

In addition to the maximum set by § 96.87(c) specifically for identifying, developing, and demonstrating leveraging programs, a grantee may find that part of the LIHEAP funds it spends for planning and administrative costs also have the effect of helping to identify, develop, and/or demonstrate leveraging programs. Since these are valid LIHEAP planning or administrative activities, paid for from the portion of a grantee's LIHEAP block grant funds that can be used for planning and administration, they are not subject to the 0.08 percent/$35,000 limit for States or the two percent/$100 limit for tribes/territories set by section 96.87(c). Thus, a grantee could, in effect, use somewhat more than the maximum 0.08 percent/$35,000 or two percent/$100 set specifically for identifying, developing, and demonstrating leveraging. This option is available to all LIHEAP grantees.

Comment and Response

A commenter said that, because these funds ''are coming out of program funds'' and do not count against the statutory limit on Federal funds used for LIHEAP administration and planning, HHS should request itemization of how they are spent. The commenter said that ''[w]ithout this information, neither Congress nor advocates will have any sense of how these additional non-benefit, non-administrative funds will have been used.'' However, we have no indication that Congress wants HHS to collect and report this information, and we do not believe that we need to impose such an information collection and reporting burden on grantees in order to assure program accountability. We therefore decline to accept this suggestion. We do not require grantees to specify how they use their LIHEAP planning and administrative funds, and we are not requiring them to specify how they use their LIHEAP leveraging development funds. Consistent with the block grant philosophy and Federal paperwork reduction efforts, the only reports that LIHEAP grantees are required to submit are those that provide information necessary to meet requirements in the LIHEAP statute and the Single Audit Act. The LIHEAP leveraging report form and our voluntary LIHEAP telephone survey of States provide data on the amount—if any—that grantees spend to identify, develop, and demonstrate leveraging. We will check further on these activities when carrying out our compliance responsibilities—for example, when we conduct compliance reviews.

Basic Requirements for Leveraged Resources and Benefits

Based on the provisions of section 2607A of the LIHEAP statute, § 96.87(d) of the regulation sets basic requirements for leveraged resources and benefits.

Information and Comment on Basic Requirements, Paragraph (1)

In the interim rule, paragraph (1) of § 96.87(d) listed four criteria, all of which had to be met by countable leveraged resources/benefits.

The first two criteria under paragraph (1) implement requirements in section 2607A of the LIHEAP statute. They require that countable leveraged resources/benefits be from non-Federal sources, and be provided to the grantee's LIHEAP program or to federally qualified low-income households. We received no comments on these criteria; they remain the same in the final rule.

In accordance with the LIHEAP statute, leveraged resources that are provided to households that do not meet the Federal eligibility standards in section 2605(b)(2) of the statute cannot be counted under the leveraging incentive program. Federally qualified (federally eligible) low-income households are:

- Households with incomes that do not exceed the greater of 150 percent of the poverty level for their State, or 60 percent of State median income; and
- Households in which one or more individuals receive Aid to Families with Dependent Children, Supplemental Security income payments, food stamps, or certain need-tested veterans' and survivors' payments (payments under sections 415, 521, 541, or 542 of title 38 of the U.S. Code or section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978).

If a countable leveraging program/activity provides benefits to both federally eligible households and households that do not meet Federal eligibility standards, the grantee should report only the benefits for households that are federally eligible.

The LIHEAP statute allows grantees to set eligibility standards for their LIHEAP programs that are more restrictive than these Federal maximums. The statute permits grantees to set their LIHEAP programs' income eligibility standard as low as 110 percent of the poverty level. The statute also permits grantees to decide whether to have categorical eligibility for their LIHEAP program and, if so, to decide which of the programs listed above to include. State eligible (State qualified) households are households that meet the eligibility requirements set by a State for its LIHEAP program. A grantee may claim leveraged resources provided to federally eligible households even if the grantee set lower eligibility standards for its LIHEAP program, provided the resources meet all the other statutory and regulatory requirements.

Criterion (iv) under paragraph (1) implements section 2607A(b)(1) of the LIHEAP statute. Section 2607A(b)(1) states that countable leveraged resources/benefits must ''represent a net addition to the total energy resources available to State and federally qualified households in excess of the amount of such resources that could be acquired by such households through the purchase of energy at commonly available household rates.'' The interim rule's preamble noted that this language could be interpreted to limit countable leveraged resources to energy credits and fuels purchased at discounted prices—to mean, for example, that a grantee could not count leveraged donated funds used to pay low-income households' actual fuel costs at normal rates, because there would be no net addition to the resources these households could acquire at ''commonly available household rates,'' or that a grantee could not count tangible non-fuel items purchased at discounted prices. We did not adopt this narrow interpretation in the interim rule. In criterion (iv) under paragraph (1) in the interim rule, we clarified the statutory language to state that countable leveraged resources and benefits must ''represent a net addition to the total home energy resources available to low-income households in excess of the amount of such resources that could be acquired by these households through the purchase of home energy, or the purchase of items that help these households meet the cost of home energy, at commonly available household rates or costs, or that could be obtained with regular LIHEAP allotments provided under section 2602(b) of Public Law 97–35. . . .''

We received one comment on this regulatory provision. The commenter believed that the provision ''is consistent with the overall intent'' of the statutory leveraging provisions. We retained the same language in the final rule.

Changes and recommendation

Based on our experience in operating the leveraging program, we added a fifth criterion to § 96.87(d)(1) in the final rule, specifying and clarifying that countable resources/benefits must meet the requirements for leveraged resources and benefits throughout § 96.87 of these regulations and section 2607A of the LIHEAP statute. This is to assure consistent understanding and prevent confusion about the fact that the criteria in § 96.87(d) are not the only requirements for countable leveraged resources/benefits. We also added the word ''basic'' to the heading for this section—''Basic requirements for leveraged resources and benefits''—to underscore this point.

The third criterion under § 96.87(d)(1) states that countable resources/benefits must be measurable and quantifiable in dollars. We made no change to this criterion in the final rule. However, based on our experience in operating the leveraging program, we encourage grantees to consolidate similar resources in their leveraging reports, so that each counted resource has a gross dollar value of $200 or more as determined in accordance with § 96.87(g). Several grantees have included in their leveraging reports separate resources valued at only $10 or $20. Disproportionate amounts of time and effort are spent preparing and reviewing information on such small resources. We therefore urge grantees to consolidate similar resources in their leveraging reports, especially resources valued at under $200, into combined resources valued at $200 or more. For example, a grantee could combine in-kind donations of space heaters and blankets by different groups and/or individuals, which are separately valued at under $200, into one resource with a value of $200 or more. Consolidation of similar resources in the leveraging report is often helpful for larger resources, as well. In almost all cases, grantees will be able to consolidate very small resources into resources valued at $200 or more.

Information on Basic Requirements, Paragraph (2)

In the interim rule, paragraph (2) of section 96.87(d) listed three additional basic requirements for countable leveraged resources. Countable resources/benefits were required to meet at least one of these three requirements.

Paragraph (2) implements section 2607A(b)(2) of the LIHEAP statute. Section 2607A(b)(2) mandates that leveraged resources/benefits meet at least one of the following three criteria relating to the role of the grantee's LIHEAP program in the development or distribution of the resources/benefits: (1) They ''result from the acquisition or development by the State program of quantifiable benefits that are obtained from energy vendors through negotiation, regulation or competitive

bid''; or (2) they ''are appropriated or mandated by the State for distribution . . . through the State program''; or (3) they ''are appropriated or mandated by the State for distribution . . . under the plan referred to in section 2605(c)(1)(A) to federally qualified low-income households and such benefits are determined by the Secretary to be integrated with the State program.''

The first criterion refers to the role of the grantee's LIHEAP program in the acquisition or development of benefits obtained from energy vendors. Based on the discretion in the statute, the interim rule defined the phrase ''acquisition or development by the State program'' to mean that the grantee's LIHEAP program must have ''substantial involvement in the acquisition or development of these benefits. The involvement of the grantee's LIHEAP program'' must be ''considerable, important, material, and of real value or effect.''

The interim rule defined the second criterion to mean that the leveraged resources and benefits must be ''provided to low-income households eligible under the grantee's standards, as a part of (through or within) the grantee's LIHEAP program, consistent with the Federal statutes and regulations applicable to the LIHEAP program.''

The plan referred to in the third criterion is a part of each grantee's annual application for regular LIHEAP funds; in the plan, the grantee describes how it will carry out statutory assurances to which its chief executive officer has certified and includes other information required by statute. Based on the context in which it appears in the statute, the interim rule defined the phrase, ''appropriated or mandated by the State for distribution . . . under the plan . . .'', to mean that the leveraged resources and benefits must be ''identified and described in the plan and distributed as indicated in the plan; however, they are not provided to low-income households as a part of (through or within) the grantee's LIHEAP program.''

The third statutory criterion also requires that the leveraged benefits be ''integrated with the State program.'' The interim rule defined this to mean that the benefits must be ''coordinated with the grantee's LIHEAP program and . . . provided in cooperation and in conjunction with the LIHEAP program.''

We received ten letters that commented on one or more of these three criteria.

Comment and Response

A commenter recommended ''that the rules applying'' to criteria (i) and (ii) ''simply restate the language of the law.'' The commenter said that HHS implemented an ''expanded interpretation'' of these criteria that ''is unnecessary and inconsistent with the nature of a block grant.''

Much of the language of the LIHEAP statute—including section 2607A—is subject to differing interpretations. As we stated earlier in this preamble, the leveraging incentive program is different from the regular LIHEAP block grant, where different grantees may adopt different interpretations of a statutory provision, as long as the interpretations are not clearly erroneous. In the regular LIHEAP program, one grantee's statutory interpretations and program operations generally do not depend on or affect another's. In the leveraging program, however, where grantees are ''competing'' for shares of the same limited amount of leveraging incentive funds, we need to apply common rules to all proposed resources, and all concerned parties should have common understandings about leveraged resources that are countable, and resources that are not. This is why we do not ''simply restate that language of the law'' in cases where conflicting interpretations of provisions in section 2607A are likely.

Comments and Response

We received several verbal comments about the meaning of the statutory phrase, ''the State program,'' in criterion (i). The same phrase is used in the statute with respect to criteria (ii) and (iii), where it clearly means the grantee's LIHEAP program, and not another State agency or program. We believe it is logical and appropriate to conclude that it has the same meaning in criterion (i). Through these three criteria, the statute and regulations require that the grantee's LIHEAP program have a clear, substantive role in developing, acquiring, administering, and/or coordinating with leveraged resources countable under the LIHEAP leveraging incentive program.

A commenter said that the requirement in criterion (i) that the grantee's LIHEAP program have ''substantial involvement'' which is ''considerable, important, material, and of real value or effect'' in acquisition or development of benefits ''is both overly restrictive and subject to subjective interpretation.'' We do not believe it is overly restrictive to require that the grantee's LIHEAP program play an active role in acquiring or developing a resource under this criterion. The statute requires that, in order to meet the criterion, the benefits must ''result from the acquisition or development by the State program of quantifiable benefits that are obtained from energy vendors through negotiation, regulation or competitive bid.'' We do not believe that this language should be understood to require the grantee's LIHEAP program to acquire or develop the benefits entirely by itself. On the other hand, in cases where other entities also were involved in the acquisition or development, the grantee's LIHEAP program should have a substantive role. If, for example, grantee LIHEAP staff had simply attended a meeting at which other people negotiated reduced home energy rates for low-income households, that attendance alone should not count as meeting criterion (i). The interim rule therefore required that the grantee's LIHEAP program have ''substantial involvement,'' and the final rule requires that the actions/efforts of grantee LIHEAP program staff be ''substantial and significant'' in obtaining a resource from a vendor.

The same commenter believed that the statutory requirement for criterion (i) is met as long as ''the source of leveraged funds are [sic] energy vendors and the funds resulted from negotiation, regulation, or competitive bidding,'' and the benefits ''go to * * * the state program.'' We do not believe that a resource countable under criterion (i) must ''go to'' (be administered through or within) the LIHEAP program. Resources leveraged under this criterion are often discounts or waivers for low-income households, not ''funds'' that can be administered through the LIHEAP program. We believe that reduced home energy rates and waivers of certain home energy charges that are negotiated with home energy vendors by (or with substantive participation of) LIHEAP program staff should be countable under this criterion—even though reduced rates and waivers usually are not administered through the LIHEAP program.

This commenter apparently assumed that ''development by the State program'' means that the State program must be involved in developing ''a method of acquiring'' the resources, but that ''acquisition * * * by the State program'' means only that the benefits must ''go to'' the program. However, we continue to believe that the grantee's LIHEAP program—at the central, regional, and/or local office level—should play an active, substantial role in acquiring (obtaining) or developing the resource from the home energy vendor, not simply passively ''acquire'' (receive)

a benefit in whose acquisition it played no part. (Such a resource could be countable under criterion (ii), if the resource is ''appropriated or mandated'' by the State, tribe, or territory for distribution through the LIHEAP program.) Benefits from vendors that are negotiated by or result from competitive bidding conducted by (or with substantive participation of) subrecipients (e.g., local administering entities) under a State, tribal, or territorial LIHEAP program acting in that capacity, also are countable under criterion (i) as long as all other requirements also are met.

We agree that the interim rule's requirement that the involvement of the grantee's LIHEAP program in the acquisition or development of the resource be ''substantial'' and ''considerable, important, material, and of real value or effect'' in some cases may be confusing and subject to subjective interpretation. In grantees' leveraging reports on FY 1991 and FY 1992 leveraging, most resources claimed under criterion (i) clearly met this test, and several clearly did not. However, there also were a number of claimed resources for which we had to request additional information from the grantee to substantiate ''substantial'' involvement, and on several of these we still had to make difficult judgments about whether to count the resource. Short of requiring that the grantee LIHEAP program acquire or develop the resource completely on its own, or saying that the grantee program need have no role at all in acquiring or developing the resource—which we do not believe to be appropriate—we see no way to write regulatory language that would totally eliminate such situations.

We also have found that several grantees were confused about whether criterion (i) applied only to resources obtained from energy vendors. The statute clearly limits this criterion to resources/benefits ''that are obtained from energy vendors through negotiation, regulation, or competitive bid,'' not from charitable organizations, etc.

To clarify criterion (i) without materially changing its substance, we amended § 96.87(d)(2)(i) as follows in the final rule:

''The grantee's LIHEAP program had an active, substantive role in developing and/or acquiring the resource/benefits from home energy vendor(s) through negotiation, regulation, and/or competitive bid. The actions or efforts of one or more staff of the grantee's LIHEAP program—at the central and/or local level—and/or one or more staff of LIHEAP program subrecipient(s) acting in that capacity, were substantial and significant in obtaining the resource/benefits from the vendor(s).''

Comments and Response

There have been several questions about the statutory requirement that resources countable under criterion (ii) be distributed ''through'' the grantee's (LIHEAP) program. The interim rule and this final rule state that this means ''within'' and ''as a part of'' the grantee's LIHEAP program. Under criterion (ii), the leveraged resource/benefit is administered by the LIHEAP agency or agencies under the LIHEAP statute and regulations, consistent with the eligibility standards and benefit levels used by the grantee for its Federal LIHEAP funds; it is considered a LIHEAP benefit. Resources counted under criterion (ii) do not have to be specifically identified in the grantee's LIHEAP plan if they are clearly covered by the plan. For example, the plan would not have to say that leveraged cash resources are used to provide heating assistance, as long as the plan describes a heating assistance program that is funded with LIHEAP resources and the leveraged resources are used in accordance with this description.

Five letters addressed the statutory and regulatory requirements that resources countable under criteria (ii) and (iii) must be ''appropriated or mandated'' by the grantee ''for distribution'' through the grantee's LIHEAP program (criterion (ii)) or under the grantee's LIHEAP plan and integrated with the LIHEAP program (criterion (iii)).

Using similar language, two Congressional letters said the regulation should ''make clear'' that leveraging initiatives that qualify for incentive funds because they are ''mandated'' by State action must be created by legislation, rule, contract, binding agreement, or another specific action or identifiable ''mandate'' or requirement—the grantee cannot merely list voluntary charitable efforts in its LIHEAP plan in order to meet these criteria. Two other commenters said that the interim rule was not sufficiently clear regarding the requirements for ''mandated'' resources. One of these commenters said that ''merely mentioning a program in the state's plan do not constitute a mandate''; a mandate ''should be a regulation, order, or other formal agreement or expression by the state agency governing the control and the distribution of the leveraged resource.''

We agree that a mere list of voluntary charitable efforts in a grantee's LIHEAP plan does not meet these two criteria. Resources/benefits that are mentioned in the plan, but are neither provided through nor integrated with the LIHEAP program, are not countable under these criteria.

We do not believe that the statute or legislative history require that resources countable under these criteria be ''created'' by State, tribal, or territorial ''mandate,'' however. We therefore did not make a change in response to comments supporting such a requirement. The statute requires instead that the resource/benefits be ''appropriated or mandated by the State [or tribal or territorial grantee] for distribution'' through its LIHEAP program (criterion (ii)) or under its LIHEAP plan and also integrated with its LIHEAP program (criterion (iii)). For example, oil overcharge funds counted under criterion (ii) would not be created by State mandate; they would be mandated by the State for distribution through its LIHEAP program.

We believe that ''by the State'' means that the State, tribe, tribal organization, or territory—the grantee—must appropriate or mandate the resource/benefits for distribution. A subrecipient such as a local nonprofit agency might actually ''distribute'' the resource/benefits on behalf of the grantee, but the grantee must take the action that meets the requirement to appropriate or mandate the resource/benefits for distribution through its LIHEAP program or under its LIHEAP plan, etc.

The grantee's LIHEAP application—which includes the plan—is an official, formal document in which the grantee makes a binding commitment to distribute resources in certain ways. We therefore believe that it is reasonable to assume that the inclusion of the leveraged resource/benefits in the LIHEAP plan means that the grantee has ''mandated'' the resource for distribution as described in the plan. Inclusion of appropriate information in the plan is documentation of the mandate. Because the grantee's LIHEAP plan is a formal expression by the grantee that governs the distribution of the leveraged resource, we consider resources appropriately described in or covered by the plan to be mandated by the grantee for distribution as required by criteria (ii) and (iii).

Another commenter believed that criterion (ii) ''can reasonably be read to require that some state entity (in the Executive, Legislative or Judicial branch) provide the additional resources to the State program for distribution by the program, that is, they were appropriated or mandated by the Governor or legislature or by the judiciary * * *.'' On the other hand,

this commenter said that criterion (iii) ''is somewhat of a 'catchall' for independently initiated activities, so long as they are then 'integrated with' the state program. The advantage of this approach is that the program does not have to assure that it is aware of every instance when a CAP negotiates an arrearage forgiveness or a waived fee for a LIHEAP client in time to amend its state plan to include such activity.'' This commenter believed that resources under this criterion ''may clearly be available independently of state activity.''

However, the statute requires that resources countable under both criterion (ii) and criterion (iii) be ''appropriated or mandated by the State for distribution.'' We therefore do not believe it is appropriate to conclude that criterion (ii) requires that a State entity provide the resource for distribution by the LIHEAP program, but that under criterion (iii), the resource may be available independent of State activity. Also, criterion (iii) requires that the resource/benefits be integrated with the grantee's LIHEAP program, and we do not believe that a resource can be both integrated with the LIHEAP program and ''available independently of State activity.''

We agree that ''independently initiated'' resources/benefits that are appropriated or mandated by the grantee for distribution in a way that is integrated with the LIHEAP program can be countable under criterion (iii) as long as all other relevant statutory and regulatory requirements are met. However, we believe that, in order to be distributed under the grantee's LIHEAP plan—as required by the statute for criterion (iii)—the resource/benefits must be identified and described in the plan. Also, because the statute requires that resources countable under criterion (iii) be ''appropriated or mandated by the State for distribution'' under the LIHEAP plan and ''integrated'' with the LIHEAP program, we believe that the grantee needs to be aware of these resources. The grantee cannot legitimately claim that it appropriated or mandated a resource and the resource was integrated with the LIHEAP program—but the grantee did not know about or document the resource during the base period in which the benefits were provided to recipients. The identification and description of the resource/benefits in the plan provides formal documentation of the mandate by the grantee that the resource/benefits be distributed ''under the plan'' and ''integrated'' with the LIHEAP program. We therefore continue to require that resources to be counted under criterion (iii) must be included in the grantee's plan.

The preamble to the interim rule required (at 57 FR 1967) that the resource be included in the plan during the base period for which the resource is claimed—the period in which the resource/benefits are provided to low-income households. For clarity, we added this requirement to the final rule itself. As we stated in the interim rule's preamble, grantees that did not identify and describe all of their leveraging activities for a base period in their initial plans covering this period may amend their plans to include such resources at any time (before or) during the base period, but they may not amend their plans to include such resources retroactively, after the base period has ended. For clarity, the final rule requires that any LIHEAP plan amendments needed to cover leveraging activities counted under criteria (ii) and (iii) of section 96.87(d)(2) must be submitted before the end of the base period. Resources/benefits provided under the criterion (ii) must be distributed consistent with the grantee's LIHEAP plan and program policies that were in effect during the base period. The plan must identify and describe resources/benefits provided under criterion (iii) before the base period ends.

In addition, the final rule reiterates the requirement in the interim rule that the plan identify and describe the resources/benefits to be counted under criterion (iii), and now also requires that the plan identify and describe their sources, and the way in which they are integrated/coordinated with the grantee's LIHEAP program. We added the latter requirements because several grantees' plan ''descriptions'' of leveraged resources were so vague (e.g., ''donations'') that they were virtually meaningless. Each individual resource does not necessarily need to be separately identified; similar resources may be grouped together. For example, similar donations from a number of churches might be covered as follows in the plan: ''In-kind contributions by approximately five churches, of blankets, space heaters, and fans that will be distributed by these churches to low-income households referred by the LIHEAP program because the households' LIHEAP benefits do not meet their need for these items.'' (Such related donations also could be combined as one resource in the grantee's LIHEAP leveraging report.)

There have been several questions and comments about the statutory requirement that resources countable under criterion (iii) must be ''integrated with the State program.'' A commenter said that ''integration'' should be defined ''to clearly require a higher form of relationship than merely serving the same income-class of households. An integrated program should have coordinated administrative procedures, cooperative targeting of benefits and benefit levels, and an integrated set of aims and purposes that rely on LIHEAP as the keystone to fulfilling those common purposes.'' Another said that ''[t]here must be a direct connection [with the LIHEAP program] through a set of mutual, explicit obligations and formalized arrangements.''

The statutory requirement that resources counted under criterion (iii) be ''integrated'' with the grantee's LIHEAP program has been difficult for HHS and grantees to implement. In the interim rule, criterion (iii) required that resources/benefits be ''integrated'' and ''coordinated'' with the grantee's LIHEAP program, and ''provided in cooperation and in conjunction'' with the LIHEAP program. A number of grantees were confused about what constituted integration and coordination. In practice, these terms were not sufficiently clear or measurable, and they were subject to differing understandings and interpretations. We needed a more objective way to determine whether a resource was integrated with the LIHEAP program.

We therefore added eight ''conditions'' (''A'' through ''H'') in the final rule, describing specific circumstances that demonstrate that a resource is integrated with the grantee's LIHEAP program—that the resource and LIHEAP function cooperatively and in coordination with each other to provide an interrelated larger unit or whole. If a leveraged resource meets at least one of these eight conditions, we will consider it to be integrated and coordinated with the grantee's LIHEAP program.

Based on the comments we received and on our experience in the first three cycles of the leveraging program, we clarified requirements for criteria (ii) and (iii) of § 96.87(d)(2) in the final rule. We amended criterion (ii) as follows:

The grantee appropriated or mandated the resource/benefits for distribution to low-income households through (that is, within and as a part of) its LIHEAP program. The resource/benefits are provided through the grantee's LIHEAP program to low-income households eligible under the grantee's LIHEAP standards, in accordance with the LIHEAP statute and regulations and consistent with the grantee's LIHEAP plan and program policies that were in effect during the base period, as if they

were provided from the grantee's Federal LIHEAP allotment.

We amended criterion (iii) as follows: The grantee appropriated or mandated the resource/benefits for distribution to low-income households as described in its LIHEAP plan * * *. The resource/benefits are provided to low-income households as a supplement and/or alternative to the grantee's LIHEAP program, outside (that is, not through, within, or as a part of) the LIHEAP program. The resource/benefits are integrated and coordinated with the grantee's LIHEAP program. Before the end of the base period, the plan identifies and describes the resource/benefits, their source(s), and their integration/coordination with the LIHEAP program.

The Department will determine resources/benefits to be integrated and coordinated with the LIHEAP program if they meet at least one of the following eight conditions. If a resource meets at least one of conditions A through F when the grantee's LIHEAP program is operating (and meets all other applicable requirements), the resource also is countable when the LIHEAP program is not operating.

(A) For all households served by the resource, the assistance provided by the resource depends on and is determined by the assistance provided to these households by the grantee's LIHEAP program in the base period. The resource supplements LIHEAP assistance that was not sufficient to meet households' home energy needs, and the type and amount of assistance provided by the resource is directly affected by the LIHEAP assistance received by the households.

(B) Receipt of LIHEAP assistance in the base period is necessary to receive assistance from the resource. The resource serves only households that received LIHEAP assistance in the base period.

(C) Ineligibility for the grantee's LIHEAP program, or denial of LIHEAP assistance in the base period because of unavailability of LIHEAP funds, is necessary to receive assistance from the resource.

(D) For discounts and waivers: Eligibility for and/or receipt of assistance under the grantee's LIHEAP program in the base period, and/or eligibility under the Federal standards set by section 2605(b)(2) of Public Law 97–35 * * * is necessary to receive the discount or waiver.

(E) During the period when the grantee's LIHEAP program is operating, staff of the grantee's LIHEAP program and/or staff assigned to the LIHEAP program by a local LIHEAP administering agency or agencies, and staff assigned to the resource communicate orally and/or in writing about how to meet the energy needs of specific, individual households. For the duration of the LIHEAP program, this communication takes place before assistance is provided to each household to be served by the resource, unless the applicant for assistance from the resource presents documentation of LIHEAP eligibility and/or the amount of LIHEAP assistance received or to be received.

(F) A written agreement between the grantee's LIHEAP program or local LIHEAP administering agency, and the agency administering the resource, specifies the following about the resource: eligibility criteria; benefit levels; period of operation; how the LIHEAP program and the resource are integrated/coordinated; and relationship between LIHEAP eligibility and/or benefit levels, and eligibility and/or benefit levels for the resource. The agreement provides for annual or more frequent reports to be provided to the LIHEAP program by the agency administering the resource.

(G) The resource accepts referrals from the grantee's LIHEAP program, and as long as the resource has benefits available, it provides assistance to all households that are referred by the LIHEAP program and that meet the resource's eligibility requirements. Under this condition, only the benefits provided to households referred by the LIHEAP program are countable.

(H) Before the grantee's LIHEAP heating, cooling, crisis, and/or weatherization assistance component(s) open and/or after the grantee's LIHEAP heating, cooling, crisis, and/or weatherization assistance component(s) close for the season or for the fiscal year, or before the entire LIHEAP program opens and/or after the entire LIHEAP program closes for the season or for the fiscal year, the resource is made available specifically to fill the gap caused by the absence of the LIHEAP component(s) or program. The resource is not available while the LIHEAP component(s) or program is operating.

Additional Information

In order to be countable, a leveraged resource must meet the requirements under at least one of criteria (i), (ii), and (iii). A single resource cannot meet both criterion (ii) and criterion (iii), because a resource cannot be provided to low-income households both as a part of the LIHEAP program (criterion (ii)), and not as a part of, but integrated with, the LIHEAP program (criterion (iii)). A resource countable under criterion (iii) must meet all of the requirements in the first part of the criterion, and at least one of the conditions demonstrating integration/coordination in the second part of the criterion.

In criterion (iii), conditions A through F describe acceptable circumstances of integration/coordination while the grantee's LIHEAP program is operating. If a resource meets at least one of these six conditions while the grantee's LIHEAP program is operating (as well as all other applicable requirements), the resource also is countable during the base period when the LIHEAP program is not operating. The circumstances described in a condition must apply to all assistance provided by the resource, and all households assisted by the resource, except for condition G. Condition G describes certain resources that accept referrals from the grantee's LIHEAP program. It is possible that some of the households served by a resource will not be referred to it by the LIHEAP program. Under condition G, benefits provided by certain resources to households that were referred by the LIHEAP program are countable, but benefits provided to households that were not referred by the LIHEAP program are not countable. Condition H describes certain resources made available specifically because the grantee's entire LIHEAP program has not yet opened or has closed, or because one or more components of the LIHEAP program have not yet opened or have closed.

If a grantee sets its LIHEAP income eligibility standard below the LIHEAP statute's maximum (for example, at 125 percent of the poverty level), it could count leveraged benefits provided to households with incomes between the State standard and the Federal maximum standard (the greater of 150 percent of the poverty level or 60 percent of State median income) under criterion (i) or criterion (iii), as long as the benefits meet all other requirements for leveraged resources as well. These criteria allow the counting of leveraged benefits that are provided to households with incomes up to the Federal maximum and to categorically eligible households, as described in section 2605(b)(2) of the LIHEAP statute, whether or not the grantee's LIHEAP program has more restrictive eligibility standards. Under criterion (ii), leveraged benefits must be provided through the grantee's LIHEAP program, to households eligible under the grantee's standards.

Countable Leveraged Resources and Benefits

Section 96.87(e) of the interim rule and the final rule describes resources and benefits that are countable under the LIHEAP leveraging incentive program. This section describes the three types of countable resources—certain cash resources, home energy discounts and waivers, and third-party in-kind contributions—and lists examples of countable resources/benefits under each. Countable resources/benefits are not limited to the examples named. Additional resources may be countable as well, provided that they also meet all applicable requirements.

Under both the interim rule and the final rule, we do not require that leveraging activities be ''new'' in the base period in order to be countable. Benefits provided by ongoing leveraging activities—such as discounts in home energy bills and home energy assistance provided by fuel funds—are countable as long as they meet the requirements of the statute and these regulations, and the counted benefits are provided to federally or State eligible low-income households during the base period.

There is sometimes a distinction or difference between a resource as it was acquired, and the benefits that the resource provided to low-income households. Resources acquired in the form of cash can be used to provide benefits in the form of certain cash payments, tangible items, and/or services. However, when resources are acquired in the form of discounts/waivers and in-kind contributions, the benefits are essentially the same as the resources.

The interim rule listed the three types of countable leveraged resources as ''cash resources,'' ''home energy discounts and credits,'' and ''third-party in-kind contributions.'' Because the word ''credits'' has more than one common meaning, we found that its use was confusing on occasion. In some cases, a ''credit'' refers to and means a discount. For example, a ''credit'' donated by a home energy vendor toward the purchase of fuel from the vendor—with no payment received for this amount—represents a discount/reduction in the price of the fuel and should be classified as a discount. In other cases, however, a ''credit'' to a household's home energy account results from a payment on behalf of the household and therefore refers to the benefit provided by a cash resource. For example, a grantee's own funds used to provide heating assistance benefits should be considered a cash resource. However, in its leveraging report, a grantee mistakenly categorized these funds under ''discount/credit'' because the benefits represented ''credits'' toward the recipients' accounts with their vendors. To reduce confusion, therefore, this final rule refers to ''home energy discounts and waivers,'' rather than ''home energy discounts and credits'' as used in the interim rule. In cases where a grantee has difficulty determining whether to classify a ''credit'' as a cash resource or a discount/waiver, we will discuss the resource with the grantee to determine the correct classification.

Comment and Response

We received one comment on resources listed as countable in § 96.87(e) of the interim rule. The commenter questioned whether forgiveness of utility sales taxes for LIHEAP-eligible households should be countable.

The interim rule listed as a countable resource/benefit ''partial or full forgiveness of home energy bill arrearages''; the arrearage amounts could include sales taxes and/or other extra charges, such as special energy taxes, environmental surcharges, and late payment charges. As long as such charges are included in the low-income household's home energy bill and apply to all residential customers in comparable situations, we do not believe that they should be excluded. Use of leveraged funds to pay low-income households' home energy bills, or portions of these bills, that include such charges would be countable as well. We retained this provision in the final rule.

Comments and Changes

The final rule specifies that purchase and donation of space heating and space cooling devices, equipment, and systems are countable. Purchase and donation of space heating and space cooling devices and equipment, such as furnaces, fans, and air conditioners, already were specified as countable in the interim rule. Based on our experience in operating the leveraging program, we found that the term ''devices and equipment'' was too limited. Therefore, we added the broader term ''systems'' in the final rule. For clarity, the final rule also specifies additional countable weatherization services: Replacement and repair of weatherization materials (installation of weatherization materials already was specified as countable); installation, replacement, and repair of space heating and space cooling devices, equipment, and systems (for example, installation of energy efficient furnaces and repair of leaks in heating system ducts); and installation, replacement, and repair of other tangible items that help low-income households meet the costs of home energy and that are specifically approved by HHS. Also, for clarity and in response to comments urging that they be countable, the final rule adds the following services when they are an integral part of weatherization to help low-income households meet the costs of home energy: Installation, replacement, and repair of windows, exterior doors, roofs, exterior walls, and exterior floors; pre-weatherization home energy audits of homes that were weatherized as a result of these audits; and post-weatherization inspection of homes. Also, we agree with the informal comments we received recommending that several safety-related aspects of weatherization be countable when they are integral and necessary parts of weatherization. In response to these comments, the final rule adds: Installation, replacement, and repair of smoke/fire alarms that are an integral part, and necessary for safe operation, of a home heating or cooling system installed or repaired as a weatherization activity; and asbestos removal that is an integral part of and necessary to carry out weatherization to help low-income households meet the costs of home energy. These services are countable if they are paid for with leveraged cash resources, or provided as in-kind contributions by volunteers or donated paid staff under the conditions specified in the final rule. Discounts in the cost of these items and services also are countable under the conditions specified in the final rule.

A commenter recommended that weatherization ''audits'' and inspections be countable, because they are essential to the success of weatherization and ''ensure the net addition of energy resources to the household.'' We adopted this recommendation, with respect to home energy audits to determine households' weatherization needs, and inspections to assure that weatherization has been properly carried out, when these audits and inspections are integral parts of weatherization to help low-income households meet the costs of home energy. Only the home energy audits of low-income households' homes that were weatherized as a result of these audits are countable.

Because these countable services involving smoke/fire alarms, asbestos removal, pre-weatherization audits, and post-weatherization inspections must be an integral part of weatherization carried out to help specific low-income

households meet the costs of home energy, they generally should be counted in the base period in which these households' homes were weatherized. Pre-weatherization audits—which are countable as an integral part of resulting weatherization—should be counted in the base period in which the weatherization is carried out. This will prevent counting the audits of homes when the follow-up weatherization was not done. However, homes might be weatherized using leveraged funds or volunteer services in one base period and therefore counted in that base period, but the post-weatherization inspections of these homes might take place and be counted in the following base period.

Also, based on our experience in operating the leveraging incentive program, we added a clarification to the final rule at § 96.87(e)(1)(i), naming several specific examples of countable benefits provided by leveraged cash resources: Heating, cooling, and energy crisis assistance payments and cash benefits made in the base period to or on behalf of low-income households toward their home energy costs—including home energy bills, taxes on home energy sales/purchases and services, connection and reconnection fees, application fees, late payment charges, bulk fuel tank rental or purchase costs, and security deposits that are retained for six months or longer.

Also as a clarification, we added language at the beginning of paragraph (2) of § 96.87(e), which describes countable home energy discounts and waivers, stating that countable discounts/waivers must ''pertain to generally applicable prices, rates, fees, charges, costs, and/or requirements.'' This language applies to all of the sub-paragraphs under this paragraph. We therefore deleted similar language from subparagraph (ii).

Finally, we added clarifying language specifying that the following are countable: Partial or full waivers of bulk fuel tank rental or purchase costs; and reductions in, and partial or full waivers of, non-Federal taxes on home energy sales/purchases and services (such as furnace repairs) and of other non-Federal taxes provided as tax ''credits'' to low-income households to offset their home energy costs, unless Federal funds or Federal tax ''credits'' provide payment or reimbursement of these costs.

As long as a fuel is used wholly or partly for home energy by the low-income recipient household, the full amount of leveraged heating, cooling, and crisis assistance benefits for the fuel, and the full amount of leveraged discounts and waivers (including arrearage forgiveness) relating to the fuel, are countable, even if they may exceed the home energy portion of the household's bill. It is often difficult or impossible to determine the exact portion of a household's fuel bill that covers home energy—that is, home heating and cooling rather than other residential uses. Also, it is often necessary to pay a household's entire fuel bill—not just the heating and cooling portion—to prevent service shut-off or termination.

Tangible items that are installed or repaired using leveraged services must be items that would be countable if they were leveraged, or must be specifically approved by HHS upon request by the grantee. (For example, donated services to install a washing machine would not be countable, because this appliance, even if it was purchased with non-Federal funds or donated, would not be countable.) However, these items themselves do not have to be leveraged resources. Only the leveraged resource/benefit (for example, leveraged cash used to pay for installation of non-leveraged insulation) is countable in such cases.

We deleted as separate countable resources all services involving delivery and transportation—that is, delivery of fuel, weatherization materials, and other items. We also deleted purchase, rental, donation, and loan of supplies and equipment used to deliver these things and used to install weatherization materials. Therefore, cash resources used to pay for these services and items, discounts in their cost, and in-kind contributions of these services and items are no longer countable as separate resources. (Although delivery services are no longer separately countable, delivery costs sometimes are included in the fair market price of delivered bulk fuel—such as fuel oil, propane, coal, and wood—and as part of the purchase and/or installation costs of weatherization materials and space heating and space cooling devices, equipment, and systems.)

We deleted delivery services, and supplies and equipment used for delivery and installation services, for several reasons, based on our experience with the leveraging program. These services often are not actually direct benefits to specific low-income households. Valuation was a problem. The value of equipment such as trucks that would be used for a number of years and by a number of different users might have been pro-rated for the items' expected useful life and anticipated other users. However, it would be virtually impossible to get consistent estimates of, and pro-rating for, the useful life of equipment, and accurate pro-rating for other users, even if we issued extensive regulatory instructions. If the entire value of expensive equipment that was to be used over a period of years was counted for only one base period, this would inflate the resource's effect for that base period—and still leave the question of how to account for other users. We also found that several grantees' leveraging reports tried to stretch countable delivery-related services and items beyond the letter and intent of the interim rule—for example, to count a ''discount'' in the cost of gasoline used in a vehicle that transported fuel oil. Finally, the amount of effort necessary to estimate and document valuation, and to review these calculations and documentation, is disproportionate for such marginal resources.

Comments and Response

Since the end of the comment period on the interim rule, questions have arisen about whether certain types of borrowed funds are countable under the leveraging incentive program. The interim rule said that borrowed funds were not countable. The interim rule's preamble indicated that borrowed funds were not countable because they must be repaid, and therefore there is no net addition to households' home energy resources. This is the case if a low-income household borrows funds, uses these funds to pay a home energy bill or weatherize its home, etc., and then repays the loan with its own funds. It is also the case if, for example, a grantee borrows funds, uses these funds to pay home energy bills or weatherize homes, etc., and then repays the loan with Federal LIHEAP funds.

In general, benefits or services paid for with borrowed funds and interest on those funds are not countable under the leveraging incentive program. We clarified in the final rule that this prohibition also applies to loans made to low-income households to help them pay their home energy costs, including weatherization, and to loans made by low-income households.

However, we now recognize that borrowed or repaid funds from certain revolving loan funds and similar loan arrangements can be countable. We revised the final rule accordingly, at §§ 96.87(b)(3) and 96.87(f)(2). The final rule defines ''countable loan fund'' in § 96.87(b)(3) as follows:

Countable loan fund means revolving loan funds and similar loan instruments in which:

(i) The sources of both the loaned and the repaid funds meet the requirements of this section, including the prohibitions of paragraphs (f)(1), (f)(2), and (f)(3);

(ii) Neither the loaned nor the repaid funds are Federal funds or payments from low-income households, and the loans are not made to low-income households; and

(iii) The benefits provided by the loaned funds meet the requirements of this section for countable leveraged resources and benefits.

In this definition, ''payments from low-income households'' do not include normal rent payments. Any interest paid on funds borrowed from a revolving loan fund would not be countable when paid to the fund, but could be countable when borrowed later and used for countable benefits.

An example of a countable loan fund is a resource in which a State used oil overcharge funds in its LIHEAP program to establish a revolving loan fund for landlords to install weatherization materials for low-income households. The funds are used by landlords to provide weatherization that helps the households reduce their home energy needs, with a requirement that the landlords repay the loans to the State. Repaid funds are then used to make loans to landlords for additional weatherization. This has the result of increasing the amount of weatherization carried out, with non-Federal funds and without putting any burden on low-income households. The resources are countable in the base period in which the weatherization takes place. When repaid funds are used again, the additional weatherization is countable in the base period in which it is provided. Such activities are countable if neither Federal funds nor payments from low-income households are used for the loans or to repay the loans, charges to the households (including rent) are neither increased nor imposed as a result, and all other statutory and regulatory requirements are met.

Also, as long as all requirements of § 96.87 for countable leveraged resources and benefits are met, if a grantee or other entity borrows funds (commercially or otherwise, consistent with all applicable laws and regulations), uses these funds to provide benefits that would otherwise be countable, and repays the loan with countable non-Federal funds in the base period in which the benefits were provided, the benefits are countable based on the countable non-Federal character of the repaid funds and the benefits' net addition to low-income households' home energy resources.

Comments and Response

We made several changes in the final rule involving countable petroleum violation escrow (PVE or oil overcharge) funds. Oil overcharge funds result from settlements of cases of overcharges which violated petroleum price controls in effect from 1973 to 1981, under the Emergency Petroleum Allocation Act of 1973. Since 1981, over $4.5 billion in oil overcharge funds have been distributed by the Department of Energy (DOE) to the 50 States, the District of Columbia, and most U.S. territories; additional oil overcharge funds are expected to be distributed in the future. LIHEAP is one of the programs under which most of these funds can be used.

Senate Report 101–421 on the 1990 LIHEAP reauthorization law states that the Senate Committee on Labor and Human Resources

> believes there are very limited circumstances under which Petroleum Violation Escrow Funds should be considered as leveraged resources. Therefore, if the Secretary chooses to count Petroleum Violation Escrow Funds as leveraged resources, he or she may only count funds that are distributed after October 1, 1990, and that were not previously required to be allocated to low-income households.

In the interim final rule, we defined ''countable petroleum violation escrow funds'' in section 96.87(b) as ''petroleum violation escrow (oil overcharge) funds that were distributed to a State or territory after October 1, 1990, were added to and used as a part of the State or territory's LIHEAP program, and were not previously required to be allocated to low-income households.'' We said in the interim rule's preamble that oil overcharge funds ''may be counted under the LIHEAP leveraging incentive program only by the 50 States, the District of Columbia, and the territories to which they were distributed directly * * *.'' Three States commented on the interim rule's treatment of oil overcharge funds.

Two of these States disagreed with the interim rule's requirement that only PVE funds distributed to States and territories after October 1, 1990, are countable. One of the two States believed that countability of PVE funds should depend on the date a State or territory added them to its LIHEAP program. The second State believed that all PVE funds added to and used as part of a State's LIHEAP program during a base period should be countable.

We do not agree with these comments. We believe that it is consistent with the Senate Report to provide that oil overcharge funds distributed to States and territories by DOE on or before October 1, 1990, cannot be counted under the leveraging program. Also, we believes that it would be unfair to count remaining oil overcharge funds that were distributed to States and territories by DOE before the LIHEAP leveraging incentive program was established—before grantees knew that they might receive leveraging incentive funds if they used oil overcharge funds in certain ways. This would unfairly penalize grantees that used these funds in a timely way, soon after receiving them—as the terms of distribution encouraged them to do. It would unfairly reward grantees that did not use these funds in a timely way. We therefore retained and clarified the requirement that only PVE funds that were distributed to a State or territory by DOE after October 1, 1990 (and used consistent with all other relevant regulatory and statutory requirements) are countable.

In correspondence relating to its leveraging report on FY 1991 leveraging activities, a third State argued that oil overcharge funds it used for home energy, but not under LIHEAP, should be countable. Under the interim final rule, these funds were not countable because they were not ''added to and used as a part of'' the State's LIHEAP program. However, after further reflection, we agree that PVE funds that are used under other programs to provide home energy to low-income households should be countable as long as they meet the requirements under section 96.87. Therefore, this final rule changes the definition of countable petroleum violation escrow funds in section 96.87(b)(4) to state, in part, that they must be

> * * * used to assist low-income households to meet the costs of home energy through (that is, within and as a part of) a State or territory's LIHEAP program, another Federal program, or a non-Federal program, in accordance with a submission for use of these petroleum violation escrow funds that was approved by DOE * * *.

Because the LIHEAP statute limits the percent of LIHEAP funds that can be used for weatherization, a grantee that wanted to use large amounts of PVE funds for weatherization would use them under DOE's low-income weatherization assistance program or under a non-Federal weatherization program that meets the requirements for use of PVE funds. With this change in the regulations, these PVE funds could be countable under the LIHEAP leveraging incentive program as long as they meet all applicable requirements for countable leveraged resources.

The final rule also specifies the requirements under § 96.87(d)—''Basic

requirements for leveraged resources and benefits''—that countable PVE funds must meet: all of the criteria under paragraph (d)(1), as well as criterion (ii) or criterion (iii) under paragraph (d)(2). Paragraph (d)(1) includes the requirement that countable leveraged resources meet the requirements in the leveraging incentive program section of the final rule. This clarifies that, for example, like other countable leveraged resources, countable PVE funds cannot be used as matching or cost sharing for any Federal program—such as emergency assistance under title IV of the Social Security Act—and they cannot be counted for any other Federal leveraging incentive program. This clarification is based on our experience in operating the leveraging incentive program and is intended to prevent misunderstanding.

Because the grantee's LIHEAP program does not have an active, substantive role in developing or acquiring PVE funds from home energy vendors through negotiation, regulation, or competitive bid, PVE funds cannot be counted under criterion (i) under paragraph (d)(2). Countable PVE funds added to and used as a part of the grantee's LIHEAP program would be counted under criterion (ii) of paragraph (d)(2). Countable PVE funds used under another program would be counted under criterion (iii); therefore, grantees that want to count such funds must be sure to meet the requirements of criterion (iii) for inclusion in the LIHEAP plan and integration with the LIHEAP program.

In its comments on the interim rule, a State urged HHS to allow tribes to count oil overcharge funds under some circumstances; several tribal grantees have verbally agreed with that comment. Upon further consideration, we agree that there are certain circumstances under which tribes should be able to count oil overcharge funds. We describe those circumstances later in this preamble, under ''Leveraging Issues Relating to Tribal Grantees.''

Finally, we changed the definition of countable petroleum violation escrow funds at § 96.87(b)(4) in the final rule to include interest earned on PVE funds distributed to a State or territory by DOE after October 1, 1990 (as long as all other applicable statutory and regulatory requirements also are met). Interest earned on PVE funds generally is treated like the PVE funds themselves; this change clarifies that this practice is acceptable in the leveraging program.

Resources and Benefits That Cannot Be Counted

Section 96.87(f) of the interim rule and the final rule describes resources and benefits that are not countable under the LIHEAP leveraging incentive program. Thirteen of the letters we received included comments on this section.

Comment and Response

A commenter proposed that low-income households' co-payments for home energy be countable as leveraged funds. Similarly, in its leveraging report on FY 1991 leveraging, a grantee proposed to count the services of a householder who installed weatherization materials in his own home. We cannot count such payments and services under the leveraging incentive program. In the first instance, the household would simply be helping to pay its own bill. In both cases, these are the households' own ''contributions,'' not leveraged contributions, and they do not add to the households' net resources. We therefore clarified in the final rule at paragraph (1) under this section that the following are not countable: resources (or portions of resources) obtained, arranged, provided, contributed, and/or paid for, by a low-income household for its own benefit, or which a low-income household is responsible for obtaining or required to provide for its own benefit or for the benefit of others, in order to receive a benefit of some type.

We also note that the LIHEAP statute and these regulations require that any costs and charges imposed on low-income households in order to receive counted resources/benefits must be offset from the value of these resources.

Comment and Response

Another commenter disagreed with the interim rule's exclusion of leveraged resources counted under the leveraging incentive program(s) of the low-income weatherization assistance program administered by the Department of Energy, or any other Federal leveraging incentive program. However, we continue to believe that leveraged resources should be countable only once—under one Federal leveraging program only—and therefore we retained this exclusion in the final rule.

Comment and Response

A commenter said that funds used as matching for other Federal programs should not be excluded from consideration as leveraged resources, because counting such funds ''constitutes increasing the total amount of funds available from all sources to assist low-income households with their home heating needs.'' We do not agree. As with resources counted under another Federal leveraging program, we continue to believe that ''leveraged'' resources should be countable only once. In addition, the matching funds are required in order to receive Federal funds under the other program, and thus nothing new has been added to help low-income households that would not otherwise have been added.

Comment and Response

Another commenter recommended that interest paid on borrowed funds, and reductions in interest paid on borrowed funds, be countable ''when it can be demonstrated that they do increase the amount of heat available to households.'' Interest paid by a borrower to a commercial lender does not represent a net addition to the home energy resources of low-income households. On the other hand, if a late payment charge or ''interest'' is included in a low-income household's home energy bill and is paid with leveraged funds or is waived, the amount paid or waived could be countable. Also, as discussed earlier in this preamble, interest paid on funds borrowed from a revolving loan fund would not be countable when paid to the fund, but could be countable later when, like repaid principal, it is borrowed from the revolving loan fund and used for countable benefits. Reductions in interest paid on borrowed funds are not in themselves countable; leveraged funds that might have been used for interest but instead are used to provide countable benefits would be countable.

Comment and Response

A commenter stated that the value/costs of space, equipment, and paid staff donated by local agencies and energy suppliers should be countable because they are ''crucial and an integral part of the service delivery system'' and counting them would ''facilitate more donations in these areas.'' ''Donation'' of office or other space, office equipment, and paid or unpaid administrative staff do not provide direct, quantifiable home energy benefits for low-income households or result in a direct, quantifiable addition to these households' home energy resources. Therefore they are not countable. As we stated in the preamble to the interim rule,

> donated materials such as office supplies and equipment do not result directly in a specific net addition to low-income households' total energy resources, as required by section 2607A(b)(1) of the LIHEAP statute. The same

can be said of donations of time by volunteers or staff to perform office or administrative chores. Even though this may result in the grantee being able to free some of its funds for other uses, it would be extremely difficult to assure and to document that any savings are used for direct benefits to low-income households.

Comments and Response

Nine commenters proposed that some or all energy conservation education costs be countable. As one of these commenters stated, these ''efforts can yield significant cost savings for low-income consumers, and produce tangible benefits.'' Another stated that energy conservation education that ''employs a proven curriculum'' provides ''a valid energy saving measure'' and should be countable. Another suggested that the value of conservation education be quantified as three percent of the recipient households' energy bills, based on the commenter's understanding that these education programs ''consistently result in an average 3% reduction in energy usage.''

We agree that a well designed and implemented energy conservation education program presented to receptive households should result in reduced home energy consumption and costs. However, while the cost of providing energy conservation education can be quantified, we do not know a reliable way to determine the value of education as a net addition to the total energy resources of low-income households that would apply to all grantees. The quality of the education provided, the condition of different homes, and the motivation of different households to implement conservation measures are highly variable. We believe that the education activities themselves do not provide direct, quantifiable benefits or quantifiable net additions to households' home energy resources. The final rule therefore continues to exclude energy conservation education.

One of the nine commenters claimed that if energy education/case management activities are not countable under the leveraging program, ''there will not be an incentive to the CAP agencies to provide energy case management services although it has been proven to be successful.'' Section 2607A of the LIHEAP statute allows the counting only of limited kinds of activities and services as leveraging. There are many additional worthwhile activities and services that benefit the program and the low-income households it exists to serve. (Local administering agencies and their staff generally are paid for providing these services.) Grantees should not change successful activities that help low-income households simply to substitute activities that will count as leveraging.

Changes

Based on our experience in implementing the leveraging incentive program under the interim final rule and on comments we received on the interim rule, we retained most of the list at § 96.87(f) of resources and benefits that are not countable. For example, like the interim rule, the final rule does not allow the counting of office supplies and equipment, services for administrative activities, or any other services that do not result in a direct, net, quantifiable addition to low-income households' total energy resources, as required by section 2607A(b)(1) of the LIHEAP statute. Based on our experience in operating the leveraging program and on public comments indicating that some of the leveraging requirements in the interim rule were unclear or too loose, and to assure consistent understanding and avoid misunderstanding, we changed § 96.87(f) in the final rule by clarifying and tightening language in several places and by specifying that the following are not countable:

- Resources obtained, arranged, provided, contributed, and/or paid for, by a low-income household for its own benefit, or which a low-income household is responsible for obtaining or required to provide in order to receive some type of benefit;
- Resources provided, contributed, and/or paid for by building owners, building managers, and/or home energy vendors, if the cost of rent, home energy, or other charges to the recipient were or will be increased, or if other charges to the recipient were or will be imposed, as a result;
- Resources directly provided, contributed, and/or paid for by member(s) of the recipient household's family (parents, grandparents, great-grandparents, sons, daughters, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, first cousins, nieces, and nephews, and their spouses), regardless of whether the family member(s) lived with the household, unless the family member(s) also provided the same resource to other low-income households during the base period and did not limit the resource to members of their own family;
- Delivery, and discounts in the cost of delivery, of fuel, weatherization materials, and all other items;
- Purchase, rental, donation, and loan, and discounts in the cost of purchase and rental, or supplies and equipment used for delivery, installation, and repairs;
- Oil overcharge funds that do not meet the definition in § 96.87(b)(4) of the regulations;
- Interest earned/paid on oil overcharge funds that were distributed to a State or territory by DOE on or before October 1, 1990;
- Interest earned/paid on Federal funds (grantees should draw down Federal funds only as needed for ''immediate'' use);
- Interest earned/paid on customers' security deposits, utility deposits, etc., except when forfeited by the customer and used to provide countable benefits (interest is generally earned on such deposits and therefore would not be a leveraged benefit obtained for low-income households);
- Borrowed funds that do not meet the requirements in § 96.87(b)(3) of the regulations (including loans made by and/or to low-income households);
- Resources for which Federal payment or reimbursement has been or will be provided;
- Training;
- Installation, replacement, and repair of lighting fixtures and light bulbs (countable weatherization must be directly related to home energy, consistent with the definitions of ''home energy'' and ''weatherization'' in § 96.87(b) of the regulations); and
- Activities involving smoke/fire alarms and asbestos removal that are not described in the final rule as countable.

Also, in response to questions raised during the first two years of the leveraging program, we clarified the regulatory language regarding non-countable tax deductions and tax credits. The revised language specifies that tax deductions and tax credits received by donors of resources for these donations, and by vendors for providing discounts, waivers, etc., are not countable. If they meet the requirements in the LIHEAP statute and these regulations, the items and services donated and discounts/waivers provided would be countable. Counting tax deductions and tax credits received by the donors/vendors essentially would result in double counting the same benefit. In addition, tax deductions and tax credits received by donors of resources do not represent a net addition to the home energy resources available to low-income households, as required by the LIHEAP statute and these regulations. (On the other hand, as noted earlier, special non-Federal tax ''credits'' provided to low-income households to offset their home energy costs can be countable as discounts/waivers, and non-Federal

payments to low-income households from tax authorities to offset their home energy costs can be countable as cash resources/benefits—as long as Federal funds are not used to pay for these ''credits'' and payments, and they are not generally available to other households.)

Leveraging Issues Relating to Tribal Grantees

A number of leveraging issues relate specifically to Indian tribes and tribal organizations. These issues include countability of oil overcharge funds, resources obtained from trust lands, resources obtained from National Forests and Bureau of Land Management areas, and Public Law 93–638 funds. Several grantees have commented, formally in response to the January 1992 interim final rule, or informally, and asked questions concerning these issues. While researching these issues, we consulted with the Office of the General Counsel in HHS, the Office of the Solicitor and the Bureau of Land Management in the Department of the Interior, and the Office of the General Counsel and the Forest Service in the Department of Agriculture.

In addition, questions have been raised about the possibility of both a tribe and a State claiming the same leveraged resource.

The guidance that follows addresses these issues. We advised grantees of most of this guidance in LIHEAP Information Memorandum 92–19, dated June 25, 1992.

Oil Overcharge Funds

In accordance with Federal law, court orders, and agreements, the Department of Energy distributes petroleum violation escrow—PVE or oil overcharge—funds to States and territories, but not to Indian tribes or tribal organizations. In the preamble to the January 1992 interim final rule, we stated that, because oil overcharge funds are not distributed directly to tribes or tribal organizations, tribal LIHEAP grantees cannot count them under the LIHEAP leveraging incentive program. We noted that if a tribe receives PVE funds under a State LIHEAP program, the tribe would be a subgrantee or contractor of the State's program for the administration of these funds, and the funds would be used by the tribe as part of the State's LIHEAP program. Also, we noted that if a tribe and State agree that the tribe's direct Federal LIHEAP allotment is to be increased in lieu of the tribe receiving PVE funds under the State's LIHEAP program, the increased funds received by the tribe would be regularly appropriated Federal LIHEAP funds, not PVE funds; the State would retain the actual PVE funds.

Several tribal grantees told us informally that they believe that tribes that obtain oil overcharge funds from the State(s) in which they are located and use these funds for home energy assistance should be able to count them under the leveraging incentive program, since the tribes in fact have leveraged those funds. Also, in its formal comments on the January 1992 preamble and interim rule, a State encouraged HHS ''to allow tribes to offer as countable resources any oil overcharge funds [provided to them by the States in which they are located] that meet other criteria defined in the law'' for countable leveraged resources.

After considering these comments, we determined that tribal LIHEAP grantees that receive oil overcharge funds from the State in which they are located (and/or interest the State earned on oil overcharge funds) and use these funds (and/or interest the tribes or tribal organizations earn on these funds) for home energy assistance (generally as subrecipients—subgrantees, contractors, or subcontractors—of the State) can count these funds under the leveraging program, as long as these funds meet all applicable statutory and regulatory requirements for countable leveraged resources, and the requirements in the following paragraphs.

If a tribe or tribal organization wants to count oil overcharge funds (and/or interest earned on oil overcharge funds) that it has used for home energy assistance as a subrecipient of the State, it must include with its leveraging report documentation or verification that (1) these particular oil overcharge funds (and/or the oil overcharge funds on which the interest was earned) were distributed by the Department of Energy to the State in which the tribal grantee is located after October 1, 1990, and (2) the State is not counting these particular funds as leveraged resources. A copy of a written statement from the State providing this information will meet this requirement. (As explained earlier in this preamble, consistent with the legislative history, the regulations require that countable PVE funds must be distributed by the Department of Energy after October 1, 1990. It is the State that knows when particular PVE distributions were made to it by DOE.)

In general, the criterion in § 96.87(d)(2) of this final rule under which a tribe would count these funds is criterion (iii), where the resource is distributed under the tribe's LIHEAP plan and integrated with its LIHEAP program. (The tribe's LIHEAP program did not develop or acquire these funds from vendors through negotiation, regulation, or competitive bid, as required under criterion (i).) Tribes should be sure to meet all of the requirements for criterion (iii) in order to claim these oil overcharge funds under this criterion. Also, for purposes of leveraging, when a tribe uses oil overcharge funds received from its State in accordance with the LIHEAP statute and regulations and the tribe's LIHEAP application, essentially as if they were regular Federal LIHEAP funds, then the tribe may count these oil overcharge funds under criterion (ii). (Because the tribe received the overcharge funds from the State, rather than from the Federal government, the tribe is accountable to the State for their use.)

On the other hand, we have determined that Federal funds added to tribal grantees' LIHEAP allotments, in lieu of overcharge funds, cannot be counted as leveraged resources, because of the statutory requirement that countable leveraged resources be from non-Federal sources. In this case, the State has retained the actual oil overcharge funds, and the increased funds awarded to the tribe by HHS are regularly appropriated Federal LIHEAP funds from the State's gross LIHEAP allotment.

Resources Obtained From Trust Land

Tribes may obtain home energy resources, such as wood used to heat low income households' homes, from tribal or individual trust land. These trust lands are not Federal lands. Therefore, resources obtained from these lands are countable under the LIHEAP leveraging incentive programs, as long as they meet all relevant statutory and regulatory requirements.

It is important to trace the source of a resource/benefit to its origin, to determine whether it is countable. For example, if a tribe cuts firewood from tribal trust land and gives that firewood to low-income households, the fair market value of the wood at the time of ''donation'' is countable. However, if a tribe uses Federal LIHEAP funds to purchase firewood cut from an individual's trust land at fair market value, the wood is not countable, because it was bought with Federal funds and there was no discount in its price. If a tribe uses Federal funds to purchase firewood from an individual's trust land at a discount, then the amount of the discount is countable, as long as all relevant statutory and regulatory requirements for leveraged resources are met. The amount actually paid is not countable, because Federal funds were used. (If a tribe uses non-

Federal tribal funds to purchase firewood from an individual's trust land and gives the wood to low-income households, the wood's fair market value is countable.)

Donated or paid services specifically to cut firewood, mine coal, etc., are not countable under the leveraging incentive program. However, in many cases, the value of these services would be included in the fair market value of donated or purchased firewood, coal, etc., that is obtained from non-Federal land.

Resources Obtained From National Forests and Bureau of Land Management Areas

There are some circumstances under which free firewood can be cut from National Forest land; the Department of Agriculture sometimes issues permits to cut dead or downed trees or ''slash'' without a charge or fee. Also, there might possibly be situations where there is no charge or fee to cut firewood on Bureau of Land Management (BLM) land. The following two paragraphs discuss the countability of home energy resources obtained for free from National Forest and/or BLM land.

Resources such as firewood that are obtained from National Forests and BLM areas in general are considered Federal resources. Therefore, in general, they are not countable as leveraged resources under the LIHEAP leveraging incentive program. Donated or paid services to obtain such resources (e.g., to cut such firewood) also would not be countable.

In some cases, an Indian tribe might have treaty rights to specified timber or firewood resources on Federal lands administered by the Forest Service or the BLM. Where they exist, such treaty provisions may confer a right to usufruct, that is, a nonpossessory right to use timber, usually for domestic purposes. HHS will recognize such rights where they have been adjudicated by a court of competent jurisdiction or are recognized by the Federal agency administering the land in question. (HHS cannot make such determinations itself.) Where the usufructuary right is so adjudicated or recognized, a resource such as firewood would be considered a tribal or Indian resource—that is, non-Federal. Therefore, a home energy resource like firewood that is obtained in such a case would be countable under the leveraging incentive program, as long as the resource met all applicable statutory and regulatory requirements for leveraged resources.

More often, firewood is cut from National Forest or BLM land for payment, rather than for free. A tribe might pay for a permit to cut firewood for domestic use, and/or it might pay for the amount of wood actually cut. If, for example, the tribe uses tribal funds to pay for this permit and/or to pay for the wood actually cut, then the tribal funds are the leveraged resource—the resource is cash; and the firewood, which is obtained in return for payment of the cash, is the benefit that is provided to low-income households. In this case, because the resource is non-Federal cash, the resource is countable, as long as all applicable statutory and regulatory requirements for leveraged resources and benefits are met. The value of the resource/benefit would be the amount that was actually paid for the permit and/or for the wood itself. If the wood is paid for with LIHEAP or other Federal funds, it would not be countable under the leveraging incentive program.

Public Law 93–638 Contract and Grant Funds

Several tribal grantees informally asked us whether contract and grant funds provided to them under Public Law 93–638, the Indian Self-Determination and Education Assistance Act, by the Bureau of Indian Affairs/Department of the Interior and the Indian Health Service/HHS are countable under the leveraging incentive program. Also, in its formal comments on the interim rule, a tribal organization requested that these funds be countable.

Contract and grant funds provided to tribes under Public Law 93–638 are considered to be Federal funds. Because they retain their character as Federal funds, they cannot be counted as leveraged resources under the LIHEAP leveraging incentive program.

Under certain circumstances, Public Law 93–638 contract and grant funds can be used as matching shares for other programs. However, the LIHEAP leveraging incentive program is not a matching (cost sharing or cost participation) program for which grantees provide matching shares. (If the Federal Public Law 93–638 funds were used as matching shares for a program other than LIHEAP, they still would not be countable under the leveraging incentive program, because Federal funds, and funds used as matching for other Federal programs, are not countable under the leveraging program.)

Resources That Might Be Claimed by Both a Tribe and a State

In some cases, a leveraged resource might be claimed by both a tribe or tribal organization and the State in which it is located. For example, countable oil overcharge funds used by a tribe as a subrecipient of a State's LIHEAP program could be claimed by both. (The tribe might count these funds under criterion (iii) of § 96.87(d)(2), and the State might count them under criterion (ii).) Also, donation of weatherization materials might be negotiated with a home energy vendor by a State LIHEAP program (criterion (i)), but then a tribe might install the weatherization materials for its service population through its LIHEAP program (criterion (ii)) or under its LIHEAP plan and integrated with its LIHEAP program (criterion (iii)).

We have concluded that households served by such resources can be counted only once. It would be unfair to other grantees applying for leveraging incentive fund to count some households twice, for both a tribe and a State. We encourage tribes and States themselves to determine which should claim such a resource—or to have one claim some of the tribal households served and the other claim the remainder. (Under the formula for allocating leveraging incentive funds, the tribe, with its smaller regular LIHEAP allotment, would receive a comparatively larger ''return'' for the resource than the State would. However, as explained later in this preamble, under the final rule, no grantee can receive a leveraging incentive funds award greater than the smaller of its net regular LIHEAP allotment during the base period, or twice the final net value of its countable leveraged resources for the base period.) If a tribe and State cannot resolve the issue, HHS will decide on a case-by-case basis how such a resource should be claimed, depending on the comparative role of each grantee in obtaining and/or administering the resource in question.

Valuation of Leveraged Resources

Section 96.87(g) of the interim rule and the final rule concerns valuation and documentation of leveraged resources and offsetting costs.

The benefits of countable leveraging activities must be measurable and quantifiable in dollars. Using the best data available to them, grantees applying for leveraging incentive funds must quantify the actual value in dollars of countable leveraged resources/benefits provided to low-income households during the base period. Anticipated future benefits—for example, savings expected in home energy bills as a result of weatherization—cannot be counted.

The statute requires that grantees deduct from the gross value of leveraged

resources any costs the grantee incurred in leveraging the resources and any costs imposed on low-income households. These costs are discussed under ''Valuation of Offsetting Costs'' later in this preamble.

We received no comments regarding valuation of leveraged resources and offsetting costs.

Because the final rule adds discounts in the cost of specified services as countable resources (under § 96.87(e)(2)), we revised the valuation of countable paid services under § 96.87(g) as follows, for consistency:

> Installation, replacement, and repair of weatherization materials, and other countable services, will be valued at rates consistent with those ordinarily paid for similar work, by persons of similar skill in this work, in the grantee's or subrecipient's organization in the local area, at the time these services were provided. If the grantee or subrecipient does not have employees performing similar work, the rates will be consistent with those ordinarily paid by other employers for similar work, by persons of similar skill in this work, in the same labor market, at the time these services were provided. Fringe benefits and overhead costs will not be counted.

Because the final rule deletes delivery services and rented and loaned supplies and equipment as separate countable resources, we made a conforming change to § 96.87(g) to delete valuation of these services and items.

The final rule's other requirements for valuation of leveraged resources/benefits are substantially unchanged from the interim rule. They are summarized below.

Third-party donations of fuel, weatherization materials, and other countable tangible items must be valued at their fair market value at the time of donation, according to the best data available to the grantee.

Unpaid volunteer services must be valued at rates consistent with those ordinarily paid for similar work, by persons of similar skill in this work, in the grantee's or subrecipient's organization. If the grantee or subrecipient does not have employees doing similar work, the rates must be consistent with those ordinarily paid by other employers for similar work, by persons of similar skill in this work, in the same labor market. Fringe benefits and overhead costs cannot be counted. Valuation of volunteers' services must vary according to the skill of the volunteer at the task. For example, the services of professional weatherization installers working at a volunteer weatherization project would be more highly valued than the services of unskilled weatherization volunteers.

When an employer other than a grantee or subrecipient furnishes free of charge the services of an employee in the employee's normal line of work, the services must be valued at the employee's regular rate of pay, excluding the employee's fringe benefits and overhead costs. If the services are in a different line of work, the valuation described in the previous paragraph applies.

The benefits provided by leveraged resources other than in-kind contributions must be valued as explained in the following paragraphs.

Cash benefits for heating, cooling, and energy crisis assistance must be valued at their actual amount at the time they were provided to, or on behalf of, the recipient household. Purchased fuel, weatherization materials, and other countable tangible items must be valued at their actual fair market value at the time of purchase, according to the best data available to the grantee. The fair market value of a fuel or tangible non-fuel item is the price or cost normally charged a customer in the same customer class, in the same local area, as the recipient household. Countable services, including installation, replacement, and repair of weatherization materials, must be valued as described earlier. Home energy discounts and credits must be valued at their actual value—the actual amount of the discount, reduction, waiver, or forgiveness.

Fuel purchased with leveraged cash at a discounted price and provided without charge to low-income households would be valued at the actual fair market value of the fuel—the commonly available household rate or cost—at the time it was purchased. Fuel purchased with leveraged cash at a discounted price and provided at a discount to low-income households would be valued at the actual fair market value of the fuel—the commonly available household rate or cost—at the time it was purchased, less (minus) the amount paid by the recipients. Only the amount of the net addition to recipient households' home energy resources may be counted.

When low-income households pay discounted prices or reduced rates for home energy (such as fuel oil or electricity), only the amount of the discount or reduction is countable. When low-income households receive home energy at no cost to themselves (for example, a LIHEAP grantee which has purchased fuel oil with leveraged resources or received donated fuel oil provides the oil to a household at no cost to the household), the amount the fuel would have cost the household at ''commonly available household rates'' is countable.

Grantees may use leveraged funds, regularly appropriated LIHEAP funds, and leveraging incentive funds awarded to them, to purchase fuel or other approved tangible items at discounted prices. If the grantee uses leveraged funds, the gross value of the resource/benefit is the amount it would have cost the recipient households at the commonly available household rate or cost. This means that a grantee may count as leveraged resources both the leveraged funds and savings obtained through buying at a discount. For example, a grantee might use $10,000 of its own funds to purchase fuel oil at a discount, so that it obtains oil that would be worth $12,500 at commonly available household rates/costs. The grantee would have leveraged $10,000 in cash and $2,500 in discounts. If the grantee uses regular LIHEAP funds or leveraging incentive funds—that is, funds that are not countable leveraged resources—to purchase fuel or other approved tangible items at discounted prices, the gross value of the resource/benefit is the amount of the discount—the difference between the amount the item would have cost the recipient household at the commonly available household rate or cost and the reduced amount actually paid. For example, if the grantee had purchased the same fuel oil as above, at the same discounted price but with regular LIHEAP funds, it could count as leveraging only the $2,500 in discounts.

Valuation of Offsetting Costs

Section 2607A(d) of the LIHEAP statute requires that, to determine the net dollar value of grantees' leveraged resources, grantees must subtract from the gross dollar value of leveraged resources they received or acquired during the base period any costs they incurred to leverage such resources and any costs imposed on federally eligible low-income households.

Funds from grantees' regular LIHEAP allotments that are used specifically to identify, develop, and demonstrate leveraging programs under section 2607A(c)(2) of the LIHEAP statute must be deducted as offsetting costs in leveraging reports covering the base period in which these funds were obligated, whether or not there were any leveraged benefits resulting from these particular funds. However, if a grantee does not submit a leveraging report covering the base period in which these funds were obligated, they should not be offset in future reports. Also, any funds from the grantee's LIHEAP planning and administrative funds that

are used to identify, develop, and demonstrate leveraging should not be deducted as offsetting costs. Such funds are likely to serve more than one planning/administrative purpose, and exact amounts spent to identify, develop, and demonstrate leveraging are likely to be difficult to identify and isolate.

Costs incurred from grantees' own funds to identify, develop, and demonstrate leveraging programs must be deducted in the first base period in which resulting leveraged benefits are provided to low-income households. If there is no resulting leveraged benefit from the expenditure of the grantee's own funds, the grantee's expenditure should not be counted or deducted.

Any costs assessed or charged to counted low-income households on a continuing or on-going basis, year after year, specifically to participate in a counted leveraging program or to receive counted leveraged resources must be deducted in the base period these costs are paid. Any one-time costs or charges to counted low-income households specifically to participate in a counted leveraging program or to receive counted leveraged benefits must be deducted in the first base period the program or resource is counted, even if those charges were made before this base period. These costs/charges are to be subtracted from the gross value of a counted resource/benefit for low-income households whose benefits are counted, but not for any low-income or other households whose benefits are not counted. On the other hand, nonspecific costs imposed on low-income households—such as costs resulting from increases in a utility company's general rates to pay for or support benefits for households in special programs—should not be deducted.

Documentation of Resources, Benefits, and Costs

Section 96.87(g)(8) of the interim rule required that grantees

> maintain, or have readily available, records sufficient to document leveraged resources and benefits, and offsetting costs and charges, and their valuation. These records must be retained for three years after the end of the base period whose leveraged resources and benefits they document.

In addition, the preamble contained guidance regarding documentation, including a listing of the specific types of documentation that should be included in leveraging records maintained by, or readily available to, grantees.

Comment and Response

We received one comment concerning leveraging documentation. The commenter stated that grantees competing for leveraging incentive funds ''have a right to expect each other to keep archives of material clearly documenting the flow of benefits claimed.'' The commenter agreed that HHS should require applicants to keep documentation for three years and make it available to HHS when needed. We retained these requirements in the final rule.

Guidance on Documentation

We retained—and repeat below for easy reference—most of the interim rule's preamble guidance on documentation.

Grantees should have clear, consistent, documented policies and procedures for documenting leveraged resources, benefits, and costs. Grantees are to maintain, or have readily available, records adequate to document leveraged resources and benefits, and offsetting costs and charges, and their valuation. (For example, a grantee—and/or subrecipients—should maintain records to document counted oil overcharge funds. A grantee should maintain and/or have easy access to documentation relating to counted fuel fund benefits.) These records are to consist of written and/or printed papers, etc., furnishing evidence that substantiates the claims made in the grantees' leveraging reports. These records are to be retained for three years after the end of the base period whose leveraged resources they document.

These records should include:

- Documentation of the sources of leveraged resources;
- Documentation of the negotiations, competitive bids, written agreements, legislation, regulations, and mandates through which leveraged resources were acquired or developed and under which they were provided;
- Documentation of recipient households' Federal eligibility, or eligibility for the grantee's LIHEAP program, as appropriate;
- Documentation of the type, amount, and value of leveraged benefits provided, including documentation of commonly available, local market household home energy rates or costs charged;
- Documentation of the type, amount, and value of in-kind contributions;
- Documentation of the costs incurred by the grantee to leverage resources and of the costs imposed on low-income households;
- Documentation of the calculation of the net addition to recipient households' home energy resources; and
- Documentation of the integration of leveraged resources with the grantee's LIHEAP program, as appropriate.

Recipient eligibility documentation should document each household's income or categorical eligibility. Benefit documentation should document the delivery and value of each benefit, including the amount or quantity and unit price, as appropriate.

We are requiring submission of some of this documentation with grantees' leveraging reports. We may require submission of additional documentation to clarify or support information submitted in a leveraging report.

Many of the resources submitted during the first three years of the leveraging incentive program were provided and administered at the subrecipient level. As discussed elsewhere in this preamble, such resources are countable if they meet all of the requirements for countable resources. In such cases, records likely will be kept at the local level, and information required for the leveraging report likely will be provided to State officials by local agencies. Again, this is acceptable, as long as the documentation discussed above is maintained and readily available both to State and Federal officials.

However, we emphasize that it is important for grantees to develop and institute procedures to ensure that this documentation is accurate and complete. In some cases, when we asked States for more information about particular resources administered by subrecipients, we found that the States not only had virtually no knowledge about the resources, but also were unable to obtain the necessary additional information from the local agencies.

We expect grantees to ensure that local agencies that provide and/or administer leveraged resources/benefits will receive adequate instruction or training in the requirements for countable resources and their valuation. Also, we expect grantees to institute monitoring procedures to ensure that such agencies maintain required documentation and provide accurate reports. In addition, as previously discussed in this preamble, resources counted under criteria (ii) and (iii) of § 96.87(d)(2) must be ''appropriated or mandated'' by the grantee—the State, tribe, tribal organization, or territory—for distribution to low-income households, either through its LIHEAP program (criterion (ii)) or as described in its LIHEAP plan and integrated and

coordinated with its LIHEAP program (criterion (iii))—not provided independently by local agencies.

Leveraging Report

Section 2607A(e) of the LIHEAP statute provides that grantees desiring leveraging incentive funds must submit a report to HHS that quantifies the grantee's leveraged resources for the base period. These reports are grantees' applications for leveraging incentive funds. Section 96.87(h) of the regulations lists requirements for these reports. In both the interim rule and this final rule, we included in the list only the information we believe we need to know in order to fulfill our responsibility to evaluate grantees' leveraged resources/benefits and to determine appropriate grantee shares of leveraging incentive funds.

HHS does not prescribe a format for grantees' annual applications for regular LIHEAP funds. However, because leveraging applications must include specific, comparable data for grantees ''competing'' for shares of a limited amount of leveraging incentive funds, the interim rule and this final rule specify that leveraging reports must be in a format established by HHS. The LIHEAP leveraging report form has received Office of Management and Budget clearance through May 1995 and was used by grantees applying for leveraging incentive funds in fiscal years 1992, 1993, and 1994.

Grantee leveraging reports must describe the leveraged resources/benefits provided to low-income households during the base period, and must indicate the grantee's valuation of these resources and of the costs of leveraging them. Grantees should report these amounts as whole numbers rounded to the nearest whole dollar or rounded to the nearest multiple of 10 or 100.

We received four letters commenting on § 96.87(h) of the interim final rule. This section includes the requirements that leveraging reports indicate the geographical area (for example, the cities and/or counties) in which the leveraged resources/benefits were provided to low-income households and state the month(s) and year(s) when these benefits were provided during the base period.

Comments and Response

Two States commented that grantees should not be required to include in their leveraging reports either the geographical area or the months and years in which benefits were provided. One of these comments recommended instead that grantees provide ''assurance that the reported resources were provided during the required base period and in the grantee's LIHEAP service area.''

However, we retained these requirements in the final rule, for the following reasons. This information helps to identify each resource. We have found it to be useful and believe that Congress and other interested parties may find it useful as well. It should not be difficult for grantees to include in their reports. Also, while reviewing reports on leveraging activities, we have found that several grantees that indicated the appropriate base period at the top of their leveraging report forms included dates in the report itself, where they were required to state the month(s) and year(s) of the base period in which benefits were provided, that showed that the benefits actually were not provided in the base period for which the report was submitted. The requirement thus serves as a check to assure that benefits were provided in the proper base period.

However, in response to commenters' concerns about reporting requirements and paperwork burden, we changed the final rule to remove the requirement that grantees explain how reported resources/benefits valued under $5,000 meet criterion (i) or criterion (iii), as appropriate, under § 96.87(d)(2). The interim rule required that grantees explain how all resources reported for these criteria meet the appropriate criterion or criteria; the final rule requires this explanation only for resources valued at $5,000 or more. It is not intended that grantees divide large resources into smaller components of less than $5,000 in order to avoid the documentation requirement. Resources valued under $5,000 are subject to verification by HHS during compliance reviews, as are larger resources.

Comment and Response

Section 2607A(f) of the LIHEAP statute provides that HHS ''may request any documentation'' that it ''determines necessary for the verification'' of grantees' applications for leveraging incentive funds. Section 96.87(h) of the interim rule required that leveraging reports state the dollar value of each resource/benefit, ''indicate the source(s) of the data used, and describe how the grantee quantified the value and calculated the total amount.'' It also provided that HHS

> may require submission of additional documentation and/or clarification as it determines necessary to verify information in a grantee's leveraging report, to determine whether a leveraged resource is countable, and/or to determine the net valuation of a resource. In such cases, the Department will set a date by which it must receive information sufficient to document countability and/or valuation.

A commenter believed that HHS should require grantees to provide with their leveraging reports an ''extensive annotated listing'' of their documentation, detailing the data contained in each document, ''the claim to resources it supports and its physical location.''

We decline to require grantees to submit routinely with their leveraging reports the additional documentation proposed by this commenter. We believe that the burden of compiling and submitting the ''extensive annotated listing'' on a routine basis would clearly outweigh the possible benefits. Further, the regulations require that detailed documentation be readily available and submitted to HHS upon request. In addition, we monitor grantees' leveraging records when we conduct compliance reviews.

However, to reduce the chance of misunderstanding regarding the importance of grantees' maintaining accurate records that properly document their claimed resources and submitting any additional information requested by HHS, we have added the following clarification to section 96.87(h)(3): in cases when HHS requires submission of additional documentation and/or clarification, ''if the Department does not receive information that it considers sufficient to document countability and/or valuation by the date it has set, then the Department will not count the resource (or portion of resource) in question.''

Submission Dates for Leveraging Reports

Section 2607A(e) of the LIHEAP statute as amended in 1990 provided that grantees must submit their leveraging reports to HHS by July 31 of each year in order to qualify for leveraging incentive funds. Public Law 102–394, which provided FY 1993 LIHEAP appropriations, anticipated that, beginning in July 1994, LIHEAP funds would be available on the basis of the ''forward funding'' program year of July 1 through June 30. As we explained in the interim rule's preamble, we believe it was reasonable to assume that Congress intended the July 31 date to apply only after ''forward funding'' began, when July 31 would be one month after the end of the program year or base period whose leveraging activities were reported. Grantees would then be able to report leveraging activities for the entire program year.

However, with LIHEAP funds available for obligation on the basis of the Federal fiscal year starting October 1, if grantees were required to submit leveraging reports by July 31, they would not be able to include leveraging activities for the last two or three months of the fiscal year. The interim rule therefore modified the reporting dates for reports to be submitted before forward funding began. The deadline for submission of reports while LIHEAP funding is provided to grantees on the basis of the Federal fiscal year of October 1 through September 30 was set as October 31 of the fiscal year for which leveraging incentive funds are requested—on month after the end of the fiscal year or base period for which leveraging activities are reported.

In a comment on the interim rule, a State recommended that HHS change the leveraging report submission deadline to two months after the end of the base period, to allow local entities at least one month to report leveraging results for the full base period to States, and to allow a ''reasonable amount of time'' for States to analyze the reports and include allowable resources in their leveraging reports.

The Human Services Amendments of 1994, Public Law 103–252, enacted May 18, 1994, reauthorizing LIHEAP through FY 1999, provides for forward or advance funding (that is, funding appropriated one year in advance) on the basis of the Federal fiscal year of October 1 through September 30. Thus, the July through June program year will not be implemented.

Public Law 103–252 specifies that leveraging reports are to be submitted ''2 months after the close of the fiscal year'' during which the grantee provided the leveraged resources to eligible households. The final rule makes this technical change to the regulations at § 96.87(h)(2), stating that ''Leveraging reports must be postmarked or hand-delivered not later than November 30 of the fiscal year for which leveraging incentive funds are requested.'' Leveraging reports submitted later will not be considered for a share of leveraging incentive funds. The new deadline is two months after the end of the base period and two months ''into'' the award period, effective with the leveraging reports to be submitted on FY 1994 leveraging activities. (The report on FY 1994 leveraging activities must be submitted by November 30, 1994. Any LIHEAP plan amendments necessary to qualify FY 1994 leveraging activities under criterion (ii) or criterion (iii) of section 96.87(d)(2) must be submitted by September 30, 1994.)

Leveraging reports should be mailed or delivered to the following address: Director, Office of Community Services, Administration for Children and Families, Department of Health and Human Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447.

Determination of Grantee Shares of Leveraging Incentive Funds

Section 96.87(i) of the interim final rule set the formula used to allocate leveraging incentive funds among grantees submitting leveraging reports. The formula in the interim rule was used to allocate leveraging incentive funds in fiscal years 1992, 1993, and 1994. As indicated under ''Effective Date'' near the beginning of this preamble, it also will be used to allocate leveraging incentive funds in FY 1995 that reward FY 1994 leveraging activities. This means that the revised formula included in this final rule and described below will be used beginning with leveraging incentive funds awarded in FY 1996 to reward FY 1995 leveraging activities.

Section 2607A of the LIHEAP statute requires HHS to develop a formula for allocating leveraging incentive funds that takes into account the size of the grantee's regular LIHEAP allotment (allocation), and the value of the grantee's leveraged resources in relation to its regular allotment amount. The legislative history also includes recommendations for the formula.

After considering ideas for possible formulas, and then three different formulas under three different scenarios, we selected the two-part formula that was in the interim rule. The formula we selected, which we called ''Formula One,'' was intended to carry out Congress' intent to give the largest reward to the grantees that were most successful in leveraging their LIHEAP dollars. We included in the preamble to the interim rule a detailed discussion of the three formulas, with examples of how allocations would differ under each. (See pp. 1972–1976 of the **Federal Register** dated January 16, 1992; 57 FR 1972–1976.)

Under the interim rule's formula, we distributed half of the leveraging incentive funds for an award period based on the value of the leveraged resources/benefits provided by a grantee during the base period relative to its net allotment under the regular LIHEAP program during the base period, as a proportion of the total value of leveraged resources/benefits provided by all grantees in relation to their regular net allotments during the same period. We distributed the remaining half of the funds based on the value of leveraged resources/benefits that a grantee provided during the base period as a proportion of the total value of leveraged resources/benefits provided by all grantees. No grantee could receive a leveraging incentive award larger than its regular LIHEAP allotment during the base period. When the formula would have resulted in a grantee receiving an incentive award larger than its regular allotment, the ''excess'' funds were reallocated to the other grantees receiving leveraging incentive funds. The leveraging figures used in these calculations were based on the net value of the countable leveraged resources in grantees' leveraging reports, as approved by HHS.

We received eleven comments regarding the formula used to determine grantee shares of leveraging incentive funds. Some of the commenters supported our selection of Formula One, while others suggested using a different formula or modifying our selection in some way.

In determining what allocation formula to adopt in this final rule, we considered not only the comments we received, but also experience we have gained in the last three grant periods in using Formula One for allocations based on the actual leveraging reports submitted by grantees. We reconsidered all three of the formulas discussed in the preamble to the interim rule and calculated what leveraging grant awards would have been in FY 1994 if we had used each of them. The actual FY 1994 awards—based on Formula One—are shown below, as are the allocations that would have resulted if we had used Formula Two and Formula Three, and State and territorial allocations that would have resulted if we had distributed the funds under the regular LIHEAP block grant allocation formula, rather than using them in the leveraging incentive program.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM—FINAL TOTALS FOR FISCAL YEAR 1994 LEVERAGING INCENTIVE GRANTS

Grantee	Fiscal year 1993 lev $	Fiscal year 1993 regular allot $	Formula one total share of $25 M for fiscal year 1994	Formula two total share of $25 M for fiscal year 1994	Formula three total share of $25 M for fiscal year 1994	Regular block grant allocation formula [1]
Alabama	$4,806,142	$11,280,337	$345,359	$701,732	$113,424	$214,720
Alaska	5,962,440	4,717,311	767,112	2,081,738	417,434	137,061
Arizona	3,734,137	4,834,769	471,567	1,272,070	159,749	103,841
Arkansas	296,071	8,655,748	24,941	56,336	561	163,842
California	62,681,576	60,489,538	2,422,358	1,706,696	3,597,770	1,151,911
Colorado	12,845,031	21,218,391	677,400	997,055	430,717	401,635
Connecticut	10,408,642	27,680,140	496,176	619,330	216,797	523,947
Delaware	302,815	3,674,006	47,354	135,748	1,382	69,544
Dist. of Col.	1,515,878	4,298,771	209,438	580,787	29,609	81,370
Florida	196,428	17,935,527	11,140	18,038	119	339,751
Idaho	776,651	8,154,122	67,966	156,872	4,097	156,665
Illinois	2,769,870	76,613,847	102,605	59,545	5,547	1,450,196
Indiana	3,045,067	34,688,598	134,922	144,579	14,806	656,608
Iowa	137,864	24,584,274	6,863	9,236	43	465,347
Kentucky	796,475	18,051,829	45,034	72,669	1,947	341,697
Louisiana	292,500	11,589,893	20,699	41,566	409	219,518
Maine	4,740,507	17,332,318	273,066	450,469	71,817	339,434
Maryland	18,267,659	21,194,333	963,820	1,419,580	872,127	401,180
Massachusetts	40,715,017	55,359,810	1,602,173	1,211,314	1,658,626	1,048,068
Michigan	27,757,124	72,601,649	1,037,432	629,687	587,809	1,376,834
Minnesota	7,119,144	52,403,709	283,485	223,750	53,571	991,931
Mississippi	493,047	9,714,872	38,673	83,589	1,386	184,089
Missouri	1,221,353	30,602,562	56,280	65,732	2,700	579,265
Montana	1,322,366	8,238,065	114,959	264,377	11,757	183,758
Nevada	839,136	2,576,577	176,024	536,396	15,138	48,771
New Hampshire	2,153,023	10,480,307	161,422	338,354	24,500	198,378
New Jersey	77,849,703	51,321,226	3,114,419	2,498,368	6,541,100	972,969
New Mexico	430,906	6,369,423	44,529	111,424	1,615	130,002
New York	136,047,801	167,660,542	4,595,541	1,336,464	6,114,853	3,176,890
North Carolina	1,894,735	24,477,911	94,445	127,488	8,124	473,453
North Dakota	508,805	9,365,661	40,808	89,477	1,531	199,616
Ohio	23,155,352	67,776,399	875,896	562,690	438,186	1,282,915
Oklahoma	1,504,870	9,678,967	118,301	256,075	12,960	197,372
Oregon	3,998,678	16,445,150	236,066	400,475	53,855	311,284
Pennsylvania	63,174,400	90,152,177	2,283,149	1,154,148	2,452,110	1,706,458
Rhode Island	1,945,150	9,076,024	159,061	352,983	23,091	172,518
South Carolina	550,490	9,009,177	45,222	100,638	1,863	170,531
South Dakota	282,427	7,292,137	26,602	63,789	606	162,123
Tennessee	422,992	18,286,116	23,779	38,098	542	346,131
Utah	1,682,970	9,693,988	132,178	285,937	16,184	186,641
Vermont	980,437	7,855,363	87,904	205,565	6,778	148,691
Virginia	1,471,001	25,817,067	71,888	93,843	4,643	488,682
Washington	15,620,693	25,953,922	761,918	991,274	520,753	512,020
Wisconsin	19,992,724	47,170,863	815,604	698,063	469,358	892,880
Wyoming	61,886	3,947,822	9,142	25,819	54	74,727
Northern Mariana	100,809	22,355	22,355	22,355	22,355	423
AK Tanana Chiefs	14,078	648,973	10,428	35,728	17	.....
AK Tlingit & Haida	17,940	384,423	22,048	76,862	46	.....
AZ Quechan Tribe	12,265	1,054	1,054	1,054	7,905	.....
CA Rincon Band	12,401	10,523	10,523	10,523	809	.....
CA San Pasqual Band	100	1,796	1,796	1,796	0	.....
ID Shoshone-Bannock	17,299	92,612	86,558	92,612	179	.....
MI Inter-Tribal Cnl	11,303	31,196	31,196	31,196	227	.....
MI Sault Ste. Marie	22,760	86,569	86,569	86,569	331	.....
MS Band of Choctaw	2,960	10,554	10,554	10,554	46	.....
MT Assin & Sioux	27,000	287,713	44,056	154,561	140	.....
MT Blackfeet Tribe	31,566	465,164	32,232	111,766	119	.....
MT C Salish Kootenai	15,967	266,686	28,068	98,609	53	.....
OK Cherokee Nation	37,000	342,717	50,867	177,813	221	.....
OK Choctaw Nation	21,750	197,057	51,505	181,787	133	.....
OK Kiowa Tribe	15,651	14,668	14,668	14,668	925	.....
OK Seneca-Cayuga Trb	2,276	2,296	2,296	2,296	125	.....
SD Sisseton-Wahpeton	45,065	116,073	116,073	116,073	969	.....
SD Yankton Sioux Trb	27,000	64,631	64,631	64,631	625	.....
WA Colville Conf Trb	44,000	239,114	86,109	239,114	448	.....
WA Kalispel Ind Comm	2,394	4,463	4,463	4,463	71	.....
WA Lummi Tribe	9,600	67,598	65,701	67,598	76	.....

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM—FINAL TOTALS FOR FISCAL YEAR 1994 LEVERAGING INCENTIVE GRANTS—Continued

Grantee	Fiscal year 1993 lev $	Fiscal year 1993 regular allot $	Formula one total share of $25 M for fiscal year 1994	Formula two total share of $25 M for fiscal year 1994	Formula three total share of $25 M for fiscal year 1994	Regular block grant allocation formula [1]
WA Muckleshoot Tribe	30,112	24,129	24,129	24,129	2,081	.....
WA Port Gamble S'Kl	970	11,145	11,145	11,145	5	.....
WA Yakima Nation	15,000	267,855	26,256	92,233	47	.....
Total	567,309,248	1,229,982,602	25,000,000	25,000,000	25,000,000	23,435,689

[1] The ''Regular Block Grant Allocation Formula'' column does not add to $25 million because under this formula a portion is set aside for all states and territories, including those that did not apply for leveraging incentive funds. In addition, we have not calculated awards for the tribal grantees whose share of regular block grant funds comes out of their States' allotments.

We also considered several other options to determine whether we could devise a new formula that resulted in a fairer distribution of the funds, but we found that these other formulas were hard to understand and use and even harder to explain, and did not provide results that were any fairer than Formula One's. After consideration of all these results and the comments we received, we decided to continue with Formula One, with modifications as outlined below.

Comments and Response

Two of the commenters agreed with our choice of Formula One. Two others suggested the use of Formula Two from the interim rule's preamble, which would have distributed all of the funds based on the first half of Formula One (that is, based on the amount of leveraging each grantee carried out relative to the size of its regular allotment, as a proportion of the total amount of leveraging carried out by all grantees relative to their regular allotments). We seriously considered selecting Formula Two at the time we published the interim final rule, but felt then that Formula One was fairer overall. Our experience in the last three grant periods with our formula pointed out an unexpected result with the first half of Formula One, and thus with Formula Two as well. The actual FY 1994 leveraging incentive grant awards, determined using Formula One, are shown below, along with details of how the allocations were calculated. (Some numbers were affected by rounding.)

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM—FINAL TOTALS FOR FY 1994 LEVERAGING INCENTIVE GRANTS FORMULA ONE

Grantee	FY 1993 lev $	FY 1993 regular allot $	Lev $ div. by allot $	Grantee percent	Part one share	Grantee percent of lev $	Part two share	Preliminary total share of $25 M	Final total share of $25 M for FY 1994
A	B	C	D	E	F	G	H	I	J
Alabama	$4,806,142	$11,280,337	0.4261	1.11	$139,319	0.85	$105,898	$245,217	$345,359
Alaska	5,962,440	4,717,311	1.2639	3.31	413,301	1.05	131,375	544,676	767,112
Arizona	3,734,137	4,834,769	0.7724	2.02	252,552	0.66	82,277	344,829	471,567
Arkansas	296,071	8,655,748	0.0342	0.09	11,185	0.05	6,524	17,709	24,941
California	62,681,576	60,489,538	1.0362	2.71	338,841	11.05	1,381,116	1,719,957	2,422,358
Colorado	12,845,031	21,218,391	0.6054	1.58	197,952	2.26	283,025	480,977	677,400
Connecticut	10,408,642	27,680,140	0.3760	0.98	122,960	1.83	229,342	352,302	496,176
Delaware	302,815	3,674,006	0.0824	0.22	26,951	0.05	6,672	33,623	47,354
Dist. of Col.	1,515,878	4,298,771	0.3526	0.92	115,307	0.27	33,401	148,708	209,438
Florida	196,428	17,935,527	0.0110	0.03	3,582	0.03	4,328	7,910	11,140
Idaho	776,651	8,154,122	0.0952	0.25	31,145	0.14	17,113	48,258	68,966
Illinois	2,769,870	76,613,847	0.0362	0.09	11,822	0.49	61,031	72,853	102,605
Indiana	3,045,067	34,688,598	0.0878	0.23	28,704	0.54	67,095	95,799	134,922
Iowa	137,864	24,584,274	0.0056	0.01	1,835	0.02	3,038	4,873	6,863
Kentucky	796,475	18,051,829	0.0441	0.12	14,427	0.14	17,549	31,976	45,034
Louisiana	292,500	11,589,893	0.0252	0.07	8,252	0.05	6,445	14,697	20,699
Maine	4,740,507	17,332,318	0.2735	0.72	89,434	0.84	104,452	193,886	273,066
Maryland	18,267,659	21,194,333	0.8619	2.25	281,838	3.22	402,507	684,345	963,820
Massachusetts	40,715,017	55,359,810	0.7355	1.92	240,490	7.18	897,108	1,137,598	1,602,173
Michigan	27,757,124	72,601,649	0.3823	1.00	125,016	4.89	611,596	736,612	1,037,432
Minnesota	7,119,144	52,403,709	0.1359	0.36	44,422	1.25	156,862	201,284	283,485
Mississippi	493,047	9,714,872	0.0508	0.13	16,595	0.09	10,864	27,459	38,673
Missouri	1,221,353	30,602,582	0.0399	0.10	13,050	0.22	26,911	39,961	56,280
Montana	1,322,366	8,238,065	0.1605	0.42	52,488	0.23	29,137	81,625	114,959
Nevada	839,136	2,576,577	0.3257	0.85	106,494	0.15	18,489	124,983	176,024
New Hampshire	2,153,023	10,480,307	0.2054	0.54	67,176	0.38	47,439	114,615	161,422
New Jersey	77,849,703	51,321,226	1.5169	3.97	496,017	13.72	1,715,328	2,211,345	3,114,419
New Mexico	430,906	6,369,423	0.0677	0.18	22,122	0.08	9,495	31,617	44,529
New York	136,047,801	167,660,542	0.8114	2.12	265,337	23.98	2,997,655	3,262,992	4,595,541
North Carolina	1,894,735	24,477,911	0.0774	0.20	25,311	0.33	41,748	67,059	94,445
North Dakota	508,805	9,365,661	0.0543	0.14	17,764	0.09	11,211	28,975	40,808
Ohio	23,155,352	67,776,399	0.3416	0.89	111,715	4.08	510,201	621,916	875,896
Oklahoma	1,504,870	9,678,967	0.1555	0.41	50,840	0.27	33,158	83,998	118,301

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM—FINAL TOTALS FOR FY 1994 LEVERAGING INCENTIVE GRANTS FORMULA ONE—Continued

Grantee	FY 1993 lev $	FY 1993 regular allot $	Lev $ div. by allot $	Grantee percent	Part one share	Grantee percent of lev $	Part two share	Preliminary total share of $25 M	Final total share of $25 M for FY 1994
A	B	C	D	E	F	G	H	I	J
Oregon	3,998,678	16,445,150	0.2432	0.64	79,509	0.70	88,106	167,615	236,066
Pennsylvania	63,174,400	90,152,177	0.7008	1.83	229,140	11.14	1,391,974	1,621,114	2,283,149
Rhode Island	1,945,150	9,076,024	0.2143	0.56	70,080	0.34	42,859	112,939	159,061
South Carolina	550,490	9,009,177	0.0611	0.16	19,980	0.10	12,129	32,109	45,222
South Dakota	282,427	7,292,137	0.0387	0.10	12,665	0.05	6,223	18,888	26,602
Tennessee	422,992	18,286,116	0.0231	0.06	7,564	0.07	9,320	16,884	23,779
Utah	1,682,970	9,693,988	0.1736	0.45	56,769	0.30	37,082	93,851	132,178
Vermont	980,437	7,855,363	0.1248	0.33	40,812	0.17	21,603	62,415	87,904
Virginia	1,471,001	25,817,067	0.0570	0.15	18,631	0.26	32,412	51,043	71,888
Washington	15,620,693	25,953,922	0.6019	1.57	196,804	2.75	344,184	540,988	761,918
Wisconsin	19,992,724	47,170,863	0.4238	1.11	138,591	3.52	440,516	579,107	815,604
Wyoming	61,886	3,947,822	0.0157	0.04	5,127	0.01	1,364	6,491	9,142
Northern Mariana	100,809	22,355	4.5094	11.80	1,474,550	0.02	2,221	1,476,771	22,355
Alaska:									
Tanana Chiefs Conf.	14,078	648,973	0.0217	0.06	7,094	0.00	310	7,404	10,428
Tlingit & Haida CC	17,940	384,423	0.0467	0.12	15,260	0.00	395	15,655	22,048
Arizona: Quechan Tribe	12,265	1,054	11.6366	30.44	3,805,080	0.00	270	3,805,350	1,054
California:									
Rincon Band	12,401	10,523	1.1785	3.08	385,345	0.00	273	385,618	10,523
San Pasqual Band	100	1,796	0.0557	0.15	18,207	0.00	3	18,210	1,796
Idaho: Shoshone-Bannock Tr.	17,299	92,612	0.1868	0.49	61,078	0.00	381	61,459	86,558
Michigan:									
Inter-Tribal Coun.	11,303	31,196	0.3623	0.95	118,476	0.00	249	118,725	31,196
Sault Ste. Marie Tr.	22,760	86,569	0.2629	0.69	85,969	0.00	501	86,470	86,569
Mississippi: MS Band of Choctaw In	2,960	10,554	0.2805	0.73	91,709	0.00	65	91,774	10,554
Montana:									
Assin & Sioux (Ft Peck)	27,000	287,713	0.0938	0.25	30,686	0.00	595	31,281	44,056
Blackfeet Tribe	31,566	465,164	0.0679	0.18	22,190	0.01	696	22,886	32,232
Con Salish Kootenai	15,967	266,686	0.0599	0.16	19,577	0.00	352	19,929	28,068
Oklahoma:									
Cherokee Nat of OK	37,000	342,717	0.1080	0.28	35,302	0.01	815	36,117	50,867
Choctaw Nat of OK	21,750	197,057	0.1104	0.29	36,091	0.00	479	36,570	51,505
Kiowa Tribe	15,651	14,668	1.0670	2.79	348,906	0.00	345	349,251	14,668
Seneca-Cayuga Tribe	2,276	2,296	0.9913	2.59	324,143	0.00	50	324,193	2,296
South Dakota:									
Sisseton-Wahpeton	45,065	116,073	0.3882	1.02	126,954	0.01	993	127,947	116,073
Yankton Sioux Tribe	27,000	64,631	0.4178	1.09	136,603	0.00	595	137,198	64,631
Washington:									
Colville Conf Tribe	44,000	239,114	0.1840	0.48	60,171	0.01	969	61,140	86,109
Kalispel Ind Comm	2,394	4,463	0.5364	1.40	175,402	0.00	53	175,455	4,463
Lummi Tribe	9,600	67,598	0.1420	0.37	46,438	0.00	212	46,650	65,701
Muckleshoot Tribe	30,112	24,129	1.2480	3.26	408,072	0.01	663	408,735	24,129
Port Gamble S'Kl Tr	970	11,145	0.0871	0.23	28,469	0.00	22	28,491	11,145
Yakima Nation	15,000	267,855	0.0560	0.15	18,312	0.00	331	18,643	26,256
Total	567,309,248	1,229,982,602	38.2273	100.00	12,500,000	100.00	12,500,000	25,000,000	25,000,000

In this table, the following information is included in the columns:

Column A is the individual grantee.

Column B is the dollar value of countable leveraged resources that the grantee provided to low-income households during the base period, after deducting offsetting costs, as approved by HHS.

Column C is the amount of the grantee's regular LIHEAP allotment during the base period, net of any set-asides for direct-grant Indian tribes and tribal organizations in the case of a State.

Column D is the amount of a grantee's net countable leveraged resources as a proportion of its regular allotment (column B divided by column C).

Column E is the amount of a grantee's net countable leveraged resources divided by its regular allotment, as a proportion of the net countable resources leveraged by all grantees relative to their regular allotments, with the resulting figure expressed as a percent (column D divided by the total for column D).

Column F is the amount of leveraging incentive funds that a grantee would receive under the first part of the formula (column E multiplied by one-half of the leveraging funds available, in this case $12,500,000).

Column G is the grantee's net countable leveraged resources as a proportion of the net countable resources leveraged by all grantees (column B divided by the total for column B).

Column H is the amount of leveraging incentive funds that a grantee would receive under the second part of the formula (column G multiplied by one-

half of the leveraging funds available, in this case $12,500,000).

Column I is a preliminary calculation of the total amount of leveraging incentive funds a grantee would receive under this two-part formula, if there were no limit on the amount of funds a grantee could receive (column F plus column H).

Column J is the final calculation of the total amount of leveraging incentive funds a grantee received. Because the interim rule provided that no grantee may receive a leveraging incentive award larger than its regular LIHEAP allotment, where the amount in column I exceeds the amount in column C, the ''excess'' funds were distributed on a proportionate basis to the other leveraging grantees.

We were surprised that this formula resulted in some tribal grantees receiving very large grants in proportion to the amount of leveraging they carried out (and the awards would have been even larger for half of the tribal grantees in FY 1994, had it not been for the limit that no grantee could receive a leveraging incentive award larger than its regular LIHEAP allotment). Under the first part of the formula in FY 1994, each grantee received about $12,000 for each tenth of a percent (0.1 percent) that appears in column E in the chart above, no matter how large the grantee's regular allotment or the value of its approved leveraging activities. The basic determining factor in this first half of the formula is the value of the leveraging activities an individual grantee carries out in relation to the size of its regular allotment. For example, the State of Virginia leveraged $1,471,001 and had a regular allotment in FY 1993 of $25,817,067, which means it leveraged 5.7 percent of its regular grant amount, translating to 0.15 percent in column E. Based on these results, Virginia received $18,631 under the first part of the formula. By comparison, the Yakima Indian Nation of Washington State leveraged $15,000 and had a regular allotment in FY 1993 of $267,855, which means it leveraged 5.6 percent of its regular grant amount, translating to 0.15 percent in column E. Based on these results, the Yakima Nation received $18,312 under the first part of the formula. (Numbers are slightly different because of rounding.) Grantees that leveraged large dollar amounts made up for any ''shortfall'' under the first half of the formula by receiving large amounts under the second half of the formula, which rewards grantees based on the amount of leveraging they accomplished as a proportion of the amount leveraged by all grantees. In this case, Virginia carried out 0.26 percent of all the leveraging activities carried out by all grantees for the year and received $32,412 under the second half of the formula, while the Yakima Nation carried out 0.00264 percent of all the leveraging activities for the year (rounded to 0.00 percent in the chart above) and received $331 under the second half of the formula. (Both Virginia and the Yakima Nation received additional funds when ''excess awards'' for other grantees were redistributed.) Grantees that carried out more leveraged activities did even better under the second half of the formula, as can be seen in the table above.

Based on these results, we do not believe it would be fair to all grantees to distribute the leveraging incentive funds on the basis of Formula Two. We believe the second half of Formula One balances out the first half, and makes it more fair to all. In addition, the first table above shows that Formula Three would skew the leveraging allocations much too heavily in favor of larger grantees, and thus would remove or reduce the incentive for smaller grantees to leverage resources. For these reasons, we decided to retain Formula One in the final rule.

Comments and Response

Some tribal grantees expressed concern that prohibiting a grantee from receiving a leveraging incentive award that is larger than the size of its regular allotment would unfairly affect tribal grantees, which are generally in greater need than State grantees. The prohibition against receiving more in leveraging incentive funds than in regular block grant funds affected only tribal grantees in fiscal years 1992 and 1993, and tribal and territorial grantees in FY 1994. Tribes in general did very well under the interim rule's formula, in most cases receiving considerably more than the value of the leveraging activities they carried out. (The amount awarded to tribal grantees under this formula was still relatively small compared with the amount awarded to States. In FY 1992, the eight tribal grantees receiving leveraging incentive funds received 2.27 percent of the leveraging incentive funds awarded. In FY 1993, the 19 tribal leveraging fund recipients received 4.58 percent of the leveraging incentive funds awarded. In FY 1994, the 24 tribal leveraging fund recipient received 3.53 percent of the leveraging incentive funds awarded.) As noted, several of the tribes would have received more than their regular grant amount under this formula were it not for the prohibition against this (we redistributed those ''excess'' funds on a proportionate basis among the other grantees). In an extreme example, shown in the table above, the Port Gamble S'Klallam Tribe of Washington State leveraged $970 in FY 1993 and received a leveraged grant award in FY 1994 of $11,145, the same amount as its regular allotment in the base period of FY 1993. It would have received a grant award of $28,491 had it not been for the limit on receiving no more than the size of its regular allotment. We think the actual grant award of $11,145, based on $970 in countable leveraging activities, is disproportionate and unfair to other grantees. An award of $28,491 clearly would have been excessive. Accordingly, we considered various ways of changing the formula or its limits to make the awards for tribes and other small grantees more equitable, while still giving them an advantage to compensate for their smaller size, reduced leverage, and generally higher level of poverty, compared with States.

Therefore, this final rule changes the formula at section 96.87(i) to provide that a grantee cannot receive a leveraging incentive award that is more than the smaller of (1) its regular LIHEAP net allotment during the base period, or (2) twice the net value of its countable leveraged resources for the base period. This means that the Port Gamble S'Klallam Tribe's leveraging award in FY 1994 would have been $1,940 (twice the amount of the $970 in countable leveraging carried out in the base period of FY 1993), rather than the $11,145 the tribe received (the same amount as its regular FY 1993 allotment). We believe that this revision will be fairer to all grantees.

Comments and Response

Four commenters expressed concern that the bulk of the leveraging incentive funds should not go to one or just a few large grantees that carry out a large amount of leveraging, leaving little for others. Several other persons made similar comments informally. In general, we found that the formula as a whole tended to favor smaller grantees and to dampen the effect of large amounts of leveraging carried out by large grantees. For example, New York had countable leveraging activities in FY 1993 valued at $136 million (with a regular FY 1993 allotment of $167.7 million), which is about 24 percent of the total amount of $567.3 million in leveraging carried out by all grantees. Its incentive grant award, however, was $4.6 million, which is about 18.4 percent of the $25 million in incentive grants. By comparison, Wyoming had countable leveraging activities of $61,886 (0.01 percent of the total

amount of leveraging for all grantees) and a regular allotment of $3.9 million, and received a leveraging incentive award of $9,142, which is 0.04 percent of the $25 million.

However, we recognize the potential for just a few grantees receiving the bulk of the available leveraging incentive funds in the future. In FY 1992, the four grantees with the largest amount of leveraged resources received a total of $11,924,159, or 47.7 percent of the $25 million distributed. In FY 1993, the four grantees with the most leveraging received $11,658,428, or 47 percent of the $24.8 million distributed. In FY 1994, the four grantees with the most leveraging received $12,415,467, or 49.7 percent of the $25 million distributed.

Accordingly, we changed the formula to stipulate that no grantee can receive a leveraging award larger than 12 percent of the total amount of leveraging incentive funds available for distribution in any award period. At a funding level of $25 million for the leveraging incentive program, that means that no grantee could receive an award of more than $3 million. We believe this allows for adequate compensation to a grantee that does a large amount of leveraging, while still leaving significant incentive for other grantees. We do not expect a large number of grantees to earn this maximum grant amount. (In FY 1992, FY 1993, and FY 1994, each of two States received more than 12 percent of the available leverging funds.)

Reexamining the Formula

Public Law 103–252, enacted in May 1994, and the conference report on Public Law 103–252, do not mention the formula for distributing leveraging incentive funds. However, the Senate and House committee reports on predecessor bills do. Senate Report 103–251 states that ''it would be appropriate for the Secretary to reconsider the regulations for the fund in order to give greater weight to rewarding initiatives affecting energy regulations, markets, and terms of service to LIHEAP-eligible households.'' House of Representatives Report 103–483 uses essentially the same language, except that it refers to ''rewarding new initiatives affecting energy regulations, markets, and terms of service.'' We believe the public should have opportunity to comment on reconsideration of the formula based on this report language. We therefore will reexamine the formula based on this language in our forthcoming proposed rule to implement Public Law 103–252.

Uses of Leveraging Incentive Funds

Section 96.87(j) of the interim rule and the final rule concerns allowable and unallowable uses of leveraging incentive funds awarded to grantees by HHS. Regular LIHEAP funds and LIHEAP leveraging incentive funds are separately authorized in the LIHEAP statute—the former at section 2602(b), and the latter at section 2602(d). Section 2607A of the LIHEAP statute directs that leveraging incentive funds must be used to increase or maintain benefits to households—that is, they must be used for LIHEAP heating, cooling, crisis, and/or weatherization assistance, and they cannot be used for some of the purposes for which regular LIHEAP funds can be used.

Comment and Response

We received one comment on this section of the interim rule: a State agreed with the exemption of leveraging incentive funds from the weatherization maximum applied to regular LIHEAP funds, providing flexibility to grantees. We retained this provision in the final rule.

Clarifications

In accordance with the requirements of section 2607A, leveraging incentive funds cannot be used for costs of planning and administration. However, if a grantee receives more than a minimal leveraging fund award, it likely will need to use additional monies to administer these funds. We therefore said in the interim rule that leveraging incentive funds can be counted in the base for calculating the grantee's maximum planning and administrative costs. This is consistent with the treatment of oil overcharge funds under section 155 of Public Law 97–377 (the Warner Amendment) and Exxon oil overcharge funds. However, leveraging incentive funds may be obligated by the grantee either in the award period—the fiscal year in which they were awarded to the grantee—or in the following fiscal year. We believe it would not be appropriate to permit grantees to count the same leveraging incentive funds in the base for calculating administrative costs—thereby reducing the amount of regular LIHEAP grant funds used for benefits—in both years. In response to questions from grantees about the year in which to count incentive funds in the administrative cost calculation base, the final rule clarifies that leveraging incentive funds cannot be counted in the base for calculating maximum administrative and planning costs in both the award period and the following fiscal year. The entire leveraging award does not have to be counted in the base in the same year—some may be counted in the award year and the remainder in the next. (Presumably they would be counted in the base in the year in which carrying out the activities they support increases the grantee's administrative/planning costs.) While the grantee has the discretion and flexibility to choose how much to count in the base in each year, the total amount from the leveraging award that is included in the base in both years combined cannot exceed the amount of the leveraging award.

As we said in the interim rule's preamble, grantees are to include the uses of their leveraging incentive funds in their LIHEAP plans. Uses must be covered in the plan for the fiscal year in which these funds will be used—either in the plan as originally submitted to HHS or in amendment(s) to the plan. We added this requirement to the final rule at a new § 96.87(j)(2), because of its importance, and to clarify and avoid misunderstanding. If the plan covers the uses of the leveraging incentive funds, it does not have to specify that leveraging incentive funds are involved. If the original plan does not cover these uses, then these uses must be added. For example, if leveraging incentive funds are to be used along with regular LIHEAP funds for cooling assistance that is described in the plan, then the plan need not specify that some of this assistance will be provided with leveraging incentive funds. However, if the grantee does not have a regular LIHEAP cooling assistance component and leveraging incentive funds are to be used for cooling assistance, the plan must include the cooling assistance supported by the leveraging funds.

The interim rule's preamble said that grantees are to document uses of leveraging incentive funds in the same way they document uses of regular LIHEAP funds, and that leveraging incentive funds are subject to the same audit requirements as regular LIHEAP funds. Because of their importance, and to clarify and avoid misunderstanding, we added these requirements to the final rule at section § 96.87(j)(2).

Finally, consistent with Public Law 101–501, which ended grantees' authority to transfer LIHEAP funds effective in FY 1994, the final rule deletes reference to transfers in § 96.87(j).

Period of Obligation for Leveraging Incentive Funds

Section 96.87(k) of the interim rule and the final rule concerns the period of time during which grantees can use

leveraging incentive funds awarded to them by HHS.

Incentive funds are awarded during the course of each award period, rather than at the beginning, since grantees' leveraging reports are to be submitted two months after each fiscal year begins, and since Federal review of these reports will follow. (Also, in fiscal years 1992 and 1993, Congress required HHS to make leveraging incentive fund awards in late September, at the end of the fiscal year/award period.) We therefore determine that leveraging incentive funds are not subject to the statutory and regulatory carryover and reallotment requirements that apply to regular LIHEAP funds. (Section 2607(b) of the LIHEAP statute provides that grantees may carry forward for use in the succeeding fiscal year no more than 10 percent of their regular LIHEAP funds payable for the prior fiscal year.) Instead, the interim rule provided that all leveraging incentive funds are available for obligation from the date they are awarded to a grantee until the end of the succeeding fiscal year. Thus, grantees could use these funds during the remainder of the fiscal year in which they were awarded, and throughout the following fiscal year.

Comments and Response

We received one written comment on this section in the interim rule: a State supported the exemption of leveraging incentive funds from the carryover limit applied to regular LIHEAP funds.

Based on informal grantee comments urging that we allow use of leveraging incentive funds to pay for appropriate activities carried out during the entire award period, this final rule changes § 96.87(k) to provide that leveraging incentive funds ''are available for obligation during both the award period and the fiscal year following the award period, without regard to limitations on carryover of funds in section 2607(b)(2)(B)'' of the LIHEAP statute. Grantees therefore can use leveraging incentive funds to reimburse themselves for appropriate obligations made in the award period before the leveraging award was made.

Any leveraging incentive funds not obligated for allowable purposes by the end of this obligation period must be returned to HHS. HHS will return such funds to the U.S. Treasury.

Paperwork Reduction Act of 1980

There are no new information collection requirements in this final rule which require approval under the Paperwork Reduction Act. The information collection requirements affected by this final rule have previously been approved.

Section 96.87 of this final rule contains information collection requirements relating to applications for leveraging incentive funds. Section 2607A of the Low-Income Home Energy Assistance Act requires grantees to submit these leveraging reports in order to qualify for leveraging incentive funds. These reports are the only source of the information HHS needs in order to allocate leveraging incentive funds among grantees. ACF estimates the reporting burden on applicants for leveraging incentive funds to be 40 hours per applicant. As required by the Paperwork Reduction Act, HHS submitted these information collection requirement to the Office of Management and Budget (OMB) for its review. OMB approved these requirements and the LIHEAP leveraging report form (form no. ACF–119) through May 1995 (OMB clearance no. 0970–0121).

Section 96.83 of this final rule requires grantees to submit a waiver request if they wish to obligate more than 15 percent of their LIHEAP funds allotted or funds available in any fiscal year for weatherization activities. We expect to receive less than 10 waiver requests per year, and thus this provision is not subject to the Paperwork Reduction Act. We received only one waiver request in FY 1991, and no waiver requests in FY 1992 and FY 1993. We received seven waiver requests in FY 1994.

Regulatory Impact Analysis

Executive Order 12866 requires that regulations be reviewed to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this rule is consistent with these priorities and principles. An assessment of the costs and benefits of available regulatory alternatives (including not regulating) demonstrated that the approach taken in the regulation is the most cost-effective and least burdensome while still achieving the regulatory objectives.

Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96–354) requires the Federal government to anticipate and reduce the impact of regulations and paperwork requirements on small entities. The primary impact of these regulations is on State, tribal, and territorial governments. Therefore, the Department of Health and Human Services certifies that this final rule will not have a significant economic impact on a substantial number of small entities because it affects payments to States, tribes, and territories. Thus, a regulatory flexibility analysis is not required.

Catalog of Federal Domestic Assistance Program Number

The Catalog of Federal Domestic Assistance program number for the low-income home energy assistance program (LIHEAP) is 93.568.

List of Subjects in 45 CFR Part 96

Energy, Grant programs-energy, Grant programs-Indians, Income assistance, Leveraging incentive program, Low and moderate income housing, Reporting and recordkeeping requirements, Weatherization.

Approved: April 4, 1995.

Mary Jo Bane,

Assistant Secretary for Children and Families.

For the reasons set forth in the preamble, part 96 of Title 45 of the Code of Federal Regulations as amended in the interim rule published in the **Federal Register** issue of January 16, 1992 (57 FR 1960) is adopted as final with the following changes and part 96 is further amended as set forth below:

PART 96—[AMENDED]

1. The authority citation for part 96 continues to read as follows:

Authority: 42 U.S.C. 300w *et seq.;* 42 U.S.C. 300x *et seq.;* 42 U.S.C. 300y *et seq.;* 42 U.S.C. 701 *et seq.;* 42 U.S.C. 8621 *et seq.;* 42 U.S.C. 9901 *et seq.;* 42 U.S.C. 1397 *et seq.;* 31 U.S.C. 1243 note.

Subpart B—General Procedures

2. Section 96.14(a)(2) is revised as follows:

§ 96.14 Time period of obligation and expenditure of grant funds.

(a) * * *

(2) *Low-income home energy assistance.* Regular LIHEAP block grant funds authorized under section 2602(b) of Public Law 97–35 (42 U.S.C. 8621(b)) are available only in accordance with section 2607(b)(2)(B) of Public Law 97–35 (42 U.S.C. 8626(b)(2)(B)), as follows. From allotments for fiscal year 1982 through fiscal year 1984, a maximum of 25 percent may be held available for the next fiscal year. From allotments for fiscal year 1985 through fiscal year 1990, a maximum of 15 percent of the amount payable to a grantee and not transferred to another block grant according to section 2604(f) of Public Law 97–35 (42 U.S.C. 8623(f)) may be held available for the next fiscal year. From allotments for fiscal year 1991 through fiscal year 1993, a maximum of 10 percent of the amount payable to a

grantee and not transferred to another block grant according to section 2604(f) of Public Law 97–35 (42 U.S.C. 8623(f)) may be held available for the next fiscal year. Beginning with allotments for fiscal year 1994, a maximum of 10 percent of the amount payable to a grantee may be held available for the next fiscal year. No funds may be obligated after the end of the fiscal year following the fiscal year for which they were allotted.

* * * * *

Subpart E—Enforcement

3. Section 96.50 is amended by revising the last sentence of paragraph (d) as follows:

§ 96.50 Complaints.

* * * * *

(d) . . . Under the low-income home energy assistance program, within 60 days after receipt of complaints, the Department will provide a written response to the complainant, stating the actions that it has taken to date and, if the complaint has not yet been fully resolved, the timetable for final resolution of the complaint.

* * * * *

Subpart H—Low-income Home Energy Assistance Program

4. Section 96.83 is revised as follows:

§ 96.83 Increase in maximum amount that may be used for weatherization and other energy-related home repair.

(a) *Scope.* This section concerns requests for waivers increasing from 15 percent to up to 25 percent of LIHEAP funds allotted or available to a grantee for a fiscal year, the maximum amount that grantees may use for low-cost residential weatherization and other energy-related home repair for low-income households (hereafter referred to as ''weatherization''), pursuant to section 2605(k) of Public Law 97–35 (42 U.S.C. 8624(k)).

(b) *Public inspection and comment.* Before submitting waiver requests to the Department, grantees must make proposed waiver requests available for public inspection within their jurisdictions in a manner that will facilitate timely and meaningful review of, and comment upon, these requests. Written public comments on proposed waiver requests must be made available for public inspection upon their receipt by grantees, as must any summaries prepared of written comments, and transcripts and/or summaries of verbal comments made on proposed requests at public meetings or hearings. Proposed waiver requests, and any preliminary waiver requests, must be made available for public inspection and comment until at least March 15 of the fiscal year for which the waiver is to be requested. Copies of actual waiver requests must be made available for public inspection upon submission of the requests to the Department.

(c) *Waiver request.* After March 31 of each fiscal year, the chief executive officer (or his or her designee) may request a waiver of the weatherization obligation limit for this fiscal year, if the grantee meets criteria in paragraphs (c)(2)(i), (c)(2)(ii), and (c)(2)(iii) of this section, or can show ''good cause'' for obtaining a waiver despite a failure to meet one or more of these criteria. (If the request is made by the chief executive officer's designee and the Department does not have on file written evidence of the designation, the request also must include evidence of the appropriate delegation of authority.) Waiver requests must be in writing and must include the information specified in paragraphs (c)(1) through (c)(6) of this section. The grantee may submit a preliminary waiver request for a fiscal year, between February 1 and March 31 of the fiscal year for which the waiver is requested. If a grantee chooses to submit a preliminary waiver request, the preliminary request must include the information specified in paragraphs (c)(1) through (c)(6) of this section; in addition, after March 31 the chief executive officer (or his or her designee) must submit the information specified in paragraphs (c)(7) through (c)(10) of this section, to complete the preliminary waiver request.

(1) A statement of the total percent of its LIHEAP funds allotted or available in the fiscal year for which the waiver is requested, that the grantee desires to use for weatherization.

(2) A statement of whether the grantee has met each of the following three criteria:

(i) In the fiscal year for which the waiver is requested, the combined total (aggregate) number of households in the grantee's service population that will receive LIHEAP heating, cooling, and crisis assistance benefits that are provided from Federal LIHEAP allotments from regular and supplemental appropriations will not be fewer than the combined total (aggregate) number that received such benefits in the preceding fiscal year;

(ii) In the fiscal year for which the waiver is requested, the combined total (aggregate) amount, in dollars, of LIHEAP heating, cooling, and crisis assistance benefits received by the grantee's service population that are provided from Federal LIHEAP allotments from regular and supplemental appropriations will not be less than the combined total (aggregate) amount received in the preceding fiscal year; and

(iii) All LIHEAP weatherization activities to be carried out by the grantee in the fiscal year for which the wavier is requested have been shown to produce measurable savings in energy expenditures.

(3) With regard to criterion in paragraph (c)(2)(i) of this section, a statement of the grantee's best estimate of the appropriate household totals for the fiscal year for which the wavier is requested and for the preceding fiscal year.

(4) With regard to criterion in paragraph (c)(2)(ii) of this section, a statement of the grantee's best estimate of the appropriate benefit totals, in dollars, for the fiscal year for which the waiver is requested and for the preceding fiscal year.

(5) With regard to criterion in paragraph (c)(2)(ii) of this section, a description of the weatherization activities to be carried out by the grantee in the fiscal year for which the wavier is requested (with all LIHEAP funds proposed to be used for weatherization, not just with the amount over 15 percent), and an explanation of the specific criteria under which the grantee has determined whether these activities have been shown to produce measurable savings in energy expenditures.

(6) A description of how and when the proposed wavier request was made available for timely and meaningful public review and comment, copies and/or summaries of public comments received on the request (including transcripts and/or summaries of any comments made on the request at public meetings or hearings), a statement of the method for reviewing public comments, and a statement of the changes, if any, that were made in response to these comments.

(7) To complete a preliminary waiver request: Official confirmation that the grantee wishes approval of the waiver request.

(8) To complete a preliminary waiver request: A statement of whether any public comments were received after preparation of the preliminary waiver request and, if so, copies and/or summaries of these comments (including transcripts and/or summaries of any comments made on the request at public meetings or hearings), and a statement of the changes, if any, that were made in response to these comments.

(9) To complete a preliminary waiver request: A statement of whether any

material/substantive changes of fact have occurred in information included in the preliminary waiver request since its submission, and, if so, a description of the change(s).

(10) To complete a preliminary waiver request: A description of any other changes to the preliminary request.

(d) ''*Standard waiver.* If the Department determines that a grantee has meet the three criteria in paragraph (c)(2) of this section, has provided all information required by paragraph (c) of this section, has shown adequate concern for timely and meaningful public review and comment, and has proposed weatherization that meets all relevant requirements of title XXVI of Public Law 97–35 (42 U.S.C. 8621 *et seq.*) and 45 CFR part 96, the Department will approve a ''standard'' waiver.

(e) *''Good cause'' waiver.*

(1) If a grantee does not meet one or more of the three criteria in paragraph (c)(2) of this section, then the grantee may submit documentation that demonstrates good cause why a waiver should be granted despite the grantee's failure to meet this criterion or these criteria. ''Good cause'' waiver requests must include the following information, in addition to the information specified in paragraph (c) of this section:

(i) For each criterion under paragraph (c)(2) of this section that the grantee does not meet, an explanation of the specific reasons demonstrating good cause why the grantee does not meet the criterion and yet proposes to use additional funds for weatherization, citing measurable, quantified data, and stating the source(s) of the data used;

(ii) A statement of the grantee's LIHEAP heating, cooling, and crisis assistance eligibility standards (eligibility criteria) and benefits levels for the fiscal year for which the waiver is requested and for the preceding fiscal year; and, if eligibility standards were less restrictive and/or benefit levels were higher in the preceding fiscal year for one or more of these program components, an explanation of the reasons demonstrating good cause why a waiver should be granted in spite of this fact;

(iii) A statement of the grantee's opening and closing dates for applications for LIHEAP heating, cooling, and crisis assistance in the fiscal year for which the waiver is requested and in the preceding fiscal year, and a description of the grantee's outreach efforts for heating, cooling, and crisis assistance in the fiscal year for which the waiver is requested and in the preceding fiscal year, and, if the grantee's application period was longer and/or outreach efforts were greater in the preceding fiscal year for one or more of these program components, an explanation of the reasons demonstrating good cause why a waiver should be granted in spite of this fact; and

(iv) If the grantee took, or will take, other actions that led, or will lead, to a reduction in the number of applications for LIHEAP heating, cooling, and/or crisis assistance, from the preceding fiscal year to the fiscal year for which the waiver is requested, a description of these actions and an explanation demonstrating good cause why a waiver should be granted in spite of these actions.

(2) If the Department determines that a grantee requesting a ''good cause'' waiver has demonstrated good cause why a waiver should be granted, has provided all information required by paragraphs (c) and (e)(1) of this section, has shown adequate concern for timely and meaningful public review and comment, and has proposed weatherization that meets all relevant requirements of title XXVI of Public Law 97–35 (42 U.S.C. 8621 *et seq.*) and 45 CFR part 96, the Department will approve a ''good cause'' waiver.

(f) *Approvals and disapprovals.* After receiving the grantee's complete waiver request, the Department will respond in writing within 45-day, informing the grantee whether the request is approved on either a ''standard'' or ''good cause'' basis. The Department may request additional information and/or clarification from the grantee. If additional information and/or clarification is requested, the 45-day period for the Department's response will start when the additional information and/or clarification is received. No waiver will be granted for a previous fiscal year.

(g) *Effective period.* Waivers will be effective from the date of the Department's written approval until the funds for which the waiver is granted are obligated in accordance with title XXVI of Public Law 97–35 (42 U.S.C. 8621 *et seq.*) and 45 CFR part 96. Funds for which a weatherization waiver was granted that are carried over to the following fiscal year and used for weatherization shall not be considered ''funds allotted'' or ''funds available'' for the purposes of calculating the maximum amount that may be used for weatherization in the succeeding fiscal year.

5. Section 96.87 is revised as follows:

§ 96.87 Leveraging incentive program.

(a) *Scope and eligible grantees.*

(1) This section concerns the leveraging incentive program authorized by section 2607A of Public Law 97–35 (42 U.S.C. 8626(a).

(2)(i) The only entities eligible to receive leveraging incentive funds from the Department are States (including the District of Columbia), Indian tribes, tribal organizations, and territories that received direct Federal LIHEAP funding under section 2602(b) of Public Law 97–35 (42 U.S.C. 8621(b)) in both the base period for which leveraged resources are reported, and the award period for which leveraging incentive funds are sought; and tribes and tribal organizations described in paragraphs (a)(2)(ii) and (a)(2)(iii) of this section.

(ii) Indian tribes that received LIHEAP services under section 2602(b) of Public Law 97–35 (42 U.S.C. 8621(b)) through a directly-funded tribal organization in the base period for which leveraged resources are reported, and receive direct Federal LIHEAP funding under section 2602(b) in the award period, will receive leveraging incentive funds allocable to them if they submit leveraging reports meeting all applicable requirements. If the tribal organization continues to receive direct funding under section 2602(b) in the award period, the tribal organization also will receive incentive funds allocable to it if it submits a leveraging report meeting all applicable requirements. In such cases, incentive funds will be allocated among the involved entities that submit leveraging reports, as agreed by these entities. If they cannot agree, HHS will allocate incentive funds based on the comparative role of each entity in obtaining and/or administering the leveraged resources, and/or their relative number of LIHEAP-eligible households.

(iii) If a tribe received direct Federal LIHEAP funding under section 2602(b) of Public Law 97–35 (42 U.S.C. 8621(b)) in the base period for which resources leveraged by the tribe are reported, and the tribe receives LIHEAP services under section 2602(b) through a directly-funded tribal organization in the award period, the tribal organization will receive leveraging incentive funds on behalf of the tribe for the resources if the tribal organization submits a leveraging report meeting all applicable requirements.

(b) *Definitions.*

(1) *Award period* means the fiscal year during which leveraging incentive funds are distributed to grantees by the Department, based on the countable leveraging activities they reported to the Department for the preceding fiscal year (the base period).

(2) *Base period* means the fiscal year for which a grantee's leveraging activities are reported to the Department; grantees' countable leveraging activities during the base period or base year are the basis for the distribution of leveraging incentive funds during the succeeding fiscal year (the award period or award year). Leveraged resources are counted in the base period during which their benefits are provided to low-income households.

(3) *Countable loan fund* means revolving loan funds and similar loan instruments in which:

(i) The sources of both the loaned and the repaid funds meet the requirements of this section, including the prohibitions of paragraphs (f)(1), (f)(2), and (f)(3) of this section;

(ii) Neither the loaned nor the repaid funds are Federal funds or payments from low-income households, and the loans are not made to low-income households; and

(iii) The benefits provided by the loaned funds meet the requirements of this section for countable leveraged resources and benefits.

(4) *Countable petroleum violation escrow funds* means petroleum violation escrow (oil overcharge) funds that were distributed to a State or territory by the Department of Energy (DOE) after October 1, 1990, and interest earned in accordance with DOE policies on petroleum violation escrow funds that were distributed to a State or territory by DOE after October 1, 1990, that:

(i) Were used to assist low-income households to meet the costs of home energy through (that is, within and as a part of) a State or territory's LIHEAP program, another Federal program, or a non-Federal program, in accordance with a submission for use of these petroleum violation escrow funds that was approved by DOE;

(ii) Were not previously required to be allocated to low-income households; and

(iii) Meet the requirements of paragraph (d)(1) of this section, and of paragraph (d)(2)(ii) or (d)(2)(iii) or this section.

(5) *Home energy* means a source of heating or cooling in residential dwellings.

(6) *Low-income households* mean federally eligible (federally qualified) households meeting the standards for LIHEAP income eligibility and/or LIHEAP categorical eligibility as set by section 2605(b)(2) of Public Law 97–35 (42 U.S.C. 8624(b)(2)).

(7) *Weatherization* means low-cost residential weatherization and other energy-related home repair for low-income households. Weatherization must be directly related to home energy.

(c) *LIHEAP funds used to identify, develop, and demonstrate leveraging programs.*

(1) Each fiscal year, States (excluding Indian tribes, tribal organizations, and territories) may spend up to the greater of $35,000 or 0.08 percent of their net Federal LIHEAP allotments (funds payable) allocated under section 2602(b) of Public Law 97–35 (42 U.S.C. 8621(b)) specifically to identify, develop, and demonstrate leveraging programs under section 2607A(c)(2) of Public Law 97–35 (42 U.S.C. 8626a(c)(2)). Each fiscal year, Indian tribes, tribal organizations, and territories may spend up to the greater of two (2.0) percent of $100 of their Federal LIHEAP allotments allocated under section 2602(b) of Public law 97–35 (42 U.S.C. 8621(b)) specifically to identify, develop, and demonstrate leveraging programs under section 2607A(c)(2) of Public Law 97–35 (42 U.S.C. 8625a(c)(2)). For the purpose of this paragraph, Federal LIHEAP allotments include funds from regular and supplemental appropriations, with the exception of leveraging incentive funds provided under section 2602(d) of Public Law 97–35 (42 U.S.C. 8621(d)).

(2) LIHEAP funds used under section 2607A(c)(2) of Public Law 97–35 (42 U.S.C. 8626a(c)(2)) specifically to identify, develop, and demonstrate leveraging programs are not subject to the limitation in section 2605(b)(9) of Public Law 97–35 (42 U.S.C. 8624(b)(9)) on the maximum percent of Federal funds that may be used for costs of planning and administration.

(d) *Basic requirements for leveraged resources and benefits.*

(1) In order to be counted under the leveraging incentive program, leveraged resources and benefits must meet all of the following five criteria:

(i) They are from non-Federal sources.

(ii) They are provided to the grantee's low-income home energy assistance program, or to federally qualified low-income households as described in section 2605(b)(2) of Public Law 97–35 (42 U.S.C. 8624(b)(2)).

(iii) They are measurable and quantifiable in dollars.

(iv) They represent a net addition to the total home energy resources available to low-income households in excess of the amount of such resources that could be acquired by these households through the purchase of home energy, or the purchase of items that help these households meet the cost of home energy, at commonly available household rates or costs, or that could be obtained with regular LIHEAP allotments provided under section 2602(b) of Public Law 97–35 (42 U.S.C. 8621(b)).

(v) They meet the requirements for countable leveraged resources and benefits throughout this section and section 2607A of Public Law 97–35 (42 U.S.C. 8626a).

(2) Also, in order to be counted under the leveraging incentive program, leveraged resources and benefits must meet at least one of the following three criteria:

(i) The grantee's LIHEAP program had an active, substantive role in developing and/or acquiring the resource/benefits from home energy vendor(s) through negotiation, regulation, and/or competitive bid. The actions or efforts of one or more staff of the grantee's LIHEAP program—at the central and/or local level—and/or one or more staff of LIHEAP program subrecipient(s) acting in that capacity, were substantial and significant in obtaining the resource/benefits from the vendor(s).

(ii) The grantee appropriated or mandated the resource/benefits for distribution to low-income households through (that is, within and as a part of) its LIHEAP program. The resource/benefits are provided through the grantee's LIHEAP program to low-income households eligible under the grantee's LIHEAP standards, in accordance with the LIHEAP statute and regulations and consistent with the grantee's LIHEAP plan and program policies that were in effect during the base period, as if they were provided from the grantee's Federal LIHEAP allotment.

(iii) The grantee appropriated or mandated the resource/benefits for distribution to low-income households as described in its LIHEAP plan (referred to in section 2605(c)(1)(A) of Public Law 97–35) (42 U.S.C. 8624(c)(1)(A). The resource/benefits are provided to low-income households as a supplement and/or alternative to the grantee's LIHEAP program, outside (that is, not through, within, or as a part of) the LIHEAP program. The resource/benefits are integrated and coordinated with the grantee's LIHEAP program. Before the end of the base period, the plan identifies and describes the resource/benefits, their source(s), and their integration/coordination with the LIHEAP program. The Department will determine resources/benefits to be integrated and coordinated with the LIHEAP program if they meet at least one of the following eight conditions. If a resource meets at least one of conditions A through F when the grantee's LIHEAP program is operating (and meets all other applicable requirements), the resource also is

countable when the LIHEAP program is not operating.

(A) For all households served by the resource, the assistance provided by the resource depends on and is determined by the assistance provided to these households by the grantee's LIHEAP program in the base period. The resource supplements LIHEAP assistance that was not sufficient to meet households' home energy needs, and the type and amount of assistance provided by the resource is directly affected by the LIHEAP assistance received by the households.

(B) Receipt of LIHEAP assistance in the base period is necessary to receive assistance from the resource. The resource serves only households that received LIHEAP assistance in the base period.

(C) Ineligibility for the grantee's LIHEAP program, or denial of LIHEAP assistance in the base period because of unavailability of LIHEAP funds, is necessary to receive assistance from the resource.

(D) For discounts and waivers: eligibility for and/or receipt of assistance under the grantee's LIHEAP program in the base period, and/or eligibility under the Federal standards set by section 2605(b)(2) of Public Law 97–35 (42 U.S.C. 8624(b)(2)), is necessary to receive the discount or waiver.

(E) During the period when the grantee's LIHEAP program is operating, staff of the grantee's LIHEAP program and/or staff assigned to the LIHEAP program by a local LIHEAP administering agency or agencies, and staff assigned to the resource communicate orally and/or in writing about how to meet the home energy needs of specific, individual households. For the duration of the LIHEAP program, this communication takes place before assistance is provided to each household to be served by the resource, unless the applicant for assistance from the resource presents documentation of LIHEAP eligibility and/or the amount of LIHEAP assistance received or to be received.

(F) A written agreement between the grantee's LIHEAP program or local LIHEAP administering agency, and the agency administering the resource, specifies the following about the resource: eligibility criteria; benefit levels; period of operation; how the LIHEAP program and the resource are integrated/coordinated; and relationship between LIHEAP eligibility and/or benefit levels, and eligibility and/or benefit levels for the resource. The agreement provides for annual or more frequent reports to be provided to the LIHEAP program by the agency administering the resource.

(G) The resource accepts referrals from the grantee's LIHEAP program, and as long as the resource has benefits available, it provides assistance to all households that are referred by the LIHEAP program and that meet the resource's eligibility requirements. Under this condition, only the benefits provided to households referred by the LIHEAP program are countable.

(H) Before the grantee's LIHEAP heating, cooling, crisis, and/or weatherization assistance component(s) open and/or after the grantee's LIHEAP heating, cooling, crisis, and/or weatherization assistance component(s) close for the season or for the fiscal year, or before the entire LIHEAP program/ opens and/or after the entire LIHEAP program closes for the season or for the fiscal year, the resource is made available specifically to fill the gap caused by the absence of the LIHEAP component(s) or program. The resource is not available while the LIHEAP component(s) or program is operating.

(e) *Countable leveraged resources and benefits.* Resources and benefits that are countable under the leveraging incentive program include but are not limited to the following, provided that they also meet all other applicable requirements:

(1) Cash resources: State, tribal, territorial, and other public and private non-Federal funds, including countable loan funds and countable petroleum violation escrow funds as defined in paragraphs (b)(3) and (b)(4) of this section, that are used for:

(i) Heating, cooling, and energy crisis assistance payments and cash benefits made in the base period to or on behalf of low-income households toward their home energy costs (including home energy bills, taxes on home energy sales/purchases and services, connection and reconnection fees, application fees, late payment charges, bulk fuel tank rental or purchase costs, and security deposits that are retained for six months or longer);

(ii) Purchase of fuels that are provided to low-income households in the base period for home energy (such as fuel oil, liquefied petroleum gas, and wood);

(iii) Purchase of weatherization materials that are installed in recipients' homes in the base period;

(iv) Purchase of the following tangible items that are provided to low-income households and/or installed in recipients' homes in the base period: blankets, space heating devices, equipment, and systems; space cooling devices, equipment, and systems; and other tangible items that help low-income households meet the costs of home energy and are specifically approved by the Department as countable leveraged resources;

(v) Installation, replacement, and repair of the following in the base period: weatherization materials; space heating devices, equipment, and systems; space cooling devices, equipment, and systems; and other tangible items that help low-income households meet the costs of home energy and are specifically approved by the Department;

(vi) The following services, when they are an integral part of weatherization to help low-income households meet the costs of home energy in the base period: installation, replacement, and repair of windows, exterior doors, roofs, exterior walls, and exterior floors; pre-weatherization home energy audits of homes that are weatherized as a result of these audits; and post-weatherization inspection of homes; and

(vii) The following services, when they are provided (carried out) in the base period: installation, replacement, and repair of smoke fire alarms that are an integral part, and necessary for safe operation, of a home heating or cooling system installed or repaired as a weatherization activity; and asbestos removal and that is an integral part of, and necessary to carry out, weatherization to help low-income households meet the cost of home energy.

(2) Home energy discounts to waivers that are provided in the base period to low-income households and pertain to generally applicable prices, rates, fees, charges, costs and/or requirements, in the amount of the discount, reduction, waiver, or forgiveness, or that apply to certain tangible fuel and non-fuel items and to certain services, that are provided in the base period to low-income households and help these households meet the costs of home energy, in the amount of the discount or reduction.

(i) Discounts or reductions in utility and bulk fuel prices, rates, or bills;

(ii) Partial or full forgiveness of home energy bill arrearages;

(iii) Partial or full waivers of utility and other home energy connection and reconnection fees, application fees, late payment charges, bulk fuel tank rental or purchase costs, and home energy security deposits that are retained for six months or longer;

(iv) Reductions in and partial or full waivers of non-Federal taxes on home energy sales/purchases and services, and reductions in and partial or full waivers of other non-Federal taxes provided as tax ''credits'' to low-income

households to offset their home energy costs, except when Federal funds or Federal tax ''credits'' provide payment or reimbursement for these reductions/waivers;

(v) Discounts or reductions in the cost of the following tangible items that are provided to low-income households and/or installed in recipients' homes: weatherization materials; blankets; space heating devices, equipment, and systems; space cooling devices, equipment, and systems; and other tangible items that are specifically approved by the Department;

(vi) Discounts or reductions in the cost of installation, replacement, and repair of the following: weatherization materials; space heating devices, equipment, and systems; space cooling devices, equipment, and systems; and other tangible items that help low-income households meet the costs of home energy and are specifically approved by the Department;

(vii) Discounts or reductions in the cost of the following services, when the services are an integral part of weatherization to help low-income households meet the costs of home energy: installation, replacement, and repair of windows, exterior doors, roofs, exterior walls, and exterior floors; pre-weatherization home energy audits of homes that were weatherized as a result of these audits; and post-weatherization inspection of homes; and

(viii) Discounts or reductions in the cost of installation, replacement, and repair of smoke/fire alarms that are an integral part, and necessary for safe operation, of a home heating or cooling system installed or repaired as a weatherization activity; and discounts or reductions in the cost of asbestos removal that is an integral part of, and necessary to carry out, weatherization to help low-income households meet the costs of home energy.

(3) Certain third-party in-kind contributions that are provided in the base period to low-income households:

(i) Donated fuels used by recipient households for home energy (such as fuel oil, liquified petroleum gas, and wood);

(ii) Donated weatherization materials that are installed in recipients' homes;

(iii) Donated blankets; donated space heating devices, equipment, and systems; donated space cooling devices, equipment, and systems; and other donated tangible items that help low-income households meet the costs of home energy and are specifically approved by the Department as countable leveraged resources;

(iv) Unpaid volunteers' services specifically to install, replace, and repair the following: weatherization materials; space heating devices, equipment, and systems; space cooling devices, equipment, and systems; and other items that help low-income households meet the costs of home energy and are specifically approved by the Department;

(v) Unpaid volunteers' services specifically to provide (carry out) the following, when these services are an integral part of weatherization to help low-income households meet the costs of home energy: installation, replacement, and repair of windows, exterior doors, roofs, exterior walls, and exterior floors; pre-weatherization home energy audits of homes that were weatherized as a result of these audits; and post-weatherization inspection of homes;

(vi) Unpaid volunteers' services specifically to: install, replace, and repair smoke/fire alarms as an integral part, and necessary for safe operation, of a home heating or cooling system installed or repaired as a weatherization activity; and remove asbestos as an integral part of, and necessary to carry out, weatherization to help low-income households meet the costs of home energy;

(vii) Paid staff's services that are donated by the employer specifically to install, replace, and repair the following: weatherization materials; space heating devices, equipment, and systems; space cooling devices, equipment, and systems; and other items that help low-income households meet the costs of home energy and are specifically approved by the Department;

(viii) Paid staff's services that are donated by the employer specifically to provide (carry out) the following, when these services are an integral part of weatherization to help low-income households meet the costs of home energy: installation, replacement, and repair of windows, exterior doors, roofs, exterior walls, and exterior floors; pre-weatherization home energy audits of homes that were weatherized as a result of these audits; and post-weatherization inspection of homes; and

(ix) Paid staff's services that are donated by the employer specifically to: install, replace, and repair smoke/fire alarms as an integral part, and necessary for safe operation, of a home heating or cooling system installed or repaired as a weatherization activity; and remove asbestos as an integral part of, and necessary to carry out, weatherization to help low-income households meet the costs of home energy.

(f) *Resources and benefits that cannot be counted.* The following resources and benefits are not countable under the leveraging incentive program:

(1) Resources (or portions of resources) obtained, arranged, provided, contributed, and/or paid for, by a low-income household for its own benefit, or which a low-income household is responsible for obtaining or required to provide for its own benefit or for the benefit of others, in order to receive a benefit of some type;

(2) Resources (or portions of resources) provided, contributed, and/or paid for by building owners, building managers, and/or home energy vendors, if the cost of rent, home energy, or other charge(s) to the recipient were or will be imposed, as a result;

(3) Resources (or portions of resources) directly provided, contributed, and/or paid for by member(s) of the recipient household's family (parents, grandparents, great-grandparents, sons, daughters, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, first cousins, nieces, and nephews, and their spouses), regardless of whether the family member(s) lived within the household, unless the family member(s) also provided the same resource to other low-income households during the base period and did not limit the resource to members of their own family;

(4) Deferred home energy obligations;

(5) Projected future savings from weatherization;

(6) Delivery, and discounts in the cost of delivery, of fuel, weatherization materials, and all other items;

(7) Purchase, rental, donation, and loan, and discounts in the cost of purchase and rental, of: supplies and equipment used to deliver fuel, weatherization materials, and all other items; and supplies and equipment used to install and repair weatherization materials and all other items;

(8) Petroleum violation escrow (oil overcharge) funds that do not meet the definition in paragraph (b)(4) of this section;

(9) Interest earned/paid on petroleum violation escrow funds that were distributed to a State or territory by the Department of Energy on or before October 1, 1990;

(10) Interest earned/paid on Federal funds;

(11) Interest earned/paid on customers' security deposits, utility deposits, etc., except when forfeited by the customer and used to provide countable benefits;

(12) Borrowed funds that do not meet the requirements in paragraph (b)(3) above (including loans made by and/or to low-income households), interest

paid on borrowed funds, and reductions in interest paid on borrowed funds;

(13) Resources (or portions of resources) for which Federal payment or reimbursement has been or will be provided/received;

(14) Tax deductions and tax credits received from any unit(s) of government by donors/contributors of resources for these donations, and by vendors for providing rate reductions, discounts, waivers, credits, and/or arrearage forgiveness to or for low-income households, etc.;

(15) Funds and other resources that have been or will be used as matching or cost sharing for any Federal program;

(16) Leveraged resources counted under any other Federal leveraging incentive program;

(17) Costs of planning and administration, space costs, and intake costs;

(18) Outreach activities, budget counseling, case management, and energy conservation education;

(19) Training;

(20) Installation, replacement, and repair of lighting fixtures and light bulbs;

(21) Installation, replacement, and repair of smoke/fire alarms that are not an integral part, and necessary for safe operation, of a home heating or cooling system installed or repaired as a weatherization activity;

(22) Asbestos removal that is not an integral part of, and necessary to carry out, weatherization to help low-income households meet the costs of home energy;

(23) Paid services where payment is not made from countable leveraged resources, unless these services are donated as a countable in-kind contribution by the employer;

(24) All in-kind contributions except those described in paragraph (e)(3) of this section; and

(25) All other resources that do not meet the requirements of this section and of section 2607A of Public Law 97–35 (42 U.S.C. 8626a).

(g) *Valuation and documentation of leveraged resources and offsetting costs.*

(1) Leveraged cash resources will be valued at the fair market value of the benefits they provided to low-income households, as follows. Payments to or on behalf of low-income households for heating, cooling, and energy crisis assistance will be valued at their actual amount or value at the time they were provided. Purchased fuel, weatherization materials, and other countable tangible items will be valued at their fair market value (the commonly available household rate or cost in the local market area) at the time they were purchased. Installation, replacement, and repair of weatherization materials, and other countable services, will be valued at rates consistent with those ordinarily paid for similar work, by persons of similar skill in this work, in the grantee's or subrecipient's organization in the local area, at the time these services were provided. If the grantee or subrecipient does not have employees performing similar work, the rates will be consistent with those ordinarily paid by other employers for similar work, by persons of similar skill in this work, in the same labor market, at the time these services were provided. Fringe benefits and overhead costs will not be counted.

(2) Home energy discounts, waivers, and credits will be valued at their actual amount or value.

(3) Donated fuel, donated weatherization materials, and other countable donated tangible items will be valued at their fair market value (the commonly available household cost in the local market area) at the time of donation.

(4) Donated unpaid services, and donated third-party paid services that are not in the employee's normal line of work, will be valued at rates consistent with those ordinarily paid for similar work, by persons of similar skill in this work, in the grantee's or subrecipient's organization in the local area, at the time these services were provided. If the grantee or subrecipient does not have employees performing similar work, the rates will be consistent with those ordinarily paid by other employers for similar work, by persons of similar skill in this work, in the same labor market, at the time these services were provided. Fringe benefits and overhead costs will not be counted. Donated third-party paid services of employees in their normal line of work will be valued at the employee's regular rate of pay, excluding fringe benefits and overhead costs.

(5) Offsetting costs and charges will be valued at their actual amount or value.

(i) Funds from grantees' regular LIHEAP allotments that are used specifically to identify, develop, and demonstrate leveraging programs under section 2607A(c)(2) of Public Law 97–35 (42 U.S.C. 8626a(c)(2)) will be deducted as offsetting costs in the base period in which these funds are obligated, whether or not there are any resulting leveraged benefits. Costs incurred from grantees' own funds to identify, develop, and demonstrate leveraging programs will be deducted in the first base period in which resulting leveraged benefits are provided to low-income households. If there is no resulting leveraged benefit from the expenditure of the grantee's own funds, the grantee's expenditure will not be counted or deducted.

(ii) Any costs assessed or charged to low-income households on a continuing or on-going basis, year after year, specifically to participate in a counted leveraging program or to receive counted leveraged resources/benefits will be deducted in the base period these costs are paid. Any one-time costs or charges to low-income households specifically to participate in a counted leveraging program or to receive counted leveraged resources/benefits will be deducted in the first base period the leveraging program or resource is counted. Such costs or charges will be subtracted from the gross value of a counted resource or benefit for low-income households whose benefits are counted, but not for any households whose benefits are not counted.

(6) Only the amount of the net addition to recipient low-income households' home energy resources may be counted in the valuation of a leveraged resource.

(7) Leveraged resources and benefits, and offsetting costs and charges, will be valued according to the best data available to the grantee.

(8) Grantees must maintain, or have readily available, records sufficient to document leveraged resources and benefits, and offsetting costs and charges, and their valuation. These records must be retained for three years after the end of the base period whose leveraged resources and benefits they document.

(h) *Leveraging report.*

(1) In order to qualify for leveraging incentive funds, each grantee desiring such funds must submit to the Department a report on the leveraged resources provided to low-income households during the proceedings base period. These reports must contain the following information in a format established by the Department.

(i) For each separate leveraged resource, the report must:

(A) Briefly describe the specific leveraged resource and the specific benefit(s) provided to low-income households by this resource, and state the source of the resource;

(B) State whether the resource was acquired in cash, as a discount/waiver, or as an in-kind contribution;

(C) Indicate the geographical area in which the benefit(s) were provided to recipients;

(D) State the month(s) and year(s) when the benefit(s) were provided to recipients;

(E) State the gross dollar value of the countable benefits provided by the resource as determined in accordance with paragraph (g) of this section, indicate the source(s) of the data used, and describe how the grantee quantified the value and calculated the total amount;

(F) State the number of low-income households to whom the benefit(s) were provided, and state the eligibility standard(s) for the low-income households to whom the benefit(s) were provided;

(G) Indicate the agency or agencies that administered the resource/benefit(s); and

(H) Indicate the criterion or criteria for leveraged resources in paragraph (d)(2) of this section that the resource/benefits meet, and for criteria in paragraphs (d)(2)(i) and (d)(2)(iii) of this section, explain how resources/benefits valued at $5,000 or more meet the criterion or criteria.

(ii) State the total gross dollar value of the countable leveraged resources and benefits provided to low-income households during the base period (the sum of the amounts listed pursuant to paragraph (h)(1)(i)(E) of this section).

(iii) State in dollars any costs incurred by the grantee to leverage resources, and any costs and charges imposed on low-income households to participate in a counted leveraging program or to receive counted leveraged benefits, as determined in accordance with paragraph (g)(5) of this section. Also state the amount of the grantee's regular LIHEAP allotment that the grantee used during the base period specifically to identify, develop, and demonstrate leveraging programs under section 2607A(c)(2) of Public Law 97–35 (42 U.S.C. 8626a(c)(2)).

(iv) State the net dollar value of the countable leveraged resources and benefits for the base period. (Subtract the amounts in paragraph (h)(1)(iii) of this section from the amount in paragraph (h)(1)(ii) of this section.)

(2) Leveraging reports must be postmarked or hand-delivered not later than November 30 of the fiscal year for which leveraging incentive funds are requested.

(3) The Department may require submission of additional documentation and/or clarification as it determines necessary to verify information in a grantee's leveraging report, to determine whether a leveraged resource is countable, and/or to determine the net valuation of a resource. In such cases, the Department will set a date by which it must receive information sufficient to document countability and/or valuation. In such cases, if the Department does not receive information that it considers sufficient to document countability and/or valuation by the date it has set, then the Department will not count the resource (or portion of resource) in question.

(i) *Determination of grantee shares of leveraging incentive funds.* Allocation of leveraging incentive funds to grantees will be computed according to a formula using the following factors and weights:

(1) Fifty (50) percent based on the final net value of countable leveraged resources provided to low-income households during the base period by a grantee relative to its net Federal allotment of funds allocated under section 2602(b) of Public Law 97–35 (42 U.S.C. 8621(b)) during the base period, as a proportion of the final net value of the countable leveraged resources provided by all grantees during the base period relative to their net Federal allotment of funds allocated under that section during the base period; and

(2) Fifty (50) percent based on the final net value of countable leveraged resources provided to low-income households during the base period by a grantee as a proportion of the total final net value of the countable leveraged resources provided by all grantees during the base period; except that: No grantee may receive more than twelve (12.0) percent of the total amount of leveraging incentive funds available for distribution to grantees in any award period; and no grantee may receive more than the smaller of its net Federal allotment of funds allocated under section 2602(b) of Public Law 97–35 (42 U.S.C. 8621(b)) during the base period, or two times (double) the final net value of its countable leveraged resources for the base period. The calculations will be based on data contained in the leveraging reports submitted by grantees under paragraph (h) of this section as approved by the Department, and allocation data developed by the Department.

(j) *Uses of leveraging incentive funds.*

(1) Funds awarded to grantees under the leveraging incentive program must be used to increase or maintain heating, cooling, energy crisis, and/or weatherization benefits through (that is, within and as a part of) the grantee's LIHEAP program. These funds can be used for weatherization without regard to the weatherization maximum in section 2605(k) of Public Law 97–35 (42 U.S.C. 8624(k)). However, they cannot be counted in the base for calculation of the weatherization maximum for regular LIHEAP funds authorized under section 2602(b) of Public Law 97–35 (42 U.S.C. 8621(b)). Leveraging incentive funds cannot be used for costs of planning and administration. However, in either the award period or the fiscal year following the award period, they can be counted in the base for calculation of maximum grantee planning and administrative costs under section 2605(b)(9) of Public Law 97–35 (42 U.S.C. 8624(b)(9)). They cannot be counted in the base for calculation of maximum carryover of regular LIHEAP funds authorized under section 2602(b) of Public Law 97–35 (42 U.S.C. 8621(b)).

(2) Grantees must include the uses of leveraging incentive funds in their LIHEAP plans (referred to in section 2605(c)(1)(A) of Public Law 97–35) (42 U.S.C. 8624(c)(1)(A)) for the fiscal year in which the grantee obligates these funds. Grantees must document uses of leveraging incentive funds in the same way they document uses of regular LIHEAP funds authorized under section 2602(b) of Public Law 97–35 (42 U.S.C. 8621(b)). Leveraging incentive funds are subject to the same audit requirements as regular LIHEAP funds.

(k) *Period of obligation for leveraging incentive funds.* Leveraging incentive funds are available for obligation during both the award period and the fiscal year following the award period, without regard to limitations on carryover of funds in section 2607(b)(2)(B) of Public Law 97–35 (42 U.S.C. 8626(b)(2)(B)). Any leveraging incentive funds not obligated for allowable purposes by the end of this period must be returned to the Department.

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Part IV

Department of Health and Human Services

Public Health Service

Availability of Funds for a Cooperative Agreement To Prevent Cancer in Minority Populations; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

RIN 0905–ZA88

Availability of Funds for a Cooperative Agreement To Prevent Cancer in Minority Populations

AGENCY: Office of Minority Health, Office of the Assistant Secretary for Health.

ACTION: Notice.

Introduction

The Office of Minority Health (OMH) of the U.S. Public Health Service (PHS) announces the availability of Fiscal Year 1995 funds to support one demonstration cooperative agreement to establish a cancer prevention project in Philadelphia, Pennsylvania.

The OMH 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 health status, risk reduction and services and protection objectives for Health People objective priority area Number 16, cancer.

Authorizing Legislation

This cooperative agreement is authorized under Section 1707(d)(1) of the Public Health Service Act, as amended by Public Law 101–527.

Availability of Funds

Approximately $250,000 (direct and indirect costs) will be available in Fiscal Year 1995 to fund one cooperative agreement. Support may be requested for a project period not to exceed 3 years. Continuation awards within the project period will be made on the basis of satisfactory progress and availability of funds. The funding estimate may vary and is subject to change.

Background

Since the publication of the Report of the Secretary's Task Force on Black and Minority Health, the OMH and all PHS agencies have made a commitment to reduce the excessive burden of disability and death borne by minority populations in the United States.

Congress has expressed a commitment to providing comprehensive primary health care services for urban city minorities: Asian Americans/Pacific Islanders; American Indians/Alaska Natives; Blacks; and Hispanics, with the objective of reducing the excessive burden of disability and death within these populations. Congress is concerned about the increasing rate of cancer among the nation's minority populations and has expressed particular interest about the high rates in urban areas such as North Philadelphia. For example, in 1992, of the 173 cases of buccal cavity and pharynx cancer in males in Philadelphia, Black males had 92, or 53.4% of the cases. In the same year, of the 91 cases of esophagus cancer in Philadelphia's male population, Black males had 49 of the cases, or 53.8%. Of the 4,090 all cancer sites in males in Philadelphia, Black men had 1,727, or 35.1%. For all cancer sites for women, Black women had 2,547 of the 4,702 cases or 32.9%.

The high rates of cancer mortality in Philadelphia for the non-white population, supports the need to develop and deliver cancer services to diverse minority populations in order to study ways to improve mortality rates in urban areas.

Congress has recommended that the Office of Minority Health conduct a cancer outreach and service program in an urban area, such as Philadelphia. OMH plans to fund a cancer program in North Philadelphia to address these concerns.

Applicants should possess the following capabilities:

(1) Has the ability and track record to conduct a comprehensive needs assessment of the prevalence and impact of cancer on minorities in North Philadelphia compared to other parts of the city, the county, the state and the nation.

(2) Has a developed and expanded infrastructure to provide comprehensive cancer reduction health care services for high risk minorities who reside in North Philadelphia. Furthermore, the health care services are aimed at reducing unnecessary morbidity and cancer mortality rates among targeted low income minority populations of the service area.

(3) Has a comprehensive cancer care program embracing four components of care: the medical component, which consists of some combination of surgical, chemical and/or radiation therapy; the oral health component, which identifies linkages with the dental community, particularly minority dentists; the psychological component, in which the emotional needs of cancer patients are addressed; and the prevention component, which stresses behavioral changes in smoking and dietary practices, and education and cancer awareness programs.

(4) Is a teaching hospital in North Philadelphia which focuses on serving low-income minority populations.

(5) Has developed cancer research component to enhance treatment modalities and prevention strategies to target minority populations.

(6) Has demonstrated outreach linkages with minority neighborhoods through cancer screening in the community; and by promoting cancer prevention at community health fairs, through neighborhood businesses, and religious organizations.

(7) Has trained healthcare professionals with the work experience and track record of providing culturally appropriate outreach, screening and health care to Black, Hispanic, Native American and Asian populations, including the ability to communicate in a variety of languages.

Applicant Eligibility

Eligible applicants are public and private non-profit organizations with demonstrated capability to serve the target population in North Philadelphia. Only teaching hospitals located in North Philadelphia should apply.

The community served by the applicant should have a minority population (Black American and/or Hispanic/Latino) in excess of 60 percent, an unemployment rate exceeding the national average by at least 25 percent, and a poverty rate at least twice the national average.

Program Requirements

The cooperative agreement will include substantive involvement of both the recipient and the Federal Government. At a minimum, the following expectations are anticipated:

Recipient Responsibilities

(1) The recipient shall conduct a comprehensive needs analysis of cancer prevalence in the North Philadelphia community and document cancer rates for various types of cancers, i.e., breast, cervical, prostrate, lung, skin, oral, etc., in the target area; compare prevalence to other areas of the county, state and the nation in order to justify the need, and justify the need to select specific types of cancer for the study.

(2) The recipient shall design a model for minorities in high risk, low income, urban communities which is integrated, culturally and linguistically sensitive community-based cancer outreach program. The model shall embody the four basic components of care: the medical component, which consists of some combination of surgical, chemical and/or radiation therapy; oral health component which includes linkages

with the dental community; the psychological component, in which the emotional needs of the cancer patients are addressed; and a prevention component which stresses behavioral changes and cancer awareness programs. The model shall provide for the treatment of cancer through early diagnosis and provide continuity of support to patients from screening through treatment. The model should include a viable coalition of community organizations, and appropriately utilize them to assist in the development of the project and accomplish the project objectives. The model should be a coordinated community approach that involves formal relations with established community organizations with high visibility and substantial ingress to the targeted population. The model shall have the potential for replication in similar communities.

(3) The recipient shall establish formal relations with a coalition or affiliation of community based organizations and professional associations to assist in the development and conduct of the project. Recipient shall also coordinate project activities with state and/or local health departments as appropriate.

(4) The recipient shall implement and conduct all facets of the model, including screening, treatment, and other necessary and desired support and follow-up activities, in the targeted minority community. All aspects of the project shall be fully operational within 10 months of the effective date of the cooperative agreement.

(5) The recipient shall evaluate the effects of the project in terms of numbers of patients screened and the provision of continuity of support to diagnosed cancer patients and submit a written evaluation report, within 1 year of the effective date of the cooperative agreement.

(6) The recipient shall prepare a manual for replicating the model in other similar communities. Consideration should be given to replication of the approach for diseases other than cancer.

(7) The recipient shall submit monthly progress reports to the Project Officer. The recipient shall meet with the Project Officer on an as-needed basis as determined by the Project Officer.

(8) The recipient shall arrange an annual meeting (for appropriate government, professional and community officials) to provide briefings regarding programmatic outcomes, evaluation plans, strategies, agreements, and to provide expertise regarding the identification of evolving areas of concern affecting the minority populations targeted in the project.

(9) The recipient shall assist OMH staff in selecting potential sites for replicating the model.

OMH Responsibilities

Substantial programmatic involvement is as follows:

(1) OMH shall arrange an initial orientation meeting to: discuss and finalize a project management plan; clarify roles and responsibilities of the recipient, collaborating community based organizations, and OMH and other Federal agency staff participating in the project; establish clear lines of communication.

(2) OMH shall introduce the project participants to other PHS and Department of Health and Human Services (DHHS) staff, in particular, staff of cancer programs at the National Cancer Institute (NCI) and the Centers for Disease Control and Prevention (CDC), for technical and programmatic consultation and assistance; and to discuss and review a workplan.

(3) OMH staff shall provide technical assistance and oversight as necessary to project staff and consultants for the overall design, implementation, conduct, and assessment of project activities.

(4) OMH staff shall provide technical assistance to the recipient in the design, development, and implementation of the evaluation plans and strategies.

(5) OMH staff shall review and approve all evaluation plans and strategies prior to implementation.

(6) OMH staff shall assist the recipient in arranging for consultation, on an as-needed basis, from other Government agencies and non-governmental organizations such as the American Cancer Society.

(7) OMH staff shall be responsible for the selection of potential sights for replicating the project.

(8) OMH staff shall facilitate the cooperation of organizations that have grant programs within the service area. These programs will include the following: Health Careers Opportunity Program (HCOP), Centers of Excellence (COE), Minority Community Health Coalition Demonstration, and Public Housing Primary Care Program. In addition to these programs, OMH staff will facilitate the cooperation of national organizations such as: National Medical Association, National Dental Association, Hispanic Dental Association and Interamerican College of Physicians and Surgeons.

(9) OMH shall be responsible for the printing and distribution of the manual for replicating the model in similar communities.

Review of Applications

Applications will be screened upon receipt. Those that are judged to be incomplete, non-responsive to the announcement or nonconforming will be returned without comment. Applications judged to be complete, conforming, and responsive, will be reviewed for technical merit in accordance with PHS policies.

Applications will be evaluated by Federal reviewers. Applicants are advised to pay close attention to program guidelines, review criteria, and the general and supplemental instructions provided in the application kit.

Contacts

Applications will be prepared on PHS Standard Form 5161–1 (approved by OMB under control number 0937–0189). Application kits and technical assistance on business and grants management information may be obtained from Ms. Carolyn A. Williams, Grants Management Officer, Office of Minority Health, Rockwall II Building, Suite 1000, 5515 Security Lane, Rockville, Maryland 20852, telephone number (301) 594–0758. Completed applications are to be submitted to the same address.

For program information, contact Mr. John H. Walker, III, Project Officer, Office of Minority Health, Rockwall II Building, Suite 1000, 5515 Security Lane, Rockville, MD 20852, telephone number (301) 594–0769.

Application Deadline

To receive consideration, grant applications must be received by C.O.B. (30 days from the date of this publication). Applications will be considered as meeting the deadline if they are either: (1) Received on or before the deadline date, or (2) sent on or before the deadline date and received in time for orderly processing. Applicants should request a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks will not be accepted as proof of timely mailing. Applications which do not meet the deadline will be considered late and will be returned to the applicant.

Provision of Smoke-Free Workplace and Non-Use of Tobacco Products by Recipients of PHS Grants

PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products. In

addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children.

State Reviews

Applications are subject to state review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs. All comments from a State office must be received by the Office of Minority Health's Grants Management Officer within 60 days after the application deadline. Applicants should contact the appropriate State Single Points of Contact (SPOC) early in the application preparation process. A list of the SPOCs is enclosed with the application kit material.

Public Health System Reporting Requirements

This program is subject to Public Health Systems Reporting Requirements. Under these requirements, an applicant involving a community based nongovernmental organization must prepare and submit a Public Health System Impact Statement (PHSIS). The PHSIS is intended to provide information to State and local health officials to keep them apprised of proposed health services grant applications submitted by community-based nongovernmental organizations within their jurisdictions.

Applicants involving community-based nongovernmental organizations are required to submit the following information to the head of the appropriate State and local health agencies in the area(s) to be impacted no later than the Federal application receipt due date: (a) a copy of the face page of the applications (SF 424), (b) a summary of the project (PHSIS), not to exceed one page, which provides: (1) a description of the population to be served, (2) a summary of the services to be provided, (3) a description of the coordination planned with the appropriate State or local health agencies.

There is no Catalog of Federal Domestic Assistance number for this program since it is a one-time project.

Dated: March 17, 1995.

Clay E. Simpson, Jr.,

Acting Deputy Assistant Secretary for Minority Health.

[FR Doc. 95–10577 Filed 4–28–95; 8:45 am]

BILLLING CODE 4160–17–M

Federal Register

Monday
May 1, 1995

Part V

Environmental Protection Agency

40 CFR Part 247

Comprehensive Guideline for Procurement of Products Containing Recovered Materials; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 247

[FRL–5198–7]

RIN 2050–AE16

Comprehensive Guideline for Procurement of Products Containing Recovered Materials

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Today, the Environmental Protection Agency (EPA) is promulgating a final regulation designating the following 19 items that are or can be made with recovered materials: Engine coolants, structural fiberboard, laminated paperboard, carpet, floor tile, patio blocks, cement and concrete containing ground granulated blast furnace slag, traffic cones, traffic barricades, playground surfaces, running tracks, hydraulic mulch, yard trimmings compost, office recycling containers, office waste receptacles, plastic desktop accessories, toner cartridges, binders, and plastic trash bags. The CPG also consolidates the designations from EPA's five earlier procurement guidelines, which were previously codified at 40 CFR parts 248, 249, 250, 252, and 253. These five items, in addition to the 19 new items designated today, will be incorporated into a new Comprehensive Procurement Guideline codified at 40 CFR part 247.

This regulation is issued under the authority of section 6002(e) of the Resource Conservation and Recovery Act (RCRA). This action will promote recycling by using government purchasing to expand markets for recovered materials. RCRA section 6002 requires EPA to designate items that are or can be produced with recovered materials and to recommend practices for the procurement of designated items by procuring agencies. Once EPA designates an item, RCRA section 6002 requires that any procuring agency, when using appropriated Federal funds to procure that item, shall purchase it with the highest percentage of recovered materials practicable.

Executive Order 12873 sets forth procedures for EPA to follow in implementing RCRA section 6002(e). Specifically, it calls for EPA to designate section 6002 items in a Comprehensive Procurement Guideline (CPG) and to provide recommended procurement practices in a related Recovered Materials Advisory Notice (RMAN).

For the items designated in today's rule, EPA is issuing a Recovered Materials Advisory Notice (RMAN), which is published in the notice section of today's **Federal Register**. This RMAN includes EPA's consolidated recommendations to procuring agencies for meeting their section 6002 obligations with respect to the new and existing designated items. In the case of most designated items, the RMAN contains recommended minimum recovered materials content levels. For other items, an alternative approach is recommended. In addition, the RMAN revises the recommended recovered materials content levels originally contained in the building insulation guideline issued in 1988. The purpose of the recommendations contained in the RMAN is to assist procuring agencies in fulfilling their obligations under RCRA section 6002 and Executive Order 12873 to purchase designated items composed of the highest percentages of recovered materials practicable.

EFFECTIVE DATE: The Comprehensive Procurement Guideline is effective on May 1, 1996.

ADDRESSES: The public record for this rulemaking (Docket Number F–95–PRMF–FFFFF) is located at the following address: U.S. Environmental Protection Agency, RCRA Information Center (RIC), Room M2616, 401 M Street SW., Washington, DC 20460.

The RIC is open from 9 a.m. to 4 p.m. Monday through Friday, except for Federal holidays. To review docket materials, the public must make an appointment by calling (202) 260–9327. Materials may be copied for $0.15 per page.

FOR FURTHER INFORMATION CONTACT: ''Comprehensive Procurement Guideline—Supporting Analyses'' is the primary supporting document for the final Comprehensive Procurement Guideline. Today's **Federal Register** notice and the supporting document will be available in electronic format on the Internet System through the EPA Public Access Server at gopher.epa.gov. For a paper copy of the **Federal Register** notice or ''Comprehensive Procurement Guideline—Supporting Analyses,'' please contact the RCRA Hotline at 800–424–9346, or, in the Washington, DC metropolitan area, (703) 412–9810. Paper copies also are available in the RCRA Docket at the address listed in the previous section.

For general information, contact the RCRA Hotline. For technical information on individual item designations, contact the following EPA staff: Yard trimmings compost, Plastic pipe and fittings, Geotextiles, Carpet, Floor tile and Patio blocks, Playground surfaces and Running tracks, Temporary traffic control devices—Terry Grist, (703) 308–7257; Engine coolant—Tracy Bone, (703) 308–7259; Cement and concrete containing ground granulated blast furnace slag and Hydraulic mulch—Dana Arnold, (703) 308–7279; Structural fiberboard and Laminated paperboard, Office recycling containers and Office waste receptacles, Plastic desktop accessories, Toner cartridges, Binders, and Plastic trash bags—Beverly Goldblatt, (703) 308–7278. For all other technical information, contact Beverly Goldblatt at (703) 308–7278, or Terry Grist at (703) 308–7257.

Accessing Internet

1. Through Gopher: Go to: gopher.epa.gov

From the main menu, choose ''EPA Offices and Regions''. Next, choose ''Office of Solid Waste and Emergency Response (OSWER)''. Next, choose ''Office of Solid Waste''. Then, choose ''Non-Hazardous Waste—RCRA Subtitle D''. Finally, choose ''Procurement/CPG''.

2. Through FTP: Go to: ftp.epa.gov

Login: anonymous
Password: Your Internet Address
Files are located in directories/pub/gopher. All OSW files are in directories beginning with ''OSW''.

3. Through MOSAIC: Go to: http://www.epa.gov

Choose the EPA Public Access Gopher. From the main (Gopher) menu, choose ''EPA Offices and Regions''. Next, choose ''Office of Solid Waste and Emergency Response (OSWER).'' Next, choose ''Office of Solid Waste''. Then, choose ''Non-Hazardous Waste—RCRA Subtitle D''. Finally, choose ''Procurement/CPG''.

4. Through dial-up access:

Dial 919–558–0335. Choose EPA Public Access Gopher. From the main (Gopher) menu, choose ''EPA Offices and Regions''. Next, choose ''Office of Solid Waste and Emergency Response (OSWER)''. Next, choose ''Office of Solid Waste''. Then, choose ''Non-Hazardous Waste—RCRA Subtitle D''. Finally, choose ''Procurement/CPG''.

SUPPLEMENTARY INFORMATION:

Preamble Outline

I. Authority
II. Background
A. Purpose of the Procurement Guidelines
B. RCRA Section 6002
C. Executive Order 12873
D. Other Requirements and Policies

E. Existing Procurement Guidelines
F. Summary of Proposed Rule
III. Comment Summary and Agency's Response
A. General Comments
1. Designation of Material Specific Items
2. Purpose, Scope, and Applicability
3. Definitions
4. Affirmative Procurement Program
B. Items Proposed for Designation
1. Engine Coolants
2. Plastic Pipe and Fittings
3. Geotextiles
4. Cement and Concrete Containing Ground Granulated Blast Furnace Slag
5. Carpet
6. Floor Tiles
7. Yard Trimmings Compost
8. Office Recycling Containers and Waste Receptacles
9. Toner Cartridges
10. Binders
C. Other Items Considered for Designation
D. Public Participation in Future Updates to the CPG
IV. Availability of Designated Items
V. Economic Impact Analysis
A. Requirements of Executive Order 12866
B. Unfunded Mandates Reform Act of 1995 and Consultation with State, Local, and Tribal Governments
C. Summary of Benefits
D. Summary of Costs
E. Product Cost
F. Regulatory Flexibility Analysis
VI. Supporting Information
Appendix I

I. Authority

This guideline is promulgated under the authority of sections 2002(a) and 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a) and 6962, and section 502 of Executive Order 12873 (58 FR 54911; October 22, 1993).

II. Background

RCRA section 6002 and Executive Order 12873 set forth requirements for the procurement of products containing recovered materials and the issuance of procurement guidelines. The requirements of RCRA section 6002 apply to ''procuring agencies,'' as defined in RCRA section 1004; Executive Order requirements apply only to Federal ''Executive agencies,'' as defined in section 202 of Executive Order 12873. Under RCRA section 1004(17), a ''procuring agency'' means any ''Federal agency, or any State agency or agency of a political subdivision of a State which is using appropriated Federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract.''

A. Purpose of the Procurement Guidelines

In RCRA, Congress acknowledged the importance of recycling in helping to manage the nation's solid waste and recognized that recycling is not merely the collection of materials, but includes the manufacture of products with these materials and the purchase of recycled content products by consumers. RCRA section 6002 established the government's buy-recycled program, which uses Federal purchasing power to stimulate the demand for products made with recovered materials. The statute does this by requiring EPA to issue guidelines to be used by government when procuring recycled products. The guidelines are used not only by Federal agencies but also by state and local agencies and their contractors. Many state and local agencies have urged EPA to designate additional items to increase markets for recovered materials. President Clinton's Executive Order 12873 further bolsters the Federal government's commitment to buy products containing recovered materials by ''streamlining'' the process used by EPA in fulfilling its obligation under RCRA section 6002 to designate items that are or can be made with recovered materials.

Executive Order 12873 recognizes that the nation's interest is served when the Federal government makes more efficient use of natural resources by maximizing recycling and preventing waste wherever possible. The E.O. also recognizes that the Federal government should—through cost-effective waste prevention and recycling activities—work to conserve disposal capacity, and serve as a model in this regard for private and other public institutions. For many products, the use of recovered materials in manufacturing can result in significantly lower energy and material input costs than when virgin raw materials are used. Use of recovered materials may reduce the generation and release of air and water pollutants often associated with manufacturing (including air emissions that contribute to the level of ''greenhouse gases'' and ozone depletion). Using recovered materials also reduces the environmental impacts of mining, harvesting, and other extraction of natural resources, while conserving non-renewable resources for future use. Recycling can also divert large amounts of materials from landfills. This reduces the need to expand existing or site new disposal facilities, allowing local officials to devote more attention to health, education, and safety issues.

Executive Order 12873 also points out that the use of recycled content products by the Federal government can spur private sector development of new technologies and use of such products, thereby creating business and employment opportunities that enhance local, regional, and national economies. Technological innovation associated with the use of recovered materials can translate into economic growth and make American industry more competitive in the global economy.

Both RCRA and the E.O. recognize the interdependence between buying recycled content products and the success of recycling. For recycling to occur, industry must use recovered materials as feedstock for the manufacture of new products. Despite the environmental and economic efficiencies that can be realized by using recovered materials as feedstock, a manufacturer's primary responsibility remains to produce items that meet the demands of the consumer. The Federal government, through its purchasing decisions as a consumer, can play a key role in influencing manufacturers' decisions on products made with recovered materials. By purchasing products containing recovered materials pursuant to the guidelines established under RCRA and Executive Order 12873, the Federal government and other procuring agencies have the opportunity to increase markets for recovered materials and to contribute to an increased level of recycling in this country.

EPA also strongly encourages the private sector to use these guidelines when making purchasing decisions. Private sector purchases of most designated items far exceed government purchases. By seeking products made with recovered materials, the private sector can further stimulate markets for recovered materials, reduce the generation of air and water pollutants associated with virgin material extraction and beneficiation, and, in some instances, contribute to reductions in our nation's energy usage.

B. RCRA Section 6002

RCRA section 6002 requires EPA to designate items that are or can be made with recovered materials and to recommend practices to assist procuring agencies in purchasing the designated items. Once an item is designated by EPA, procuring agencies are required to purchase it composed of the highest percentage of recovered materials practicable (and in the case of paper, the highest percentage of postconsumer recovered materials), taking into consideration the limitations set forth in

section 6002(c)(1) (A) through (C) (i.e., competition, price, availability, and performance). The requirement applies when the purchase price of the item exceeds $10,000 or when the total cost of such items, or of functionally equivalent items, purchased during the preceding fiscal year was $10,000 or more.

Within one year after EPA designates an item, RCRA section 6002(d)(2) requires that Federal agencies revise their specifications to require the use of recovered materials to the maximum extent possible without jeopardizing the intended end-use of the item. Section 6002(d)(1) further requires Federal agencies responsible for drafting or reviewing specifications to review all of their product specifications to eliminate both provisions prohibiting the use of recovered materials and requirements specifying the exclusive use of virgin materials. This revision process should have been completed by May 8, 1986.

Once EPA designates an item, responsibility for complying with RCRA section 6002 rests with the procuring agencies. As noted, after the date specified in the designation, each procuring agency must procure designated items with the highest recovered materials content practicable. After the effective date, contracting officers must require their vendors to certify that the recovered materials content of their product meets the required content level. Furthermore, for each item designated by EPA, RCRA section 6002(i) requires each procuring agency to develop an affirmative procurement program, which sets forth the agency's policies and procedures for implementing the requirements of RCRA section 6002. The program must assure that the agency purchases items composed of recovered materials to the maximum extent practicable and that these purchases are made consistent with applicable provisions of Federal procurement law. In accordance with RCRA section 6002(i), the affirmative procurement program must contain at least four elements:

(1) A recovered materials preference program;
(2) An agency promotion program;
(3) A program for requiring vendors to reasonably estimate, certify, and verify the recovered materials content of their products; and
(4) A program to monitor and annually review the effectiveness of the affirmative procurement program.

C. Executive Order 12873

Executive Order 12873, entitled ''Federal Acquisition, Recycling, and Waste Prevention,'' was signed by President Clinton on October 20, 1993. The Order establishes a new, two-part process for EPA to use when developing and issuing the procurement guidelines for products containing recovered materials. The first part, the Comprehensive Procurement Guideline, contains EPA's designations of items that are or can be made with recovered materials. Because this is an activity requiring rulemaking, the CPG was developed using formal notice-and-comment rulemaking procedures and will be codified in the Code of Federal Regulations. Today's final CPG was developed under the procedures established in the Executive Order.

The second part, the Recovered Materials Advisory Notice, provides recommendations to procuring agencies on purchasing the items designated in the CPG. The Executive Order directs EPA to publish the RMAN in the **Federal Register** for public comment. The RMAN for items designated in today's CPG appears in the notice section of today's **Federal Register**.

A detailed description of the Executive Order provisions was included in the preamble to the proposed CPG (59 FR 18858; April 20, 1994).

D. Other Requirements and Policies

There are several other policies and procedures that may affect the procurement of products containing recovered materials by Federal and other government agencies. For the convenience of the reader, in Appendix I of this preamble, EPA has briefly summarized requirements and policies set forth in the Federal Acquisition Regulation, OFPP Policy Letter 92–4, and OMB Circulars A–102, A–119, and A–131.

E. Existing Procurement Guidelines

Between 1983 and 1989, EPA issued five guidelines for the procurement of products containing recovered materials. The guidelines issued prior to today's effort are listed in the following table:

TABLE 1.—EPA GUIDELINES FOR PROCUREMENT OF PRODUCTS CONTAINING RECOVERED MATERIALS

Guideline	40 CFR Part	Date (FR)
Cement and Concrete Containing Fly Ash.	249	January 28, 1983 (48 FR 4230).
Paper and Paper Products.	250	June 22, 1988 (53 FR 23546).
Re-Refined Lubricating Oils.	252	June 30, 1988 (53 FR 24699).
Retread Tires ...	253	November 17, 1988 (53 FR 46558).
Building Insulation.	248	February 17, 1989 (54 FR 7327).

F. Summary of Proposed Rule

On April 20, 1994, EPA proposed a Comprehensive Procurement Guideline that, when finalized, would designate 21 items that are or can be made with recovered materials. The items were arranged into product categories as shown below:

Vehicular Products

Reclaimed engine coolants

Construction Products

Structural fiberboard
Laminated paperboard
Plastic pipe and fittings
Geotextiles
Cement/concrete containing ground granulated blast furnace slag
Carpet
Floor tiles
Patio blocks

Transportation Products

Traffic barricades
Traffic cones

Park and Recreation Products

Playground Surfaces
Running Tracks

Landscaping Products

Hydraulic Mulch
Yard Trimmings Compost

Non-Paper Office Products

Office recycling containers
Office waste receptacles
Plastic desktop accessories
Remanufactured toner cartridges
Binders
Plastic Trash Bags

In addition to proposing to designate the 21 new items, EPA (1) identified items for potential future designation, depending on the receipt of additional information; (2) identified items deemed not appropriate for designation at this time; (3) announced the Agency's intention to establish a process for the public to suggest items that could be added to future updates to the CPG; and (4) requested comment on how EPA might be able to increase public

participation in developing future updates to the CPG.

EPA also proposed to delete the outdated guidance in 40 CFR part 247, which pre-dated the 1984 amendments to the Resource Conservation and Recovery Act and to consolidate the existing five procurement guidelines and new item designations into a new part 247. The proposed new part 247 consisted of two subparts: Subpart A—General, which included the general requirements of RCRA section 6002 and definitions, and Subpart B—Item Designations (see 59 FR 18862, April 20, 1994). As explained in the preamble to the proposed CPG, EPA did not seek comment on the existing item designations for paper and paper products, re-refined lubricating oil, building insulation, cement and concrete containing fly ash, or retread tires.

The legal basis, methodology, and factual conclusions that formed the basis of the proposal were described in substantial detail in the notice of proposed rulemaking (see 59 FR 18853–18882).

Interested persons were invited to participate in the rulemaking by submitting written comments by June 20, 1994.

III. Comment Summary and Agency's Response

EPA received submittals from over 300 commenters in response to the proposed CPG. These commenters represented various interests, including Federal agencies, State agencies, local governments, product manufacturers, product users, public interest groups, waste management companies, and members of Congress. EPA has carefully considered all of these comments. A discussion of the major comments follows.

A. General Comments

1. Designation of Material Specific Items

Comment: One commenter suggested that EPA designate items in a material neutral manner. In other words, rather than designating items made of specific materials (e.g., ''plastic'' trash bags), EPA should simply designate the items in generic terms (e.g., trash bags).

Response: EPA believes that such an approach is not appropriate for all items. Under RCRA section 6002(c)(1), each procuring agency which procures ''any items'' designated by EPA is required to procure such items composed of the highest percentage of recovered materials practicable. As a result, if EPA designates a generic category of items, procuring agencies are obligated to try to purchase all items within that category containing recovered materials. For example, when EPA designated ''paper and paper products'' or ''building insulation products,'' procuring agencies were obligated to purchase all types of paper products or building insulation containing recovered materials, even though EPA did not provide content recommendations for all products within these categories. In other instances, where EPA is not aware that items manufactured from other types of materials are made with or could contain recovered materials, EPA has limited its designations so as not to create an unnecessary burden on agencies to try to purchase an item that is not available. When EPA learns that the generic item is being made with additional recovered materials, EPA will evaluate the new information and consider amending the item designation accordingly.

In implementing this process for the items listed in the proposed CPG, EPA sometimes had information on the availability of a particular item made with a specific recovered material (e.g., plastic), but no information on the availability of the item made from a different recovered material or any indication that it is possible to make the item with a different recovered material. In these instances, EPA concluded that it was appropriate to include the specific material in the item designation in order to provide vital information to procuring agencies as they seek to fulfill their obligations to purchase designated items composed of the highest percentage of recovered materials practicable. This information enables the agencies to focus their efforts on products that are currently available for purchase, reducing their administrative burden. EPA also included information in the proposed CPG, as well as in the draft RMAN that accompanied the proposed CPG, that advised procuring agencies that EPA is not recommending the purchase of an item made from one particular material over a similar item made from another material. For example, EPA included the following statement in the preamble discussion for plastic desktop accessories (59 FR 18879): ''This designation does not preclude a procuring agency from purchasing desktop accessories manufactured from another material, such as wood. It simply requires that a procuring agency, when purchasing plastic desktop accessories, purchase these accessories made with recovered materials * * *''

2. Purpose, Scope, and Applicability

Comment: A commenter inquired about the applicability of RCRA section 6002 to designated items that are leased rather than purchased by a procuring agency.

Response: Section 6002 applies to ''any purchase or acquisition'' in excess of $10,000 by a procuring agency. The Federal Acquisition Regulation (FAR) defines ''acquisition'' to include the acquiring of supplies or services (including construction) by means of a lease (48 CFR 2.101). Therefore, RCRA section 6002 and the procurement guidelines developed under its authority apply to a procuring agency's lease contracts for designated items. Under the definition of ''procuring agency,'' lessor contractors are subject to the section 6002 requirements for work performed under the lease contract.

Comment: Commenters inquired when RCRA section 6002 applies to contractors.

Response: The requirements of RCRA section 6002 apply to contractors in the following circumstances. A contractor must comply with section 6002 with respect to work under the contract if the contractor is (1) contracting with a Federal agency or a State agency which is using appropriated Federal funds for a procurement and (2) purchasing or acquiring a designated item whose purchase price exceeds $10,000 or the quantity of the item purchased in the previous year was $10,000 or more.

Under both circumstances, it is immaterial for purposes of the $10,000 threshold whether the contractor purchased or acquired the designated items as a ''procuring agency'' (with respect to work performed under a contract with a Federal or State agency) or in its private capacity. All the purchases of a designated item should be aggregated in order to determine whether the $10,000 threshold for section 6002 applicability is met. However, the obligations of section 6002 are prospective. The contractor must determine whether the $10,000 threshold is met *only* after it is a ''procuring agency.'' That is, purchases exceeding the $10,000 threshold in the year prior to the year in which a contractor becomes a ''procuring agency'' do not trigger section 6002(a) requirements. Furthermore, while the contractor is subject to section 6002 requirements once it exceeds the threshold, the RCRA requirements apply only with respect to work performed under the contract (i.e, when supplying the designated item to any State or Federal agency).

For example, in Year One, Contractor X contracts to supply $500 of hydraulic mulch to a State agency using appropriated Federal funds to purchase the hydraulic mulch. Therefore, in Year One, Contractor X is a ''procuring agency.'' During Year One, Contractor X also purchases hydraulic mulch for its own use and to supply the requirements of its other customers, with total purchases of hydraulic mulch exceeding $10,000. In Year One, while Contractor X is a procuring agency, Contractor X is not subject to the section 6002 requirements for hydraulic mulch supplied to the State agency because the contract price does not exceed $10,000. In Year Two, Contractor X is subject to section 6002 requirements for hydraulic mulch provided to the State agency for the procurement regardless of the amount of the contracted purchase, because, while a ''procuring agency'' in Year One, it purchased in excess of $10,000 of hydraulic mulch.

In another example, in Year One, Contractor Y purchases $10,000 of hydraulic mulch but none was purchased on behalf of a government agency using appropriated Federal funds. In Year One, Contractor Y is not a procuring agency. In Year Two, Contractor Y contracts to supply less than $10,000 of hydraulic mulch to a State agency using appropriated Federal funds for the purchase. In Year Two, Contractor Y is a procuring agency, but is not subject to section 6002 requirements for its purchases of hydraulic mulch because it was not a procuring agency during the previous year when it acquired in excess of $10,000 of hydraulic mulch.

3. Definitions

In the proposed CPG, EPA explained that the definitions found in the five existing guidelines would be incorporated into a new part 247 (59 FR 18863, April 20, 1994). The new part 247 would include the relevant definitions found in RCRA, the definitions of items, and definitions of terms used in the companion RMAN. EPA has concluded that it will be easier for procuring agencies to use the definitions if they are limited to those terms used in the CPG. Therefore, in the final CPG, the definitions section contains only terms used in the CPG.

4. Affirmative Procurement Program

Comment: Several commenters expressed concern with the administrative requirements associated with individual item designations. In particular, many commenters objected to the requirement that procuring agencies develop affirmative procurement programs for all designated items, including items that they may not purchase or that they are unable to obtain with recovered materials content.

Response: In the proposed CPG (59 FR 18864, April 20, 1994), EPA recommended that procuring agencies develop one comprehensive affirmative procurement program with a structure that provides for the integration of new items as they are designated. EPA believes that developing a single affirmative procurement program will substantially reduce procuring agencies' administrative burdens under RCRA that result from today's item designations.

EPA also recommends that if a procuring agency does not purchase a specific designated item, it should simply include a statement in its preference program to that effect. Similarly, if a procuring agency is unable to obtain a particular item for one or more of the reasons cited in RCRA section 6002(c)(1), a similar statement should be included in the preference program along with the appropriate justification.

For example, if a state agency procures cement and concrete using appropriated Federal funds and has determined that ground granulated blast furnace slag is not available in the state due to high transportation costs, then that state agency would include the following or similar statement in its preference program:

> The State currently is unable to use ground granulated blast furnace slag in cement and concrete products due to the high transportation costs of this material. Therefore, this State has concluded that, based on RCRA section 6002(c)(1)(C), it is not required to procure this material.

EPA notes that, in accordance with RCRA section 6002(i)(2)(D), it is the procuring agency's responsibility to monitor and regularly update its affirmative procurement program. Should an item that was previously unobtainable become available, then the procuring agency should modify its affirmative procurement program accordingly.

B. Items Proposed for Designation

No commenters opposed the designations of the following items: Structural fiberboard, laminated paperboard, patio blocks, traffic barricades, traffic cones, playground surfaces, running tracks, hydraulic mulch, plastic desktop accessories, and plastic trash bags. Therefore, today, EPA is promulgating these item designations as proposed. The following subsections discuss the significant comments pertaining to the remaining proposed item designations.

1. Engine Coolants

Comment: Two commenters asked that EPA clarify that the proposed designation applies only to engine coolants used in vehicles and not to other glycol-based coolants used in other types of machinery such as generator motors.

Response: EPA believed that inclusion of engine coolants in the Vehicular Products Category clarifies that the designation is limited to vehicular engine coolants and does not apply to other non-vehicular coolants. However, to remove any ambiguity, EPA is revising the engine coolant designation to specify that it applies to vehicles only.

Comment: Two commenters urged EPA to limit the designation to ethylene-glycol based engine coolants and exclude other types of engine coolants. These two commenters stated that propylene glycol is not currently being reclaimed and that, therefore, propylene glycol-based engine coolants do not meet the statutory requirements for designation. Furthermore, one commenter noted that U.S. automobile manufacturers ''currently disallow the use of propylene glycol engine coolants in their products. Products which are not ethylene glycol-based fail to meet the appropriate chemical properties requirement and are therefore not qualified for use in American Automobile Manufacturers Association members' vehicles.''

Response: EPA believes that propylene glycol-based engine coolants are not currently being recovered and processed into reclaimed engine coolants. However, EPA is unaware of any technical reason that would prevent this from occurring. RCRA directs EPA to ''designate those items which are or can be produced with recovered materials and whose procurement by procuring agencies will carry out the objectives of this section (Section 6002 of RCRA).'' Rather than precluding procuring agencies from purchasing propylene glycol-based engine coolants and reclaiming them, EPA concludes that it is inappropriate to limit the item designation to ethylene glycol-based engine coolants only. If propylene glycol-based engine coolants do not meet a procuring agency's performance requirements, the agency need not purchase them. Thus, EPA has decided to finalize the engine coolants designation as proposed.

2. Plastic Pipe and Fittings

Comment: While one commenter supported the proposed designation of plastic pipe and fittings, EPA received numerous comments expressing concern about the possible liability and adverse effects were there to be failures of plastic pipe containing recovered materials. These commenters stated that the American Society for Testing and Materials (ASTM) and American Association of State Highway and Transportation Officials (AASHTO) are currently reviewing their material specifications that preclude the use of recovered materials in plastic pipe and fittings for possible revision to allow the use of these materials. These commenters suggested that ASTM and other reliable specifications are necessary to ensure the quality of plastic pipe containing recovered materials, and that EPA should not designate plastic pipe containing recovered materials until such specifications are in place.

Response: As described in the proposed CPG, several manufacturers have conducted performance testing on pipe made with recovered materials and demonstrated that the pipe meets applicable ASTM performance specifications. However, there currently exist ASTM and other material specifications that preclude the use of recovered materials in plastic pipe and fittings. As pointed out by commenters, there is a major effort underway to review these specifications for possible revision to allow the use of recovered materials. This effort is not yet completed. Based on the comments received, EPA has become aware that many manufacturers and users of plastic pipe do not believe that adequate testing, especially field testing, has been conducted and that designation should be delayed until such testing is conducted. For this reason, EPA has determined that it is premature to designate plastic pipe and fittings, even for non-pressure applications.

Many commenters in industry and government, particularly state transportation officials, expressed a strong interest in working with EPA to overcome the barriers to using plastic pipe made of recovered materials. At least one state transportation office currently is conducting field testing of HDPE drain pipe made of recovered materials. EPA will continue to follow developments in this area and will reconsider designating plastic pipe when these barriers have been overcome. In the meantime, EPA encourages manufacturers and users of plastic pipe made with recovered materials to keep the Agency apprised of new developments in product performance testing and revision of material specifications.

3. Geotextiles

Comment: Although many commenters supported the proposed designation of geotextiles, the majority of commenters opposed it. Those in support of the designation stated that there are non-woven geotextiles available made with postconsumer recovered polyethylene terephthalate (PET) and they are being used in a variety of applications. These commenters also stated that adequate performance testing has been conducted to justify the designation of geotextiles made with recovered materials. Commenters opposed to the proposed designation of geotextiles expressed concern that using recovered resins in geotextiles could result in catastrophic failures if used in critical applications, such as in landfills or in road construction. These commenters stated that evidence does not exist on the long-term performance of geotextiles made with recovered resin or on the chemical compatibility of geotextiles containing recovered materials when used in landfill applications. Additional commenters claimed that no manufacturers actually make geotextiles with postconsumer polypropylene, that the technology does not exist to make geotextiles with recovered polypropylene, and that high-quality postconsumer polypropylene is not available in sufficient quantities for use in making geotextiles.

Response: EPA has not yet been able to resolve the numerous technical issues raised during the comment period. To do so would have meant a delay in issuance of the final CPG and a delay in the date on which procuring agencies would be required to begin purchasing the 19 additional items that are being designated at this time. Thus, EPA determined that it would be best to issue the CPG for those items on which the Agency is ready to proceed and to defer a final decision on the designation of geotextiles until a future update of the CPG.

EPA will continue to track developments in this area, evaluate the issues raised by commenters, and maintain a dialog with manufacturers and users of geotextiles. EPA encourages manufacturers of geotextiles made with recovered materials to keep the Agency apprised of new products being manufactured with recovered materials, the availability of recovered polypropylene, and developments in product performance testing.

4. Cement and Concrete Containing Ground Granulated Blast Furnace Slag

Comment: Several commenters opposed the designation of ground granulated blast furnace (GGBF) slag because of its lack of availability.

Response: EPA has concluded that availability is not a barrier to designating GGBF slag. Data provided in comments by GGBF slag producers indicate that granulators currently are located at four steel plants, an additional five steel companies are considering the installation of granulation capacity at locations in six states, ten cement manufacturers in nine states currently grind granulated blast furnace slag, and excess capacity is available to supply granulated blast furnace slag to additional customers. Additionally, EPA's Report to Congress on special wastes from mineral processing [1] indicates that most U.S. primary iron producers are expected to modernize their blast furnaces and install slag granulation facilities, resulting in greater availability of granulated blast furnace slag for use in cement and concrete.

While GGBF slag currently is used primarily in Eastern states and states located just west of the Mississippi River, the product also has been used in states more remote from the nation's steel centers (e.g., Texas, Oklahoma, and Colorado), indicating that this item can be made available to states that are not proximate to steel mills. In light of the Agency's past experience with the positive effect of an item designation on markets, EPA concludes that designation of cement and concrete containing GGBF slag will encourage additional states to consider the use of GGBF slag, thereby creating expanded markets for this item.

If a procuring agency determines that cement or concrete containing GGBF slag is not available, it is not required to purchase this item. Section 6002 of RCRA provides that procuring agencies need not purchase a designated item if the item is not reasonably available within a reasonable period of time or the item is available only at an unreasonable price. The procuring agency must, however, take the affirmative step of inquiring whether the item is or can be made available.

Comment: The comments contained both positive and negative information about the performance of cement and concrete containing GGBF slag. Several states commented that they use GGBF

[1] ''Report to Congress on Special Wastes from Mineral Processing,'' Volume II: Methods and Analyses, U.S. Environmental Protection Agency, Office of Solid Waste, July 1990, Chapter 8.

slag in cement or concrete for its positive attributes. A federal agency also cited several positive attributes of this material. The positive attribute most often cited was GGBF slag-cement's contribution to a reduction in alkali-silica reactivity. It also adds cementitious properties.

Commenters also cited negative performance factors about the use of GGBF slag, although conflicting information was provided about almost all of these factors. For example, commenters noted that concrete containing GGBF slag has a slower set time than concrete without GGBF slag. This fact could limit the time of year in which the product is used. However, considering that 70% of concrete is used in warmer months, other commenters stated that slower set time, in an of itself, is not a barrier to using this product in most projects.

Response: EPA's detailed response to each of these comments is contained in ''Comprehensive Procurement Guideline—Supporting Analyses.'' In many instances, the negative attributes cited by commenters were cited as positive attributes by others. For example, slower setting times are often advantageous, especially in warm weather when 70 percent of concrete is placed. With respect to other performance criteria, other commenters provided conflicting information. For example, while some commenters cited a problem with the workability of concrete containing GGBF slag, a Federal agency commented that GGBF slag will generally improve the workability of concrete. Based on a review of the information submitted by commenters, EPA agrees with one commenter that GGBF slag is suitable for some, but not all, concrete applications and, therefore, should not be blindly substituted for Portland cement without regard for its effects on the characteristics of the concrete mix.

For the following reasons, EPA concludes that cement and concrete containing GGBF slag should be designated: (1) The use of GGBF slag in cement and concrete can provide beneficial properties to users of concrete, such as reduced alkali-silica reactions, (2) the use of GGBF slag in cement and concrete can reduce the quantities of this material requiring disposal, and (3) cement and concrete containing GGBF slag is used on a widespread basis in several states. Additionally, EPA believes that the designation of this item will encourage procuring agencies to learn more about this product, which will, in turn, increase the likelihood that they will begin to purchase it where it is available and meets their performance requirements.

Under the exceptions in RCRA section 6002, in those instances where the use of GGBF slag will not meet a procuring agency's reasonable performance requirements, the agency is not required to purchase the product.

Comment: Several state agencies commented that coal fly ash is generated and used in their state. They stated that a designation of GGBF slag could result in reduced markets for coal fly ash because GGBF slag would compete with coal fly ash.

Response: EPA's designation of GGBF slag does not require procuring agencies to favor this item over coal fly ash. Because it is an expansion of the existing cement and concrete designation, the GGBF slag designation simply requires that procuring agencies use cement and concrete containing either coal fly ash or GGBF slag when it meets their price and performance objectives. Which type of cement or concrete a procuring agency purchases will depend on a number of factors, including the performance requirements for the construction project, product availability, competition, and product price.

5. Carpet

Comment: Several commenters were concerned about the proposed designation of polyester carpet, stating that this item generally does not meet the performance standards for commercial applications. Commenters stated that nylon carpeting is preferred in commercial applications because of the fiber's superior performance characteristics, while polyester carpeting is mainly suited for low-wear or residential applications. Another commenter stated that nylon fibers can be made in a loop pile construction, whereas polyester fibers are typically made in a cut-pile construction which is prone to faster wear.

Response: EPA is aware that polyester carpeting may not perform as well as nylon carpeting in high-wear and severe-wear applications. For this reason, EPA proposed to designate polyester carpet for low- and medium-wear applications only. The designation of polyester carpet applies only in those cases where procuring agencies have determined that polyester carpet has suitable performance characteristics to meet the agencies' particular applications. Where it is determined that polyester carpet is suitable, procuring agencies should purchase polyester carpet containing recovered materials.

6. Floor Tiles

Comment: No commenters opposed the proposed designation of floor tiles. However, commenters explained that floor tiles containing recovered materials are not typically used in certain applications, such as for standard office flooring. Commenters explained that their use has been limited to certain heavy-duty applications.

Response: EPA is not aware of any floor tiles containing recovered materials being used in standard office flooring applications; consistent with information submitted by commenters, their use has been limited to heavy-duty, commercial applications. For this reason, EPA is limiting the recommendations contained in the Recovered Materials Advisory Notice that accompanies today's rule to rubber and plastic floor tiles used in heavy-duty, commercial applications. If other uses, such as for standard office flooring are identified in the future, EPA will consider revising its recommendations to incorporate these applications.

7. Yard Trimmings Compost

Comment: One commenter expressed concern about the proposed designation of yard trimmings compost because there are a lack of national standards for this item.

Response: The Agency does not believe that a lack of national standards will inhibit the general use of yard trimmings compost, or that national standards are a necessary prerequisite for its designation. As noted in the preamble to the proposed rule, compost can have many different applications, each of which may require compost with differing characteristics. For instance, using compost for turf establishment would typically require a mature, cured compost, while an application for landfill cover might utilize less mature compost. As explained in EPA's draft RMAN issued concurrently with the proposed CPG, the State of Maine has developed quality standards for six different types of compost ranging from topsoil (three classes), to wetlands substrate, to mulch (two classes) (see 59 FR 18906, April 20, 1994). These standards are being used by many State agencies in purchasing compost and can serve as a guide to anyone purchasing this item.

In addition to the guidance afforded by the State of Maine's quality standards, compost suppliers can assist procuring agencies in determining the type(s) of compost needed for particular applications. The agency recommends, therefore, that when purchasing yard

trimmings compost, the specific use of the compost should be described to the supplier to ensure the purchase of a product compatible with the intended use.

In the preamble to the proposed CPG, EPA also noted that the Composting Council, a diverse group of professionals engaged in promoting the beneficial use of compost, as well as a number of State agencies are developing standards and specifications for compost (see 59 FR 18878, April 20, 1994). As these standards are developed, EPA will make their availability known to procuring agencies by referencing them in a future Recovered Materials Advisory Notice.

8. Office Recycling Containers and Waste Receptacles

Comment: One commenter questioned EPA's proposed designation of steel office recycling containers and office waste receptacles, stating that the amount of steel used to manufacture such items is inconsequential when compared to the amount of steel produced in the U.S. Another commenter stated that the designation of recycling containers and waste receptacles made from multiple materials (i.e., plastic, steel, and paper) could encourage the purchase of plastic and paper containers rather than the traditional steel containers.

Response: EPA encourages the use of all recovered materials in products and does not favor one material over another. If EPA did not include steel containers in its designation, procuring agencies might assume that EPA was recommending the use of plastic or paper containers only, when this is not the case. Additionally, steel containers made from recovered materials are readily available as are containers made from plastic and paper. For these reasons, the Agency believes it is appropriate to designate containers made from steel, paper, and plastic. EPA also believes that the type of containers purchased should be the sole decision of the procuring agencies and that they can best choose the product that meets their needs.

9. Toner Cartridges

Comment: Two commenters contested EPA's designation of remanufactured toner cartridges, citing RCRA section 6002(e)(1) and Executive Order 12873 as requiring EPA to designate items made with ''recovered,'' not ''remanufactured'' materials. The commenters further stated that, should EPA proceed with its designation of remanufactured toner cartridges, it should expand the designation to include new toner cartridges made from recovered materials as well.

Response: EPA believes that the designation of remanufactured toner cartridges is consistent with the directives contained in RCRA section 6002 and Executive Order 12873. EPA believes that the reuse of materials in remanufacturing operations falls within the statutory definition of ''recovered materials'' in that these are materials ''which have been recovered or diverted from solid waste, but * * * not * * * generated from, and commonly reused within, an original manufacturing process.'' Additionally, in 1988, the Agency designated retread tires as a guideline item (53 FR 46558, November 17, 1988). Retread tires are also remanufactured items.

EPA now has information that toner cartridges made with recovered materials are available for purchase. Thus, EPA agrees with the commenters that it is appropriate at this time to designate toner cartridges made with recovered materials as well as remanufactured toner cartridges. Therefore, the Agency has changed its designation from ''remanufactured toner cartridges'' to ''toner cartridges'' to include new cartridges made with recovered materials.

10. Binders

Comment: Two commenters stated that EPA's proposed item designation for binders was incomplete because it did not mention binders made from pressboard.

Response: The commenters are correct. EPA inadvertently omitted reference to pressboard in the proposed CPG under the erroneous assumption that ''pressboard'' was included in the term ''chipboard.'' EPA has since determined that this is not the case. For this reason, today's final item designation for binders references chipboard and pressboard, both of which are paper and paperboard products. As explained in the final Recovered Materials Advisory Notice that accompanies this final CPG, procuring agencies should rely on the guidance provided in Section II, Part A of the Recovered Materials Advisory Notice that accompanies this final CPG and in the draft Paper Products Recovered Materials Advisory Notice (60 FR 14182, March 15, 1995) when purchasing chipboard or pressboard binders.

C. Other Items Considered for Designation

In addition to the items proposed for designation, EPA listed and requested information on 23 items as potential items for future designation and 4 items that the Agency believed were inappropriate for designation at this time (59 FR 18881, April 20, 1994).

EPA received comments on most of the 23 items listed as potential items for future designation. In addition, EPA received comments on pallet stretch wrap and strapping, which, at proposal, were two of the items EPA believed to be inappropriate to designate (59 FR 18812, April 20, 1994). Three commenters provided information on pallet stretch wrap and one on strapping, indicating that these two items may be suitable for designation. The information provided in the comments will be considered when the Agency evaluates items for possible designation in a future update of the CPG.

D. Public Participation in Future Updates to the CPG

In the proposed rule, the Agency announced it would develop procedures that would allow the public to suggest items for inclusion in future updates of the CPG and to provide information on products made from recovered materials. The proposal also solicited public comment on possible options for increasing public participation in developing updates to the CPG and RMAN. EPA did not receive any comments relating to this issue.

EPA still intends to establish such a process and will issue a future **Federal Register** notice that describes this process.

IV. Availability of Designated Items

EPA has developed lists of manufacturers and vendors of the items designated in today's final CPG. These lists will be updated periodically as new sources are identified and EPA becomes aware of changes in product availability. To assist procuring agencies, the lists will be made available at no charge by calling EPA's RCRA Hotline at (800) 424–9346, or, in the Washington, DC area, at (703) 412–9810. They also will be available for review in the RCRA Information Center (RIC). For additional details about the location and operating schedule of the RIC, see the ''Address'' section at the beginning of this **Federal Register** notice. Procuring agencies are encouraged to contact manufacturers and vendors directly to discuss their specific needs and to obtain detailed information on the availability and price of recycled content products meeting those needs.

The U.S. General Services Administration (GSA) publishes an ''Environmental Products Guide,'' which lists items available through its

Federal Supply Service. This Guide is updated periodically as new items become available. Copies of the GSA ''Environmental Products Guide'' can be obtained by contacting GSA's Centralized Mailing List Service in Fort Worth, Texas at (817) 334–5215.

In addition to the information provided by EPA and GSA, there are other publicly-available sources of information about products containing recovered materials. For example, the ''Official Recycled Products Guide'' (RPG) was established in March 1989 to provide a broad range of information on recycled content products. Listings include product, company name, address, contact, telephone, fax, type of company (manufacturer or distributor), and minimum recycled content. Price information is not included. The RPG is available on a subscription basis from American Recycling Market, Inc., (800) 267–0707. Private corporations that have researched recycled product availability may also be willing to make this information publicly available. For instance, as part of the McRecycle USA® program, the McDonald's Corporation established a Registry Service for manufacturers and suppliers of recycled content products. The Corporation has compiled a database of registrants and makes this information available upon request. More information on the McRecycle USA® Registry Service is available by calling (800) 220–3809.

State and local recycling programs are also a potential source of information on local distributors and availability. In addition, state and local government purchasing officials that are contracting for recycled content products may have relative price information. A list of state purchasing/procurement officials has been placed in the RIC and will be updated periodically. Also included in the public docket is a list of states with recycled content products purchasing programs, current as of April 1994. Information is also available from trade associations whose members manufacture or distribute products containing recovered materials. A list of such trade associations is also included in the RIC.

V. Economic Impact Analysis

A. Requirements of Executive Order 12866

Executive Order 12866 requires agencies to determine whether a regulatory action is ''significant.'' The Order defines a ''significant'' regulatory action as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The cost of the rule is below the $100 million threshold. However, EPA believes that the rule may raise policy issues and, therefore, is considering it a significant regulatory action. To enable the Agency to evaluate the potential impact of today's action, EPA has conducted an Economic Impact Analysis (EIA), discussed below. For more information on the EIA, see ''Technical Background Document for the Comprehensive Procurement Guideline.''

B. Unfunded Mandates Reform Act of 1995 and Consultation With State, Local, and Tribal Governments

Under section 202 of the Unfunded Mandates Reform Act of 1995 (the Act), Pub. L. 104–4, which was signed into law on March 22, 1995, EPA generally must prepare a written statement for rules with Federal mandates that may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is required for EPA rules, under section 205 of the Act EPA must identify and consider alternatives, including the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. EPA must select that alternative, unless the Administrator explains in the final rule why it was not selected or it is inconsistent with law. Before EPA establishes regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must develop under section 203 of the Act a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements.

EPA has determined that this rule does not include a Federal mandate that may result in estimated annualized costs of $100 million or more to either State, local and tribal governments in the aggregate, or to the private sector. To the extent enforceable duties arise as a result of today's rule on State, local and tribal governments, they are exempt from inclusion as Federal intergovernmental mandates if such duties are conditions of Federal assistance. Even if they are not conditions of Federal assistance, such enforceable duties do not result in a significant regulatory action being imposed upon State, local and tribal governments since the estimated aggregate cost of compliance for them are not expected to exceed, at the maximum, $5.1 million annually. The cost of enforceable duties which may arise as a result of today's rule on the private sector are estimated not to exceed $130,000 annually. Thus, today's rule is not subject to the written statement requirement in sections 202 and 205 of the Act.

The newly designated items included in the CPG may give rise to additional obligations under section 6002(i) (requiring procuring agencies to adopt an affirmative procurement program and to amend their specifications) for state and local governments and tribal authorities. As noted above, the expense associated with any additional costs is not expected to exceed, at the maximum, $5.1 million annually. In compliance with E.O. 12875, which requires the involvement of State, local and tribal governments in the development of certain Federal regulatory actions, EPA conducted a wide outreach effort and actively sought the input of representatives of state, local and tribal governments in the process of developing the final designation. Thus, Agency personnel have met with their representatives in a number of different forums. For example, EPA staff involved in development of the CPG spoke and met with attendees at the annual meeting of the National Institute for Government Purchasing, Inc., which includes representatives of government purchasing offices. EPA representatives have met with government officials at trade association gatherings such as the National Recycling Coalition annual conference.

The requirements do not significantly affect small governments because they are subject to the same requirements as other entities whose duties result from today's rule. As discussed above, the expense associated with any additional costs to State, local and tribal

governments, is not expected to exceed, at the maximum, $5.1 million annually. The requirements do not uniquely affect small governments because they have the same ability to purchase these designated items as other entities whose duties result from today's rule. Additionally, use of designated items affects small governments in the same manner as other such entities. Thus, any applicable requirements of section 203 have been satisfied.

C. Summary of Benefits

EPA anticipates that this rule will result in increased opportunities for recycling and waste prevention. Waste prevention can reduce the nation's reliance on natural resources by reducing the amount of materials used in making products. This results in a commensurate reduction in energy use and in the generation and release of air and water pollutants associated with manufacturing. Additionally, waste prevention leads to a reduction in the environmental impacts of mining, harvesting, and other extraction processes.

Recycling can effect the more efficient use of natural resources. For many products, the use of recovered materials in manufacturing can result in significantly lower energy and material input costs than when virgin raw materials are used; reduce the generation and release of air and water pollutants often associated with manufacturing; and reduce the environmental impacts of mining, harvesting, and other extraction of natural resources. In addition to conserving non-renewable resources, recycling can also divert large amounts of materials from landfills, conserving increasingly valuable space for the management of materials that truly require disposal. This reduces the need to expand existing or site new disposal facilities, allowing local government officials to devote more attention to health, education, and safety issues.

By purchasing products made from recovered materials, government agencies can increase opportunities for realizing these benefits. On a national and regional level, this rule can result in expanding and strengthening markets for materials diverted or recovered through public and private collection programs. Also, since many State and local governments, as well as private enterprises, reference EPA guidelines when purchasing designated items, the CPG can result in increased purchase of recycled products, locally, regionally, and nationally.

Finally, purchase and use of recycled products by government agencies can also spur private sector development of new technologies, creating business and employment opportunities that enhance local, regional, and national economies. Technological innovation associated with the use of recovered materials can translate into economic growth and make American industry more competitive in the global economy.

D. Summary of Costs

As discussed in Section III, EPA received several comments regarding the cost estimates presented in the proposed CPG. Based on these comments and actual cost information submitted by commenting Federal agencies, EPA modified its approach to estimating costs attributable to the CPG. Details on EPA's approach for estimating costs presented in this subsection are included in ''Technical Background Document for the Comprehensive Procurement Guideline.'' This document is included in the RCRA docket for this rulemaking.

As shown in Table 2 below, EPA estimates that the annualized costs of today's rule will range from $10 to $13 million, with costs being spread across all procuring agencies (i.e., Federal agencies, State and local agencies that use appropriated Federal funds to procure designated items, and contractors to all three). These costs are annualized over a 10-year period at a three percent discount rate. Because there is considerable uncertainty regarding several of the parameters that drive the costs, EPA conducted a sensitivity analysis to identify the range of potential costs of this rule. Thus, high-end and low-end estimates are presented along with the best estimate. The primary parameters affecting the range of cost estimates are the number of products each procuring agency is assumed to procure each year and the number of contractors that will be affected by this rule.

TABLE 2.—SUMMARY OF ANNUALIZED COSTS OF CPG TO ALL PROCURING AGENCIES

Procuring agency	Total annualized costs ($1000)	Best estimate total annualized costs ($1000)
Federal agencies	$8,100–$7,500	$8,100
States	1,600–1,000	1,600
Local governments	3,500–1,800	2,800
Contractors	130–26	79
Total	13,300–10,300	12,600

RCRA section 6002(g) requires the Office of Federal Procurement Policy to report to Congress every two years on the actions taken by Federal agencies to comply with RCRA section 6002. In developing this report, OFPP requests information and data from Federal agencies regarding their affirmative procurement programs and related activities. Table 3 below presents the estimated annualized costs to Federal agencies, including (1) specification revision and affirmative procurement program modification/implementation costs, and (2) recordkeeping and reporting costs. The recordkeeping and reporting costs presented below are the likely costs that would be incurred by Federal agencies to maintain and compile information for and complete the annual OFPP information request using the existing OFPP reporting format (i.e., the format used to collect information for fiscal years 1993 and 1994).

TABLE 3.—SUMMARY OF BEST ESTIMATE ANNUALIZED COSTS OF CPG TO FEDERAL AGENCIES

Federal agency	Specification revision and APP costs ($1000)	Recordkeeping and reporting costs ($1000)	Total annualized costs ($1000)
Civilian Agencies	$1,100	1,600	$2,700
Defense Agencies	2,000	3,400	5,400
Total	3,100	5,000	8,100

Many Federal agencies have stated that the current OFPP format is overly burdensome and costly to complete. To address these concerns, the Office of the Federal Environmental Executive has formed a workgroup which includes representatives from OFPP and several Federal agencies to examine methods of streamlining the current reporting format. Based on information and data submitted by two Federal agencies, EPA estimates that if OFPP revised the current format to request data on purchases made at and above the small purchase threshold and only anecdotal information on small purchases and bankcard acquisitions, Federal recordkeeping and reporting costs could be reduced by 75 percent.

E. Product Cost

Another potential cost of today's action is the possible price differential between an item made with recovered materials and an equivalent item manufactured using virgin materials. As discussed in the proposed CPG (59 FR 18859), relative prices of recycled content products compared to prices of comparable virgin products vary. In many cases, recycled content products may be less expensive than their virgin counterparts. In other cases, virgin products may have lower prices than recycled content products. However, other factors can also affect the price of virgin products. For example, temporary fluctuations in the overall economy can create oversupplies of virgin products, leading to a decrease in prices for these items. Under RCRA section 6002(c), procuring agencies are not required to purchase a product containing recovered materials if it is only available at an unreasonable price. However, the decision to pay more or less for such a product is left to the procuring agency.

F. Regulatory Flexibility Analysis

The primary purpose of the Regulatory Flexibility Analysis is to identify if there is an adverse impact to small businesses that are directly regulated by the rule and to examine regulatory alternatives that fall within the scope of the statutory requirements that would reduce impacts to small businesses, small organizations, or small governmental jurisdictions subject to the regulation. The RCRA procurement requirements apply to procuring agencies that procure more than $10,000 of a designated product. No exemption is included in the statute for small businesses. Therefore, EPA has decided that alternative regulatory approaches for small businesses are not appropriate for this rule.

With regard to possible impacts to small businesses, there may be both positive and negative impacts to individual businesses. EPA anticipates that this rule will provide additional opportunities for small recycling businesses to begin supplying recovered materials to manufacturers and products made from recovered materials to procuring agencies. In addition, other small businesses that do not directly contract with procuring agencies may be affected positively by the increased demand for recovered materials. These include small businesses involved in materials recovery programs and materials recycling. Municipalities that run recycling programs are also expected to benefit from the increased demand for certain recovered materials.

EPA is unable to determine the number of small businesses that may be adversely impacted by this rule. It is possible that if a small business that currently supplies products to a procuring agency uses virgin materials only, the CPG may reduce its ability to compete for future contracts. However, the CPG will not affect existing purchase orders, nor will it preclude businesses from adapting their product lines to meet new specification or solicitation requirements for products containing recovered materials. Thus, many small businesses that market to procuring agencies have the option to adapt their product lines to meet specifications.

VI. Supporting Information

In addition to the documents listed in the preamble to the proposed rule (59 FR 18885–18886; April 20, 1994), EPA relied on information contained in the following documents when developing today's final Comprehensive Procurement Guideline:

—''Comprehensive Procurement Guideline—Supporting Analyses,'' April 1995.
—''Technical Background Document for the Comprehensive Procurement Guideline,'' April 1995.
—''Final Summary of Responses to the Proposed Comprehensive Guideline for Procurement of Products Containing Recovered Materials,'' prepared for EPA by Science Applications International Corporation, Inc., March 1995.
—''Report on Research in Response to Comments on the Comprehensive Procurement Guideline,'' prepared for EPA by Science Applications International Corporation, Inc., February 1995.
—''Missing the (Steel) Mark: EPA Procurement Guidelines Fail to Recognize Steel,'' Bill Heenan, The Recycling Magnet, Fall 1994, p. 2.
—Memoranda to the record and notes from ex parte communications with industry and other representatives.

Appendix I—Other Procedures and Policies Affecting Procurement of Products Containing Recovered Materials

A. Federal Acquisition Regulation

The Federal Acquisition Regulation (FAR) (48 CFR 1) is the primary regulation used by Executive agencies in their acquisition of supplies and services. Part 23 sets forth requirements and procedures for Federal agencies to use when procuring EPA-designated items.

B. OFPP Policy Letter 92–4

The White House Office of Federal Procurement Policy's Policy Letter 92–4, ''Procurement of Environmentally-Sound and Energy-Efficient Products and Services'' (57 FR 53362), establishes Executive branch policies for the acquisition and use of environmentally-sound, energy-efficient products and services. In addition to reiterating the requirements of RCRA section 6002, the Policy Letter requires Executive agencies to (1) identify and procure products and services that, all factors taken into consideration, are environmentally-sound and energy-efficient, and (2) employ life cycle cost analysis to assist in making product and service selections.

C. OMB Circular A–102

On October 14, 1994, the White House Office of Management and Budget published revisions to OMB Circular A–102, ''Grants and Cooperative Agreements with State and Local Governments'' (59 FR 52224). Paragraph 2(h) of the circular requires State and local government recipients of Federal assistance funding to comply with RCRA section 6002.

D. OMB Circular A–119

OMB Circular A–119, ''Federal Participation in the Development and Use of Voluntary Standards'' (54 FR 57645), sets forth policy for Executive agencies to follow in working with voluntary standards bodies and in adopting and using voluntary standards. Paragraph 7(a)(4) recommends that Federal agencies give preference to adopting and using standards that ''foster materials, products, systems, or practices that are environmentally-sound and energy-efficient.''

E. OMB Circular A–131

OMB Circular A–131, ''Value Engineering'' (58 FR 31056), requires Executive agencies to use value engineering as a management tool to reduce program and acquisition costs. Paragraph 8(b) requires agencies to

develop guidelines for both in-house personnel and contractors to identify programs/projects with the most potential to yield savings from the application of value engineering techniques. Paragraph 3(b)(4) further requires this guidance to ensure that the application of value engineering to construction and other projects/programs includes consideration of environmentally-sound and energy-efficient results.

List of Subjects

40 CFR Part 247

Environmental protection, Carpet, Cement industry, Engine coolant, Floor tiles, Government procurement, Insulation, Landscaping industry, Office products, Paper and paper products industry, Park and recreation products, Patio blocks, Petroleum, Recycling, Tires, Traffic control devices.

40 CFR Parts 248, 249, 250, 252, and 253

Cement industry, Government procurement, Insulation, Paper and paper products industry, Petroleum, Recycling.

Dated: April 21, 1995.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, title 40 of the Code of Federal Regulations, parts 247, 248, 249, 250, 252, and 253, are amended as set forth below.

PARTS 248, 249, 250, 252, AND 253—[REMOVED]

1. Parts 248, 249, 250, 252, and 253 are removed.

2. Part 247 is revised to read as follows.

PART 247—COMPREHENSIVE PROCUREMENT GUIDELINE FOR PRODUCTS CONTAINING RECOVERED MATERIALS

Subpart A—General

Sec.

247.1 Purpose and scope.
247.2 Applicability.
247.3 Definitions.
247.4 Contracting officer requirements.
247.5 Specifications.
247.6 Affirmative procurement programs.
247.7 Effective date.

Subpart B—Item Designations

247.10 Paper and paper products.
247.11 Vehicular products.
247.12 Construction products.
247.13 Transportation products.
247.14 Park and recreation products.
247.15 Landscaping products.
247.16 Non-paper office products.
247.17 Miscellaneous products. [Reserved]

Authority: 42 U.S.C. 6912(a) and 6962; E.O. 12873, 58 FR 54911.

Subpart A—General

§ 247.1 Purpose and scope.

(a) The purpose of this guideline is to assist procuring agencies in complying with the requirements of section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6962, and Executive Order 12873, as they apply to the procurement of the items designated in subpart B of this part.

(b) This guideline designates items that are or can be made with recovered materials and whose procurement by procuring agencies will carry out the objectives of section 6002 of RCRA. EPA's recommended practices with respect to the procurement of specific designated items are found in the companion Recovered Materials Advisory Notice(s).

(c) EPA believes that adherence to the recommendations in the Recovered Materials Advisory Notice(s) constitutes compliance with RCRA section 6002. However, procuring agencies may adopt other types of procurement programs consistent with RCRA section 6002.

§ 247.2 Applicability.

(a)(1) This guideline applies to all procuring agencies and to all procurement actions involving items designated by EPA in this part, where the procuring agency purchases $10,000 or more worth of one of these items during the course of a fiscal year, or where the cost of such items or of functionally equivalent items purchased during the preceding fiscal year was $10,000 or more.

(2) This guideline applies to Federal agencies, to State and local agencies using appropriated Federal funds to procure designated items, and to persons contracting with any such agencies with respect to work performed under such contracts. Federal procuring agencies should note that the requirements of RCRA section 6002 apply to them whether or not appropriated Federal funds are used for procurement of designated items.

(3) The $10,000 threshold applies to procuring agencies as a whole rather than to agency subgroups such as regional offices or subagencies of a larger department or agency.

(b) The term ''procurement actions'' includes:

(1) Purchases made directly by a procuring agency and purchases made directly by any person (e.g., a contractor) in support of work being performed for a procuring agency, and

(2) Any purchases of designated items made ''indirectly'' by a procuring agency, as in the case of procurements resulting from grants, loans, funds, and similar forms of disbursements of monies.

(c)(1) This guideline does not apply to purchases of designated items which are unrelated to or incidental to Federal funding, i.e., not the direct result of a contract or agreement with, or a grant, loan, or funds disbursement to, a procuring agency.

(2) This guideline also does not apply to purchases made by private party recipients (e.g., individuals, non-profit organizations) of Federal funds pursuant to grants, loans, cooperative agreements, and other funds disbursements.

§ 247.3 Definitions.

As used in this procurement guideline and the related Recovered Materials Advisory Notice(s):

Act or *RCRA* means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C 6901 *et seq;*

Blanket insulation means relatively flat and flexible insulation in coherent sheet form, furnished in units of substantial area. Batt insulation is included in this term;

Board insulation means semi-rigid insulation preformed into rectangular units having a degree of suppleness, particularly related to their geometrical dimensions;

Building insulation means a material, primarily designed to resist heat flow, which is installed between the conditioned volume of a building and adjacent unconditioned volumes or the outside. This term includes but is not limited to insulation products such as blanket, board, spray-in-place, and loose-fill that are used as ceiling, floor, foundation, and wall insulation;

Cellulose fiber loose-fill means a basic material of recycled wood-based cellulosic fiber made from selected paper, paperboard stock, or ground wood stock, excluding contaminated materials which may reasonably be expected to be retained in the finished product, with suitable chemicals introduced to provide properties such as flame resistance, processing and handling characteristics. The basic cellulosic material may be processed into a form suitable for installation by pneumatic or pouring methods;

Engine lubricating oils means petroleum-based oils used for reducing friction in engine parts;

Federal agency means any department, agency, or other instrumentality of the Federal government; any independent agency or

establishment of the Federal government including any government corporation; and the Government Printing Office;

Fiberglass insulation means insulation which is composed principally of glass fibers, with or without binders;

Foam-in-place insulation is rigid cellular foam produced by catalyzed chemical reactions that hardens at the site of the work. The term includes spray-applied and injected applications such as spray-in-place foam and pour-in-place;

Gear oils means petroleum-based oils used for lubricating machinery gears;

Hydraulic fluids means petroleum-based hydraulic fluids;

Hydraulic mulch means a mulch that is a cellulose-based (paper or wood) protective covering that is mixed with water and applied through mechanical spraying in order to aid the germination of seeds and to prevent soil erosion;

Hydroseeding means the process of spraying seeds mixed with water through a mechanical sprayer (hydroseeder). Hydraulic mulch, fertilizer, a tacking agent, or a wetting agent can also be added to the water/seed mix for enhanced performance;

Laminated paperboard means board made from one or more plies of kraft paper bonded together, with or without facers, that is used for decorative, structural, or insulating purposes;

Loose-fill insulation means insulation in granular, nodular, fibrous, powdery, or similar form, designed to be installed by pouring, blowing or hand placement;

Mineral fiber insulation means insulation (rock wool or fiberglass) which is composed principally of fibers manufactured from rock, slag or glass, with or without binders;

Paper means one of two broad subdivisions of paper products, the other being paperboard. Paper is generally lighter in basis weight, thinner, and more flexible than paperboard. Sheets 0.012 inch or less in thickness are generally classified as paper. Its primary uses are for printing, writing, wrapping, and sanitary purposes. However, in this guideline, the term paper is also used as a generic term that includes both paper and paperboard.

Paper product means any item manufactured from paper or paperboard. The term paper product is used in this guideline to distinguish such items as boxes, doilies, and paper towels from printing and writing papers.

Perlite composite board means insulation board composed of expanded perlite and fibers formed into rigid, flat, rectangular units with a suitable sizing material incorporated in the product. It may have on one or both surfaces a facing or coating to prevent excessive hot bitumen strike-in during roofing installation;

Person means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, Federal agency, State, municipality, commission, political subdivision of a State, or any interstate body;

Phenolic insulation means insulation made with phenolic plastics which are plastics based on resins made by the condensation of phenols, such as phenol or cresol, with aldehydes;

Polyisocyanurate insulation means insulation produced principally by the polymerization of polymeric polyisocyanates, usually in the presence of polyhydroxyl compounds with the addition of cell stabilizers, blowing agents, and appropriate catalyst to produce a polyisocyanurate chemical structure;

Polystyrene insulation means an organic foam composed principally of polymerized styrene resin processed to form a homogenous rigid mass of cells;

Polyurethane insulation means insulation composed principally of the catalyzed reaction product of polyisocyanates and polyhydroxyl compounds, processed usually with a blowing agent to form a rigid foam having a predominantly closed cell structure;

Postconsumer material means a material or finished product that has served its intended use and has been diverted or recovered from waste destined for disposal, having completed its life as a consumer item. *Postconsumer material* is a part of the broader category of *recovered materials.*

Postconsumer recovered paper means:

(1) Paper, paperboard and fibrous wastes from retail stores, office buildings, homes and so forth, after they have passed through their end-usage as a consumer item including: Used corrugated boxes; old newspapers; old magazines; mixed waste paper; tabulating cards and used cordage; and

(2) All paper, paperboard and fibrous wastes that enter and are collected from municipal solid waste;

Practicable means capable of being used consistent with: Performance in accordance with applicable specifications, availability at a reasonable price, availability within a reasonable period of time, and maintenance of a satisfactory level of competition;

Procurement item means any device, good, substance, material, product, or other item, whether real or personal property, which is the subject of any purchase, barter, or other exchange made to procure such item;

Procuring agency means any Federal agency, or any State agency or agency of a political subdivision of a State, which is using appropriated Federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract;

Purchasing means the act of and the function of responsibility for the acquisition of equipment, materials, supplies, and services, including: Buying, determining the need, selecting the supplier, arriving at a fair and reasonable price and terms and conditions, preparing the contract or purchase order, and follow-up;

Recovered materials means waste materials and byproducts which have been recovered or diverted from solid waste, but such term does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process;

Recovered materials, for purposes of purchasing paper and paper products, means waste material and byproducts that have been recovered or diverted from solid waste, but such term does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process. In the case of paper and paper products, the term *recovered materials* includes:

(1) Postconsumer materials such as—

(i) Paper, paperboard, and fibrous wastes from retail stores, office buildings, homes, and so forth, after they have passed through their end-usage as a consumer item, including: Used corrugated boxes; old newspapers; old magazines; mixed waste paper; tabulating cards; and used cordage; and

(ii) All paper, paperboard, and fibrous wastes that enter and are collected from municipal solid waste, and

(2) Manufacturing, forest residues, and other wastes such as—

(i) Dry paper and paperboard waste generated after completion of the papermaking process (that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel in smaller rolls of rough sheets) including: Envelope cuttings, bindery trimmings, and other paper and paperboard waste, resulting from printing, cutting, forming, and other converting operations; bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock; and

(ii) Finished paper and paperboard from obsolete inventories of paper and

paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others;

(iii) Fibrous byproducts of harvesting, manufacturing, extractive, or wood-cutting processes, flax, straw, linters, bagasse, slash, and other forest residues;

(iv) Wastes generated by the conversion of goods made from fibrous material (that is, waste rope from cordage manufacture, textile mill waste, and cuttings); and

(v) Fibers recovered from waste water which otherwise would enter the waste stream.

Re-refined oils means used oils from which the physical and chemical contaminants acquired through previous use have been removed through a refining process;

Retread tire means a worn automobile, truck, or other motor vehicle tire whose tread has been replaced;

Rock wool insulation means insulation which is composed principally from fibers manufactured from slag or natural rock, with or without binders;

Specification means a description of the technical requirements for a material, product, or service that includes the criteria for determining whether these requirements are met. In general, specifications are in the form of written commercial designations, industry standards, and other descriptive references;

Spray-in-place insulation means insulation material that is sprayed onto a surface or into cavities and includes cellulose fiber spray-on as well as plastic rigid foam products;

Spray-in-place foam is rigid cellular polyurethane or polyisocyanurate foam produced by catalyzed chemical reactions that hardens at the site of the work. The term includes spray-applied and injected applications;

State means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

Structural fiberboard means a fibrous-felted, homogenous panel made from lignocellulosic fibers (usually wood, cane, or paper) and having a density of less than 31 lbs/ft^3 but more than 10 lbs/ft^3. It is characterized by an integral bond which is produced by interfelting of the fibers, but which has not been consolidated under heat or pressure as a separate stage of manufacture;

Tire means the following types of tires: Passenger car tires, light- and heavy-duty truck tires, high-speed industrial tires, bus tires, and special service tires (including military, agricultural, off-the-road, and slow-speed industrial);

§ 247.4 Contracting officer requirements.

Within one year after the effective date of each item designation, contracting officers shall require that vendors:

(a) Certify that the percentage of recovered materials to be used in the performance of the contract will be at least the amount required by applicable specifications or other contractual requirements, and

(b) Estimate the percentage of total material utilized for the performance of the contract which is recovered materials.

§ 247.5 Specifications.

(a) RCRA section 6002(d)(1) required Federal agencies that have the responsibility for drafting or reviewing specifications for procurement items procured by Federal agencies to revise their specifications by May 8, 1986, to eliminate any exclusion of recovered materials and any requirement that items be manufactured from virgin materials.

(b) RCRA section 6002(d)(2) requires that within one year after the publication date of each item designation by the EPA, each procuring agency must assure that its specifications for these items require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of these items.

§ 247.6 Affirmative procurement programs.

RCRA section 6002(i) provides that each procuring agency which purchases items designated by EPA must establish an affirmative procurement program, containing the four elements listed below, for procuring such items containing recovered materials to the maximum extent practicable:

(a) Preference program for purchasing the designated items;

(b) Promotion program;

(c) Procedures for obtaining estimates and certifications of recovered materials content and for verifying the estimates and certifications; and

(d) Annual review and monitoring of the effectiveness of the program.

§ 247.7 Effective date.

Within one year after the date of publication of any item designation, procuring agencies which purchase that designated item must comply with the following requirements of RCRA: affirmative procurement of the designated item (6002(c)(1) and (i)), specifications revision (6002(d)(2)), vendor certification and estimation of recovered materials content of the item (6002(c)(3) and (i)(2)(C)), and verification of vendor estimates and certifications (6002(i)(2)C)).

Subpart B—Item Designations

§ 247.10 Paper and paper products.

Paper and paper products, excluding building and construction paper grades.

§ 247.11 Vehicular products.

(a) Lubricating oils containing re-refined oil, including engine lubricating oils, hydraulic fluids, and gear oils, excluding marine and aviation oils.

(b) Tires, excluding airplane tires.

(c) Reclaimed engine coolants, excluding coolants used in non-vehicular applications.

§ 247.12 Construction products.

(a) Building insulation products, including the following items:

(1) Loose-fill insulation, including but not limited to cellulose fiber, mineral fibers (fiberglass and rock wool), vermiculite, and perlite;

(2) Blanket and batt insulation, including but not limited to mineral fibers (fiberglass and rock wool);

(3) Board (sheathing, roof decking, wall panel) insulation, including but not limited to structural fiberboard and laminated paperboard products, perlite composite board, polyurethane, polyisocyanurate, polystyrene, phenolics, and composites; and

(4) Spray-in-place insulation, including but not limited to foam-in-place polyurethane and polyisocyanurate, and spray-on cellulose.

(b) Structural fiberboard and laminated paperboard products for applications other than building insulation, including building board, sheathing, shingle backer, sound deadening board, roof insulating board, insulating wallboard, acoustical and non-acoustical ceiling tile, acoustical and non-acoustical lay-in panels, floor underlayments, and roof overlay (coverboard).

(c) Cement and concrete, including concrete products such as pipe and block, containing coal fly ash or ground granulated blast furnace (GGBF) slag.

(d) Carpet made of polyester fiber for use in low- and medium-wear applications.

(e) Floor tiles and patio blocks containing recovered rubber or plastic.

§ 247.13 Transportation products.

Traffic barricades and traffic cones used in controlling or restricting vehicular traffic.

§ 247.14 Park and recreation products.

Playground surfaces and running tracks containing recovered rubber or plastic.

§ 247.15 Landscaping products.

(a) Hydraulic mulch products containing recovered paper or recovered wood used for hydroseeding and as an over-spray for straw mulch in landscaping, erosion control, and soil reclamation.

(b) Compost made from yard trimmings, leaves, and/or grass clippings for use in landscaping, seeding of grass or other plants on roadsides and embankments, as a nutritious mulch under trees and shrubs, and in erosion control and soil reclamation.

§ 247.16 Non-paper office products.

(a) Office recycling containers and office waste receptacles.

(b) Plastic desktop accessories.

(c) Toner cartridges.

(d) Binders.

(e) Plastic trash bags.

§ 247.17 Miscellaneous products. [Reserved]

[FR Doc. 95–10509 Filed 4–28–95; 8:45 am]

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Federal Register

Monday
May 1, 1995

Part VI

Environmental Protection Agency

Recovered Materials Advisory Notice

ENVIRONMENTAL PROTECTION AGENCY

[SWH–FRL–5198–8]

Recovered Materials Advisory Notice

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of final document.

SUMMARY: On April 20, 1994, the Environmental Protection Agency issued a notice of the availability of the draft Recovered Materials Advisory Notice (RMAN). The draft RMAN included EPA's recommendations for purchasing items that are or can be produced with recovered materials that were proposed for designation under the Federal government's recycled content products preference program (see 59 FR 18892). Today, EPA is providing notice that a final Recovered Materials Advisory Notice and supporting materials are available. This action will promote recycling by using government purchasing to expand markets for recovered materials. Section 6002 of the Resource Conservation and Recovery Act requires EPA to designate items that are or can be made with recovered materials and provide recommendations for the procurement of these items. EPA previously designated five items and combined the designations and recommendations in item-specific procurement guidelines.

Executive Order 12873, ''Federal Acquisition, Recycling, and Waste Prevention,'' directs EPA to change the process for designating items and providing recommendations. EPA now is to designate procurement items in a Comprehensive Procurement Guideline and to provide recommendations in related Recovered Materials Advisory Notices. Elsewhere in today's **Federal Register**, EPA is finalizing its first Comprehensive Procurement Guideline (CPG). The CPG designates 19 new items for which this Recovered Materials Advisory Notice provides recommended recovered materials content levels. These recommendations are organized within the following product categories: paper and paper products, vehicular products, construction products, transportation products, park and recreation products, landscaping products, and non-paper office products.

EFFECTIVE DATE: May 1, 1996.

ADDRESSES: The public docket for this notice is Docket No. F–95–PRMF-FFFFF, located in Room M2616 of the RCRA Information Center (RIC)—Mail Code 5305, U.S. EPA, 401 M Street, SW., Washington, DC 20460. The RIC is open from 9:00 am to 4:00 pm, Monday through Friday, excluding Federal holidays. To review docket materials, the public must make an appointment by calling (202) 260–9327. Materials may be copied for $0.15 per page.

FOR FURTHER INFORMATION: ''RMAN for Items Designated in the Comprehensive Procurement Guideline—Supporting Analyses'' is the primary supporting document for the final Recovered Materials Advisory Notice (RMAN). Both the **Federal Register** notice and the supporting document will be available in electronic format on the Internet System through the EPA Public Access Server at gopher.epa.gov. For a paper copy of the **Federal Register** notice or ''RMAN for Items Designated in the Comprehensive Procurement Guideline—Supporting Analyses,'' please contact the RCRA Hotline at (800) 424–9346, or, in the Washington, DC metropolitan area, (703) 412–9810. Paper copies are also available in the RCRA Docket at the address listed in the previous section.

For technical information regarding today's recommendations for the following individual items, contact the referenced EPA staff: Building insulation and engine coolant—Tracy Bone (703) 308–7259; cement and concrete containing GGBF slag and hydraulic mulch—Dana Arnold, (703) 308–7279; carpet, floor tiles and patio blocks, playground surfaces and running tracks, yard trimmings compost, and temporary traffic control devices—Terry Grist, (703) 308–7257; structural fiberboard, laminated paperboard, and non-paper office products—Beverly Goldblatt, (703) 308–7278. For all other technical information, contact Beverly Goldblatt, (703) 308–7278, or Terry Grist (703) 308–7257.

Accessing Internet

1. Through Gopher: Go to: gopher.epa.gov

From the main menu, choose ''EPA Offices and Regions''. Next, choose ''Office of Solid Waste and Emergency Response (OSWER)''. Next, choose ''Office of Solid Waste''. Then, choose ''Non-Hazardous Waste—RCRA Subtitle D''. Finally, choose ''Procurement/RMAN''.

2. Through FTP: Go to: ftp.epa.gov

Login: anonymous

Password: Your Internet Address

Files are located in directories/pub/gopher. All OSW files are in directories beginning with ''OSW''.

3. Through MOSAIC: Go to: http://www.epa.gov

Choose the EPA Public Access Gopher. From the main (Gopher) menu, choose ''EPA Offices and Regions''. Next, choose ''Office of Solid Waste and Emergency Response (OSWER).'' Next, choose ''Office of Solid Waste''. Then, choose ''Non-Hazardous Waste—RCRA Subtitle D''. Finally, choose ''Procurement/RMAN''.

4. Through dial-up access:

Dial 919–558–0335. Choose EPA Public Access Gopher. From the main (Gopher) menu, choose ''EPA Offices and Regions''. Next, choose ''Office of Solid Waste and Emergency Response (OSWER)''. Next, choose ''Office of Solid Waste''. Then, choose ''Non-Hazardous Waste—RCRA Subtitle D''. Finally, choose ''Procurement/RMAN''.

SUPPLEMENTARY INFORMATION:

I. Authority

Today's Recovered Materials Advisory Notice is published under the authority of sections 2002(a) and 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a) and 6962, and Executive Order 12873 (58 FR 54911, October 22, 1993).

II. Agency's Response to Public Comments

EPA received a number of comments on the draft RMAN published on April 20, 1994 (see 59 FR 18892–18914). The vast majority of these comments were specific to the recovered materials content levels recommended in the RMAN for each designated item. EPA carefully considered all of the comments on the draft RMAN in developing the final recommendations included in today's notice. A summary of all comments received and the Agency's response to these comments are provided in the document entitled ''RMAN for Items Designated in the Comprehensive Procurement Guideline—Supporting Analyses.'' This document also provides discussions of any changes EPA made to the April 1994 draft recommendations.

III. Consolidation of New and Existing Recommendations

In the Comprehensive Procurement Guideline, which is found in the rules section of today's **Federal Register**, EPA is promulgating a final rule designating 19 items which are or can be made with recovered materials. The Recovered Materials Advisory Notice published here contains EPA's final recovered

materials content level recommendations for purchasing these 19 items.

Prior to 1993, EPA combined item designations and related purchasing recommendations in one **Federal Register** notice and codified both the designations and recommendations in the Code of Federal Regulations. As required by Executive Order 12873, ''Federal Acquisition, Recycling, and Waste Prevention,'' (58 FR 54911, October 22, 1993), EPA is using a new procedure for designating items and for providing purchasing recommendations for those items. While the designations will be codified in the Code of Federal Regulations, the recommendations will be available in guidance documents known as Recovered Materials Advisory Notices. In the draft RMAN (59 FR 18893), EPA established a framework for consolidating the recommendations for newly-designated items with the existing recommendations for paper and paper products, re-refined lubricating oil, retread tires, building insulation products, and cement and concrete containing coal fly ash. EPA stated that the RMAN would incorporate the then-current recommendations (see 59 FR 18893, April 20, 1994). Thus, the RMAN appended to this notice contains both recommendations for the 19 new items and recommendations consolidated from the five existing procurement guidelines. These consolidated recommendations replace the recommendations in the existing guidelines.

On March 15, 1995, EPA published a **Federal Register** notice of the availability of a draft Paper Products Recovered Materials Advisory Notice (60 FR 14182). When final, the recommendations in the Paper Products RMAN will replace the recommendations found in Part II.A of today's RMAN.

Dated: April 21, 1995.

Carol M. Browner,

Administrator.

Recovered Materials Advisory Notice

The following represents EPA's recommendations to procuring agencies for purchasing the items designated in the Comprehensive Procurement Guideline (CPG) in compliance with section 6002 of the Resource Conservation and Recovery Act (RCRA).

Contents

I. General Recommendations
Part A—Definitions
Part B—Specifications
Part C—Affirmative Procurement Programs
II. Specific Recommendations for Procurement of Designated Items
Part A—Paper and Paper Products
Part B—Vehicular Products
Section B–1—Lubricating Oil.
Section B–2—Retread Tires.
Section B–3—Engine Coolants.
Part C—Construction Products
Section C–1—Building Insulation.
Section C–2—Structural Fiberboard and Laminated Paperboard.
Section C–3—Cement and Concrete.
Section C–4—Carpet.
Section C–5—Floor Tiles and Patio Blocks.
Part D—Transportation Products
Section D–1—Temporary Traffic Control Devices.
Part E—Park and Recreation Products
Section E–1—Playground Surfaces and Running Tracks.
Part F—Landscaping Products
Section F–1—Hydraulic Mulch.
Section F–2—Yard Trimmings Compost.
Part G—Non-Paper Office Products
Section G–1—Office Recycling Containers and Office Waste Receptacles.
Section G–2—Plastic Desktop Accessories.
Section G–3—Toner Cartridges.
Section G–4—Binders.
Section G–5—Plastic Trash Bags.
Part H—Miscellaneous Products [Reserved]

I. General Recommendations

Part A—Definitions

As used in this Recovered Materials Advisory Notice:

Act or *RCRA* means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C 6901 *et seq;*

Federal agency means any department, agency, or other instrumentality of the Federal government; any independent agency or establishment of the Federal government including any government corporation; and the Government Printing Office;

Person means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, Federal agency, State, municipality, commission, political subdivision of a State, or any interstate body;

Postconsumer material means a material or finished product that has served its intended use and has been diverted or recovered from waste destined for disposal, having completed its life as a consumer item. *Postconsumer material* is a part of the broader category of *recovered materials.*

Postconsumer recovered materials, for purposes of purchasing paper and paper products, is a subset of the broader term *recovered materials,* as defined in RCRA section 6002(h), and means:

(1) Paper, paperboard and fibrous wastes from retail stores, office buildings, homes and so forth, after they have passed through their end-usage as a consumer item including: Used corrugated boxes; old newspapers; old magazines; mixed waste paper; tabulating cards and used cordage; and

(2) All paper, paperboard and fibrous wastes that enter and are collected from municipal solid waste;

Procuring agency means any Federal agency, or any State agency or agency of a political subdivision of a State, which is using appropriated Federal funds for such procurement, or any person contracting with any such agency with respect to work performed under such contract;

Recovered materials means waste materials and byproducts which have been recovered or diverted from solid waste, but such term does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process;

Part B—Specifications

EPA recommends that Federal agencies review and revise their product specifications with a view to eliminating unnecessary stringency as well as requirements which bear no relation to function in order to allow for the use of recovered materials. Specifications that bear no relation to function should be revised according to the agency's established specifications review procedures. EPA further recommends that, in reviewing an existing specification's provisions pertaining to function, Federal agencies refer to existing voluntary standards and research by organizations such as the American Society for Testing and Materials (ASTM), the American Association of State Highway and Transportation Officials (AASHTO), the Technical Association of the Pulp and Paper Industry (TAPPI), and the American Institute of Paper Chemistry.

Federal agencies that reference Commercial Item Descriptions (CIDs) or appropriate industry standards should continue to reference them when purchasing designated items. However, agencies should review or modify CIDs and industry standards, as appropriate, to be certain that the use of recovered materials is allowed.

Under RCRA section 6002, Federal agencies need not revise specifications to allow or require the use of recovered materials if it can be determined that for technical reasons, for a particular end use, a product containing such materials will not meet reasonable performance standards. EPA recommends that Federal agencies document such determinations and that the determination be based on technical performance information (including any product testing) pertaining to a specific

item or application. EPA further recommends that Federal agencies reference such documentation in the contract files for subsequent procurements of the specific item.

In most cases, for the items designated in the CPG, EPA has recovered materials content levels for specific types or grades of items or for certain applications. EPA notes, however, that the intent is not to preclude Federal agencies from procuring other types or grades of items, or from using recovered materials content items for other applications. On the contrary, if a new type or grade of a designated item becomes available containing recovered materials or if a Federal agency discovers a new application for which recovered materials content is appropriate, EPA encourages the agency to revise its specifications or develop new specifications to allow the use of recovered materials in that type or grade of item or that specific application.

Part C—Affirmative Procurement Programs

EPA recommends that the Environmental Executive within each major procuring agency take the lead in developing the agency's affirmative procurement program and in implementing the recommendations set forth in this RMAN. The basic responsibilities of an Agency Environmental Executive are described in sections 302 and 402 of Executive Order 12873, ''Federal Acquisition, Recycling, and Waste Prevention,'' (58 FR 54911, October 22, 1993). In the absence of such an individual, EPA recommends that the head of the implementing agency appoint an individual who will be responsible for ensuring the agency's compliance with RCRA section 6002 and Executive Order 12873.

RCRA section 6002 and Executive Order 12873 require procuring agencies to establish affirmative procurement programs for each EPA-designated item. EPA recommends that each agency develop a single, comprehensive affirmative procurement program with a structure that allows for the integration of new items as they are designated. Consistent with Executive Order 12873, EPA encourages agencies to implement preference programs for non-guideline items as well, in order to maximize their purchases of recycled content products and foster markets for recovered materials.

Preference Program: In Section II of this RMAN, EPA provides specific recommendations for procuring agencies to use when purchasing the EPA-designated items. For most of these items, EPA recommends that procuring agencies establish minimum content standards based on EPA's recommended recovered materials content levels and the procuring agencies' own research. For other items, the use of minimum content standards is inappropriate, and procuring agencies should establish an alternative program, as recommended by EPA.

In addition, EPA recommends that procuring agencies review their procurement practices and eliminate those that would inhibit or preclude the use of an item containing recovered materials. Specific examples of such procurement practices are provided in the item-specific recommendations, where appropriate.

Promotion Program: EPA recommends that procuring agencies include both internal and external promotion in their affirmative procurement programs.

There are several methods that procuring agencies can use to educate their employees about their affirmative procurement programs. These methods include preparing and distributing agency affirmative procurement policies, publishing articles in agency newsletters and publications, including affirmative procurement program requirements in agency staff manuals, and conducting workshops and training sessions to educate employees about their responsibilities under agency affirmative procurement programs.

Methods for educating existing contractors and potential bidders regarding an agency's preference for purchasing products containing recovered materials include publishing articles in appropriate trade publications, participating in vendor shows and trade fairs, placing statements in solicitations, and discussing an agency's affirmative procurement program at bidders' conferences.

Monitoring: EPA recommends that procuring agencies monitor their affirmative procurement programs, in accordance with RCRA section 6002(i)(2)(D) and Executive Order 12873, to ensure that they are fulfilling their requirements to purchase items composed of recovered materials to the maximum extent practicable. EPA anticipates that the Federal Environmental Executive and the Office of Federal Procurement Policy will request information from Federal agencies on their affirmative procurement practices. Therefore, EPA recommends that Federal procuring agencies maintain adequate records of procurements that may be affected by the Executive Order and RCRA requirements.

EPA recommends that procuring agencies track their purchases of products containing recovered materials to establish benchmarks from which progress can be assessed. To maintain adequate records on procurement of products containing recovered materials, EPA recommends that procuring agencies choose to collect data on the following:

- The minimum percentages of recovered materials content in the items procured or offered;
- Comparative price information on competitive procurements;
- The quantity of each item procured over a fiscal year;
- The availability of each item with recovered materials content; and
- Performance information related to recovered materials content of an item.

EPA recognizes that a procuring agency may be unable to obtain accurate data for all designated items. However, the Agency believes that in many cases, estimated data will suffice in determining the effectiveness of the agency's affirmative procurement program.

Certification: Certification of the recovered materials content in products is an important mechanism for encouraging the use of recovered materials in finished products. Because each product will be different, EPA recommends that procuring agencies discuss certification with product vendors to ascertain the appropriate period for certifying recovered materials content. EPA recommends that, whenever feasible, the recovered materials content of a product be certified on a batch-by-batch basis or as an average over a calendar quarter or some other appropriate averaging period as determined by the procuring agencies.

II. Specific Recommendations for Procurement of Designated Items

Part A—Paper and Paper Products

Following are the preference program and specifications recommendations from the previous procurement guideline (formerly found at 40 CFR part 250) and a subsequent Procurement Guidelines Advisory issued by EPA on November 20, 1990. On March 15, 1995, EPA issued a draft Paper Products Recovered Materials Advisory Notice (RMAN) in the **Federal Register** (see 60 FR 14182) which contains draft revisions to the Agency's recommendations for paper products. When EPA issues final recommendations for paper and paper

products, procuring agencies should substitute them for the recommendations found in this section of the RMAN.

Preference program. EPA recommends that procuring agencies set their minimum content levels at the highest levels that meet the statutory requirements of RCRA section 6002(c)(1), but no lower than the levels shown in Table A–1.

TABLE A–1.—EPA RECOMMENDED MINIMUM CONTENT STANDARDS OF SELECTED PAPERS AND PAPER PRODUCTS

	Minimum percentage of recovered materials	Minimum percentage of recovered postconsumer recovered materials	Minimum percentage of waste paper [1]
Newsprint	.....	40	.....
High grade bleached printing and writing paper:			
Offset printing	.....	.....	50
Mimeo and duplicator paper	.....	.....	50
Writing (stationery)	.....	.....	50
Office paper (e.g., note pads)	.....	.....	50
Paper for high-speed copiers	.....	.....	50
Envelopes	.....	.....	50
Form bond including computer paper and carbonless.	.....	.....	50
Book papers	.....	.....	50
Bond papers	.....	.....	50
Ledger	.....	.....	50
Cover stock	.....	.....	50
Cotton fiber papers	25	.....	50
Tissue products:			
Toilet tissue	.....	20	.....
Paper towels	.....	40	.....
Paper napkins	.....	30	.....
Facial tissue	.....	5	.....
Doilies	.....	40	.....
Industrial wipers	.....	0	.....
Unbleached packaging:			
Corrugated boxes	.....	35	.....
Fiber boxes	.....	35	.....
Brown papers (e.g., bags)	.....	5	.....
Recycled paperboard:			
Recycled paperboard products including folding cartons	.....	80	.....
Pad backing	.....	90	.....

[1] Waste paper is defined in 40 CFR 247 (old 40 CFR 250) and refers to specified postconsumer and other recovered materials.

Part B—Vehicular Products

Section B–1—Lubricating Oil

Preference Program. EPA recommends that procuring agencies set their minimum re-refined oil content standard at the highest level of re-refined oil that they determine meets the statutory requirements of RCRA section 6002(c)(1), but no lower than 25 percent re-refined oil.

EPA recommends that procuring agencies review their procurement practices and eliminate those which would inhibit or preclude procurement of lubricating oils containing re-refined oil. For example, procuring agencies should review the practices of inviting bids and issuing contracts to do the following:

(1) Supply a broad range of lubricating oil products on an ''all or none'' basis.

(2) Supply lubricating oils for an excessively long period of time.

(3) Deliver lubricating oils to geographic locations throughout the United States or to an excessively broad geographic area.

(4) Supply excessively large contract quantities.

Specifications. EPA recommends that procuring agencies use the following specifications when procuring lubricating oils containing re-refined oil:

(1) Engine lubricating oils.

(i) A–A–52039—Commercial Item Description, Lubricating Oil, Automotive Engine, API Service SG (replaced MIL–L–46152, Lubricating Oil, Internal Combustion Engine, Administrative Service).

(ii) API Engine Service Category SF–1980 Gasoline Engine Warranty Maintenance Service (or current category)

(iii) A–A–52306—Commercial Item Description, Lubricating Oil, Heavy-Duty Diesel Engine (for wheeled vehicles only)

(iv) API Engine Service Category CC—Diesel Engine Service (or current category)

(v) MIL–L–2104, Lubricating Oil, Internal Combustion Engine, Combat/Tactical Service

(vi) API Engine Service Category CD—Diesel Engine Service (or current category)

(vii) MIL–L–21260D (or current version)—Lubricating Oil, Internal Combustion Engine, Preservative and Break-in

(viii) MIL–L–46167B (or current version)—Lubricating Oil, Internal Combustion Engine, Arctic

(2) Hydraulic fluids.

(i) MIL–H–5606E (or current version)—Hydraulic Fluid, Petroleum Base, Aircraft, Missile, and Ordnance

(ii) MIL–H–6083E (or current version)—Hydraulic Fluid, Petroleum Base, For Preservation and Operation

(3) Gear oils.

(i) MIL–L–2105D (or current version) Lubricating Oil, Gear, Multipurpose

(b) Copies of the military specifications can be obtained from: Commanding Officer, Naval Publications and Forms Center, 5801

Tabor Avenue, Philadelphia, Pennsylvania 19120.

Preference program. EPA recommends that procuring agencies establish preference programs consisting of two components:

(1) Procurement of tire retreading services for the agencies' used tire casings. EPA recommends that procuring agencies specify that tire repair and retread services must conform to Federal Specification ZZ–T–441H (or current version); obtain retreading services from retreaders participating in the U.S. General Services Administration, Federal Tire Program's Quality Assurance Facility Inspection Program (QAFIP); and require bidders to submit a copy of their current certification under the QAFIP.

(2) Procurement of tires through competition between vendors of new tires and vendors of retread tires. EPA recommends that procuring agencies specify that retread tires must meet the requirements of Federal Specification ZZ–T–381, ''Tires, Pneumatic, Vehicular (Highway) (New and Retreaded),'' and be listed on Qualified Products List QPL–ZZ–T–381, issue in effect. EPA further recommends that procuring agencies require bidders to submit a copy of their current certification under the U.S. General Services Administration, Federal Tire Program's Quality Assurance Facility Inspection Program (QAFIP).

In the event that identical low bids are received in response to a solicitation, all other factors being equal, procuring agencies should provide a preference to the vendor offering to supply the greatest number of retread tires.

Preference Program: EPA recommends that procuring agencies whose vehicles are serviced by a motor pool or vehicle maintenance facility establish a program for engine coolant reclamation and reuse, consisting of either reclaiming the spent engine coolants on-site for use in the agencies' vehicles, or establishing a service contract for reclamation of the agencies' spent engine coolant for use in the agencies' vehicles.

EPA also recommends that procuring agencies request reclaimed engine coolant when having their vehicles serviced at commercial service centers. Additionally, EPA recommends that agencies purchase reclaimed engine coolant when making direct purchases of this item such as when necessary to make up for losses due to leakage or spillage.

EPA does not recommend one type of engine coolant over another. However, EPA recommends that procuring agencies purchase engine coolant containing only one base chemical, typically ethylene glycol or propylene glycol, to prevent the commingling of incompatible types of engine coolant.

Part C—Construction Products

Note: Refer to Part F—Landscaping Products for additional items that can be used in construction.

Section C–1.—Building Insulation

Preference Program: EPA recommends that, based on the recovered materials content levels shown in Table C–1, procuring agencies establish minimum content standards for use in purchasing building insulation products.

TABLE C–1.—RECOMMENDED RECOVERED MATERIALS CONTENT LEVELS FOR BUILDING INSULATION

Insulation material	Recovered materials (materials and %)
Rock Wool	Slag 75.
Fiberglass	Glass cullet 20–25.
Cellulose loose-fill and spray-on.	Postconsumer paper 75.
Perlite composite board.	Postconsumer paper 23
Plastic Rigid Foam, Polyisocyanurate/ polyurethane: Rigid foam.	Recovered material 9.
Foam-in-place	Recovered material 5.
Glass fiber reinforced	Recovered material 6.
Phenolic rigid foam ...	Recovered material 5.

Note: The recommended recovered materials content levels are based on the weight (not volume) of materials in the insulating core only.

Specifications: EPA recommends that procuring agencies reference ASTM standard specification D 5359, ''Glass Cullet Recovered from Waste for Use in Manufacture of Glass Fiber,'' in Invitations for Bid and Requests for Proposal.

Section C–2—Structural Fiberboard and Laminated Paperboard

Preference Program: EPA recommends that, based on the recovered materials content levels shown in Table C–2, procuring agencies establish minimum content standards for use in purchasing structural fiberboard or laminated paperboard products for use in either insulating or structural applications.

TABLE C–2.—RECOMMENDED RECOVERED MATERIALS CONTENT LEVELS FOR STRUCTURAL FIBERBOARD AND LAMINATED PAPERBOARD

Product	Postconsumer recovered paper (%)	Total recovered materials content (%)
Structural fiberboards	.....	80–100
Laminated paperboards	100	100

Note: The recovered materials content levels are based on the weight (not volume) of materials in the insulating core only.

Specifications: EPA recommends that procuring agencies use ASTM Standard Specification C 208 and ANSI/AHA specification A194.1. EPA further recommends that, when purchasing structural fiberboard products containing recovered paper, procuring agencies (1) reference the technical requirements of ASTM C 208, ''Insulating Board (Cellulosic Fiber), Structural and Decorative,'' (2) permit structural fiberboard products made from recovered paper where appropriate, and (3) permit products such as floor underlayment and roof overlay containing recovered paper.

EPA further recommends that procuring agencies review their specifications for insulating products and revise them as necessary to obtain the appropriate ''R''-value without unnecessarily precluding the purchase of products containing recovered materials.

Section C–3—Cement and Concrete

Preference Program: EPA recommends that procuring agencies prepare or revise their procurement programs for cement and concrete or for construction projects involving cement and concrete to allow the use of coal fly ash or ground granulated blast furnace slag (GGBF slag), as appropriate. EPA does not recommend that procuring agencies favor one recovered material over the other. Rather, EPA recommends that procuring agencies consider the use of both recovered materials and choose the one that meets their performance requirements, consistent with availability and price considerations. EPA also recommends that procuring agencies specifically include provisions in all construction contracts to allow for the use, as optional or alternate materials, of cement or concrete which contains coal fly ash or GGBF slag, where appropriate.

Due to variations in coal fly ash, GGBF slag, cement, strength

requirements, costs, and construction practices, EPA is not recommending recovered materials content levels for cement or concrete containing coal fly ash or GGBF slag. However, EPA is providing the following information about recovered materials content.

• Replacement rates of coal fly ash for cement in the production of blended cement generally do not exceed 20–30 percent, although coal fly ash blended cements may range from 0–40 percent coal fly ash by weight, according to ASTM C 595, for cement Types IP and I(PM). Fifteen percent is a more accepted rate when coal fly ash is used as a partial cement replacement as an admixture in concrete.

• According to ASTM C 595, GGBF slag may replace up to 70 percent of the Portland cement in some concrete mixtures. Most GGBF slag concrete mixtures contain between 25 and 50 percent GGBF slag by weight. EPA recommends that procuring agencies refer, at a minimum, to ASTM C 595 for the GGBF slag content appropriate for the intended use of the cement and concrete.

Specifications: The following recommendations address guide specifications, materials specifications, contract specifications, performance standards, mix design, and quality control.

• Guide specifications. EPA recommends that procuring agencies ensure that their guide specifications do not inappropriately or unfairly discriminate against the use of coal fly ash or GGBF slag in cement and concrete. EPA further recommends that procuring agencies revise their guide specifications to require that contract specifications for individual construction projects or products allow for the use of coal fly ash or GGBF slag, unless the use of these materials is technically inappropriate for a particular construction application.

• Materials specifications. EPA recommends that procuring agencies use the existing voluntary consensus specifications referenced in Table C–3 for cement and concrete containing GGBF slag.

TABLE C–3.—RECOMMENDED SPECIFICATIONS FOR CEMENT AND CONCRETE CONTAINING RECOVERED MATERIALS

Cement specifications	Concrete specifications
ASTM C 595, ''Standard Specification for Blended Hydraulic Cements.''.	ASTM C 618, ''Standard Specification for Fly Ash and Raw or Calcined Natural Pozzolan for Use as a Mineral Admixture in Portland Cement Concrete.''
ASTM C 150, ''Standard Specification for Portland Cement.''.	ASTM C 311, ''Standard Methods of Sampling and Testing Fly Ash and Natural Pozzolans for Use as a Mineral Admixture in Portland Cement Concrete.''
AASHTO M 240, ''Blended Hydraulic Cements.''.	ASTM C 989, ''Ground Granulated Blast-Furnace Slag for Use in Concrete Mortars.''
	AASHTO M 302, ''Ground Granulated Blast Furnace Slag for Use in Concrete and Mortars.''
	American Concrete Institute Standard Practice ACI 226.R1, ''Ground Granulated Blast-Furnace Slag as a Cementitious Constituent in Concrete.''

• State specifications. EPA recommends that procuring agencies consult other agencies with established specifications for coal fly ash or GGBF slag to benefit from their experience. Procuring agencies can consult the Federal Highway Administration, which maintains a data base of state highway agency material specifications. The States of Alabama, Connecticut, District of Columbia, Florida, Georgia, Illinois, Indiana, Maryland, Michigan, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, Virginia, and West Virginia have adopted specifications which allow the use of GGBF slag in one or more applications. If needed, procuring agencies can obtain these specifications from the respective state transportation departments and adapt them for use in their programs for cement and concrete, as appropriate.

• Contract specifications. EPA recommends that procuring agencies which prepare or review ''contract'' specifications for individual construction projects revise those specifications to allow the use of cement and concrete containing coal fly ash or GGBF slag as optional or alternate materials for the project, where appropriate, consistent with the agencies' performance and price objectives.

• Performance standards. EPA recommends that procuring agencies review and, if necessary, revise performance standards relating to cement or concrete construction projects to insure that they do not arbitrarily restrict the use of coal fly ash or GGBF slag, either intentionally or inadvertently, unless the restriction is justified on a job-by-job basis: (1) To meet reasonable performance requirements for the cement or concrete or (2) because the use of coal fly ash or GGBF slag would be inappropriate for technical reasons. EPA recommends that this justification be documented based on specific technical performance information. Legitimate documentation of technical infeasibility for coal fly ash or GGBF slag can be for certain classes of applications, rather than on a job-by-job basis. Procuring agencies should reference such documentation in individual contract specifications to avoid extensive repetition of previously documented points. However, procuring agencies should be prepared to submit such documentation to analysis by interested persons, and should have a review process available in the event of disagreements.

• Mix design. In concrete mix design specifications which specify minimum cement content or maximum water, the cement ratios could potentially unfairly discriminate against the use of coal fly ash or GGBF slag. Such specifications should be changed in order to allow the partial substitution of coal fly ash or GGBF slag for cement in the concrete mixture, unless technically inappropriate. Cement ratios may be retained, as long as they reflect the cementitious characteristics which coal fly ash or GGBF slag can impart to a concrete mixture, e.g., by considering Portland cement plus coal fly ash or Portland cement plus GGBF slag as the total cementitious component.

• Quality control. Nothing in this RMAN should be construed to relieve the contractor of responsibility for providing a satisfactory product. Cement and concrete suppliers are already responsible both for the quality of the ingredients of their product and for meeting appropriate performance requirements, and will continue to be under this RMAN. Nothing in EPA's recommendations should be construed as a shift in normal industry procedures for assigning responsibility and liability for product quality.

Procuring agencies should expect suppliers of blended cement, coal fly ash or GGBF slag, and concrete to demonstrate (through reasonable testing programs or previous experience) the

performance and reliability of their product and the adequacy of their quality control programs. However, procuring agencies should not subject cement and concrete containing coal fly ash or GGBF slag to any unreasonable testing requirements.

In accordance with standard industry practice, coal fly ash and GGBF slag suppliers should be required to provide to users a statement of the key characteristics of the product supplied. These characteristics may be stated in appropriate ranges. Other characteristics should be requested as needed by the procuring agency.

Agencies desiring a testing or quality assurance program for cements, blended cements, or coal fly ash should contact the U.S. Army Engineer Waterways Experiment Station, PO Box 631, Vicksburg, Mississippi 39180.

Section C–4—Carpet

Preference Program: EPA recommends that, based on the recovered materials content levels shown in Table C–4, procuring agencies establish minimum content standards for use in purchasing polyester carpet for light- and moderate-wear applications. This recommendation does not include polyester carpet for use in heavy-wear or severe-wear applications; however, procuring agencies are encouraged to evaluate the suitability of polyester carpet in these applications. These recommendations do not preclude a procuring agency from purchasing carpet made of other materials, such as nylon, wool, or polypropylene.

TABLE C–4.—RECOMMENDED RECOVERED MATERIALS CONTENT LEVELS FOR CARPET

Product	Resin	Postconsumer Materials (%)
Polyester Carpet Face Fiber	PET	25–100

Specifications: EPA recommends that Federal procuring agencies use GSA's New Item Introductory Schedule when purchasing polyester carpet containing recovered materials. EPA also recommends that procuring agencies review their specifications and revise them to permit, where suitable, the use of polyester carpet containing recovered materials. In particular, EPA recommends that agencies currently limiting carpet materials to nylon, wool, or other materials consider adding polyester, where appropriate, to enable them to procure carpet containing recovered materials.

Section C–5—**Floor Tiles and Patio Blocks**

Preference Program: EPA recommends that, based on the recovered materials content levels shown in Table C–5, procuring agencies establish minimum content standards for use in purchasing heavy-duty/commercial type floor tiles and patio blocks made with rubber or plastic.

TABLE C–5.—RECOMMENDED RECOVERED MATERIALS LEVELS FOR FLOOR TILES AND PATIO BLOCKS

Product	Material	Postconsumer materials (%)	Total recovered materials (%)
Patio blocks	rubber or rubber blends	90–100	.....
	Plastic or plastic blends	.....	90–100
Floor tiles (heavy duty/commercial use)	Rubber	90–100	.....
	Plastic	.....	90–100

Note: The recommended recovered materials content levels are based on the dry weight of the raw materials, exclusive of any additives such as adhesives, binders, or coloring agents. EPA's recommendation does not preclude procuring agencies from purchasing floor tiles or patio blocks manufactured from another material. It simply recommends that procuring agencies, when purchasing floor tiles or patio blocks made from rubber or plastic, purchase these items made from recovered materials. Recommendations for floor tiles are limited to heavy-duty/commercial-type applications only.

Part D—Transportation Products

Section D–1—Temporary Traffic Control Devices

Preference Program: EPA recommends that, based on the recovered materials content levels shown in Table D–1, procuring agencies establish minimum content standards for use in traffic cones and traffic barricades.

TABLE D–1.—RECOMMENDED RECOVERED MATERIALS CONTENT LEVELS FOR TRAFFIC CONES AND TRAFFIC BARRICADES

Product	Material	Postconsumer materials (%)	Total recovered materials (%)
Traffic Cones	PVC, LDPE, Crumb Rubber	.....	50—100
Traffic Barricades (Type I & II only)	HDPE, LDPE, PET Steel	80—100	100
	Fiberglass	.....	100

Note: The recommended recovered materials content levels are based on the dry weight of the raw materials, exclusive of any additives such as adhesives, binders, or coloring agents.

Part E—Park and Recreation Products

Section E–1—Playground Surfaces and Running Tracks

Preference Program: EPA recommends that, based on the recovered materials content levels shown in Table E–1, procuring agencies establish minimum content standards for use in purchasing playground surfaces and running tracks made of rubber or plastic.

Table E–1.—Recommended Recovered Materials Content Levels for Playground Surfaces and Running Tracks

Product	Material	Postconsumer recovered materials (%)
Playground Surfaces	Rubber or Plastic	90—100
Running Tracks	Rubber or Plastic	90—100

Note: The recommended recovered materials content levels are based on the dry weight of the raw materials, exclusive of any additives such as adhesives, binders, or coloring agents. EPA's recommendation does not preclude procuring agencies from purchasing playground surfaces or running tracks manufactured from another material. It simply recommends that procuring agencies, when purchasing playground surfaces or running tracks made from rubber or plastic, purchase these items made from recovered materials.

Part F—Landscaping Products

Section F–1—Hydraulic Mulch

Preference Program: EPA recommends that, based on the recovered materials content levels shown in Table F–1, procuring agencies establish minimum content standards for paper-based and wood-based hydraulic mulch products.

TABLE F–1.—RECOMMENDED RECOVERED MATERIALS CONTENT LEVELS FOR HYDRAULIC MULCH PRODUCTS

Hydraulic mulch products	Recovered materials (materials and %)
Paper-Based Hydraulic Mulch	Postconsumer recovered paper 100.
Wood-Based Hydraulic Mulch	Recovered wood and/or paper 100.

Note: The recommended recovered materials content levels are based on the dry weight of the fiber, exclusive of any dyes, wetting agents, seeds, fertilizer, or other non-cellulose additives.

Section F–2—Yard Trimmings Compost

Preference Program: EPA recommends that procuring agencies purchase or use compost made from yard trimmings, leaves, and/or grass clippings in such applications as landscaping, seeding of grass or other plants on roadsides and embankments, as nutritious mulch under trees and shrubs, and in erosion control and soil reclamation.

EPA further recommends that those procuring agencies that have an adequate volume of yard trimmings, leaves, and/or grass clippings, as well as sufficient space for composting, should implement a composting system to produce compost from these materials to meet their landscaping and other needs.

Specifications: EPA recommends that procuring agencies ensure that there is no language in their specifications for fertilizers and soil amendments that would preclude or discourage the use of compost. For instance, if specifications address the use of straw or hay in roadside revegetation projects, procuring agencies should assess whether compost could substitute for straw or hay or be used in combination with them.

The State of Maine has developed quality standards for compost products that are used by its agencies and/or purchased with state funds. The quality standards have been set for six types of compost products, ranging from topsoil (three classes), to wetland substrate, to mulch (two classes). For each of these types of compost product, standards for maturity, odor, texture, nutrients, Ph, salt content, organic content, pathogen reduction, heavy metals, foreign matter, moisture content, and density have been established. EPA recommends that procuring agencies obtain and adapt this or another suitable specification for their use in purchasing compost products.

Part G—Non-Paper Office Products

Section G–1—Office Recycling Containers and Office Waste Receptacles

Preference Program: EPA recommends that, based on the recovered materials content levels shown in Table G–1, procuring agencies establish minimum content standards for use in purchasing office recycling containers and office waste receptacles.

TABLE G–1.—RECOMMENDED RECOVERED MATERIALS CONTENT LEVELS FOR OFFICE RECYCLING CONTAINERS AND OFFICE WASTE RECEPTACLES

Product	Recovered materials (materials and percent)
Office Recycling Containers and Office Waste Receptacles	Plastic 20–100 Postconsumer Recovered Materials. Paper Refer to the Paper Products Recommendations in Part A of RMAN. Steel 25–100 Total recovered materials.

Note: EPA's recommendation for office recycling containers and office waste receptacles containing recovered plastic, paper, or steel does not preclude procuring agencies from purchasing containers or receptacles manufactured using another material, such as wood. It simply recommends that procuring agencies, when purchasing office recycling containers or office waste receptacles manufactured from plastic, paper, or steel, seek such containers made with recovered materials.

Section G–2–Desktop Accessories

Preference Program: EPA recommends that, based on the recovered materials content levels shown in Table G–2, procuring agencies establish minimum content standards for use in purchasing plastic desktop accessories. If items are not available within the recommended range, procuring agencies should seek the items with the highest percentage of recovered materials practicable.

TABLE G–2—RECOMMENDED RECOVERED MATERIALS CONTENT LEVELS FOR PLASTIC DESKTOP ACCESSORIES

Product	Postconsumer recovered materials (material and percent)
Plastic Desktop Accessories.	Polystyrene 25–80.

Note: EPA's recommendation does not preclude procuring agencies from purchasing a desktop accessory manufactured from another material, such as paper, wood, or steel. It simply recommends that, when purchasing plastic desktop accessories, procuring agencies purchase these items made from recovered materials.

Section G–3—Toner Cartridges

Preference Program: EPA recommends that procuring agencies establish procedures and policies that give priority to remanufacturing the agencies' expended toner cartridges. EPA recommends that, under such policies and procedures, procuring agencies procure remanufacturing services for expended cartridges and, when such services are unavailable or not practicable, obtain remanufactured toner cartridges or new toner cartridges made with recovered materials from product vendors.

Section G–4—Binders

Preference Program: EPA recommends that, based on the recovered materials content levels shown in Table G–3, procuring agencies establish minimum content standards for use in purchasing binders.

TABLE G–3.—RECOMMENDED RECOVERED MATERIALS CONTENT LEVELS FOR BINDERS

Product	Recovered materials (materials and percent)
Plastic-Covered Binders (Plastic Covering)	Plastic 25–50.
Chipboard, Paperboard, or Pressboard Binders or Binder Components	Paper Refer to Paper Products Recommendations in Part A of RMAN.

Note: The chipboard, paperboard, or pressboard binders or components of plastic-covered binders or binders covered with another material, such as cloth, are covered under the recommendation for paper and paper products (see Part A of the RMAN). EPA's recommendations do not preclude procuring agencies from purchasing binders covered with or manufactured using another material, such as cloth. It simply recommends that procuring agencies, when purchasing binder types designated in the procurement guidelines, purchase these binders containing recovered materials.

Specifications: GSA's specification for binders, A-A–2549A, covers four types of binders, including cloth bound, flexible cover; cloth bound, stiff cover; plastic bound, flexible cover; and plastic bound, stiff cover. In the specification, GSA requires its binders to contain ''a minimum of 100% waste paper, including a minimum of 30% postconsumer recovered materials.''

Section G–5—Plastic Trash Bags

Preference Program: EPA recommends that, based on the content levels shown in Table G–4, procuring agencies establish minimum content standards for use in purchasing plastic trash bags.

TABLE G–4.—RECOMMENDED RECOVERED MATERIALS CONTENT LEVELS FOR PLASTIC TRASH BAGS

Product	Postconsumer recovered materials (material and percent)
Plastic Trash Bags	Plastic 10–100.

Note: EPA's recommendation does not preclude procuring agencies from purchasing a trash bag manufactured using another material, such as paper. It merely recommends that procuring agencies, when purchasing plastic trash bags, purchase these items made from recovered materials.

Part H—Miscellaneous Products

[FR Doc. 95–506 Filed 4–28–95; 8:45 am]

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Federal Register

Monday
May 1, 1995

Part VII

Department of Education

Dwight D. Eisenhower Professional Development Federal Activities Program; Initial Teacher Professional Development Projects; Notices

DEPARTMENT OF EDUCATION

[CFDA No. 84.168E]

Dwight D. Eisenhower Professional Development Federal Activities Program: Initial Teacher Professional Development Projects. Notice Inviting Applications for New Awards for Fiscal Year 1995

Purpose of Program: To support activities that develop and implement high-quality professional development for K–2 teachers in the core academic subjects, and that are likely to generate findings of national significance and to stimulate reform in the field of teacher professional development nationally.

Eligible Applicants: The Secretary is authorized to make grants to local educational agencies, educational service agencies, State educational agencies, State agencies for higher education, institutions of higher education, and other public and private agencies, organizations, and institutions.

Deadline for Transmittal of Applications: June 23, 1995.

Deadline for Intergovernmental Review: August 23, 1995.

Applications Available: May 8, 1995.

Available Funds: $3,000,000.

Estimated Range of Awards: $300,000–$500,000 per year.

Estimated Average Size of Awards: $400,000 per year.

Estimated Number of Awards: 6–9.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Budget Period: Up to 12 months.

Applicable Regulations: The Education Department General Administration Regulations (EDGAR) in 34 CFR Parts 74, 75, 76, 77, 79, 80, 81, 85, and 86.

Priority: The notice of final priority as published elsewhere in this issue of the **Federal Register** applies to this competition. Only applications that meet this priority will be considered. This program and priority support GOALS 2000, the President's strategy for moving the Nation toward achievement of the National Education Goals.

For Applications or Information, Contact: Carolyn Warren, Annora Dorsey, or Trudy Turner, U.S. Department of Education, Room 502, 555 New Jersey Avenue, NW., Washington, DC 20208–572. FAX request for application to (202) 219–106; telephone (202) 219–206. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between the hours of 8 a.m. and 8 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases). However the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

Program Authority: 20 U.S.C. 6621–6622.

Dated: April 26, 1995.

Sharon P. Robinson,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 95–10636 Filed 4–28–95; 8:45 am]

BILLING CODE 4000–01–P

Eisenhower Professional Development Federal Activities Program—Initial Teacher Professional Development Projects

AGENCY: Department of Education.

ACTION: Notice of final priority for (FY) Fiscal Year 1995.

SUMMARY: The Secretary announces an absolute priority for a FY 1995 competition under the Dwight D. Eisenhower Professional Development Federal Activities Program to support innovative Statewide policies and practices in the broad area of initial professional development for K–12 teachers of core academic subjects.

EFFECTIVE DATE: This absolute priority takes effect May 31, 1995.

FOR FURTHER INFORMATION CONTACT: Trudy Turner or Annora Dorsey, U.S. Department of Education, 555 New Jersey Avenue, N.W., Room 500, Washington, D.C. 20208–5572. Fax: (202) 219–2106; Telephone: (202) 219–2206. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday except Federal holidays.

SUPPLEMENTARY INFORMATION: The goal of the Dwight D. Eisenhower Professional Development Program is to provide K–12 teachers with sustained and intensive high-quality professional development that will improve teaching in the core academic subjects, and that is consistent with challenging State content standards, in order to enable all children to meet challenging State student performance standards. The Secretary has supported, and will continue to support, in-service professional development of K–12 teachers. However, the Secretary believes these efforts must be integrated with additional attention to initial teacher professional development and alignment of State requirements for licensure and induction with challenging State content and student performance standards if sustained change is to occur in American education.

Funded projects should address reform of all aspects of teacher preparation, including recruitment and selection of teacher candidates, collaboration of colleges of education with colleges of arts and sciences, curriculum and instruction offered in teacher preparation programs, faculty incentives and development strategies, clinical experiences of teacher candidates, State-level licensing policies and procedures, and support for teachers in the initial years of teaching in schools.

Absolute Priority

Under 34 CFR 75.105(c)(3) the Secretary gives an absolute preference to applications that meet the following priority. The Secretary will fund under this competition only applications that meet this priority.

Initial Teacher Professional Development Projects

The Secretary will support projects to promote Statewide reform in the area of K–12 preservice teacher professional development, including preparation, licensing, and induction (first 1–3 years of teaching). Each project must form a consortium of the State education agency, State agency of higher education, one or more institutions of higher education, and one or more local education agencies to develop and implement a plan for aligning State policies regarding teacher licensing and induction at the State and local levels with challenging State content and student performance standards in the core academic subjects.

Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Department of Education to offer interested parties the opportunity to comment on proposed regulations that are not taken directly from statute. Ordinarily, this practice would have applied to the absolute priority in this notice.

However, in order to make timely grant awards in FY 1995, the Assistant Secretary, in accordance with section 437(d)(1) of the General Education Provisions Act, has decided to issue the absolute priority as final requirements that will apply only to the FY 1995 grant competition.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Program Authority: 20 U.S.C. 6621–6622. (Catalog of Federal Domestic Assistance Number 84.168, Dwight D. Eisenhower Professional Development Federal Activities Program)

Dated: April 26, 1995.

Sharon P. Robinson,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 95–10637 Filed 4–28–95; 8:45 am]

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Federal Register

Monday
May 1, 1995

Part VIII

Department of Education

34 CFR Part 200, et al.
Title I—Helping Disadvantaged Children Meet High Standards; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Parts 200, 201, 203, 205, and 212

RIN 1810–AA73

Title I—Helping Disadvantaged Children Meet High Standards

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Secretary of Education (Secretary) proposes to issue a single set of regulations implementing the programs under Title I of the Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act of 1994. In order to provide maximum flexibility to grantees implementing the programs under Title I, these proposed regulations address only those few provisions for which the Secretary believes rulemaking is absolutely necessary. These proposed regulations would replace the regulations currently found at 34 CFR parts 200, 201, 203, 205 and 212.

DATES: Written comments must be received on or before May 31, 1995.

ADDRESSES: All comments for subparts A, B, and D should be addressed to Mary Jean LeTendre, Director, Compensatory Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 600 Independence Avenue, SW, Portals Building, room 4400, Washington, DC 20202–6132. The Internet address for Part A comments is: TitleI____LEA@ed.gov; Part B: Even____Start@ed.gov; and Part D: Title I____N–D@ed.gov. The fax number for programs under subparts A, B, and D is (202) 260–7764.

All comments concerning programs under subpart C should be addressed to Bayla White, Director, Migrant Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 600 Independence Avenue, SW, Portals Building, room 4100, Washington, DC 20202–6135. The Internet address for programs under subpart C is Title I—Migrant@ed.gov. The fax number for programs under subpart C is (202) 205–0089.

All comments concerning provisions under subpart E may be addressed to the addresses above for subparts A or C, depending on the nature of the comments.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: For subparts A and E, Wendy Jo New, Telephone: (202) 260–0982; for subpart B, Patricia McKee, Telephone: (202) 260–0991; for subpart D, Paul Brown, Telephone: (202) 260–0976: Compensatory Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 600 Independence Avenue, SW, Portals Building, room 4400, Washington, DC 20202–6132.

For subparts C and E, James English, Office of Migrant Education, Office of Elementary and Secondary Education, U.S. Department of Education, 600 Independence Avenue, SW, Portals Building, room 4100, Washington, DC 20202–6135. Telephone: (202) 260–1394.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Services (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The 1994 reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA) revised extensively Federal elementary and secondary education programs to help ensure that all children acquire the knowledge and skills they will need to succeed in the 21st century. Under the reauthorized ESEA, Federal education programs for the first time are designed to work together with, rather than separately from, one another. In addition, rather than operating apart from the broader education that children receive, the ESEA reinforces State and community reform efforts geared to challenging State standards, particularly those initiated or supported by the Goals 2000: Educate America Act. In fact, all of the major ESEA programs are redesigned to support comprehensive State and local reforms of teaching and learning and ensure that all children—whatever their background and whatever school they attend—can reap the benefit of those reforms.

As the largest by far of all ESEA programs, Title I is the centerpiece of the ESEA's efforts to help the neediest schools and students reach the same challenging standards expected of all children. Effective July 1, 1995, the four Title I programs—the basic program in local educational agencies (LEAs) (Part A), the Even Start Family Literacy program (Part B), the Migrant Education Program (Part C), and the Neglected, Delinquent, and At-Risk Youth program (Part D)—are designed to work together in support of this common purpose. Moreover, the programs embrace the same fundamental new strategies to help ensure that the intended beneficiaries are not left behind in State and local efforts to promote higher standards. These strategies include: a schoolwide focus on improving teaching and learning, strong program coordination by LEAs, flexibility at the local level combined with clear accountability for results, more focused targeting of resources on the neediest schools, and stronger partnerships between schools and communities to support higher achievement for all children.

The Secretary proposes to issue one set of regulations for all Title I programs that is consistent with the U.S. Department of Education's (Department) new principles for regulating: to regulate only where absolutely necessary and, when regulating, to promote flexible approaches to meeting the requirements of the law. Based on these principles, and in order to give States and localities maximum flexibility to implement statutory provisions, the Secretary proposes a regulatory package for Title I that would eliminate regulations for both Parts B and D of Title I, other than definitions (34 CFR parts 212 and 203 respectively), as well as for the Migrant Education Coordination Program (34 CFR part 205), and would promulgate few regulations for Parts A and C of Title I, in addition to those required as part of negotiated rulemaking.

Negotiated Rulemaking Process

Section 1601(b) of Title I contains procedural requirements that the Department must follow in developing and issuing regulations to govern the Title I programs. Under section 1601(b)(1), the Secretary was required to obtain advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, and members of local boards of education involved with the implementation and operation of programs under Title I. In accordance with this requirement, the Department published in the **Federal Register** on October 28, 1994 (59 FR 54372–74) a request for advice and recommendations on regulatory issues under Title I and received over 200 responses. Following the review of these responses, the Secretary submitted policy options on two key issues—''standards, assessment, and accountability'' and ''schoolwide programs''—to a negotiated rulemaking process in accordance with section 1601(b)(3)–(4). Twenty-four individuals, representing Federal, State, and local

administrators, parents, teachers, and members of local boards of education from all geographic regions of the United States, participated in this process. The sessions were held January 11–13 and 18–19, 1995 in Washington, D.C.

The following is a brief synopsis, by topic area, of the major issues and outcomes of the five-day negotiations of the negotiated rulemaking committee (''Committee''). Under the Committee's protocols, ''consensus'' meant unanimous agreement on all issues within a regulatory section. As a result, the Committee reached consensus only on §§ 200.42 and 200.43 of these proposed regulations, which clarify assessment requirements of States and their subgrantees in the Migrant Education Program. However, agreement was reached on a majority of the issues, and language reflecting those agreements is reflected in §§ 200.1–200.6 concerning standards, assessment, and accountability and in § 200.8 concerning schoolwide programs of these proposed regulations.

Standards, Assessment, and Accountability

Part A of Title I aligns instruction, assessment, and accountability procedures under Title I with high-quality State content standards and challenging performance standards. Under section 1111 of Title I, each State must have developed or adopted challenging content and student performance standards to be used by the State, its LEAs, and its schools to carry out Part A. If a State has developed challenging standards for all students, for example, under the Goals 2000: Educate America Act or adopted challenging standards developed by another entity, the State must use those standards for Part A purposes. If a State has not developed or adopted content or performance standards for all students, the State must develop or adopt State content and student performance standards in at least mathematics and reading/language arts for children participating under Part A. These standards must include the same knowledge, skills, and levels of performance expected of all children.

To track the progress of schools and districts, Part A no longer mandates a separate Title I testing system; it relies instead on the State's own assessment system to determine whether students are progressing toward meeting the challenging State standards. Among other things, these assessments must be aligned with the State's content and performance standards; be used for purposes for which they are valid and reliable; be administered at some time during grades 3–5, 6–9, and 10–12; and involve multiple measures of student performance. If a State has developed its own assessment system under the Goals 2000: Educate America Act, for example, or has adopted for its own use assessments developed by another entity, the State must use those assessments for Part A purposes. If a State has not developed or adopted its own State assessment system, the State must develop or adopt a system of assessments for Part A purposes. Until a State has met the requirements concerning assessments in section 1111(b) of Title I, the State may use a transitional set of yearly statewide assessments that will assess the performance of complex skills and challenging subject matter.

Part A refocuses the review of progress from what is currently an evaluation of how individual students are performing to an evaluation of how well schools and LEAs are helping students meet the challenging standards. Each Title I school and LEA must show ''adequate yearly progress'' toward enabling children to meet the State's student performance standards. Adequate yearly progress must be defined by the State in a manner that results in continuous and substantial yearly improvement sufficient to achieve the goal of all participating children meeting the State's proficient and advanced levels of performance, is sufficiently rigorous to achieve that goal within an appropriate timeframe, and links progress primarily to performance on the State's assessment system.

Besides reducing the amount of testing, the changes in Title I assessments and accountability will help link Title I programs to broader State reforms. The changes will also support the efforts of high-poverty schools to raise expectations and enrich their curriculum and instruction well beyond the basic skills programs that have been their traditional focus. In drafting the regulations implementing the statutory provisions on standards, assessment, and accountability, the goals of the Secretary were to ensure that States develop the same system of high-quality standards and assessments for all students, including Title I participants; ensure that States develop effective accountability systems that promote comprehensive planning and improvement; and provide maximum flexibility during the transition period to support ongoing development of standards and assessments.

The following discussion summarizes provisions in the proposed regulations that reflect the Committee's debate on issues concerning standards, assessment, and accountability:

1. Section 200.1(b)(1)(i) requires a State plan to provide ''evidence'' that demonstrates the State has developed or adopted challenging content and student performance standards for all students. At the suggestion of the Committee, further specification is included in § 200.1(b)(1)(i)(B) to require that a State's procedure for setting student performance levels apply recognized professional and technical knowledge for establishing those levels.

2. Section 200.1(b)(2)(ii)(A) clarifies the timeline for a State to develop and field test its assessment system. This section also incorporates the Committee's suggestion that a State be required to describe in its State plan its ''quality benchmarks, timetables, and reporting schedule'' for completing the development and field testing of its assessment system.

3. Section 200.1(b)(2)(iii) requires a State to indicate in its State plan the languages other than English that are spoken by the student population participating in Title I and the languages for which required yearly student assessments are not available and are needed. The Committee added language requiring the State to include in its State plan ''a timetable for progress towards the development of these assessments.''

The Secretary specifically requests comment on § 200.1(b)(2)(iii), which requires a State to indicate in its State plan the languages other than English that are spoken by the student population participating in Title I and the languages for which required yearly student assessments are not available and are needed.

4. The Committee agreed to include statutory language on capacity building in § 200.1(b)(4). As a result, this provision requires each State plan to describe how the SEA will help each LEA and Title I school, as applicable, develop the capacity to implement the components of a schoolwide or targeted assistance program and meet its responsibilities with respect to school improvement. The SEA must also describe other factors it deems appropriate to provide students an opportunity to achieve the knowledge and skills embodied in the State's content standards.

5. Section 1111(b)(2)(B)(ii) of Title I requires that adequate yearly progress be linked primarily to performance on State assessments but permits progress to be established ''in part through the use of other measures.'' At the Committee's suggestion, § 200.3(b)(3) clarifies that ''other measures'' may be

measures ''such as dropout, retention, and attendance rates.''

6. Section 200.4(b)(3)(i)(A) requires that State assessments be used for purposes for which they are valid and reliable. There was considerable debate by the Committee as to whether the proposed regulations should clarify that State assessments are not required to meet one standard definition of valid and reliable. Because some Committee members believed that language to this effect would weaken the requirement that assessments be valid and reliable, the proposed regulations do not go beyond the statutory language in section 1111(b)(3)(C) of Title I.

7. Section 200.4(b)(3)(ii) requires a State, if it uses assessment measures that are not valid and reliable, to include ''sufficient'' information regarding the State's efforts to validate the measures ''and to report the results of those validation studies.'' The Committee agreed to this language.

8. Section 200.4(c)(1) makes clear that a State that has developed or adopted assessments for all students in mathematics and reading/language arts under Goals 2000 or another process must use those assessments to carry out Part A. By so stating, this provision clarifies that assessments in mathematics and reading/language arts are sufficient for accountability purposes under Title I. There was lengthy debate as to whether Title I schools should also be held accountable for other subject areas for which a State develops standards and assessments. Some members of the Committee argued that holding Title I schools accountable for all subject areas for which standards and assessments are developed, even though Title I instruction is not provided in those subject areas, would discourage States from developing standards and assessments in subjects other than mathematics and reading/language arts. Other Committee members argued that, if standards and assessments have been developed in other subjects, Title I schools should be held to the same expectations that the State places on all schools. Agreement was not reached on this issue. Even though the regulations do not require accountability for Part A purposes to be based on subjects other than mathematics and reading/language arts, § 200.4(c)(2) was added to make clear that the State must include students served under Part A in assessments in any other subjects the State has developed or adopted for all children.

The Secretary specifically invites comments on whether accountability under Title I should be based on all subject areas for which a State has developed or adopted standards and assessments for all children.

9. Section 200.4(d)(1)(ii) has been augmented through agreement by the Committee to require States that do not yet have assessments that meet the Title I requirements to develop a timetable and benchmarks, including reports of validity studies, for completing the development and field testing of those assessments.

10. Section 200.4(e)(1) requires that transitional assessments assess the performance of complex skills and challenging subject matter in at least mathematics and reading/language arts and be administered at some time during grades 3 through 5, 6 through 9, and 10 through 12. The Committee agreed with this provision. Section 200.4(e)(2) clarifies that transitional assessments do not need to meet the other requirements that apply to final assessments. After considerable debate, there was not agreement with this provision. Several members of the Committee dissented, arguing that there would be little accountability during the transition period if other requirements of final assessments, such as disaggregation of data and valid and reliable measures, were not included. On the other hand, most of the Committee members argued that transitional assessments should not be encumbered by numerous requirements in order to allow States the flexibility to develop and test their new assessment systems.

11. The Committee reached consensus on §§ 200.42 and 200.43 which clarify requirements of States and their subgrantees in the Migrant Education Program (MEP) relative to assessment and the use of assessment results for improving their MEP programs and projects. These sections clarify that, while the State assessments required under § 200.4 should be used wherever possible, MEP grantees and subgrantees have the flexibility to use other assessment procedures when conditions warrant doing so. These sections spell out those conditions. In any case, assessment results must still be examined and used for the purpose of improving services to migratory children.

Schoolwide Programs

Section 1114 of Title I authorizes a school with a high concentration of children from low-income families to use Part A funds to upgrade the entire educational program in the school. The reauthorization dramatically expanded eligibility for schoolwide programs by reducing the poverty threshold a school must meet from 75 percent poverty to 60 percent poverty for the 1995–1996 school year and to 50 percent poverty in subsequent years. The reauthorization also made a number of critical changes in the schoolwide program authority to help ensure that Part A resources are used to stimulate comprehensive reforms of the entire instructional program provided to all children in these schools. For example, section 1114 permits a schoolwide program to combine Part A funds with other State-administered, non-competitive formula grant programs (other than the Individuals with Disabilities Education Act) and certain Federal discretionary grant programs administered by the Department, as well as with State and local public education funds. In addition, section 1114 requires each schoolwide program to include a number of specific components. A schoolwide program school, for example, must conduct a comprehensive needs assessment of the entire school to determine the performance of its children in relation to the State's standards; implement schoolwide reform strategies that are based on effective means of improving the achievement of children and that address the needs of *all* children in the school, particularly the needs of children who are members of the target population of any other Federal education program that is included in the schoolwide program; use highly qualified professional staff; provide professional development for teachers, aides, and other staff; and implement strategies to increase parental involvement.

The proposed regulations for schoolwide programs are designed to support comprehensive schoolwide programs that benefit all children in schools operating these programs. They include provisions that: emphasize the importance of maximizing the resources available for schoolwide programs; ensure that Federal funds and services are integrated in a comprehensive manner to support the very nature of a schoolwide program; and strike a balance between a school's responsibility for designing and implementing schoolwide programs and an LEA's overall responsibility for providing a high quality education to all students.

The following discussion summarizes provisions in the proposed regulations that reflect the Committee's debate on issues concerning schoolwide programs:

1. Section 200.8(a)(1) states that an ''eligible school, in consultation with its LEA,'' may use Part A funds or services, in combination with other Federal, State, and local funds it receives, to

operate a schoolwide program. By emphasizing that an eligible school makes the decision to operate a schoolwide program, albeit in consultation with its LEA, this language recognizes that a schoolwide program can be successful only if the school community is fully behind that decision. One member of the Committee dissented to this language out of concern that it would abrogate an LEA's ultimate authority for operating its schools.

2. Section 200.8(b)(1) makes clear that a school may not decide to operate a schoolwide program unless the LEA has determined that the school serves a participating attendance area or is a participating school. The Committee agreed to this clarification.

3. Section 200.8(b)(2)(ii) provides LEAs with the flexibility to identify areas and schools as eligible for schoolwide program participation using a measure of poverty that is different from the poverty measure or measures the LEA uses to identify and rank school attendance areas for eligibility and participation. The Committee agreed to include this flexibility in the proposed regulations.

4. Section 200.8(c) emphasizes a school's authority to combine Part A funds with other Federal education program funds in a schoolwide program. If a school combines other Federal program funds, the school is exempt from complying with most statutory or regulatory provisions of those programs if the intent and purposes of the other programs are met. One negotiator argued that the regulations should only exempt schools from complying with specific, limited provisions; otherwise, the intent and purposes of the programs would be jeopardized. This negotiator dissented to the proposed language.

5. Section 200.8(c)(2) emphasizes that the authority to combine funds from other Federal education programs in a schoolwide program also applies to services provided to the school with those funds. This provision recognizes that, under most programs, funds may not be provided directly to schools. Rather, schools may receive services in the nature of staff or instructional equipment and materials. With the one dissent noted above, the Committee agreed to include this provision.

6. Section 200.8(c)(3)(ii)(B)(*1*) implements section 1306(b) of Title I. The proposed language requires a school that combines Part C of Title I funds in its schoolwide program to, ''[i]n consultation with parents of migratory children or organizations representing those parents, first address the identified needs of migratory children that result from the effects of their migratory lifestyle or are needed to permit migratory children to participate effectively in school''; and to ''[d]ocument that services to address those needs have been provided.'' The Committee agreed to this language.

7. Section 200.8(e)(1)(iv)(A) requires that disaggregated assessment results for a schoolwide program be reported only when a State's final assessment system is in place and only when those results are statistically sound. Several Committee members dissented to this provision, arguing that disaggregated data were essential to assessing the specific progress of the target populations included in schoolwide programs. The other Committee members countered, however, that the transition period should not be encumbered with prescriptive requirements to preserve States' flexibility to develop new forms of assessment. Moreover, these members expressed concern that inaccurate conclusions about the progress of target populations would be drawn from disaggregated data if those data were not statistically sound.

8. Section 200.8(f)(1) clarifies that a schoolwide program school is not required to identify particular children as eligible to participate, document that Federal funds benefit only the intended beneficiaries of those funds, or demonstrate that particular services supplement the services regularly provided in the school. This provision applies both to Part A funds and any other Federal education funds included in the schoolwide program. It recognizes that the central purpose of a schoolwide program is to use all available resources to upgrade the entire instructional program for the benefit of all children in the school, rather than focus on specific categorical programs with a singular purpose. One negotiator dissented to this provision out of concern that the intent and purposes of other Federal education programs combined in a schoolwide program would be jeopardized if the school did not have to meet these requirements.

Other Regulations Resulting From Reauthorization Subpart A—Improving Basic Programs Operated by Local Educational Agencies

In addition to the schoolwide program provisions and the provisions related to standards, assessment, and accountability, Subpart A also contains sections on the participation of private school children, within-State allocations, and within-district allocations.

Participation of private school children. Section 1120 of Title I continues the requirement that an LEA provide equitable services to eligible children enrolled in private schools. Because of other changes in Title I, however, some regulatory provisions are necessary to ensure that equitable services are provided. For example, section 1113(c) of Title I requires an LEA to allocate funds to participating school attendance areas or schools on the basis of the *total* number of children from low-income families in each area or school. Section 200.28 of the proposed regulations makes clear that, in calculating the total number of children from low-income families, an LEA must include children from low-income families who attend private schools. The LEA uses the same poverty data, if available, that it uses to count public school children; however, if the same data are not available, comparable data collected through alternative means such as a survey may be used.

Although funds are allocated on the basis of poor children, § 200.10(b) of the proposed regulations makes clear that, as in current practice, private school children eligible to be served are children who reside in a participating public school attendance area and who have educational needs under section 1115(b) of Title I. Section 200.11(a) of the proposed regulations implements the equal expenditure requirement in section 1120(a)(4) of Title I. Under the proposed regulations, an LEA must reserve the funds generated by poor private school children who reside in participating public school attendance areas. In consultation with appropriate private school officials, the LEA may choose one of two options. The LEA may provide services to eligible children in a private school with the funds generated by poor children who attend that school. Alternatively, the LEA may combine the funds generated by poor private school children in all participating areas to create a pool of funds. From this pool, the LEA would provide services to eligible private school children who are in the greatest educational need of those services. Under this option, the services provided to eligible children in a particular private school would not be dependent upon the amount of funds generated by poor children in the school.

Section 200.16(a)(1) of the proposed regulations makes clear that an LEA first uses funds it receives for capital expenses to cover capital expenses it is currently incurring or would incur because of an expected increase in the number of private school children to be served. If an LEA can demonstrate that

its current needs for capital expenses have been meet, the LEA may apply to use capital expense funds to reimburse itself for capital expenses it incurred in past years for which its has not been reimbursed.

Within-State Allocations

Allocation of funds to LEAs. Sections 200.20 and 200.21 of the proposed regulations outline general procedures for a State educational agency (SEA) to use in allocating basic grants, concentration grants, and targeted grants. Under Section 200.20 an SEA may: (1) Make subcounty allocations to LEAs based on county allocations determined by the Secretary (adjusted for amounts reserved by the SEA for State administration and school improvement); or (2) in the case of basic and targeted grants only, allocate funds directly to LEAs without regard to counties when a State has a large number of LEAs that overlap county boundaries. Any SEA wishing to allocate funds directly to LEAs under § 200.20(b) must apply to the Secretary for authorization and obtain approval of the data on the number of children from low-income families it will use in allocating funds. Unlike Chapter 1, however, an SEA in this situation is not limited to using the poverty criteria used in the Federal formula.

Section 200.21(a) requires an SEA to base LEA allocations on the number of children ages 5 through 17 from low-income families and children residing in local institutions for neglected children. Section 200.21(b) gives an SEA the flexibility to use the best available data on the number of children from low-income families. In selecting the best available data, an SEA may use: (1) The factors in the Federal formula, which include census poverty data, data on children in families above poverty receiving payments under the Aid to Families with Dependent Children (AFDC) program, and data on foster children; (2) alternative data that an SEA determines best reflect the distribution of poor children and are adjusted to be equivalent in proportion to the total number of formula children counted under section 1124(c) of Title I (excluding neglected or delinquent children); and (3) data that more accurately target poverty. The SEA, however, must use the same measure of poverty throughout the State for basic grants, concentration grants, and targeted grants.

Finally, § 200.20(c) implements the statutory requirement in situations where an LEA contains two or more counties in their entirety. Beginning in school year 1995–96, an SEA must treat each county as if it were a separate LEA when allocating basic, concentration, and targeted grant funds.

Basic grants. Section 200.22 of the proposed regulations outlines the procedures for allocating basic grants to LEAs. Unlike Chapter 1, the Title I statute requires for school year 1995–96 that an LEA have at least 10 ''formula'' children counted for allocation purposes in order to qualify. In order to qualify in school year 1996–97 and beyond, an LEA must have at least 10 formula children and the number of those children must be greater than two percent of the LEA's total population aged 5 through 17 years. Under the Chapter 1 regulations, an LEA was required only to be located in a county with 10 or more formula children in order to qualify, and the SEA could choose whether to allocate funds to LEAs with less than ten formula children.

Concentration grants. Section 200.23 (a) and (b) of the proposed regulations outlines general procedures for allocating concentration grant funds to LEAs. These procedures are similar to those provided under Chapter 1. To receive concentration grant funds, an LEA must, with certain exceptions, be located in whole or in part in a county that receives a concentration grant allocation from the Secretary. In addition, the number of ''formula'' children in an LEA counted for allocation purposes must exceed 6,500 or 15 percent of the LEA's total population ages 5 through 17. Unlike Chapter 1, however, eligibility for concentration grants is based on current year counts of formula children rather than prior year counts. Section 200.23(c) addresses special situations in which eligible LEAs are located in ineligible counties, eligible counties have no eligible LEAs, and States receive a minimum concentration grant. If eligible LEAs are located in ineligible counties, for example, § 200.23(c)(1) allows an SEA to reserve two percent or less of the concentration grant funds the State receives to make direct payments to such LEAs.

Targeted grants. Section 200.24 provides for how an SEA allocates targeted grant funds to LEAs. Allocations must be based on the same ''formula'' count of children used to allocate basic and concentration grants. To qualify, an LEA must have at least 10 children who were counted for purposes of allocating basic grants, and the number of such children must equal at least five percent of the LEA's total population ages 5 through 17 years. To determine an LEA's allocation, the SEA must compute a weighted child count using the weights outlined in the tables in § 200.24(b) (1) and (2). In weighting each LEA's formula count, the SEA must take the larger of the percent-weighted count or the number-weighted count and apply the weights in steps so that only those children above each threshold receive the higher weight.

Hold-harmless provisions. Section 200.25 outlines the statutory ''hold-harmless'' provisions more clearly. The hold-harmless protection limits the maximum reduction in an LEA's allocation when compared to its prior year's allocation and is applied separately for basic grants, concentration grants, and targeted grants. For school year 1995–96, each LEA is entitled to receive at least 85 percent of its prior year amount for basic grants only. For school year 1996–97, each LEA is entitled to receive 100 percent of its prior year amount for basic and concentration grants. For school year 1997–98, each LEA is entitled to receive a percent of its prior year basic and targeted grants (but not concentration grant) that varies according to the percent the LEA's number of ''formula'' children is of its total population ages 5 through 17. Section 200.25 also makes clear that an LEA must be eligible to receive a basic grant, concentration grant, or targeted grant in order for the respective hold-harmless provisions of this section to apply.

Within-District Allocations

Sections 200.27 and 200.28 of the proposed regulations contain procedures for within-district allocation of Part A funds in order to clarify the changes made in the new act. Unlike Chapter 1 where LEAs allocated funds to schools based on the number and needs of educationally deprived children, Title I directs LEAs to allocate funds to schools on the basis of the number of children from low-income families. Section 200.27 clarifies what funds an LEA may reserve before allocating funds to eligible schools. An LEA must, for example, reserve funds needed to provide comparable services to children in local institutions for neglected children. Where appropriate, the LEA may reserve funds to provide services to homeless children, children in local institutions for delinquent children, and neglected and delinquent children in community-day school programs. An LEA must also reserve funds as are reasonable and necessary to meet the parental involvement requirements in section 1118 of Title I, administer programs for public and private school children, including

capital expenses, and conduct other authorized activities.

Section 200.28 clarifies the requirements in section 1113(c) of Title I concerning how to allocate funds to school attendance areas and schools. Section 200.28(a) makes clear that an LEA must allocate funds to areas and schools, in rank order, on the basis of the total number of children from low-income families in each area or school. In calculating the total number of low-income children, the LEA must include children from low-income families attending private schools, using the same poverty data, if available, as it is using to count public school children. If the same poverty data are not available, however, the LEA may use comparable data collected through alternative means such as a survey.

Under § 200.28(b), an LEA that serves any school below 35 percent poverty must allocate to each participating area or school an amount for each low-income child that is at least 125 percent of the per-pupil amount of funds the LEA received for that year under subpart 2 of Part A. If an LEA serves only areas or schools above 35 percent poverty, however, it does not need to allocate this minimum per-pupil amount. Section 200.28(c) makes clear that an LEA is not required to allocate the same per-pupil amount to each school attendance area and school, provided the LEA allocates higher per-pupil amounts to areas or schools with higher concentrations of poverty than to areas or schools with lower concentrations of poverty.

Subpart B—Title I Even Start Family Literacy Program

The President expects to consolidate the Even Start Family Literacy program with other Adult Education and Family Literacy programs beginning in 1996. Statutory provisions are sufficient to govern FY 1995 awards and project operation, without specific program regulations. Therefore, the Even Start regulations found at 34 CFR Part 212 will be removed. However, in order to focus continuation awards under the Migrant Education Even Start Program (MEES), authorized under section 1202(a) of Title I, on migratory children, the Secretary has determined that it is necessary to include a definition of eligible MEES participants in § 200.30 of the proposed regulations.

Subpart C—Title I Migrant Education Program

In order to provide the maximum flexibility to the States implementing the MEP, the proposed MEP regulations contained in §§ 200.40–200.45, which would supersede those now contained in 34 CFR Part 201, only address a limited number of specific areas where the statute's lack of clarity could undermine proper program administration. These regulatory areas are as follows:

(1) *Definitions.* Under prior law, the MEP statute required the Department to maintain the same definitions relating to eligibility to be counted and served as a migratory child as have existed for nearly 20 years. However, because the new law eliminates this statutory freeze on amending the MEP eligibility definitions, the Secretary now proposes to amend the definitions in order to better ensure that those children who receive MEP services are truly migratory. Specifically, § 200.40 clarifies that, to be a migratory worker, a person must move to obtain (or try to obtain) temporary or seasonal agricultural or fishing work as a principal means of livelihood. This change is needed to focus program services on children of persons with an actual, significant dependency on migratory agricultural or fishing work—as opposed to persons who may, from time to time, move across school district lines to perform agricultural or fishing activities for a short time, but who have other occupations and so are not truly migratory workers.

(2) *Clarifications.* In a number of respects, Part C of Title I contains ambiguous or unclear requirements that these proposed regulations clarify. In this regard—

(A) Section 200.41 (*Use of program funds for unique program function costs*) clarifies that, under the new law, MEP funds can still be used to carry out functions at the State level that are unique to the MEP, and provides examples of these functions.

(B) As discussed in the negotiated rulemaking section, § 200.42 (*Responsibilities of SEAs and operating agencies for assessing the effectiveness of the MEP*) clarifies that, while MEP grantees shall, where feasible, use the same assessment measures as are required under the Title I, Part A program, they have the flexibility to use other reasonable measures to examine the effectiveness of their MEPs and projects in those situations where use of the Statewide assessment is not feasible.

(C) Section 200.43 (*Responsibilities of SEAs and operating agencies for improving services to migratory children*) clarifies that, while MEP grantees and subgrantees are not subject to the specific program improvement activities required under Title I, Part A, they still have the basic responsibility to use assessment results to improve the services they provide to migratory children.

Migrant Education Coordination Program

Section 1308 of Title I authorizes the Secretary, in consultation with the States, to make grants or enter into contracts with SEA, LEAs and other entities to improve the interstate and intrastate coordination of migrant education projects among those agencies. The Secretary proposes to delete current regulations as unnecessary at this time. Those regulations primarily contain selection criteria for awarding new grants that are overly complex for the kinds of grant competitions that the Department anticipates conducting for fiscal year 1995. The Secretary believes that selection criteria in Part 75 of the Education Department General Administrative Regulations (EDGAR), or as would be contained in proposals for specific competitions, should be used to make discretionary grants for this program.

Subpart D—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk of Dropping Out

Part D, Subpart 1 of Title I provides financial assistance to State agencies for services to neglected or delinquent children in State-supported institutions or community-day programs to help those children meet challenging State content and performance standards. Subpart 2 authorizes SEAs to retain funds generated by children residing in local institutions for delinquent children under Part A of Title I and make subgrants to LEAs with high numbers or percentages of those children. LEAs may use these funds to meet the educational needs of youth in local institutions for delinquent children and adult correctional facilities and for dropout prevention programs that serve students at educational risk. The Secretary proposes to delete the current regulations in 32 CFR Part 203 governing the State Agency Neglected or Delinquent Program and issue regulations only to define the count of eligible children and youth needed to allocate Subpart 1 funds to the States.

Subpart D specifies and defines the counts of eligible children and youth needed to allocate Title I, subpart 1 State agency neglected or delinquent (N or D) funds to the States and defines several terms used in the Title I, subpart 2 local agency program. The definitions in § 200.50 are necessary to ensure that the data used by the Secretary to allocate funds are based on common

definitions. For example, the definition of a regular program of instruction is included to ensure that the children counted are enrolled in educational programs involving classroom instruction supported by State funds. The definitions of institutions for N or D children and youth require that the average length of stay in the institution be at least 30 days. This continues current policy and is designed to ensure that the children counted for allocation purposes are in an institution for a sufficient length of time so that educational services provided by the institution can be effective. Section 200.51 further provides for when the number of N or D children is determined and how that count must be adjusted to reflect the relative length of the school year.

Subpart E—General

State administration and program improvement. Section 200.60 of the proposed regulations outlines procedures for how an SEA reserves funds for State administration and school improvement. When reserving funds for State administration and school improvement under Part A, an SEA must ensure that no LEA receives less than its hold-harmless amounts for basic grants, concentration grants, and targeted grants unless funds are insufficient to meet the hold-harmless amounts and still permit the SEA to reserve the full amount for administration and school improvement. An SEA also must reserve proportionate amounts from each of the State's basic grant, concentration grant, and targeted grant allocations. Section 200.61 indicates that those funds reserved for State administration are to be used for those general administrative activities that are necessary to carry out any of the Title I programs.

Maintenance of Effort. Section 1120A(a) of Title I allows an LEA to receive Part A funds for any fiscal year only if the SEA finds that the LEA has maintained its fiscal effort in accordance with section 14501 of the ESEA—that is, either the combined fiscal effort per student or the aggregate expenditures of the LEA and the State with respect to the provision of free public education for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year. Currently, based on the statutory definition of ''current expenditures'', the Chapter 1 regulations require an SEA to exclude from maintenance of effort calculations any expenditures made from funds provided under Chapter 1 and Chapter 2 of Title I of the ESEA. The Secretary proposes in § 200.64(c)(2) to change this provision to exclude any expenditures made from funds provided by the Federal Government for which an LEA is required to account to the Federal Government directly or through the SEA. As a result, an LEA would no longer be responsible for determining effort with respect to Federal education funds that may decrease from one year to the next and over which the LEA does not have control.

Supplement, not supplant. Section 1120A(b)(1)(B) of Title I allows, for the purpose of complying with the supplement, not supplant requirement, an SEA or LEA to exclude supplemental State and local funds expended in any eligible school attendance area or school for programs that meet the requirements of section 1114 or section 1115 of Title I. Section 200.63(c) clarifies under what conditions a program supported with State or local supplemental funds will be considered to meet the requirements of section 1114 or 1115. These conditions also apply to supplemental State and local funds expended under sections 1113(b)(1)(C) and 1113(c)(2)(B) of Title I.

Executive Order 12866

1. Assessment of Costs and Benefits

These proposed regulations have been reviewed in accordance with Executive Order 12866. Under the terms of the order, the Secretary has assessed the potential costs and benefits of this regulatory action.

The potential benefits associated with the proposed regulations are clear. Because the Secretary has chosen to regulate on very few statutory provisions, SEAs and LEAs have considerable flexibility in implementing the provisions of Title I to meet their particular needs and circumstances. Moreover, the potential costs associated with the proposed regulations are minimal; they result from specific statutory requirements or have been determined by the Secretary to be necessary for administering the Title I programs effectively and efficiently.

Any burdens specifically associated with information collection requirements, if any, are identified and explained elsewhere in this preamble under the heading *Paperwork Reduction Act of 1980.* The Secretary has also determined that this regulatory action does not interfere unduly with State and local governments in the exercise of their governmental functions.

To assist the Department in complying with the specific requirements of Executive Order 12866, the Secretary invites comments on whether there may be further opportunities to reduce any potential costs or increase potential benefits resulting from these proposed regulations without impeding the effective and efficient administration of the program.

2. Clarity of the Regulations

Executive Order 12866 requires each Federal agency to write regulations that are easy to understand.

The Secretary invites comment on how to make these regulations easier to understand, including answers to questions such as the following: (1) Are the requirements in the regulations clearly stated? (2) Do the regulations contain technical terms or other wording that interfere with the clarity? (3) Does the format of the regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity? Would the regulations be easier to understand if they were divided into more (but shorter) sections? (A ''section'' is preceded by the symbol ''§ '' and a numbered heading; for example ''§ 200.1 Contents of a State plan.'') (4) Is the description of the proposed regulations in the ''Supplementary Information'' section of this preamble helpful in understanding the proposed regulations? How could this description be more helpful in making the proposed regulations easier to understand? (5) What else could the Department do to make the regulations easier to understand?

A copy of any comments that concern whether these proposed regulations are easy to understand should also be sent to Stanley Cohen, Regulations Quality Officer, U.S. Department of Education, 600 Independence Avenue, SW. (room 5121, FOB–10), Washington, DC, 20202–2241.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

The small entities that would be affected by these proposed regulations are small LEAs, institutions of higher education, and public or nonprofit private agencies receiving Federal funds under the Title I programs. The proposed regulations would not have a significant economic impact on the small entities affected because the proposed regulations would not impose excessive regulatory burden or require unnecessary Federal supervision. The proposed regulations would impose

minimal requirements to ensure the proper expenditure of program funds.

Paperwork Reduction Act of 1980

Section 1116 (a) and (d) requires LEAs and SEAs, respectively, to review the progress of Title I participating schools and LEAs to determine whether they are making adequate progress toward enabling children to meet the State's student performance standards. Sections 200.5 and 200.6 of the proposed regulations address requirements to report the disaggregation of data for school and LEA improvement and for 14,111 respondents, the estimated average annual burden is 564,440 hours.

In order to receive funds for the operation of a schoolwide program, schools must prepare schoolwide program plans, which is addressed in § 200.8(e) of the proposed regulations and section 1114(b)(2) of Title I. Preparation of a one-time plan for 24,244 respondents is estimated to total 744,760 burden hours.

To receive its allocation, a State must submit to the Secretary data on the number of children enrolled in educational programs of State-operated institutions for N or D children, community day programs for N or D children, and adult correctional institutions. It must also submit the October caseload count of children in local institutions for N or D children. Section 200.51 of the proposed regulations addresses this collection of data, which is approved under OMB Control Number 1810–0060 and estimates for 52 respondents an average annual burden of a total of 2,000 hours.

By statute, State educational agencies applying for Title I funds must submit State plans or applications. The Secretary needs and uses the information provided in these program plans and applications to facilitate the Department's oversight of the programs with regard to the grantees' administration of the programs under the statute and regulations, and to ensure financial accountability for the Federal funds. The public reporting burden for the collection of information for these programs has been submitted to OMB on the separate State plan and consolidated application packages, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The public reporting burden for the collection of information for the Migrant Education Coordination Program application will be announced when the Department publishes any notices of proposed priorities for the award of grants under section 1308 of Title I. Section 200.1 of the proposed regulations addresses what a State plan must contain, with respect to standards and assessments, for a State to receive its Part A allocation. The State plan package approved under OMB Control Number 1810–0571 estimates a one-time burden of 80 hours for each of 52 respondents.

Organizations and individuals desiring to submit comments on these information collection requirements should direct them to the Office of Information and Regulatory Affairs, room 10235, New Executive Office Building, Washington, DC 20503; Attention: Wendy Taylor.

Intergovernmental Review

Grants to SEAs for the MEP and grants to SEAs and LEAs for the Migrant Education Coordination Program are subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with this order, this document is intended to provide early notification of the Secretary's specific plans and actions for these programs.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. In particular, the Secretary invites comments on the following two provisions. The Secretary invites comments on § 200.1(b)(2)(iii), which requires a State to indicate in its State plan the languages other than English that are spoken by the student population participating in Title I and the languages for which required yearly student assessments are not available and are needed. The Secretary also invites comments on whether accountability under Title I should be based on all subject areas for which a State has developed or adopted standards and assessments for all children, rather than mathematics and reading/language arts as stated in § 200.4(c)(1).

All comments submitted in response to these proposed regulations will be available for public inspection during and after the comment period, in rooms 4400 (subparts A, B, D, and E) and 4100 (subparts C and E), Portals Building, 1250 Maryland Avenue, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

List of Subjects in 34 CFR Part 200

Administrative practice and procedure, Adult education, Children, Coordination, Education, Education of disadvantaged children, Education of individuals with disabilities, Elementary and secondary education, Eligibility, Family, Family-centered education, Grant programs—education, Indians—education, Institutions of higher education, Interstate coordination, Intrastate coordination, Juvenile delinquency, Local educational agencies, Migratory children, Migratory workers, Neglected, Nonprofit private agencies, Private schools, Public agencies, Reporting and recordkeeping requirements, State-administered programs, State educational agencies, Subgrants.

Dated: April 4, 1995.

Richard W. Riley,

Secretary of Education.

(Catalog of Federal Domestic Assistance Numbers: 84.010, Improving Programs Operated by Local Educational Agencies; 84.011, Migrant Education Basic State Formula Grant Program; 84.013, Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk of Dropping Out; 84.144, Migrant Education Coordination Program; 84.213, Even Start Family Literacy Program)

The Secretary proposes to amend Title 34 of the Code of Federal Regulations by removing Parts 201, 203, 205, and 212 and revising Part 200 as follows:

Part 201 [Removed]

1. Part 201 is removed.

Part 203 [Removed]

2. Part 203 is removed.

Part 205 [Removed]

3. Part 205 is removed.

Part 212 [Removed]

4. Part 212 is removed.

5. Part 200 is revised to read as follows:

PART 200—TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

Subpart A—Improving Basic Programs Operated by Local Educational Agencies

Standards, Assessment, and Accountability

Sec.

200.1 Contents of a State plan.
200.2 State responsibilities for developing challenging standards.
200.3 Requirements for adequate progress.

200.4 State responsibilities for assessment.
200.5 Requirements for school improvement.
200.6 Requirements for LEA improvement.
200.7 [Reserved]

Schoolwide Programs

200.8 Schoolwide program requirements.
200.9 [Reserved]

Participation of Eligible Children in Private Schools

200.10 Responsibilities for providing services to children in private schools.
200.11 Factors for determining equitable participation of children in private schools.
200.12 Requirements to ensure that funds do not benefit a private school.
200.13 Requirements concerning property, equipment, and supplies for the benefit of private school children.
200.14 [Reserved]

Capital Expenses

200.15 Payments to SEAs for capital expenses.
200.16 Payments to LEAs for capital expenses.
200.17 Use of LEA payments for capital expenses.
200.18–200.19 [Reserved]

Procedures for the Within-State Allocation of LEA Program Funds

200.20 Allocation of funds to LEAs.
200.21 Determination of the number of children eligible to be counted.
200.22 Allocation of basic grants.
200.23 Allocation of concentration grants.
200.24 Allocation of targeted grants.
200.25 Applicable hold-harmless provisions.
200.26 [Reserved]

Procedures for the Within-District Allocation of LEA Program Funds

200.27 Reservation of funds by an LEA.
200.28 Allocation of funds to school attendance areas and schools.
200.29 [Reserved]

Subpart B—Even Start Family Literacy Programs

200.30 Migrant Education Even Start program definition.
200.31–200.39 [Reserved]

Subpart C—Migrant Education Program

200.40 Program definitions.
200.41 Use of program funds for unique program function costs.
200.42 Responsibilities of SEAs and operating agencies for assessing the effectiveness of the MEP.
200.43 Responsibilities of SEAs and operating agencies for improving services to migratory children.
200.44 Use of MEP funds in schoolwide projects.
200.45 Responsibilities for participation of children in private schools.
200.46–200.49 [Reserved]

Subpart D—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk of Dropping Out

200.50 Program definitions.
200.51 SEA counts of eligible children.
200.52–200.59 [Reserved]

Subpart E—General Provisions

200.60 Reservation of funds for State administration and school improvement.
200.61 Use of funds reserved for State administration.
200.62 [Reserved]
200.63 Supplement, not supplant.
200.64 Maintenance of effort.
200.65 Definitions.
200.66–200.69 [Reserved]

Authority: 20 U.S.C. 6301–6514, unless otherwise noted.

Subpart A—Improving Basic Programs Operated by Local Educational Agencies

Standards, Assessment, and Accountability

§ 200.1 Contents of a State plan.

(a) (1) A State that desires to receive a grant under this subpart shall submit to the Secretary a plan that meets the requirements of this section.

(2) A State plan must be—

(i) Developed with broad-based consultation throughout the planning process with local educational agencies (LEAs), teachers, pupil services personnel, other staff, parents, and administrators, including principals;

(ii) Developed with substantial involvement of the Committee of Practitioners established under section 1603(b) of the Elementary and Secondary Education Act of 1965, as amended (Act), and continue to involve the Committee in monitoring the plan's implementation; and

(iii) Coordinated with other plans developed under the Act, the Goals 2000: Educate America Act, and other acts, as appropriate, consistent with section 14307 of the Act.

(3) In lieu of a State plan under this section, a State may include programs under this part in a consolidated State plan submitted in accordance with section 14302 of the Act.

(b) A State plan must address the following:

(1) *Challenging standards.* The State plan must include—

(i) Evidence that demonstrates that—

(A) The State has developed or adopted challenging content and student performance standards for all students in accordance with § 200.2; and

(B) The State's procedure for setting the student performance levels applies recognized professional and technical knowledge for establishing the student performance levels; or

(ii) The State's strategy and schedule for developing or adopting by the beginning of the 1997–1998 school year—

(A) Challenging content and student performance standards for all students in accordance with § 200.2(b); or

(B) Content and student performance standards for elementary and secondary school children served under this subpart in accordance with § 200.2(c), if the State will not have developed or adopted content and student performance standards for all students by the 1997–1998 school year or does not intend to develop such standards.

(iii) For subjects in which students will be served under this subpart but for which a State has no standards, the State plan must describe the State's strategy for ensuring that those students are taught the same knowledge and skills and held to the same expectations as are all children.

(2) *Assessments.* The State plan must—

(i) Demonstrate that the State has developed or adopted a set of high-quality yearly student assessments, including assessments in at least mathematics and reading/language arts, in accordance with § 200.4, that will be used as the primary means of determining the yearly performance of each school and LEA served under this subpart in enabling all children participating under this subpart to meet the State's student performance standards; or

(ii) If a State has not developed or adopted assessments in at least mathematics and reading/language arts in accordance with § 200.4—

(A) Describe the State's quality benchmarks, timetables, and reporting schedule for completing the development and field-testing of those assessments by the beginning of the 2000–2001 school year; and

(B) Describe the transitional set of yearly statewide assessments the State will use to assess students' performance in mastering complex skills and challenging subject matter; and

(iii)(A) Identify the languages other than English that are spoken by the student population participating under this subpart; and

(B) Indicate the languages for which yearly student assessments that meet the requirements of this section are not available and are needed and develop a timetable for progress towards the development of these assessments.

(3) *Adequate yearly progress.* The State plan must—

(i) Demonstrate, based on the assessments described under § 200.4, what constitutes adequate yearly progress toward enabling all children to meet the State performance standards of—

(A) Any school served under this subpart; and

(B) Any LEA that receives funds under this subpart; or

(ii) For any year in which a State uses transitional assessments under § 200.4(e), describe how the State will identify schools under § 200.5 and LEAs under § 200.6 in accordance with § 200.3.

(4) *Capacity building.* Each State plan shall describe—

(i) How the State educational agency (SEA) will help each LEA and school affected by the State plan to develop the capacity to comply with each of the requirements of sections 1112(c)(1)(D), 1114(b), and 1115(c) of the Act that is applicable to the LEA and school; and

(ii) Other factors the State deems appropriate, which may include opportunity-to-learn standards or strategies developed under the Goals 2000: Educate America Act, to provide students an opportunity to achieve the knowledge and skills described in the challenging content standards developed or adopted by the State.

(Authority: 20 U.S.C. 6311)

§ 200.2 State responsibilities for developing challenging standards.

(a) *Standards in general.* (1) A State shall develop or adopt challenging content and student performance standards that will be used by the State, its LEAs, and its schools to carry out this subpart.

(2) Standards under this subpart must include—

(i) Challenging content standards in academic subjects that—

(A) Specify what children are expected to know and be able to do;

(B) Contain coherent and rigorous content; and

(C) Encourage the teaching of advanced skills; and

(ii) Challenging student performance standards that—

(A) Are aligned with the State's content standards;

(B) Describe two levels of high performance—proficient and advanced—that determine how well children are mastering the material in the State's content standards; and

(C) Describe a third level of performance—partially proficient—to provide complete information to measure the progress of lower-performing children toward achieving to the proficient and advanced levels of performance.

(b) *Standards for all children.* A State that has developed or adopted content standards and student performance standards for all students under Title III of the Goals 2000: Educate America Act or under another process, or will develop or adopt such standards by the beginning of the 1997–1998 school year, shall use those standards, modified, if necessary, to conform with the requirements in paragraph (a) of this section and § 200.3, to carry out this subpart.

(c) *Standards for children served under this subpart.* (1) If a State will not have developed or adopted content and student performance standards for all students by the beginning of the 1997–1998 school year, or does not intend to develop those standards, the State shall develop content and student performance standards for elementary and secondary school children served under this subpart in subject areas as determined by the State, but including at least mathematics and reading/language arts. These standards must—

(i) Include the same knowledge, skills, and levels of performance expected of all children;

(ii) Meet the requirements in paragraph (a) of this section and § 200.3; and

(iii) Be developed by the beginning of the 1997–1998 school year.

(2) If a State has not developed content and student performance standards in mathematics and reading/language arts for elementary and secondary school children served under this subpart by the beginning of the 1997–1998 school year, the State shall then adopt a set of standards in those subjects such as the standards contained in other State plans the Secretary has approved.

(3) If and when a State develops or adopts standards for all children, the State shall use those standards to carry out this subpart.

(Authority: 20 U.S.C. 6311(b))

§ 200.3 Requirements for adequate progress.

(a) Except as provided in paragraph (c) of this section, each State shall determine, based on the State assessment system described in § 200.1, what constitutes adequate yearly progress of—

(1) Any school served under this subpart toward enabling children to meet the State's student performance standards; and

(2) Any LEA that receives funds under this subpart toward enabling children in schools served under this subpart to meet the State's student performance standards.

(b) Adequate yearly progress must be defined in a manner that—

(1) Results in continuous and substantial yearly improvement of each school and LEA sufficient to achieve the goal of all children served under this subpart, particularly economically disadvantaged and limited-English proficient children, meeting the State's proficient and advanced levels of performance;

(2) Is sufficiently rigorous to achieve that goal within an appropriate timeframe; and

(3) Links progress primarily to performance on the State's assessment system under § 200.4, while permitting progress to be established in part through the use of other measures, such as dropout, retention, and attendance rates.

(c) For any year in which a State uses transitional assessments under § 200.4(e), the State shall devise a procedure for identifying schools under § 200.5 and LEAs under § 200.6 that relies on accurate information about the continuous and substantial yearly academic progress of each school and LEA.

(Authority: 20 U.S.C. 6311(b)(2), (7)(B))

§ 200.4 State responsibilities for assessment.

(a) Each State shall develop or adopt a set of high-quality yearly student assessments, including assessments in at least mathematics and reading/language arts, that will be used as the primary means of determining the yearly performance of each school and LEA served under this subpart in enabling all children participating under this subpart to meet the State's student performance standards.

(b) Assessments under this section must meet the following requirements:

(1) Be the same assessments used to measure the performance of all children, if the State measures the performance of all children.

(2)(i) Be aligned with the State's challenging content and student performance standards; and

(ii) Provide coherent information about student attainment of the State's content and student performance standards.

(3)(i)(A) Be used for purposes for which the assessments are valid and reliable; and

(B) Be consistent with relevant, nationally recognized professional and technical standards for those assessments.

(ii) Assessment measures that do not meet these requirements may be included as one of the multiple measures if the State includes in its

State plan sufficient information regarding the State's efforts to validate the measures and to report the results of those validation studies.

(4) Measure the proficiency of students in the academic subjects in which a State has adopted challenging content and student performance standards.

(5) Be administered at some time during—

(i) Grades 3 through 5;

(ii) Grades 6 through 9; and

(iii) Grades 10 through 12.

(6) Involve multiple approaches within an assessment system with up-to-date measures of student performance, including measures that assess complex thinking skills and understanding of challenging content.

(7) Provide for—

(i) Participation in the assessment of all students in the grades being assessed;

(ii) Reasonable adaptations and accommodations for students with diverse learning needs necessary to measure the achievement of those students relative to the State's standards; and

(iii)(A) Inclusion of limited-English proficient students who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what those students know and can do to determine the students' mastery of skills in subjects other than English.

(B) To meet this requirement, the State—

(*1*) Shall make every effort to use or develop linguistically accessible assessment measures; and

(*2*) May request assistance from the Secretary if those measures are needed.

(8) Include, for determining the progress of the LEA only, students who have attended schools in the LEA for a full academic year, but who have not attended a single school in the LEA for a full academic year.

(9) Provide individual student interpretive and descriptive reports that include—

(i) Individual scores; or

(ii) Other information on the attainment of student performance standards.

(10) Enable results to be disaggregated within each State, LEA, and school by—

(i) Gender;

(ii) Each major racial and ethnic group;

(iii) English proficiency status;

(iv) Migrant status;

(v) Students with disabilities as compared to students without disabilities; and

(vi) Economically disadvantaged students as compared to students who are not economically disadvantaged.

(c)(1) If a State has developed or adopted assessments for all students in mathematics and reading/language arts under Title III of the Goals 2000: Educate America Act or under another process, the State shall use those assessments, modified, if necessary, to conform with the requirements in paragraph (b) of this section and § 200.3, to carry out this subpart.

(2) Paragraph (c)(1) of this section does not relieve the State from including students served under this subpart in assessments in any other subjects the State has developed or adopted for all children.

(d)(1) Except as provided in paragraph (d)(2) and (3) of this section, if a State has not developed or adopted assessments in at least mathematics and reading/language arts that meet the requirements in paragraph (b) of this section, the State shall—

(i) By the beginning of the 2000–2001 school year, develop those assessments and field-test them for one year; and

(ii) Develop a timetable and benchmarks, including reports of validity studies, for completing the development and field testing of those assessments.

(2) The State may request a one-year extension from the Secretary to test its new assessments if the State submits a strategy to correct problems identified in the field testing of its assessments.

(3) If a State has not developed assessments in at least mathematics and reading/language arts that meet the requirements in paragraph (b) of this section by the beginning of the 2000–2001 school year and is denied an extension, the State shall adopt a set of assessments in those subjects such as assessments contained in the plans of other States the Secretary has approved.

(e)(1) While a State is developing assessments under paragraph (d) of this section, the State may propose to use a transitional set of yearly statewide assessments that will—

(i) Assess the performance of complex skills and challenging subject matter in at least mathematics and reading/language arts; and

(ii) Be administered at some time during—

(A) Grades 3 through 5;

(B) Grades 6 through 9; and

(C) Grades 10 through 12.

(2) Transitional assessments do not need to meet the other requirements of this section.

(Authority: 20 U.S.C. 6311(b))

§ 200.5 Requirements for school improvement.

(a) *Local review.* (1)(i) Each LEA receiving funds under this subpart shall review annually the progress of each school served under this subpart to determine whether the school is meeting or making adequate progress toward enabling its students to meet the State's student performance standards described in the State plan.

(ii) An LEA may review a targeted assistance school on the progress of only those students that have been or are served under this subpart.

(2) In conducting its review, an LEA shall—

(i)(A) Use the State assessments or transitional assessments described in the State plan; and

(B) Use any additional measures or indicators described in the LEA's plan; or

(ii) If the State assessments are not conducted in a Title I school, use other appropriate measures or indicators to review the school's progress; and

(iii)(A) Disaggregate the results of the review according to the categories specified in § 200.4(b)(10);

(B) Seek to produce, in schoolwide program schools, statistically sound results for each category through the use of oversampling or other means; and

(C) Report disaggregated data to the public only when those data are statistically sound.

(3) The LEA shall—

(i) Publicize and disseminate to teachers and other staff, parents, students, the community, and administrators, including principals, the results of the annual review of all schools served under this subpart in individual school performance profiles; and

(ii) Provide the results of the annual review to schools served under this subpart so that the schools can continually refine their program of instruction to help all children participating under this subpart meet the State's student performance standards.

(Authority: 20 U.S.C. 6317(a))

§ 200.6 Requirements for LEA improvement.

(a) *State review.* (1)(i) Each SEA shall review annually the progress of each LEA served under this subpart to determine whether the schools receiving assistance under this subpart are making adequate progress toward enabling their students to meet the State's student performance standards described in the State plan.

(ii) An SEA may review the progress of the schools served by an LEA only for

those students that have been or are being served under this subpart.

(2) In conducting its review, an SEA shall—

(i) Disaggregate the results of the review according to the categories specified in § 200.4(b)(10);

(ii) Consider other indicators, if applicable, in accordance with section 1112(b)(1) of the Act; and

(iii) Report disaggregated data to the public only when those data are statistically sound.

(3) The SEA shall publicize and disseminate to LEAs, teachers, and other staff, parents, students, the community, and administrators, including principals, the results of the State review.

(Authority: 20 U.S.C. 6317(d))

§ 200.7 [Reserved]

Schoolwide Programs

§ 200.8 Schoolwide program requirements.

(a) *General.* (1) An eligible school, in consultation with its LEA, may use funds or services under this subpart, in combination with other Federal, State, and local funds it receives, to upgrade the entire educational program in the school to support systemic reform in accordance with the provisions of this section.

(2)(i) Except as provided in paragraph (a)(2)(ii) of this section, a school may not start a new schoolwide program until the SEA provides written information to each LEA that the SEA has established a statewide system of support and improvement.

(ii) If a school desires to start a schoolwide program prior to the establishment of a statewide system of support and improvement, the school shall demonstrate to the LEA that the school has received high-quality technical assistance and support from other providers of assistance.

(b) *Eligibility for a schoolwide program.* A school may operate a schoolwide program if—

(1) The LEA determines that the school serves a participating attendance area or is a participating school under section 1113 of the Act; and

(2)(i) For the initial year of the schoolwide program, the school meets either of the following criteria:

(A) For the 1995–1996 school year—

(*1*) The school serves a school attendance area in which not less than 60 percent of the children are from low-income families; or

(*2*) Not less than 60 percent of the children enrolled in the school are from low-income families.

(B) For the 1996–1997 school year and subsequent years, the percentages of children from low-income families in paragraph (b)(2)(i)(A) may not be less than 50 percent.

(ii) The LEA may choose to determine the percentage of children from low-income families under paragraph (b)(2)(i) based on a measure of poverty that is different from the poverty measure or measures used by the LEA to identify and rank school attendance areas for eligibility and participation under this subpart.

(c) *Availability of other Federal funds.* (1) In addition to funds under this subpart, a school may use in its schoolwide program Federal funds under any program administered by the Secretary, except programs under the Individuals with Disabilities Education Act (IDEA), that is included on the most recent notice published by the Secretary in the **Federal Register**.

(2) For the purposes of this section, the authority to combine funds from other Federal programs also applies to services provided to a school with those funds.

(3)(i) Except as provided in paragraph (c)(3)(ii) of this section, a school that combines funds from any other Federal program administered by the Secretary in a schoolwide program—

(A) Is not required to meet the statutory or regulatory requirements of that program applicable at the school level; but

(B) Shall meet the intent and purposes of that program to ensure that the needs of the intended beneficiaries of that program are addressed.

(ii)(A) An LEA or a school that chooses to use funds from other programs shall not be relieved of statutory and regulatory requirements applicable to those programs relating to—

(*1*) Health and safety;

(*2*) Civil rights;

(*3*) Gender equity;

(*4*) Participation and involvement of parents and students;

(*5*) Private school children, teachers, and other educational personnel;

(*6*) Maintenance of effort;

(*7*) Comparability of services;

(*8*) Use of Federal funds to supplement, not supplant non-Federal funds in accordance with paragraph (f)(1)(iii) and (2) of this section; and

(*9*) Distribution of funds to SEAs and LEAs.

(B) A school operating a schoolwide program shall comply with the following requirements if it combines funds from these programs in its schoolwide program:

(*1*) *Migrant education.* A school that combines in its schoolwide program funds received under Part C of Title I of the Act shall—

(*A*) In consultation with parents of migratory children or organizations representing those parents, first address the identified needs of migratory children that result from the effects of their migratory lifestyle or are needed to permit migratory children to participate effectively in school; and

(*B*) Document that services to address those needs have been provided.

(*2*) *Indian education.* A school may combine funds received under subpart 1 of Part A of Title IX of the Act in its schoolwide program if the parent committee established by the LEA under section 9114(c)(4) of the Act approves the inclusion of those funds.

(iii) This paragraph does not relieve—

(A) An LEA from complying with all requirements that do not affect the operation of a schoolwide program; or

(B) A non-schoolwide program school from complying with all applicable requirements.

(d) *Components of a schoolwide program.* A schoolwide program must include the following components:

(1) A comprehensive needs assessment involving the parties listed in paragraph (e)(2)(ii) of this section of the entire school that is based on—

(i) Information on the performance of children in relation to the State content standards and the State student performance standards under section 1111(b)(1) of the Act; or

(ii) Until the State develops or adopts standards under section 1111(b)(1) of the Act, an analysis of available data on the achievement of students in the school.

(2) Schoolwide reform strategies that—

(i) Provide opportunities, based on best knowledge and practice, for all children in the school to meet the State's proficient and advanced levels of student performance;

(ii) Are based on effective means of improving the achievement of children, such as utilizing research-based teaching strategies;

(iii) Use effective instructional strategies that—

(A) Increase the amount and quality of learning time, such as providing an extended school year and before- and after-school and summer programs;

(B) Provide an enriched and accelerated curriculum; and

(C) Meet the educational needs of historically underserved populations;

(iv)(A) Address the needs of all children in the school, particularly the needs of children who are members of the target population of any program that is included in the schoolwide program under paragraph (c) of this section; and

(B) Address how the school will determine if those needs have been met; and

(v) Are consistent with, and designed to implement, the State and local improvement plans, if any, approved under Title III of the Goals 2000: Educate America Act.

(3) Instruction by highly qualified professional staff.

(4)(i) Professional development, in accordance with section 1119 of the Act, for teachers and aides and, where appropriate, principals, pupil services personnel, other school staff, and parents to enable all children in the school to meet the State's student performance standards.

(ii) The school shall devote sufficient resources to effectively carry out its responsibilities for professional development, either alone or in consortia with other schools.

(5) Strategies to increase parental involvement, such as family literacy services.

(6) Strategies in an elementary school for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or a State-run preschool program, to the schoolwide program.

(7) Strategies to involve teachers in the decisions regarding the use of additional local, high-quality student assessments, if any, under section 1112(b)(1) of the Act to provide information on, and to improve, the performance of individual students and the overall instructional program.

(8)(i) Activities to ensure that students who experience difficulty mastering any of the standards required by section 1111(b) of the Act during the school year will be provided effective, timely additional assistance, which must include

(A) Strategies to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance;

(B) To the extent the school determines feasible using funds under this subpart, periodic training for teachers in how to identify those difficulties and to provide assistance to individual students; and

(C) For any student who has not met those standards, parent-teacher conferences to discuss—

(*1*) What the school will do to help the student meet the standards;

(*2*) What the parents can do to help the student improve the student's performance; and

(*3*) Additional assistance that may be available to the student at the school or elsewhere in the community.

(ii) This provision does not—

(A) Require the school or LEA to develop an individualized education program (IEP) for each student identified under paragraph (d)(8) of this section; or

(B) Relieve the school or LEA from the requirement under the IDEA to develop IEPs for students with disabilities.

(e) *Schoolwide program plan.* (1) An eligible school that desires to operate a schoolwide program shall develop, in consultation with the LEA and its school support team or other technical assistance provider, a comprehensive plan for reforming the total instructional program in the school that—

(i) Incorporates the components under paragraph (d) of this section;

(ii) Describes how the school will use resources under this subpart and from other sources to implement those components;

(iii) Includes a list of State and local programs and other Federal programs under paragraph (c) of this section that will be included in the schoolwide program; and

(iv)(A) If the State has developed or adopted a State assessment system under section 1111(b)(3) of the Act—

(*1*) Describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of each child who participates in that assessment; and

(*2*) Provides for the disaggregation of data on the assessment results of students and the reporting of those data in accordance with § 200.5(a); or

(B) If the State has not developed or adopted a State assessment system under section 1111(b)(3) of the Act, describes the data on the achievement of students in the school and effective instructional and school improvement practices on which the plan is based.

(2) The schoolwide program plan must be—

(i) Developed during a one-year period unless—

(A) The LEA, after considering the recommendation of its technical assistance providers, determines that less time is needed to develop and implement the schoolwide program; or

(B) The school is operating a schoolwide program under section 1015 of Chapter 1 of Title I of the Act during the 1994–1995 school year, in which case the school may continue its schoolwide program but shall amend its current plan or develop a new plan in accordance with this section during the first year it receives funds under this part;

(ii) Developed with the involvement of the community to be served and individuals who will carry out the plan, including—

(A) Teachers;

(B) Principals;

(C) Other school staff;

(D) Pupil services personnel, if appropriate;

(E) Parents of students in the school; and

(F) If the plan relates to a secondary school, students from the school;

(iii) Available to the LEA, parents, and the public;

(iv) Translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language; and

(v) If appropriate, developed in coordination with other programs, including those under the School-to-Work Opportunities Act of 1994, the Carl D. Perkins Vocational and Applied Technology Education Act, and the National and Community Service Act of 1990.

(3) The schoolwide program plan remains in effect for the duration of the school's participation under this section.

(4) A school operating a schoolwide program shall review and revise its plan, as necessary, to reflect changes in its schoolwide program or changes to reflect State standards established after the plan was developed.

(f) *Effect of operating a schoolwide program.* (1) No school operating a schoolwide program shall be required to—

(i) Identify particular children under this subpart and under any other Federal program included under paragraph (c) of this section as eligible to participate in the schoolwide program;

(ii) Document that funds available under this subpart and any other Federal program included under paragraph (c) of this section are used to benefit only the intended beneficiaries of the respective programs; or

(iii) Demonstrate that the particular services paid for with funds under this subpart and under any other Federal program included under paragraph (c) of this section supplement the services regularly provided in that school.

(2) A school operating a schoolwide program shall use funds available under this subpart and under any other Federal program included under paragraph (c) of this section only to supplement the total amount of funds that would, in the absence of those funds, be made available from non-Federal sources for that school, including funds needed to provide services that are required by law for

children with disabilities and children with limited-English proficiency.

(Authority: 20 U.S.C. 6314, 6396(b))

§ 200.9 [Reserved]

Participation of Eligible Children in Private Schools

§ 200.10 Responsibilities for providing services to children in private schools.

(a) An LEA shall, after timely and meaningful consultation with appropriate private school officials, provide special educational services or other benefits under this subpart, on an equitable basis, to eligible children who are enrolled in private elementary and secondary schools in accordance with the requirements in §§ 200.11 through 200.17 and section 1120 of the Act.

(b) Eligible private school children are children who—

(1) Reside in a participating school attendance area of the LEA; and

(2) Meet the criteria in section 1115(b) of the Act.

(3) Among the eligible private school children, the LEA shall select children to participate in a manner that is consistent with the provisions in § 200.11.

(Authority: 20 U.S.C. 6315(b); 6321(a))

§ 200.11 Factors for determining equitable participation of children in private schools.

(a) *Equal expenditures.* (1) Expenditures of funds made available under this subpart for services for eligible private school children in the aggregate must be equal to the amount of funds generated by private school children from low-income families under § 200.28.

(2) An LEA shall meet this requirement as follows:

(i) Before determining equal expenditures under paragraph (a)(1) of this section, the LEA shall reserve, from the LEA's whole allocation, funds needed to carry out § 200.27.

(ii) The LEA shall reserve the amounts of funds generated by private school children under § 200.28 and, in consultation with appropriate private school officials, may—

(A) Combine those amounts to create a pool of funds from which the LEA provides equitable services to eligible private school children, in the aggregate, in greatest need of those services; or

(B) Provide equitable services to eligible children in each private school with the funds generated by children from low-income families under § 200.28 who attend that private school.

(b) *Services on an equitable basis.* (1) The services that an LEA provides to eligible private school children must be equitable in comparison to the services and other benefits provided to public school children participating under this subpart.

(2) Services are equitable if the LEA—

(i) Addresses and assesses the specific needs and educational progress of eligible private school children on a comparable basis as public school children;

(ii) Meets the equal expenditure requirements under paragraph (a) of this section; and

(iii) Provides private school children with an opportunity to participate that—

(A) Is equitable to the opportunity provided to public school children; and

(B) Provides reasonable promise of those children achieving the high levels called for by the State's student performance standards.

(3) The LEA shall make the final decisions with respect to the services to be provided to eligible private school children.

(Authority: 20 U.S.C. 6321(a))

§ 200.12 Requirements to ensure that funds do not benefit a private school.

(a) An LEA shall use funds under this subpart to provide services that supplement, and in no case supplant, the level of services that would, in the absence of Title I services, be available to participating children in private schools.

(b) An LEA shall use funds under this subpart to meet the special educational needs of participating private school children, but not for—

(1) The needs of the private school; or

(2) The general needs of children in the private school.

(Authority: 20 U.S.C. 6321(a), 6322(b))

§ 200.13 Requirements concerning property, equipment, and supplies for the benefit of private school children.

(a) A public agency must keep title to and exercise continuing administrative control of all property, equipment, and supplies that the public agency acquires with funds under this subpart for the benefit of eligible private school children.

(b) The public agency may place equipment and supplies in a private school for the period of time needed for the program.

(c) The public agency shall ensure that the equipment and supplies placed in a private school—

(1) Are used only for Title I purposes; and

(2) Can be removed from the private school without remodeling the private school facility.

(d) The public agency shall remove equipment and supplies from a private school if—

(1) The equipment and supplies are no longer needed for Title I purposes; or

(2) Removal is necessary to avoid unauthorized use of the equipment or supplies for other than Title I purposes.

(e) No funds under this subpart may be used for repairs, minor remodeling, or construction of private school facilities.

(f) For the purpose of this section, the term *public agency* includes the LEA.

(Authority: 20 U.S.C. 6321(c))

§ 200.14 [Reserved]

Capital Expenses

§ 200.15 Payments to SEAs for capital expenses.

(a) From the amount appropriated for capital expenses under section 1002(e) of the Act, the Secretary pays a State an amount that bears the same ratio to the amount appropriated as the number of private school children in the State who received services under this subpart in the most recent year for which data satisfactory to the Secretary are available bears to the total number of private school children served in that same year in all the States.

(b) The Secretary reallocates funds not used by a State for purposes of § 200.16 among other States on the basis of their respective needs.

(Authority: 20 U.S.C. 6321(e)(1))

§ 200.16 Payments to LEAs for capital expenses.

(a)(1)(i) An LEA may apply to the SEA for a payment to cover capital expenses that the LEA, in providing equitable services to eligible private school children—

(A) Is currently incurring; or

(B) Would incur because of an expected increase in the number of private school children to be served.

(ii) An LEA may apply for a payment to cover capital expenses it incurred in prior years for which it has not been reimbursed if the LEA demonstrates that its current needs for capital expenses have been met.

(2) *Capital expenses* means only expenditures for noninstructional goods and services that are incurred as a result of implementation of alternative delivery systems to comply with the requirements of *Aguilar v. Felton.* These expenditures—

(i) Include—

(A) The purchase, lease, and renovation of real and personal property (including mobile educational units, and leasing of neutral sites or space);

(B) Insurance and maintenance costs;

(C) Transportation; and

(D) Other comparable goods and services; and

(ii) Do not include the purchase of instructional equipment such as computers.

(b) An SEA shall distribute funds it receives under § 200.15 to LEAs that apply on the basis of need.

(Authority: 20 U.S.C. 6321(e))

§ 200.17 Use of LEA payments for capital expenses.

(a) Unless an LEA is authorized by the SEA to reimburse itself for capital expenses incurred in prior years, the LEA shall use payments received under § 200.16 to cover capital expenses the LEA is incurring or will incur to maintain or increase the number of private school children being served.

(b) The LEA may not take the payments received under § 200.16 into account in meeting the requirements in § 200.11(a).

(c) The LEA shall account separately for payments received under § 200.16.

(Authority: 20 U.S.C. 6321(e)(3))

§ 200.18–200.19 [Reserved]

Procedures for the Within-State Allocation of LEA Program Funds

§ 200.20 Allocation of funds to LEAs.

(a) *Subcounty allocations.* (1) Except as provided in paragraph (b) of this section, § 200.23(c) (1) and (3)(ii), and § 200.25, an SEA shall allocate the county amounts determined by the Secretary for basic grants, concentration grants, and targeted grants to each eligible LEA within the county on the basis of the number of children counted in § 200.21.

(2) If an LEA overlaps a county boundary, the SEA shall make, on a proportionate basis, a separate allocation to the LEA from the county aggregate amount for each county in which the LEA is located, provided the LEA is eligible for a grant.

(b) *Statewide allocations.* (1) In any State in which a large number of LEAs overlap county boundaries, an SEA may apply to the Secretary for authority to make allocations under basic grants or targeted grants directly to LEAs without regard to counties.

(2) In its application, the SEA shall—

(i) Identify the data in § 200.21(b) the SEA will use for LEA allocations; and

(ii) Provide assurances that—

(A) Allocations will be based on the data approved by the Secretary under this paragraph; and

(B) A procedure has been established through which an LEA dissatisfied with the determination by the SEA may appeal directly to the Secretary for a final determination.

(c) *LEAs containing two or more counties in their entirety.* If an LEA contains two or more counties in their entirety, the SEA shall allocate funds under paragraphs (a) and (b) of this section to each county as if such county were a separate LEA.

(Authority: 20 U.S.C. 6333–6335)

§ 200.21 Determination of the number of children eligible to be counted.

(a) *General.* An SEA shall count the number of children aged 5–17, inclusive, from low-income families and the number of children residing in local institutions for neglected children.

(b) *Children from low-income families.* (1) An SEA shall count the number of children from low-income families in the school districts of the LEAs using the best available data. The SEA shall use the same measure of low-income throughout the State.

(2) An SEA may use one of the following options to obtain its count of children from low-income families:

(i) The factors under section 1124(c)(1) of the Act (excluding children in local institutions for neglected or delinquent children), which include—

(A) Census data on children in families below the poverty level;

(B) Data on children in families above poverty receiving payments under the program of Aid to Families with Dependent Children; and

(C) Data on foster children.

(ii) Alternative data that an SEA determines best reflect the distribution of children from low-income families and that are adjusted to be equivalent in proportion to the total number of children counted under section 1124(c) of the Act (excluding children in local institutions for neglected or delinquent children).

(iii) Data that more accurately reflect the distribution of poverty.

(c) *Children in local institutions for neglected children.*

The SEA shall count the number of children ages 5 to 17, inclusive, in the LEA who resided in a local institution for neglected children—and were not counted under subpart 1 of Part D of Title I (programs for neglected or delinquent children operated by State agencies)—for at least 30 consecutive days, at least one day of which was in the month of October of the preceding fiscal year.

(Authority: 20 U.S.C. 6333(c))

§ 200.22 Allocation of basic grants.

(a) *Eligibility.* An LEA is eligible for a basic grant if—

(1) In school year 1995–96, there are at least 10 children counted under § 200.21 in the LEA; and

(2) Beginning in school year 1996–97—

(i) There are at least 10 children counted under § 200.21 in the LEA; and

(ii) The number of those children is greater than two percent of the LEA's total population aged 5 to 17 years, inclusive.

(b) *Amount of the LEA grant.* An SEA shall allocate basic grant funds to eligible LEAs as provided in § 200.20, except that the SEA shall apply the hold-harmless provisions described in § 200.25.

(Authority: 20 U.S.C. 6333)

§ 200.23 Allocation of concentration grants.

(a) *Eligibility.* An LEA is eligible for a concentration grant if—

(1) The LEA is eligible for a basic grant under paragraph § 200.22(a); and

(2) The number of children counted under § 200.21 in the LEA exceeds—

(i) 6,500; or

(ii) 15 percent of the LEA's total population ages 5 to 17, inclusive.

(b) *Amount of the grant.* (1) Except as provided in paragraph (c) of this section, an SEA shall allocate a county's concentration grant funds only to LEAs that—

(i) Lie, in whole or in part, within the county; and

(ii) Meet the eligibility criteria in paragraph (a) of this section.

(2) An SEA shall allocate concentration grant funds to eligible LEAs as provided in § 200.20(a), except that the SEA shall apply the hold-harmless provision described in § 200.25(a).

(c) *Exceptions.* (1) *Eligible LEAs in ineligible counties.*

(i) An SEA may reserve not more than two percent of the amount of concentration grant funds it receives to make direct allocations to eligible LEAs that are located in counties that do not receive a concentration grant allocation.

(ii) If an SEA plans to reserve concentration grant funds under paragraph (c)(1)(i) of this section, the SEA, before allocating any concentration grant funds under paragraph (b) of this section, shall—

(A) Determine which LEAs located in ineligible counties are eligible to receive concentration grant funds;

(B) Determine the appropriate amount to be reserved;

(C) Proportionately reduce the amount available for concentration grants for eligible counties or LEAs to provide the reserved amount, except that for school year 1996–97 an SEA may not reduce an LEA's allocation below the hold-harmless amount determined under § 200.25(a);

(D) Rank order the LEAs eligible for concentration grant funds that are located in ineligible counties according to the number or percentage of children counted under § 200.21;

(E) Select in rank order, those LEAs that the SEA plans to provide concentration grant funds; and

(F) Distribute the reserved funds among the selected LEAs based on the number of children counted under § 200.21.

(2) *Eligible counties with no eligible LEAs.* In a county in which no LEA meets the eligibility criteria in paragraph (a) of this section, an SEA shall—

(i) Identify those LEAs in which either the number or percentage of children counted under § 200.21 exceeds the average number or percentage of those children in the county; and

(ii) Allocate concentration grant funds for the county among the LEAs identified in paragraph (c)(2)(i) of this section based on the number of children counted under § 200.21 in each LEA compared to the number of those children in all those LEAs.

(3) *States receiving minimum allocations.* In a State that receives a minimum concentration grant under section 1124A(d) of the Act, the SEA shall—

(i) Allocate concentration grant funds among LEAs in the State under paragraphs (a), (b), and (c) (1) and (2) of this section; or

(ii) Without regard to the counties in which the LEAs are located—

(A) Identify those LEAs in which either the number or percentage of children counted under § 200.21 exceeds the average number or percentage of those children in the State; and

(B) Allocate concentration grant funds among the LEAs identified in paragraph (c)(3)(ii)(A) of this section based on the number of children counted under § 200.21 in each LEA.

(Authority: 20 U.S.C. 6334)

§ 200.24 Allocation of targeted grants.

(a) *Eligibility.* An LEA is eligible for a targeted grant if—

(1) There are at least 10 children counted under § 200.21 in the LEA; and

(2) The number of those children is at least five percent of the LEA's total population ages 5 to 17 years, inclusive.

(b) *Weighted child count.* In determining an LEA's grant, the SEA shall compute a weighted child count in accordance with section 1125(c) of the Act by taking the larger of—

(1) *Percent-weighted child count.* The number of children counted under § 200.21 multiplied by the weights shown in the following table, with the weights applied in a step-wise manner so that only those children above each weighting threshold receive the higher weight:

LEA percentage of children counted under § 200.21 as a percent of total children ages 5 through 17	Weights
0 to 14.265%	1.00
More than 14.265% up to 21.553%	1.75
More than 21.553% up to 29.223%	2.50
More than 29.223% up to 36.538%	3.25
More than 36.538%	4.00

or;

(2) *Number-weighted child count.* The number of children counted under § 200.21 multiplied by the weights shown in the following table, with the weights applied in a step-wise manner so that only those children above each weighting threshold receive the higher weight:

LEA number of children counted under § 200.21	Weights
1 to 575	1.0
576 to 1,870	1.5
1,871 to 6,910	2.0
6,911 to 42,000	2.5
42,001 or more	3.0

(c) *Amount of LEA grant.* An SEA shall allocate targeted grant funds to eligible LEAs as provided in § 200.20 based on the weighted child count determined in paragraph (b) of this section, except that the SEA shall apply the hold-harmless provisions described in § 200.25.

(Authority: 20 U.S.C. 6335)

§ 200.25 Applicable hold-harmless provisions.

(a) *General.* (1) An SEA may not reduce the allocation of an eligible LEA below the hold-harmless amounts established under section 1122(c) of the Act.

(2) The hold-harmless protection limits the maximum reduction in an LEA's allocation when compared to the LEA's allocation for the preceding year.

(3) The hold-harmless shall be applied separately for basic grants, concentration grants, and targeted grants, but shall be applied for each grant formula only in those years authorized under section 1122(c) of the Act, as shown in the table contained in paragraph (a)(4) of this section.

(4) Under section 1122(c) of the Act, the hold-harmless percentage varies based on the year and, for school years 1997–98 and beyond, based on the LEA's number of children counted under § 200.21 as a percentage of the total number of children ages 5–17, inclusive, in the LEA, as shown in the following table:

School year	LEA's § 200.21 children as a percentage of children ages 5–17, inclusive	Hold-harmless percentage	Applicable grant formulas
1995–96	Not applicable	85	Basic Grants.
1996–97	Not applicable	100	Basic Grants and Concentration Grants.
1997–98 and beyond	30 or more	95	Basic Grants and Targeted Grants.
	15% or more and less than 30%	90	
	Less than 15%	85	

(5) For school year 1995–96, the SEA shall compute each LEA's hold-harmless amount without regard to the amount the LEA received for delinquent children counted under section 1005 of Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965 as in effect on September 30, 1994.

(b) *Adjustment for insufficient funds.* (1) *School year 1995–96.* If the Secretary's allocation for a county is not sufficient to give an LEA 85 percent of the amount it received for school year 1994–95, without regard to the amount the LEA received for delinquent children, the SEA may use funds received under Part D, subpart 2 (local agency programs) of the Act to bring such LEA up to its hold-harmless amount.

(2) *School years 1997–98 and beyond.* If the Secretary's allocation for a county is not sufficient to meet the LEA hold-harmless requirements of paragraph (a)

of this section, the SEA shall reallocate funds proportionately from all other LEAs in the State that are receiving funds in excess of the hold-harmless amounts specified in paragraph (a) of this section.

(c) *Eligibility for hold-harmless protection.* An LEA must be eligible for basic grant, concentration grant, and targeted grant funds in order for the respective provisions in paragraphs (a) and (b) of this section to apply.

(Authority: 20 U.S.C. 6332(c))

§ 200.26 [Reserved]

Procedures for the Within-District Allocation of LEA Program Funds

§ 200.27 Reservation of funds by an LEA.

Before allocating funds in accordance with § 200.28, an LEA shall reserve funds as are reasonable and necessary to—

(a) Provide services comparable to those provided to children in participating school attendance areas and schools to serve—

(1) Children in local institutions for neglected children; and

(2) Where appropriate—

(i) Eligible homeless children who do not attend participating schools, including providing educationally related support services to children in shelters;

(ii) Children in local institutions for delinquent children; and

(iii) Neglected and delinquent children in community-day school programs;

(b) Meet the requirements for parental involvement in section 1118(a)(3) of the Act;

(c) Administer programs for public and private school children under this part, including special capital expenses defined in § 200.16; and

(d) Conduct other authorized activities such as professional development, school improvement, and coordinated services.

(Authority: 20 U.S.C. 6313(c)(3), 6317(c), 6319(a)(3), 6320)

§ 200.28 Allocation of funds to school attendance areas and schools.

(a) (1) An LEA shall allocate funds under this subpart to school attendance areas or schools, identified as eligible and selected to participate under section 1113 (a) or (b) of the Act, in rank order on the basis of the total number of children from low-income families in each area or school.

(2) In calculating the total number of children from low-income families, the LEA shall include children from low-income families who attend private schools, using—

(i) The same poverty data, if available, as the LEA uses to count public school children; or

(ii) If the same data are not available, comparable data collected through alternative means such as a survey.

(b) (1) Except as provided in paragraphs (b)(2) and (d) of this section, an LEA shall allocate to each participating school attendance area or school an amount for each low-income child that is at least 125 percent of the per-pupil amount of funds the LEA received for that year under subpart 2 of Part A of Title I. The LEA shall use the poverty measure selected by the LEA under section 1113(a)(5) of the Act to compute the per-pupil amount.

(2) If an LEA is serving only school attendance areas or schools in which the percentage of children from low-income families is 35 percent or more, the LEA is not required to allocate a per-pupil amount of at least 125 percent.

(c) An LEA is not required to allocate the same per-pupil amount to each participating school attendance area or school provided the LEA allocates higher per-pupil amounts to areas or schools with higher concentrations of poverty than to areas or schools with lower concentrations of poverty.

(d) An LEA may reduce the amount of funds allocated under this section to a school attendance area or school if the area or school is spending supplemental State or local funds for programs that meet the requirements in § 200.62(c).

(e) If an LEA contains two or more counties in their entirety, the LEA shall distribute to schools within each county a share of the LEA's total grant that is no less than the county's share of the child count used to calculate the LEA's grant.

(Authority: 20 U.S.C. 6313(c), 6333(c)(2))

§ 200.29 [Reserved]

Subpart B—Even Start Family Literacy Program

§ 200.30 Migrant Education Even Start Program Definition.

Eligible participants under the Migrant Education Even Start Program (MEES) are those who meet the definitions of a migratory child, a migratory agricultural worker or a migratory fisher in § 200.40.

(Authority: 20 U.S.C. 6362, 6511)

§§ 200.31–200.39 [Reserved]

Subpart C—Migrant Education Program

§ 200.40 Program definitions.

The following definitions apply to programs and projects operated under this subpart:

(a) *Agricultural activity* means—

(1) Any activity directly related to the production or processing of crops, dairy products, poultry or livestock for initial commercial sale or personal subsistence;

(2) Any activity directly related to the cultivation or harvesting of trees; or

(3) Any activity directly related to fish farms.

(b) *Fishing activity* means any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or personal subsistence.

(c) *Migratory agricultural worker* means a person who, in the preceding 36 months, has moved from one school district to another, or from one administrative area to another within a State that is comprised of a single school district, in order to obtain temporary or seasonal employment in agricultural activities (including dairy work) as a principal means of livelihood.

(d) *Migratory child* means a child who is, or whose parent, spouse, or guardian is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent, spouse, guardian in order to obtain, temporary or seasonal employment in agricultural or fishing work—

(1) Has moved from one school district to another;

(2) In a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

(3) Resides in a school district of more than 15,000 square miles, and has moved a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

(e) *Migratory fisher* means a person who, in the preceding 36 months, has moved from one school district to another, or from one administrative area to another within a State that is comprised of a single school district, in order to obtain temporary or seasonal employment in fishing activities as a principal means of livelihood. This definition also includes a person who resides in a school district of more than 15,000 square miles, and moves a distance of 20 miles or more to a

temporary residence to engage in a fishing activity.

(f) *Principal means of livelihood* means that the agricultural or fishing activity constitutes an essential part of providing a living for the worker and his or her family.

(Authority: 20 U.S.C. 6391–6399, 6511)

§ 200.41 Use of program funds for unique program function costs.

An SEA may use the funds available from its State Migrant Education Program to carry out other administrative activities, beyond those allowable under § 200.61, that are unique to the MEP or that are the same or similar to those performed by LEAs in the State under subpart A. These activities include but are not limited to—

(a) Statewide identification and recruitment of eligible migratory children;

(b) Interstate and intrastate coordination of the State MEP and its local projects with other relevant programs and local projects in the State and in other States;

(c) Procedures for providing for educational continuity for migratory children through the timely transfer of educational and health records, beyond that required generally by State and local agencies.

(d) Collecting and using information for accurate distribution of subgrant funds; and

(e) Development and implementation of a statewide plan for needs assessment and service delivery.

(Authority: 20 U.S.C. 6392, 6511)

§ 200.42 Responsibilities of SEAs and operating agencies for assessing the effectiveness of the MEP.

(a) Each SEA and operating agency receiving funds under the MEP has the responsibility to determine the effectiveness of its program and projects in providing migratory students with the opportunity to meet the same challenging State content and performance standards, required under § 200.2, that the State has established for all children.

(b) To determine the effectiveness of its program and projects, each SEA and operating agency receiving MEP funds shall, wherever feasible, use the same high-quality yearly student assessments or transitional assessments that the State establishes for use in meeting the requirements of § 200.4.

(c) In a project where it is not feasible to use the same student assessments that are being used to meet the requirements of § 200.4 (e.g., in a summer-only project, or in a project where no migratory students are enrolled at the time the State-established assessment takes place), the SEA must ensure that the relevant operating agency carries out some other reasonable process or processes for examining the effectiveness of the project.

(Authority: 20 U.S.C. 6394)

§ 200.43 Responsibilities of SEAs and operating agencies for improving services to migratory children.

While the specific school improvement requirements of section 1116 of the statute do not apply to the MEP, SEAs and local operating agencies receiving MEP funds shall use the results of the assessments carried out under § 200.42 to improve the services provided to migratory children.

(Authority: 20 U.S.C. 6394)

§ 200.44 Use of MEP funds in schoolwide projects.

Funds available under Part C of Title I of the Act may be used in a schoolwide program subject to the requirements of § 200.8(c)(3)(ii)(B)(*1*).

(Authority: 20 U.S.C. 6396)

§ 200.45 Responsibilities for participation of children in private schools.

An SEA and its operating agencies shall conduct programs and projects under this subpart in a manner consistent with the basic requirements of section 1120 of the Act.

(Authority: 20 U.S.C. 6394)

§§ 200.46–200.49 [Reserved]

Subpart D—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk of Dropping Out

§ 200.50 Program definitions.

(a) The following definitions apply to the programs authorized in Part D, subparts 1 and 2 of Title I of the Act:

Children and youth means the same as ''children'' as that term is defined in § 200.65(a).

(b) The following definitions apply to the programs authorized in Part D, subpart 1 of Title I of the Act:

Institution for delinquent children and youth means, as determined by the SEA, a public or private residential facility that is operated primarily for the care of children and youth who—

(1) Have been adjudicated to be delinquent or in need of supervision; and

(2) Have had an average length of stay in the institution of at least 30 days.

Institution for neglected children and youth means, as determined by the SEA, a public or private residential facility, other than a foster home, that is operated primarily for the care of children and youth who—

(1) Have been committed to the institution or voluntarily placed in the institution under applicable State law due to abandonment, neglect, or death of their parents or guardians; and

(2) Have had an average length of stay in the institution of at least 30 days.

Regular program of instruction means an educational program (not beyond grade 12) in an institution or a community day program for neglected or delinquent children that consists of classroom instruction in basic school subjects such as reading, mathematics, and vocationally oriented subjects, and that is supported by non-Federal funds. Neither the manufacture of goods within the institution nor activities related to institutional maintenance are considered classroom instruction.

(c) The following definitions apply to the local agency program authorized in Part D, subpart 2 of Title I of the Act:

Immigrant children and youth and *Limited English Proficiency* have the same meanings as those terms are defined in section 7501 of the Act, except that the terms ''individual'' and ''children and youth'' used in those definition mean ''children and youth'' as defined in this section.

Locally operated correctional facility means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age. The term also includes a local public or private institution and community day program or school not operated by the State that serves delinquent children and youth.

Migrant youth means the same as ''migratory child'' as that term is defined in § 200.40(d).

(Authority: 20 U.S.C. 6432, 6472)

§ 200.51 SEA counts of eligible children.

To receive an allocation under Part D, subpart 1 of Title I of the Act, an SEA must provide the Secretary with a count of children and youth under the age of 21 enrolled in a regular program of instruction operated or supported by State agencies in institutions or community day programs for neglected or delinquent children and youth and adult correctional institutions as specified in paragraphs (a) and (b) of this section:

(a) *Enrollment.* (1) To be counted, a child or youth must be enrolled in a regular program of instruction for at least—

(i) 20 hours per week if in an institution or community day program for neglected or delinquent children; or

(ii) 15 hours per week if in an adult correctional institution.

(2) The State agency shall specify the date on which the enrollment of neglected or delinquent children is determined under paragraph (a)(1) of this section, except that the date specified shall be—

(i) Consistent for all institutions or community day programs operated by the State agency; and

(ii) Represent a school day in the calendar year preceding the year in which funds become available.

(b) *Adjustment of enrollment.* The SEA shall adjust the enrollment for each institution or community day program served by a State agency by—

(1) Multiplying the number determined in paragraph (a) of this section by the number of days per year the regular program of instruction operates; and

(2) Dividing the result of paragraph (b)(1) of this section by 180.

(c) *Date of submission.* The SEA must annually submit the data in paragraph (b) of this section no later than January 31.

(Authority: 20 U.S.C. 6432)

§§ 200.52–200.59 [Reserved]

Subpart E—General Provisions

§ 200.60 Reservation of funds for State administration and school improvement.

(a) *State administration.* An SEA may reserve for State administration activities authorized in section 1603 of the Act no more than—

(1) One percent from each of the amounts allocated to the State or Outlying Area under section 1002(a), (c), and (d) of the Act; or

(2) (i) $400,000 ($50,000 for the Outlying Areas), whichever is greater.

(ii) An SEA reserving $400,000 under paragraph (a)(2)(i) of this section shall reserve proportionate amounts from each of the amounts allocated to the State or Outlying Area under section 1002 (a), (c), and (d) of the Act.

(b) *School improvement.* (1) To carry out school improvement activities authorized under sections 1116 and 1117 of the Act, an SEA may reserve no more than .5 percent from each of the amounts allocated to the State or Outlying Area under section 1002(a), (c), and (d) of the Act.

(2) (i) An SEA shall have available from funds received under section 1002(f) of the Act or reserved under paragraph (b)(1) of this section no less than $200,000 ($25,000 for the Outlying Areas) to carry out school improvement activities.

(ii)(A) If funds made available for school improvement under section 1002(f) of the Act do not equal $200,000 ($25,000 for Outlying Areas), the SEA shall reserve funds in accordance with paragraph (b)(1) of this section.

(B) If the amount reserved under paragraph (b)(1) when added to funds received under section 1002(f), does not equal $200,000 ($25,000 for the Outlying Areas), the SEA shall reserve additional funds under section 1002 (a), (c), and (d) as are necessary to make $200,000 ($25,000 for the Outlying Areas) available to the SEA.

(c) *Reservation from section 1002(a) funds.* In reserving funds for State administration and school improvement under section 1002(a) of the Act, an SEA shall—

(1) Reserve proportionate amounts from each of the State's basic grant, concentration grant, and targeted grant allocations; and

(2) Ensure that from the funds remaining for basic grants, concentration grants, and targeted grants after reserving funds for State administration and school improvement, no eligible LEA receives less than the hold-harmless amounts determined under § 200.25, except when the amounts remaining are insufficient to pay all LEAs the hold-harmless amounts provided in § 200.25, the SEA shall ratably reduce each LEA's hold harmless allocation to the amount available.

(Authority: 20 U.S.C. 6303, 6513(c))

§ 200.61 Use of funds reserved for State administration.

An SEA may use any of the funds that it has reserved under § 200.60(a) to perform general administrative activities necessary to carry out, at the State level, any of the programs authorized under Title I of the Act.

(Authority: 20 U.S.C. 6513(c))

§ 200.62 [Reserved]

§ 200.63 Supplement, not supplant.

(a) Except as provided in paragraph (c) of this section, a grantee or subgrantee under subparts A, C, or D of this part may use funds available under these subparts only to supplement the amount of funds that would be made available, in the absence of funds made available under subparts A, C, and D from non-Federal sources for the education of pupils participating in programs assisted under subparts A, C, and D and in no case may funds available under these subparts be used to supplant those non-Federal funds.

(b) To meet the requirement in paragraph (a) of this section, a grantee or subgrantee under subparts A, C, or D is not required to provide services under subparts A, C, or D through the use of a particular instructional method or in a particular instructional setting.

(c) (1) For purposes of determining compliance with paragraph (a) of this section, a grantee or subgrantee under subparts A or C may exclude supplemental State and local funds spent in any eligible school attendance area or eligible school for programs that meet the requirements of section 1114 or section 1115 of the Act.

(2) A supplemental State or local program will be considered to meet the requirements of section 1114 if the program—

(i) Is implemented in a school that meets the schoolwide poverty threshold for eligibility in § 200.8(b);

(ii) Is designed to upgrade the entire educational program in the school to support students in their achievement toward meeting the State's challenging student performance standards;

(iii) Is designed to meet the educational needs of all children in the school, particularly the needs of children who are failing, or most at risk of failing, to meet the State's challenging student performance standards; and

(iv) Uses the State's system of assessment to review the effectiveness of the program.

(3) A supplemental State or local program will be considered to meet the requirements of section 1115 if the program—

(i) Serves only children who are failing, or most at risk of failing, to meet the State's challenging student performance standards;

(ii) Provides supplementary services designed to meet the special educational needs of the children who are participating to support their achievement toward meeting the State's student performance standards that all children are expected to meet; and

(iii) Uses the State's system of assessment to review the effectiveness of the program.

(4) These conditions also apply to supplemental State and local funds expended under sections 1113(b)(1)(C) and 1113(c)(2)(B) of the Act.

(Authority: 20 U.S.C. 6322(b))

§ 200.64 Maintenance of effort.

(a) *General.* An LEA receiving funds under subparts A or C may receive its full allocation of funds under subparts A and C if it finds that either the combined fiscal effort per student or the aggregate expenditures of State and local funds with respect to the provision of free public education in the LEA for the preceding fiscal year was not less than 90 percent of combined fiscal effort per student or the aggregate

expenditures for the second preceding fiscal year.

(b) *Meaning of ''preceding fiscal year''.* For purposes of determining maintenance of effort, the ''preceding fiscal year'' is the Federal fiscal year or the 12-month fiscal period most commonly used in a State for official reporting purposes prior to the beginning of the Federal fiscal year in which funds are available.

Example: For funds first made available on July 1, 1995, if a State is using the Federal fiscal year, the ''preceding fiscal year'' is Federal fiscal year 1994 (which began on October 1, 1993) and the ''second preceding fiscal year'' is Federal fiscal year 1993 (which began on October 1, 1992). If a State is using a fiscal year that begins on July 1, 1995, the ''preceding fiscal year'' is the 12-month period ending on June 30, 1994, and the ''second preceding fiscal year, is the period ending on June 30, 1993.

(c) *Expenditures.* (1) *To be considered.* In determining an LEA's compliance with the maintenance of effort requirement, the SEA shall consider the LEA's expenditures from State and local funds for free public education. These include expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities.

(2) *Not to be considered.* The SEA shall not consider the following expenditures in determining an LEA's compliance with the maintenance of effort requirement:

(i) Any expenditures for community services, capital outlay, and debt service; and

(ii) Any expenditures made from funds provided by the Federal Government for which the LEA is required to account to the Federal Government directly or through the SEA.

(Authority: 20 U.S.C. 6322(a))

§ 200.65 Definitions.

The following definitions apply to programs and projects operated under this part:

(a) *Children* means—

(1) Persons up through age 21 who are entitled to a free public education through grade 12; and

(2) Preschool children.

(b) *Fiscal year* means the Federal fiscal year—a period beginning on October 1 and ending on the following September 30—or another 12-month period normally used by the SEA for record-keeping.

(c) *Preschool children* means children who are—

(1) Below the age and grade level at which the agency provides free public education; and

(2) Of an age at which they can benefit from an organized instructional program provided in a school or educational setting.

(Authority: 20 U.S.C. 6315, 6511)

§§ 200.66–200.69 [Reserved]

[FR Doc. 95–10663 Filed 4–28–95; 8:45 am]

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Federal Register

Monday
May 1, 1995

Part IX

The President

Proclamation 6792—Law Day, U.S.A.

Federal Register
Vol. 60, No. 83
Monday, May 1, 1995

Presidential Documents

Title 3—

The President

Proclamation 6792 of April 27, 1995

Law Day, U.S.A., 1995

By the President of the United States of America

A Proclamation

Our legal system is the foundation on which this Nation was built. It enables us to realize the promises of life, liberty, and the pursuit of happiness. Law protects our homes, our families, and our communities. It secures our borders and safeguards our environment. It is the basis for free markets and our continued prosperity. And it helps guide our relationships with other lands.

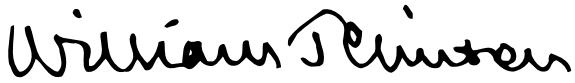
When President John F. Kennedy proclaimed Law Day, U.S.A. in 1962, he reminded us that law, like freedom, demands constant vigilance. We must nurture ''through education and example an appreciation of the values of our system of justice and . . . an increased respect for law and for the rights of others as basic elements of our free society.'' As we celebrate Law Day this year, it is more important than ever that we rededicate ourselves to reaching these goals.

Today, America's system of jurisprudence is being challenged as never before. Great technological advances are leading us to redefine and expand the ways in which laws apply to us as individuals and as a Nation. From communications to computer software, international trade to environmental protection, our legal system remains an anchor of freedom, even as it evolves to meet the demands of our rapidly changing times. If we are to further advance the causes of democracy and human dignity around the world, we must not falter in enforcing the rule of law here at home. Laws must be applied as vigorously on Main Street as on the information superhighway. The legal community must help to restore Americans' sense of security and faith in justice. Most important, our laws must continue to fulfill our Founders' ideals of fairness and equality. Working together, we must strive to ensure that tomorrow's generations inherit the truths that have long sustained us as a people and move our Nation forward.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, in accordance with Public Law 87–20 of April 7, 1961, do hereby proclaim May 1, 1995, as ''Law Day, U.S.A.'' I urge the people of the United States to use this occasion to reflect on our heritage of freedom, to familiarize themselves with their rights and responsibilities, and to aid others seeking to affirm their rights under law.

I call upon the legal profession, civic associations, educators, librarians, public officials, and the media to promote the observance of this day through appropriate programs and activities. I also call upon public officials to display the flag of the United States on all government buildings throughout the day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of April, in the year of our Lord nineteen hundred and ninety-five, and of the Independence of the United States of America the two hundred and nineteenth.



[FR Doc. 95–10852
Filed 4–28–95; 11:16 am]
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Federal Register

Vol. 60, No. 83

Monday, May 1, 1995

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Code of Federal Regulations

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Printing schedules	**523–3419**

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The United States Government Manual

General information	**523–5230**

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Guide to Record Retention Requirements	**523–3187**
Legal staff	**523–4534**
Privacy Act Compilation	**523–3187**
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4	(869–026–00003–4)	5.50	Jan. 1, 1995
5 Parts:			
1–699	(869–026–00004–2)	23.00	Jan. 1, 1995
700–1199	(869–026–00005–1)	20.00	Jan. 1, 1995
1200–End, 6 (6 Reserved)	(869–022–00006–3)	23.00	Jan. 1, 1994
7 Parts:			
0–26	(869–026–00007–7)	21.00	Jan. 1, 1995
27–45	(869–026–00008–5)	14.00	Jan. 1, 1995
46–51	(869–026–00009–3)	21.00	Jan. 1, 1995
52	(869–026–00010–7)	30.00	Jan. 1, 1995
53–209	(869–022–00011–0)	23.00	Jan. 1, 1994
210–299	(869–026–00012–3)	34.00	Jan. 1, 1995
300–399	(869–026–00013–1)	16.00	Jan. 1, 1995
400–699	(869–026–00014–0)	21.00	Jan. 1, 1995
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900–999	(869–022–00016–1)	34.00	Jan. 1, 1994
1000–1059	(869–026–00017–4)	23.00	Jan. 1, 1995
1060–1119	(869–026–00018–2)	15.00	Jan. 1, 1995
1120–1199	(869–026–00019–1)	12.00	Jan. 1, 1995
1200–1499	(869–026–00020–4)	32.00	Jan. 1, 1995
1500–1899	(869–026–00021–2)	35.00	Jan. 1, 1995
1900–1939	(869–026–00022–1)	16.00	Jan. 1, 1995
1940–1949	(869–026–00023–9)	30.00	Jan. 1, 1995
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2000–End	(869–026–00025–5)	14.00	Jan. 1, 1995
8	(869–026–00026–3)	23.00	Jan. 1, 1995
9 Parts:			
1–199	(869–022–00027–6)	29.00	Jan. 1, 1994
200–End	(869–026–00028–0)	23.00	Jan. 1, 1995
10 Parts:			
0–50	(869–026–00029–8)	30.00	Jan. 1, 1995
51–199	(869–026–00030–1)	23.00	Jan. 1, 1995
200–399	(869–026–00031–0)	15.00	[6] Jan. 1, 1993
400–499	(869–026–00032–8)	21.00	Jan. 1, 1995
500–End	(869–026–00033–6)	39.00	Jan. 1, 1995
11	(869–026–00034–4)	14.00	Jan. 1, 1995
12 Parts:			
1–199	(869–026–00035–2)	12.00	Jan. 1, 1995
200–219	(869–026–00036–1)	16.00	Jan. 1, 1995
220–299	(869–026–00037–9)	28.00	Jan. 1, 1995
300–499	(869–022–00038–1)	22.00	Jan. 1, 1994
500–599	(869–026–00039–5)	19.00	Jan. 1, 1995
600–End	(869–026–00040–9)	35.00	Jan. 1, 1995
13	(869–026–00041–7)	32.00	Jan. 1, 1995
14 Parts:			
1–59	(869–026–00042–5)	33.00	Jan. 1, 1995
60–139	(869–026–00043–3)	27.00	Jan. 1, 1995
140–199	(869–026–00044–1)	13.00	Jan. 1, 1995
200–1199	(869–026–00045–0)	23.00	Jan. 1, 1995
1200–End	(869–026–00046–8)	16.00	Jan. 1, 1995
15 Parts:			
*0–299	(869–026–00047–6)	15.00	Jan. 1, 1995
*300–799	(869–026–00048–4)	26.00	Jan. 1, 1995
800–End	(869–026–00049–2)	21.00	Jan. 1, 1995
16 Parts:			
0–149	(869–026–00050–6)	7.00	Jan. 1, 1995
150–999	(869–022–00051–9)	18.00	Jan. 1, 1994
1000–End	(869–026–00052–2)	25.00	Jan. 1, 1995
17 Parts:			
1–199	(869–022–00054–3)	20.00	Apr. 1, 1994
200–239	(869–022–00055–1)	23.00	Apr. 1, 1994
240–End	(869–022–00056–0)	30.00	Apr. 1, 1994
18 Parts:			
1–149	(869–022–00057–8)	16.00	Apr. 1, 1994
150–279	(869–022–00058–6)	19.00	Apr. 1, 1994
280–399	(869–022–00059–4)	13.00	Apr. 1, 1994
400–End	(869–022–00060–8)	11.00	Apr. 1, 1994
19 Parts:			
1–199	(869–022–00061–6)	39.00	Apr. 1, 1994
200–End	(869–022–00062–4)	12.00	Apr. 1, 1994
20 Parts:			
1–399	(869–022–00063–2)	20.00	Apr. 1, 1994
400–499	(869–022–00064–1)	34.00	Apr. 1, 1994
500–End	(869–022–00065–9)	31.00	Apr. 1, 1994
21 Parts:			
1–99	(869–022–00066–7)	16.00	Apr. 1, 1994
100–169	(869–022–00067–5)	21.00	Apr. 1, 1994
170–199	(869–022–00068–3)	21.00	Apr. 1, 1994
200–299	(869–022–00069–1)	7.00	Apr. 1, 1994
300–499	(869–022–00070–5)	36.00	Apr. 1, 1994
500–599	(869–022–00071–3)	16.00	Apr. 1, 1994
600–799	(869–022–00072–1)	8.50	Apr. 1, 1994
800–1299	(869–022–00073–0)	22.00	Apr. 1, 1994
1300–End	(869–022–00074–8)	13.00	Apr. 1, 1994
22 Parts:			
1–299	(869–022–00075–6)	32.00	Apr. 1, 1994
300–End	(869–022–00076–4)	23.00	Apr. 1, 1994
23	(869–022–00077–2)	21.00	Apr. 1, 1994
24 Parts:			
0–199	(869–022–00078–1)	36.00	Apr. 1, 1994
200–499	(869–022–00079–9)	38.00	Apr. 1, 1994
500–699	(869–022–00080–2)	20.00	Apr. 1, 1994
700–1699	(869–022–00081–1)	39.00	Apr. 1, 1994
1700–End	(869–022–00082–9)	17.00	Apr. 1, 1994
25	(869–022–00083–7)	32.00	Apr. 1, 1994
26 Parts:			
§§ 1.0-1–1.60	(869–022–00084–5)	20.00	Apr. 1, 1994
§§ 1.61–1.169	(869–022–00085–3)	33.00	Apr. 1, 1994
§§ 1.170–1.300	(869–022–00086–1)	24.00	Apr. 1, 1994
§§ 1.301–1.400	(869–022–00087–0)	17.00	Apr. 1, 1994
§§ 1.401–1.440	(869–022–00088–8)	30.00	Apr. 1, 1994
§§ 1.441-1.500	(869-022-00089-6)	22.00	Apr. 1, 1994
§§ 1.501–1.640	(869–022–00090–0)	21.00	Apr. 1, 1994
§§ 1.641–1.850	(869–022–00091–8)	24.00	Apr. 1, 1994
§§ 1.851–1.907	(869–022–00092–6)	26.00	Apr. 1, 1994
§§ 1.908–1.1000	(869–022–00093–4)	27.00	Apr. 1, 1994
§§ 1.1001–1.1400	(869–022–00094–2)	24.00	Apr. 1, 1994
§§ 1.1401–End	(869–022–00095–1)	32.00	Apr. 1, 1994
2–29	(869–022–00096–9)	24.00	Apr. 1, 1994
30–39	(869–022–00097–7)	18.00	Apr. 1, 1994
40–49	(869–022–00098–4)	14.00	Apr. 1, 1994
50–299	(869–022–00099–3)	14.00	Apr. 1, 1994
300–499	(869–022–00100–1)	24.00	Apr. 1, 1994
500–599	(869–022–00101–9)	6.00	[4] Apr. 1, 1990

Title	Stock Number	Price	Revision Date
600–End	(869–022–00102–7)	8.00	Apr. 1, 1994
27 Parts:			
1–199	(869–022–00103–5)	36.00	Apr. 1, 1994
200–End	(869–022–00104–3)	13.00	Apr. 1, 1994
28 Parts:			
1-42	(869–022–00105–1)	27.00	July 1, 1994
43-end	(869-022-00106-0)	21.00	July 1, 1994
29 Parts:			
0–99	(869–022–00107–8)	21.00	July 1, 1994
100–499	(869–022–00108–6)	9.50	July 1, 1994
500–899	(869–022–00109–4)	35.00	July 1, 1994
900–1899	(869–022–00110–8)	17.00	July 1, 1994
1900–1910 (§§ 1901.1 to 1910.999)	(869–022–00111–6)	33.00	July 1, 1994
1910 (§§ 1910.1000 to end)	(869–022–00112–4)	21.00	July 1, 1994
1911–1925	(869–022–00113–2)	26.00	July 1, 1994
1926	(869–022–00114–1)	33.00	July 1, 1994
1927–End	(869–022–00115–9)	36.00	July 1, 1994
30 Parts:			
1–199	(869–022–00116–7)	27.00	July 1, 1994
200–699	(869–022–00117–5)	19.00	July 1, 1994
700–End	(869–022–00118–3)	27.00	July 1, 1994
31 Parts:			
0–199	(869–022–00119–1)	18.00	July 1, 1994
200–End	(869–022–00120–5)	30.00	July 1, 1994
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–022–00121–3)	31.00	July 1, 1994
191–399	(869–022–00122–1)	36.00	July 1, 1994
400–629	(869–022–00123–0)	26.00	July 1, 1994
630–699	(869–022–00124–8)	14.00	[5] July 1, 1991
700–799	(869–022–00125–6)	21.00	July 1, 1994
800–End	(869–022–00126–4)	22.00	July 1, 1994
33 Parts:			
1–124	(869–022–00127–2)	20.00	July 1, 1994
125–199	(869–022–00128–1)	26.00	July 1, 1994
200–End	(869–022–00129–9)	24.00	July 1, 1994
34 Parts:			
1–299	(869–022–00130–2)	28.00	July 1, 1994
300–399	(869–022–00131–1)	21.00	July 1, 1994
400–End	(869–022–00132–9)	40.00	July 1, 1994
35	(869–022–00133–7)	12.00	July 1, 1994
36 Parts:			
1–199	(869–022–00134–5)	15.00	July 1, 1994
200–End	(869–022–00135–3)	37.00	July 1, 1994
37	(869–022–00136–1)	20.00	July 1, 1994
38 Parts:			
0–17	(869–022–00137–0)	30.00	July 1, 1994
18–End	(869–022–00138–8)	29.00	July 1, 1994
39	(869–022–00139–6)	16.00	July 1, 1994
40 Parts:			
1–51	(869–022–00140–0)	39.00	July 1, 1994
52	(869–022–00141–8)	39.00	July 1, 1994
53–59	(869–022–00142–6)	11.00	July 1, 1994
60	(869-022-00143-4)	36.00	July 1, 1994
61–80	(869–022–00144–2)	41.00	July 1, 1994
81–85	(869–022–00145–1)	23.00	July 1, 1994
86–99	(869–022–00146–9)	41.00	July 1, 1994
100–149	(869–022–00147–7)	39.00	July 1, 1994
150–189	(869–022–00148–5)	24.00	July 1, 1994
190–259	(869–022–00149–3)	18.00	July 1, 1994
260–299	(869–022–00150–7)	36.00	July 1, 1994
300–399	(869–022–00151–5)	18.00	July 1, 1994
400–424	(869–022–00152–3)	27.00	July 1, 1994
425–699	(869–022–00153–1)	30.00	July 1, 1994
700–789	(869–022–00154–0)	28.00	July 1, 1994
790–End	(869–022–00155–8)	27.00	July 1, 1994
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–022–00156–6)	9.50	July 1, 1994
101	(869–022–00157–4)	29.00	July 1, 1994
102–200	(869–022–00158–2)	15.00	July 1, 1994
201–End	(869–022–00159–1)	13.00	July 1, 1994
42 Parts:			
1–399	(869–022–00160–4)	24.00	Oct. 1, 1994
400–429	(869–022–00161–2)	26.00	Oct. 1, 1994
430–End	(869–022–00162–1)	36.00	Oct. 1, 1994
43 Parts:			
1–999	(869–022–00163–9)	23.00	Oct. 1, 1994
1000–3999	(869–022–00164–7)	31.00	Oct. 1, 1994
4000–End	(869–022–00165–5)	14.00	Oct. 1, 1994
44	(869–022–00166–3)	27.00	Oct. 1, 1994
45 Parts:			
1–199	(869–022–00167–1)	22.00	Oct. 1, 1994
200–499	(869–022–00168–0)	15.00	Oct. 1, 1994
500–1199	(869–022–00169–8)	32.00	Oct. 1, 1994
1200–End	(869–022–00170–1)	26.00	Oct. 1, 1994
46 Parts:			
1–40	(869–022–00171–0)	20.00	Oct. 1, 1994
41–69	(869–022–00172–8)	16.00	Oct. 1, 1994
70–89	(869–022–00173–6)	8.50	Oct. 1, 1994
90–139	(869–022–00174–4)	15.00	Oct. 1, 1994
140–155	(869–022–00175–2)	12.00	Oct. 1, 1994
156–165	(869–022–00176–1)	17.00	[7] Oct. 1, 1993
166–199	(869–022–00177–9)	17.00	Oct. 1, 1994
200–499	(869–022–00178–7)	21.00	Oct. 1, 1994
500–End	(869–022–00179–5)	15.00	Oct. 1, 1994
47 Parts:			
0–19	(869–022–00180–9)	25.00	Oct. 1, 1994
20–39	(869–022–00181–7)	20.00	Oct. 1, 1994
40–69	(869–022–00182–5)	14.00	Oct. 1, 1994
70–79	(869–022–00183–3)	24.00	Oct. 1, 1994
80–End	(869–022–00184–1)	26.00	Oct. 1, 1994
48 Chapters:			
1 (Parts 1–51)	(869–022–00185–0)	36.00	Oct. 1, 1994
1 (Parts 52–99)	(869–022–00186–8)	23.00	Oct. 1, 1994
2 (Parts 201–251)	(869–022–00187–6)	16.00	Oct. 1, 1994
2 (Parts 252–299)	(869–022–00188–4)	13.00	Oct. 1, 1994
3–6	(869–022–00189–2)	23.00	Oct. 1, 1994
7–14	(869–022–00190–6)	30.00	Oct. 1, 1994
15–28	(869–022–00191–4)	32.00	Oct. 1, 1994
29–End	(869–022–00192–2)	17.00	Oct. 1, 1994
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1994. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1994. The CFR volume issued July 1, 1991, should be retained.

[6] No amendments to this volume were promulgated during the period January 1, 1993 to December 31, 1994. The CFR volume issued January 1, 1993, should be retained.

[7] No amendments to this volume were promulgated during the period October 1, 1993, to September 30, 1994. The CFR volume issued October 1, 1993, should be retained.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—MAY 1995

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
May 1	May 16	May 31	June 15	June 30	July 31
May 2	May 17	June 1	June 16	July 3	July 31
May 3	May 18	June 2	June 19	July 3	August 1
May 4	May 19	June 5	June 19	July 3	August 2
May 5	May 22	June 5	June 19	July 5	August 3
May 8	May 23	June 7	June 22	July 7	August 7
May 9	May 24	June 8	June 23	July 10	August 7
May 10	May 25	June 9	June 26	July 10	August 8
May 11	May 26	June 12	June 26	July 10	August 9
May 12	May 30	June 12	June 26	July 11	August 10
May 15	May 30	June 14	June 29	July 14	August 14
May 16	May 31	June 15	June 30	July 17	August 14
May 17	June 1	June 16	July 3	July 17	August 15
May 18	June 2	June 19	July 3	July 17	August 16
May 19	June 5	June 19	July 3	July 18	August 17
May 22	June 6	June 21	July 6	July 21	August 21
May 23	June 7	June 22	July 7	July 24	August 21
May 24	June 8	June 23	July 10	July 24	August 22
May 25	June 9	June 26	July 10	July 24	August 23
May 26	June 12	June 26	July 10	July 25	August 24
May 30	June 14	June 29	July 14	July 31	August 28
May 31	June 15	June 30	July 17	July 31	August 29